



**CITY OF FARMERSVILLE  
PLANNING AND ZONING COMMISSION MINUTES  
REGULAR SESSION MEETING  
NOVEMBER 18, 2019, 6:30 P.M.  
COUNCIL CHAMBERS, CITY HALL  
205 S. Main Street**

**I. PRELIMINARY MATTERS**

- Chairman Michael Hesse presided over the meeting which was called to order at 6:30 p.m. Commissioners Lance Hudson, Luke Ingram, John Klostermann and Leaca Caspari were in attendance. Brian Brazil and Rachel Crist were not in attendance. Also, in attendance were staff liaison, Sandra Green; City Manager, Ben White; City Attorney, Alan Lathrom and Council liaison Craig Overstreet.
- Craig Overstreet led the prayer and the pledges to the United States and Texas flags.

**II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)**

- No one came forward.

**III. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a text amendment to Chapter 65, "Subdivision Ordinance," of the Code of Ordinances of the City of Farmersville, Texas, that will amend various sections of, and add certain new sections to, said Chapter regarding the timing and process to receive a determination on certain development applications to bring such provisions into conformity with new state laws adopted by and through House Bill 3167.

- Chairman Hesse opened the public hearing at 6:34 p.m. and asked if anyone wanted to speak for or against the item.
- Alan Lathrom, City Attorney, stated the new Subdivision Ordinance would address the changes known as the 30 day shot clock. He indicated the city had already been applying it, but we needed to match up the items to the ordinance. He stated the new law prohibits the city from requiring a 30 day waiver from the applicant, but the applicant can request a 30 day extension if they wanted to. He went through some of the changes that would just clean up the ordinance and indicated that he added some new definitions to the ordinance that would help clarify issues. He explained he added the new definition of "administratively complete" and deleted "submission date".
- Ben White indicated that in the definitions where it talked about being administratively complete he wanted to add that all necessary fees would be need to be paid.
- Alan Lathrom stated he would add that in the wording. He explained that he added in that a pre-development meeting prior to applying for a pat should be held so that application materials can be submitted correctly. He also said that he added the requirement for a letter of intent so that it would describe the property and explain the intended use. He indicated the ordinance requires the applicant to submit utility provider letters to the city to show that services would be provided on the property.
- Ben White stated he wanted to add internet to the list of required letters.
- Alan Lathrom explained he would recommend not adding that and taking out telephone and cable TV as well.
- Sandra Green explained she had a hard enough time just getting the water and electricity letters.
- Michael Hesse indicated that he would leave only the essential utilities for provider letters and leave out telephone, cable TV and internet.
- Leaca Caspari stated it would take some kind of joint effort between the developer and the city or utility providers to solve the internet problem and recommended telephone, cable TV nor internet be in the ordinance.
- John Klostermann stated it would eventually be more beneficial for providers to provide those services in the future.
- Ben White stated if the city did not require the internet letter then problems would arise from that later on when they do not have those services.
- Leaca Caspari stated she believed the ordinance should require essential utility letters at this point in time.
- Michael Hesse stated he agreed.
- John Klostermann stated there was no definite internet provider because people could choose their provider.
- Alan Lathrom stated that Section 212.904 of the Local Government Code limits the city's ability to require development exactions to those cost that are reasonably required for that development. For example, if there is no internet provider you cannot force a developer to install internet service.
- Lance Hudson stated that most developers would want internet services.

- Alan Lathrom indicated that if a developer wants to install internet services they can do that. The subdivision ordinance only requires the minimum utilities for developments.
- The Commission agreed that it needed to be limited to essential services for the utility letters.
- Alan Lathrom stated that replats had been changed under the new legislature. He stated that under the previous law a public hearing was required and property owner's notices had to be sent out to property owners within 200 feet of the property being replatted. The new law requires a public hearing only if a variance is requested with the application. Property owner notices are sent out after the plat is approved. He continued through the ordinance and stated areas that were just changed to match the new legislation or areas that he cleaned up that would help clarify sections.
- Chairman Hesse asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 7:41 p.m.
  - Motion to approve with corrections made by John Klostermann
  - 2<sup>nd</sup> to approve made by Leaca Caspari
  - All members voted in favor

B. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a text amendment to Chapter 77, "Comprehensive Zoning Ordinance," of the Code of Ordinances of the City of Farmersville, Texas, that will amend various provisions of said Chapter which regulate the building products, materials or methods used in the construction or renovation of residential or commercial buildings to bring such provisions into conformity with new state laws adopted by and through House Bill 2439.

