

---

# **TERREBONNE PARISH COUNCIL**

## **COMMUNITY DEVELOPMENT AND PLANNING COMMITTEE**

**Mr. Steve Trosclair**  
**Mr. Scotty Dryden**      **Chairman**  
**Mr. John Navy**        **Vice-Chairman**  
**Ms. Arlanda Williams** **Member**  
**Mr. Gerald Michel**    **Member**  
**Ms. Christa Duplantis-****Member**  
**Prather**                **Member**  
**Mr. Darrin W. Guidry,** **Member**  
**Sr.**                      **Member**  
**Mr. Al Marmande**      **Member**  
**Mr. Dirk Guidry**



In accordance with the Americans with Disabilities Act, if you need special assistance, please contact Venita H. Chauvin, Council Clerk, at (985) 873-6519 describing the assistance that is necessary.

### **AGENDA**

November 27, 2017  
5:35 PM

Parish Council Meeting Room

---

**NOTICE TO THE PUBLIC:** If you wish to address the Council, please complete the "Public Wishing to Address the Council" form located on either end of the counter and give it to either the Chairman or the Council Clerk prior to the beginning of the meeting. Individuals addressing the council should be respectful of others in their choice of words and actions. Thank you.

**ALL CELL PHONES, PAGERS AND ELECTRONIC DEVICES USED FOR COMMUNICATION SHOULD BE SILENCED FOR THE DURATION OF THE MEETING**

**CALL MEETING TO ORDER**

**ROLL CALL**

1. **RESOLUTION:** Authorizing the Parish President to execute a Cooperative Endeavor Use And Management Agreement between the Terrebonne Parish Consolidated Government and the Pointe Au Chien Indian Tribe.
2. **RESOLUTION:** Calling a public hearing on December 13, 2017 at 6:30 p.m. regarding the intent of the Parish to Amend the Flood Damage Prevention Ordinance. The amendment is intended to clarify changes already accepted by Council to make them more accessible to the residents and outside entities. For example, the Parish adopted the Advisory Base Flood Elevation as the regulatory standard for the Parish in 2006. That change was not incorporated clearly into the Flood Damage Prevention Ordinance, which has caused confusion when applying for insurance benefits for residents.
3. Adjourn

Category Number:  
Item Number: 1.



Monday, November 27, 2017

---

**Item Title:**

CEA with Pointe Au Chien Indian Tribe

**Item Summary:**

RESOLUTION: Authorizing the Parish President to execute a Cooperative Endeavor Use And Management Agreement between the Terrebonne Parish Consolidated Government and the Pointe Au Chien Indian Tribe.

---

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Executive Summary	11/21/2017	Executive Summary
Memo	11/21/2017	Cover Memo
Resolution	11/21/2017	Resolution



## EXECUTIVE SUMMARY

(REQUIRED FOR ALL SUBMISSIONS)

PROJECT TITLE
A resolution to authorize the Parish President to enter into an appropriate agreement with the Pointe Au Chien Indian Tribe to oversee the Good Earth Community Garden.

PROJECT SUMMARY (200 WORDS OR LESS)
The Good Earth Community Garden is a recreation project approved by the Council for operation on HMGP property that the Parish owns and must maintain in open space. The Pointe au Chien Indian Tribe has offered to manage, maintain, and insure the site. The resolution authorizes the president to enter into a Cooperative Endeavor Agreement or other agreement as appropriate contingent on the approval of the legal department.

PROJECT PURPOSE & BENEFITS (150 WORDS OR LESS)
The property will be maintained and insured by the Tribe for a period of at least three years saving the Parish the cost of maintenance and providing the community with recreation and healthy food options.

TOTAL EXPENDITURE		
N/A		
AMOUNT SHOWN ABOVE IS: (CIRCLE ONE)		
ACTUAL – N/A		ESTIMATED
IS PROJECTALREADY BUDGETED: (CIRCLE ONE)		
<u>N/A</u>	NO	YES
		IF YES AMOUNT BUDGETED:

COUNCIL DISTRICT(S) IMPACTED (CIRCLE ONE)									
<u>PARISHWIDE</u>	1	2	3	4	5	6	7	8	9

Chris Pulaski

Signature

11/21/17

Date

November 21, 2017

MEMO TO: Gordon E. Dove  
Parish President

FROM: Chris Pulaski, Director  
Planning and Zoning Department

SUBJECT: Request for Agenda Item for the CDBG Committee November 27<sup>th</sup>, and Council Agenda  
November 29<sup>th</sup>.  
CEA with the Pointe au Chien Indian Tribe for the Community Garden

---

Attached is the resolution authorizing the president to enter into a CEA or other agreement with the PACIT to manage, maintain, and insure the community garden in Montegut. The Good Earth Community Garden is a recreation project approved by the Council for operation on HMGP property that the Parish owns and must maintain in open space. The Pointe au Chien Indian Tribe has offered to manage, maintain, and insure the site. The resolution authorizes the president to enter into a Cooperative Endeavor Agreement or other agreement as appropriate contingent on the approval of the legal department. Should you have any questions or require additional information, please contact me at extension 6569.

