

City of Leesville

101 W. Lee St.
Leesville, LA 71446
(337) 239-2444

ORDINANCE NO. 43 OF 2013

*An Ordinance of the City of Leesville Establishing Grading Permit
and Site Development Study Policies Within the Corporate Limits of
the City of Leesville.*

WHEREAS, in order to regulate grubbing, grading, and clearing of property within the incorporated area of the City of Leesville; preserve and enhance the city's physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees and ground cover; and ensure that the intended use of property is consistent with applicable City ordinances.

WHEREAS, to encourage site development on public and private property, including clearing, excavation, and filling in such a manner as to minimize hazards to life, health, property, and public welfare; and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil, results in the movement of earth on land or increases impervious surfaces.

WHEREAS, to minimize pollution of watercourses with nutrients, sediments, or other earthen material generated on or caused by surface runoff on or across the permit area; to protect, maintain and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with water drainage; and recognizing that proper management of water drainage will minimize damage to public and private property, reduce the effects of development on land, control stream channel erosion, reduce local flooding, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

WHEREAS, except as provided in this section, it shall be unlawful for any person to engage in a development activity prior to approval of a site plan by the planning commission detailing a clearing, grubbing, grading, and water drainage plan. Unless a development activity is exempt from the application of this section, a grading permit may not be issued unless a site plan has been approved by the planning commission as set forth in this section.

THEREFORE, BE IT ORDAINED, that unless otherwise stated, no person shall perform any clearing, excavation, or earthwork within the city without first submitting a site development plan detailing clearing, grubbing, grading, and water drainage and obtaining approval from the planning commission to commence work.

Section 1: The site plan review is applicable, but is not limited, to the following activities:

(1)Excavating, cutting, clearing, filling, grading, draining, or paving lots, parcels, or other areas;

Section 2: Developers and/or property owners shall use appropriate erosion and sedimentation control measures to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to an acceptable minimum and does not cross to an adjoining property, right-of-way, or stream.

BE IT FURTHER ORDAINED, that a site development application shall include a site sketch and site plan. The planning commission may require the submission of additional plans and studies prior to issuing a grading permit.

Section 1: A site development application shall contain the name and address and signature of the applicant, and all persons or legal entities whose ownership interest in the property equals or exceeds five percent.

Section 2: The site sketch shall contain in addition to such basic information as owner name and address, date and parcel number the following:

- (1) The actual shape, location, and dimension of the lot to be built upon;
- (2) The shape, size, and location of all existing and proposed buildings or other structures;
- (3) The location and approximate dimension of all points of access to a public street or road;
- (4) The location of all driveways and entrances; and
- (5) Locations of areas subject to flooding, if applicable.

Section 3: The site plan shall contain, at a minimum, the following items or information, as applicable:

- (1) Total land area;
- (2) Existing and proposed topography of existing land and impervious areas shown;
- (3) Elevations of all existing and proposed streets, alleys, utilities, sanitary and storm water sewers, and existing buildings and structures;
- (4) All existing and proposed impervious area;
- (5) Natural or artificial watercourses;
- (6) Limits of floodplains, if applicable;
- (7) All existing and proposed slopes, terraces, or retaining walls;
- (8) All existing and proposed stormwater drainage structures or features;
- (9) All stormwater structures/features immediately upstream and downstream of the site;
- (10) Erosion and siltation controls plans;
- (11) Drainage calculations when required; and
- (12) Drainage easement when required.

Section 4: If site, drainage, grading, and erosion plans for the purpose of obtaining a grading permit are required, they shall be submitted to the planning commission. The

Section 6: An applicant shall pay a site development plan application fee. The application fee is intended to assist the City of Leesville in recovering some of the expenses associated with the permitting process. These costs consist primarily of administration, inspection, and enforcement activities and shall be approved and set by the city council. The fee schedule for grading permits is as follows:

Areas less than or equal to one (1) acre.....\$50.00
Areas greater than one (1) acre, per additional acre.....\$15.00

BE IT FURTHER ORDAINED, that the following described activities shall not require a grading permit in order to perform clearing, excavation, or related earthwork:

- (1) If a building permit is obtained, no grading permit is required;
- (2) Utility or public works improvements;
- (3) Excavation in connection with a building, swimming pool, retaining wall, or other structure authorized by a valid building permit;
- (4) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
- (5) Septic repair and/or alteration;
- (6) Cemetery graves;
- (7) Temporary stockpiling or storing of materials provided that such operations do not affect adjacent properties and all drainage and erosion control requirements;
- (8) Accepted agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations, tree cutting, logging operations leaving the stump and root mat intact, and cultivated sod operation;
- (9) Minor landscaping and sprinkler installation. The grading permit exceptions listed above do not relieve the owner, developer, contractor, or other legal representative of the responsibility of installing and properly maintaining the proper erosion/ sedimentation control measures or other liability resulting from such activities.

