

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5445

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. GOULD

SECONDED BY: MR. BELLISARIO

ON THE 6 DAY OF AUGUST , 2015

ORDINANCE TO AMEND ST. TAMMANY PARISH, CODE OF ORDINANCES, CHAPTER 7, DRAINAGE AND FLOOD CONTROL, ARTICLE I, SECTION 7-002.00, USE OF FILL MATERIALS PROHIBITED, TO PROVIDE WITH RESPECT THE PLACEMENT OF FILL WITHIN PROHIBITED AREAS AND WITHIN THE BOUNDARIES OF GRAVITY DRAINAGE DISTRICT NO. 5.

WHEREAS, in order to further address the potential adverse drainage impacts that are likely to result from the placement of fill on property governed by the provisions of this ordinance, and in order to protect the public health, safety, welfare and property of the residents of unincorporated St. Tammany Parish, it is necessary to provide for comprehensive and uniform standards, regulations and procedures regarding the placement of fill on any property governed by the provisions of this ordinance; and

WHEREAS, in order to provide for such comprehensive and uniform standards, regulations and procedures regarding the placement of fill on property governed by the provisions of this ordinance, it is necessary and appropriate to amend the provisions of the St. Tammany Parish Code of Ordinances, Chapter 7, Drainage and Flood Control, Article I, Section 7-002.00, Use of Fill Materials Prohibited.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that St. Tammany Parish Code of Ordinances, Chapter 7, Drainage and Flood Control, Article I, Section 7-002.00, Use of Fill Materials Prohibited, is hereby amended and reenacted with respect to the placement of fill within prohibited areas and within the boundaries of Gravity Drainage District No. 5, and to provide as follows:

**Sec. 7-002.00 Use of Fill Materials Prohibited**

**B. PLACEMENT OF FILL MATERIAL:**

1. Definitions:

(a) Net Fill: For purposes of this ordinance, "net fill" is defined as the placement of any fill material that results in any increase in the surface elevation of property **or adjacent property** from its natural or predevelopment state.

(b) Critical Drainage Area: A critical drainage area is an area determined by the St. Tammany Parish Department of Engineering, after careful consideration of the available data, to be of critical importance for its role in the conveyance, moderation or storage of storm water. Areas within this designation include, but are not limited to, the following:

1. Areas anticipated to be inundated by a 100-year storm event, including areas adjacent to streams, upland areas, and areas of isolated or permanent flooding.

2. Areas of concentrated storm water flow, including but not limited to concentrated sheet flow, channelized flow, and natural hydrologic features or channels of all types and sizes.

3. Any area designated by FEMA as Flood Hazard Area A, V, or the equivalent, indicating inundation during a 100-year event.

4. Areas included within wetlands as defined by the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual.

5. Those areas that are designated as a Critical Drainage Area on the most current Critical Drainage Area Map that is on file in the office of the St. Tammany Parish Department of Engineering.

(c) Critical Drainage Area Map - The official Critical Drainage Area Map is generated and maintained by the Department of Engineering. The map will be periodically revised, based on information and data available at the time, in an effort to provide reasonably updated information to the public regarding the areas of the Parish considered to be Critical Drainage Areas.

(d) Approved Development Plan - An approved development plan may be a properly issued building permit, commercial drainage plan approval, subdivision preliminary work order, or a fill plan approved by the Department of Engineering. **Plans proposed within the boundaries of St. Tammany Parish Gravity Drainage District No. 5 (GDD5) shall require review and comment from GDD5's engineer.**

(e) Natural Ground - Natural Ground is the natural or pre-development elevation of the property, prior to any surface alteration work being performed.

(f) Lots and Parcels Ninety (90) Feet or Less in Width - The determination of whether a lot or parcel is ninety (90) feet in width or less is to be made by averaging the measurement of the width of the property at the point of the rear roof line of an existing or proposed principal structure and the measurement of the width of the property at the front boundary line. The rear roof line is the point where the roof is closest to the rear boundary.

