ORDINANCE 2024-3

AN ORDINANCE OF THE TOWN OF ST. FRANCISVILLE ADDING DEFINITIONS TO, AMENDING AND OTHERWISE MODIFYING CHAPTER 5 ARTICLE II OF THE CODE OF ORDINANCES, TOWN OF ST. FRANCISVILLE, RELATING TO FLOOD DAMAGE PREVENTION.

WHEREAS, it is hereby found and declared by the Town of St. Francisville that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program,

WHEREAS, St. Francisville, Louisiana is empowered to adopt amendments and revisions of its ordinances,

WHEREAS, the Town of St. Francisville is authorized to adopt measures and regulations designed to minimize flood losses;

WHEREAS, the Mayor and Board of Aldermen are desirous of exercising said power, now therefore

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of St. Francisville, Louisiana and is hereby ordained by the same, and follows:

I. Code of Ordinances, Chapter 5 – Buildings, Construction and Related Matters Article II Flood Damage Prevention is changed, modified, amended, revised, and/or updated to include or delete the following definitions (underlined words are additions, stricken words are deletions):

Accessory structures: means structures that are on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure. Accessory structures must be used for parking or storage, be small and represent a minimal investment by owners, and have low damage potential. Accessory structure size limits based on flood zone, no larger than a one story, two-car garage in flood zones identified as A zones (A, AE, A1-30, AH, AO, A99, and AR) and not larger than 100 square feet in flood zones identified as V zones (V, VE, V1 30, and VO). Examples of small accessory structures include, but are not limited to, detached garages, storage and tool sheds, and small boathouses.

Agricultural structures: means structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock.

Appurtenant Structure: means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard: means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

Base flood elevation: The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water

surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year – also called the Base Flood.

Breakaway Wall: means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Flood or flooding:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters.

(2) the unusual and rapid accumulation or runoff of surface waters from any source.

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

Flood elevation study: means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood hazard boundary map (FHBM): means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Floodway encroachment lines: mean the lines marking the limits of floodways on Federal, State and local flood plain maps.

Freeboard: means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. ``Freeboard'' tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Future-conditions flood hazard area, or future-conditions floodplain: see Area of future-conditions flood hazard.

Future-conditions hydrology: means the flood discharges associated with projected land-use conditions based on a community's zoning maps and/or comprehensive land-use plans and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

Map: means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

Program deficiency: means a defect in a community' s flood plain management regulations or administrative procedures that impairs effective implementation of those flood plain management regulations or of the standards in 44 CFR Sec. 60.3, 60.4, 60.5, or 60.6.

Reasonably safe from flooding: means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Remedy a violation: means to bring the structure or other development into compliance with State or local flood plain 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 ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Riverine:- means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sheet flow area: see area of shallow flooding.

Special flood hazard area: see ``area of special flood hazard''. Special hazard area means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/ AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

State coordination agency: means the agency of the state government, or other office designated by the Governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

Storm cellar: means a space below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against severe tornado or similar wind storm activity.

~~*Substantial improvement:* Any reconstruction, rehabilitation, addition, 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. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either 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 any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."~~

Substantial improvement: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the ``start of construction'' of the improvement. This term 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 to assure safe living 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''

Watercourse: means the channel of a river, stream or drainage way and not the adjacent overbank areas. Watercourses include not only rivers or streams that are the source of flooding used to determine the base flood and the floodplain boundaries, but also smaller streams, drainage ways and ditches within the floodplain that could flood during smaller more frequent events.

II. Code of Ordinances, Chapter 5 – Buildings, Construction and Related Matters Article II Flood Damage Prevention is changed, modified, amended, revised, and/or updated to include or delete the following provisions (underlined words are additions, stricken words are deletions):

Sec. 5-26. Basis for establishing the areas of special flood hazard.

~~The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Town of St. Francisville, dated May 2, 1977, 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 article."~~

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for West Feliciana Parish," dated 05/10/2022, with accompanying Flood Insurance Rate Maps (FIRM) dated 05/10/2022, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Sec. 5-41. Floodplain administrator—Designation.

The ~~building inspector~~ Mayor or the Mayor's designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

Sec. 5-42. Same—Duties and responsibilities.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

* * * * *

(11) After a disaster or other type of damage occurrence to structures in the community of St. Francisville, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.

(12) Maintain a record of all actions involving an appeal from a decision of the Appeal Board.

Sec. 5-43 Development permit—Establishment

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

Sec. 5-57. Specific standards.

* * * * *

(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 such structures are floodproofed shall be maintained by the floodplain administrator.~~ new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) one (1) foot above the greater of the following: designated base flood elevation, adjacent base flood elevation, centerline of street that serves as the

drainage runoff collector, or the nearest downstream controlling sanitary sewer manhole., or together with attendant utility and sanitary facilities, be designed so that the structure is watertight at 1 foot or more above the base flood elevation 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. All electrical or mechanical fixtures and equipment that is part of the structure shall maintain the "one foot above" the controlling factor listed above. 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 such structures are floodproofed shall be maintained by the Floodplain Administrator.