- Chairman Hesse opened the public hearing at 7:43 p.m. and asked if anyone wanted to speak for or against the item.
- Alan Lathrom stated House Bill 2439 addressed building materials. He stated it prohibited the cities from adopting or enforcing any legislation that restricted a persons' ability to utilize an exterior construction material that had been approved by the International Code Council or National Code Council during the last three code cycles. A code cycle is three years. He stated the law spelled out that if any building material was ever allowed in one of those previous three cycles of codes then they are allowed to be used. The city can no longer put percentages for certain materials to be required. Those materials can be used anywhere in the city that does not have the designation as being historically significant or a few other areas as listed in the ordinance. In those areas we can regulate materials being used.
- Michael Hesse asked how many years the codes go back.
- Alan Lathrom stated they are updated every three years, so it would be for the last three code cycles, which is nine years. He indicated the city cannot regulate the materials for new residential construction, renovations,

- maintenance or commercial buildings. The Attorney General can bring a suit, grant relief and seek attorney's fees if the city violates the new law. He stated if the property has a Home Owner's Association they can adopt covenants and deed restrictions that require certain materials. Deed restrictions have to be enforced by the Home Owner's Association. The new law only applies to buildings and does not apply to structures, such as fences or screening walls.
- Lance Hudson asked if there would be any restrictions on HUD Homes or trailers.
  - Alan Lathrom stated if someone had to have increased construction requirements because of wind standards those could be enforced. HUD Homes would still have to comply with the program requirements that are set out for those specific types of homes.
  - Ben White asked if the city would still be able to require certain roof pitches.
  - Lance Hudson stated that was more of an aesthetic issue.
  - Alan Lathrom stated that he added a definition for the historically significant area. He explained that the areas he thought were already identified as the areas of being historically significant were the Central Area District, the Farmersville Commercial Historic District and the Farmersville Main Street America Program Area.
  - Leaca Caspari stated she thought that at one point there was a program where people who owned older homes could qualify for a grant to renovate their home. She asked if those areas would be included.
  - Alan Lathrom stated if those areas were on the Historical State or Federal Registry then they would. He stated he would like to make sure that all the areas are covered in the ordinance. He indicated he gave them two options for a definition of a structure and they could utilize whichever one the Commission recommended. He said that nonconforming structures in a Historically Significant Area or known as a Significantly Important Building may also only be restored or reconstructed to have the same appearance that it had immediately prior to the damage or destruction. This prevents the building from losing its historical distinction. He explained that he spelled out in the ordinance what the house bill does right before it states the exterior construction standards. He felt this would be easier to see how there were some standards that were in conflict with the new law. Some of the provisions do not conflict with state law so he gave the Commission the choice to repeal all the materials or leave them in with the clause that the new state law would have to be followed. He explained leaving all the standards in the ordinance would make it easier if the law goes away in two years with new legislation. He stated requiring articulation of buildings could still be regulated because it did not affect the building materials being used.
  - Ben White asked about roof pitch and if it could be regulated.
  - Alan Lathrom stated he believed we could regulate the pitch of the roof unless someone asked to have a flat roof because that would affect the materials. He said the city could always offer an incentive to try and encourage contractor's to meet the city's desired architectural standards. For accessory structures he said he added that they had to maintain the same architectural

design, the appearance had to match the façade and roof pitch of the main structure if the main structure or the accessory structure was in a historically significant area. He also stated the new house bill extended to exterior lighting.

- Chairman Hesse asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 8:28 p.m.
- Leaca Caspari stated she would like some time to review the document.
- Alan Lathrom stated they could leave the ordinance the way it was, but staff just could not enforce the regulations the law does not allow.
- Chairman Hesse stated the Planning & Zoning Commission was going to table the item until the next meeting.

#### **IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

A. Consider, discuss and act upon minutes from November 4, 2019.

- Motion to approve made by John Klostermann
- 2<sup>nd</sup> to approve made by Luke Ingram
- All members voted in favor


B. Consider, discuss and act upon the final plat of the Potter Division.

- Sandra Green stated the property was in the Extra Territorial Jurisdiction (ETJ). She said the plat had been reviewed by DBI and they recommended approval.
  - Motion to approve made by John Klostermann
  - 2<sup>nd</sup> to approve made by Leaca Caspari
  - All members voted in favor

#### **V. ADJOURNMENT**

Meeting was adjourned at 8:38 p.m.

ATTEST:

  
Sandra Green, City Secretary

APPROVE:

  
Michael Hesse, Chairman

