

ORDINANCE NO. 2015.07.27

AN ORDINANCE AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, BY ADDING A NEW ARTICLE IV, CREATING REGULATIONS ESTABLISHING LIMITATIONS ON FILL FOR NEW DEVELOPMENT; PROVIDING A PENALTY FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the City of Piney Point Village (the "City") may enact ordinances to protect the public health, safety and welfare of its residents;

WHEREAS, the City Council has determined that establishing regulations to prevent storm water from being displaced from newly developed property onto adjacent property by limiting the amount of fill allowed on newly developed property is in the best interest of the residents' public health, safety and welfare;

WHEREAS, the City Council finds it is necessary and appropriate to regulate the amount of fill allowed on such newly developed property; now therefore,

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PINEY POINT VILLAGE, STATE OF TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct and are hereby adopted.

Section 2. The Code of Ordinances of the City of Piney Point Village, Texas is hereby amended by adding a new Article IV to Chapter 34, to provide as follows:

"ARTICLE IV. – LIMITATION ON FILL FOR NEW DEVELOPMENT

Section 34-120. - Objective and Purpose of Article.

1. To prevent storm water from being displaced from newly developed property onto adjacent property by limiting the amount of fill allowed on newly developed property.
2. Development inside the 100-year flood plain will still be required to conform with the existing requirements provided for in Article II of this Chapter, establishing a zero net fill requirement for any fill in the existing 100-year flood plain.
3. It is not the intent of the ordinance to change any of the establish City drainage criteria. All applicants must meet the requirements established in this section plus the current drainage criteria established by the City.

Section 34-121. -- Definitions.

Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the meaning they have in common usage and to give this Article its most reasonable application.

- 1 *100 Year flood plain* means the area that is subject to a one percent or greater chance of flooding in any given year.
- 2 *Base flood elevation* means the elevation of the 100 year flood plain is located at.
- 3 *Structure* means any area of a walled or roofed building.
- 4 *Elevated structure* means any area of a walled or roofed building having the bottom of the lowest horizontal structure member of the floor elevated above the ground.
- 6 *Pier and beam foundation construction* means the floor of the structure is elevated above the ground, supported by a number of piers and beams, such that flood waters may raise and recede under the floor of the structure. The area under the structure should be graded such that water will not pond.

- 7 *High bank* means the edge at which the ditch, gulley, ravine, creek, bayou or swale is defined. The high bank in this ordinance shall be the high bank closest to the proposed development.

Section 34-122. – Limitation on Lot Fill for Property.

1. The height to which any point on the lot can be filled, other than the foundation, shall be limited to no more than the amount needed to create a maximum elevation equal to a one percent slope from the existing top of curb, edge of road (if no curb exists), existing high bank or property lines (which ever is closer to the development) from all sides.
2. In no case shall more than twelve inches of fill be allowed on any lot.
3. Existing elevations which are higher than the calculated elevations are not required to be cut to meet the requirements of this section. The calculation only applies to additional fill above the existing ground elevation (pre-construction elevations).
4. All fill used on property located inside the 100-year flood plain shall comply with zero net fill requirements that are established in Article III of this Chapter.

Section 34-123. – Fill on Non-Conforming Lots.

1. Fill that is added to non-confirming lots it shall comply with the rules provided for in Section 34-122 above. However, because of the limitations of size the property, an allowable height of six inches located in the middle of the property will be allowed and sloped back to the property line.

Section 34-124. – Appeal.

1. If an appeal from the requirements provided for in this Article is requested, the developer or owner's representative shall submit such appeal in writing to the City's Building Official. The developer or owner's representative shall meet with the City's Building Official and City Engineer to discuss the appeal. Each appeal will be evaluated individually. The developer or owner's representative must produce additional information that is requested to verify that the proposed improvement will not negatively affect adjacent properties. The City Engineer's and City Building Official's decision on allowable fill shall be based on all information provided.

2. The developer or owner's representative may appeal the decision of the City's Building official and City Engineer to the City Administrator. The decision of the City Administrator shall be final."

Section 3. Any person who shall violate any provision of this Section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violates any other provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 4. All ordinances and parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 5. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on first and final reading this 27th day of

July, 2015.

Lee Butler

Lee Butler, Mayor

ATTEST:

Maggie Carty

Maggie Carty, City Secretary