Thanks,  
Chris

**OFFERED BY:**

**SECONDED BY:**

**RESOLUTION NO. 17-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE PARISH  
PRESIDENT TO EXECUTE A COOPERATIVE  
ENDEAVOR USE AND MANAGEMENT AGREEMENT  
BETWEEN THE TERREBONNE PARISH  
CONSOLIDATED GOVERNMENT AND THE POINTE  
AU CHIEN INDIAN TRIBE**

WHEREAS, Article VII, Section 14 of the Louisiana Constitution provides that “[F]or a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation or individual; and

WHEREAS, Louisiana revised statute 33:1236 (11)(a)(x) and (xx) provide that parish governing authorities shall have the power to provide for neighborhood organization and improvement programs and provide for agricultural assistance in rural areas, respectively;

WHEREAS, Louisiana Revised Statute 33:4553 further provides that a governing body may by resolution or ordinance maintain and conduct recreation facilities and activities;

WHEREAS, Section 21-33 of the Terrebonne Parish Code of Ordinances includes a list of recreational facilities adopted by ordinance by this Council, including properties situated at 109, 111, 112, and 113 Kennedy St., Montegut, LA 70377, all properties which are the subject of this resolution;

WHEREAS, Keep Terrebonne Beautiful, a local nonprofit group, has obtained funding for the development of a community garden at the properties listed above;

WHEREAS, Keep Terrebonne Beautiful has requested, and The Pointe Au Chien Indian Tribe (hereinafter “Tribe”) has agreed to, maintain these properties as a community garden, consistent with the grant received by Keep Terrebonne Beautiful;

WHEREAS, the Terrebonne Parish Consolidated Government wishes to enter into a cooperative endeavor agreement with the Tribe for the maintenance and use of these properties as a community garden, and, in consideration thereof, the Indian tribe has agreed to maintain proper insurance for the properties and operate the garden with and for the community;

WHEREAS, the Terrebonne Parish Council finds that this cooperative endeavor with the Tribe will provide recreational opportunities, neighborhood organization and improvement

programs, and agricultural assistance in the rural area of Montegut, which will provide a public benefit to the citizens of this parish;

WHEREAS, the Terrebonne Parish Council further finds that any expenditure of public funds under the agreement, when taken as a whole, is not gratuitous, and the public stands to benefit from the agreement in an amount which meets or exceeds the expenditure of any public funds; and

**NOW, THEREFORE, BE IT RESOLVED** by the Terrebonne Parish Council on behalf of the Terrebonne Parish Consolidated Government, that the Parish President, Gordon E. Dove, be and is hereby authorized to execute a cooperative endeavor use and management agreement by and between Terrebonne Parish Consolidated Government and The Pointe Au Chien Indian Tribe, subject to review and approval by the legal departments; and,

**BE IT FURTHER RESOLVED** that if any provision or item of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Resolution which can be given effect within the invalid provisions, items or applications and to this end the provisions of this Resolution are hereby declared severable.

**THERE WAS RECORDED:**

**YEAS:**

**NAYS:**

**ABSTAINING:**

**ABSENT:**

The Chairman declares the Resolution adopted on this \_\_\_\_ day of \_\_\_\_, 2017.

I, VENITA H. CHAUVIN, Clerk of the Terrebonne Parish Council, do hereby certify that this foregoing is a true and correct copy of a Resolution adopted by the Public Services Committee on \_\_\_\_, 2017, and subsequently ratified by the Assembled Council in Regular Session on \_\_\_\_, 2017 at which meeting a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE THIS  
\_\_\_\_ DAY OF \_\_\_\_, 2017.

---

VENITA H. CHAUVIN, COUNCIL CLERK  
TERREBONNE PARISH COUNCIL



Monday, November 27, 2017

---

**Item Title:**

Amend the Flood Damage Prevention Ordinance

**Item Summary:**

RESOLUTION: Calling a public hearing on December 13, 2017 at 6:30 p.m. regarding the intent of the Parish to Amend the Flood Damage Prevention Ordinance. The amendment is intended to clarify changes already accepted by Council to make them more accessible to the residents and outside entities. For example, the Parish adopted the Advisory Base Flood Elevation as the regulatory standard for the Parish in 2006. That change was not incorporated clearly into the Flood Damage Prevention Ordinance, which has caused confusion when applying for insurance benefits for residents.

---

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Executive Summary	11/21/2017	Executive Summary
Memo	11/21/2017	Cover Memo
Resolution	11/21/2017	Resolution
Amendment, Attachment A	11/21/2017	Backup Material



EXECUTIVE SUMMARY

(REQUIRED FOR ALL SUBMISSIONS)

PROJECT TITLE
A resolution to call a public hearing regarding the intent of the Parish to Amend the Flood Damage Prevention Ordinance.

PROJECT SUMMARY (200 WORDS OR LESS)
A resolution to call a public hearing regarding the intent of the Parish to Amend the Flood Damage Prevention Ordinance. The amendment is intended to clarify changes already accepted by Council to make them more accessible to the residents and outside entities. For example, the Parish adopted the Advisory Base Flood Elevation as the regulatory standard for the Parish in 2006. That change was not incorporated clearly into the Flood Damage Prevention Ordinance, which has caused confusion when applying for insurance benefits for residents.

PROJECT PURPOSE & BENEFITS (150 WORDS OR LESS)
Call a public hearing for comment on the matter.

