

Sec. 115-399. - Limits on fill placed on parcels or lots.

- (a) A land use permit is required for all fill in the floodplain and the cost of such permit shall be as established by resolution.
- (b) No lot or parcel shall be filled to a height exceeding two feet three inches above the base flood elevation for those parcels located in the floodplain zoning districts.
- (c) If fill exceeds two feet above the grade of adjoining properties, the abutting property owners shall be notified in writing by the City. A land use permit is required and the permit approval is subject to a review by the City's Design Review Committee to determine if the proposed fill is contrary to the public interest and considering any impacts to the abutting property owners. For properties not located in the floodplain, no lot or parcel shall be filled to a height exceeding two feet above the grade of adjoining properties and in no case shall the final grade of the parcel allow any stormwater runoff to be directed to any adjacent or abutting lot or parcel in accordance with section 103-336(c).
- (d) The height of any retaining wall or poured wall system shall not exceed two feet above the base flood elevation and shall not be closer than three feet to a lot line on all four sides unless an affidavit signed by the abutting property owners is presented to the Department of Planning and Development and shall have the exterior side of the retaining wall be of decorative CMU or poured wall with a form that has a decorative finish and there shall be shrubs and plantings placed on all four sides of said retaining wall within the three foot setback area. Such retaining walls must also meet the existing vision clearance ordinances. Fill in the three-foot setback may be allowed to the same neighboring property grade. Fill placed inside the poured retaining wall shall be clean porous sand or other earthy material such as subsoil. All retaining walls constructed for the purpose of creating a building site for a structure or building shall be a decorative poured masonry wall or decorative CMU.
- (e) The maximum of any grade on a driveway as part of a retaining wall or poured wall system shall be eight percent.
- (f) One hundred percent of all water from roof drains, rain gutters, and spouts shall be directed to rain gardens and no stormwater runoff shall impact an abutting property and shall not be directed toward abutting private property nor shall it be directed to or across public property including sidewalks, streets or alleys in any manner unless a recorded drainage easement is recorded to allow water to be drained to a rain garden on neighboring property. Rain water may be directed to a City boulevard if said boulevard is converted to a bio-retention cell, is not directed across a sidewalk, and prior approval is given by the Board of Park Commissioners or Board of Public Works and a formal maintenance agreement is recorded on the deed of the contributing property requiring maintenance of the bio-retention cell.

(Code 1980, § 15.04(O))

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