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

DEPARTMENT: Planning and Inspections

AGENDA DATE: 9/16/25

PUBLIC HEARING DATE: 10/14/25

CONTACT PERSON NAME: Philip Etiwe **PHONE NUMBER:** 915-212-1553

2nd CONTACT PERSON NAME: Kevin Smith **PHONE NUMBER:** 915-212-1566

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL:

3 - Promote the Visual Image of El Paso

SUBGOAL:

3.2 - Set one standard for infrastructure across the city

SUBJECT:

An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), by amending Article VI (Changes and Amendments) Section 20.04.460 (Protest Procedure) and Article VII (Public Hearings) Section 20.04.520 (Notice) in order to comply with the updated zoning notification requirements in accordance with House Bill 24 of the Texas 89th Legislative Session. The penalty is as provided in 20.24 of the El Paso City Code.

BACKGROUND / DISCUSSION:

House Bill 24 was adopted as part of the 89th Texas Legislature, with this Bill modifying the notification requirements for changes to the zoning code or map. This item is modifying the El Paso City Code to comply with the State Law. The City Plan Commission recommended approval of this change on August 14, 2025.

COMMUNITY AND STAKEHOLDER OUTREACH:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

N/A

NAME	AMOUNT ($)

**********REQUIRED AUTHORIZATION**********

DEPARTMENT HEAD: Philip Etiwe

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO._____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), BY AMENDING ARTICLE VI (CHANGES AND AMENDMENTS) SECTION 20.04.460 (PROTEST PROCEDURE) AND ARTICLE VII (PUBLIC HEARINGS) SECTION 20.04.520 (NOTICE) IN ORDER TO COMPLY WITH THE UPDATED ZONING NOTIFICATION REQUIREMENTS IN ACCORDANCE WITH HOUSE BILL 24 OF THE TEXAS 89TH LEGISLATIVE SESSION. THE PENALTY IS AS PROVIDED IN 20.24 OF THE EL PASO CITY CODE.

WHEREAS, House Bill 24 ("HB 24") was enacted on June 6, 2025 by the Texas 89th Legislative Session, with an effective date of September 1, 2025; and

WHEREAS, HB 24 seeks to return property rights to landowners in the protest process for proposed zoning changes by explicitly exempting comprehensive zoning changes from that process, limiting the scope of the process and modernizing the law; and

WHEREAS, this Ordinance amends Title 20 (Zoning) of the El Paso City Code to update zoning notices provisions and procedures as required by HB 24.

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

Section 1. That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions) Article VI (Changes and Amendments), Section 20.04.460 (Protest Procedure) is replaced as follows:

20.04.460 Protest procedure.

In case of a protest, the procedure outlined in and the law set out in Section 211.0061 of the Texas Local Government Code, and as amended, shall be applicable.

Section 2. That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions) Article VII (Public Hearings), Section 20.04.520 (Notice) is replaced as follows:

20.04.520 Notice**.**

Where a public hearing is required by State law, notice shall be given in the manner specified below:

A. Content of Notice. Required mailed notices and notices by publication shall include the date, time, and place of the hearing, a description of the subject matter of the hearing and the body holding the hearing. The mailed notices shall be in the form of a standard letter or a postcard and shall include the information in both English and Spanish. The postcard shall be a minimum size of 5.5 inches by 8.5 inches. Required on-site posting of notice shall be as specified in subsection B.2.d. of this section.

B. Provision of Notice. Notice will be given in the following manner and as per Chapter 2.102 of this Code, as applicable:

1. In all cases, by mail to the applicant, or owner of the property that is subject of the application, if different;

2. On applications for special permits, amendments to zoning conditions and amendments to the district map, additional notice shall be given as follows:

a. Notice of hearing before the city plan commission shall be given to all owners of real property by mail, as indicated by the most recently approved municipal tax roll within three hundred feet of the lot line of the subject property.

i. In addition to notice given to the owners of the real property within three hundred feet of the lot line of the subject property, if a multifamily dwelling is located on any parcel of real property within the three hundred feet of the lot line of the subject property, notice shall be provided to the property manager of the multifamily dwelling.

