

THE FOLLOWING ORDINANCE WAS MOVED FOR INTRODUCTION BY COUNCIL MEMBER ZUCKERMAN; SECONDED FOR INTRODUCTION BY COUNCIL MEMBER _____

ORDINANCE NO. 23-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AMENDING ORDINANCE NO. 16-09, ARTICLE 5.2.3, BUILDING CODES AND PERMITTING REQUIREMENTS OF THE COMPREHENSIVE LAND USE REGULATIONS ORDINANCE (CLURO) PERTAINING TO GRADING SUPPLEMENT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, Ordinance 16-09, established Article 5.2.3 of the Comprehensive Land Use Regulation Ordinance ("CLURO") pertaining to Grading Supplement; and

WHEREAS, it is necessary that building codes and permitting requirements be reviewed time to time to adequately reflect current practices and improvements in building within the community; and

WHEREAS, as a part of that review process, it is evident that the replacement of native soils with imported soils having a high clay content has a negative impact on permeability and contributes to a host of problems, including, but not limited to, increased surface runoff to impacts on local vegetation.

WHEREAS, as a result of the negative impacts created by high clay content in structural fill, Council deemed that Article 5.2.3 should be revised; and

NOW, THEREFORE BE IT ORDAINED that the following sections of 5.2.3 of the CLURO to be amended to read as follows:

Section 5.2.3.1 Generally

This section establishes the standards for fill, construction of buildings, foundations, driveways, parking lots and accessory structures within the Drainage Overlay District, within fill sub-areas A and B as defined below, and in the remainder of the City of Mandeville. Where there is a conflict between any requirements set forth herein and the Southern Building Code Congress International Incorporated Standard Excavation and Grading Code, as amended, the most restrictive shall govern.

1. *Allowable Fill Materials.* Only select granular material, such as locally available sand, shall be used as backfill and/or fill required to reach design grade may be used in all areas. Sand fill shall be non-plastic and free of roots, clay lumps, and other deleterious materials with no more than 10% by weight of material passing a U.S. Standard No. 200 mesh sieve. The Owner shall verify conformance to these requirements prior to transporting any fill to site, and such verification shall be provided to the City upon request."

1. *2. Applicability.* The standards shall apply to all development and redevelopment projects requiring a permit from the City of Mandeville. For purposes of fill and grading regulated by this section, the importation, excavation, removal or movement of more than four (4 cubic) yards of soil shall require a permit.

~~2. *3. Lot Grading.* Minimum top soil may be provided for landscaping and surface drainage as detailed on the Drainage Plan to be approved by the Public Works Director or City Engineer. Soil with a clay content above 30% is prohibited for this purpose. Upon determining that a development site cannot be drained by surface or subsurface drainage in accordance with the provisions of this section, the City Engineer may authorize the use of the minimum amount of non-structural fill necessary to ensure positive drainage in accordance with State law.~~

Up to 6" top soil may be provided for landscaping and surface drainage as detailed on the Drainage Plan to be approved by the Public Works Director or City Engineer. Soil with a clay content above 15% is prohibited for this purpose. Upon determining that a development site cannot be drained by surface or subsurface drainage in accordance with the provisions of this section, the City Engineer may authorize the use of the minimum amount of non-structural fill necessary meeting the requirements of 5.2.3.1.2 to ensure positive drainage in accordance with State law.

4. *Drainage Plan.* The Drainage Plan shall be prepared and stamped by a Louisiana Licensed Civil Engineer or a Louisiana Licensed Surveyor to be approved by the Public Works Director or City Engineer and include the following:

a. Building and structure(s) finished floor elevations.

b. Driveway elevations.

c. Existing and proposed site elevations which shall be shown for predevelopment and post-development conditions in sufficient detail to demonstrate that the site will drain in accordance with site and City drainage requirements during and after construction. For purposes of making this determination the Director of Public Works or the City Engineer may require additional elevation data on and adjacent to the property being developed. Temporary drainage shall be installed and evaluated following placement of form boards, but prior to the installation of underground utilities.

d. Natural drainage patterns, existing drainage outfalls, and proposed drainage features.

e. Pictures of the site at each property line shall also be submitted with the Drainage Plan. Proposed drainage patterns shall result in adequate slopes draining to the outfall(s) as approved by the Public Works Director or City Engineer. If a structure is less than two hundred square feet and is a distance of ten feet or greater from the property line, a Drainage Plan is not required. Director of Public Works or City Engineer may require additional information prior to approval.

f. Fill in Drainage Overlay District and Fill Sub-Area A shall comply with Allowable Fill Materials as defined herein.

g. Fill in Fill Sub-Area B shall comply with Allowable Fill Materials as defined herein.

5. *Hydrologic Report.* Refer to section 13.3.3.1 for hydrologic report requirements.

6. *Erosion and Sediment Controls for Construction Activities.* Refer to CLURO section 13.1.9 for Control of Erosion and Sedimentation.

7. *Final Certificate.* At completion, a final certificate from a Louisiana Licensed Civil Engineer or Louisiana Licensed Surveyor shall be furnished by the owner stating that the improvements were performed in accordance with the Drainage Plan and the CLURO, before occupancy is granted.

8. *Compliance with Civil Code.* It is the intent of these provisions to be in harmony with Civil Code Articles 646, 655 and 656, which provide that landowners may not change the natural flow of drainage such that it adversely affects neighboring properties without a comprehensive drainage plan otherwise approved by the City of Mandeville.

NOW THEREFORE, BE IT FURTHER ORDAINED that the City Council of the City of Mandeville hereby adopts and amends the provisions of this ordinance to be effective on June ____, 2023.

BE IT FURTHER ORDAINED that the Clerk of this Council be and she is hereby authorized and empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to promulgate the provisions of this ordinance.

The ordinance being submitted to a vote, the vote thereon was as follows:

AYES: 0

NAY: 0

ABSTENTIONS:0

ABSENT: 0

and the ordinance was declared adopted this __th_ day of _____, 2023.

Kristine Scherer
Clerk of Council

Rick Danielson
Council Chairman