

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: Feb. 28, 2012
Public Hearing: March 6, 2012

CONTACT PERSON/PHONE: Mathew McElroy, (915) 541-4193

DISTRICT(S) AFFECTED: City-wide

SUBJECT:

An Ordinance amending Title 15 (Public Services), Chapter 15.20 (Stormwater Management), Section 15.20.110 (Stormwater Discharge from Construction Activities) of the El Paso City Code to provide for appeals to be sent to the Construction Board of Appeals. The penalty being as provided in Section 15.20.150 of the El Paso City Code.

BACKGROUND / DISCUSSION:

The City Manager has directed staff in several departments to implement application processing changes and code amendments that are intended to streamline and simplify the land development review process.

The appeal of a denial decision made by the Stormwater Administrator on a development application will no longer be reviewed by the Development Coordinating Committee when requested by the applicant. The appeal will now be made to the Construction Board of Appeals.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Scheduled for Development Coordinating Committee on February 22, 2012.

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.20 (STORMWATER MANAGEMENT), SECTION 15.20.110 (STORMWATER DISCHARGE FROM CONSTRUCTION ACTIVITIES) OF THE EL PASO CITY CODE TO PROVIDE FOR APPEALS TO BE SENT TO THE CONSTRUCTION BOARD OF APPEALS. THE PENALTY BEING AS PROVIDED IN SECTION 15.20.150 OF THE EL PASO CITY CODE.

WHEREAS, the purpose of Chapter 15.20 of the City Code is to eliminate and reduce pollutants from entering the city's municipal separate storm sewer system and for control over discharges to and from the system; and,

WHEREAS, Chapter 2.30 of the El Paso City Code specifies that decisions made by the Stormwater Administrator may be appealed to the Construction Board of Appeals; and,

WHEREAS, to maintain consistency within the City Code, Section 15. 20.150 should be amended to reflect that appeals from decisions made by the Stormwater Administrator should be to the Construction Board of Appeals.

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

Section 1. That Title 15, Public Services, Chapter 15.20, Stormwater Management, Section 15.20.110, Stormwater discharge from construction activities, Paragraph A, General Requirements, Subparagraph 3, of the El Paso City Code shall be amended as follows:

15.20.110 - Stormwater discharge from construction activities.

A. General Requirements.

3. All plans and specifications that are prepared for the construction of site improvements shall include a storm drain pollution control plan (SDPCP), that illustrates and describes the best management practices required by subsection (A)(1) of this section that will be implemented at the construction site. The stormwater administrator may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other city approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon a site inspection by city personnel are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable. Together with written notification to the applicant that the approval sought is denied, the stormwater administrator shall provide the applicant a written explanation of the reasons for the denial. The applicant may appeal the decision made by the stormwater administrator to the Construction Board of Appeals. Any appeal shall be made within ten days of the date the applicant receives notification of the decision of the stormwater administrator.

Section 2. Except as herein amended, Title 15, Public Services, of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____ of _____ 2012

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Mathew McElroy,
Deputy Director
Planning & Economic Development

Lupe Cuellar
Assistant City Attorney

ORDINANCE NO. _____