

ORDINANCE
CITY OF NEW ORLEANS

CITY HALL: August 18, 2011

CALENDAR NO. 28,631

NO. 024590 **MAYOR COUNCIL SERIES**

BY: *SG* **COUNCILMEMBER GUIDRY (BY REQUEST)** AND COUNCILMEMBER HEAD

AN ORDINANCE to amend and reordain Section 170-645 of the Code of the City of New Orleans to change the permitting process for construction, alteration and remodeling of boathouses; and otherwise to provide with respect thereto.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY

ORDAINS that Section 170-645 of the Code of the City of New Orleans is hereby amended and reordained to read as follows:

"Sec. 170-645. Construction, alteration and remodeling of boathouses.

1. DEFINITIONS.

As used herein these terms shall have the following meanings:

1.1 Boathouse: Each of the boathouses located at Municipal Yacht Harbor and erected over and in the waters of Lake Pontchartrain and that is leased by MYHMC to a Lessee; more particularly the Leased Premises, as defined and described in the applicable Boathouse lease. As used here, a Boathouse is distinct and separate from an adjacent Boathouse even though it might be leased or occupied or used as one structure by the same Lessee. Also as used here, a Boathouse is considered a Boathouse regardless of the condition of the structure or the absence of all or a portion of the structure.

1.2 Boathouse Group: There are five Boathouse Groups. They are defined as Boathouses 1 through 36, Boathouses 37 through 37a, Boathouses 38 through 77, Boathouses 78 through 96, and Boathouses 100 through 137.

1.3 Boathouse Lease: The lease between MYHMC and any Lessee with respect to a Boathouse.

20 1.4 Lessee: Any person or entity that leases a Boathouse at Municipal Yacht Harbor
21 from MYHMC.

22 1.5 MYHMC: Municipal Yacht Harbor Management Corporation.

23 1.6 Original Front Wall of the Boathouse: The street side of the wall, as originally
24 constructed, between the Boathouse and the adjacent street, being either North
25 Roadway or Breakwater Drive. This wall is consistent from Boathouse to Boathouse
26 within each Boathouse Group.

27 1.7 First Floor: The level of a Boathouse that is the first full or partial level above the
28 water.

29 1.8 Second Floor: The level of a Boathouse that is the first full or partial level above
30 the First Floor.

31 1.9 Third Floor: The level of a Boathouse that is the first full or partial level above
32 the Second Floor.

33 1.10 Front of the Boathouse: The end of the Boathouse closest to the adjacent street,
34 being either North Roadway or Breakwater Drive.

35 1.11 Rear of the Boathouse: The end of the Boathouse closest to the marina.

36 **2. GENERAL PROVISIONS.**

37 2.1 Before the commencement of any work for the construction, alteration, addition
38 to or modification of any existing boathouse, application by the lessee for a permit
39 therefore shall be made to the New Orleans Municipal Yacht Harbor Management
40 Corporation ("MYHMC"), a public benefit corporation of the City of New
41 Orleans. If MYHMC issues a certificate, in such form as MYHMC shall from
42 time to time approve, stating that the work complies with the Design Criteria of
43 MYHMC (a Compliance Certificate) pursuant to its Design Criteria, or is deemed
44 to have done so by passage of time (where such is provided for in MYHMC's
45 Design Criteria and Boathouse Work Compliance Procedures), then and only
46 then, a Boathouse Lessee may submit an application for a permit to the Director
47 of the Department of Safety and Permits or his designee, accompanied by the
48 MYHMC Compliance Certificate and drawings and specifications therefore. Said
49 drawings and specifications must comply with all applicable building code
50 requirements subject to all waivers that each such applicant shall have been
51 eligible for prior to August 29, 2005. If the drawings and specifications are found
52 by the Director of the Department of Safety and Permits to comply reasonably
53 with all regulations, ordinances and laws of the City, a permit for such work shall
54 be issued promptly.

- 55 2.2 The subject Boathouse structures, situated completely within and upon City
56 property and which Boathouses are or may become the property of the City upon
57 the termination of the Boathouse Leases, shall not be altered or added to in any
58 manner which shall interfere with or reduce the capability of such Boathouse to
59 serve its original and prime purpose, which is to house medium-to-large-size
60 motor yachts in boat slips with a minimum 40-foot length.
- 61 2.3 No construction, alteration, addition to or modification of any Boathouse shall
62 interfere with the structural integrity, drainage or functioning of adjoining
63 Boathouses or interfere with such adjacent Boathouses' Lessees' peaceful
64 enjoyment of their Boathouses by impeding the view from or access to the
65 Boathouses they lease.
- 66 2.4 In order to avoid a hazard to navigation, no vessel shall be moored in such a
67 manner as to project beyond the end of a Boathouse, nor shall any vessel be
68 moored across the end of and outside of a Boathouse.
- 69 2.5 Any permit issued by the Department of Safety and Permits pursuant to this
70 section is predicated upon the Compliance Certificate issued by MYHMC.
71 Accordingly, any violation of the terms and conditions of the MYHMC
72 Compliance Certificate, as determined by MYHMC, shall also constitute a
73 violation of the permit issued by the Department of Safety and Permits pursuant
74 to plans and specifications submitted to the Department of Safety and Permits
75 pursuant to Subsection 2.1 hereof.
- 76 2.6 For Boathouses that suffered less than 50% damage in Hurricane Katrina on
77 August 29, 2005, as determined by the Department of Safety and Permits,
78 Boathouse Lessees shall be permitted to repair and restore their boathouse
79 improvements without being required to elevate the Second Floor above the level
80 at which it existed on August 28, 2005, regardless of any provision contained
81 herein or in any other regulation, law or ordinance.

