

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6852

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: BINDER/COOPER

PROVIDED BY: PLANNING DEVELOPMENT

INTRODUCED BY: MR. LORINO

SECONDED BY: MR. TOLEDANO

ON THE 6 DAY OF JANUARY , 2022

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCE PART II CHAPTER CHAPTER 105 BUILDINGS AND CONSTRUCTION, 115 DRAINAGE AND FLOOD CONTROL, AND CHAPTER 125 SUBDIVISION REGULATIONS.

WHEREAS, to increase the resiliency of communities, FEMA is working to ensure homes are built better to withstand natural flood disasters by requiring mandatory Freeboard in FEMA-designated Special Flood Hazard Areas (SFHA). Freeboard is a margin of safety added to the base flood elevation (BFE); and

WHEREAS, all FEMA CRS Class 8 communities and better must adopt and enforce at least a 1-foot freeboard requirement (BFE + 1') for all residential buildings constructed throughout their FEMA-designated SFHA, including machinery & equipment (M/E) and replacement of mobile homes. This is consistent with the 2015 and 2018 International Residential Codes; and

WHEREAS, to comply with FEMA CRS requirements, St. Tammany Parish is proposing a Freeboard of BFE + 1' for all buildings in FEMA-designated SFHAs and Parish-designated Critical Drainage Areas. St. Tammany Parish already requires Freeboard of 1' above the crown of the road in Flood Zones B & C; and

WHEREAS, the St. Tammany Parish Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of the parish.

THE PARISH OF ST. TAMMANY ORDAINS: that St. Tammany Parish Section 105. Buildings and Construction be amended as follows:

Amend Sec. 105-3:

**Sec. 105-3. Purpose; uniform construction code adopted.**

(a) The administration and enforcement of any construction which occurs, or which is to occur, in the unincorporated portion of St. Tammany Parish shall be at all times subject to the provisions of the Louisiana State Uniform Construction Code. The following is adopted by reference and made a part hereof:

(1) The Louisiana State Uniform Construction Code, which is provided for in R.S. 40:1730.21 through 40:1730.40, and which may be amended from time to time.

(2) Sec. 115 of St. Tammany Parish Code of Ordinances.

THE PARISH OF ST. TAMMANY FURTHER ORDAINS: that St. Tammany Parish Section 115 Drainage and Flood Control be amended as follows:

Amend Sec. 115-31. Definitions to amend definition of water surface elevation:

**Sec. 115-31. Definitions.**

Water surface elevation means the height, in relation to the North American Vertical Datum NAVD 88 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Amend Sec. 115-33:

**Sec. 115-33. Basis for establishing the areas of special flood hazard.**

~~(a) The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Parish shall use to establish areas of special flood hazards, tools provided by the Federal Emergency Management Agency (FEMA), including but not limited to the "Flood Insurance Study for St. Tammany Parish, Louisiana (Unincorporated Areas)" dated October 17, 1989, with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM), as they may be amended from time to time by FEMA. The subsequent amendments made by FEMA to the rate maps and Flood Boundary Floodway Maps and or Flood Insurance Studies and Reports shall be automatically assimilated and made part of this article without further promulgation or documentation.~~

(b) St. Tammany Parish Ordinance Calendar No. 368, Ordinance Police Jury Series 85-341 provides for the requirement that all habitable floor elevations located within flood zones designated A0, AH, A-1 through A-30 on the parish's FIRM, within the specific area defined by Ordinance Calendar No. 368, be one foot above the 100-year base flood elevation.

Amend Sec. 115-72:

**Sec. 115-72. Variance procedures.**

~~(a) The appeal board as established by the parish council shall hear and render judgment on requests for variances from the requirements of this article.~~

(a) The Board of Adjustments shall hear and render judgment on an appeal only when it is alleged there is an error in any, decision or determination made by the Floodplain Administrator in the enforcement or administration of this article.

(b) Any person or persons aggrieved by the decision of the ~~appeal board~~ Board of Adjustments may appeal such decision in a court of competent jurisdiction within 30 days of written determination from the Board of Adjustments.

(c) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.

(d) The floodplain administrator shall maintain a record of all actions involving an appeal or variance and shall report variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acres or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 115-71(b) having been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of section 115-29.

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(j) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- (1) The criteria outlined in section 115-71(b)(1)&mdash;(9) are met; and
- (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Amend Sec. 115-105:

**Sec. 115-105. General standards.**

(a) In all areas of special flood hazards the following provisions are required:

(1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

~~(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~ All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located a minimum of twelve inches (12") or one foot (1') above the Base Flood Elevation; or 12 inches above the centerline of the street or top of curb fronting the home, whichever is greater;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Amend Sec. 115-106. - Specific standards. Specifically, subsections 115-106(a), 115-106(d), and 115-106(e):

**Sec. 115-106 (a).**

(a) *Residential construction.* New construction and substantial improvements of any residential structure shall have the lowest floor (including basement) elevated to a minimum of twelve inches (12") or one foot (1') above the base flood elevation; or 12 inches above the centerline of the street or top of curb fronting the home, whichever is greater. A registered professional engineer or land surveyor shall submit a certificate of elevation, documented on the Federal Emergency Management Agency Form 81-31 or subsequent agency form, indicating that the standards of this subsection and as per section 115-71 have been satisfactorily met.

**Sec. 115-106 (d).**

(d) *Manufactured homes.*

(1) Require that all manufactured homes, including in existing mobile home parks, to be placed within any flood zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(2) All manufactured homes shall be in compliance with subsection (a) of this section.

(3) Require that all manufactured homes to be placed or substantially improved within zones A0, A1-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the

lowest point of the lowest horizontal structural member of the manufactured home is at a minimum of twelve inches (12") or one foot (1') above the base flood elevation, or 12 inches (12") or one foot (1') above the centerline of the street or top of curb fronting the home, whichever is greater; and be securely anchored to an adequately anchored foundation system in accordance with the provision of this subsection (d).

**Sec. 115-106 (e).**

*(e) Low cost small accessory structures.*

(1) The construction of accessory structures in flood zones designated "A" must satisfy the following standards:

a. May be constructed with the floor below the design flood elevation (DFE). The DFE is a minimum of 12 inches or 1 foot above the base flood elevation (BFE); or 12 inches above the centerline of the street or top of curb fronting the home, whichever is greater; or the advisory base flood elevation (ABFE) for the site plus freeboard, if required by the Parish's Flood Hazard Prevention Ordinances.

b. Shall be anchored to resist flotation, collapse, and lateral movement.

c. Portions of structure located below the DEF shall be constructed of flood-resistant materials.

d. Shall be designed for the automatic entry and exit of flood waters.

e. Mechanical and utility equipment must be elevated or flood-proofed to or above the DFE.

f. Shall comply with the floodway encroachment provisions of the NFIP regulations.

g. Use shall be limited to parking and/or limited storage.

h. Structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom facilities).

i. Structure cannot be modified for a different use after permitting

(2) Unless elevated on piles or columns, accessory structures V Zones are limited to low cost, small structures, such as metal, plastic or wooden sheds that are "disposable." They shall be less than or equal to 100 square feet in size, and not more than \$ 1,000.00 in value. If constructed, fill cannot be used for structural support and the areas below the ~~BFE~~ DFE must remain free of obstruction or be constructed with non-supporting breakaway walls, open latticework, or insect screening. All accessory structures are to be located so as not to cause damage to adjacent and nearby structures.

Amend Sec. 115-107:

**Sec. 115-107. Standards for subdivision proposals.**

(a) All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with Sections 115-28, 115-29, 115-30 and 115-106(d).

(b) All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet development permit requirements of Section 115-34, Section 115-71, and the provisions of division 3 of this article.

(c) Base flood elevation data shall be granted for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to Section 115-33, Section 115-70(8) or Section 115-106(d).

(d) All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Amend Sec. 115-109:

**Sec. 115-109. Coastal high-hazard areas.**

Located within the areas of special flood hazard established in section 115-33, are areas designated as coastal high hazard areas (zones V1-30, VE and/or V). These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in this article, the following provisions must also apply:

(1) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new substantially improved structures, and

whether or not such structures contain a basement. The floodplain administrator shall maintain a record of all such information.

(2) All new construction shall be located landward of the reach of mean high tide.

(3) All new construction and substantial improvements shall be elevated on pilings and columns so that:

a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to a minimum of 12 inches or 1 foot above the base flood level;

b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval);

c. A registered professional engineer or architect shall develop or review the structural design, specification and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this subsection (3).

(4) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system.

(5) For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten pounds and not more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

1. If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access or storage. Such space shall not be used for human habitation.

2. Prohibit the use of fill for structural support of buildings.

3. Prohibit manmade alteration of sand dunes and mangrove stands which would increase potential flood damage.

4. Any alteration, repair, reconstruction or improvements to a structure started after the enactment of the ordinance from which this article is derived shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in division 3 of this article.

5. Prior to construction, plans for any structure that will have breakaway walls must be submitted to the floodplain administrator for approval.

THE PARISH OF ST. TAMMANY FURTHER ORDAINS: that St. Tammany Parish Section 125 Subdivision Regulations be amended as follows:

Amend Sec. 125-93 (c):

**Sec. 125-93. Placement of fill on lots more than 90 feet in width for which no drainage plan exists.**

(c) *Flood Zones A1-A30 and Flood Zone V.*

Amend Sec. 125-214:

**Sec. 125-214. Parish enforced subdivision restrictions and/or covenants.**

In order to protect the health, safety and general welfare of the owners of property within parish approved subdivisions, the following covenants will run with each deed or title and will be listed at the

top right hand corner of the final subdivision plat. The following restrictions shall be enforceable by the parish planning commission:

(1) No certificate of occupancy shall be issued before the sewerage and water systems are installed and operable or otherwise connected to a community (central) sewerage and/or water systems, all as approved by the department of environmental services of the parish. Whenever a subdivision is served by a community (central) water system (supply), no private water supply may be drilled or otherwise constructed on any lot for the purpose of supplying potable water to any building or structure, except for the purpose of irrigation, and in no event shall there be a physical connection between any such source and any element of the community (central) water system (supply).

(2) Construction of any nature is prohibited in parish drainage or street easement.

(3) Lots may not be used for the storage of trash or junk vehicles.

(4) The minimum finished floor elevation required in areas subject to periodic inundation (all flood zones A and V) shall be indicated.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3 DAY OF FEBRUARY, 2022; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
KATRINA L. BUCKLEY, COUNCIL CLERK

\_\_\_\_\_  
MICHAEL B. COOPER, PARISH PRESIDENT

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Returned to Council Clerk: \_\_\_\_\_, 2022 at \_\_\_\_\_