* * * * *

(4) *Manufactured homes:*

* * * * *

~~b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~

~~c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:~~

~~1. The lowest floor of the manufactured home is at or above the base flood elevation; or~~

~~2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE 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 on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the bottom of the I-beam is elevated at or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The manufactured home shall be installed by a licensed installer according to Louisiana State law and compliance herewith

shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the bottom of the longitudinal structural I beam of the manufactured home is one (1) foot above the greater of the following: designated base flood elevation, adjacent base flood elevation, centerline of street that serves as the drainage runoff collector, or the nearest downstream controlling sanitary sewer manhole. All electrical or mechanical fixtures and equipment that is part of the structure shall maintain the "one foot above" the controlling factor listed above, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

* * * * *

(6) Accessory Structure- Accessory structures to be placed on sites within Zones A1-30, AH, AO and AE on the {local community name} FIRM shall comply with the following:

(a) The structure shall be used only for parking and limited storage;

(b) The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, entertainment, cooking, or restroom use;

(c) The structure shall be unfinished on the interior.

(d) Structures shall be small in size, not exceed the size of a single story two car garage.

(e) Structures exceeding the size of a single story two car garage will be required to meet all applicable standards of Article 3 Section 3.3, Article 4 Section 4.3, Article 5 Section 5.1 & 5.2 including relevant subsections.

(f) Service facilities such as electrical, mechanical and heating equipment must be elevated to or above the BFE plus 1 foot;

(g) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(h) The structure shall be considered low in value, designed to have low flood damage potential and constructed with flood resistance materials;

(i) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;

(j) Floodway requirements must be met in the construction of the structure;

(k) Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and be placed on opposing walls with the net area of not less than 1 square inch for every square foot of the size of the footprint of the structure (Flood Vents);

(l) The openings (flood vents) shall be located no higher than 1 foot above grade;

(m) The openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(7) Use of landfill material restricted.

(a).Except as provided, hereinafter, in areas of special flood hazard (Zones A, A1-A30, AH, and AE,), no off-site landfill material shall be allowed except for:

1. Backfill required for construction. This exemption shall apply to structures with a maximum ground floor area of 3,500 square feet or less for all structures on the lot or tract (with a reasonable transition to grade allowed).

2. Building pads for mobile homes, trailers, and pier/column construction. This exemption shall allow for the building pad to be filled to a maximum of 18 inches above natural grade under the elevated structure to facilitate drainage. The building pad must be transitioned back to natural grade within five feet of the outside limits of the footprint of the elevated structure.

3.Transition of driveways into carports or garages. The transition distance shall extend only through the limits of the structure. The driveway, from the street connection to the start of transition, shall be constructed in such a manner that the finished driveway grade is at or below the natural grade prior to construction. Appropriate drainage facilities must be provided to prevent the redirection of runoff water onto adjacent properties or the blockage of surface sheet runoff.

(b). Unless otherwise provided, no fill shall be permitted in areas of special flood hazard, unless, the fill is mitigated by excavation and meets the following requirements: No encroachments, including fill for landfill or other purposes, new construction, substantial improvements or other type of developments, will be allowed unless a technical evaluation demonstrates that the proposed encroachments will not decrease the existing volume storage capacity, based upon the base flood elevation, within the boundaries of the proposed development or encroachment site located within the area of special flood hazard. Additionally, encroachment shall not increase the existing calculated base flood elevation. A technical evaluation shall include any one or a combination of the following methods:

1. For developments with proposed onsite fill and excavation construction (no imported or off-site fill), a before and after development construction grading plan shall be provided to show no decrease in the existing flood volume storage capacity below the base flood elevation established for the site.

(i)Fill shall not be used to restrict the existing channel cross-sectional area.

(ii)For channels with intermittent flow, the excavation site shall drain to the existing adjacent channel.

(iii)For channels with continuous flow, the excavation sites shall drain to the existing channel.

(iv)For mitigation purposes, no credit shall be given for that portion of the excavation, which is lower than the existing channel.

2. For developments requiring imported or off-site fill in addition to the excavation, grading, and fill requirements outlined above, approved engineering methodologies such as the methods shown in the Louisiana Department of Transportation and Development hydraulics manual shall be used to make a before and after development analysis of the proposed site, including its off-site drainage areas, to show

the increased runoff for a 100-year storm event. The existing 100-year storm channel flow, the calculated base flood elevation and the hydraulic grade line for the channel at the downstream end of the proposed site will be provided by the engineering division of the Department of Public Works. One or more of the following methods may be used, unless otherwise approved by the engineering division:

(i) A rating curve analysis shall be made of the channel to show that the water surface for a 100-year storm event resulting from the proposed development or landfill does not increase the calculated base flood elevation.