82 3. REQUIREMENTS.

83 Figures A through G are included to illustrate the practical application of requirements
84 set forth in the text of Sections 1 through 3 and their Subsections. In case of conflict
85 between the text and a figure, the text shall govern.

Subject to the foregoing, the following uniform standards are established:

3.1 Katrina Damage Less than 50%:

Each applicant, unless he or she intends to elevate in accordance with Chapter 78 regardless, must obtain and submit to MYHMC a written finding by the Department of Safety & Permits that the damage occasioned by Hurricane Katrina was not so substantial as to trigger a requirement that the Second Floor be raised in accordance with Chapter 78 of the New Orleans City Code, with MYHMC having no obligation to commence review of applicant's plans and specifications prior to its receipt of a valid certificate or finding by the Department of Safety & Permits on that issue.

3.2 Foundation

Foundations must be designed to comply with all applicable codes, rules and regulations. MYHMC makes no representations as to the capacity of existing pilings to support loads imposed on them, new or existing. However, all Boathouse modifications that include a Third Floor must include the installation of new pilings to support all loads imposed on them by the Boathouse being constructed, altered, added on to or modified, and by neighboring Boathouses, all as determined by the registered design professional in responsible charge.

3.3 Structural System

Structural systems must be designed to comply with all applicable codes, rules and regulations. MYHMC makes no representations as to the capacity of existing structural systems to support loads imposed on them.

Structural systems must support all loads imposed on them by the Boathouse being constructed, altered, added on to or modified, and by neighboring Boathouses, all as determined by the registered design professional in responsible charge.

All construction must be permanently fixed to the foundation. Manufactured homes such as trailers or homes that maintain their integral delivery chassis are not permitted.

3.4 Common Walls

If a Boathouse is separated from all adjacent Boathouses not owned or occupied by the Boathouse Lessee, by means of walls having a fire-resistance rating of not less than 2 hours as provided for in the Louisiana State Uniform Construction Code, the Director of the Department of Safety and Permits shall deem the Boathouse to qualify as having an Occupancy Classification of R-3 in accordance with the Louisiana State Uniform Construction Code, thus qualifying the

- 123 Boathouse for review under the Louisiana State Construction Code as a one-
124 family dwelling.
- 125 3.5 Flood Resistant Materials Below the Base Flood Elevation
- 126 All materials utilized below the Base Flood Elevation must be flood-damage
127 resistant, as defined in FEMA Technical Fact Sheet No. 1.7, "Coastal Building
128 Materials" (12/10).
- 129 3.6 Dimensions and Exteriors:
- 130 The dimensions and exteriors of the boathouses shall be maintained so as to
131 present a uniform appearance with those in the same Boathouse Group.
- 132 3.7 Boat Slip:
- 133 Each Boathouse must contain a boat slip of at least 40 feet in length. Where
134 Lessee leases and/or occupies adjacent Boathouses, the required slip must be
135 provided within each Boathouse.
- 136 3.8 First Floor Improvements:
- 137 (See Figure A)
- 138 3.8.1 First Floor construction and uses are limited to those permitted in FEMA
139 Technical Fact Sheet No. 1.4, "Lowest Floor Elevation" (12/10) or
140 subsequent rules on revisions on that topic, subject to such discretion as
141 the Department of Safety & Permits has and chooses, in its sole discretion,
142 to exercise.
- 143 3.8.2 An open deck shall be constructed on the First Floor and to the rear of the
144 Original Front Wall of the Boathouse. This open deck must be
145 constructed between the slip and the Original Front Wall or any enclosed
146 area that exists. The deck must be constructed across the entire width of
147 the Boathouse and shall be a minimum of 48 inches in width.
- 148 3.8.3 Catwalks which are parallel to the long dimension of the Boathouse shall
149 be constructed on at least one side of every Boathouse and extend from the
150 open deck required by Subsection 3.7.2 to the rear end of the Boathouse.
151 Catwalks shall not exceed 30 inches in width within each Boathouse.
- 152 3.8.4 No wall, screen, fence or similar construction may be erected to divide the
153 open decks required by Subsection 3.7.2 or the catwalks required by
154 Subsection 3.7.3. However, railings may be placed along the edges of the
155 open decks and catwalks immediately adjacent to the slip.

3.8.5 At the First Floor Level only, a Boathouse Lessee may enclose or screen an area that extends a maximum of 6 feet from the Original Front Wall of the Boathouse toward the street for storage or to conceal garbage/trash receptacles.

3.9 Second Floor Improvements:

(See Figures B, C, D and E)

3.9.1 Unless exempted by the Department of Safety & Permits pursuant to Section 3.1 hereof, the Second Floor shall be constructed so that the bottom of the lowest horizontal structural member supporting the Second Floor shall be a minimum of one foot above the City of New Orleans Base Flood Elevation and the top of the Second Floor is no higher than three feet above the City of New Orleans Base Flood Elevation.

3.9.2 A Second Floor of a Boathouse may be constructed from the Original Front Wall of the Boathouse to the rear of the Boathouse. The first 40 feet from the original front wall of the Boathouse may be enclosed. All or part of the next 20 feet toward the rear of the Boathouse may be enclosed and incorporated into the first 40 feet of enclosed area if the Boathouse Lessee obtains the written consent of the Boathouse Lessees of the nearest Boathouses in each direction that are not owned or occupied by the Boathouse Lessee. In no event may this enclosed area of a Second Floor extend beyond 60 feet from the Original Front Wall of the Boathouse. (See Figures D and E)

3.9.3 An open deck may be constructed at the Second Floor in all or part of the remaining length of the Boathouse toward its rear. No fence, wall, screen or similar construction may be erected on any side of an open deck. (See Figures D and E)

3.9.4 At the Second Floor only, the Boathouse Lessee may erect a deck that extends toward the street as provided in the following subsections:

3.9.4.1 For Boathouses on Breakwater Drive with Second Floors at the level which existed on August 28, 2005, the front deck may extend up to 24 feet from the Original Front Wall of the Boathouse or to a minimum of five feet from, Breakwater Drive, whichever is greater. A roof may be constructed over such decks but the roof may not extend more than 12 feet beyond the Original Front Wall of the Boathouse. No fence, wall, screen or similar construction may be erected on any side of such decks except that, the first 12 feet extending from the Original Front Wall of the Boathouse may be enclosed and incorporated into the living area if the Boathouse Lessee

195 obtains the written consent of the Boathouse Lessees of the
196 nearest Boathouses in each direction that are not owned or
197 occupied by the Boathouse Lessee. In no event may a roof or
198 an enclosed area of a Second Floor extend beyond the first 12
199 feet from the Original Front Wall of the Boathouse. (See
200 Figures B and D)

201 3.9.4.2 For Boathouses on Breakwater Drive with Second Floors
202 above the City of New Orleans Base Flood Elevation, the front
203 deck may extend up to 12 feet from the Original Front Wall of
204 the Boathouse. A roof may be constructed over such decks but
205 the roof may not extend past the edge of the deck. No fence,
206 wall, screen or similar construction may be erected on any side
207 of such decks. (See Figures C and E)

208 3.9.4.3 For Boathouses on North Roadway with Second Floors at the
209 level which existed on August 28, 2005, the front deck may
210 extend to the seawall between the Boathouse and North
211 Roadway. A roof may be constructed over such decks but the
212 roof may not extend past the edge of the deck. No fence, wall,
213 screen or similar construction may be erected on any side of
214 such decks except that the first 8 feet extending from the
215 Original Front Wall of the Boathouse may be enclosed and
216 incorporated into the living area if the Boathouse Lessee
217 obtains the written consent of the Boathouse Lessees of the
218 nearest Boathouses in each direction that are not owned or
219 occupied by the Boathouse Lessee. In no event may an
220 enclosed area of a Second Floor extend beyond the first 8 feet
221 from the Original Front Wall of the Boathouse. (See Figures B
222 and D)

223 3.9.4.4 For Boathouses on North Roadway with Second Floors above
224 the City of New Orleans Base Flood Elevation, the front deck
225 may extend up to 8 feet from the Original Front Wall of the
226 Boathouse. A roof may be constructed over such decks but the
227 roof may not extend past the edge of the deck. No fence, wall,
228 screen or similar construction may be erected on any side of
229 such decks. (See Figures C and E)

230 3.9.5 The minimum height of any railing shall be governed by applicable codes
231 and rules administered by the Department of Safety & Permits and/or
232 other government authorities with jurisdiction. Regardless of any of the
233 foregoing provisions, all Second Floor decks shall have a railing at the
234 edges which does not exceed forty-four (44) inches in height.

235

236 3.10 Third Floor Improvements:

237 (See Figure F)

238 3.10.1 A Third Floor may be constructed toward the rear of the Boathouse as an
239 enclosed area, a deck with or without a roof, or a combination thereof. It
240 must be set back 10 feet from the Original Front Wall of the Boathouse
241 and may not extend more than 60 feet from the Original Front Wall of the
242 Boathouse. The Third Floor may not be constructed closer than three feet
243 to the nearest Boathouse in each direction which is not owned or occupied
244 by the Boathouse Lessee.

245 3.10.2 The top of a Third Floor may not be higher than 11' 6" above the top of the
246 Second Floor.

247 3.11 Stairs:

248 Stairs may not be constructed forward of the Original Front Wall of the
249 Boathouse. Stairs to the Third Floor may not be constructed within 10 feet from
250 the Original Front Wall of the Boathouse.

251 3.12 Height:

252 (See Figure G)

253 3.12.1 The highest point of a Boathouse roof over a Second Floor may be no
254 higher than 30 feet above the highest level of the public street immediately
255 adjacent to the Boathouse. The highest point of a Boathouse roof over a
256 Third Floor may be no higher than 42 feet above the highest level of the
257 public street immediately adjacent to the Boathouse.

258 3.12.2 No floor level above the Third Floor is permitted.

259 3.13 Roof Slope:

260 (See Figure G)

261 The slope of all Boathouse roofs must be 3" of rise for every 12" of run, to match
262 the predominant slope of existing Boathouses. Roofs must slope uniformly
263 towards adjacent Boathouses, except that all or part of roofs located above a Third
264 Floor may slope toward the front and/or rear of the Boathouse.

266 3.14 Roof Size:

267 (See Figure H)

268 No horizontal distance between a roof valley and a roof ridge may exceed 15 feet
269 or half of the width of a single Boathouse, whichever is less.

270 3.15 Roof Drainage:

271 Boathouses are required to have gutter and downspout systems that collect
272 rainfall runoff from the roof. The system shall discharge the collected water into
273 the marina. It is the responsibility of the Lessee constructing, altering, adding on
274 to or modifying its Boathouse to provide a gutter and downspout system
275 adequate for its Boathouse and any adjoining Boathouses that shared a storm
276 drainage system at the time that construction commenced.

277 3.16 Roof Overhangs:

278 No roof overhang may extend closer than 2 feet to the nearest adjacent
279 Boathouse not leased or occupied by the Lessee.

280 Figures A through G on the following pages are included within and form a part
281 of Section 170-645, as amended and reordained by virtue of this Ordinance.

282 3.17 Breakwater Drive Parking Spaces:

283 On Breakwater Drive, Boathouses shall provide parking for a minimum of two
284 vehicles between the Original Front Wall of the Boathouse and Breakwater
285 Drive. Such parking spaces shall be a minimum of 8'-6" wide x 18'-0" long x 7'-
286 6" high. Parking spaces and driveways shall be paved with concrete or similar
287 approved hard-paved surface materials, extending from the edge of the street
288 continuously to the bulkhead. Parking spaces and driveways are to be used for
289 parking of motor vehicles on a day-to-day basis; no boats, vessels, watercraft,
290 recreational vehicles, campers or trailers of any kind shall be kept overnight in
291 the driveway or parking spaces.

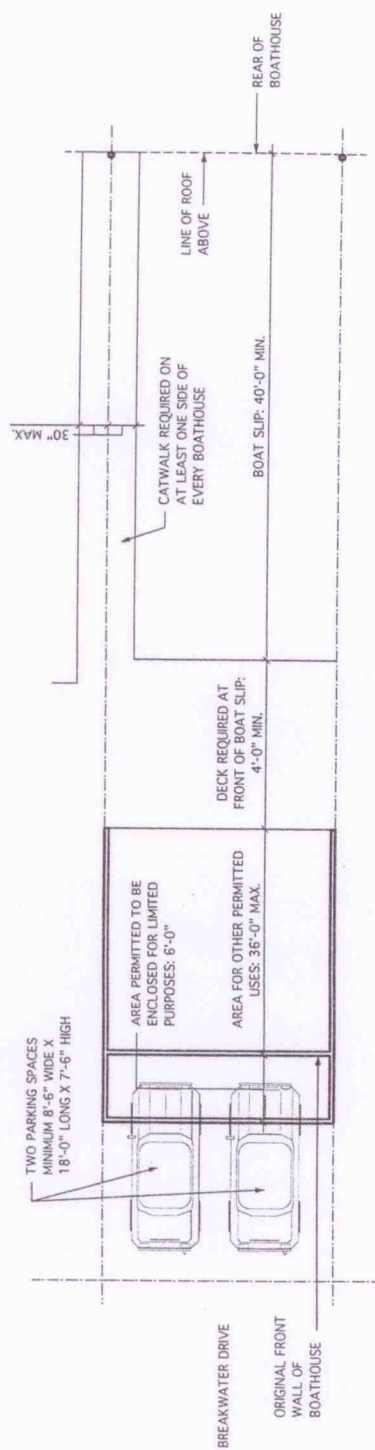
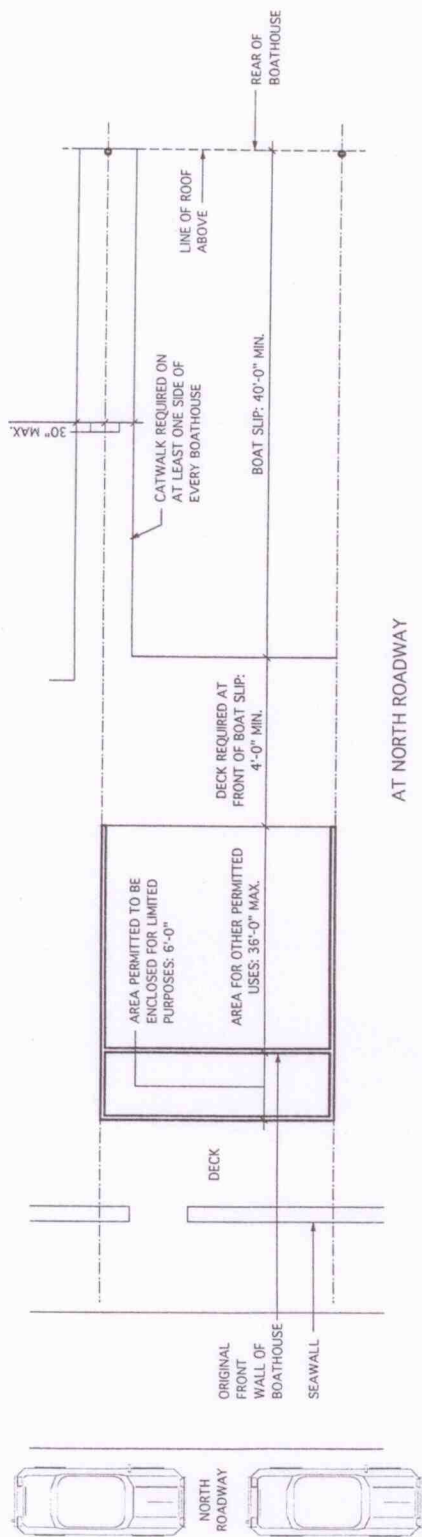
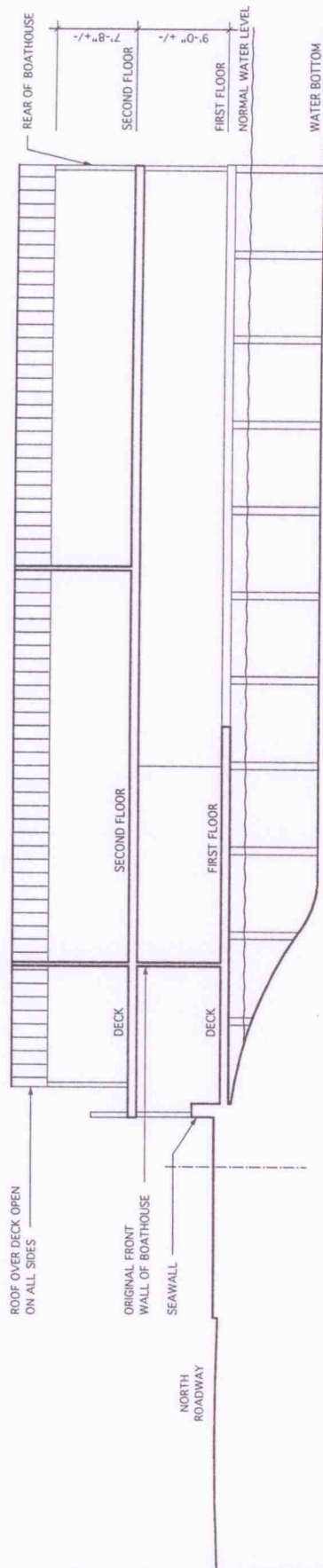
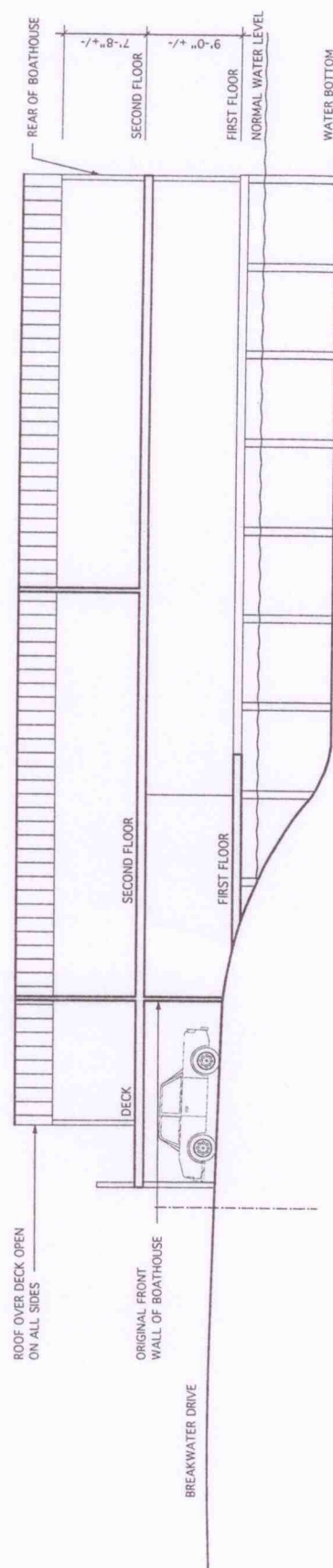