TOTAL EXPENDITURE				
N/A				
AMOUNT SHOWN ABOVE IS: (CIRCLE ONE)				
ACTUAL – N/A			ESTIMATED	
IS PROJECTALREADY BUDGETED: (CIRCLE ONE)				
<u>N/A</u>	NO	YES	IF YES AMOUNT BUDGETED:	

COUNCIL DISTRICT(S) IMPACTED (CIRCLE ONE)										
<u>PARISHWIDE</u>	1	2	3	4	5	6	7	8	9	

Chris Pulaski

11/21/17

Signature

Date



November 21, 2017

MEMO TO: Gordon E. Dove  
Parish President

FROM: Chris Pulaski, Director  
Planning and Zoning Department

SUBJECT: Request for Agenda Item for the CDBG Committee November 27<sup>th</sup>, and Council Agenda  
November 29<sup>th</sup>.  
Flood Damage Prevention Ordinance Clarifications

---

Attached is the resolution requesting a public hearing regarding the intent to clarify and better capture previous amendments to the Flood Damage Prevention Ordinance. This would include a streamlining due to the consolidation of the parish and the city, and incorporating the term Advisory Base Flood Elevation as the regulatory flood standard for the base flood elevation as adopted in 2006. The public hearing would be called for December 13, 2017.

Should you have any questions or require additional information, please contact me at extension 6569.

Thanks,  
Chris

**OFFERED BY:** \_\_\_\_\_  
**SECONDED BY:** \_\_\_\_\_

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION CALLING A PUBLIC HEARING REGARDING THE INTENT TO ADOPT CLARIFYING AMENDMENTS TO THE FLOOD DAMAGE PREVENTION ORDINANCE LANGUAGE.**

**WHEREAS**, the Terrebonne Parish Consolidated Government has memorialized risk reduction regulations in the Flood Damage Prevention Ordinance (FDPO); and

**WHEREAS**, the Parish has been required from time to time to adopt standards provided by the National Flood Insurance Program in order to maintain flood insurance or mitigation funding; and

**WHEREAS**, the FDPO was written prior to the consolidation of the city and the Parish into one entity for the purposes of regulations; and

**WHEREAS**, certain amendments have not been captured clearly in the current text; and

**WHEREAS**, the residents would be better served with clearer language in the FDPO; and

**WHEREAS**, amendments to the ordinance outlined in Attachment A must be heard at a formal public hearing to gather and consider public input;

**NOW, THEREFORE, BE IT RESOLVED** by the Terrebonne Parish Council, on behalf of the Terrebonne Parish Consolidated Government, that a public hearing be called on Wednesday, December 13<sup>th</sup>, 2017 at 6:30 p.m. in order to receive further public comment on the amendments in Attachment A.

## Attachment A

### Chapter 9 - FLOOD DAMAGE PREVENTION<sup>[1]</sup>

#### Footnotes:

--- (1) ---

**Cross reference**— Buildings and structures, Ch. 6; civil defense and emergency preparedness (city), Ch. 7; mobile homes and mobile home parks, Ch. 17; planning, Ch. 20; roads, bridges, watercourses and drainage, Ch. 22; sewers and sewage disposal, Ch. 23; water (parish), Ch. 27; water and electricity (city), § 26-21 et seq.

**State Law reference**— Power of parish governing authorities to adopt regulations for the use and occupancy of flood-prone and mud-slide areas, R.S. 33:1236(38); flood control and related matters, R.S. 38:81 et seq.

#### ARTICLE I. - IN GENERAL

##### Sec. 9-1. - Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

*Alluvial fan flooding* means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

*Apex* means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

*Appeal* means a request for a review of the floodplain administrator's interpretation of any provision of this chapter and/or a request for a variance.

*Area of shallow flooding* means a designated AO, AH, or VO zone on the Terrebonne Parish (unincorporated areas) and the City of Houma flood insurance rate maps with a one-percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

~~Area of s~~*Special Flood Hazard Area (SFHA)* means the land in the floodplain within Terrebonne Parish subject to a one-percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map. After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, ~~AE~~, AO, AH, A1-99, ~~and the V Zone refined into~~ VO, ~~VE~~, or V1-30.

*Base flood* means the flood having a one-percent chance of being equalled or exceeded in any given year.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*Breakaway walls* means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material, which are not part of the structural support of the building and which are so designed as to break away under abnormal riverine velocities, or high tides and wave action, if applicable, without damage to the structural integrity of the

building on which they are used or any buildings to which they might be carried by floodwaters. Specifically, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot.

*Coastal high hazard area* means the area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on the FIRM as zone V1-30.

*Construction* means to make, form, build, or put together by combining or arranging parts or elements.

*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

*Development* means any manmade change in improved and unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

*Duplex dwelling* means a building containing two (2) family dwelling units totally separated from each other.

*Elevated building* means a nonbasement building:

- (1) Built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and
- (2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of zone A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program Regulations.

*Existing construction* means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Flood or flooding* means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters;
  - b. The unusual and rapid accumulation or runoff of surface waters from any source; or
  - c. Mud slides (i.e. mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or

an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)(a) of this definition.

(3) Inundation of more than one normally dry land parcel, the second being any land including the road.

*Flood insurance rate map (FIRM)* means the official maps of both the unincorporated areas of Terrebonne Parish and the City of Houma in which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to Terrebonne Parish.

*Flood insurance study* means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevations of the base flood, and the flood boundary-floodway map.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated, and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source (see definition of flooding).

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

*Floodway (regulatory floodway)* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities and port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*Habitable floor* means any floor usable for working, sleeping, eating, cooking, or recreation purposes, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the national register of historic places (a listing maintained by the department of the interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;

- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the secretary of the interior; or
  - b. Directly by the secretary of the interior in states without approved programs.

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Section 60.3 of the National Flood Insurance Program Regulations.

