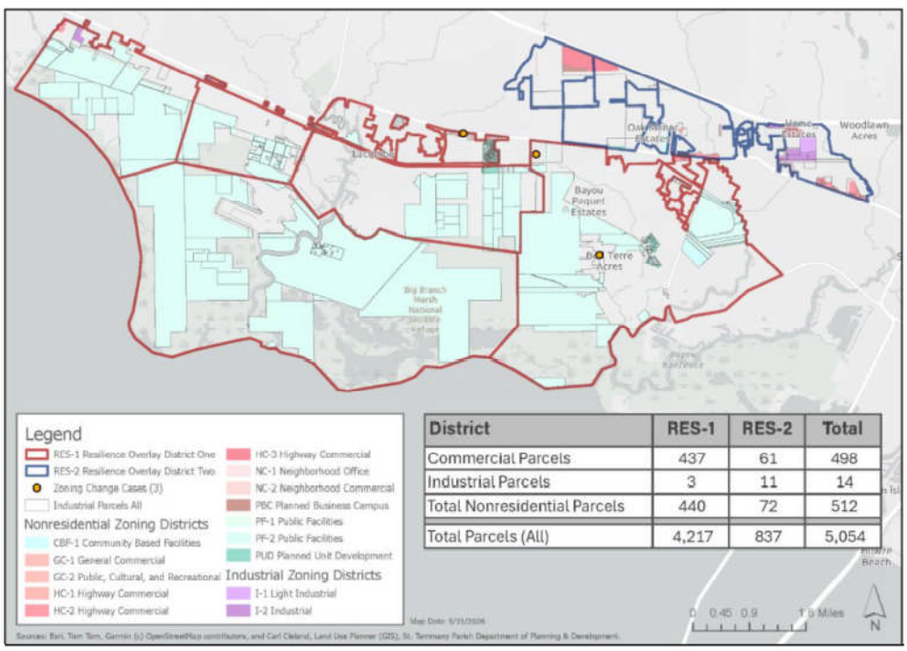
Text Amendment: Amend UDC Chapter 400 – Zoning, Section 400-7(H) and 400-8(I) to update standards for non-residential properties within the RES-1 and RES-2 Resilience Overlay Districts.

1. *Scope of Work.* The Parish asked Desire Line to determine if non-residential properties should be exempted or if there are alternatives that can be used instead of elevation to make the burden on property owners less intense, but still provide measurable mitigation for future disasters and losses by completing the following tasks:

   a. Assess the RES-1 and RES-2 requirements and their impacts on non-residential properties, including recent rezoning decisions and requests for map exclusions, and provide details on impacts to the Parish.

      i. *Map.* The below map shows the non-residential properties in the RES-1 and RES-2 overlays, as well as the recent rezoning decisions that have occurred. Out of 5,054 total parcels, 498 (9.8%) are commercial and 14 (0.3%) are industrial, totaling 512 (10.1%) non-residential parcels.

St. Tammany Parish RES Overlay Analysis



District	RES-1	RES-2	Total
Commercial Parcels	437	61	498
Industrial Parcels	3	11	14
Total Nonresidential Parcels	440	72	512
Total Parcels (All)	4,217	837	5,054

   b. Collect input from and provide information on guidance and exemptions to Parish staff to assist with understanding and implementation of the Coastal Resilience Overlay goals on non-residential properties.

c. Draft additional guidance and exemptions for non-residential properties that would continue to meet Coastal Resilience Overlay goals, such as wet floodproofing, elevation of utilities, or other floodplain management best practices.

