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Exhibit JJ.
CSX Almonaster Site
Flood Protection Report

LOUISIANA ECONOMIC DEVELOPMENT
CERTIFIED SITE

GREATER NEW ORLEANS INC
REGIONAL ECONOMIC DEVELOPMENT

CSX Almonaster Site
Flood Protection Report

InSite Real Estate, L.L.C.

Hurricane Protection & Stormwater Design

September 11, 2012
Job No. 20110162-01

Prepared by:
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1200 St. Charles Ave
New Orleans La 70130

EXECUTIVE SUMMARY:

InSite Real Estate, L.L.C. (InSite) intends to develop a 115 acre site on the south side of Almonaster Boulevard approximately one mile east of IHNC (Inner Harbor Navigation Canal) in New Orleans, Louisiana.

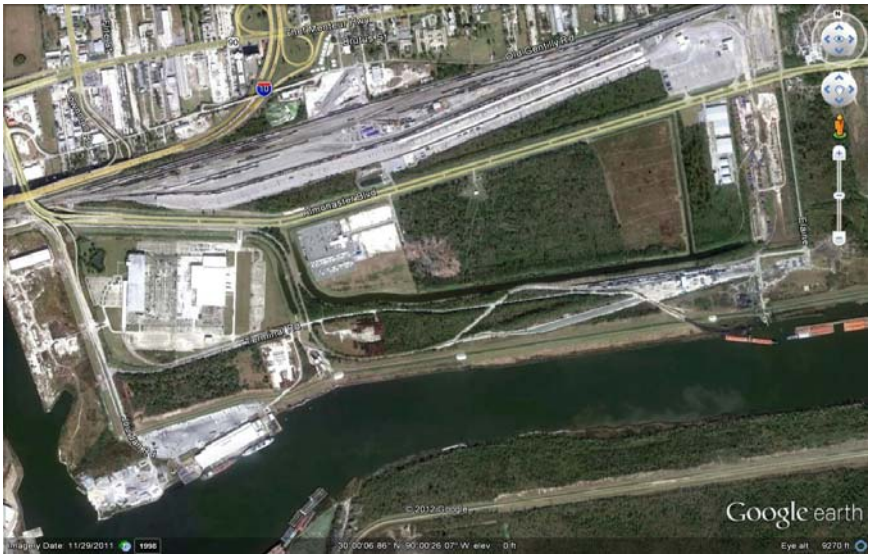

Figure 1 – Project Site

The hurricane and flood protection system responsible for preventing damage from hurricane storm surges and flooding to New Orleans, including the InSite project area, has been upgraded considerably since 2005 (post Hurricane Katrina). Structures built include but are not limited to the Seabrook Floodgate, Lake Borgne surge barrier wall, and the St. Bernard levee flood walls that were all constructed to prevent a 100-year storm surge. Additional structures and upgrades can be seen in Figures 2 and 6. Based on past measurements of flooding, hydraulic modeling by the Corps of Engineers, and field observations, the InSite project area is both well-protected and at minimal risk of flooding.

The stomwater design for the project area is based on a 10-year, 24-hour design storm event utilizing both the Rational and NRCS (Natural Resources Conversation Service) methods to compute both pre- and post-runoff rate and volume including design for detention requirements.

The minimum first floor elevation is either the BFE (Base Flood Elevation), which is established by the FEMA flood maps (Figure 11) or 3 feet above the roadside curb elevation or crown, whichever is the greater of the two (BFE or curb elevation). The elevation of the crown of Almonaster Boulevard at the property is approximately +2.0'.

HURRICANE/FLOOD PROTECTION:

The following map (Figure 2) depicts both the pre-Katrina level of protection and the current Hurricane and Storm Damage Risk Reduction System (HSDRRS). The elevations highlighted in blue are the pre-Katrina flood protection elevations and the elevations highlighted in green are the new elevations representing a 100-year level of risk reduction capable of withstanding the effects of storm having a 1% chance of occurring each year.

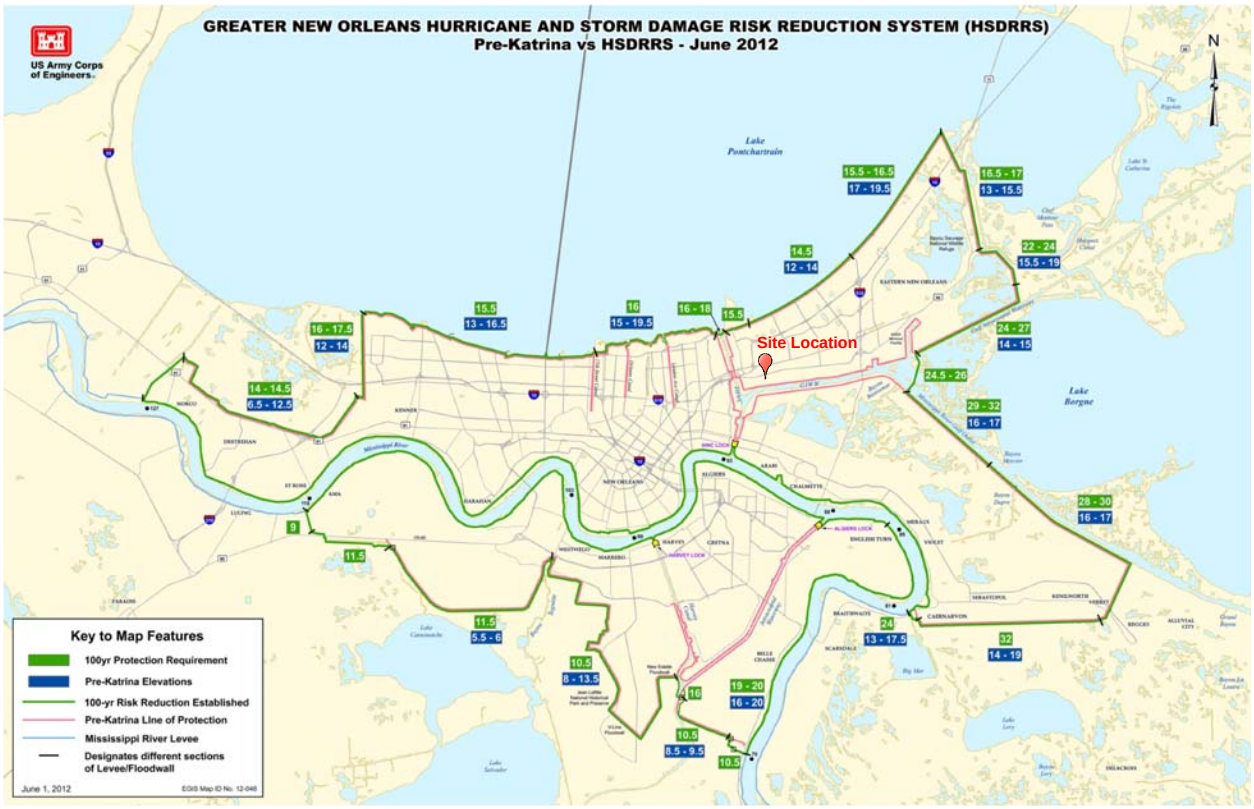

Figure 2 – Map of Pre-Katrina and the Hurricane and Storm Damage Risk Reduction System

In 2005, Hurricane Katrina caused extensive damage to the Gulf Coast region in addition to flooding 80% of the New Orleans area. Figure 3 shows the extent of flooding that occurred in the New Orleans area. Areas to the north of the project site suffered significant flooding from Hurricane Katrina in comparison to the project site which received very minor flooding. Flood protection prior to 2005 was adequate for the 100-year design storm, yet the Almonaster corridor did experience flooding due to the overtopping of the GIWW (Gulf Intracoastal Waterway) levee during Hurricane Katrina, which was determined to have a return interval of 440 years. Since then the existing protection system has been upgraded with improvements made to floodwalls and levees in and around this section of New Orleans (locally named New Orleans East) in addition to the construction of the IHNC (Inner Harbor Navigation Canal) Hurricane Barrier and the closing of the MRGO (Mississippi River Gulf Outlet). This upgraded system has performed well during each hurricane season since 2005. Hurricane Isaac made landfall in August 2012 and field observationsindicate that the project site did not experience any flooding.