*Mangrove stand* means an assemblage of mangrove trees, which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one (1) or more of the following species: Black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and buttonwood (*Conocarpus erecta*).

*Manufactured home, commercial* means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation, when connected to the required utilities. This structure is used exclusively for nonresidential purposes and is conducive to the generation of an income. For floodplain management purposes, the term "manufactured home, commercial" also includes parked trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, however, the term "manufactured home, commercial" does not include parked trailers, travel trailers, and other similar vehicles.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*Manufactured home, residential* means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation, when connected to the required utilities. For floodplain management purposes, the term "manufactured home, residential" also includes parked trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, however, the term "manufactured home, residential" does not include parked trailers, travel trailers, and other similar vehicles.

*Mean sea level* means, for purposes of the national flood insurance program, the National Geodetic Vertical Datum (NGVD) of 1929 or other data to which base flood elevations shown on a community flood insurance rate map are referenced.

*Multi-family dwelling* means a building containing three (3) or more dwelling units, including units that are located one over the other.

*New construction* means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31,

1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*Program deficiency* means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards, as set forth in federal regulations and this chapter.

*Recreational vehicle* means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Remedy a violation* means to bring the structure or other development into compliance with State of Louisiana or Terrebonne Parish floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the article, otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

*Renovations* means to restore or repair to a former or better state (i.e., cleaning, repairing, etc.).

*Sand dunes* means naturally occurring accumulations of sand in ridges or mounds landward of a beach.

*Start of construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include:

- (1) Land preparation, such as clearing, grading and filling;
- (2) Installation of streets and/or walkways;
- (3) Excavation for basement, footings, piers or foundations or the erection of temporary forms;
- (4) Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

*Structure, accessory* means a detached subordinate structure located on the same building site with the main building, the use of which is incidental to that main building.

*Structure, commercial* means a building used exclusively for nonresidential purposes. These structures possess characteristics conducive to the generation of an income and may include industrial, wholesaling, retailing, or personal service-type activities.

*Structure, residential* means a building or a portion thereof designed or used exclusively for residential occupancy, but not including manufactured homes, hotels, motels, or motor lodges.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its "before-damaged-condition" would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred, cumulative substantial damage (CSD) from multiple events over a 10-year period prior to the permit application date, or a "repetitive loss structure" flood damaged on two occasions during a 10-year period in which the cost of repair for each flood event, on the average, equaled or exceeded 25 percent of the market value of the building before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, cumulative substantial improvement (CSI) or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement, and shall be a cumulative cost of all previous permitted work and proposed work to the structure in the ten (10) years prior to the permit application date to determine a cumulative substantial improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- (2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

*V Zone.* See coastal high hazard area.

*Variance* is a grant of relief specifically for functionally dependent uses only.

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Parish Code 1979, § 7-35; Ord. No. 5498, Art. II, 10-25-95; Ord. No. 6649, § I, 7-10-02; Ord. No. 7017, § I, 7-13-05; Ord. No. 8411, 4-9-14; Ord. No. 8505, 1-13-15)

**State Law reference**— Definitions relating to the statewide flood control program, R.S. 38:90.1.

Sec. 9-2. - Violations; penalties.

- (a) Any person violating any provision of this chapter shall be so notified by certified return receipt mail of the specific violation and given no less than five (5) days and no more than thirty (30) days to either remove the unlawful structure, if it is prohibited, or cause it to conform to the provisions of this chapter, if it is an authorized structure or repair-related activity.



- (b) If the violating person fails or refuses to comply with the provisions of this chapter, such person shall be fined upon conviction up to one hundred dollars (\$100.00) for each offense; or imprisoned for not more than thirty (30) days, or both, for each offense; each day that a violation exists shall constitute a separate offense.
- (c) The imposition of any penalty under this section shall not preclude the floodplain administrator, parish legal counsel, or other appropriate authority of the parish, or any adjacent or neighboring property owner who would be specifically damaged by such violation, from instituting injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, repair, and/or improvement, or to correct or abate such violation, or to prevent the occupancy of such structure, building, or land.

(Parish Code 1979, § 7-67)

**State Law reference**— Offenses relating to levees and drainage, R.S. 38:211 et seq.

Sec. 9-2.5. - Mobile home placement without permit.

- (a) Person for purposes of this section shall include any individual, business, corporation, association, partnership or other legal entity, including, but not limited to, mobile home dealers, mobile home retailers, mobile home movers, mobile home owners and mobile home lessees.
- (b) It shall be unlawful for any person to place a mobile home or travel trailer on any property in Terrebonne Parish where a flood control/utility permit as required by this chapter of the Terrebonne Parish Code has not been obtained.
- (c) Each violation of this section shall be a separate offense and shall be a misdemeanor punishable as provided by section 1-6 of this Code.

(Ord. No. 7083, § I, 1-25-06)

Sec. 9-3. - Statutory authorization.

The Legislature of the State of Louisiana has in R.S. 38:84 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Terrebonne Parish Council of Terrebonne Parish and the City of Houma, Louisiana, do ordain as provided in this chapter.

(Parish Code 1979, § 7-31; Ord. No. 4563, 10-10-90; Ord. No. 5498, Art. I, § A, 10-25-95)

**State Law reference**— Parishes and municipalities authorized to comply with federal flood insurance act, R.S. 38:84.

Sec. 9-4. - Findings of fact.

