

## **ARTICLE 14. LAND ALTERATIONS AND DISTURBANCES**

### **14.1. PURPOSE.**

The purpose of this Section is to set forth regulations governing the excavation, clearing, filling, and draining of properties within the City of Diamondhead. Because the alteration of land, particularly large areas, impacts hydrologic characteristics of most land areas, it is imperative that the activity takes into account the immediate and long-term impact of such work on adjoining and downstream properties. Specifically, the intent of these regulations is to assure that any land alteration results in a zero increase in sedimentation and stormwater volumes and rates beyond that which existed prior to alteration or disturbance.

#### *14.1.1 Clearing and Grubbing, Haul Roads, Waste Areas, Plant Sites, or Other Areas Occupied by the Contractor.*

Clearing and grubbing on erodible areas, including the construction site, or other areas occupied by the contractor in connection with the work shall include adequate protection for preventing excessive erodible material from entering water or waterways on land not occupied by the contractor and preventing dust created by hauling equipment. Temporary measures as necessary shall be employed by the contractor from the beginning of the work. These measures may consist of the expeditious use of brush, vegetation or other residue from clearing and grubbing, temporary or permanent terraces, berms, dikes, dams, sediment basins, or other effective means of containing sediment. All temporary or permanent erosion control features shall be maintained in an effective manner so long as essential to the abatement of siltation.

No development permit is required for the clearing, grubbing (as to clear by digging up by the roots) or clipping of underbrush.

#### *14.1.2 Excavation.*

No excavation of land greater than one thousand (1,000) square feet shall be made, unless and until a development permit has been secured. Excavations shall be made in an acceptable manner to the Zoning Administrator and shall be left in a presentable and acceptable condition when completed:

- A. A plot plan, drawn to scale, showing dimension of excavation, depth, slopes, distances from other property, and entrances and exits shall be submitted.
- B. Excavations shall be dug on a 3-to-1 slope.
- C. Topsoil from pits shall be dressed down on slopes and grassed to prevent erosion.
- D. Bottom of pits shall be graded in a generally level contour.
- E. Edge of slope at ground level shall be no closer than thirty-five (35) feet from any property line, nor closer than three hundred (300) feet from a public road.
- F. The maximum depth of the excavation shall be determined by the Zoning Administrator.

Upon approval, a permit for an excavation shall be issued for a one-year period and shall be reviewed and considered for additional periods of time by the Zoning Administrator/Building Official.

#### *14.1.3 Land Clearing and Drainage.*

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- A. Structures, grading, and other construction. The contractor shall perform all work in such a manner and with such protective features to control and contain siltation and dust within the limits of the work. He shall prevent or minimize undesirable siltation and dust in connection with excavation and construction.
  - B. It is the intent of these specifications that the work shall proceed in a manner and sequence to ensure the earliest possible establishment of permanent erosion control items.
  - C. Parcels of land greater than one acre: No parcel of property in excess of one acre or series of contiguous lots, the combined area of which exceeds one acre, shall be cleared prior to submitting to the Zoning Administrator a site-clearing plan. Such plans shall include, but are not limited to, access routes, proposed culvert locations, existing drainage systems on the property, plans for future drainage, and measures to address erosion control and dust. Plans of this nature may be included with and made a part of the building permit application.

Erosion and sedimentation controls shall be generally accepted best management practices and may include vegetative fences, silt screens, retention ponds, or other practices deemed appropriate by the Zoning Administrator. The Zoning Administrator may, upon determining that a previously approved erosion control plan is inadequate, issue a stop work notice to the contractor and order corrective measures sufficient to deter siltation of adjoining ditches, properties, or bayous and streams.

- D. Parcels of land greater than three (3) acres: Proposed new developments in excess of three (3) acres shall not be cleared until an overall project plan has been submitted to and approved by the Zoning Administrator. Such plans shall, in addition to the above referenced requirements, include detailed stormwater runoff control measures including retention and/or detention ponds capable of retaining both "during construction" and "post-construction" sediments and of holding a volume of stormwater equal to a 100-year storm based on south Mississippi average rainfalls for urbanized areas. The approximate value for "I" precipitation intensity in inches per hour, shall be obtained from the NOAA Website at <http://hdsc.nws.noaa.gov/hdsc/pfds/>. This website provides precipitation intensity information. Runoff shall be drained on-site to retention ponds and allowed to discharge at a rate no greater than the average discharge prior to development.

Provisions for the long-term maintenance of permanent stormwater control facilities shall be determined prior to the finalization of a project, or prior to issuance of a certificate of occupancy or approval of final plats. Spillways and discharge systems shall be constructed in accordance with accepted engineering practices and shall be maintained in good working order at all times.

- E. All temporary entrances to the site shall have limestone and/or gravel placed from the edge of the asphalt to the property line.

#### 14.1.4 Filling.

1. *Fill permit required.* Excessive filling of land may cause detrimental drainage impacts, elevated grades that are out of scale with surrounding buildings and environment, soil erosion, and other negative community impacts. To mitigate these negative effects and ensure proper stormwater management, no fill may be placed on any parcel of land for the purpose of raising its elevation without first submitting an application for and obtaining a fill permit.
2. *Application to fill land.* An application to fill land shall contain the following:
  - A) Plot plan, drawn to scale, showing the following:
    - i. Existing site topography, elevations, and drainage flow;

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- ii. Proposed site topography, elevation and drainage flow;
  - iii. Volume, type, and area of proposed fill;
  - iv. Distances from surrounding property lines and buildings.
- B) A statement expressing the purpose of the proposed fill;
  - C) Additional related information as may be requested by the Zoning Administrator/Building Official.
3. *Fill requirements.* The fill permit application shall demonstrate that the following:
- a) The least amount of fill is proposed to achieve the purposes of the operation;
  - b) Fill shall not encroach into any designated draining easements adjacent to side and rear lot lines;
  - c) Fill shall not encroach into any designated side and rear yard setbacks;
  - d) Fill shall not cause negative impacts to surrounding property.
4. An application to fill land shall be evaluated by the Zoning Administrator/Building Official for compliance with this section. The Zoning Administrator/Building Official shall either approve, approve with modifications, or deny the fill permit application.

( Res. No. 2021-054 , 7-20-2021; Res. No. 2021-086 , 12-21-2021)