

ORDINANCE NO. 14-13

AN ORDINANCE AMENDING SECTIONS OF THE NORWALK ZONING CODE MAKING AMENDMENTS TO 17.04 DEFINITIONS AND 17.2 OVERLAYING ZONING DISTRICT REGULATIONS AS IT RELATES TO FLOODING REGULATIONS

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NORWALK, IOWA:

**SECTION 1. PURPOSE.** The purpose of this ordinance is to amend the Official Zoning Code of the City of Norwalk, Iowa, under the provisions of Title 17 (Zoning Regulations), Chapter 17.20.010.3 (General Provisions), Section 17.20.010.4 (Administration of Flood Hazard Area Overlay Zoning District Regulations), Section 17.20.030.2 (C), 17.20.030.2 (D), 17.20.030.2 (E), 17.20.030.2 (N), 17.20.030.2, and 17.04.040 (Definitions) of the Norwalk Municipal Code

**SECTION 2. ADDITIONS AND AMENDMENTS:**

**Amend section 17.20.010.3 – *General Provisions* by adding the following subsections:**

Lands to Which Ordinance Applies

The provisions of this Ordinance shall apply to all lands within the jurisdiction of the City of Norwalk shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in Chapter 17.20.010.0.

Establishment of Official Floodplain Zoning Map

The Flood Insurance Rate Map (FIRM) for Warren County and Incorporated Areas, City of Norwalk, Panels 19181C0040E, 0045E, 0129E, dated March 2, 2009 and Panels 19181C0039F, 0043F, 0044F, 0126F, 0127F, 0132F, 0133F, dated October 16, 2014, which were prepared as part of the Flood Insurance Study for Warren County, are hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

**Amend section 17.20.010.4 – *Administration of Flood Hazard Area Overlay Zoning District Regulations* by replacing the reference to National Geodetic Vertical Datum with reference to North American Vertical Datum**

**Amend section 17.20.030.2 (C) – *Non-residential Buildings* by replacing the reference to “in relation to mean sea level” with reference to North American Vertical Datum**

**Amend section 17.20.030.2 (D) – *Residential Buildings* by deleting the first sentence in the subsection and replacing it with the following in lieu thereof:**

All new or substantially improved residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the one hundred (100) year flood level.

**Amend section 17.20.030.2 (E) – Fully enclosed areas below lowest floor by adding the following provision:**

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage

**Amend section 17.20.030.2 (N) – Subdivisions by adding the following provision:**

Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever) is less shall include 100-year flood elevation data for those areas located within the Floodway Fringe Overlay District

**Amend section 17.20.030.2 by adding the following provisions the placement of Recreational Vehicles in the Floodway Fringe Overlay District**

- O. Recreational vehicles are exempt from the requirements of SECTION 17.20.030.2 (M) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:
1. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
  2. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
  3. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of SECTION 17.20.030.2 (M) of this Ordinance regarding anchoring and elevation of factory-built homes.

**Amend section 17.04.040 - Definitions by adding the following terms:**

EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".

HISTORIC STRUCTURE - Any structure that is:

- a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

MINOR PROJECTS - Small development activities (except for filling, grading and excavating) valued at less than \$500.

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

RECREATIONAL VEHICLE - A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c. Basement sealing;
- d. Repairing or replacing damaged or broken window panes;
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

**SECTION 3. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. SEVERABILITY CLAUSE.** In any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Norwalk, Iowa on the 7th day of August, 2014.

\_\_\_\_\_  
Tom Phillips, Mayor

ATTEST:

\_\_\_\_\_  
Jeff Rosien, City Clerk

Published on the \_\_\_\_ day of August 2014.