

ST. TAMMANY PARISH COUNCIL  
ORDINANCE

ORDINANCE CALENDAR NO. 3035 ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

COUNCIL SPONSOR: MR. GOULD PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: MR. CANULETTE SECONDED BY: MR. BURKHALTER

ON THE 3<sup>RD</sup> DAY OF MARCH, 2005.

ORDINANCE TO AMEND CODE OF ORDINANCES, APPENDIX B, SUBDIVISION REGULATORY ORDINANCE NO. 499, SECTION 40-037 DRAINAGE, TO INCLUDE BY REFERENCE PARISH CODE CHAPTER 7 DRAINAGE AND FLOOD CONTROL REGULATIONS.

WHEREAS, to further the interests of public safety and to provide for improvements in drainage and flood control regulation and enforcement, it is necessary to include by reference Parish Code provisions on drainage and flood control within the drainage regulations of Subdivision Regulatory Ordinance No. 499.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the Code of Ordinances, Appendix B, Subdivision Regulatory Ordinance No. 499, Section 40-037 Drainage, to include by reference Parish Code Chapter 7 Drainage and Flood Control Regulations, as follows, to wit:

**SECTION 40-037.0 DRAINAGE**

**A. The Provisions of Parish Code Chapter 7 to Apply**

**The provisions of Chapter 7 Drainage and Flood Control of the Parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those contained within this section, the more stringent or restrictive provision shall apply.**

**B. Drainage Systems**

1. A drainage system shall be provided and designed in accordance with the best modern engineering practices so as to adequately contain and carry off, to the point of ultimate disposal, such runoff as can be expected in the area, taking into consideration the number and type of buildings or structures to be erected in the subdivision and certifying that the runoff will not be increased by the proposed development.
2. All culverts positioned within the drainage system shall be constructed of concrete, metal or plastic in accordance with Louisiana Department of Transportation and Development (DOTD) Engineering Directives and Standards Manual (EDSM) Nos. II.2.1.1; II.2.1.6 and II.2.1.13, dated July 20, 1992 as amended and within standards acceptable to the Department of Public Works.

All culverts may be constructed of durable concrete, however corrugated metal pipe and plastic pipe may be used for residential driveways and subsurface conveyance where there is no traffic load.

All corrugated metal pipe shall be a minimum of 16 gauge, bituminous coated and installed with concrete headwalls.

All plastic pipe shall be ribbed or corrugated, double wall and installed with concrete headwalls.

3. Permanent bench marks shall be installed by the developer's engineer at convenient locations as approved by the Parish Engineer in each subdivision before final approval is granted. Bench marks can be made with concrete, a spike driven into a permanent tree, or other suitable material approved by the Parish Engineer. The location and elevation of each bench mark shall be clearly noted on the plat of the subdivision filed for record with the Clerk of Court. Whenever practical, the elevation of the bench mark shall accurately be related to mean sea level as established by the U.S. Coast & Geodetic Survey, the U.S. Army Corps of Engineers, or the Louisiana Department of Highways.

4. The elevation of the center of the completed streets shall also be noted on the "file" plat at intervals not to exceed one-thousand-five hundred feet (1500'), and said elevations are to be established from the bench mark after completion.

5. Final "as-built" paving and drainage plans must indicate the invert elevation of the roadside ditch at each property line.

#### **Sec. 40-037.01 Subsurface Drainage Installation Requirements in Police Jury District 13**

1. The parish requires on-site inspections by a license Civil Engineer within Police Jury District 13 as it exists in 1996, for subsurface drainage installation.

2. This inspection shall be made prior to the back fill of soil over the subsurface pipes. The developer shall provide field verification that the approved construction techniques were utilized in accordance with either/or:

a. St. Tammany Parish Subdivision Regulations, Appendix B, Chapter 40 Subdivisions, Section 40-037.0, item #2, Drainage.

b. Louisiana Standard Specifications for Roads and Bridges, 1992 Edition, Section 701: Culverts and Storm Drains.

3. The field verification shall be submitted to the Department of Engineering in a format acceptable to the Department of Engineering. This information is required prior to the issuance of Final Approval.

4. The cost of the inspections is the responsibility of the developer.

#### **Sec. 40-037.02 Residential Retention/Detention Ponds; Acceptance into Parish Maintenance System**

The following procedures are hereby established for acceptance of retention/detention ponds, existing as of the date of this ordinance, into the parish maintenance system:

1. Petition from owner requesting that the pond be taken into the parish maintenance system. This should include copy of title and survey.

2. Petition will be reviewed by the Department of Engineering and Department of Public Works to determine what is needed prior to acceptance of the pond. The minimum requirements shall be:

a. minimum 15' access to the area around the pond; 10' must be on a flat surface and not a pond side slope

b. adequate access to the pond for maintenance equipment

c. other safety measures as may be required, to be reviewed on a case by case basis; and

d. petitioner is responsible to turn over an operational structure

3. Petitioner will be advised of what is needed for acceptance and will be advised that acceptance by the parish is for maintenance purposes and not for aesthetic purposes.
4. If the petitioner agrees with the criteria for acceptance, they will be responsible for providing the following documentation to the parish:
  - a. an "Act of Correction" to the subdivision plat; and
  - b. an "Act of Dedication" with a legal description of the property to be dedicated to the parish.

The following requirements are hereby established for retention/detention ponds, constructed after the adoption of this ordinance. Compliance with all standards as set forth below must be verified by the Department of Engineering prior to acceptance into the parish maintenance system:

5. The detention pond may be designed as a wet or dry pond as per the following criteria:

A. Requirements for a wet pond

1. Minimum low stage depth must be five(5')feet.
2. Side slopes must have a minimum 3H:1V slope.
3. Minimum access servitude width from pond to parish road must be twenty-five (25') feet.
4. Clear buffer around the periphery of pond must be twenty (20') feet; 10' feet must be on a flat surface and not a pond side slope.

B. Requirements for a dry pond

1. Exit structure invert elevation must be 0.5 feet lower than the lowest elevation of the pond bottom.
2. A narrow low stage ditch may be constructed at the exit structure invert elevation.
3. Side slopes must have a minimum 3H:1V slope.
4. Minimum access servitude width from pond to parish road must be twenty-five (25') feet.
5. Clear buffer around periphery of pond must be twenty (20') feet pond;10' must be on a flat surface and not a pond side slope

6. The developer must furnish a copy of the title to the land.
7. An "Act of Dedication" with a legal description of the property to be dedicated to the parish must be furnished.
8. The petitioner will be advised of what is needed for acceptance and will be advised that acceptance by the parish is for maintenance purposes only and not for aesthetic purposes.
9. The Parish Engineer can waive any of these requirements or approve alternative methods whenever justification is presented by a Louisiana Licensed Civil Engineer.

**Sec. 40-037.03 Minimum Driveway Culvert Specifications in Police Jury District No.1**

Any driveway culvert installed in Police Jury District No. 1 shall be at least a minimum of 18" in diameter.

**Section 40-037.04 Placement of Fill on Lots less than Ninety (90) Feet in Width for which No Drainage Plan exists****Applicability**

The purpose of this ordinance is to restrict the placement of fill material on lots less than ninety (90) feet in width to prevent storm water from being displaced onto adjacent property, thereby increasing the potential or actual flood damage to adjacent property. These restrictions are applicable only to the placement or relocation of fill on residential lots less than 90 feet in width which are located in a subdivision for which there is no drainage plan approved by the Department of Engineering.

**1. General Provisions (All lots)**

- a. Any applications to place fill on lots less than 90 feet in width shall detail the existing, pre-construction, natural and man-made drainage features located on the lot in question.
- b. All applications to place fill on lots less than 90 feet in width must be reviewed for compliance with all other relevant parish regulations.
- c. All fill/excavation activities within jurisdictional wetlands shall receive necessary authorization from the US Army Corps of Engineers and any other applicable local, state, or federal agencies before such activities are commenced.
- d. The placement of fill on any lot located within a Flood Hazard Zone shall be permitted only when a development plan for the lot has been submitted and approved.

***e. The provisions of Chapter 7 Drainage and Flood Control of the Parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those contained within this section, the more stringent or restrictive provision shall apply***

**2. Flood Zone V and Areas of Shallow Flooding****A. Flood Zone V**

The placement of fill on any lot located within Flood Zone V shall be exclusively governed, regulated and controlled by and shall in all ways be consistent with the relevant provisions of the rules and regulations promulgated by the Federal Emergency Management Agency ("FEMA") and National Flood Insurance Program ("NFIP")

**B. Areas of Shallow Flooding**

- a. Off -site fill shall be limited to the roof-shed area of a lot's proposed primary structure.
- b. A concrete slab shall be permitted under the primary structure provided that the finished surface slab or footing does not exceed an average of 12" above natural ground grade.
- c. Construction shall be accomplished using pier or piling construction according to applicable building codes for finished elevations in excess of 12".

- d. Site improvements (structures, driveways, roadways, landscaping, etc.) shall not impede natural drainage pathways or parish drainage easements.
- e. There shall be no net change in the average elevation of the natural grade of the lot outside of the roof shed.

**f. The provisions of Chapter 7 Drainage and Flood Control of the Parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those contained within this section, the more stringent or restrictive provision shall apply.**

### **3. Flood Zones A-, A+, B and C**

- a. Fill shall be limited to the roof shed area of the proposed primary structure and necessary access to the site.
- b. The volume of fill on the site shall not exceed that which is necessary to prepare an adequate building footprint, as verified by the Department of Engineering.
- c. Construction activities that involve the finished floor of a structure exceeding an average of 24" above natural ground elevation shall utilize pier or piling construction or retainer type construction as provided for in applicable building codes. Fill for foundations resulting in a finished floor elevation with an average of 24" or less above natural ground grade shall taper from the foundation edge at a slope of one vertical foot for every two horizontal feet.
- d. Fill for driveways must not exceed an average of 12" above natural ground grade except where fill is part of the transition from the foundation for the primary structure, carport, or garage. Fill may also be placed adjacent to the driveway to soften the transition between elevations to a slope not steeper than one vertical foot for every four horizontal feet.
- e. The placement of fill may not encroach into the required side yard setbacks, except as otherwise permitted in these regulations.
- f. Fill for non-contiguous landscaping areas within the front and rear yards resulting in the finished ground elevation up to an average of 6" above natural ground grade for each such area is permitted, provided that an equal volume of fill is removed from the lot.

**g. The provisions of Chapter 7 Drainage and Flood Control of the Parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those contained within this section, the more stringent or restrictive provision shall apply.**

### **4. Administrative Variances**

- a. The Director of the Department of Engineering shall review individual cases for variance from the provisions of this ordinance, upon written request by the property owner. The property owner must provide evidence that circumstances exist which warrant the requested variance.

b. Upon documentation that such circumstances do exist, as determined by the Director of the Department of Engineering, an Administrative Variance shall be granted. Upon the granting of said variance a full report must be included in the permanent building permit file. That report shall include a detailed description of such circumstances, mitigation (if required), a copy of any written correspondence relative to the lot and the variance request, and a detailed description of the variance rationale and final determination.

c. The decision of the Director of the Department of Engineering may be appealed to the legislative body of the governing authority within fourteen (14) calendar days of the written decision of the Director of the Department of Engineering. Appeals must be filed with the Department of Engineering at seven (7) calendar days prior to the regularly scheduled meeting of the governing authority. The Director of the Department of Engineering will cause the appeal to be placed upon the regular agenda of the governing authority for consideration.

## **5. Processing**

a. A permit shall be required for the placement of fill coming from off site for any lot less than 90 feet width. In the case of new construction, this permit shall be in the form of an approval of the "Culvert Data Sheet", the "Permit Data Review Sheet" or a general work order presently required for construction activity to occur. The ordinance shall be administered by the Department of Engineering with the assistance of any other parish personnel that are deemed necessary by the governing authority and/or its regulations.

b. A detailed description of fill activity, including volume of fill to be brought in from off-site, the footprint of the deposition of that fill material, volume and source location of fill being removed from the site, the ultimate disposition of the fill being removed (including flood zone of the deposition site), the direction of flow across the site, and a profile through the improvement footprints showing the natural and finished elevations of the construction site, as well as the proposed sediment retention measures, must accompany the building permit or development proposal and be reviewed by the Department of Engineering before approval of the Culvert Data Sheet or the Permit Data Tracking Sheet or the issuance of a general work order.

## **6. Enforcement**

a. Violations will be processed by Code Enforcement, Department of Engineering or Permit Inspections personnel using standard code violation protocol.

### **Section 40-037.05 Placement of Fill on Lots more than Ninety (90) Feet in Width**

#### **Applicability**

The purpose of this ordinance is to regulate the placement of fill on lots ninety (90) feet and greater in width, including undivided parcels of land, within the one hundred (100) year designated flood-plain. These regulations are applicable to the placement or relocation of fill on residential lots 90 feet and greater in width which are located in a new or existing subdivision for which there is no drainage plan approved by the Department of Engineering and new subdivision not yet approved, as well as to undivided parcels of land.

## 1. Flood Zone V and Areas of Shallow Flooding

### A. Flood Zone V

The placement of fill on any lot or undivided parcel of land located within Flood Zone V shall be exclusively governed, regulated and controlled by and shall in all ways be consistent with the relevant provisions of the rules and regulations promulgated by the Federal Emergency Management Agency ("FEMA") and National Flood Insurance Program ("NFIP").

