

AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 429.1, SECTIONS 3, 4, AND 5 OF THE ZONING ORDINANCE TITLED FLOOD HAZARD DISTRICT TO ADD A DEFINITION FOR BASE LEVEL ENGINEERING; INCORPORATE AND ADOPT THE NEW FEDERAL EMERGENCY MANAGEMENT AGENCY REPORT DATED JANUARY 15, 2021, ELIMINATE REFERENCES TO THE CONDITIONAL LETTER OF MAP REVISION; ALLOWING FOR ADDITIONAL INFORMATION TO BE CONSIDERED IN CERTAIN ZONES IN THE ABSENSE OF BASE FLOOD ELEVATION DATA AND FLOODWAY DATA; CORRECT SPELLING AND GRAMMATICAL ERRORS THROUGHOUT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF NORMAN, OKLAHOMA:

§ 1. That, Section 429.1(2) of Chapter 22 of the Code of the City of Norman be amended to add a new definition in subsection (2)(i) and renumber the remaining definitions accordingly:

2. Definitions. As used in this chapter, unless the context otherwise requires, the following words or phrases have the meaning listed:

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(i) Base Level Engineering (“BLE”): an automated riverine hydrologic and hydraulic modeling approach that builds on lessons learned to produce a base line understanding of flood risk to communities, produced to support the assessment and maintenance of the national flood hazard inventory.

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(oo) Manufactured Home -- 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, recreational vehicles and other similar vehicles placed on a site for greater than 1800 consecutive days unless it meets the definition of a recreational vehicle. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

§ 2. That, Section 429.1(3) of Chapter 22 of the Code of the City of Norman be amended to read as follows:

3. Identification, Establishment and Amendment of the District.

- (a) Flood Hazard Lands Governed by this Section: 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 Cleveland County, Oklahoma and Incorporated areas" dated ~~February 20, 2013~~ January 15, 2021, as may be updated time to time by Letters of Map Change adopted by City Council, with accompanying Flood Insurance Rate Maps (FIRM) are hereby adopted by reference and declared to be a part of this ordinance. ~~The Conditional Letter of Map Revision (CLOMR) for the Ten Mile Flat Creek Area dated December, 2005, shall also be considered a part of the Special Flood Hazard Area until such time as it is adopted by FEMA.~~ This "Flood Insurance Study" with its accompanying FIRM, also known as the Official Flood Hazard District Maps, are hereby adopted by reference and declared to be part of this ordinance and may be amended or revised from time to time by the City Council according to procedures established by FEMA. ~~Amendments that have been adopted by Council include the following: FEMA Case No. 16-06-2604P, approved by FEMA effective May 31, 2017.~~ The Official Flood Hazard District Maps shall be placed on file with the City Clerk and copies shall be maintained in the Planning Department and the Public Works Department for public review.

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- § 3. That, Section 429.1(4) of Chapter 22 of the Code of the City of Norman be amended to read as follows:

4. Flood Hazard District Land Uses.

- (a) Uses Allowed without a Flood-~~P~~plain Permit: The uses listed below having a low flood-damage potential and posing little obstruction to flood flows, if allowed in the underlying district, shall be allowed provided they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

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- (b) General Standards. In all special flood hazard areas the following provisions are required for all new construction and substantial improvements and a flood-plain permit is required:

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- (c) Specific Standards that Require Flood-~~P~~plain Permits (A, AE, AH, AO Zones). Uses requiring a floodplain permit involving structures, fill, excavation, mining, or storage of materials or equipment may be permitted only upon issuance of a special permit as provided in the subsection below titled "Floodplain Permit

Administration". Floodplain Permit uses shall consist of any of the following uses which are permitted in the underlying district:

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- (4) Agricultural Buildings – new agricultural buildings not intended for human occupancy may be granted a variance by the Floodplain Permit Committee to the requirements of 4 (c) (3) above, requiring fill and a finished floor elevated two feet above base flood elevation, provided that there is no off-site adverse impact on abutting properties, all utility services are flood-proofed, and the requested variance is reasonably related to the principal agricultural use of the property.

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- (10) All new fences or replacement of existing fences in the SFHA require a floodplain permit. Approved fences shall be designed and installed to be breakaway (see def.) or in some other manner so that flows will not be impeded.

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(h) Special Floodplain and Building Construction Regulations Applicable to Little River and Its Mapped Tributaries.

(4) Applicability -- The provisions of this Section 429.1.4(h) shall apply to all construction on all properties located within the floodplain of the Little River and its tributaries within the boundaries of the City of Norman as depicted on FEMA Map Panels 40027C0170JH (9/26/08/1/15/21), 40027C0190K (1/15/21), 40027C0191J (2/20/13), 40027C0195J (2/20/13), 40027C0210H (9/26/08), 40027C0215H (9/26/08), 40027C0220H (9/26/08), 40027C0230H (9/26/08), 40027C0240H (9/26/08), 40027C0245H (9/26/08), 40027C0260JH (9/26/08/1/15/21), 40027C0280JH (9/26/08/1/15/21), 40027C0285H (9/26/08), 40027C0290H (9/26/08), 40027C0305H (9/26/08), 40027C0310H (9/26/08), 40027C0315H (9/26/08), 40027C0320H (9/26/08), 40027C0330H (9/26/08), 40027C0335H (9/26/08), 40027C0340H (9/26/08), and 40027C0345H (9/26/08), and shall supersede any conflicting regulations contained in Section 429.1 -- FH, Flood Hazard District. ~~The Conditional Letter of Map Revision (CLOMR) for the Ten Mile Flat Creek Area dated December, 2005, shall also be considered a part of the Special Flood Hazard Area north of Rock Creek Road until such time as it is adopted by FEMA.~~

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- (5) Lot Configuration and Building Envelopes – To the maximum extent feasible, lots subject to this Section 429.1.4(h) shall be configured so that they lie entirely out of the floodplain with any remainder parcel being preserved as provided in Section 429.1.4(h)(7) below. As an alternative, lots may be configured so that portions are located within the floodplain. However, building envelopes of such lots shall be delineated to lie to the maximum extent feasible outside the floodplain. All building permits with building envelopes partially within the floodplain shall be subject to approval of the Floodplain Permit Committee in keeping with the purpose of this Section 429.1.4(h). If no other option for access is practicable, driveways may be located within the floodplain.

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§ 4. That, Section 429.1(5) of Chapter 22 of the Code of the City of Norman be amended to read as follows:

5. Floodplain Permit Administration.

The Director of Public Works is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. Floodplain Permits are required for uses which must receive special attention to prevent obstruction of floodways, threats to other lands from floating debris, and substantial damage to the uses themselves.

Uses listed above requiring a Floodplain Permit may be allowed only upon issuance of a special permit by a super majority vote of five (5) or more of the Floodplain Permit Committee composed of the Director of Planning and Community Development, the Director of Public Works, City Engineer, the Subdivision Development ~~Manager~~Coordinator, the ~~Manager of the Current Planning Division~~Services Manager, and two citizens appointed by the Mayor with advice and consent of the Council. The citizen members of the Floodplain Permit Committee shall serve staggered three (3) year terms. All members shall have successfully completed the basic floodplain training offered by the Oklahoma Water Resource Board or equivalent training or education, and at least one member shall be a Certified Floodplain Manager. The floodplain Permit Committee shall meet on an as-needed basis the first and third Monday of each month and shall post public notice accordingly. Floodplain Permit application forms shall be furnished by the Department of Public Works. Upon receiving an application for the special permit involving the use of fill, construction of structures, or storage of materials, the Committee shall, prior to rendering a decision thereon, obtain and study essential information and request technical advice as appropriate. Such information and technical advice becomes a part of the application and is retained with the application.

(a) The Committee may require the applicant to furnish any or all of the following information as it deems necessary for determining the suitability of the particular site for the proposed use, and the information becomes a part of the application and is retained with the application:

(1) The following information will be required on every application submitted to the Floodplain Permit Committee

(i) Plans ~~in duplicate~~ drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel, floodway, and the flood-protection elevation.

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(b) The Floodplain Permit Committee may transmit one copy of the information described in subsection (1) to a designated independent engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use; the adequacy of the plans for protection; and other technical matters, with any attendant costs to be assumed by the applicant. Based upon review of the technical information available, the Committee shall determine the specific flood hazard at the site, evaluate the suitability of the proposed use in relation to the flood hazard, and issue the requested Floodplain Permit or advise the applicant that his request was not approved. The Floodplain Permit Committee shall also be responsible for the following:

(1) Where interpretation is needed as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Permit Committee shall make the necessary interpretation.

(2) The Floodplain Permit Committee shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(3) In A Zones, in the absence of FEMA BFE data and floodway data, the Floodplain Permit Committee shall obtain, review, and reasonably utilize other BFE, BLE, and floodway data as a basis for elevating residential structures above the base flood level, and for flood-proofing or elevating non-residential structures above the base flood level.

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- § 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED this _____ day
of _____, 2020.

(Mayor)

ATTEST:

(City Clerk)

NOT ADOPTED this _____ day
of _____, 2020.

(Mayor)