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INTRODUCED BY Wright
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ADOPTION INTRODUCTION

CITY OF COVINGTON
STATE OF LOUISIANA

ORDINANCE NUMBER 2017-25

AN ORDINANCE OF THE CITY OF COVINGTON AMENDING THE FOLLOWING PROVISIONS OF THE COVINGTON CODE OF ORDINANCES: CHAPTER 18 BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV. FILL REGULATIONS

WHEREAS, certain amendments have been suggested to the Covington Code of Ordinances, Chapter 18 Buildings and Building Regulations, regarding fill regulations; and

WHEREAS, the Covington City Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and

WHEREAS, the City Council has held its public hearing in accordance with law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Covington, at its regular session convened, that Chapter 18 Buildings and Building Regulations, Article IV. Fill Regulations, shall be amended to read as follows:

ARTICLE IV. - FILL REGULATIONS

Sec. 18-151. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Earth-disturbing activity means any action that removes or disturbs existing vegetation, grade or drainage feature of a site, such as: Clearing, grubbing, grading, filling or the like.

Existing grade means the natural elevation of land prior to any manmade changes or prior to a proposed change in grade.

Fill means any material including, but not limited to, dirt and concrete that is placed above natural grade beneath a structure.

Finished grade means the final grade of foundations or slabs of any structure, deck, patio, walkway, street, road, drive, lawn, swale, drainage way, open area or paved area when all site development is complete, as designated by contours and spot elevations.

Grade means the height of a surface relative to a fixed height such as mean sea level (MSL).

Floodplain means the area that is occupied with water in a 100-year storm event.

Landscape material means material composed of decomposed plant matter or composted manure (humus) and coarse or mason's sand (sand not to exceed 20 percent of the mixture), leaf or bark and the like.

Natural drainage channel means the area within a river, creek, or drainage path from a point five feet outside the top of bank to the corresponding point on the other side of the channel.

Natural grade means the existing elevation of land prior to any manmade changes or prior to a proposed change in grade.

Natural ground grade means the natural elevation of land prior to any manmade changes or prior to a proposed change in grade.

Ordinary water mark means that mark on lakes, rivers and streams that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

Roof line and/or soffit area means a line completely surrounding a structure that is perpendicular to the furthest horizontal projection of the roof at all points around the structure.

Sec. 18-152. Fill placement requirements for all zoning districts and flood zones.

(a) No structure or land shall, from the date of enactment of the ordinance from which this article is derived, be constructed, altered or its use changed without compliance with this article. Where this document is in conflict with any other ordinance or compliance requirement, the more stringent requirements shall prevail.

(b) All building permit applications shall include a survey detailing the existing, pre-construction natural and manmade drainage features located on the parcel in question. This application shall also include a site plan detailing all proposed drainage and site improvements.

(c) Sediment retention barriers that comply with the environmental protection agency's best management practices for the elimination of sediment runoff shall be required to reduce erosion into drainage ways and minimize required public maintenance of essential drainage features.

(d) Access roadways and other site improvements including all buildings, driveways, roadways, play structures, swimming pools, landscape features and the like shall not impede natural drainage pathways or city drainage easements.

(e) All fill or excavation activities within jurisdictional wetlands, scenic streams and tributaries shall receive necessary authorization from the U.S. Army Corps of Engineers, Wildlife and Fisheries and all other applicable local, state, or federal agencies before commencing construction.

(f) No fill shall be placed outside of the roof line and/or soffit area of the principal building or accessory structure(s) except as provided in Section 18-152 and Section 18-153.

(g) No mechanical equipment or appliances servicing a structure shall be allowed within a required side yard setback.

Sec. 18-153. Criteria for fill placement for all zoning districts and flood zones.

(a) *Generally.* The placement of fill on any parcel in the city shall be permitted only when a development plan has been submitted and approved by the building ~~inspector~~ official or city engineer. A building permit is required for the placement of fill on any parcel in the city.

(b) *Slope; extension of fill.* Fill for foundations, slabs, parking, drives, accessory structures, playground equipment and all other improvements that require fill material shall taper from the edge of the improvement at a slope of three horizontal feet for every one

vertical foot (3:1). In any case, this fill material shall not extend out from any improvement or foundation more than three feet.

(c) *Fill for site improvements exceeding 12 inches above natural grade.* Fill for any site improvements exceeding an average of 12 inches above natural ground grade shall be retained in a fully enclosed retaining wall system so as not to allow spillage onto the remainder of the site. Backfilling for foundations shall taper from the foundation edge at a slope of three horizontal feet for every one vertical foot (3:1). In any case, this fill material shall not extend out from any improvement or foundation more than three feet nor extend into any required side yard setback.

~~(d) *Schools and institutional uses.* Schools and other institutional uses shall be required to submit a drainage site plan for review by the planning commission in connection with the applicable performance standards, site plan review sections of appendix B, zoning, when fill is to be used. All attempts shall be made to minimize the amount of fill placed on the ground for all improvements, including buildings, walks, drives, parking, recreation fields and the like. All schools and other institutional uses shall be required to provide detention systems for a 25-year storm occurrence for all new construction, additions or expansions. Detention systems must comply with [chapter 18], appendix A, [Subdivisions], sections 3.8, Storm drainage and 3.807, Drainage plan.~~

~~(e)~~ (d) *Site improvements.* Access roadways and other site improvements including buildings, driveways, roadways, parking areas, accessory buildings and the like shall not encroach upon natural drainage pathways or city drainage easements. Where improvements such as drives, and parking areas cross natural drainage ways, sufficient culverts must be utilized.

~~(f)~~ (e) *Natural drainage channels.* Natural drainage channels shall not be altered, realigned, or encroached upon with fill material except where to do so would improve drainage in the city in the opinion of the city engineer.

~~(g) *Handicapped access.* All handicapped access to structures shall provide access to structures, drives and walks at a slope according to accepted ADA standards.~~

~~(h)~~ (f) *Landscape improvements.* Soil material for landscape ~~and~~ bedding improvements shall be limited to a material composed of decomposed plant matter or composted manure (humus) and coarse or mason's sand (sand not to exceed 20 percent of the mixture), leaf or bark and the like. ~~Soil material for lawn area and bedding improvements shall be limited to an amount necessary to provide positive drainage to natural swales and existing drainage ways and shall be of a depth that will not injure existing trees on site. Red clay or other fill material is not acceptable landscape material. Yard grading shall be performed according to a plan approved by the building department as part of the building permit.~~

~~Soil material for landscape and bedding improvements shall not exceed six inches in depth at any location without prior approval from the building official or city engineer.~~ Landscape material for lawn areas shall be limited to an amount necessary to provide positive drainage to natural swales and existing drainage ways and shall be of a depth that will not injure existing trees on site. Red clay or other fill material is not acceptable landscape material.

(g) Accessory uses. Fill for accessory uses, such as detached garages, detached carports, swimming pools, patios, decks, walks, playhouses, playground equipment, storage buildings, sheds, basketball courts, dog kennels, and the like, shall be limited to six inches above natural grade.

(h) Parking, drives, access ways for commercial or institutional uses. Fill for parking, drives, access ways and the like shall not exceed six inches above natural ground grade.

~~(i)~~ Sec. 18-154. *Flood zones A, A1-A30 and AE.* The following criteria shall apply in flood zones A, A1-A30, and AE:

~~(1) *Residential, institutional and commercial construction.*~~

~~a. *Building improvements.* Fill for any primary residence, apartment, pool house, swimming pool or other building improvement shall not exceed an average of 12 inches above natural ground grade unless the following conditions can be met as approved by the city engineer:~~

~~1. The overall amount of excavation within the floodplain or lot exceeds the amount of fill.~~

~~2. The action must not result in a decrease in the hydraulic efficiency of the natural drainage when subjected to a 50- and 100-year flood.~~

~~3. The amount of cross sectional area within the floodplain is not altered by more than ten percent.~~

~~4. Other requirements/prohibitions of this section are not violated.~~

~~5. Additional plantings/erosion control methods may be required at the discretion of the building inspector or city engineer.~~

a. Fill for site improvements exceeding 12 inches above natural grade. Fill for any site improvements exceeding 12 inches above natural ground grade shall be retained in a fully enclosed retaining wall system within the roof line and/or soffit area of the principal structure so as not to allow spillage onto the remainder of the site. Backfilling for foundations shall taper from the foundation edge at a slope of three horizontal feet for every one vertical foot (3:1). In any case, this fill material shall not extend out from any improvement or foundation more than three feet nor extend into any required side yard setback.

b. *Driveways.* Fill for driveways shall not exceed ~~an average of~~ six inches above ~~average~~ natural ground grade except where connecting to a part of the foundation for the ~~main residence,~~ attached carport~~,~~ or attached garage and requires a slope that meets accepted engineering standards. ~~All driveways shall be comprised of gravel, limestone, crushed shell or paved material.~~

c. *Accessory uses.* Fill for accessory uses, such as detached garages, detached carports, swimming pools, patios, decks walks, playhouses, playground equipment, storage buildings, sheds, basketball courts, dog kennels and the like, shall be limited to ~~an average of~~ six inches above natural grade.

d. *Parking, drives, access ways for commercial or institutional uses.* Fill for parking, drives, access ways and the like shall not exceed ~~an average of~~ six inches above natural ground grade. ~~except where connecting to a part of the foundation for the main structure requires a slope that meets accepted engineering standards.~~

~~(j) *Flood zone X.* The following criteria shall apply in flood zone X:~~

~~(1) *Residential construction.*~~

~~a. *Building improvements.* Fill for any building improvement, such as the primary residence, garage, apartment, pool house, swimming pool or other building improvement, exceeding an average of 12 inches above natural ground grade shall be retained in a fully enclosed retaining wall system so as not to allow spillage of fill material onto the remainder of the site.~~

~~b. *Driveways.* Fill for driveways shall not exceed an average of six inches above natural ground grade except where connecting to a part of the foundation for the main residence, carport, or garage requires a slope that meets accepted engineering standards.~~

~~c. *Accessory uses.* Fill for accessory uses such as, patios, decks, walks, playhouses, playground equipment, storage buildings, sheds, basketball courts, dog kennels and the like shall be limited to an average of six inches above natural grade.~~

~~(2) *Commercial and institutional construction.*~~

~~a. *Building improvement.* Fill for any building improvements exceeding an average of 12 inches above natural ground grade shall be retained in a fully enclosed retaining wall system so as not to allow spillage of fill material onto the remainder of the site.~~

~~b. *Parking, drives, access ways.* Fill for parking, drives, access ways and the like shall not exceed an average of 12 inches above natural ground grade except where connecting to a part of the foundation for the main structure requires a slope that meets accepted engineering standards. However, fill for parking, drives, access ways and the like constructed in conjunction with any structure in excess of 250,000 square feet shall not exceed an average of 30 inches above natural ground grade.~~

~~(k)~~ Sec. 18-155. *Erosion and sediment controls for construction activities.* Erosion and sediment controls for construction activities shall be as follows:

(1) *Developments exceeding one acre.* Developments of one acre or greater are required to install and maintain erosion and sediment controls for construction activities. A stormwater pollution prevention plan, prepared by a state licensed civil engineer, shall be submitted and approved by the building permit department prior to the issuance of a clearing, filling, building permit or other permit for the development of land. The

stormwater pollution prevention plan shall indicate the erosion and sediment control measures to be utilized to prevent sediment from leaving the construction site. Erosion and sediment control measures shall be implemented on the site prior to the commencement of earth disturbing activities, and shall be inspected and maintained after each rainfall of one-half-inch or greater or at least once a week. Additional erosion and sediment control measures may be required by the city, if on-site inspections so determine.

(2) *Copy of stormwater pollution prevention plan to be kept on construction site.* A copy of the stormwater pollution prevention plan must be kept on the construction site at all times and shall include:

a. A site description;
b. Nature of the activity;
c. Total acreage;
d. A site map showing: drainage patterns, approximate slopes after grading, areas of soil disturbance and non-disturbance, erosion and sediment controls, surface water (ponds, ditches or channels) and drainage discharge locations or outfalls;
e. A written description of the stormwater pollution plan;
f. Erosion and sediment control measure implementation and maintenance plan, with names of individuals performing such plan;
g. A schedule and record of required inspections on the site; and
h. A certification of compliance, signed by the contractor and subcontractors, prior to the commencement of work.

~~(1)~~ Sec. 18-156. *Bulkhead construction.* Bulkheads shall be constructed no farther into a lake, river or stream than the ordinary water mark. Fill for bulkheads shall be limited to that which is necessary to fill between the bulkhead and the natural bank while maintaining positive drainage to the water body. Bulkheads shall be limited to a maximum height of 32 inches and designed so as not to impede positive drainage of the site and adjoining properties. In special cases, the city engineer may determine those sites where greater height shall be permitted, based upon existing bank elevation at the water line.

BE IT FURTHER ORDAINED that all other sections of Chapter 18 Buildings and Building Regulations shall remain the same and in full force.

BE IT FURTHER ORDAINED that 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.

WHEREUPON, this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana, was then submitted to an official vote as a whole, the vote thereon being as follows:

MOVED FOR ADOPTION by Wright, seconded by Rolling.

YEAS: 7 **ABSENT:** 0

NAYS: 0 **ABSTAIN:** 0

PASSED AND ADOPTED this 14th day of November, 2017.

R.S. "SAM" O'KEEFE
COUNCIL PRESIDENT

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
COUNCIL CLERK

Presented to the Mayor on this 14th day of November, 2017, at 7:05 o'clock P.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
COUNCIL CLERK

Approved ✓ or Vetoed ___ by the Mayor on this 14th day of November, 2017.

MICHAEL B. COOPER
MAYOR

Received from the Mayor on this 14th day of November, 2017, at 7:10 o'clock P.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
COUNCIL CLERK