

Items 21.1 to 21.7

**Code Amendments relating to  
recently approved Texas House  
& Senate Bills**






## 89<sup>th</sup> TEXAS LEGISLATURE HOUSE BILLS

- HB 347 Relates to consent annexation requirements  
Passed May 24, 2019 (*Effective immediately*)
- HB 2439 Relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.  
Passed June 14, 2019 (*Effective September 1, 2019*)
- HB 2496 Relating to the designation of a property as a historic landmark by a municipality.  
Passed May 25, 2019 (*Effective immediately*)
- HB 2497 Relating to rules of and appeals to a municipal board of adjustment.  
Passed June 10, 2019 (*Effective September 1, 2019*)
- HB 3167 Relating to county and municipal approval procedure for land development applications.  
Passed June 14, 2019 (*Effective September 1, 2019*)
- HB 3314 Relating to certain requirements to replat certain municipal subdivision plats.  
Passed June 14, 2019 (*Effective September 1, 2019*)

## 86<sup>th</sup> TEXAS LEGISLATURE SENATE BILLS

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- SB 357 Relating to outdoor advertising signs regulated by the Texas Department of Transportation.  
Passed June 14, 2019 (*Effective September 1, 2019*)
- SB 1303 Relating to maps of the actual or proposed boundaries and extraterritorial jurisdiction of a municipality and certain notices related to expanding the boundaries.  
Passed June 14, 2019 (*Effective September 1, 2019*)





## Municipal Code Sections affected

- Title 2 ZBA
- Title 20 Zoning
- Title 19 Subdivisions
- Title 21 SmartCode



## HB 347 & SB 1303 Annexations

- Eliminates distinction between “Tier 1” and “Tier 2” cities – all cities follow same annexation procedures
- Merging of Annexation Agreement and Service Plan into one document
- Reduces public hearing requirement for owner-initiated annexations from two mandatory hearings to one
- Requires notice to property owners added to the ETJ following approval of an Annexation

### Effect: Title 20.06 Annexation Procedures

- Section amended to reference procedures will comply with Local Government Code.



## HB 2439 Building materials

6

**Prohibits municipalities from regulating building materials if materials are approved as part of a National Building Code.**

**Effect: Title 2 ZBA**

**2.16.050(J) Special Exceptions**

- Removed wording requiring carport material to match the house

**Effect: Title 20 Zoning**

**Title 20.10.035 ADU**

- Removed requirement for Accessory Dwelling Unit to match the house

**Effect: Title 21 SmartCode**

**Title 21.50.140 Amendments**

- Remove regulations limiting building materials



## HB 2496 Historic designation

Requires consent from property owner before a city can designate a property as a local historic landmark, and establishes criteria for designation without the property owner's consent.

Effect: Title 20 Zoning

**Title 20.20.040 Procedure for designation of historic landmarks and districts**

- Consent from property owners is required
- If consent from property is not obtained, requires three-fourths approval of HLC, CPC, and City Council.
- Amendment will generally reference "...designations must meet all requirements under Section 211.065 Texas Local Government Code".



## HB 2497 Appeals to ZBA

**Limits the persons that can appeal a case and provides deadlines for appeal submittals and actions**

**Effect: 2.16.040 Appeals to ZBA**

- Person who filed subject application
- Owner or representative of the property that is subject of the decision
- Property owners within 200 feet of the subject property
- Appeal must be filed no later than 20<sup>th</sup> day after decision is made
- Board shall decide on the appeal within 60 days date appeal is filed



## SB 357 Billboard Height

**Provides for increase in height along Interstate Highways**

**Effect: 20.18.220 Billboards (Size and Height)**

- Increases the maximum height from 42.5 feet to 60 feet along I-10.





## HB 3167 Plats

10

In short, expands the 30-day decision requirement to other plats and plans such as preliminary plats and subdivision improvement plans. It also lays out the process for subsequent submittal and limits the municipality's decision period on the subsequent submittal to 15 days.

### **EFFECT Amendments throughout Title 19 (Subdivision Ordinance)**

- “Plan” includes land studies, subdivision improvement plan, and other land development applications
- “Plat” now includes preliminary plats
- 30-day extension/waivers not to exceed 30 days
- CPC must approve extension/waiver
- In cases of conditional approvals or denials, applicants may submit revised plat/plan satisfying each condition or remedying each reason for denial.  
*(City cannot establish a deadline for applicants to submit the response)*
- City must approve or disapprove the applicant's response within 15 days of receiving the response.

### **EFFECT Title 21.60 Amendments**

- Clarify that a *Regulating Plan* is not synonymous with a *Land Study*, as defined in El Paso City Code and Texas Local Government Code

## HB 3314 Replats

**EFFECT: Amendment to Title 19 (Subdivision Ordinance) Replat and notice requirements**

- Removes the public hearing requirement for replats, unless the replat includes a variance or exception
- Notification to property owners within 200 feet will now be mailed within 15 days **after** replat has been approved.





# QUESTIONS?