

Bell Architects
Municipal Yacht Harbor Management Corporation
Project No. 905

DRAFT 9/1/09

For discussion purposes only - Code of Ordinances of the City of New Orleans
(drafter's comments are in italics):

ARTICLE V. NEW ORLEANS MUNICIPAL YACHT HARBOR

Section 170-641. Purpose

[Text to stay the same except capitalize "Municipal Yacht Harbor"?)

Section 170-642. Lease terms and requirements.

[Text to stay the same except capitalize "Municipal Yacht Harbor"?)

Section 170-643. Authorization to enter into leases.

[Text to stay the same.]

Section 170-644. Trespass at public boat launch.

[Text to stay the same.]

Section 170-645. Construction, alteration and remodeling of boathouses.

(a) Definitions. As used herein these terms shall have the following meanings:

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.
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.
3. Boathouse Lease: The lease between MYHMC and any Lessee with respect to a Boathouse.
4. Lessee: Any person or entity that leases a Boathouse at Municipal Yacht Harbor from MYHMC.
5. MYHMC: Municipal Yacht Harbor Management Corporation.

(b.) Before the commencement of any work for the construction, alteration, addition to or modification of any existing boathouse, application by the lessee for a permit therefore shall be made to the New Orleans Municipal Yacht Harbor Management Corporation ("MYHMC"), a public benefit corporation of the City of New Orleans. If MYHMC issues a certificate, in such form as MYHMC shall from time to time approve, stating that the work

complies with the Design Criteria of MYHMC (a Compliance Certificate) pursuant to its Design Criteria and Maintenance Standards, or is deemed to have done so by passage of time (where such is provided for in MYHMC's Design Criteria and Maintenance Standards, then and only then, a Boathouse Lessee may submit an application for a permit to the Director of the Department of Safety and Permits or his designee, accompanied by the MYHMC Compliance Certificate and drawings and specifications therefore. Said drawings and specifications must comply with all applicable building code requirements subject to all waivers that each such applicant shall have been eligible for prior to August 29, 2005. If the drawings and specifications are found by the Director of the Department of Safety and Permits to comply reasonably with the requirements of this section and if such application and intended work shall conform to all other regulations, ordinances and laws of the City, a permit for such work shall be issued promptly.

(c.) The subject boathouse structures, situated completely within and upon City property and which Boathouses are or may become the property of the City upon the termination of the Boathouse Leases, shall not be altered or added to in any manner which shall interfere with or reduce the capability of such Boathouse to serve its original and prime purpose, which is to house medium-to-large-size motor yachts in boat slips with a minimum 40-foot length.

(d.) No construction, alteration, addition to or modification of any boathouse shall interfere with the structural integrity, drainage or functioning of adjoining Boathouses or interfere with such adjacent Boathouses' Lessees' peaceful enjoyment of their Boathouses by impeding the view from or access to the Boathouses they lease.

(e.) In order to avoid a hazard to navigation, no vessel shall be moored in such a manner as to project beyond the end of a Boathouse, nor shall any vessel be moored across the end of and outside of a Boathouse.

(f.) Any permit issued by the Department of Safety and Permits pursuant to this section is predicated upon the Compliance Certificate issued by MYHMC. Accordingly, any violation of the terms and conditions of the MYHMC Compliance Certificate, as determined by MYHMC, shall also constitute a violation of the permit issued by the Department of Safety and Permits pursuant to this section.

(g.) Subject to the foregoing, including without limitation subsection (f), the following uniform standards are established. Exhibits are intended to illustrate practical application of requirements set forth in these Design Criteria. In case of conflict between the text and an exhibit, the text shall govern:

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1. 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 level 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.

2. 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. Dimensions and Exteriors:

The dimensions and exteriors of the boathouses shall be maintained so as to present a uniform appearance with those in the same Boathouse Group.

4. Boat Slip:

Each Boathouse must contain a boat slip capable of housing completely within its footprint a boat of at least 40 feet in length. Where Lessee leases and/or occupies adjacent Boathouses, the required slip must be provided within each Boathouse.

