



## STAFF REPORT

**DATE:** September 5, 2019

**TO:** Ronald L. Olson, City Manager

**FROM:** Dr. Ray Shanaa, Executive Director of Planning and Development

**SUBJECT:** Ordinance repealing certain exterior architectural standards in accordance with approved House Bill 2439

### **BACKGROUND AND FINDINGS:**

The Texas Legislature recently passed H.B. 2439 providing that a city may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

- (a) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or
- (b) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

The bill was signed by the Governor in June and is effective on September 1, 2019.

Chapter 31 of the Code of Ordinances currently contains ten (10) different zoning districts that require masonry exterior architectural standards; additionally, the "NBD" Neighborhood Business District contains window glazing requirements. The ten (10) affected zoning districts are as follows:

- "SR-2" Suburban Residential Single-Family District
- "SR-1" Suburban Residential Single-Family District
- "SF-2" Single-Family Residential District
- "RT-1" Residential Townhouse Single-Family District
- "R-3F" Multifamily Residential District
- "R-3A" Multifamily Apartment Residential District
- "B-3A" Local Business and Retail Alcohol Sales District
- "NBD" Neighborhood Business District
- "UD" University District
- "CD" Cemetery District

The ordinance removes all specified exterior building materials from the afore-mentioned districts and the City may not specify additional exterior building materials. The "HOD" Historic Overly District is not affected by H.B. 2439, as the City is a certified local government (CLG) under the National Historic Preservation Act.

**THE ALTERNATIVES CONSIDERED:**

The City Council has the following alternatives:  
approve the ordinance as presented;  
disapprove the ordinance; or  
approve the ordinance with amendments.

**Which alternative is recommended?**

Staff recommends that the City Council approve the ordinance as presented.

**Why?**

Approval of the proposed ordinance will bring the City into compliance with H.B. 2439.

**CONFORMITY TO CITY POLICY:**

It is the City's policy to comply with state law. This ordinance, if approved by City Council, fulfills this requirement.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year?**

This ordinance does not involve any expenditures in the current fiscal year.

**For future years?**

N/A

**Is this a one-time or recurring expenditure?**

N/A

**Is this expenditure budgeted?**

N/A

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

N/A

**RECOMMENDATION:**

The Planning and Zoning Commission recommended approval of the ordinance by a vote of 6 to 0. City staff recommends that the City Council approve the ordinance as submitted.

**DEPARTMENTAL CLEARANCES:**

Planning and Development  
Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Minutes  
Ordinance  
HB-2439-QA