(g) An Area of special concern is an area that is experiencing development without an approved hydrological plan for the area and, although it may not be located within a critical drainage area, has been determined by the St. Tammany Parish Department of Engineering, after careful consideration of the available data, to be an area that is particularly susceptible to adverse drainage and flooding impacts that are likely to result from continued development and fill, necessitating the application of specific fill and building regulations to address those impacts.

#### 5. General Residential Fill Standards:

The placement of fill material on any lot or parcel located within any Critical Drainage Area shall be permitted only after a development plan has been submitted and approved by the Department of Engineering. In the event that the Department of Engineering determines that fill work is permitted on the particular parcel, the fill work must comply with the following specific standards:

a. In some cases, subject to the discretion of the Department of Engineering, excavation of existing soil and its replacement with fill is permissible at the site provided it can be demonstrated to have no increase in the natural ground elevation and no net impact on the function of the Critical Drainage Area.

b. Fill shall be limited to the roof shed area of the proposed primary structure and access to the site and shall not exceed that which is necessary to prepare an adequate building footprint.

c. Site improvements (roads, structures, fill, etc.) shall not impede natural drainage pathways or parish road or drainage easements, servitudes, or rights-of-way.

d. Fill for driveways must not exceed 6 inches above natural ground elevation except where fill is part of the foundation for the main residence, carport, or garage. Fill may also be placed to soften the transition between elevations to a slope not less than four horizontal feet to every one vertical foot.

e. Fill may be authorized by the Department of Engineering in those cases where, due to the size and location of the parcel of property, on-site or off-site mitigation can be provided and the Department of Engineering also determines that there will be no loss of flood plain storage, no loss of stream flow capacity and the applicant demonstrates that no adverse impacts will occur to adjacent properties, to other properties within the subject watershed, and to the function of the Critical Drainage Area. **GDD5 review and comments shall be required if subject property is within GDD5 boundaries.**

## 7. Non-residential Standards:

In cases of commercial, industrial, or institutional development on any lot or parcel of property that has any part thereof located within a Critical Drainage Area, the placement of fill on such lot or parcel may be permitted, in the discretion of the Department of Engineering, provided that:

a. Soil material in a volume equal to the fill material proposed to be placed on the property is excavated and removed from the property, such that the flood storage capacity of the property is maintained for a 100-year frequency flood event; or

b. Off-site mitigation will be provided, and the Department of Engineering also determines that there will be no loss of flood plain storage and no loss of stream flow capacity; and

c. The applicant can demonstrate that no adverse impacts will occur to adjacent properties, to other properties within the subject watershed, and to the function of the Critical Drainage Area; and

d. The proposed development complies with all other applicable drainage regulations; and

e. **GDD5 review and comment is required if subject property is within the boundaries of GDD5.**

## 9. Fill in Areas of Special Concern:

(a) No fill shall be placed on any lot or parcel within the above described boundaries of an area of special concern prior to the submission of a development plan to the Department of Engineering detailing any proposed grade work. The development plan shall provide the elevation at the four corners of the lot, at the center of the proposed primary structure, and any other elevations deemed necessary by the Department of Engineering for review of the development plan.

(b) If any fill is placed on property in any of the above areas of special concern following the adoption of the ordinance designating a particular area as one of special concern and prior to the submission of a development plan, **it shall be deemed a violation of Parish Code and the owner may shall be required to remove the fill material back down to native soils and pre-fill elevations. It shall be the burden of the violator to provide proof of the predevelopment elevations. Engineering shall direct the Department of Code Enforcement to issue the appropriate cease and desist order. Engineering shall notify GDD5 if the violation occurs within the District boundaries. GDD5 may provide a third party review and comment at the violator's expense.**

(c) No fill shall be permitted on parcels within this area that would raise or increase the surface elevation of any part of the parcel above its natural or pre-development elevation. Fill required for minor grading to level and drain the surface at the proposed site of the primary structure and driveway may be authorized.

(d) The lowest finished floor of the primary structure shall be situated at least twenty-four (24") inches above the crown of the road surface directly adjacent to and in front of the parcel.

(e) Based on available data, the Department of Engineering may require a higher finished floor elevation on pier construction above the FEMA base flood elevation provided on the applicable FIRM Map.

## 11. Relocation of Open Drainage Ditches, Drainage Channels and Similar Drainage Features:

(a) For purposes of this Section and subparagraph 10, relocation means changing the location of all or any part of an open drainage ditch, drainage channel or similar drainage feature that is partially located on, or which traverses, a lot or parcel of property.

(b) The provisions of paragraph 10 of this Section shall be applicable to any lot or parcel of property, regardless of the size of the lot or parcel and whether or not it is located in a Critical Drainage Area or Area of Special Concern.

(c) Whenever the owner of any lot or parcel of property proposes to fill in an existing drainage ditch, drainage channel or similar drainage feature that is partially located on, or which traverses, the owner's property in order to relocate the ditch, drainage channel or similar drainage feature to another location on the property, in addition to complying with all other applicable provisions of this Section, the owner shall provide a plan for the proposed relocation, **supported by a complete hydrologic report taking into consideration impacts of upstream and downstream properties**, that is prepared by a Licensed Civil Engineer. **The Department of Engineering shall conduct a site visit prior to approval of the proposed plan. Engineering shall notify GDD5 of the proposed plan for review and comment if the subject site is within the boundaries of the District.** The proposed relocation plan may be included in the "Existing and Proposed Grade Elevation Form", provided it is prepared by a Licensed Civil Engineer.

(d) If the proposed relocation results in all or any part of the relocated drainage ditch, drainage channel or similar drainage feature being within twenty (20) feet of the foundation of an existing or proposed structure, the relocation of the drainage ditch, drainage channel or similar drainage feature must be accomplished by subsurface installation. If no part of the drainage ditch, drainage channel or similar drainage feature is to be within twenty (20) feet of the foundation of an existing or proposed structure, the Department of Engineering shall determine, considering best engineering practices and the issue of maintenance of drainage, whether subsurface installation is required for all or any part of the relocated drainage ditch, drainage channel or similar drainage feature.

(e) The requirement of subsurface installation for a relocated drainage ditch, drainage channel or similar drainage feature may be waived by the Department of Engineering provided that: (i) the property owner, and Licensed Civil Engineer engaged by the owner, have independently determined that the relocated drainage ditch, drainage channel or similar drainage feature, if relocated without subsurface drainage, will not undermine the foundation or otherwise cause any damage to the property or structure; and (ii) the Department of Engineering determines that the relocation will not impede drainage or interfere with the proper maintenance thereof. **It is expressly prohibited to grant a waiver under this paragraph within the boundaries of Gravity Drainage District No. 5.**

(f) The herein above provisions of subparagraph 10 of this Section shall not be construed as being applicable to any roadside ditch or to any property that is publicly owned and maintained by St. Tammany Parish or any political subdivision thereof.(Ord. No. 10-2326, adopted 09/02/2010)

D. REVIEW OF DECISIONS. Any person or persons jointly or severally aggrieved by any decision of the Department of Engineering relative to the placement of fill on property governed by the provisions of this ordinance may appeal to the Board of Adjustment. Such appeal shall be taken within ten (10) days of the decision of the Department of Engineering, by filing with the Department and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Department shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. **GDD5 shall provide third party recommendations to the Board when the subject property falls within the boundaries of GDD5. All costs incurred shall be borne by the person appealing the decision.**

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3 DAY OF SEPTEMBER , 2015 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
RICHARD E. TANNER, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: July 30 , 2015

Published Adoption: \_\_\_\_\_ , 2015

Delivered to Parish President: \_\_\_\_\_ , 2015 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_ , 2015 at \_\_\_\_\_