FIGURE A
FIRST FLOOR PLAN

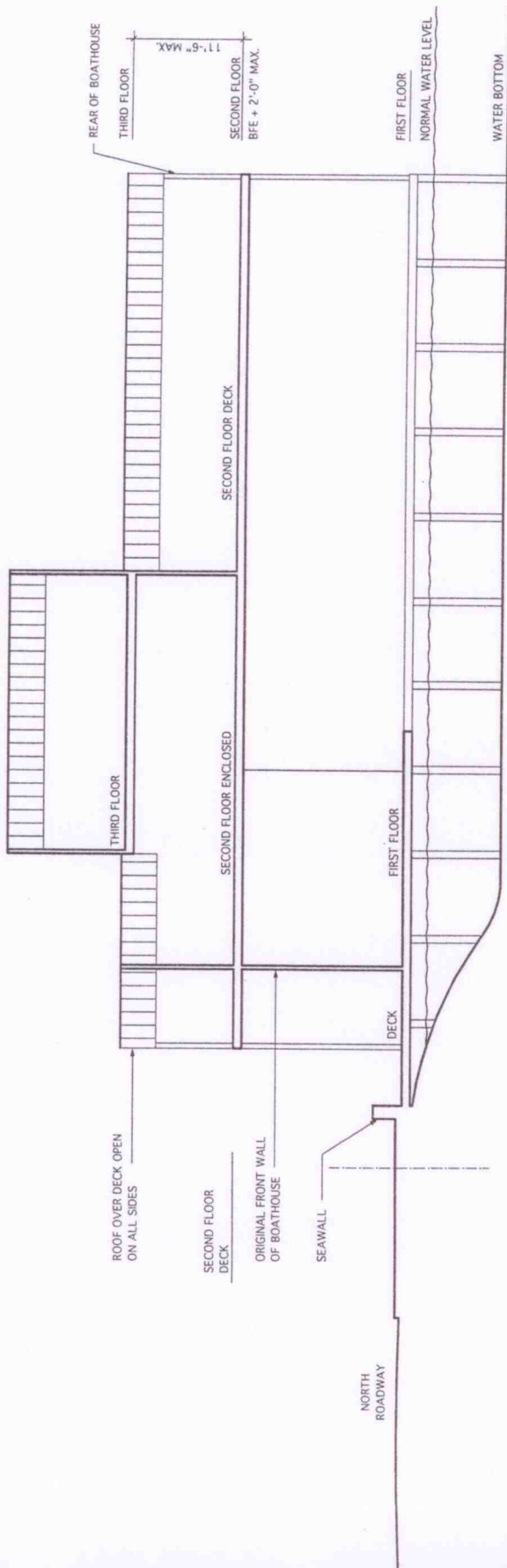


AT NORTH ROADWAY

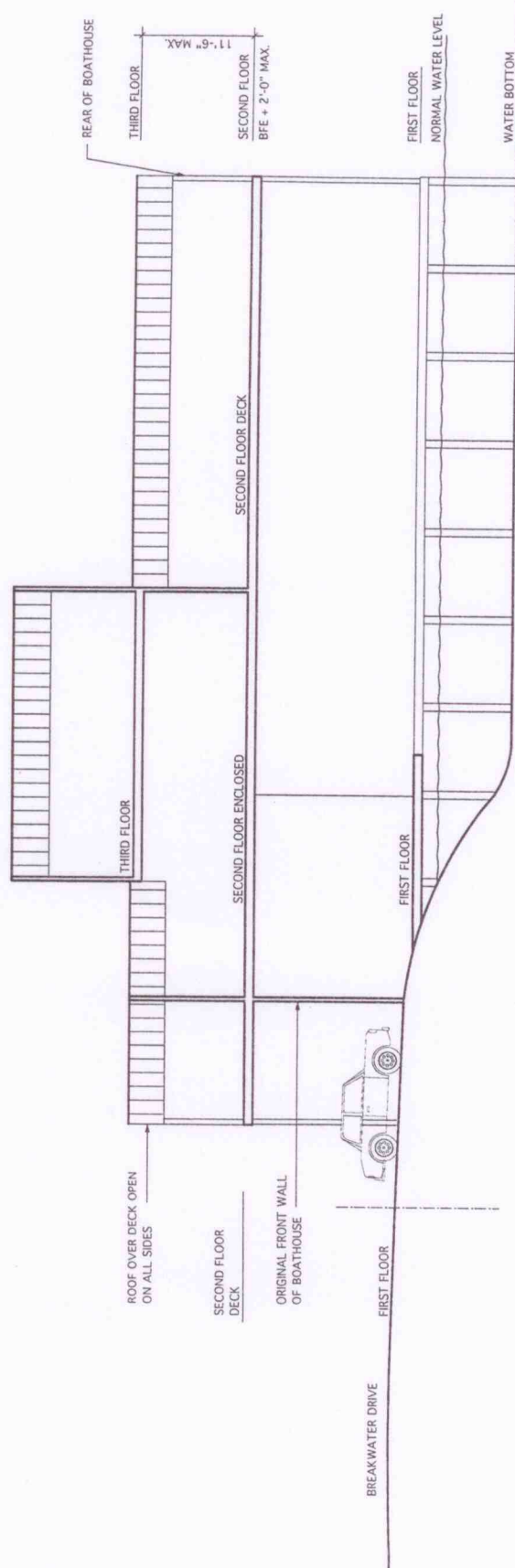


AT BREAKWATER DRIVE

FIGURE B
SECOND FLOOR NOT ELEVATED & NO THIRD FLOOR



AT NORTH ROADWAY



