

Lafayette Municipal Code Ordinance No. 512

Article 5. Creek Setback Requirements

6-1842

Exception.

- (a) The city engineer may approve exceptions to the requirements of Section 6-1841 to allow construction of structures within the setback area if:
 - (1) The submitted materials under Section 6-1842(c) are complete and adequate; and
 - (2) The property owner agrees to enter into and record an agreement holding the city and other public agencies harmless in the event of flood or erosion damage. The agreement shall bind successors in interest and be in a form acceptable to the city attorney.
- (b) In approving an exception, the city engineer may impose conditions deemed necessary for creekside erosion protection and on-site drainage.
- (c) A person requesting an exception under this section shall submit to the city engineer:
 - (1) A topographical survey of the lot precisely showing the creek bottom, sides, top of bank and proposed and existing structures;
 - (2) A soils report prepared by a licensed civil engineer specializing in soils analysis which describes the soils condition for the proposed structure and analyzes and makes recommendations as to the creek bank stability and erosion hazard; and
 - (3) Certification signed by the engineer who prepares the soils report that in the professional opinion of the engineer there is no likelihood of a hazard to persons or property resulting from the proposed construction.
- (d) The decision of the city engineer may be appealed in to the city council as provided in Section 6-1852(b).

(Ord. 512 § 1 (Appx. A (part)), 2000)