### B. Areas of Shallow Flooding

- a. The placement of fill on any parcel located within an "AO/AH Flood Hazard Zone shall be permitted only when a development plan has been submitted and approved by the Department of Engineering.
- b. Fill shall be limited to the roof-shed area of a parcel's primary structure.
- c. A concrete slab shall be permitted under the primary structure provided that the finished surface slab or footing is no more than 12" above natural ground grade.
- d. There shall be no net change in the average elevation of the natural ground.
- e. Construction shall be accomplished using pier or piling construction according to applicable building codes.
- f. Access roadways and other site improvements (buildings, driveways, roadways, landscaping, etc.) shall not impede natural drainage pathways or parish drainage easements.
- g. The provisions of Chapter 7 Drainage and Flood Control of the Parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those contained within this section, the more stringent or restrictive provision shall apply.

## 2. Flood Zones A1-A30

1. The placement of fill on any parcel located within any "A" Flood Hazard Zone shall be permitted only when a development plan has been submitted and approved.
2. Fill shall be limited to the roof shed area of the proposed structure and required access to the site.
3. The volume of fill on the site shall not exceed that which is necessary to prepare an adequate building footprint.
4. Construction activities that involve the finished floor of a structure exceeding an average of 24" above natural ground elevation shall utilize pier or piling construction or retainer type construction as provided for in current applicable building codes. Fill for foundations resulting in a finished floor elevation 24" or less above natural ground grade shall taper from the foundation edge at a slope of three horizontal feet for every one foot vertical.

5. At no time shall fill for any site improvements exceed 12" above natural ground grade.
6. Fill for driveways must not exceed 6" above natural ground grade 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 steeper than one vertical foot for every four horizontal feet.
7. Access roadways and other site improvements (buildings, driveways, roadways, parking areas, etc.) shall not impede upon natural drainage pathways or parish drainage easements.

**8. The provisions of Chapter 7 Drainage and Flood Control of the Parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those contained within this section, the more stringent or restrictive provision shall apply.**

### 3. New Subdivisions

Subdivisions approved after enactment of this ordinance, which establish to the satisfaction of the Parish Engineer that, at the time of preliminary approval, such subdivision development will not result in a reduction in the 100 year flood-plain storage capacity, will be approved in total.

### 4. Exemptions

Areas enclosed by levees from which the runoff is mechanically pumped shall be exempt from this ordinance.

### 5. Variances

The Parish Engineer shall review individual cases for variance from the provisions of this ordinance, upon written request by the applicant. The applicant must provide evidence that circumstances exist which warrant the requested variance.

**Reference regional detention ordinance:** {If the applicant is granted a variance he/she shall purchase storage space in regional detention equal to the volume of fill in excess of that which is allowed under this ordinance. }

### 6. Processing

- a. A permit shall be required for the placement of fill coming from off site for any lot greater than 90 feet in width. In case of new construction, this permit shall be in the form of an approval of the "Culvert Data Sheet", the "Permit Data Review Sheet" or a general work order presently required for construction activity to occur.
- b. The ordinance shall be administered by the Department of Engineering with the assistance of any other parish personnel that are deemed necessary by the governing authority and/or its regulations.
- c. A detail of fill activity, prepared by a Licensed Civil Engineer or Licensed Land Surveyor, including volume of fill to be brought in from off site, the footprint of the deposition of that fill, volume and source location of fill being removed from the site, the ultimate deposition of the fill being



removed (including flood zone of the deposition site), the direction of flow across the site, and a profile through the improvement footprints showing the natural and finished elevations of the construction site, as well as the proposed sediment retention measures, must accompany the building permit or development proposal and be reviewed by the Department of Engineering before approval of the Culvert Data Sheet or the Permit Data Tracking Sheet or the issuance of general work order.

d. Three submittals are required during the permit process.

a. The initial plan must be submitted in accordance with the requirements of this ordinance. Applicant shall submit a survey plot plan that depicts the minimum elevations necessary to determine the average elevation of the construction area; for example the lot corners and maybe an intermediate elevation in between corners could be used. The survey must state the flood zone.

b. Applicant must submit the elevation of the slab form board or lowest habitable floor. This elevation must be submitted on the original detail of fill activity plan. This information must be submitted prior to the prepour slab inspection.

c. Prior to the granting of the Certificate of Occupancy the permit applicant must furnish a plot plan, certified by a Licensed Surveyor or Licensed Civil Engineer, clearing verifying that the property has been constructed upon in accordance with this ordinance.

## 7. Enforcement

Violations will be processed by the Code Enforcement, Department of Engineering or Permit Inspections personnel using standard code violation protocol.

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 Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: 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: