

Development Code Amendments Amending Building Material Requirements and BDA Hearing Procedures to Comply with State Law

Transportation and
Infrastructure Committee
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City of Dallas

Presentation Overview

- Purpose
- Background
- Proposal
- Next Steps

Purpose

- Brief the Committee on proposed amendments to the Dallas Development Code as a result of new state laws
- Seek Committee approval to forward amendments to City Council for consideration

Background

- On June 10, 2019, HB 2497 was signed into Texas law by Governor Abbott
- On June 14, 2019, HB 2439 was signed into Texas law by Governor Abbott
- HB 2497 and HB 2439 became effective on September 1, 2019

Background

- HB 2497 addresses Board of Adjustment Hearing Procedures
- HB 2439 provides a general prohibition on governmental entities adopting or enforcing an ordinance or code requirement that prohibits or limits building materials

Background

- The Zoning Ordinance Advisory Committee (ZOAC) considered the issue of HB 2497 and the implications on Board of Adjustment Hearing Procedures on October 3, 2019, and recommended approval to the City Plan Commission (CPC)

Background

- The Zoning Ordinance Advisory Committee (ZOAC) considered the issue of HB 2439 and the implications of regulating building materials in the Dallas Development Code on December 12, 2019, January 9, 2020, January 23, 2020, and on February 6, 2020 recommended approval to the City Plan Commission (CPC)
- CPC recommended approval of amendments pertaining to both Board of Adjustment Hearing Procedures and effected sections of the Dallas Development Code regarding building materials on March 5, 2020

Proposal – Summary

- The intent of the proposed amendments is to gain compliance with the newly effective state laws
 - Section 51A-4.703, “Board of Adjustment Hearing Procedures,” and
 - Chapters 51 and 51A regarding building materials

Proposal – HB 2497

Board of Adjustment Hearing procedures

- Issue:
 - HB 2497 amended Section 211.010 of the Texas Local Government Code by amending Subsections (a), (b), and (d) and adding Subsection (a-1)
- Proposal:
 - The amendments to the Texas Local Government Code by HB 2497 are reflected by new language added to Section 51A-4.703(a)(2) and (d)(3)
 - The new language in (a)(2) pertains to who may appeal, and the new language in (d)(3) pertains to the time frame in which the appeal must be made

Proposal – HB 2497

Board of Adjustment Hearing procedures

- The amendments more specifically define who is allowed to file an appeal of a decision of an administrative official to the city's board of adjustment
- For decisions that are not related to a specific application, address, or project, the following persons may appeal:
 - (1) a person aggrieved by the decision; or
 - (2) any officer, department, or board of the city affected by the decision

Proposal – HB 2497

Board of Adjustment Hearing procedures

- For a decision that is related to a specific application, address, or project, the following persons may appeal:
 - (1) a person who filed the application that is subject to the decision, is the owner or representative of the property that is subject of the decision, or is aggrieved by the decision and is the owner of real property within 200 feet of the subject property that is the subject of the decision; or
 - (2) any officer, department, or board of the city affected by the decision

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Proposal – HB 2497

Board of Adjustment Hearing procedures

- HB 2497 requires that an appeal:
 - Must be filed not later than the 20th day after the date the decision is made, and
 - The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed

Proposal – HB 2439

Building Material Regulations

- Issue:
 - HB 2439 prohibits governmental entities from adopting or enforcing an ordinance or code requirement that 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

Proposal – HB 2439

Building Material Regulations

- Proposal:
 - The Zoning Ordinance Advisory Committee (ZOAC) proposal aimed to maintain as much of the intent of the current code as possible
 - City staff drafted language for Chapters 51 and 51A deleting “required” language and replaced with “recommended” language in order to reflect the intent of the regulation
 - All language that limits building material choice was removed
 - The definition of transparency was revised to clarify that transparency requirements are an architectural feature, not a limitation of building material choice

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Next Steps

- Schedule for City Council consideration

Development Code Amendments Addressing House Bill Amendments to BDA and Building Materials

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