ORDINANCE

IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE/APPROVAL OF PRELIMINARY SUBDIVISION PLATS, REZONING FOR PLANNED DEVELOPMENTS (PUD, SPUD, ISPUD, AND TND), AND SITE PLANS GREATER THAN 50,000 SQUARE FEET IN AREAS OF SPECIAL FLOOD HAZARD IN EAST BATON ROUGE PARISH, EXCLUDING THE CITIES OF BAKER, CENTRAL, AND ZACHARY, FOR A PERIOD OF SIX MONTHS IN ORDER TO PROVIDE THE OPPORTUNITY FOR THE PLANNING COMMISSION AND DEPARTMENT OF DEVELOPMENT TO STUDY AND REVISE CHAPTER 15 OF THE UNIFIED DEVELOPMENT CODE REGARDING DEVELOPMENT PERMITS IN AREAS OF SPECIAL FLOOD HAZARD.

WHEREAS, East Baton Rouge Parish experienced historic flooding in August of 2016; and

WHEREAS, the City-Parish has adopted regulations to prevent and limit flood damage, which are set forth in Chapter 15 of the Unified Development Code; and

WHEREAS, the City-Parish has developed regulations governing designated areas that are subject to periodic inundation, which can result 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 health, safety and general welfare of the public, and identified them as “areas of special flood hazard” in Chapter 15 of the Unified Development Code (identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study (FIS) for East Baton Rouge Parish and Incorporated Areas,” dated June 19, 2012, with accompanying Flood Insurance Rate Maps for East Baton Rouge Parish and Incorporated Areas dated May 2, 2008 and revisions as

made June 19, 2012 and any revisions thereto are hereby adopted by reference and declared to be a part of the UDC); and

WHEREAS, areas beyond and in addition to those identified by the City-Parish as areas of special flood hazard were flooded as a result of the August 2016 storms; and

WHEREAS, as a result of the August 2016 storm damage, businesses, government operations, schools, and other institutions were damaged and destroyed; and

WHEREAS, the City-Parish, through the Planning Commission and Department of Development are currently studying possible revisions to Chapter 15 of the Unified Development Code and need time to develop and adopt updated appropriate standards regarding construction, development, and other activities that will be permitted within certain areas that have been identified as special flood hazard areas and areas that have suffered flooding in August 2016; and

WHEREAS, the ordinance is immediately necessary to protect the health, safety, and welfare of people and property in East Baton Rouge Parish.

NOW, THEREFORE, BE IT ORDAINED BY the Metropolitan Council of the City of Baton Rouge and Parish of East Baton Rouge that:

Section 1. A moratorium is hereby imposed on the issuance of and approval of preliminary subdivision plats, rezoning for planned developments (PUD, SPUD, ISPUD, or TND), and site plans greater than 50,000 square feet in Flood Zones A, AE, AH, and AO in East Baton Rouge Parish, excluding the cities of Baker, Central, and Zachary, for a period of six months beginning on the date this moratorium is approved by the Metropolitan Council. This moratorium shall not apply to (i) any preliminary subdivision plats, site plans or final development plans located

on property zoned PUD, TND, SPUD, ISPUD; (ii) any final subdivision plats associated with a preliminary subdivision plat; (iii) any building permits;(iv) minor revisions to any previously approved preliminary subdivision plats or site plans;(v) rezoning of properties other than planned developments (PUD, SPUD, ISPUD, or TND), including amendments to the comprehensive plan; or (vi) any subdivision plat or site plan with no land disturbing activity within the 100 year flood plain.

Section 2. The Planning Commission and Department of Development are currently studying possible revisions to Chapter 15 of the Unified Development Code, which study is expected to be completed within six months.

Section 3. This ordinance shall be effective immediately upon adoption in order to protect the health, safety and welfare of the citizens of East Baton Rouge Parish and it expires six months from its effective date, or upon the adoption of amendments to Chapter 15 of the Unified Development Code, whichever is sooner.

Section 4. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance.