

BY COUNCILMAN ELLIS

CITY OF CENTRAL
ORDINANCE NO. 2016-39

AN ORDINANCE TO AMEND AND REENACT TITLE 8 , CHAPTER 15, SEC. 8:1552,
SUBSECTION (6) OF THE CODE OF ORDINANCES OF THE CITY OF CENTRAL
RELATIVE TO FLOODWAYS, FLOODPLAINS, AND DRAINAGE AND TO PROVIDE
FOR ALL RELATED MATTERS

WHEREAS, Title 8, Chapter 15, Section 8:1552, Subsection (6) of the City of Central Code of Ordinances was enacted under City of Central Ordinance No. 2012-08 on July 31, 2012, and requires the following:

In Zone X and in all areas of special flood hazards where base flood elevation data has been provided as set forth in section 8:1532, section 8:1542(8) or section 8:1553(3), the following provisions are required:

....

(6) Minimum slab elevation. All new residential, nonresidential, manufactured homes, and substantial improvements shall meet the following requirements:

- a. The minimum lowest floor elevation shall meet or exceed each of the following levels: one foot above the FIRM base flood elevation, one foot above the record inundation, one foot above the center line of the street, and one foot above the top of the lower upstream or downstream sanitary sewer manholes between the house connection.
- b. The requirements set forth in subsection 8:1552(6)(a) of this section requiring that the minimum slab elevation be one foot above the center line of the street shall not apply when the approved drainage schematic contemplates that:
 1. The street pavement will not serve as the drainage collector system; or
 2. Drainage will not be conveyed toward the street.

; and

WHEREAS, the City of Central has higher standards at this time than the minimum standards shown in the FEMA National Flood Insurance Program ("NFIP") regulations below in relation to substantial damage. The City of Central proposed changes to the Floodplain Ordinance below are consistent with minimum standards associated with the National Flood Insurance Program

(Chapter 44, U.S. Federal Code of Regulations). Compliance with these laws is required in order for the City of Central to participate in the NFIP, which assists with recovery from a future flood event. These laws must be enforced in order for federally-backed flood insurance to be made available to City of Central residents and property owners.

WHEREAS, in accordance with the Code of Federal Regulations under CFR Title 44–Volume 1–Part 60-Subpart A, the NFIP requires that the following minimum standards be adopted in the City’s local floodplain ordinance and enforced in order for the City of Central to maintain coverage and be in compliance under the NFIP:

§ 60.3(c)(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Administrator for the allowance of basements in accordance with § 60.6 (b) or (c);

WHEREAS, the NFIP provides the following definitions located in FEMA Document P-758; **Substantial Improvement/Substantial Damage Desk Reference** dated May 2010 and located on the FEMA website at http://www.fema.gov/media-library-data/20130726-1734-25045-2915/p_758_complete_r3.pdf:

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood damage-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 non-elevation design requirements of § 60.3.

New construction means, for floodplain management purposes, 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.

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 50 percent of the market value of the structure before the damage occurred.

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 that 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.”

WHEREAS, in accordance with Sec. 8:1538 of the Code of Ordinances, the Council of the City of Central may amend Chapter 15 of Title 8 of the Code of Ordinances only after receipt of a final report from the Planning Commission on the merits of the proposed amendment; and

WHEREAS, the ordinance revisions in this ordinance were considered by the City of Central Planning Commission at a public meeting on September 1, 2016; and

WHEREAS, the Planning Commission, on a 7 to 0 vote recommended approval.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Central, State of Louisiana as follows:

Section 1:

Title 8, Chapter 15, Sec. 8:1552, Subsection (6) of the City of Central Code of Ordinances as enacted by No. 2012-08 be amended and re-enacted, so as to read as follows:

- (6) Minimum slab elevation.
 - a. For all substantial improvements, the minimum lowest floor elevation shall meet or exceed the FIRM base flood elevation.
 - b. (1) For all new residential, nonresidential, and manufactured homes, the minimum lowest floor elevation shall meet or exceed each of the following levels: one foot above the FIRM base flood elevation, one foot above the center line of the street, and one foot above the top of the lower upstream or downstream sanitary sewer manholes between the house connection.

(2) The requirement set forth in subsection (6)(b)(1) of this section that the minimum slab elevation be one foot above the center line of the street shall not apply when the approved drainage schematic contemplates that:

- a. The street pavement will not serve as the drainage collector system; or
- b. Drainage will not be conveyed toward the street.

Section 2: Nothing herein shall be deemed to in any way revise or waive requirements related to mandatory sanitary sewer connections.

Section 3: Conflicts

The specific terms and conditions of this Ordinance shall prevail against other ordinances of the City to the extent that there may be any conflict.

Section 4: Severability.

If any section, subsection, sentence, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of invalidity and shall remain in force and effect.

Section 5 Effective Date.

This Ordinance shall be effective upon publication.

Introduced before the Council on September 13, 2016.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

For: Ellis, Evans, Fralick, Messina, Vance
Against: None
Absent: None

Adopted the 27th day of September, 2016.

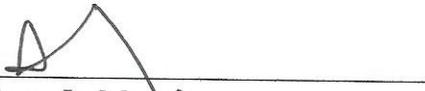
Signed the 29th day of September, 2016.

Delivered to the Mayor on the 29th day of September, 2016.



Mark Miley, City Clerk

Approved:



I.M. Shelton, Jr. Mayor

Received from Mayor on the 29th day of September, 2016:



Mark Miley, City Clerk

Adopted Ordinance published in *The Advocate* on the 13th day of October, 2016