THEREFORE, BE IT FURTHER ORDAINED, an application required by this section shall undergo the following review procedure:

Section 1: After submission of a proposed site development plan, the planning commission shall send notice that a development plan has been filed along with a summary of the plan to the owners of all adjacent properties.

Section 2: The planning commission shall review the plan to determine compliance with the requirements of this section.

Section 3: If a site development plan is not approved or denied within thirty (30) days after the submission of a completed plan, it shall be deemed as a denial.

Section 4: A site plan may not be considered approved until the planning commission approves the plan in writing.

THEREFORE BE IT FURTHER ORDAINED, the planning commission may require the owner(s) of the property on which the grading is proposed to occur to provide security, as a condition of the issuance of a grading permit for any grading involving property that is three (3) or more acres. Where unusual conditions or special hazards exist, the planning commission may require security for grading involving less than three (3) acres. The purpose of the security shall be to guarantee the land owner's obligation to mitigate any hazardous conditions, including flooding and geological hazards, that may be created if the grading is not completed in accordance with the approved plans and specifications, and to complete any work that the planning commission determines is necessary to bring the property into compliance.

THEREFORE, BE IT FURTHER ORDAINED, that the owner of the property upon which development activity occurs, all successors to the owner's interest to the property and any other person or agent in control of the property, shall maintain in good condition and promptly repair and restore all grade surfaces, structures, drains, and other elements as required under an approved site development plan.

Section 1: The repairs, restorations and/or maintenance shall be in accordance with an approved site plan and maintenance schedule. The obligation to repair, restore and maintain shall run with the land unless released by the city.

THEREFORE BE IT FURTHER ORDAINED, that any person may file a written request for a variance from the requirements of this section. The request shall be filed with the planning commission, which shall include all facts warranting the variance and descriptions, drawings, and any other information that is necessary to evaluate the request.

Section 1: Within ten (10) days of receipt of a variance, the planning commission shall schedule a public hearing.

Section 2: The planning commission shall provide written notice of the hearing to the applicant and owners of all adjacent properties at least ten (10) days prior to the hearing which shall include the nature of the variance, and the date, time, and place of the hearing.

Section 3: At the hearing, any party may appear in person or by agent or attorney.

Section 4: The planning commission may grant a variance from any requirement of this section if the commission finds that:

- (1) There are engineering difficulties such that strict adherence to the requirements of this section would result in undue hardship to the applicant;
- (2) The proposed variance would not be detrimental to any adjoining or nearby property, or any public right of way; and
- (3) The proposed variance would, as nearly as practical, accomplish the intent and purpose of the requirements of this section.

Section 5: The planning commission shall issue a written decision effective on the date of issuance.

THEREFORE BE IT FURTHER ORDAINED, an inspection shall be conducted after the completion of work in the following manner:

- (2) Whether construction was in compliance with the approved site development plan;
- (3) Any variations from the approved construction specifications; and
- (4) Any violations that exist.

Section 3: The applicant shall be notified in writing if violations are observed. The written notification shall describe the nature of the violation and the required corrective action.

THEREFORE BE IT FURTHER ORDAINED, that if property is used, altered, or maintained in violation of this ordinance, the City of Leesville may cause to be instituted any appropriate action or proceedings to prevent such unlawful construction or alteration or use of or other violations, to restrain, to enjoin, to correct or to prevent any such illegal act, conduct or use in or about such premises. In addition to the civil remedies, any person violating any provision this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not to exceed two hundred dollars (\$200.00) or be imprisoned for not more than thirty (30) days or both for each offense. Each day such violation continues shall constitute a separate offense. Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss, or damage incurred by the city by reason of such violation.

WHEREAS, the ordinance was introduced during a regular meeting on the 9th day of December, 2013, with no opposition noted; and

WHEREAS, the public hearing for this Ordinance was conducted on the 23rd day of December, 2013.

THEREFORE, BE IT ORDAINED, that the Leesville City Council, hereby, establishes grading permit regulations for the City of Leesville.

This Ordinance adopted by the following vote at regular meeting on the 23rd day of December, 2013.

Yeas:
Nays:
Absent:
Abstain:

C. Robert Rose, Mayor

ATTEST:

Natasha Wilkerson, City Clerk