5. First Floor (boat-level) Improvements:

(Figure A)

Catwalks constructed parallel to the long dimension of the Boathouse and extending to the rear of the Boathouse shall be constructed on at least one side of every Boathouse. Catwalks shall not exceed 30 inches in width within each Boathouse.

An open deck shall be constructed completely within and across the front of the Boathouse between the slip and any enclosed area or the front of the Boathouse. The deck shall be a minimum of 30 inches in width and allow for the maintenance of the boat slip.

No fence or similar construction may be erected to divide the catwalks and/or open decks, but railings may be placed along the edges of the catwalks or open decks within the slips.

6. Second Floor Improvements:

(Figures B, C and D)

For Boathouses that suffered less than 50 percent damage from Hurricane Katrina on August 29, 2005, lessees shall be permitted to repair the second floor without elevating it

above the level at which it existed on August 28, 2005. At all other Boathouses the second floor shall be constructed so that the bottom of the lowest horizontal structural member supporting the second floor shall be above the Base Flood Elevation and the top of the second floor is no higher than two feet above Base Flood Elevation.

No portion of a second floor of a Boathouse may be enclosed closer to the rear of the Boathouse than 40 feet from the original front wall of the Boathouse, unless the lessee obtains the written consent of the lessees of the nearest Boathouses in each direction that are not owned or occupied by the Lessee. However, in no event shall an enclosed area of a second floor extend beyond 60 feet from the original front wall of the Boathouse.

Any portion of a second floor of a Boathouse may be constructed as an open deck. All such open decks must be constructed so that the bottom of the lowest horizontal structural member supporting the second floor shall be above the Base Flood Elevation and the top of the second floor is no higher than two feet above Base Flood Elevation unless FEMA requirements, including that of structural independence, are satisfied. Where an open deck second floor is higher than that of an adjacent Boathouse not owned or occupied by the Lessee, the Lessee of the Boathouse with the higher deck must erect an opaque screen between the decks extending to the rearmost point of the higher deck.

7. Third Floor Improvements:

(Figure E)

No portion of an enclosed or open deck third floor of a Boathouse may be constructed closer than 10 feet to the original front wall of the Boathouse unless the Boathouse includes a roof over an open deck at the second floor of the Boathouse and such roof extends the full width of the Boathouse. In such case, no portion of an enclosed or open deck third floor may be constructed closer than 10 feet to the rearmost front of a roof over the open deck at the second level of the Boathouse. However, in no event may any portion of a third floor extend beyond the original front wall of the Boathouse. No portion of an enclosed or open deck third floor of a Boathouse may be constructed closer than 60 feet to the rear of the Boathouse from the original front wall of the Boathouse, or closer than 3 feet to the nearest Boathouse in each direction that is not owned or occupied by the Lessee. However, in no case may a third floor be closer than six feet to any portion of another third floor area. Construction within the permitted area may be enclosed, covered, or an open deck.

The top of the third floor level shall be no higher than 11'-6" above the top of the second floor level.

No floor level above the third floor level is permitted.

8. Driveways and Parking Spaces on Breakwater Drive:

(Figure A)

Boathouses fronting on Breakwater Drive shall provide parking for a minimum of two vehicles between the original front wall of the Boathouse and Breakwater Drive. Such

parking spaces shall be a minimum of 8'-6" wide x 18'-0" long x 7'-6" high. Parking spaces and driveways shall be paved with concrete or similar approved hard-paved surface materials, extending from the edge of the street continuously to the bulkhead. Parking spaces and driveways are to be used for parking of motor vehicles on a day-to-day basis; no boats, vessels, watercraft, recreational vehicles, campers or trailers of any kind shall be kept overnight in the driveway or parking spaces.

9. Open Deck in Front of Boathouse:
(Figure D)

At the second floor level only, the Lessee may erect on the front side of the Boathouse an elevated open deck. Any such deck must extend from the original front wall of the Boathouse. At Breakwater Drive, such deck may extend to within a minimum of 2 feet of Breakwater Drive. At North Roadway, such deck may not extend beyond the seawall adjacent to the Boathouses on North Roadway.

