

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning and Inspections, Planning Division

**AGENDA DATE:** Introduction – August 6, 2019

**PUBLIC HEARING DATE:** September 3, 2019

**CONTACT PERSON NAME AND PHONE NUMBER:**

Philip Etiwe, (915) 212-1553, [EtiwePF@elpasotexas.gov](mailto:EtiwePF@elpasotexas.gov)

Raul Garcia, (915) 212-1643, [Garcia1@elpasotexas.gov](mailto:Garcia1@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** Citywide

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An ordinance amending Title 20 (Zoning), Chapter 20.20 (Historic Landmark Preservation), Section 20.20.040 (Procedure for Designation of Historic Landmarks and Districts) of the El Paso City Code to comply with changes made by the Texas Legislature during the 86<sup>th</sup> legislative session under H.B. 2496 regarding property owner consent regarding designation of local historic landmarks. The penalty is as provided under Sections 20.20.140 of the El Paso City Code. (Citywide)

**BACKGROUND / DISCUSSION:**

On July 25, 2019, the City Plan Commission reviewed and recommended approval of the proposed amendments.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

---

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

---

Philip F. Etiwe, Director  
Planning and Inspections Department

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.20 (HISTORIC LANDMARK PRESERVATION), SECTION 20.20.040 (PROCEDURE FOR DESIGNATION OF HISTORIC LANDMARKS AND DISTRICTS) OF THE EL PASO CITY CODE TO COMPLY WITH CHANGES MADE BY THE TEXAS LEGISLATURE DURING THE 86<sup>TH</sup> LEGISLATIVE SESSION UNDER H.B. 2496 REGARDING PROPERTY OWNER CONSENT REGARDING DESIGNATION OF LOCAL HISTORIC LANDMARKS. THE PENALTY IS AS PROVIDED UNDER SECTION 20.20.140 OF THE EL PASO CITY CODE.**

**WHEREAS**, the City Plan Commission on July 25, 2019 recommended approval of the amendments.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**SECTION 1.** That Title 20 (Zoning), Chapter 20.20 (Historic Landmark Preservation), Section 20.20.040 (Procedure for Designation of Historic Landmarks and Districts), Subsection 20.20.040.A is amended in its entirety and replaced by the following subsection:

**20.20.040 (Procedure for Designation of Historic Landmarks and Districts)**

- A. The City Council may designate buildings, structures, sites, districts, areas and lands in the city as historic landmarks and define, amend and delineate the boundaries thereof. Requests for designation may be made by the City Council, HLC or by the public on a form or zoning application obtained from the City. Completed request forms shall be returned to the City for processing. All designations must meet all requirements under Section 211.0165 of the Texas Local Government Code, as amended from time to time, or subsequent Texas statute replacing Section 211.0165 of the Texas Local Government Code.

**SECTION 2.** Except as herein amended Title 20 remains in full force and effect.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**THE CITY OF EL PASO:**

**ATTEST:**

\_\_\_\_\_  
Dee Margo, Mayor

\_\_\_\_\_  
Laura D. Prine, City Clerk

(Signatures on the following page)

**ORDINANCE NO.** \_\_\_\_\_

19-1007-2467 | 909934

Title 20 amendment-HB2496

OAR

**APPROVED AS TO FORM**



---

Omar A. De La Rosa  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

---

Philip F. Etiwe, Director  
Planning & Inspections Department

**ORDINANCE NO.** \_\_\_\_\_

19-1007-2467 | 909934

Title 20 amendment-HB2496

OAR

## **MEMORANDUM**

**DATE:** July 30, 2019

**TO:** The Honorable Mayor and City Council  
Tommy Gonzalez, City Manager

**FROM:** Raul Garcia, Planning Program Manager

**SUBJECT:** Amendments to Title 20.20

---

The City Plan Commission (CPC), on July 25, 2019 voted 6-0 to recommend **approval** of the amendments. The CPC found that the amendments are in conformance with Plan El Paso. The CPC also determined that the amendments protect the best interest, health, safety and welfare of the public in general; and, that the amendments will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division has not received any letters or phone calls in support or opposition of the amendments.

#### **20.20.040 (Procedure for Designation of Historic Landmarks and Districts)**

~~A. The city council may designate buildings, structures, sites, districts, areas and lands in the city as historic landmarks and define, amend and delineate the boundaries thereof. Requests for designation may be made by the city council, HLC or by the public on a form obtained from the city. Completed request forms shall be returned to the city for processing.~~

A. The City Council may designate buildings, structures, sites, districts, areas and lands in the city as historic landmarks and define, amend and delineate the boundaries thereof. Requests for designation may be made by the City Council, HLC or by the public on a form or zoning application obtained from the City. Completed request forms shall be returned to the City for processing. All designations must meet all requirements under Section 211.0165 of the Texas Local Government Code, as amended from time to time, or subsequent Texas statute replacing Section 211.0165 of the Texas Local Government Code.

AN ACT

relating to the designation of a property as a historic landmark by a municipality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.0165 to read as follows:

Sec. 211.0165. DESIGNATION OF HISTORIC LANDMARK. (a)  
Except as provided by Subsection (b), a municipality that has  
established a process for designating places or areas of  
historical, cultural, or architectural importance and significance  
through the adoption of zoning regulations or zoning district  
boundaries may not designate a property as a local historic  
landmark unless:

(1) the owner of the property consents to the  
designation; or

(2) the designation is approved by a three-fourths  
vote of:

(A) the governing body of the municipality; and  
(B) the zoning, planning, or historical  
commission of the municipality, if any.

(b) If the property is owned by an organization that  
qualifies as a religious organization under Section 11.20, Tax  
Code, the municipality may designate the property as a local  
historic landmark only if the organization consents to the

1 designation.

2       (c) The municipality must provide the property owner a  
3 statement that describes the impact that a historic designation of  
4 the owner's property may have on the owner and the owner's property.  
5 The municipality must provide the statement to the owner not later  
6 than the 15th day before the date of the initial hearing on the  
7 historic designation of the property of:

8               (1) the zoning, planning, or historical commission, if  
9 any; or

10              (2) the governing body of the municipality.

11       (d) The historic designation impact statement must include  
12 lists of the:

13              (1) regulations that may be applied to any structure  
14 on the property after the designation;

15              (2) procedures for the designation;

16              (3) tax benefits that may be applied to the property  
17 after the designation; and

18              (4) rehabilitation or repair programs that the  
19 municipality offers for a property designated as historic.

20       (e) The municipality must allow an owner to withdraw consent  
21 at any time during the designation process.

22       SECTION 2. Section 211.0165, Local Government Code, as  
23 added by this Act, applies only to a designation of a property as a  
24 historic landmark made on or after the effective date of this Act.

25       SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 2496

1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2019.



H.B. No. 2496

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 2496 was passed by the House on April 26, 2019, by the following vote: Yeas 124, Nays 11, 3 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 2496 was passed by the Senate on May 14, 2019, by the following vote: Yeas 25, Nays 6.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor