

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5619

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

COUNCIL SPONSOR: DEAN/BRISTER

PROVIDED BY: PLANNING DEVELOPMENT

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ON THE 4 DAY OF AUGUST , 2016

ORDINANCE AMENDING THE ST. TAMMANY PARISH CODE OF ORDINANCES CHAPTER 7 (DRAINAGE) TO ESTABLISH AND REQUIRE A SITE WORK PERMIT FOR PAVING, GRADING, EXCAVATION AND PLACEMENT OF FILL ON NON-RESIDENTIAL PROPERTIES IN UNINCORPORATED ST. TAMMANY PARISH.

ORDINANCE AMENDING THE ST. TAMMANY PARISH CODE OF ORDINANCES CHAPTER 7 (DRAINAGE) TO ESTABLISH AND REQUIRE A SITE WORK PERMIT FOR PAVING, GRADING, EXCAVATION AND PLACEMENT OF FILL ON NON-RESIDENTIAL PROPERTIES IN UNINCORPORATED ST. TAMMANY PARISH.

WHEREAS, the St. Tammany Parish Department of Development is making an effort to strengthen permit review processes that address drainage to prevent adverse drainage impacts on neighboring properties and protect water quality;

WHEREAS, St. Tammany Parish Government has experienced an increase in complaints and Code Enforcement cases regarding fill and adverse drainage impacts;

WHEREAS, St. Tammany Parish Government does not currently have a mechanism in place to review and permit construction activities that alter the original grade of the site;

WHEREAS, the Department of Planning and Development wishes to establish a site work permit to allow for the review of plans that involve paving, grading, excavation and placement of fill on a non-residential site prior to construction to avoid adverse drainage impacts to neighboring properties and protect water quality.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances is hereby amended to provide therein the following regulations that are applicable thereto, and to otherwise provide as "Exhibit "A" as follows:

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 1 DAY OF SEPTEMBER, 2016; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
MARTY DEAN, COUNCIL CHAIRMAN

ATTEST:

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

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

Published Introduction: JUNE 30, 2016

Published Adoption: \_\_\_\_\_, 2016

Delivered to Parish President: \_\_\_\_\_, 2016 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2016 at \_\_\_\_\_

## Exhibit "A"

### SEC. 7-002.00 Use Of Fill Materials Prohibited

A. ADVERSE DRAINAGE IMPACT: It shall be prohibited to place fill or construct improvements on any parcel of property so as to cause adverse drainage impacts on any adjacent parcel.

#### 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 pre-development 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 or site work permit, ~~commercial drainage plan approval~~, subdivision preliminary work order, or a fill plan Existing and Proposed Grade Elevation Form approved by the Department of ~~Engineering~~ Engineering Planning and Development. 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.

(h) Site Work Permit: A permit issued for paving, grading, excavation, or placement of fill on a site within unincorporated St. Tammany Parish. This permit is needed if the proposed site improvements are not already being reviewed as part of a properly issued building permit or subdivision work order.

(i) Multiple-Family Structure: A structure containing three or more dwelling units located on a single lot (as opposed to party wall and townhouses located on separate lots of record.)

## 2. Net fill prohibited:

(a) Net fill shall be strictly prohibited in any Critical Drainage Area and on any lot or parcel ninety (90 ) feet or less in width, except with an Approved Development Plan or with the express written consent of the Department of ~~Engineering Planning and Development~~. ~~The procedures and guidelines outlined herein shall apply to any request to place any fill in a Critical Drainage Area or on any lot or parcel ninety (90 ) feet or less in width.~~ Any request to place fill in a Critical Drainage Area or a lot or parcel ninety (90) feet or less in width shall be in accordance with the procedures and guidelines outlined herein.

(b) A lot or parcel of property shall be deemed to be located in a critical drainage area when any part thereof is located within a critical drainage area. Net fill shall not be placed on any part of such property, except with an Approved Development Plan or with the express written consent of the Department of Engineering.

## 3. Jurisdictional Wetlands:

All fill/excavation activities within jurisdictional wetlands shall secure all necessary permits from the U.S. Army Corps of Engineers and any other relevant local, state or federal agencies before such activities are commenced.

## 4. Procedures:

(a) Any request for approval to place fill on a lot or parcel governed by this ordinance shall include a detailed description of the fill activity. ~~and a completed "Existing and Proposed Grade Elevation Form" prepared by a Licensed Civil Engineer or Land Surveyor. The following information shall be included:~~ A Drainage and Paving Plan, if required, must be completed in accordance with Section 7-050.00 of this ordinance. An Existing and Proposed Grade Elevation Form, if required, must be prepared by a Louisiana Licensed Engineer or Land Surveyor and include the following information:

1. volume of fill to be placed,
2. the footprint of the fill work,
3. volume and source location of any excavation work,
4. the location of the ultimate disposition of the spoil being removed
5. the direction of water flow across the site,
6. a profile through the construction footprint showing the natural and finished elevations of the site, and

7. the sediment retention measures proposed for the site.