- (a) The flood hazard areas of the parish are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

(Parish Code 1979, § 7-32)

**State Law reference**— Levees and drainage, R.S. 38:111 et seq.

Sec. 9-5. - Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

(Parish Code 1979, § 7-33)

**State Law reference**— Authority of political subdivisions to levy taxes for levees, drainage works, etc., R.S. 39:801 et seq.

Sec. 9-6. - Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

- (1) Restricts or prohibits uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Requires that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controls the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Controls filling, grading, dredging, and other development which may increase flood damage;
- (5) Prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Parish Code 1979, § 7-34)

**State Law reference**— Power of parish governing authorities to adopt regulations for the use and occupancy of flood-prone and mud-slide areas, R.S. 33:1236(38).

Sec. 9-7. - Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of Terrebonne Parish and the City of Houma.

(Parish Code 1979, § 7-36; Ord. No. 5498, Art. III, § A, 10-25-95)

**State Law reference**— Periodic revision of statewide flood information data base, R.S. 90:90.2.

Sec. 9-8. - Basis for establishing areas of special flood hazard.

The ~~area of a~~ Special Flood Hazard Area (SFHA) identified by the Federal Emergency Management Agency (FEMA) in scientific and engineering reports entitled, "Flood Insurance Study for Terrebonne Parish, Louisiana, Unincorporated Areas," dated June 1980; "Flood Insurance Study Supplement Wave Height Analysis for Terrebonne Parish, Louisiana, Unincorporated Areas," dated November 1, 1984; "The Flood Insurance Study for City of Houma, Louisiana," dated November 19, 1980, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter including the Louisiana Hurricane Rita Surge Inundation and Advisory Base Flood Elevation Map for Terrebonne Parish dated February 2006, whichever is the higher standard.

(Parish Code 1979, § 7-37; Ord. No. 5498, Art. III, § B, 10-25-95; Ord. No. 7141, 6-28-06)

**State Law reference**— Disaster prevention by the state office of civil defense and emergency preparedness, R.S. 29:704 et seq.

Sec. 9-8.5. - Establishment of development permit.

A development permit shall be required to ensure conformance with the provisions of this chapter.

(Ord. No. 5498, Art. III, § C, 10-25-95)

Sec. 9-9. - Connection of utilities.

It shall be unlawful for any utility company, utility cooperative, or governmental utility entity to install or reinstall any utility to any structure or property until proper certification of compliance with the provisions of this chapter is provided.

(Parish Code 1979, § 7-38)

**Cross reference**— Sewers and sewage disposal, Ch. 23; utilities of city, Ch. 26; water (parish), Ch. 27.

**State Constitution reference**— Powers and functions of local governmental subdivision operating under home rule charter, Art. VI, § 5(E), (F).

Sec. 9-10. - Compliance.

No structure or land shall hereafter be located, altered, improved, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

(Parish Code 1979, § 7-39; Ord. No. 5498, Art. III, § E, 10-25-95)

**State Law reference**— Use of police power of parish to control the use and occupancy of flood-prone and mud-slide areas, R.S. 33:1236(38)(a).

Sec. 9-11. - Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance provision or regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Parish Code 1979, § 7-40; Ord. No. 5498, Art. III, § F, 10-25-95)

**State Law reference**— Qualification of parish under federal flood insurance law, effect of enabling act on existing ordinances, etc., R.S. 33:1236(38)(c), (d).

Sec. 9-12. - Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the Terrebonne Parish Consolidated Government; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Parish Code 1979, § 7-41)

**State Law reference**— Interpretation of laws, C.C. art. 9 et seq.

Sec. 9-13. - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood height may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the parish government or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Parish Code 1979, § 7-42)

**State Law reference**— Limitation of liability for policy-making or discretionary acts or omissions of public entities or their officers or employees, R.S. 9:2798.1.

Secs. 9-14—9-30. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 9-31. - Administrator.

- (a) *Designated.* The director of planning and zoning or his/her designee is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- (b) *Duties and responsibilities.* The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
  - (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
  - (2) Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
  - (3) Review, approve or deny all applications for development permits required by adoption of this chapter.
  - (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
  - (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation.
  - (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is Louisiana Department of Transportation and Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
  - (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
  - (8) When base flood elevation data has not been provided in accordance with sections 9-7 through 9-13, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this chapter.
  - (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
  - (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1) foot, provided that the community first applies for a conditional FIRM revision through FEMA.
  - (11) Maintain a record of all actions involving functionally dependent use variances and shall report such actions to FEMA upon request.

(Parish Code 1979, § 7-61; Ord. No. 5498, Art. V, § A(1), (2), 10-25-95; Ord. No. 7094, § I, 2-22-06)

**Cross reference**— Administration, Ch. 2; planning and zoning department, § 2-77.

**State Law reference**— State department of urban and community affairs, R.S. 36:551 et seq.; diversion of natural drain to the injury of an adjacent estate, R.S. 38:218.

Sec. 9-32. - Procedures for compliance.

(a) New construction and substantial improvements within the ~~unincorporated areas of the~~ Special Flood Hazard Area of the parish (as depicted on FIRM #225206 0001-1000, May 1, 1985, FIRM Number 220220 0001-0010, dated May 19, 1981 or the Louisiana Hurricane Rita Surge Inundation and Advisory Base Flood Elevation Map for Terrebonne Parish dated February 2006) shall be regulated as follows:

- (1) Prior to the start of "new construction," "substantial improvement" or structural addition to any structure, an application for a flood control/utility permit must be presented to the floodplain administrator on forms furnished by him and be accompanied by, but not limited to, the following information:
  - a. A plan depicting the location, dimensions, and elevations of the existing and proposed structure(s); existing servitudes, easements, and/or rights-of-way on the property.
  - b. A temporary permit to install an individual sewerage system, as issued by the state department of health and hospitals, office of public health, for the parish.
  - c. A letter of plan approval from the office of the state fire marshal, when required by state statutes.
  - d. All duplex and multi-family dwellings shall conform to the Standard Building Code and National Electric Code and all amendments thereto.