b. When applications for special permits, amendments to zoning conditions, and amendments to the district map involve a personal wireless service facility (PWSF) or public utility facility, notice of hearing before the city plan commission shall be given by mail to all owners of real property, as indicated by the most recently approved municipal tax roll within five hundred feet of the lot line of the subject property.

i. In addition to notice given to the owners of the real property within five hundred feet of the lot line of the subject property, if a multifamily dwelling unit is located on any parcel of real property within the five hundred feet of the lot line of the subject property, notice shall be provided to the property manager of the multifamily dwelling.

ii. The applicant for a special permit, an amendment to zoning conditions, or an amendment to the district map involving a public utility facility is responsible for providing the required notice and for all costs of providing the required notice. The applicant shall provide written documentation to the city that the required notices have been provided unless the applicant has requested that the city provide the notices of the hearing and reimburses the city for all its expenses upon receipt of a city invoice.

c. Notice of hearing before the city council shall be given as follows:

i. On first reading—by publication in a newspaper of general circulation in the city and posted on the City's website, not less than fifteen days prior to the day

of the public hearing and posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).

ii. The published notice shall contain:

1. The name of the property owner(s) requesting the special permits, amendments to zoning conditions, or amendments to the district map;
2. The legal description of the property or the physical address assigned to the property; if no address has been assigned, the notice shall contain the name and block number of the street(s), if any, abutting the property for which the special permit, amendment to zoning conditions, or amendment to the district map has been requested, and
3. An electronic link on the city's website containing the city council agendas at which the application will be introduced and the identified public hearing date at which the application will be considered.

d. On-site posting of notice by an applicant is required for parcels of one acre or more in size. The on-site posting of notice shall comply with the following:

i. Location. The notice should be placed on the proposed site so that it is clearly visible and legible from each right-of-way abutting the property.

1. The sign(s) shall be placed perpendicular to the street frontage and be double sided.
2. One sign per right-of-way shall be required. However, if a property identified in an application is separated by a right-of-way, on-site postings shall be required on each side of the property divided by the right-of-way.
3. Required signage shall be made of durable material. Signage shall be properly anchored to the ground with at least two posts, a building, a fence, or a wall. The top of the text portion of such signage shall be a minimum of five feet above ground.

ii. Duration of Posting. On-site posting shall be continuous until final city council action on the application. Posting shall commence at least fifteen days prior to the date of the first public hearing at the city plan commission. The applicant shall provide a digital or printed photograph to the city showing that all required signage has been properly placed on the property. Failure to provide such photograph proving compliance with signage requirements shall result in postponement of the application until such time as a photograph is received.

Any sign required by this provision shall be removed no later than ten days after final action on the application. Posting is continuous so long as lost, stolen, or vandalized signage is replaced within five days following the mailing of a letter to the applicant by the city notifying the applicant that the sign has been lost, stolen, or vandalized.

iii. Size and Content. A sign area with a minimum width of eight feet and a minimum height of four feet shall be required. The sign shall provide a caption stating "Location of Proposed Rezoning (or other type of application). Public Hearings are Scheduled. Please Call (telephone number provided by the planning official." The caption shall also be provided in Spanish. The caption shall be a minimum of four-inch bolded block in black lettering and appear on a light green background.

3. On applications for amendments to the text of this chapter, notice of hearing before the city plan commission shall be posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).

4. Notice of hearing before the city council shall be as follows:

   On first reading—by publication in a newspaper of general circulation in the city and posted on the City's website, not less than fifteen days prior to the day of the public hearing and posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act);

5. On appeals or applications to the zoning board of adjustment, notice of time, place and purpose of hearing before the board shall be given by letter or postcard not less than ten days prior to the date of hearing to the owners of real property, as indicated by the most recently approved municipal tax roll within two hundred feet of the area to be considered.

Section 3. Except as herein amended, Title 20 (Zoning) of the El Paso City Code shall remain in full force and effect

ADOPTED this ___ day of _____, 2025.

THE CITY OF EL PASO

_____

Renard U. Johnson
Mayor

ATTEST:

_____

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russel T. Abeln

Russell T. Abeln
Senior Assistant Attorney

APPROVED AS TO CONTENT:

Philip Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department