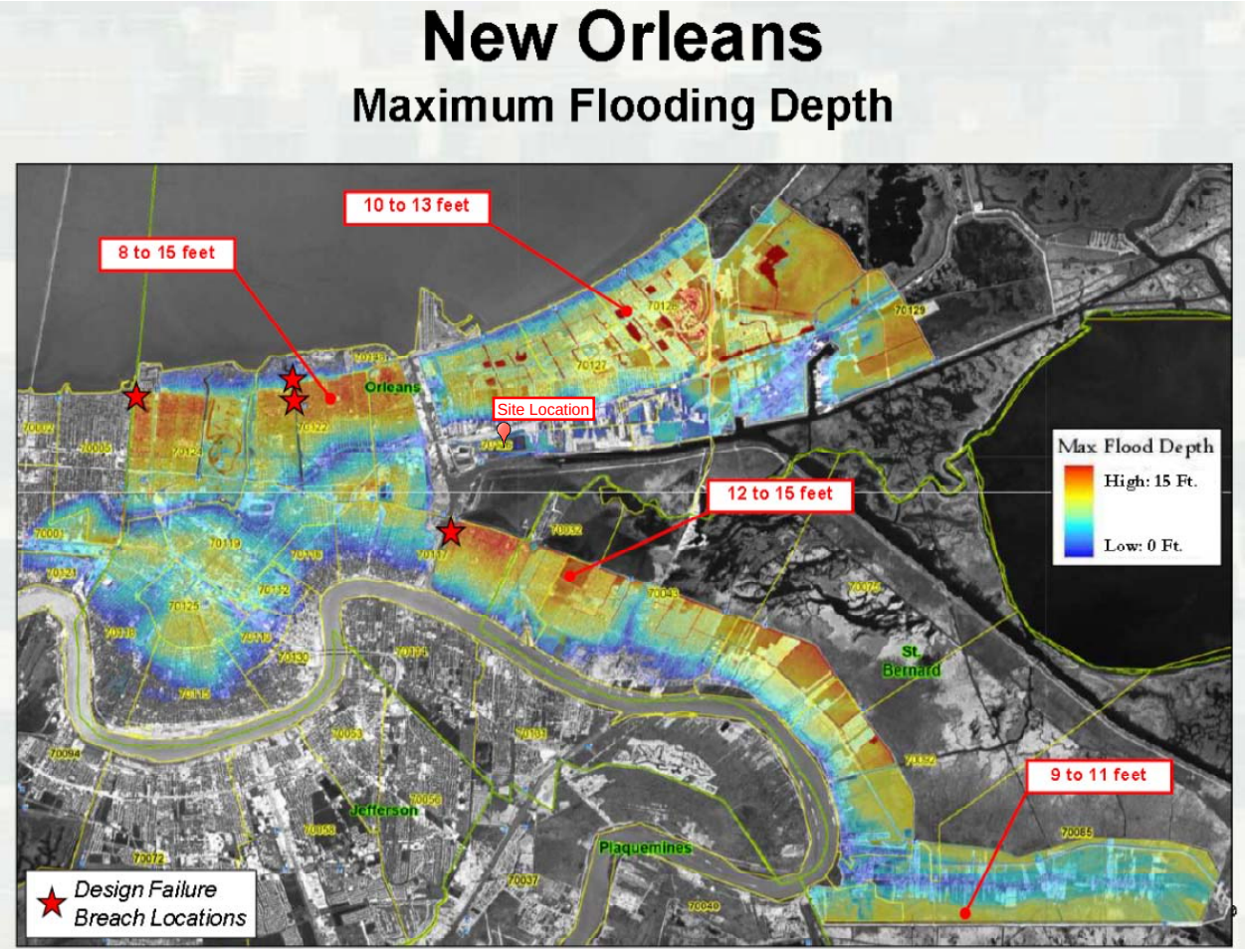

Figure 3 – Maximum Flooding Depth

The primary model for determination of storm surge heights is the Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized numerical model developed by the National Weather Service (NWS). The NWS estimates storm surge heights resulting from historical, hypothetical, or predicted hurricanes.

Prior to the HSDRRS, the map shown below (Figure 4) represents the level of flooding from a 100-year storm. As shown, the level of flooding had portions of the project site experiencing 0 to 2 feet of flooding with a small section experiencing 4 to 6 feet of flooding.

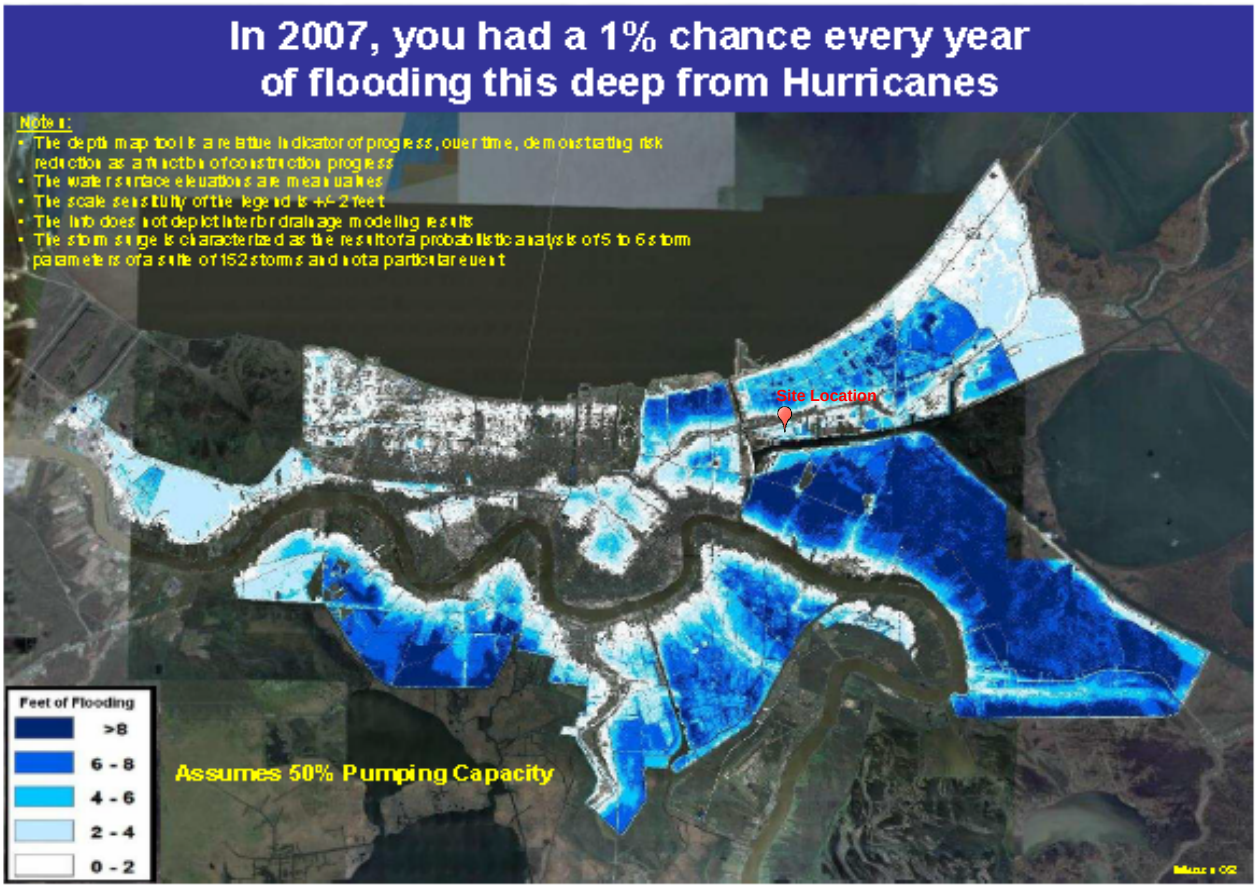

Figure 4 – Old 100-year LOP (Level of Protection)

The level of flooding with the updated 100-year LOP (Level of Protection) is shown in the figure below (Figure 5). As shown, the proposed project will not experience any flooding with the exception of the furthest most north and south edges of the property showing only 0 to 2 feet of flooding.

Figure 5 – 100-year LOP

The locations and types of the various forms of flood protections are shown in Figure 6. An example of the improvements made to the existing flood walls can be seen in Figure 7.

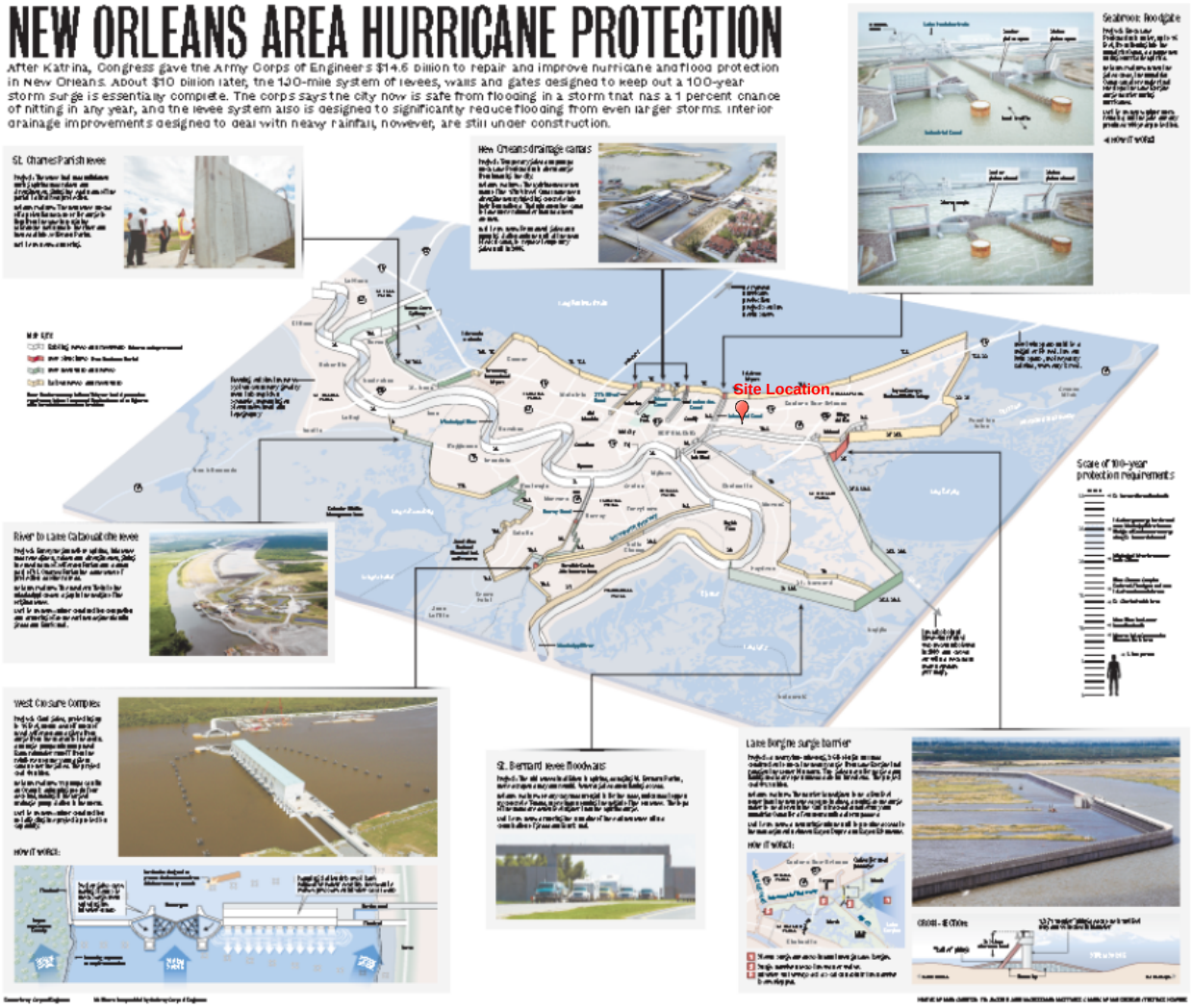

Figure 6 – Flood Protection Structures

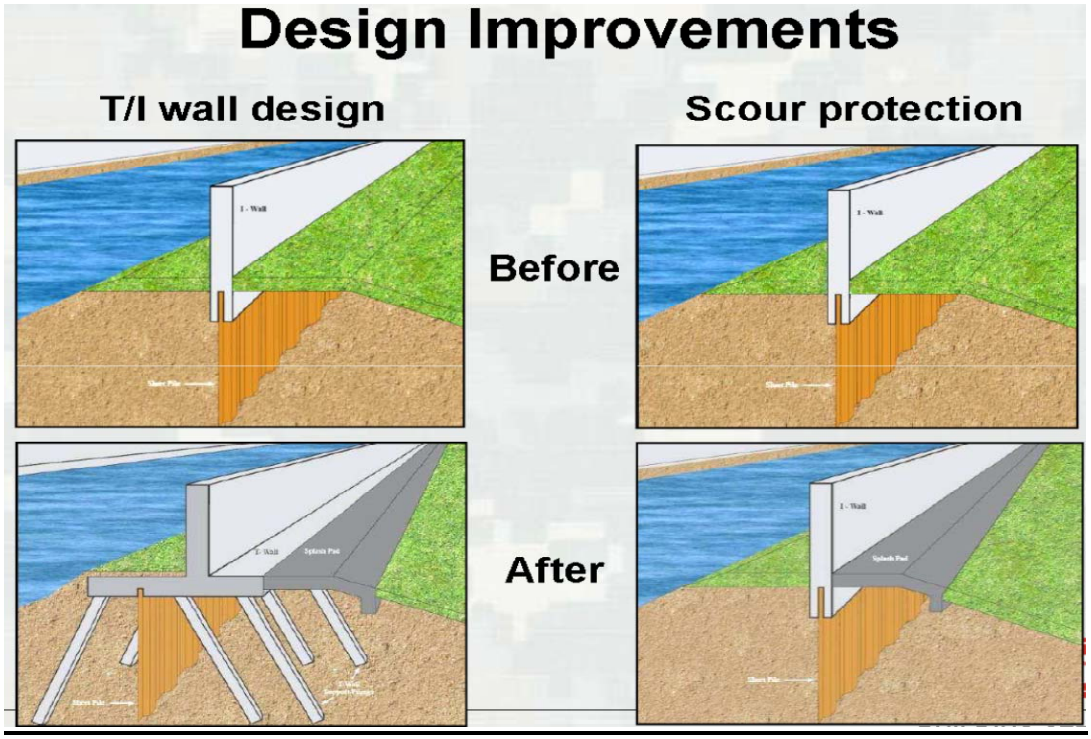

Figure 7 – Design Improvements

STORMWATER DESIGN:

Site drainage will be designed for both the maximum runoff flow rate (cubic feet per second) and the maximum volume of water (acre-in) that the site will experience for a particular design storm event. The Rational method and the NRCS (formerly the SCS) method will both provide the proper design discharge and volume of water that the project's site drainage will be designed to accommodate.

For both methodologies, a 10 year storm event will be used. The Rational method will utilize the following Intensity Duration Frequency (IDF) curve information:

IDF Curves - LA Region I

$I = a(D+b)^c$

	a	b	c
2-year	2.815	0.282	-0.899
10-year	4.016	0.347	-0.826
25-year	4.611	0.346	-0.798
50-year	5.097	0.351	-0.783
100-year	5.487	0.334	-0.759

	5-min	15-min	30-min	60-min
2-year	6.96	4.96	3.51	2.25
10-year	8.06	6.15	4.61	3.14
25-year	9.05	6.97	5.27	3.64
50-year	9.79	7.59	5.78	4.03
100-year	10.65	8.25	6.30	4.41

	1 hr	6 hr	12 hr	24 hr
2-year	2.25	0.54	0.30	0.16
10-year	3.14	0.87	0.50	0.29
25-year	3.64	1.06	0.62	0.36
50-year	4.03	1.20	0.71	0.42
100-year	4.41	1.35	0.82	0.49

Figure 8 – IDF Curve Inputs

The NRCS method will utilize the Technical Paper No. 40 Rainfall Frequency Atlas for a 10 year, 24 hour storm event. The following figure highlights the project's location and rainfall in inches (9 inches) for the project site.

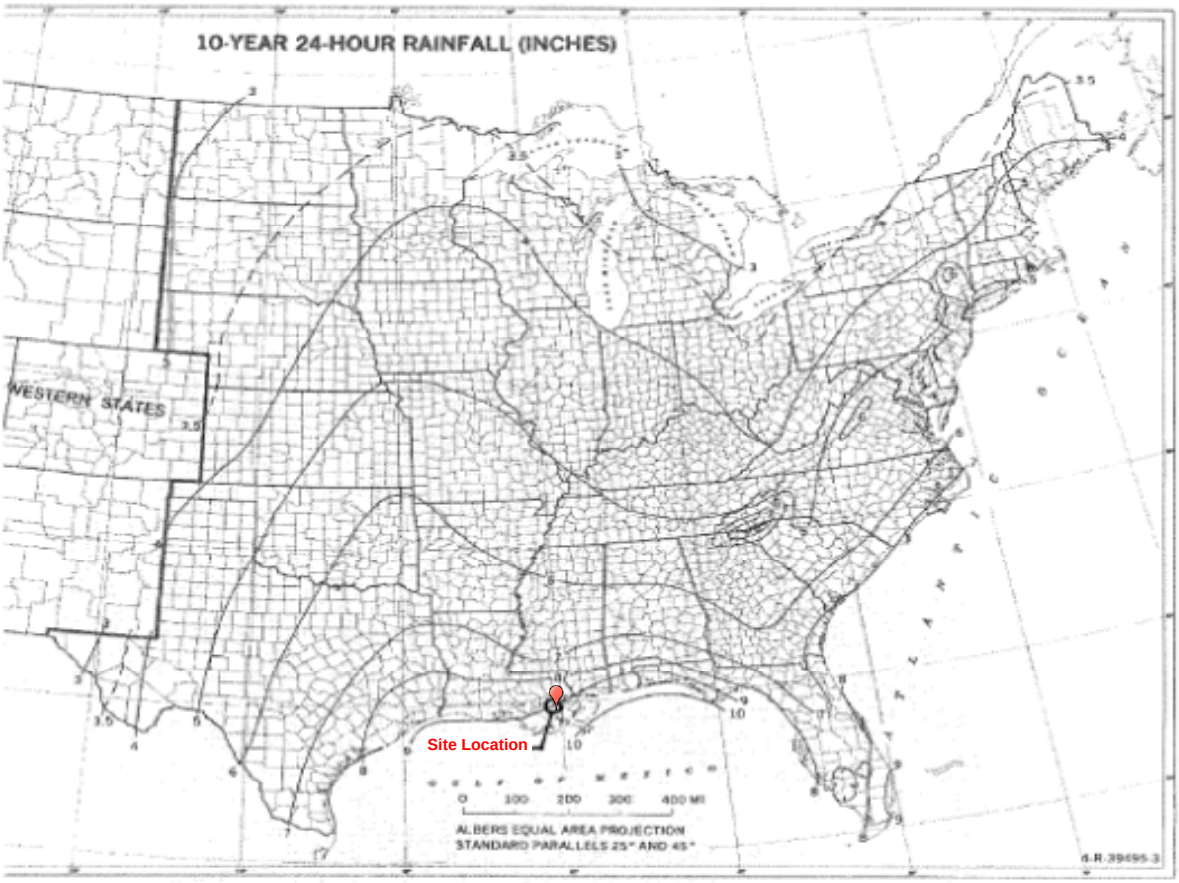

Figure 9 – 10yr-24hr TP 40 Map

Due to the project site being located in Orleans Parish, site detention of stormwater runoff will be required for any new construction. Orleans Parish requires that the post-construction runoff flow rate (cfs) cannot exceed the pre-development runoff rate (cfs). This can be accomplished in a number of ways (detention pond, underground storage via culverts, choke pipe, etc.) in conjunction with utilization of the NRCS method for determination of the proper volume of water to detain.

BASE FLOOD ELEVATION:

The project site has two separate designations for flood zoning indicated in the Federal Emergency Management Agency (FEMA) Flood Maps. As shown in Figure 10, a portion of the project site is located within Zone B with the remaining area located in Zone A1. Areas in Zone B are between the limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. Zone B does not have a minimum Base Flood Elevation (BFE). Zone A1 are areas of the 100-year flood. A minimum BFE of +2.0 feet has been established for Zone A1 for the project site. Figure 11 is a Flood Insurance Rate Map (FIRM) that highlights the minimum BFE elevation of +2.0 feet for the project site.

