

AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 429.1(3) AND CLARIFYING THE PROCESS FOR AMENDMENTS TO DISTRICT BOUNDARIES BASED ON APPROVAL BY FEMA OF LETTERS OF MAP CHANGE INCLUDING LETTERS OF MAP REVISION; SECTION 429.1(4) TO CLARIFY WHEN A FLOODPLAIN PERMIT IS REQUIRED AND WHEN COUNCIL APPROVAL IS REQUIRED; AND REMOVING REDUNDANT LANGUAGE RELATED TO SUBDIVISION STANDARDS, ALL IN CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 22:429.1(3) of Chapter 22 of the Code of the City of Norman, Oklahoma, 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, as may be updated time to time by Letters of Map Change adopted by City Council, with accompanying Flood Insurance Rate Map (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 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. 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.
- (b) Establishment of Flood Hazard District as an Overlay: The mapped special flood hazard areas shall be designated as the Flood Hazard District. This district overlays other Zoning districts and the regulations of the Flood Hazard District apply in addition to the district regulations of the underlying district. Whenever a conflict

in requirements results, the most stringent requirements shall apply.

- (c) Amendments to the District Boundaries [Letter of Map Revision (LOMR)]: The boundaries of the Flood Hazard District may be amended from time to time when ~~later~~ more current or precise technical flood hazard information becomes available and approved by FEMA. ~~The Planning Commission shall review such later information and recommend to the City Council any changes to the district boundaries.~~

~~An owner of land located in the Flood Hazard District may request a review of the location of the district boundaries affecting his land. He shall present such surveys and studies as he desires to the Planning Commission for the review. The Planning Commission shall obtain a technical analysis of the information from an appropriate agency. Where there is a fee required, the analysis and reports shall be made at the expense of the applicant. Based upon the technical analysis approved by FEMA, ~~the Planning Commission shall recommend to the City Council whether or not shall formally amendments to the flood hazard zoning district boundaries consistent with should be effected and whether to request a letter of map revision from FEMA.~~~~

- (d) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or material causes.

This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

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

#### 4. Flood Hazard District Land Uses.

- (a) Uses Allowed without a Flood 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.

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting;
- (2) Private and public recreational uses such as golf courses, bikeways, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails;
- (3) Accessory residential uses such as lawns, gardens and play areas.

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

~~(1) Fill is restricted because storage capacity is removed from the floodplains, natural drainage patterns are adversely altered and erosion problems can develop. The use of fill shall be limited to:~~

(1) Modification of the floodplain, including, but not limited to, excavating, filling, dredging, channelizing and paving may be permitted under the following circumstances. Any permit granted for the modification of the floodplain hereunder shall be limited to the minimum amount of modification necessary to achieve the permitted outcome. Permits for such modifications shall be required from the Floodplain Permit Committee as outlined in Section 5 herein and may require a Letter of Map Revision (LOMR) from FEMA. An application for a LOMR will be forwarded to FEMA by the Floodplain Administrator upon approval of the Floodplain Permit Committee except as provided in subsection 18 herein.

~~(a) (i) The proposed modification is being done for the purpose of the elevating on of individual residential and non-residential structures, including driveways providing access to those structures; or~~

~~(b) the construction or repair of public roads and bridges,~~

~~(c) the river or stream bank stabilization or reinforcement projects, and in any case where fill is authorized, only the minimum amount necessary to accomplish the permitted floodplain development shall be used.~~

(ii) The proposed modification is for the purpose of constructing ponds less than five (5) acres associated with farming and ranching activity; or

(iii) The proposed modification is part of a river or stream bank stabilization or reinforcement project; or

(iv) The proposed modification is required to construct or repair public roads or bridges; or

(v) The proposed modification is proposed as part of a redevelopment or reclamation project outlined in Section 4(b)(17) herein.

(2) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(3) Any new construction or substantial improvement which would individually or when combined with all other existing and anticipated development expose additional upstream, downstream or adjacent properties to adverse flood effects that would otherwise not be exposed to such effects due to the regulatory flood shall not be permitted;

(4) Any new construction or substantial improvement which would increase velocities or volumes of flood waters to the extent that significant erosion of floodplain soils would occur either on the subject property or on some other property either upstream or downstream shall not be permitted;

(5) Compensatory storage must be provided within the general location of any storage that is displaced by fill or other development activity and must serve the equivalent hydrologic function as the portion which is displaced with respect to the area and elevation of the floodplain;

- (6) All new construction, substantial improvements, or other development (including fill) shall not be permitted within the floodplain area, unless it is demonstrated that the effect of the proposed development will not increase the water surface elevation of the base flood by more than .05 feet on any adjacent property;
- (7) Fill shall be protected against erosion and sedimentation by such measures as riprap, vegetative cover, bulkheading, or sedimentation basins as approved by the City Engineer;
- (8) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (9) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (10) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. All Public Utilities and facilities shall be constructed so as to minimize flood damage;
- (11) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (12) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters;
- (13) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- (14) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited excepted as provided in Section 4(d) herein.
- (15) Storage of material or equipment may be allowed if not subject to major damage by floods and firmly anchored to

prevent flotation or if readily removable from the area within the time available after the issuance of flood warning by The National Weather Service.

- (16) Recreational vehicles placed on sites within Zones A1-30, ~~AH~~, and AE on the community's FIRM either
- (i) Be on the site for fewer than 180 consecutive days,
  - (ii) Be fully licensed and ready for highway use, or
  - (iii) Meet the permit requirements of (b)(2) of this section and the elevation and anchoring requirements for "manufactured homes" in (c)(1) in this section.
- (17) Redevelopment or Reclamation Projects – Projects that propose to reduce flood hazards through the removal of existing non-compliant development and which provide beneficial improvements to the function of the floodplain, including increased storage capacity, reduced velocities and erosion, restored natural functions of the floodplain, and improved discharge efficiency, through appropriate modifications to the existing character and topography of the floodplain.
- (18) The following floodplain modifications approved by the Floodplain Permit Committee shall also require approval by the City Council. A project report and the recommendations of the Floodplain Permit Committee's conditional approval will be provided to City Council at the time of Council's consideration of approval of such a Floodplain Permit. For projects that require platting, this information will be presented at the time Council considers the preliminary plat. For projects that do not require platting, the report will be made to Council prior to issuance of the floodplain permit.
- (i) A modification of the floodplain that results in a change of ten percent (10%) or more in the width of the floodplain.
  - (ii) The construction of a pond with a water surface area of 5 acres or more.
  - (iii) Any modifications of the stream banks or flow line within the area that would be regulatory floodway ~~whether that channel has a regulatory floodplain,~~

unless the work is being done by the City of Norman staff as part of a routine maintenance activity.

- (iv) Any redevelopment or reclamation project, as provided for above in Section 4(b)(17).

~~For projects that require platting, this information will be presented at the time Council considers the preliminary plat. For projects that do not require platting, the report will be made to Council prior to issuance of the floodplain permit.~~

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(f) Standards for Subdivision Proposals:

- (1) All subdivision proposals ~~including manufactured home parks and subdivisions~~ shall be consistent with Section 4(b) of this ordinance;
- (2) All proposals for the development of subdivisions ~~including manufactured home parks and subdivisions~~ shall meet all applicable permitting requirements of this ordinance.
- (3) Base flood elevation data shall be generated for any subdivision proposals and other proposed land development activity ~~including manufactured home parks and subdivisions~~, if not otherwise provided pursuant to Section 3 and 4 of this ordinance;
- (4) All subdivision proposals, ~~including manufactured home parks and subdivisions~~, shall have adequate drainage provided to reduce exposure to flood hazards;
- (5) All subdivisions proposals ~~including manufactured home parks and subdivisions~~ shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate infiltration or flood damage;
- (6) Whenever possible, a proposed subdivision which contains some land within the floodplain shall be developed using the Planned Unit Development process, so that dwelling units could be located out of the floodplain and such areas left undeveloped or without residential structures.

§ 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the ability of the remaining portions of this ordinance.

ADOPTED this \_\_\_\_\_ day of  
\_\_\_\_\_, 2017.

NOT ADOPTED this \_\_\_\_\_ day of  
\_\_\_\_\_, 2017.

\_\_\_\_\_  
Lynne Miller, Mayor

\_\_\_\_\_  
Lynne Miller, Mayor

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ATTEST:  
Brenda Hall, City Clerk