(b) Upon receiving approval to fill by the Department of Engineering Planning and Development, whenever a concrete slab or any other structural foundation of a permanent nature is to be constructed, the applicant or builder shall certify, after excavation of the site and prior to pouring any concrete or installing any permanent foundation, that the foundation is ready to be installed and that all fill work complies with the relevant standards. The foundation shall not be poured or installed prior to certification and inspection.

(c) Prior to the issuance of the certificate of occupancy, the applicant or builder shall submit an official survey which confirms compliance with the provisions of this ordinance. A final drainage inspection by the Department of Engineering Planning and Development shall be conducted to verify compliance with these standards, and no certificate of occupancy shall be issued unless and until compliance has been verified.

## 7. Non-residential Standards

Any paving, grading, excavation, or placement of fill on commercial, industrial, institutional or multi-family development sites must obtain an Approved Development Plan in the form of a properly issued building permit, site work permit or subdivision work order prior to the commencement of work.

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 Planning and Development also determines that there will be no loss of flood plain storage and no loss of stream flow capacity. It is expressly prohibited to utilize offsite mitigation within the boundaries of Gravity Drainage District No. 5; 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.

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

### **SEC. 7-050.00 Drainage and Paving Plan (Commercial, Industrial, Institutional and Certain Multi-Family Developments)**

The purpose and intent of this section is to require a drainage and paving plan to be stamped and certified by a Licensed Louisiana State Registered Engineer for construction of commercial, industrial, institutional and certain multi-family developments, with the goal of improving pre-development runoff and reducing post-development runoff based on a minimum twenty-five (25) year storm event.(Ord. 07-1490, adopted 01/04/2007, amended by Ord. 10-2275, adopted 06/03/2010)

1. All commercial, industrial, institutional and multi-family development for town houses, apartments, condominiums and nursing home uses that require a building permit or site work permit shall submit a drainage and paving plan with the permit application. Requirements are set forth in below in Sec. 7-051.00. Said plan shall be forwarded to the Parish Engineer for review and approval before the issuance of a building permit.

2. It shall be the responsibility of the developer and design engineer to create a site development plan that will complement the drainage and paving plan utilizing site design criteria so as to result in the reduction of runoff from post-development.
3. The drainage and paving plan shall be stamped and certified by a Licensed Louisiana State Registered Engineer and shall meet the following criteria: Parcels 0-2 acres in size shall be required to reduce pre-development peak runoff by at least 10% for a twenty-five (25) year storm event, with on-site detention ponds optional.
  - (a) Parcels 0-2 acres in size shall be required to reduce pre-development peak runoff by at least 10% for a twenty-five (25) year storm event, with on-site detention ponds optional.
  - (b) Parcels 2-5 acres in size shall be required to reduce pre-development peak water runoff by at least 15% for a twenty-five (25) year storm event, with on-site detention ponds required.
  - (c) Parcels 5 acres and larger shall meet all drainage requirements for Subdivisions established by Subdivision Regulatory Ordinance No. 499, including a reduction of pre- development peak runoff by at least 25% for a one hundred (100) year storm event with on-site detention ponds required.
    - (i) Whenever a parcel that is greater than five (5) acres is proposed to be developed in phases, or subdivided through the minor subdivision process, where any proposed phase or lot is less than five (5) acres, such development shall meet the requirements of subparagraph (c) immediately herein above and the applicable provisions of Section 40-061.01. The drainage and paving plan must address drainage in terms of the development of the entire parcel, not just the phase currently being proposed to be developed, taking into consideration all of the regulations of the zoning district designation of the property that could be pertinent to drainage, including maximum net density permitted, minimum area regulations, maximum lot coverage, and off street parking and loading requirements.(Ord. No. 10-2275AA, adopted 06/03/2010)
4. A combination of detention methods may be utilized to meet the criteria as established above. Off-site detention facilities may be utilized if approved by the Parish Engineer.
5. Developments located within the boundaries of Gravity Drainage District No. 5 shall also submit their drainage and paving plans to the District at the time permit application is made to the Parish. A building permit or site work permit shall not be issued until the Drainage District has had an opportunity to review and make comment on the proposed plans to the Parish Engineer. All costs associated with the review of the plans by the Parish and Drainage District shall be assessed to the developer. The Parish Engineer shall have final authority on approval of the permit application. (Amended by Ord. 04-0933, adopted 07/01/2004; amended by Ord. 07-1490, adopted 01/04/2007)
6. Developments located within the boundaries of Sub-Drainage District No. 1 of Gravity Drainage District No. 3 shall also submit their drainage and paving plans to the Sub-District at the time permit application is made to the Parish. A building permit shall not be issued until the Sub-Drainage District has had an opportunity to review and make comment on the proposed plans to the Parish Engineer. All costs associated with the review of the plans by the Parish and Sub-Drainage District shall be assessed to the developer. The Parish Engineer shall have final authority on approval of the permit application. (Ord. No. 08-1862, adopted 07/03/2008)

ADMINISTRATIVE COMMENT – Site Work Permit

This ordinance is intended to establish a Site Work Permit to enable STPG Department of Planning and Development to review plans and monitor construction activities that involve paving, grading, excavation, placement of fill, etc. on non-residential sites in unincorporated St. Tammany. This permit will be required for site work activities not already being reviewed and approved as part of a building permit or subdivision work order.