All such decks must be constructed so that the bottom of the lowest horizontal structural member supporting the second floor shall be above the Base Flood Elevation and the top of the second floor is no higher than two feet above Base Flood Elevation unless FEMA requirements, including that of structural independence, are satisfied.

All such decks shall be steel-supported.

10. Open Deck with Roof in Front of Boathouse:
(Figure D)

The Lessee may construct a roof over an open deck in front of a Boathouse as is permitted in subparagraph 9 above. Such a roof shall be completely open on the side facing the street and shall not extend more than 12 feet beyond the original front wall of the Boathouse.

11. Railing at Open Deck in Front of Boathouse:

Except as provided elsewhere in these Design Criteria, any permitted open deck shall have at its edge a railing which meets but does not exceed the height required by the applicable codes.

12. Enclosed Deck in Front of Boathouse:

No deck or other area beyond the original front wall of a Boathouse fronting on Breakwater Drive may be enclosed unless the Lessee obtains the written consent of the Lessees of the adjacent Boathouses. In no event shall such an enclosed area be at a location other than at the second level and in no event shall the enclosed area extend beyond 12 feet from the original front wall of the Boathouse.

13. Height:
(Figure F)

The highest point of a Boathouse roof over a second floor may be no higher than 30 feet above the highest level of the public street immediately adjacent to the Boathouse. The highest point of a Boathouse roof over a third floor may be no higher than 42 feet above the highest level of the public street immediately adjacent to the Boathouse.

14. Roof Slope:
(Figure F)

The slope of all Boathouse roofs must be 3" of rise for every 12" of run, to match the predominant slope of existing Boathouses. Roofs must slope uniformly towards adjacent Boathouses, except that all or part of roofs located above a third floor or over an enclosed deck in front of a boathouse may slope toward the front and/or rear of the Boathouse.

15. Roof Size:
(Figure F)

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

16. Roof Drainage:

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

17. Roof Overhangs:

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

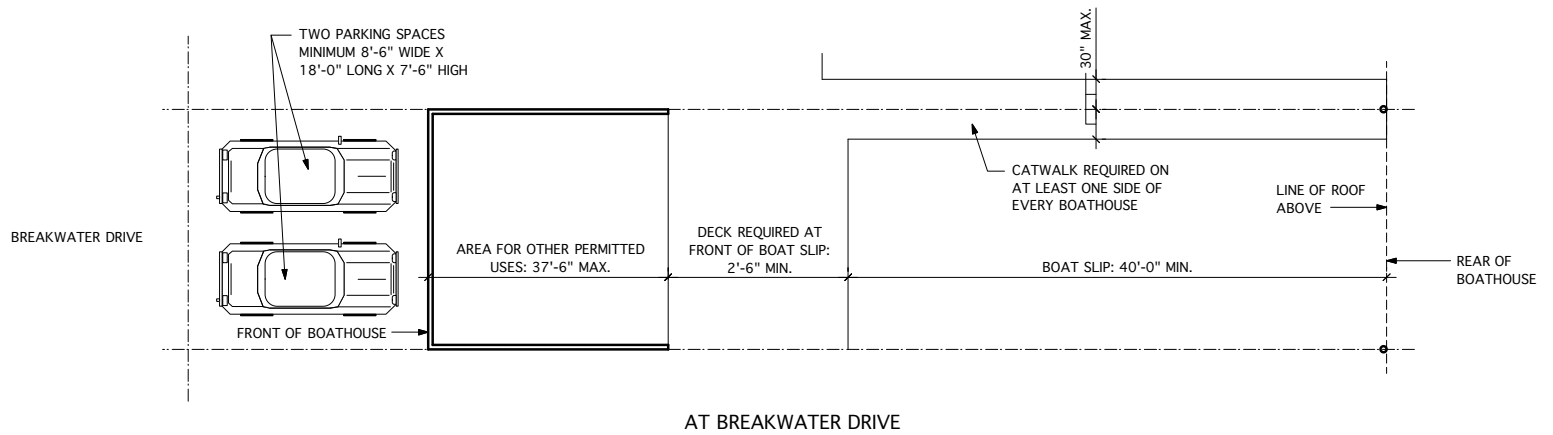
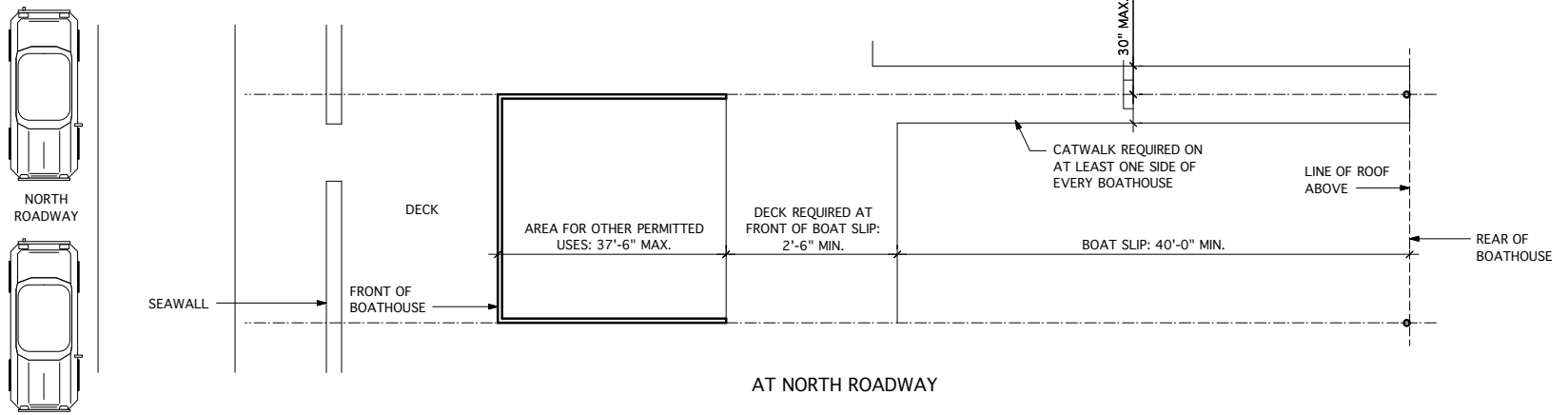
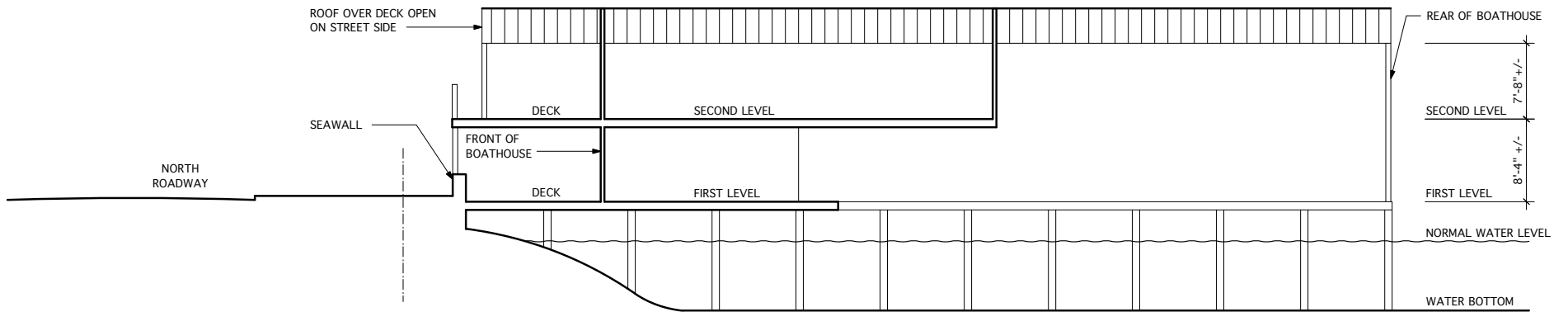
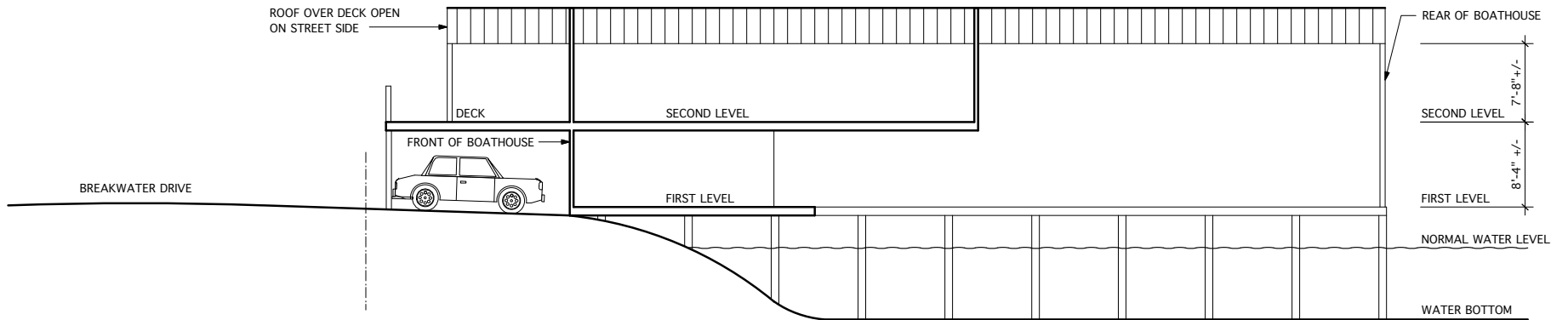


FIGURE A
FIRST FLOOR PLAN

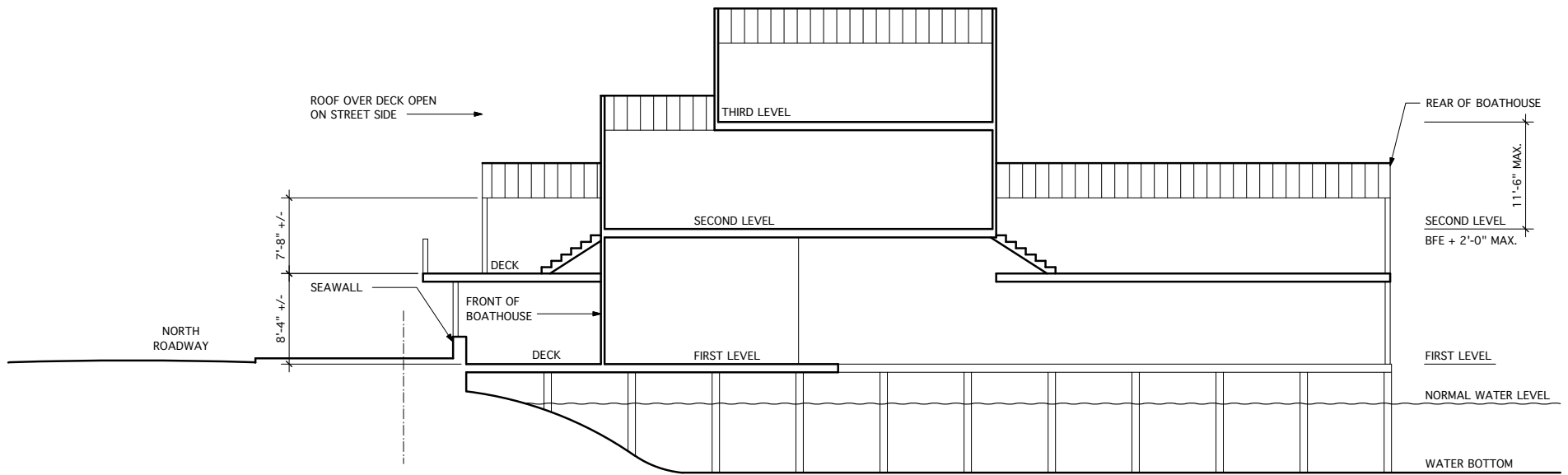


AT NORTH ROADWAY

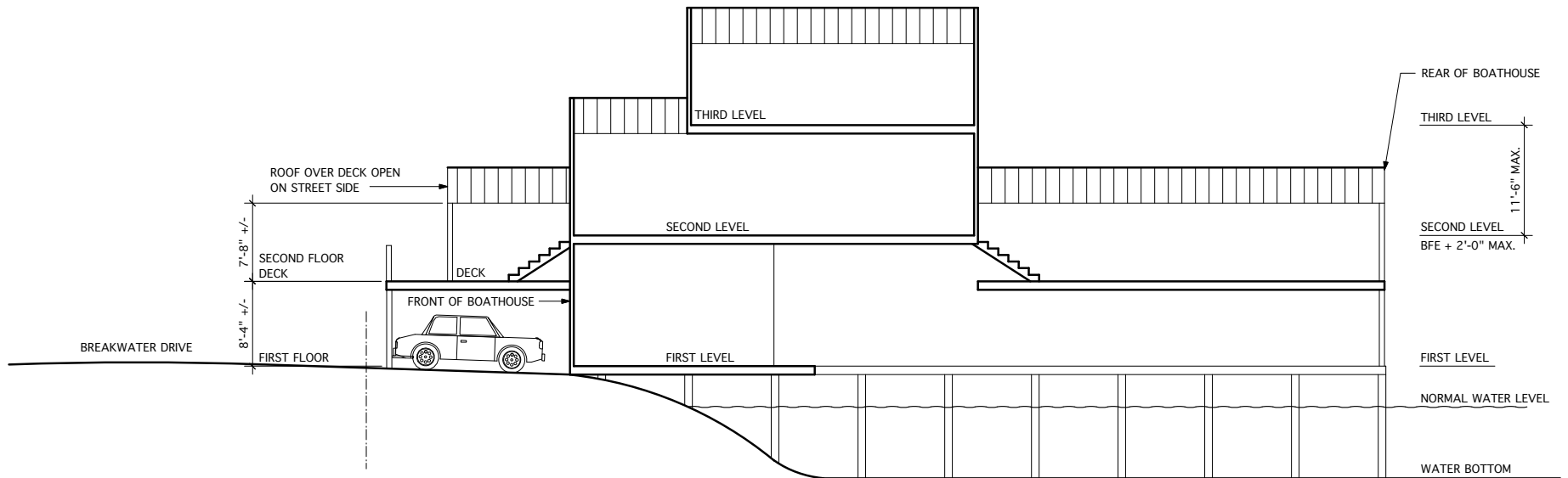


AT BREAKWATER DRIVE

FIGURE B
SECTION @ BOATHOUSE NOT SUBSTANTIALLY DAMAGED OR IMPROVED

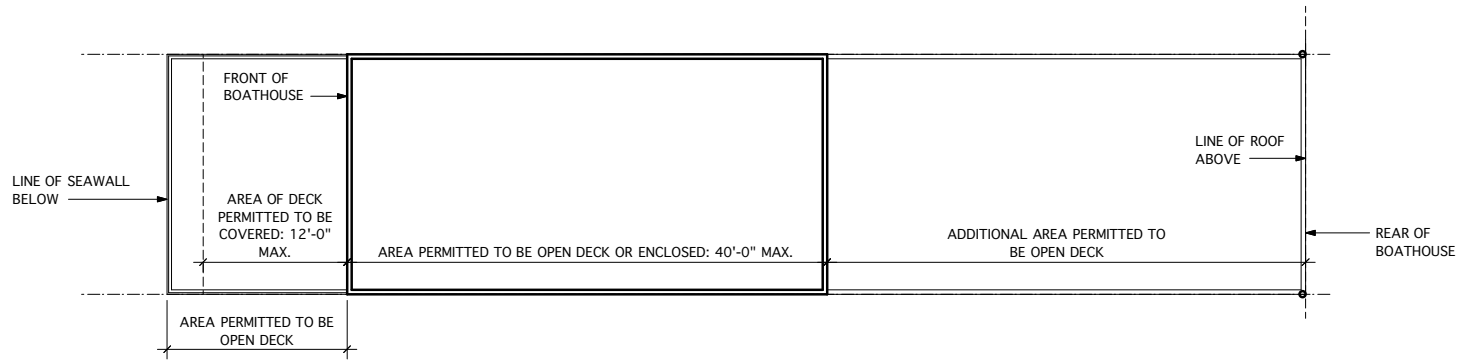


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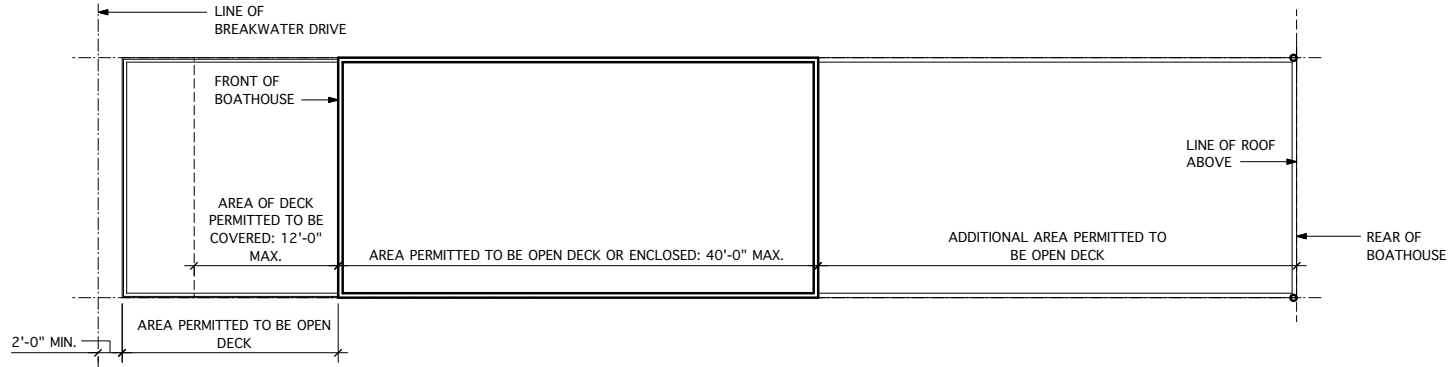


AT BREAKWATER DRIVE

FIGURE C