AT BREAKWATER DRIVE

FIGURE C
SECOND FLOOR ELEVATED & THIRD FLOOR

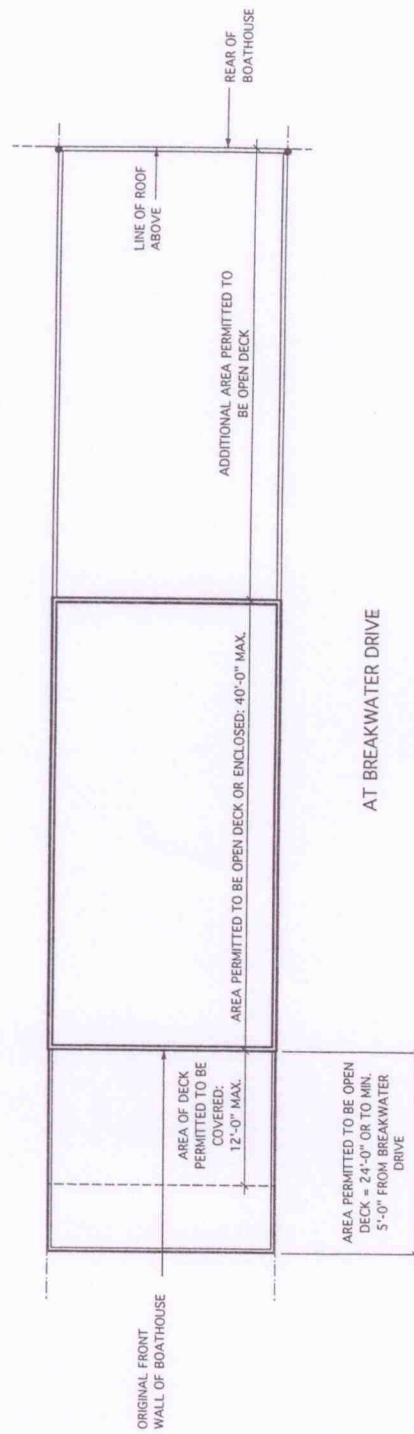
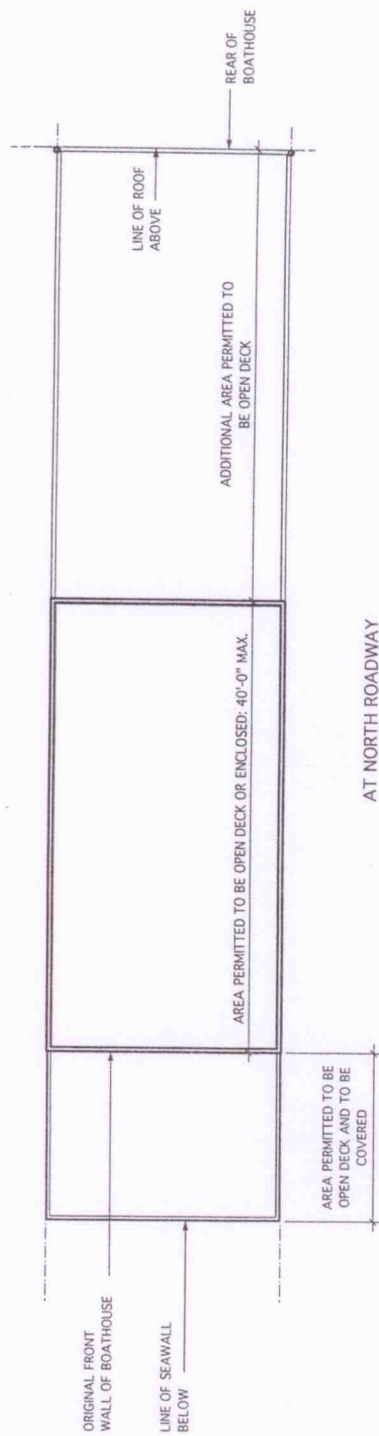
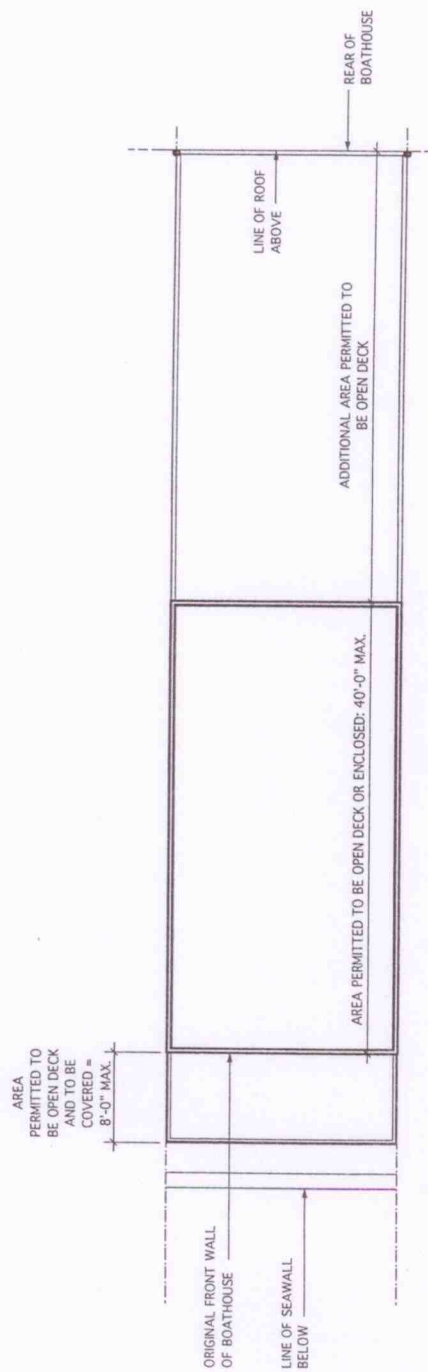
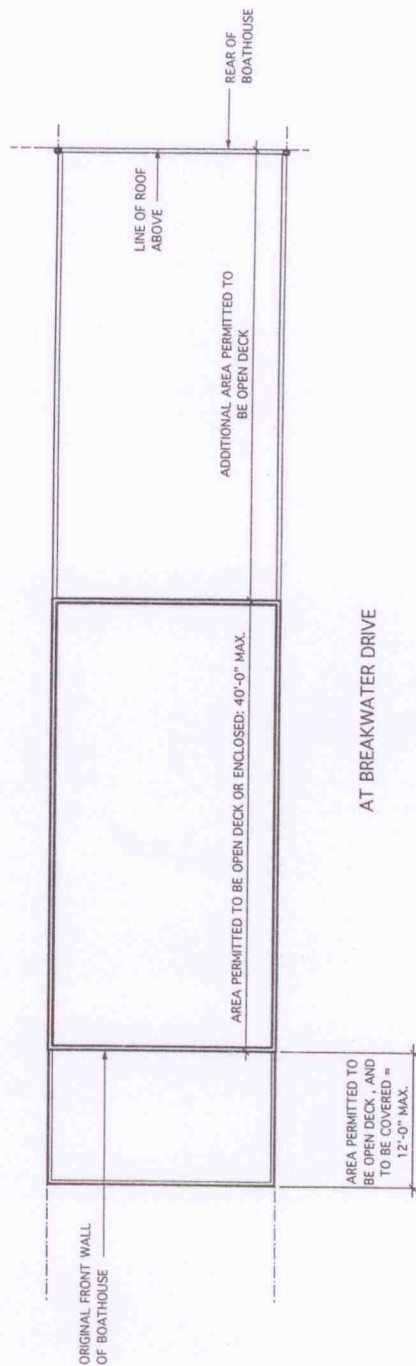


FIGURE D
SECOND FLOOR PLAN WHEN SECOND
FLOOR NOT ELEVATED



AT NORTH ROADWAY



AT BREAKWATER DRIVE

FIGURE E
SECOND FLOOR PLAN WHEN SECOND
FLOOR IS ELEVATED

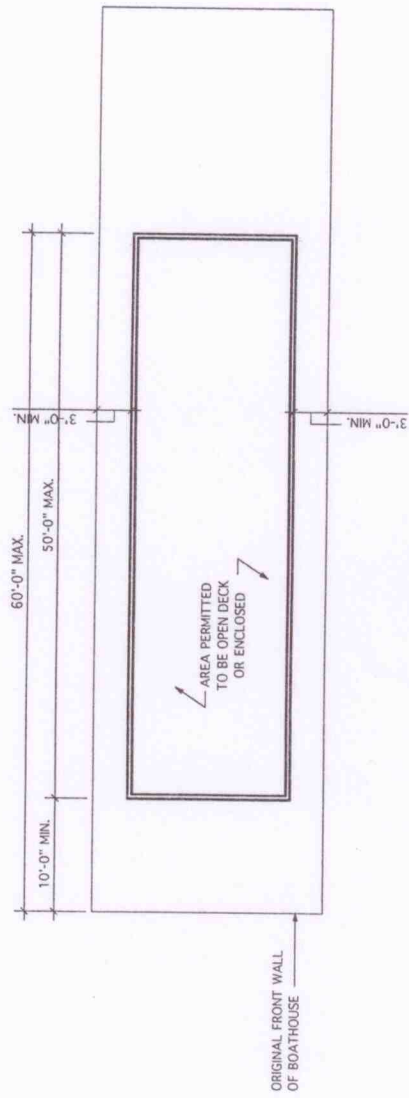


FIGURE F
THIRD FLOOR PLAN

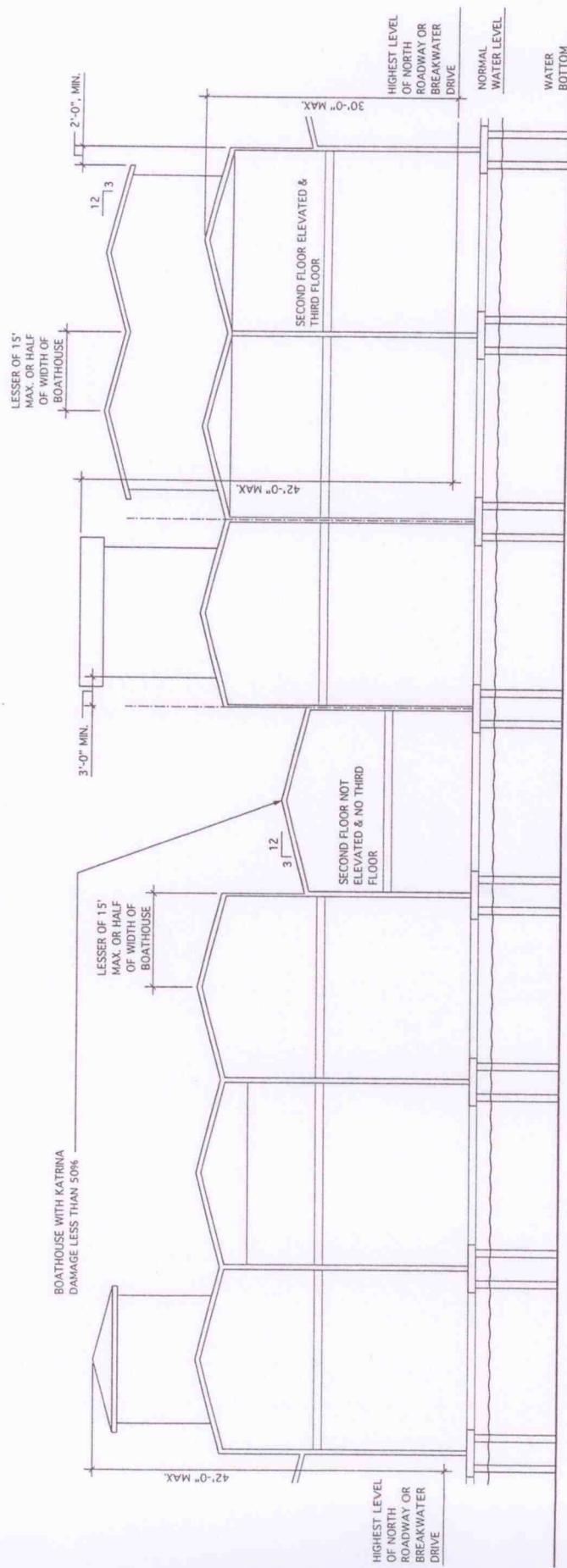


FIGURE G
ELEVATION AT REAR OF BOATHOUSES

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS

SEP 22 2011

JACQUELYN B. CLARKSON

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON SEP 23 2011

APPROVED:

SEP 29 2011

MITCHELL J. LANDRIEU

MAYOR

RETURNED BY THE MAYOR ON SEP 30 2011 AT 9 00 AM

PEGGY LEWIS

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Clarkson, Fielkow, Gisleson Palmer, Guidry, Head,
Hedge-Morrell, Johnson - 7

NAYS: 0

ABSENT: 0

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

Peggy Lewis
CLERK OF COUNCIL