If the job site of the proposed construction for which the permit is sought is located in a special flood hazard zone, a natural ground elevation certificate from a Louisiana registered professional engineer, surveyor, or architect specifying the average natural ground elevation of the site must be submitted.

- (2) Upon receipt and contingent on compliance with approval standards set forth in this chapter, the permit shall be issued, thereby authorizing the start of construction. Any conditions placed on the issuance of the flood control/utility permit shall be so stated in a letter to the applicant, ~~sent certified return receipt mail prior to the~~ and issuance issued withof the permit.
- (3) Upon completion of the finished floor of the structure, it shall be the responsibility of the applicant for the permit to notify the office of the floodplain administrator of such completion so that certification of the finished floor elevation may be made by his office.
- (4) Prior to occupancy of the structure, a final inspection shall be requested by the applicant for compliance with all provisions of this chapter.
- (5) Upon completion of a satisfactory final inspection, a certificate of occupancy shall be issued and authorization for the connection of permanent utilities shall be made by the office of the floodplain administrator.

(b) Minor maintenance, improvements, and repairs, and utility reconnection within the Special Flood Hazard Area ~~unincorporated areas~~ of the parish (as depicted on FIRM #225206 0001-1000, May 1, 1985, FIRM Number 220220 0001-0010, dated May 19, 1981 or the 2006 Louisiana Hurricane Rita Surge Inundation and Advisory Base Flood Elevation Map) shall be regulated as follows:

- (1) Prior to the start of any minor repair, improvement or maintenance of a structure, the cost of which exceeds two thousand five hundred dollars (\$2,500.00) in value, and/or utility reconnection, an application for a "certificate of compliance" must be presented to the floodplain administrator on forms furnished by him and be accompanied by, but not limited to, the following

information: A temporary permit to install an individual sewerage system, as issued by the state department of health and human resources, office of preventive and public health services for the parish.

- (2) Upon receipt of the application, an inspection of the property shall be done to verify information submitted on the application.
- (3) Upon a satisfactory inspection, the certificate of compliance shall be issued, giving authorization to undertake only the specific activity denoted on the application.
- (c) ~~New construction, substantial improvements, structural additions, maintenance repairs, and accessory structures within the urban services district (as depicted on FIRM Number 220220-0001-0010, dated May 19, 1981) shall be regulated as follows:~~
  - ~~(1) All construction within the urban services district shall conform with all applicable building codes, the city zoning ordinance, and the provisions of this chapter.~~
  - ~~(2) Permitting procedures for all activity within the urban services district shall conform to the pre-established procedures as set forth in building, housing, gas, and electric codes, and the city zoning ordinance.~~

Permitting procedures for all activity within the urban planning area shall conform to the pre-established procedures as set forth in the building code and the parish zoning ordinance.
- (d) All "new construction", "substantial improvement" or "structural addition" to any residential unit~~it~~ shall require the installation of a smoke detector and/or fire alarm before permanent occupancy.

(Parish Code 1979, § 7-62; Ord. No. 5498, Art. V, § A(3), 10-25-95; Ord. No. 6648, § I, 7-10-02; Ord. No. 6649, § I, 7-10-02; Ord. No. 7141, 6-28-06)

**Cross reference**— Buildings and structures, Ch. 6; zoning, Ch. 28.

**State Law reference**— Individual sewage disposal systems permitted on tracts excepted from planning commission regulation, R.S. 33:106.1; approval of individual sewage treatment and disposal systems, R.S. 40:5.4; regulations of state fire marshal, R.S. 40:1563(F).

Sec. 9-33. - Permits and fees.

- (a) It shall be the responsibility of the planning and zoning department to collect the appropriate fees for the application procedures set forth in this article.
- (b) A permit fee shall be paid in accordance with the requirements and scale of fees adopted under and set out in Section 109 of the Terrebonne Parish Consolidated Building Code.
- (c) In this chapter, references to a permit, or to a flood control/utility permit shall be construed as a permit issued in accordance with the requirements of the Terrebonne Parish Consolidated Building Code.

(Ord. No. 8417, § I, 4-23-14)

**Editor's note**— Ord. No. 8417, § I, adopted April 23, 2014, amended § 9-33 in its entirety to read as set out herein. Former § 9-33 pertained to fees and derived from Parish Code 1979, § 7-63; Ord. No. 4995, § I, adopted Feb. 10, 1993; Ord. No. 4997, § I, adopted Feb. 10, 1993; Ord. No. 6740, § I, adopted March 26, 2003; Ord. No. 7069, § I, adopted Dec. 7, 2005; Ord. No. 7094, § I, adopted Feb. 22, 2006.

**Cross reference**— Buildings and structures, Ch. 6; Code Adopted § 6-21 and Appendix A thereto.

**State Law reference**— Certificate of appropriateness required in historic preservation district or designated landmark, R.S. 25:760, and The Louisiana Administrative Code, Title 55 - Public Safety: Part VI, Uniform Construction Code.