SECTION @ SUBSTANTIALLY IMPROVED BOATHOUSE



AT NORTH ROADWAY



AT BREAKWATER DRIVE

FIGURE D
SECOND FLOOR PLAN

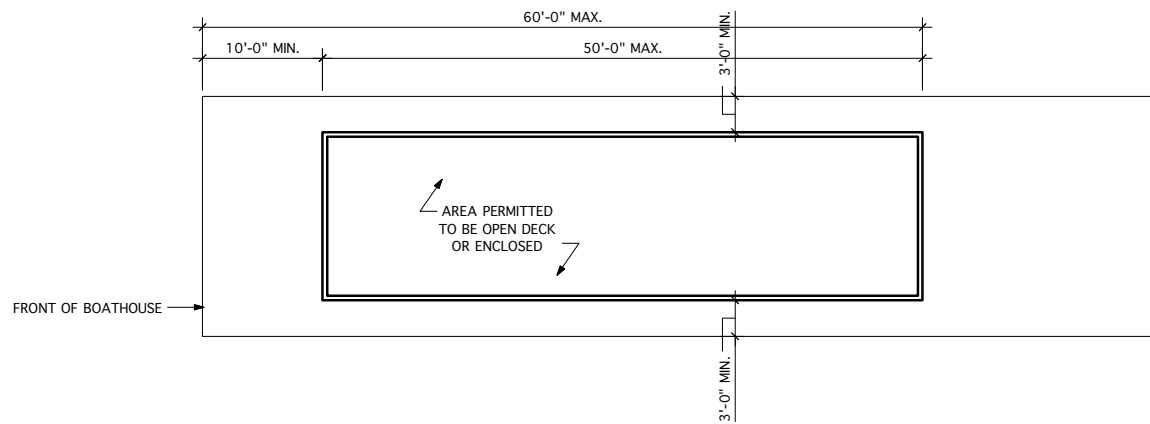
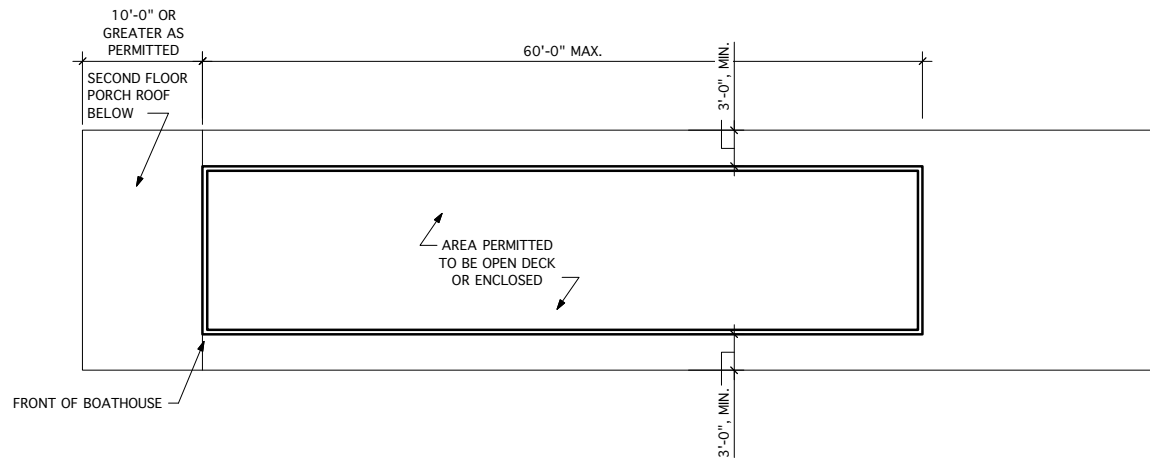


FIGURE E
THIRD FLOOR PLAN

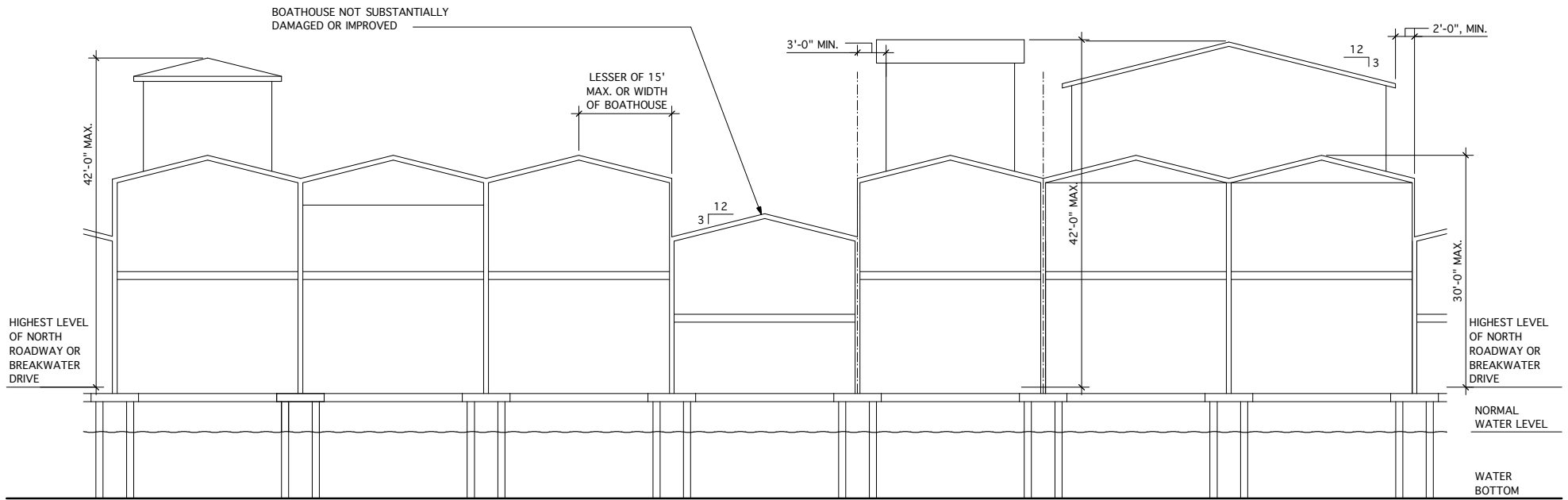


FIGURE F
ELEVATION AT REAR OF BOATHOUSES