2. *Context*. The recently adopted RES-1 and RES-2 Overlay Districts provide regulations for building construction in areas prone to flood risk. However, as evidenced by a recent ordinance and rezonings brought to the Parish Council, more specific regulations for non-residential construction are needed to protect existing development from future flood risk while reducing the administrative burden on the Parish.

   a. *Ordinance 8038 – Text Change*. Adopted by the Council in February 2026, this ordinance allows the Engineering Department to grant exceptions to construction in RES-1 and RES-2 if the development is not located in an Area of Special Concern, a Special Flood Hazard Area (SFHA), within 550 feet of a repetitive loss structure, or in a wetlands area.

   b. *Rezonings.* Since RES-1 and RES-2 were adopted, multiple rezoning cases have been heard by the Council related to parcels within the RES-1 Overlay Districts.

      i. *2025-4430-ZC.* This zoning request included the rezoning of an E Estate Residential District parcel in the RES-1 Resilience Overlay District to the L-1 Large Lot Residential District in the RES-1 Resilience Overlay District. This parcel is located in a Critical Drainage Area, within effective Flood Zone B and preliminary Flood Zone X. This rezoning request was approved by Council - Ord. Council Series No. 26-5917. The reason for the request was to facilitate a future subdivision request.

      ii. *2025-4478-ZC.* This rezoning request included the rezoning of an ED-2 Secondary Education District parcel in the RES-1 Resilience Overlay District to the ED-2 Secondary Education District within no Overlay District. This parcel is not located in a Critical Drainage Area, and is within effective Flood Zone C and preliminary Flood Zone X. This rezoning request was removed from the Council agenda due to the adoption of Ordinance 8038.

      iii. *2025-4502-ZC.* This rezoning request included the rezoning of an NC-2 Neighborhood Commercial District parcel in the RES-1 Resilience Overlay District to the HC-2 highway Commercial District in the RES-1 Resilience Overlay District. This parcel is located in a Critical Drainage Area, and is within effective Flood Zone B and preliminary Flood Zone X. This rezoning request was approved by Council - Ord. Council Series No. 26-5945. The reason for the request was to utilize the property for an office/warehouse.

   c. *Discussion.* All of the rezoning cases retained the RES-1 Overlay District standards, with one utilizing the new regulatory framework outlined in Ordinance 8038. One of the rezoning cases changed the parcel's zoning to a more intense commercial use. The text change clarified standards and criteria for the RES-1 and RES-2 Overlay Districts. The recent cases reveal the need to revisit the RES-1 and RES-2 Overlay District requirements and provide additional context and solutions for non-residential structures.

3. *Existing best practices.* There are numerous existing best practices for strengthening building stock against flooding, particularly for non-residential construction, in the floodplain and in coastal areas, using both building construction and stormwater management methods.

a. *Non-residential construction in coastal areas.* There are many best practices for non-residential construction in the floodplain and in coastal areas that meet the minimum requirements of the National Flood Insurance Program (NFIP), therefore reducing insurance costs and protecting buildings from flood risk. This guidance includes design standards for dry floodproofing,[1, 2] wet floodproofing,[2, 3] the protection of utilities,[3] use of flood damage resistant materials,[4] breakaway walls,[5] and functionally dependent uses[6].

   i. *Dry Floodproofing.* Dry floodproofing is "a combination of measures that make a building and attendant utilities and equipment watertight and substantially impermeable to floodwater, with structural components having the capacity to resist flood loads". Dry floodproofing can be used in non-residential structures in Flood Zone A[2,3].

   ii. *Wet Floodproofing.* Wet floodproofing is "the use of flood damage resistant materials and construction techniques to minimize flood damage to structures by intentionally allowing floodwater to enter and exit automatically to minimize unequal pressure of water on walls". Wet floodproofing can be utilized in non-residential structures such as enclosures used for incidental parking only, access, or storage; historic structures and functionally dependent uses; and agricultural and accessory structures[2].

   iii. *Protection of Utilities.* The protection of utilities can include elevating the components above the base flood elevation in a wet floodproofed non-residential structure, or locating the components within a dry floodproofed non-residential structure[4].

   iv. *Flood Damage Resistant Materials.* Any part of a non-residential structure that is built below the base flood elevation must use flood resistant construction and finish materials to be in compliance with the State adopted building codes. This includes flood damage resistant materials such as cement, tile, metal, or vinyl[4].

   v. *Breakaway Walls.* Breakaway walls can be used in non-residential structures below the regulatory height if they meet certain height, loading, attachment, and wind resistance conditions[5].