Sec. 9-34. - Variance for functionally dependent uses.

A variance to the provisions of this chapter may only be issued for new construction, substantial improvement, and/or for other development necessary for the conduct of a functionally dependent use, as defined in section 9-1 of this chapter, provided that all of the following conditions are met:

- (1) That the functionally dependent use variance only be issued upon a determination that the variance is the minimum necessary, considering both the flood hazard and the proposed usage to afford relief;
- (2) That 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;
- (3) That any applicant to whom a functionally dependent use 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 floor elevation;
- (4) That failure to grant the functionally dependent use variance would result in exceptional hardship to the applicant;
- (5) That a determination is made 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.

(Parish Code 1979, § 7-64; Ord. No. 8702, § I, 5-25-16)

**State Law reference**— Obstruction of drainage channels prohibited, R.S. 38:219.

Sec. 9-35. - Application procedure re variance.

Applications for a functionally dependent use variance shall be made to the parish director of planning and zoning who is hereby designated as the reviewing authority.

- (1) Such applications shall be made on forms, as provided by the floodplain administrator, and be accompanied by department of health approval if community sewer is not available, and all other proposed construction documentation as required for the grant of a permit.
- (2) The reviewing authority may attach such conditions to the granting of the functionally dependent use variance as it deems necessary, to further the purpose and objectives of this chapter.

(Parish Code 1979, § 7-65; Ord. No. 8702, § I, 5-25-16)

**State Law reference**— Terrebonne Parish Port Commission, R.S. 34:2201 et seq.

Sec. 9-36. - Factors in granting or denying application.



Approval or denial of a development permit by the reviewing authority shall be based on all of the provisions of this chapter and all of the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The compatibility of the proposed use with existing and anticipated development;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
- (7) The expected heights, velocity, duration, rate of rise, and sediment transportation of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a location in close proximity to water, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (10) The relationship of the proposed use to the comprehensive plan for that area.

(Parish Code 1979, § 7-66; Ord. No. 5498, Art. V, § D, 10-25-95; Ord. No. 8702, § I, 5-25-16)

**State Law reference**— Adoption of master plans, R.S. 33:106.

Sec. 9-37. - Appeals against denial of variance by the reviewing authority.

In order to hear and decide appeals against unfavorable functionally dependent use determinations made by the reviewing authority, there shall be and hereby is created an appeals body which shall consist of the South Central Regional Construction Code Council.

- (1) Application for appeal shall only be valid if it is delivered in writing to the director of planning and zoning within fifteen (15) days of the issuance of notice for the decision against which appeal is being made. Such application shall be accompanied by a non-refundable application fee of one hundred dollars (\$100.00).
- (2) Rules of procedure. The director of planning and zoning shall refer a correctly filed appeal to the appeals body within five (5) working days of its receipt; and the appeals body shall, within the normal rules of procedure for conducting its business, hear the appeal as expeditiously as possible. All decisions and findings of the appeals body shall be communicated in writing to the appellant, within five (5) working days of the conclusion of its hearing, with copies to the parish building code administrator, the parish floodplain administrator, and the director of planning and zoning.
- (3) Limitations on authority. An appeal may only be based on a claim that:
  - a. The true intent of this article has been incorrectly interpreted; or
  - b. The relevant provisions of this article do not apply to the structure; or
  - c. An equally good or better form of construction is proposed and supported by an engineering assessment sealed by a professional engineer acting within his registered specialty.

The appeals body shall have no authority to otherwise waive, modify or grant variance in respect of any of the provisions or requirements of this article.

(Ord. No. 8702, § I, 5-25-16)

Secs. 9-38—9-55. - Reserved.

### ARTICLE III. - FLOOD HAZARD REDUCTION

#### Sec. 9-56. - General standards.

In all areas of special flood hazard, the following provisions are required for all new construction and substantial improvements:

- (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 materials resistant to flood damage;
- (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;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- (8) No new sanitary landfills will be permitted; and
- (9) No new or expanded hazardous waste sites including saltwater injection wells will be permitted, nor the temporary storage of hazardous waste materials.

(Parish Code 1979, § 7-51; Ord. No. 5498, Art. IV, § A, 10-25-95; Ord. No. 8411, 4-9-14)

**State Law reference**— Construction of levee across bayou or slough, banquet or berme, how built, R.S. 38:114.

#### Sec. 9-57. - Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 9-8, section 9-31(b)(7), or section 9-58(c), the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood

elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in section 9-58 is satisfied.

- (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which structures are floodproofed shall be maintained by the floodplain administrator.
- (3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one (1) foot above grade.
  - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- (4) *Manufactured homes.*
  - a. All manufactured homes to be placed within zone A on a community's FHBM or FIRM 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.
  - b. All newly placed, substantially damaged, or substantially improved manufactured homes in the special flood hazard area shall be elevated on a permanent foundation such that the manufactured home is elevated to or above the base flood elevation as determined by the floodplain manager, including electrical components, ductwork, and the bottom of the chassis, supported by approved foundation elements. The structure will be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Any additions to the manufactured home shall be similarly elevated and anchored.
- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either: (i) be on the site for fewer than one hundred eighty (180) consecutive days; (ii) be fully licensed and ready for highway use; or (iii) meet the permit requirements of section 9-58 and the elevation and anchoring requirements for "manufactured homes" in subsection (4) above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

- (6) *Mechanical and utility equipment.* Electrical, heating, ventilation, plumbing, and 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.
- (7) *Enclosures below a structure's lowest floor.*
  - a. For all new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
  - b. Designs for meeting this requirement either shall be certified by a registered professional engineer or architect, or shall meet or exceed the following minimum criteria:
    - 1. A minimum of two (2) openings, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
    - 2. The bottom of all openings shall be no higher than one (1) foot above grade.
    - 3. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (8) *Floodproofing of nonresidential structures.*
  - a. In those situations where a nonresidential structure is intended to be made watertight below the base flood level, the following conditions must be met:
    - 1. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this chapter; and
    - 2. A record of such certificates, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproof shall be maintained with the floodplain administrator.
  - b. Floodproofing in residential structures and flood zones designated as coastal high hazard areas (V-zones) is prohibited.

