

City of Mesquite, Texas

Legislation Text

File #: 19-4309, **Version:** 1

An ordinance amending Chapter 5 of the City Code thereby updating the regulations regarding exterior building products, materials and aesthetic methods.

HB 2439 was signed into law by Governor Abbott and goes into effect on September 1, 2019. The basic purpose of the statute is to preempt cities from regulating the appearance of buildings. Proposed amendments to Chapter 5 of the City Code reflect the limitations established by HB 2439 and begin to establish Mesquite's compliance with the statute. Additional items will be brought before Council in the near future to amend several other ordinances related to building materials that are no longer valid.

HB 2439 clearly preempts cities from regulating building materials for all buildings including commercial, residential and accessory buildings. It does not preempt the city's ability to regulate materials on certain other structures such as signs, fences and screening walls. Examples of the effects of this statute include single-family homes in any neighborhood can now be constructed of metal, cement fiber board, vinyl siding or any other material allowed by the International Residential Code. Even if there is a homeowners association (HOA) with their own restrictions, the City cannot enforce those private restrictions. The City will issue the permit and it will be left to the HOA to fight it. Likewise, all commercial buildings will be allowed to be constructed with any material allowed by the International Building Code. This could impact the progress Mesquite has made in improving commercial areas and could negatively impact the value of existing structures that were built with higher quality materials.

Regardless of the stated concerns, the City must comply with the new State law, so this proposed amendment should be approved.

Attachment(s)

Proposed ordinance

Drafter

Jeff Armstrong

Head of Department

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