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[1] Federal Emergency Management Agency. (2020). *FEMA Floodplain Management Bulletin P-2140*: *Floodplain Management Requirements for Agricultural Structures and Accessory Structures*. https://www.fema.gov/sites/default/files/2020-09/fema_agricultural-structures_policy-guidance_08-20-20.pdf

[2] Federal Emergency Management Agency. (2013). *FEMA P-936: Floodproofing Non-Residential Buildings.* https://www.wbdg.org/FFC/DHS/femap936.pdf

[3] Federal Emergency Management Agency. (2021). *NFIP Technical Bulletin 3: Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program.* https://www.fema.gov/sites/default/files/documents/fema_technical-bulletin-3_1-2021.pdf

[4] Federal Emergency Management Agency. (2025). *NFIP Technical Bulletin 2: Flood Damage-Resistant Materials Requirements For Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program*. https://www.fema.gov/sites/default/files/documents/fema_tb_2_flood_damage-resistant_materials_requirements_01-22-2025.pdf

[5] Federal Emergency Management Agency. (2021). *FEMA Technical Bulletin 9: Design and Construction Guidance for Breakaway Walls Below Elevated Buildings Located in Coastal High Hazard Areas in Accordance with the National Flood Insurance Program.* https://www.fema.gov/sites/default/files/documents/fema_nfip-technical-bulletin-9-09292021.pdf

[6] Federal Emergency Management Agency. (2026, March 18). Functionally Dependent Use. FEMA.gov. https://www.fema.gov/fr/node/499961

vi. *Functionally Dependent Uses.* A functionally dependent use is "a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water." This can include non-residential structures used for docking, cargo or passengers, shipbuilding, and ship repair[6]. These uses can be permitted to build below the regulatory height using the Parish's variance process.

b. *Stormwater management tools.* There are best practices for protecting non-residential buildings from flooding using the on-site storage of stormwater.

i. *On-site Storage.* The on-site storage of stormwater can also help to reduce runoff to neighboring properties. On-site storage methods include bioretention areas, vegetated swales, curb and gutter elimination, and constructed wetlands.[7, 8]

3. *General Recommendation*. Amend St. Tammany Parish's Code of Ordinances to update Section 400-7 Overlay Districts of the Unified Development Code to update the design standards for non-residential properties within the RES-1 and RES-2 Resilience Overlay Districts to allow for dry and wet floodproofing, utilities protection, flood damage resistant materials, breakaway walls, functionally dependent uses, and stormwater management tools, utilizing the following ordinance language:

[7] Environmental Protection Agency. (2026, March 18). Stormwater Management Best Practices at EPA Facilities. United States Environmental Protection Agency. https://www.epa.gov/greeningepa/stormwater-management-practices-epa-facilities
[8] St. Tammany Parish. (2022). Low Impact Development Guidebook. https://cms3.revize.com/revize/sttammanyparish/Low_Impact_Development_Report_2022_10_13.pdf?t=202404181710250&t=202404181710250

Code Amendments Key:

a. Black text = existing code staying where it is
b. **Blue text =** new code
c. ~~Red strikethrough~~ = deleted old text
d. Highlighted text = recently adopted amendment

Sec. 100-5 Definitions

* * *

Driveway. Any hard surface parking area that provides access to private property from the right-of-way.

***Dry Floodproofing.* A combination of measures that make a building and attendant utilities and equipment watertight and substantially impermeable to floodwater, with structural components having the capacity to resist flood loads.**

Dry Pond. See Pond, Dry.

* * *

Frontage. That side of a lot abutting a street between the 2 nearest intersecting streets, measured along the line of the street. If the street is a dead-end, then the frontage is that side of a lot abutting the street between an intersecting street and the dead end of the street.

***Functionally Dependent Use.* 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.**

Funeral Home or *Crematorium.* A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

* * *

Nonconforming Use. A use which was legally established but which is no longer classified as a permitted use or no longer classified as a special use in the zoning district in which it is located.

***Non-residential structure*. Any building or structure or portion thereof that is not classified residential.**

Noxious Matter or Materials. Matter that is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

* * *

Residential. Activities within land areas used predominantly for housing.

Residential lot. Any lot used for residential purposes.

Residential Care Facility. An adult residential care home/facility licensed as required by the LDH that provides (attached or detached) housing and a coordinated array of supportive personal services; 24-hour supervision and assistance (scheduled and unscheduled), activities, and health-related services that are designed to allow the individual to reside in the least restrictive setting of their choice, to accommodate

individual resident's changing needs and preferences, to maximize the resident's dignity, autonomy, privacy and independence, and to encourage family and community involvement. Said facility may include an age restricted adult housing component (attached or detached) for which LDH does not require licensing, but in which the residents are provided assistance with activities of daily living and access to the activities, functions and health related services offered to residents of the associated LDH licensed portion of the facility in order to meet the health care needs of the residents. Furthermore, said residents shall be required by said facility to pay the facility a recurring uniform fee for the costs of said activities, functions, and health related services. The age restrictions must be in accordance with all applicable laws.

Residential Facility, Child. Any place, facility or home operated by any institution, society, agency, corporation, person or persons or any other group licensed by the State to provide 24-hour residential care for 4 or more children under the age of 18 years who are not related to the operators, and whose parents or guardians are not residents of the same facility, with or without transfer of custody.

Residential Structure. **Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis including but not limited to (1) one- and two-family dwellings, townhouses, condominiums, multifamily dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; (2) institutional facilities where people are cared for or live on a 24 h basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers; and (3) portions of facilities including patient rooms in hospitals, sleeping quarters in fire stations, guest rooms in hotels and motels.**

Residents. Both real persons and entities whose occupancy in St. Tammany Parish is of an on-going, primary nature. These include, but are not limited to, civic, environmental, neighborhood, business, labor, trade, or similar organizations or a legally recognized business entity.

* * *

Subdivision Restrictions. Restrictive covenants to be legally recorded which the developer places upon the use of the lots by future owners for the well-being of all owners, to protect values and to prevent abuses and nuisances that would disturb other occupants in the subdivision.

Substantial Damage**. 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**. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:**

1. **Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or**
2. **Any alteration of a "historic structure," provided that the alteration will not preclude the**

structure's continued designation as a "historic structure."

Surface Alterations. Those uses and activities that change the surface or usability of a land area or water bottom. Examples include fill deposition, land reclamation, beach nourishment, dredging (primarily areal), clearing, draining, surface mining, construction, operation of transportation, mineral, energy and industrial facilities, industrial, commercial, and urban developments.

* * *

Well Drilling Services. A business that engages in drilling holes into the ground in order to extract natural resources.

Wet Floodproofing. **The use of flood damage resistant materials and construction techniques to minimize flood damage to structures by intentionally allowing floodwater to enter and exit automatically to minimize unequal pressure of water on walls.**

Wet Pond. See *Pond, Wet*.

* * *

SEC. 400-7 - OVERLAY DISTRICTS

* * *

H. *RES-1 Resilience Overlay District One.*

1. *Purpose*. To promote resilient building construction in areas prone to significant coastal or riverine flood risk. These standards are intended to preserve residents' investments in their homes and reduce exposure to flood risk and higher flood insurance premiums caused by future development.
2. *Effect*. The RES-1 Overlay does not change the underlying zoning classification of a property. All underlying zoning district regulations and standards will continue to apply unless specifically indicated otherwise in this section. Any request for a permit in the RES-1 Overlay shall be processed in accordance with the same building permit process as any other permit with the exception that the request will be reviewed for compliance with the standards and criteria of this UDC by the Department of Engineering, Permits and Inspections Department, and the Department of Planning and Development. The Board of Adjustment shall not issue any variance or waiver to the design standards in this district.
3. *Special design standards in the RES-1 Resilience Overlay*. All of the following design standards shall apply to new construction of buildings, including accessory structures, in the RES-1 Overlay:
    a. *Fill limitations*.
        i. No fill shall be permitted on parcels zoned RES-1 that would raise or increase the surface elevation of any part of the parcel above its natural or pre-development elevation. Fill required for minor grading to level and drain the surface at the proposed site of the primary structure and driveway may be authorized, however this application of fill may not exceed six inches above natural grade.
        ii. Fill may be used in the RES-1 district for land reclamation, provided such fill does not elevate the surface of the lot higher than the existing lot elevation, fill may only be used to reclaim land and make it even with the existing lot.

iii. Encapsulated fill foundations are not allowed in the RES-1 Overlay for new construction.

b. *3-Foot Freeboard*. In addition to the standards applicable to construction listed in Section 900-6.7 Flood Hazard Area Requirements, all new construction in the RES-1 Resilience Overlay must be elevated to a minimum of 3 feet above the base flood elevation when located within a special flood hazard area or the centerline of the street or top of curb fronting the site when not located within a special flood hazard area. Floodproofing or the use of a stem wall system with backfill shall not be permitted in the RES-1 Resilience Overlay.

c. *Open Foundation with No Obstructions Below the Finished Floor*. All new buildings in the RES-1 must comply with all of the following foundation standards:

i. Building must be constructed on a foundation that is designed and sealed by a registered design professional as complying with the requirements of the ~~International Building Code, the International Residential Code, or ASCE 24-14 Flood Resistant Design and Construction.~~ **State adopted building codes.**

ii. Must not be constructed on fill.

iii. Must be an open foundation using piers or pilings but must not use a crawlspace or enclosure below the first finished floor. For the purpose of this requirement, breakaway walls are ~~prohibited~~ **allowed and** bug screens and open latticework are allowed.

iv. Accessory structures or garages under 600 square feet in area shall be exempt from the requirement to have an open foundation.

d. *Prohibition of Outdoor Storage of Materials.* Outdoor storage of equipment (such as commercial machinery, hazardous materials, construction equipment, outdoor coolers, kitchen equipment, or lumber / construction materials) exceeding an area of 100 square feet on a single site is strictly prohibited in the RES-1. Lawnmowers, air conditioning units, generators, vehicles, and farm vehicles (such as tractors or trailers) shall be exempt from this prohibition. Accessory structures, air conditioning units, and generators must follow the applicable construction standards for accessory buildings or mechanical equipment as applicable.

e. *Exception for small, low-cost accessory structures.* Accessory structures 100 square feet or less are exempt from the design standards above and may follow typical construction requirements for all such structures in this UDC and in the applicable building code and floodplain regulations.

f. In Resilience Overlay District One, the Department of Engineering may grant an exclusion to the special design standards of this overlay district when it has been determined that the none of the following exist on the property or within the area of the proposed improvements:

i. The parcel or location of the proposed improvements on the parcel are not located within an Area of Special Concern.

ii. The parcel or location of the proposed improvements on the parcel are not located within a Critical Drainage Area.

iii. The parcel or location of the proposed improvements on the parcel are not located within the proximity of known repetitive loss areas. The proximity being measured as within 550’ of the repetitive loss structures.

iv. The parcel or location of the proposed improvements on the parcel will not impact any

wetland areas as mapped by the U.S. Fish & Wildlife Wetland Map, the St. Tammany Parish Wetland Management Mapper, or best available mapping data.

g. *Exception for non-residential structures.* Non-residential structures located on non-residentially zoned property shall comply with the special design standards of the RES-2 Overlay District in lieu of the special design standards of the RES-1 Overlay District. Where fill is utilized within the RES-1 Overlay, the fill plan shall account for the total volume of fill placed on the site, including fill placed above the regulatory flood elevation, by providing an equivalent volume of compensatory storage.

I. *RES-2 Resilience Overlay District Two.*

1. *Purpose*. To promote resilient building construction in areas prone to flooding. These standards are intended to preserve residents' investments in their homes and reduce exposure to flood risk and higher flood insurance premiums caused by future development.

2. *Effect*. The RES-2 Overlay does not change the underlying zoning classification of a property. All underlying zoning district regulations and standards will continue to apply unless specifically indicated otherwise in this section. Any request for a permit in the RES-2 Overlay shall be processed in accordance with the same building permit process as any other permit with the exception that the request will be reviewed for compliance with the standards and criteria of this UDC by the Department of Engineering, Permits and Inspections Department, and the Department of Planning and Development. The Board of Adjustment shall not issue any variance or waiver to the design standards in this district.

3. *Special design standards in the RES-2 Resilience Overlay.* All of the following design standards shall apply to new construction of buildings in the RES-2 Overlay:

   a. *No net fill*. All sites in the RES-2 Resilience Overlay shall be subject to the prohibition of net fill. **This includes any dry floodproofed space within a dry floodproofed structure below the regulatory height.** The following shall apply to the RES-2:

      i. The placement of fill material shall be permitted only after a development plan has been submitted and approved by the Department of Engineering.

      ii. Fill may be used in the RES-2 district for land reclamation, provided such fill does not elevate the surface of the lot higher than the existing lot elevation, fill may only be used to reclaim land and make it even with the existing lot.

      iii. In the event that the Department of Engineering determines that fill work is permitted on the particular parcel, the fill work must comply with the following specific standards:

         (A) In some cases, subject to the discretion of the Department of Engineering, or it's designee, excavation of existing soil and its replacement with fill is permissible at the site provided it can be demonstrated to have no increase in the natural ground elevation and no net impact on the function of the drainage system in the vicinity.

         (B) Fill shall be limited to the roof-shed area of the proposed primary structure and access to the site and shall not exceed that which is necessary to prepare an adequate building footprint. Fill must slope away from the structure and toward natural grade within the buildable areas of the lot, and fill must not be located in required front, side, or rear setbacks.

         (C) Site improvements (roads, structures, fill, etc.) shall not impede natural drainage

pathways or parish road or drainage easements, servitudes, or rights-of-way.

(D) Fill for driveways must not exceed 6 inches above natural ground elevation except where fill is part of the foundation for the main residence, carport, or garage. Fill may also be placed to soften the transition between elevations to a slope not less than 4 horizontal feet to every 1 vertical foot.

(E) Fill may be authorized by the Department of Engineering, or it's designee, in those cases where, due to the size and location of the parcel of property, on-site or off-site mitigation can be provided and the Department of Engineering, also determines that there will be no loss of flood plain storage, no loss of stream flow capacity and the applicant demonstrates that no adverse impacts will occur to adjacent properties, to other properties within the subject watershed, and to the function of the drainage system in the vicinity.

(F) Storage capacity required for drainage or retention as listed in Section 900-6.2 Drainage System Requirements, Section 900-6.3 Hydrologic and Hydraulic Analysis and Paving and Drainage Plan, or Section 900-6.4 Retention Ponds shall not be utilized to meet the fill mitigation required in this section.

b. *3-Foot Freeboard*. In addition to the standards applicable to construction listed in Section 900-6.7 Flood Hazard Area Requirements, all new construction in the RES-2 Resilience Overlay must be elevated to a minimum of 3 feet above the base flood elevation when located within a special flood hazard area or the centerline of the street or top of curb fronting the site when not located within a special flood hazard area.

c. Encapsulated fill foundations are allowed in the RES-2 Overlay for new construction or substantial improvements to structures~~,~~. ~~h~~**H**owever**, for residential structures,** encapsulated fill foundations are limited to a height of two feet above existing grade and can only be used on lots with a minimum width of 75 feet to ensure that the property has sufficient drainage around the subject structure.

d. In Resilience Overlay District Two, the Department of Engineering may grant an exclusion to the special design standards of this overlay district when it has been determined that the none of the following exist on the property or within the area of the proposed improvements:

i. The parcel or location of the proposed improvements on the parcel are not located within an Area of Special Concern.

ii. The parcel or location of the proposed improvements on the parcel are not located within a Critical Drainage Area.

iii. The parcel or location of the proposed improvements on the parcel are not located within the proximity of known repetitive loss areas. The proximity being measured as within 550' of the repetitive loss structures.

iv. The parcel or location of the proposed improvements on the parcel will not impact any wetland areas as mapped by the U.S. Fish & Wildlife Wetland Map, the St. Tammany Parish Wetland Management Mapper, or best available mapping data.