(Parish Code 1979, § 7-52; Ord. No. 5498, Art. IV, § B, 10-25-95; Ord. No. 8411, 4-9-14)

**State Law reference—** Uniform Standards Code for Mobile Homes and Manufactured Housing, R.S. 51:911.21 et seq.

**Sec. 9-58. - Standards for subdivision proposals.**

- (a) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with sections 9-3 through 9-6 of this chapter.
- (b) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet development permit requirements of section 9-8.5, this section and the provisions of sections 9-31 through 9-36.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than fifty (50) lots or five (5) acres, whichever is less, if not otherwise provided pursuant to section 9-8 or section 9-57. Flood zone designations shall be placed on the final plat of all subdivisions and redivisions submitted for planning commission approval.
- (d) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

- (e) All subdivision proposals, including the placement of 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.

(Parish Code 1979, § 7-53; Ord. No. 5498, Art. IV, § C, 10-25-95)

**State Law reference**— Subdivision regulations generally, R.S. 33:111 et seq., 33:1236(20).

Sec. 9-59. - Standards for areas of shallow flooding (AO/AH zones).

Located within the ~~areas of special flood hazard~~SFHA established in section 9-8 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of the flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
- (2) All new construction and substantial improvements of nonresidential structures:
  - a. Shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified); or
  - b. Together with attendant utility and sanitary facilities shall be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.
- (3) Require within zones AH and AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- (4) A registered professional engineer, surveyor, or architect shall submit certification to the floodplain administrator that the standards of this section, as proposed in section 9-34, are satisfied.

(Parish Code 1979, § 7-54; Ord. No. 5498, Art. IV, § D, 10-25-95)

**State Law reference**— Architects, R.S. 37:141 et seq.; civil engineering and surveying, R.S. 37:681 et seq.

Sec. 9-60. - Coastal high hazard areas.

Located within the ~~areas of special flood hazard~~SFHA established in section 9-8 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 chapter, 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 and 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 or above the base flood level; and
  - b. The piling 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. Water loading values used shall be those required by applicable state or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications 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 these subsections a. and b.
- (4) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting 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.

For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (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). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- (5) Prohibit the use of fill for structural support of buildings.
- (6) Prohibit manmade alteration of sand dunes and mangrove stands which increase potential flood damage.
- (7) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the floodplain administrator for approval.
- (8) If breakaway walls are utilized, such enclosed space shall not be used as a habitable floor, as defined herein.
- (9) Any alteration, repair, reconstruction, or improvements to a structure started after the enactment of this chapter shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in this section.
- (10) Manufactured homes. Require that manufactured homes placed or substantially improved within zones V1-30, V and VE on the community's FIRM on sites: (i) outside of a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as a result of a flood, meet the standards of paragraphs (1) through (6) of this section and that manufactured homes placed or substantially improved on other sites in an

existing manufactured home park or subdivision within zones V1-30, V and VE on the community's FIRM meet the requirements of section 9-34.

- (11) **Recreational vehicles.** Require that recreational vehicles placed on sites within zones V1-30, V and VE on the community's FIRM either: (i) be on the site for fewer than one hundred eighty (180) consecutive days; (ii) be fully licensed and ready for highway use; or (iii) meet the permit requirements of section 9-8.5 and paragraphs (1) through (6) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Parish Code 1979, § 7-55; Ord. No. 5498, Art. IV, § E, 10-25-95)

**State Law reference**— Criteria considered in the evaluation of applications for funding of flood control projects, R.S. 38:90.4.

Sec. 9-61. - Nonconforming structures.

- (a) *Pre-existing nonconforming structures.* All existing structures which are nonconforming according to the provisions of this chapter may be occupied, maintained, and operated in perpetuum, except as provided in this section.
- (b) *Enlargement or renovation of nonconforming structures.* A nonconforming structure may be enlarged, extended, or renovated, provided that the cost of the enlargement, extension, or renovation does not constitute a "substantial improvement" to that structure.
- (c) *Restoration of damaged nonconforming structures.* A nonconforming structure damaged in any manner and from any cause whatsoever may be restored to the original state, provided the cost of such restoration does not equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- (d) *Restoration of obsolete nonconforming structures.*
- (1) A nonconforming structure which becomes obsolete or substandard under any applicable existing state or parish health, sanitary or safety codes may be restored regardless of the cost of the restoration, provided that the improvements and/or repairs are solely necessary to ensure safe living conditions.
- (2) Any alteration, repair, improvement, or restoration of a structure listed on the national register of historic places or a state inventory of historic places may be made exempt from the provisions of this chapter.

(Parish Code 1979, § 7-56)

**State Law reference**— Historic preservation districts, R.S. 25:731 et seq.; state sanitary code, R.S. 40:3 et seq.