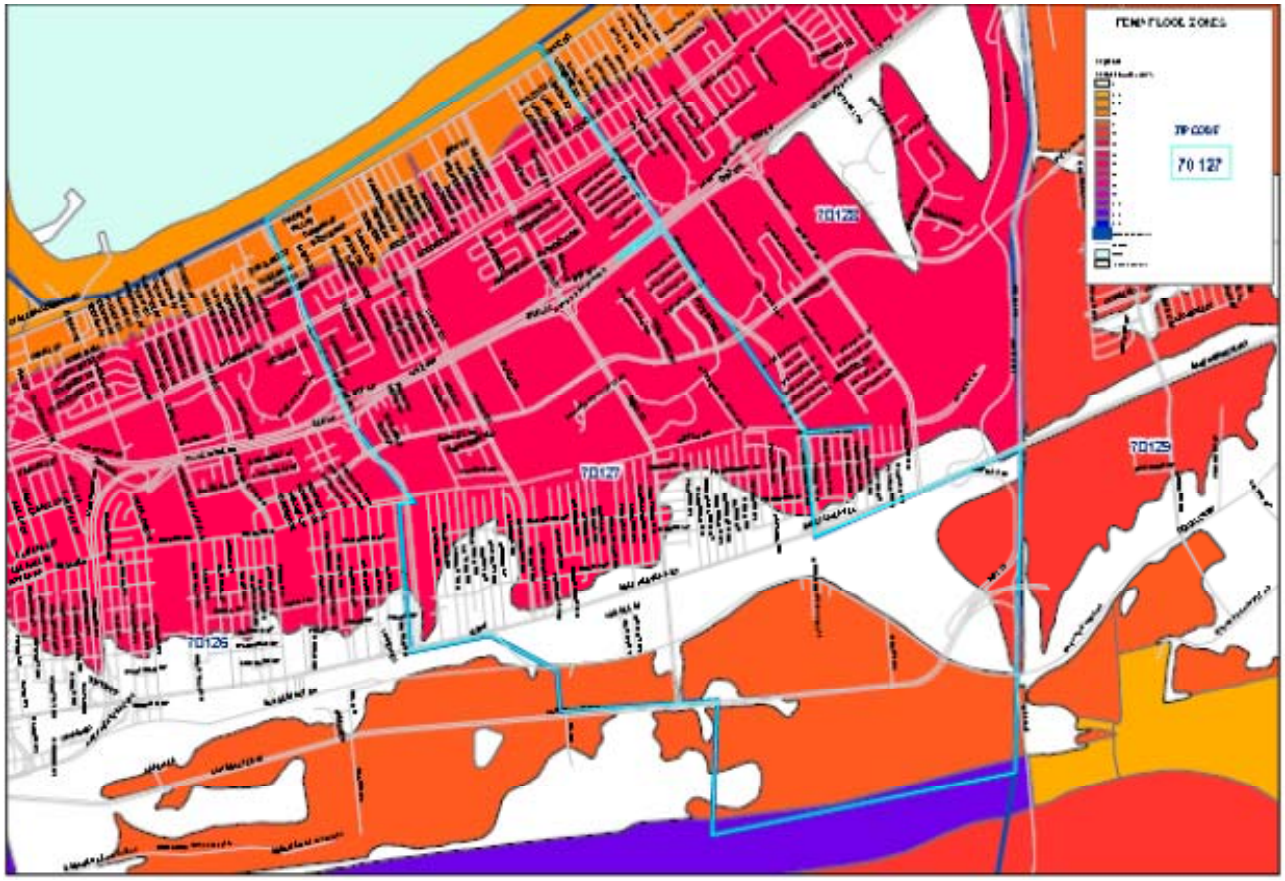

Figure 10 – FEMA Flood Zones

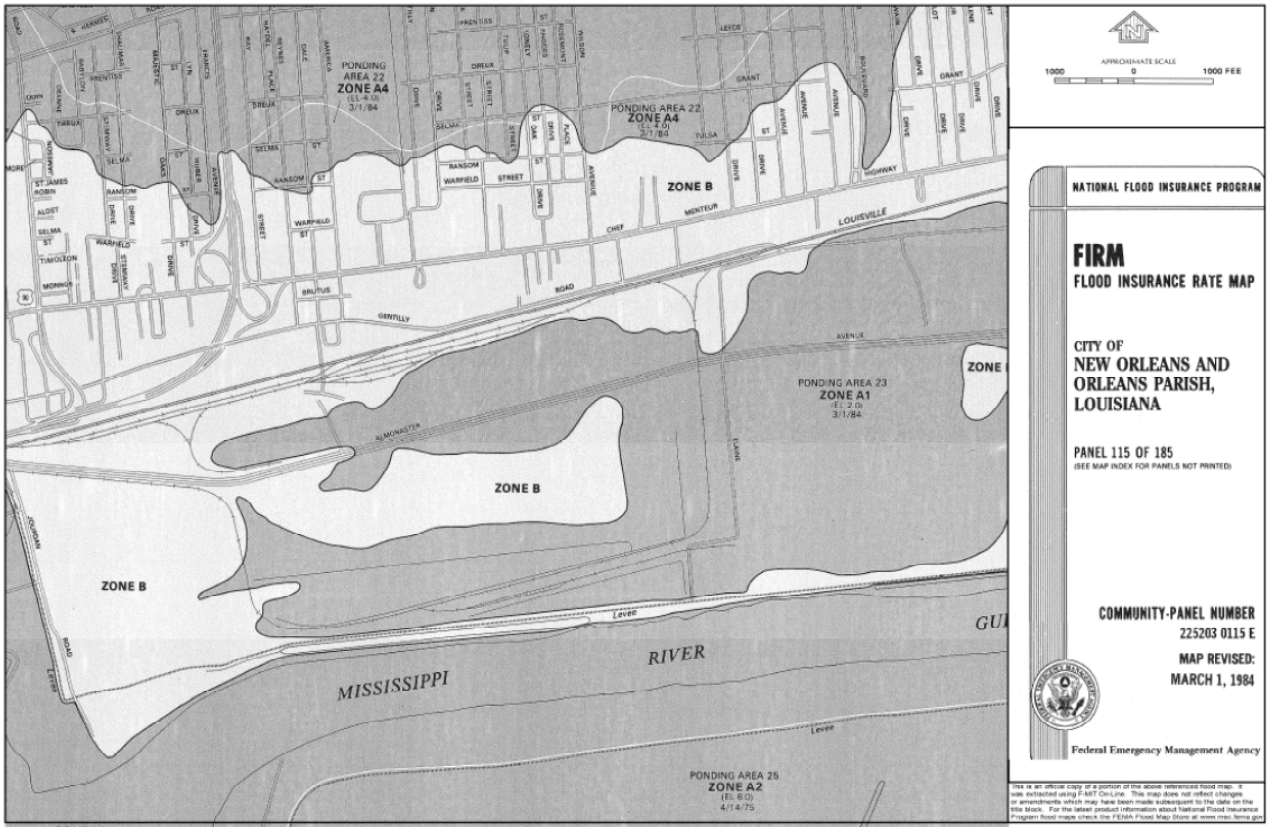

Figure 11 – Flood Insurance Rate Map (FIRM)

Orleans Parish requires that the first floor elevation of any new non-residential construction be built at either the designated BFE elevation provided in the FIRM or at the Adjusted Base Flood Elevation (ABFE) which is defined as 3 feet above the HEAG (Highest Existing Adjacent Grade), whichever is the greater of the two. The HEAG is defined as either the point at which the adjacent road meets the lot or if there is no curb, 3 feet above the crown of the roadway. Section 78-38 (pg. 3 of 24) of the Code of Ordinances of the City of New Orleans, sub-paragraph (b) provides this information. An excerpt of the Code of Ordinances of the City of New Orleans can be found as Attachment A of this report. It should be mentioned that the limits of Orleans Parish and the City of New Orleans are coterminous.

Attachment A

CODE OF ORDINANCES
City of
NEW ORLEANS, LOUISIANA

Excerpt from:

CODE OF ORDINANCES
City of
NEW ORLEANS, LOUISIANA

Codified through
Ordinance No. 23911, enacted March 11, 2010.
(Supplement No. 52, Update 2)

ARTICLE II. FLOOD DAMAGE PREVENTION*

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*Cross references: Buildings, building regulations and housing standards, ch. 26; manufactured homes and parks, ch. 98; planning, ch. 118; streets, sidewalks and other public places, ch. 146; utilities, ch. 158; waterways, ch. 170.

State law references: Parishes and municipalities authorized to comply with federal flood insurance act, R.S. 38:84.

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DIVISION 1. GENERALLY

Sec. 78-36. Statutory authorization.

The state legislature has in R.S. 33:101 through R.S. 33:130.1 and R.S. 33:4721 through R.S. 33:4732 delegated the responsibility to local governmental units to adopt regulations for the physical development of parishes and municipalities and for the exercise of police power.

(Code 1956, § 32-1)

Sec. 78-37. Finding 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 use vulnerable to floods and hazards to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
(Code 1956, § 32-2)

Sec. 78-38. Statement of purpose.

