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

DEPARTMENT: **Planning & Economic Development**

AGENDA DATE: **Introduction 03/08/2011, Public Hearing 03/29/2011**

CONTACT PERSON NAME AND PHONE NUMBER: Mathew McElory, 541-4193

DISTRICT(S) AFFECTED: Citywide

SUBJECT:

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.08 (SUBDIVISION IMPROVEMENT PLANS), SECTION 19.08.020 D (GRADING PERMITS) AND CHAPTER 19.50 (DEFINITIONS), SECTION 19.50.030 (DEFINITIONS) OF THE EL PASO CITY CODE TO AMEND THE PROVISIONS FOR GRADING PERMITS AND BORROW OR WASTE PERMITS AND TO CHANGE THE DEFINITION OF GRADING. THE PENALTY AS PROVIDE FOR IN CHAPTER 19.42 OF THE EL PASO CITY CODE

BACKGROUND / DISCUSSION:

The requested amendments are precision changes related to the Grading Ordinance (Title 18.44) rewrite proposed for adoption. For consistency, the new language specifies the new process for a grading permit issuance and references 18.44.30 for the new definition of "grading" accordingly.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission on 2/24/2011; Recommended for approval with amendment addressing certain mandatory wall requirements along drainage structures and canals intended for community irrigation in Title 20 (Zoning).

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

DEPARTMENT HEAD: _____

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

Information copy to appropriate Deputy City Manager

ORDINANCE NO._____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.08 (SUBDIVISION IMPROVEMENT PLANS), SECTION 19.08.020 D (GRADING PERMITS) AND CHAPTER 19.50 (DEFINITIONS), SECTION 19.50.030 (DEFINITIONS) OF THE EL PASO CITY CODE TO AMEND THE PROVISIONS FOR GRADING PERMITS AND BORROW OR WASTE PERMITS AND TO CHANGE THE DEFINITION OF GRADING. THE PENALTY AS PROVIDE FOR IN CHAPTER 19.42 OF THE EL PASO CITY CODE

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the "Code") was adopted to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, the Subdivision Ordinance helps guide the physical development of the community by promoting orderly and healthful design, and particularly by providing adequate public facilities; and,

WHEREAS, certain changes have been made to the city's grading ordinance which necessitate a change to the grading permit provisions of the Subdivision Ordinance to avoid conflicts; and,

WHEREAS, the Development Coordinating Committee and City Plan Commission recommend approval of the proposed changes; and

WHEREAS, the El Paso City Council finds that the proposed amendments as herein provided will have a positive impact upon the public health, safety, morals, and general welfare of the City;

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

Section 1. That Title 19 (Subdivisions), Chapter 19.08 (Construction Plans and Management), Section 19.08.020 (Timing of public improvements, permit issuance), Subsection 19.08.020 D (Permit Issuance), Paragraph 1 (Grading Permits) of the El Paso City Code shall be and hereby is amended to read as follows:

D. Permit Issuance.

1. Grading Permits. Any grading within the corporate limits or within the extraterritorial jurisdiction shall conform to the applicable portions of Chapter 18.44 (Grading) of this code. Properties not required to file a subdivision application pursuant to this title shall only be subject to the requirements of Chapter 18.44. Grading permits may be issued on property requiring a subdivision as provided in this title, as follows:

a. Grading Permit. No grading permit may be issued by the city manager or designee, whether or not the requirements of Chapter 18.44 have been satisfied, until preliminary approval on a subdivision application has been granted by the city plan commission or administratively by the city manager or designee.
b. Borrow or Waste Permit. A borrow or waste permit shall be issued by the city manager or designee pursuant to the requirements of Chapter 18.44.

Section 2. That Title 19 (Subdivisions), Chapter 19.50 (Definitions), Section 19.50.030 (Definitions) of the El Paso City Code shall be and hereby is amended to change only the definition of "grading", with all other definitions remaining in effect.

"Grading" shall be and hereby is defined as follows:

"Grading" as used in this Title shall have the same meaning as defined in Section 18.44.030.

Section 3. Except as expressly herein amended, Title 19 of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED THIS ____ DAY OF_____, 2011.

THE CITY OF EL PASO:

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew S. McElroy, Deputy Director
Planning and Economic Development