(ii) If the imported or off-site fill is taken from the channel (within the proximity of or within one-half mile upstream of the proposed development or landfill site), an inflow-outflow flood routing analysis of the proposed borrow site on the channel shall be made to show that the adverse effect of increased runoff from the 100-year storm event due to the proposed development or landfill site is balanced by the beneficial effects of the increased storage provided by the proposed borrow site.

(iii) If the imported or off-site fill is taken from elsewhere, approved engineering methodologies shall be used to show that the water surface elevation resulting from the proposed development or landfill does not increase the base flood elevation.

3. If downstream channel improvements are included as part of the proposed development or landfill, engineering calculations shall be made to show that the adverse effects of increased runoff from 100-year storm event due to the proposed development is offset by the beneficial effects of the proposed channel improvements.

(9) Construction over natural drain. No building shall be constructed over an existing identified natural drain as determined by the Department of Public Works.

(10) Minimum elevation for parking lots and private streets. The surface of parking lots, and private streets in subdivisions of more than five lots shall not be constructed lower than two feet below the FIRM base flood elevation or record inundation, whichever is greater.

(11) Subsurface stormwater systems.

(a). When the subsurface stormwater systems are available and designed to accommodate the flow of stormwater runoff:

1. Except in single-family residential use, all paved parking areas shall be graded and sloped so that the stormwater runoff is conducted to trench drains or catch basins, which are connected to the stormwater system.

2. No sheet flow from paved parking areas on lots greater than one-third acre but less than five acres shall be allowed to drain directly into the street or street catch basins.

3. Sheet flow from paved parking areas on lots greater than five acres, in addition to the foregoing requirements, must be directed into a storm drain and catch basin system designed for this area which would be connected to the existing stormwater system or, if the aforesaid system is inadequate, must be designed to include on-site detention/retention basin for stormwater runoff. The design of stormwater facilities must be submitted to the Department of Public Works for approval.

(b). The Department of Public Works shall grant a waiver of the provisions of this subsection when it is demonstrated that the applicable existing streets have been designed to accommodate the stormwater runoff from paved parking areas and adequate catch basins and inlets are available.

Sec. 5-58. Standards for subdivision proposals.

~~[The following are standards for subdivision proposals:]~~

* * * * *

(5) All subdivision proposals including the placement of manufactured home parks and ~~subdivisions~~ other proposed new development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Sec. 5-59. Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in section 5-26 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one 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; therefore, the following provisions apply:

~~(1) All new construction and substantial improvements of residential structures 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 shall:~~

~~a. 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~~

(1) All new construction and substantial improvements of residential structures have the lowest floor(including basement) elevated at or above the base flood elevation plus 1 foot, or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus 1 foot (at least 3 feet if no depth number is specified).

(2) All new construction and substantial improvements of non-residential structures;

(a) have the lowest floor (including basement) elevated at or above the base flood elevation plus 1 foot or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus 1 foot(at least 3 feet if no depth number is specified), or

* * * * *

IV. The Town establishes the following fee schedule not to exceed $500.00 for any one service:

a. Notice of Intent Fee- $100 maximum

b. Floodplain Development Permit Application Review-$300.00

c. Floodplain Development Permit Fee- $100.00

d. Inspection Fee-per inspection- $150.00

e. Variance Request Filing Fee- $150.00

V. SECTION 5.9. PENALTIES FOR NON-COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 or imprisoned for not more than one (1) year, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Each day the violation continues shall be deemed a new violation. Nothing herein contained shall prevent Town of St. Francisville from taking such other lawful action as is necessary to prevent or remedy any violation.

VI. Unless specifically changed, modified, amended, revised, and/or updated as shown hereinabove, the Comprehensive Zoning Ordinance is and shall otherwise remain in full force and effect. If any section, clause, or phrase of the Flood Damage Prevention Ordinance are held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of the ordinance.

BE IT ORDAINED that this ordinance shall become effective upon signature of the Mayor.

An ordinance introduced by Andrew D'Aquilla and seconded by Abby T. Cochran the 23rd day of April, 2024.

Adopted on a motion Al Lemoine and seconded by Abby T. Cochran this 14th day of May, 2024.

The roll was called on the adoption thereof, and the ordinance was adopted by the following votes:

YEAS: Andrew D'Aquilla, Abby T. Cochran, James "Rucker" Leake, Al Lemoine & Gigi Robertson

NAYS: none
ABSTAINED: none
ABSENT: none

Ordinance Approved this 14th day of May, 2024.

ATTEST:

Stacy Orr, Clerk

Robert P. Leake, Mayor