(a) The principal purpose of the regulations in this article is to prescribe minimum requirements for land use and control measures for floodprone areas in the city, as determined by the Federal Emergency Management Agency (FEMA). These regulations are based upon relevant technical storm data specific to the parish, as developed by the U.S. Army Corps of Engineers and the National Academy of Sciences. These measures must be applied uniformly throughout the community to all privately and publicly owned land within floodprone areas, based upon standards set forth in these regulations, as prescribed by the Federal Emergency Management Agency (FEMA).

(b) Official flood maps entitled Flood Insurance Rate Maps (FIRM) for Orleans Parish, Louisiana (Community Panel No. 225203 0001-0185), dated March 1, 1984, as amended, inclusive of FEMA Letters of Map Amendment dated May 9, 1984, and August 29, 1984, relative to Tall Timbers Extensions, Ponding Area 33, and inclusive of FEMA conditional Letter of Map Revision, dated July 11, 1986, relative to the South Shore Harbor Project, or the advisory base flood elevation of three feet above the highest curb height in front of the building site or the required flood elevation, as published on April 12, 2006, whichever is higher, are adopted by the city and on file with the clerk of council. All properties located within the jurisdiction of the Historic Landmarks Commission, Vieux Carre Commission, National Register district, or property that is included in the definition of "historic structure" under the National Flood Insurance Program, shall be exempt from the advisory Base Flood Elevations published on April 12, 2006.

(Code 1956, § 32-3; M.C.S., Ord. No. 22354, § 1, 8-25-06)

Sec. 78-39. Methods of reducing flood losses.

(a) In order to accomplish its purposes, this article uses the following methods:

(1) Restricts or prohibits uses that are dangerous to health, safety or property in times of flood, or cause excessive increase 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; and

(5) Prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(b) The city's participation in the FEMA sponsored Community Rating System (CRS) Program will provide a new incentive for activities that reduce flood losses and support the sale of flood insurance. This program will result in flood premium reductions for city residents. The city planning commission has been designated as the city's lead agency or CRS coordinator to the program. Part of the program's goal is to actively involve city and associated agencies in the development, advertising, and enforcement of any activity that would reduce property damage and residential liability in the event of flooding. Participation in the CRS Program includes annual review and revision of the floodplain management plan for the city which will include a public hearing process, citywide mail-outs and other forms of public advertisement. The management plan will be made available to the public and interested parties through the city public library system, city planning commission, department of safety and permits, and the office of the clerk of council.

(Code 1956, § 32-4)

Sec. 78-40. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Appeal means a request for a review of the director's interpretation of any provision of this article or a request for a variance.

Area of shallow flooding means a designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three 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 special flood hazard is the land in the floodplain within a community 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 insurance rate map (FIRM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

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

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

Benchmark elevations means the January 1986 adjustment of the 1985 Vertical Control Survey of Orleans Parish, Louisiana, published by National Geodetic Survey and/or any subsequent adjustments published by National Geodetic Survey and recognized by FEMA. 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.

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 a FIRM as zone V1-30, VE or V.

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 work involving mining, dredging, filling, grading, paving, excavation or drilling operations but excluding those activities whose review is already controlled by subdivision regulations, which encompass the elevation determination for all street paving, curb grades and subsurface drainage as determined by the department of public works based on flood slope elevations of major drainage canals furnished by the Sewerage and Water Board of New Orleans. First floor or lowest elevation of any structural member will be assigned by the department of safety and permits. Also expected are minor activities normally conducted in the course of general maintenance such as planting or deposit of fill or improved property as well as those activities that are the responsibilities of public agencies in carrying out their duties for which they are capable of determining elevations and are knowledgeable of floodprone areas as determined by the Federal Emergency Management Agency.

Director means the director of the department of safety and permits of the city.

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 floor 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 zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, the term "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, the term "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 (NFIP Regulations).

Existing construction means, for the purposes of determining flood insurance 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. Existing 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 before the effective date of the floodplain management regulations adopted by a community.

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).

Federal insurance administrator means the individual to whom the director of the Federal Emergency Management Agency has delegated the administration of the program (44 CFR 9.45 FR 59520 September 9, 1980).

Flood or flooding means 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 of runoff of surface waters from any source.

Flood insurance rate map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flooding insurance study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, and the flood boundary-floodway map.

Floodplain or floodprone area means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain management program means the operation of all overall programs of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and land use and control measures.

Floodproofed means any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

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.

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, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

Land use and control measures means zoning ordinances, subdivision regulations, building codes, health regulations, and other applications and extensions of the normal police power, to provide standards and effective enforcement provisions for prudent use and occupancy of floodprone and mudslide areas.

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 non-elevation design requirement of section 60.3 of the NFIP regulations.

Manufactured home means a structure transportable in one 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" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles. Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of January 1986 Adjustment of the 1985 Vertical Control Survey of Orleans Parish, Louisiana, or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

100-year flood (storm) means the highest level of a flooding that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year).

New construction means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of the ordinance from which this article was derived.

Program deficiency means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplains management regulations or of the standards in section 60.3, 60.4, 60.5, or 60.6 of the NFIP Regulations.

Recreational vehicle means a vehicle which is:

(1) built on a single chassis;

(2) 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 or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected developments 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.

Residential structure means a building or portion thereof, designed or used exclusively for residential occupancy but not including trailers, hotels, motels or motor lodges.

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, placement or other improvement was within 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 land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

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 "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".

V zone: See Coastal high-hazard area.

Variance is a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article. (For full requirements see section 60.6 of the NFIP Regulations.)

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) of the NFIP Regulations 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 January 1986 adjustment of the 1985 Vertical Control Survey of Orleans Parish, Louisiana (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Code 1956, § 32-5; M.C.S., Ord. No. 23242, § 1, 9-18-08)

Cross references: Definitions generally, § 1-2.

Sec. 78-41. Application of article.

This article shall apply to all areas of special flood hazard within the jurisdiction of the parish.

(Code 1956, § 32-6)

Sec. 78-42. Floodplain management programs in adjoining parishes.

Individual floodplain management programs in Jefferson and St. Bernard Parishes shall be given consideration in an approach to overall flood management in the metropolitan New Orleans area and will notify these parishes of any watercourse alterations or relocations.

(Code 1956, § 32-23; M.C.S., Ord. No. 23242, § 1, 9-18-08)

Sec. 78-43. 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 Orleans Parish," dated March 1, 1984, 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.

(Code 1956, § 32-7)

Sec. 78-44. Establishment of building permit.

A building permit shall be required to ensure conformance with the provisions of this article.

(Code 1956, § 32-8)

Sec. 78-45. Compliance.

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

(Code 1956, § 32-9)

Sec. 78-46. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another article conflict or overlap, whichever article imposes the more-stringent restrictions shall prevail. If any section, clause, sentence, or phrase of this article is 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 portions of this article.

(Code 1956, § 32-10; M.C.S., Ord. No. 23242, § 1, 9-18-08)

Sec. 78-47. Interpretation.

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

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the city council; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Code 1956, § 32-11)

Sec. 78-48. Warning and disclaimer of liability.

The degree of flood protection required by this article 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 heights may be increased by manmade or natural causes. This article 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 article shall not create liability on the part of the community or any

official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Code 1956, § 32-12)

Sec. 78-49. Status of conflicting ordinances.

All ordinances or parts of ordinances in conflict with this article are hereby repealed.

(Code 1956, § 32-37)

Sec. 78-50. Designation of administrator.

The director of the department of safety and permits is hereby designated 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.

(Code 1956, § 32-13)

Sec. 78-51. Duties and responsibilities of director.

(a) The duties and responsibilities of the director shall include, but not be limited to, the following:

(1) Maintain and have open for public inspection all records pertaining to the provisions of this article.

(2) Review permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(3) Review and approve or deny all applications for development permits required by adoption of this article.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies, 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) Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

(6) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(b) When base flood elevation data has not been provided in accordance with section 78-43, the director 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 division 3.

(c) When a regulatory floodway has not been designated, the director 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 foot at any point within the community.

(Code 1956, § 32-14)

Sec. 78-52. Penalties for violations.

Under authority of R.S. 33:4728 the city is authorized to collect fines for violation of building and zoning regulations. The owner or general agent of a building or premises where a violation of any regulation for floodprone areas has been committed or exists or the general agent, architect, builder, contractor or any other person who assists in any floodprone area regulation violation or who maintains any building or premises in which the violation exists shall be fined not less than $10.00 and not more than $25.00 or be imprisoned for not more than 30 days for each day that the violation continues.

(Code 1956, § 32-26)

Secs. 78-53--78-75. Reserved.

DIVISION 2. PERMITS

Sec. 78-76. Building permit--Required.

(a) It shall be unlawful to proceed with any new construction, substantial improvement or major repair to a building within the city without having previously obtained a permit properly numbered and approved from the director of the department of safety and permits.

(b) It shall be the duty of the department of police to see that such work requiring a permit is authorized and to report the absence of a permit to the director. All work must comply with the building code, as well as this article, and shall be subject to inspection whether a permit is required or not, at the discretion of the director.

(Code 1956, § 32-16)

Sec. 78-77. Same--Application procedures.

(a) Application for a building permit shall be presented to the director on forms furnished by the director and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(1) A certificate of elevation shall be prepared by a civil engineer or land surveyor licensed to practice in the state, which certifies that all requirements contained herein have been complied with, and holds the city harmless from any errors and omissions if such exist in the elevation certificate;

(2) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

(3) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(4) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 78-132(2);

(5) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(b) The director shall maintain a record of all such information in accordance with section 78-51(a)(1).

(c) Approval or denial of a building permit by the director shall be based on all of the provisions of this article and 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, transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, 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.

(Code 1956, § 32-15)

Sec. 78-78. Development permit.

It shall be unlawful to proceed with any new development within the city without having previously obtained a permit properly numbered and approved from the director of the department of safety and permits.

(Code 1956, § 32-17)

Sec. 78-79. Other permits.

Prior to the securing of a local permit for development as defined in section 78-40, it shall be the responsibility of the applicant to secure all necessary permits from those governmental agencies for which approval is required by federal or state law.

(Code 1956, § 32-18)

Sec. 78-80. First floor elevation required.

All building permits issued for new construction or substantial improvements must have imprinted upon them the mean sea level elevation of the lowest floor (including basement) and the base flood level of the 100-year storm. Such elevation requirements apply to all new residential and nonresidential structures as well as substantial improvements.

(Code 1956, § 32-19)

Sec. 78-81. Minimum elevation.

It shall be the responsibility of the department of safety and permits to act as a repository for lowest-floor elevation records and to assign required lowest-floor elevations. The notation shall be made on the face of the building permit. The lowest-floor elevation of new residential construction and substantial improvements must, at a minimum, be elevated to the 100-year base flood level (BFE) as determined by the FEMA flood insurance rate maps dated March 1, 1984, as amended, inclusive of the FEMA letter of map revision dated July 11, 1986, relative to the South Shore Harbor Project. In cases where floodproofing is utilized for nonresidential new construction and substantial improvements, proper certificates from a registered professional engineer or licensed architect shall be obtained and maintained.

(Code 1956, § 32-20; M.C.S., Ord. No. 23242, § 1, 9-18-08)

Sec. 78-82. Review of permits for construction.

It shall be the responsibility of the director of the department of safety and permits to assure that:

(1) The lowest-floor elevation of new residential structures or substantial improvements be at or above the base flood level of a 100-year storm.

(2) The lowest-floor elevation of new nonresidential structures or substantial improvements be either at or above the base flood level of a 100-year storm, or if below the base flood elevation, that together with its attendant utility and sanitary facilities be floodproofed up to the level of the base flood elevation of a 100-year storm.

(3) New construction or substantial improvements within special flood hazard areas be protected against flood damage, be anchored in accordance with the Building Code of the City of New Orleans to prevent flotation, collapse or lateral movement of the structure, utilize construction materials and utility equipment that is resistant to flood damage, and utilize construction methods and practices to minimize flood damage.

(Code 1956, § 32-2; M.C.S., Ord. No. 23242, § 1, 9-18-081)

Secs. 78-83--78-105. Reserved.

DIVISION 3. WAIVER OF REGULATIONS

Sec. 78-106. Function of the board of building standards and appeals.

It shall hereby be the function of the board of building standards and appeals to hear petitions supporting waivers to the regulations in this article.

(Code 1956, § 32-24)

Sec. 78-107. Procedure for appeal.

(1) The board of building standards and appeal (BBSA) shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.

(2) Any person or persons aggrieved by the decision of the BBSA may appeal such decision to a court of competent jurisdiction.

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

(4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(5) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant

factors in section 78-77 have met the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors noted above and the intent of this article, the BBSA may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article.

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

(8) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(9) Prerequisites for granting variances:

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

(b) Variances shall only be issued upon:

(i) Showing a good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

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

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

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

(i) The criteria outlined in this section are met, and

(ii) 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.

(Code 1956, § 32-25; M.C.S., Ord. No. 23242, § 1, 9-18-08)

Secs. 78-108--78-130. Reserved.

DIVISION 4. FLOOD HAZARD REDUCTION

Sec. 78-131. General standards.

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

(1) All new construction or substantial improvements shall be designed or modified and adequately anchored to prevent the 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 the infiltration of floodwaters into the system;

(6) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system and discharge from the system into floodwaters; and

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

(Code 1956, § 32-27)

Sec. 78-132. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 78-43, section 78-51(b), or section 78-137(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 director that the standard of this subsection, as proposed in section 78-77(a)(1), 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 floor 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 the effect 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 director.

(3) Enclosure. 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. 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 openings having a total net area of not less than one 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 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 floodwaters.

(Code 1956, § 32-28)

Sec. 78-133. Manufactured homes--Compliance with regulations.

(a) The director shall require that the following regulations are complied with in the construction and operation of new manufactured home parks:

(1) Over-the-top ties shall be provided at or near each of the four corners of a manufactured home with two additional ties per side. Frame ties shall be provided at each corner of a manufactured home, with five additional ties per side at intermediate points; provided, however, that a manufactured home less than 50 feet in length shall require but four additional ties per side. All components of the anchoring system for a manufactured home shall be capable of carrying a force of 4,800 pounds. Any additions to a manufactured home shall be similarly anchored.

(2) Should pile foundations be utilized for trailers, the design shall be submitted over the signature of a state-registered civil engineer or a state-registered architect.

(3) These regulations shall apply only in those zoning districts where manufactured homes are permitted under the provisions of the comprehensive zoning ordinance, M.C.S., Ordinance No. 4,264, as amended.

(b) All manufactured homes to be placed within zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition

to applicable state and local anchoring requirements for resisting wind forces.

(c) All manufactured homes shall be in compliance with section 78-132(1).

(d) All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and shall be securely anchored to an adequately anchored foundation system in accordance with the provision of this section.

(Code 1956, § 32-29)

Cross references: Manufactured homes and parks, ch. 98.

Sec. 78-134. Same--Standards for placement and elevation.

It shall be required in manufactured home parks that stands or lots be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level, adequate surface drainage and access for a hauler are provided and that in the instance of elevation on pilings, lots are large enough to permit steps. Piling foundations are to be placed in stable soil no more than ten feet apart, and reinforcement is to be provided for pilings more than six feet above the ground level.

(Code 1956, § 32-30)

Sec. 78-135. Same--Restricted in coastal high-hazard areas.

Manufactured homes are prohibited in coastal high-hazard areas (zones V1-30) unless they are currently in existing manufactured home parks.

(Code 1956, § 32-31)

Sec. 78-136. Same--Adherence to regulations in coastal high-hazard areas.

All manufactured home parks in coastal high-hazard areas on March 19, 1987, must meet construction regulations as described in sections 78-132 and 78-135. This requirement would apply to all manufactured homes being located in a manufactured home park on March 19, 1987.

(Code 1956, §§ 32-22, 32-32)

Sec. 78-137. Standards for subdivision proposals.

(a) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with sections 78-37 through 78-39.

(b) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet building permit requirements of section 78-44, section 78-77, and the provisions of this division.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed developments including manufactured home parks and subdivisions which are greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 78-44 or section 78-77 and the provisions of this division.

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

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

(Code 1956, § 32-33)

Sec. 78-137.1. Standards for placement of recreational vehicles in zones A1-30, AH, and AE.

All recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM shall either:

(i) Be on the site for fewer than 180 consecutive days, or

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of section 78-107, and the elevation and anchoring requirements for "manufactured homes" in section 78-133.

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.

(M.C.S., Ord. No. 23242, § 1, 9-18-08)

Sec. 78-137.2. Standards for placement of recreational vehicles in zones V1-30, V, and VE. subdivision proposals.

All recreational vehicles placed on sites within zones V1-30, V, and VE on the community's FIRM shall either:

(i) Be on the site for fewer than 180 consecutive days, or

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the requirements in section 78-78.

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.

(M.C.S., Ord. No. 23242, § 1, 9-18-08)

Sec. 78-138. Standards for areas of shallow flooding.

Located within the areas of special flood hazard established in section 78-43 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and 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 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 feet if no depth number is specified), or;

b. 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 capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer shall submit a certification to the director that the standards of this section are satisfied, as proposed in section 78-77(a)(1).

(4) Within zones AH or AO adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

(Code 1956, § 32-34)

Sec. 78-139. Coastal high-hazard areas.

Located within the areas of special flood hazard established in section 78-41 are areas designated as coastal high-hazard areas (zones V1-30, VE and/or V). These areas have special flood hazards associated with high-velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in this article, the following provisions must also apply:

(1) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The director 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;

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

c. A registered professional engineer 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 this subsection (3).

(4) All new construction and substantial improvements shall 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.

a. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten nor more than 20 pounds per square foot.

b. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer certifies that the designs proposed meet the following conditions:

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

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

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

(6) Prohibit the use of fill for the structural support of buildings.

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

(Code 1956, § 32-35)

Sec. 78-140. Neighborhood rebuilding equity procedures.

(1) Equitable distribution of disaster-mitigation resources. Following declaration of an emergency by city, state or federal governmental officials relative to the aftermath of storm damage or the resulting destruction caused by a natural disaster and all subsequent storm-related effects occurring within the boundaries of Orleans Parish or any affected geographic area contained therein, including any land mass designated as a disaster zone in part or in full, shall be determined eligible for fair and equitable participation and consecutive distribution of funds derived through federal, state or city resources including private external funding donated for city use and made available to the city for the purpose of disaster mitigation, neighborhood reclamation and infrastructure restoration.

The City of New Orleans, being a political subdivision of the State of Louisiana and governed by its Home Rule Charter, shall exercise its authority and fiduciary responsibilities to protect the public interest through furtherance of disaster mitigation, neighborhood reclamation and infrastructure restoration programs and services which affirm equal protection of the rights of all citizens and Orleans Parish residents through equal and unabridged access to disaster assistance.

(2) Disaster area rebuilding not exclusive or restricted by geographic area or zone. Equal access to disaster mitigation, neighborhood reclamation and infrastructure restoration programs and services, including rebuilding activities and projects initiated by property owners in disaster-affected areas or disaster zones, shall not be made exclusive or restricted to select, designated or specifically defined geographic areas with damage and shall include all areas within Orleans Parish where damage has been assessed and determined to be within a disaster affected district, zone or neighborhood area or any combination thereof without consideration or predication on post storm population displacement data or any resulting effects of forced or accelerated out-migration due to disaster conditions in scattered or concentrated geographic areas of the city.

Development and implementation of economic target areas to initiate disaster-assistance programs which by construction and effect result in specific exclusion of designated neighborhood populations by household income, median income classification, adjusted income classification or statistical profile ranking from general participation in city initiated disaster mitigation, neighborhood reclamation and infrastructure restoration services shall be prohibited.

(3) Exclusionary zoning classification prohibited. Changes in zoning classification or reclassification of disaster-affected residential neighborhood areas shall not exclude redevelopment of existing single-family, two-family and multiunit residential structures and their accessory structures determined to be in zoning compliance with city regulations prior to storm occurrence or constructed prior to any defined changes in land use designation relative to implementation and enforcement of a comprehensive land use master plan.

(a) New zoning designation or reclassifications shall not create or result in forced reductions or forced increases in the number of residential structures by legal restraint to lower- or higher-density configurations and not excluding necessary demolitions to remove disaster-related debris. Neighborhood residential areas and their prior legally authorized zoning status shall be maintained for the purpose of rebuilding and replacement of storm-damaged structures located in designated neighborhood areas or border areas in immediate geographic proximity to zoning designated neighborhood areas where concentrated density includes low-income populations or any affected economic class considered indigent or where zoning classification if reduced or redefined results in numerical neighborhood housing losses including any zoning action which directly or indirectly causes forced out-migration by change of land use and prevents repopulation in disaster affected areas.

(b) Temporary demographic shift, accelerated natural attrition or any cyclical displacement shall not be considered sufficient cause for neighborhood parameter reduction or redrafting of any residential zoning district designations which may result in fragmentation of concentrated local neighborhood areas.

(3) Equal access to government disaster assistance resources.

(a) Allocation of all available government resources, including direct services provided by the city singularly or in conjunction with other public or private entities, shall include equal access to government assistance in disaster affected areas based on defined needs and shall be utilized to the greatest extent feasible.

(b) Disaster-affected neighborhoods shall not be subject to designated time limits, phased development or planning contingency that restrict or limit redevelopment of residential neighborhood areas relative to level of damage or pace of rebuilding and recovery with exception to those rehabilitation and restoration projects directly financed by city government funds in lieu of expenses originated by property owners financing the rebuilding of residential structures without government assistance, including loans, grants or any combination thereof.

(M.C.S., Ord. No. 22194, § 1, 4-20-06)

Sec. 78-141. Equitable labor force participation and employment opportunities in disaster areas.

(a) Neighborhood residential rebuilding in disaster affected areas or areas declared city, state, or federal disaster zones shall include fair and equitable participation and general employment opportunities to the greatest extent feasible for locally based firms, disadvantaged business enterprises, minority business enterprises, women-owned business enterprises, nonprofit organizations, community-development organizations, small and emerging business enterprises and professional service entities whose expertise can expedite disaster recovery efforts.

(b) Consideration shall be given to required bonding thresholds for city contracts to allow increased participation of small and emerging business enterprises, minority business enterprises, women owned business enterprises, disadvantaged business enterprises, nonprofit community development organizations, and professional service entities.

(c) The city or its representative agencies, when constructing and initiating a request for proposals or request for qualifications, shall include provisions for consideration of hiring combined service entities working in temporary or permanent partnership to complete contract specifications and to further increase the economic impact of city funded initiatives on locally based business entities and organizations.

(M.C.S., Ord. No. 22195, § 1, 4-20-06)

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