

ST. TAMMANY PARISH POLICE JURY

ORDINANCE

ORDINANCE CAL. NO. 3307

ORDINANCE POLICE JURY SERIES NO. 99-3081

INTRODUCED BY: DAVIS, AND SECONDED BY: GLASS,

ON THE 18TH DAY OF MARCH, 1999.

TITLE: AN ORDINANCE TO AMEND APPENDIX B OF THE ST. TAMMANY PARISH CODE OF ORDINANCES, SUBDIVISION REGULATORY ORDINANCE NO. 499

SUBTITLE: AN ORDINANCE TO AMEND APPENDIX B OF THE ST. TAMMANY PARISH CODE OF ORDINANCES, SUBDIVISION REGULATORY ORDINANCE NO. 499, SPECIFICALLY TO CREATE A NEW SUBSECTION ENTITLED SECTION 40-037.04 - PLACEMENT OF FILL ON LOTS LESS THAN NINETY (90) FEET IN WIDTH; AND TO PROVIDE FOR REPEAL, SEVERABILITY AND DATE OF ENACTMENT.

WHEREAS, the St. Tammany Parish Police Jury is charged with protecting the health, safety and general welfare of the citizens of the parish; and

WHEREAS, flood events continually require public expenditures in the form of both flood protection efforts and flood relief activities; and

WHEREAS, flood losses can be linked to fill activities within flood hazard areas reducing the net volume of flood waters that can be safely stored without property loss; and

WHEREAS, the effects of such activities are exacerbated when fill is placed on substandard lots less than ninety (90) feet in width in such a fashion that water is displaced onto adjoining property,

WHEREAS, this ordinance shall establish the standards for the deposition of fill material and ground surface alterations on lots less than 90 feet in width where the subject lot is in a subdivision for which no approved drainage plan is part of the record.

NOW, THEREFORE BE IT ORDAINED, by the St. Tammany Parish Police Jury, in regular session convened, that it hereby amends the St. Tammany Parish Subdivision Regulations No. 499, by creating a new Subsection 40-037.04, to henceforth read as follows:

SECTION 1 - Add a new section:

"**Sec. 40-010.18.5 Roof shed area:** The area located directly underneath the roof, eaves, or other structural components of a structure or building.

SECTION 2 - Add a new section:

"**Section 40-037.043 - 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 width to prevent so that 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.

2. Flood Zone V

- a. The placement of off-site fill on any lot located within a "V" Flood Hazard Zone shall be prohibited for any purpose unless an equal volume of fill has been removed from the lot. The disposal site for any fill removed from the subject lot shall be located within a "C" Flood Zone. There shall be no net change in the average elevation of the natural grade.
- b. Fill excavated from the lot may be relocated within the boundaries of the lot within the parameters established in these regulations, provided that there shall be no net change in the average elevation of the natural grade.
- c. Off-site fill shall be limited to the roof-shed area of a lot's proposed primary structure.
- d. A concrete slab shall be permitted under the primary structure provided that the finished surface of the slab does not exceed an average of 24" above natural ground grade.
- e. Construction shall be accomplished using pier or piling construction according to applicable building codes.
- f. Site improvements (structures, driveways, roadways, etc.) shall not impede natural drainage pathways or parish drainage easements.

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.

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 filled 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 than 90 feet in 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."

REPEAL:

All ordinances or parts of ordinances in conflict herewith are hereby and henceforth repealed.

SEVERABILITY:

If any provision of this ordinance is held to be invalid, such invalidity shall not effect other provisions within this ordinance, which can be given effect without the invalid provisions, and to this end, the provisions of this ordinance are hereby declared to be severable.

DATE OF ENACTMENT:

This ordinance shall become effective and be deemed enacted ten (10) days after publication in the official journal pursuant to LA. R.S. 33:1366.

MOVED FOR ADOPTION BY: PEPPERMAN, AND SECONDED BY: BAGERT

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


YEAS: GLASS, WILLIE, THOMPSON, GRIFFIN, HARWELL, SINGLETARY,
GLOCKNER, DOHERTY, BAGERT, PEPPERMAN, AND STEFANCIK (11)

NAYS: (0)

ABSTAIN: (0)

ABSENT: DAVIS, THOMAS, AND SMITH (3)

AND THIS ORDINANCE WAS DECLARED DULY ADOPTED ON THE 17TH DAY OF
JUNE, 1999; AND BECOMES ORDINANCE POLICE JURY SERIES NO. 99-3081.



STEVE STEFANCIK, PRESIDENT
ST. TAMMANY PARISH POLICE JURY

ATTEST:



DIANE HUESCHEN, SECRETARY
ST. TAMMANY PARISH POLICE JURY

DATE PUBLISHED: 7/1/99