

ARTICLE IV. - LIMITATION ON FILL FOR NEW DEVELOPMENT

Sec. 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 500-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 500-year flood plain.
- (3) It is not the intent of the ordinance to change any of the established city drainage criteria. All applicants must meet the requirements established in this section plus the current drainage criteria established by the city.

(Ord. No. [2015.07.27](#), § 2, 7-27-15)

Sec. 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.

100-year flood plain means the area that is subject to a one percent or greater chance of flooding in any given year.

500-year flood plain means the area that is subject to a 0.2 percent or greater chance of flooding in any given year.

Base flood elevation means the water surface elevation resulting from a 100-year (one percent chance) storm event.

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.

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

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.

Structure means any area of a walled or roofed building.

(Ord. No. [2015.07.27](#), § 2, 7-27-15)

Sec. 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 (whichever is closer to the development) from all sides. The only exceptions to this requirement are:
 - a. The building foundation
 - b. The driveway within 30-feet from the entrance to the garage, if the following requirements are met:
 - i. A curb is provided on the driveway perimeter adjacent to the property line.

- ii. The driveway must be spaced a minimum of 3-feet from the property line.
- iii. A means to drain the area between the edge of the driveway and property line shall be provided in accordance with city drainage criteria.

c. The pool decking and pool coping, if the following requirements are met:

- i. The pool decking and pool coping must be spaced a minimum of 10-feet from the nearest property line.
- ii. A means to drain the area between the edge of the pool decking/coping and property line shall be provided in accordance with city drainage criteria.

- (2) In no case shall more than 12 inches of fill be allowed on any lot other than the exceptions noted in Section 34-122 (1) above.
- (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 500-year flood plain shall comply with zero net fill requirements that are established in article III of this chapter.

(Ord. No. [2015.07.27](#), § 2, 7-27-15; Ord. No. [2021.07.26](#), § 1, 7-26-21)

Sec. 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.

(Ord. No. [2015.07.27](#), § 2, 7-27-15)

Sec. 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.

(Ord. No. [2015.07.27](#), § 2, 7-27-15)