

ORDINANCE NO. 24-10

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF NORWALK, IOWA PER THE FOLLOWING:

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 Zoning Ordinance of the City of Norwalk, Iowa, under the provisions of Title 175 (Zoning Regulations), Chapter 175A (General Provisions), Chapter 175B (Zoning District Regulations), and 175C (Overlay Zoning District Regulations) of the Norwalk Municipal Code.

Section 2. Zoning Ordinance Amended. Chapter 175A.05 of the Zoning Ordinance of the City of Norwalk, Iowa, is amended to add the following definitions:

“Appurtenant Structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

“Five Hundred (500) Year Flood” means a flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

“Enclosed Area Below Lowest Floor” means the floor of the lowest enclosed area in a building when all the following criteria are met:

- A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section 175C.02(2)(E) of this Ordinance; and
- B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation; and
- D. The enclosed area is not a “basement” as defined in this section.

“Maximum Damage Potential Development” means Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

“Routine Maintenance of Existing Buildings & Facilities” means 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.

Section 3. Zoning Ordinance Amended. Chapter 175A.05 of the Zoning Ordinance of the City of Norwalk, Iowa, is amended to delete the following definitions and replacing them with the following in lieu thereof:

“Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor” a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

“Development” means any subdivision of land or any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

“Factory-Built Home” means any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

“Lowest Floor” means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

“Special Flood Hazard Area (SFHA)” means the land within a community subject to the “base flood”. This land is identified on the community’s Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

Section 4. Zoning Ordinance Amended. Chapter 175B.22(3)(E) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

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, and General Floodplain (Overlay) Districts, as established in Section 175B.22.

Section 5. Zoning Ordinance Amended. Chapter 175B.22(3)(E) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and re-numbering the succeeding subsections.

Section 6. Zoning Ordinance Amended. Chapter 175B.22(4)(A)(1)(b) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

Section 7. Zoning Ordinance Amended. Chapter 175B.22(4)(A)(1)(c) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

Record and maintain a record of (i) the elevation (in relation to Norwalk American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.

Section 8. Zoning Ordinance Amended. Chapter 175B.22(4)(A)(1) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by incorporating the following new provisions:

- j. Maintain the accuracy of the community’s Flood Insurance Rate Maps when:
 - 1. Development placed within the Floodway (Overlay) District results in any of the following:
 - (i) An increase in the Base Flood Elevations, or
 - (ii) Alteration to the floodway boundary

2. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
3. Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

k. Perform site inspections to ensure compliance with the standards of this Ordinance.

l. Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

Section 9. Zoning Ordinance Amended. Chapter 175B.22(4)(B)(2)(d) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

d. Elevation of the base flood.

Section 10. Zoning Ordinance Amended. Chapter 175B.22(4)(B)(2)(e) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

e. Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.

Section 11. Zoning Ordinance Amended. Chapter 175B.22(4)(B)(2) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by incorporating the following new provisions:

f. For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.

g. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

Section 12. Zoning Ordinance Amended. Chapter 175B.22(4)(C)(1) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

Section 13. Zoning Ordinance Amended. Chapter 175B.22(4)(C)(4) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

4. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

Section 14. Zoning Ordinance Amended. Chapter 175C.01(4)(A) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

No development shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

Section 15. Zoning Ordinance Amended. Chapter 175C.01(4)(B) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

- B. All development within the Floodway District shall:
- 1) Be consistent with the need to minimize flood damage.
 - 2) Use construction methods and practices that will minimize flood damage.
 - 3) Use construction materials and utility equipment that are resistant to flood damage.

Section 16. Zoning Ordinance Amended. Chapter 175C.01(4)(C) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

Section 17. Zoning Ordinance Amended. Chapter 175C.01(4)(D) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

D. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.

Section 18. Zoning Ordinance Amended. Chapter 175C.01(4)(E) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

E. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.

Section 19. Zoning Ordinance Amended. Chapter 175C.02(1) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

1. Principal Permitted Uses: All development within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

Section 20. Zoning Ordinance Amended. Chapter 175C.02(2) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting the first sentence in its entirety and replacing it with the following:

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

Section 21. Zoning Ordinance Amended. Chapter 175C.02(2)(B) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

B. All development shall:

- 1) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.
- 2) Use construction methods and practices that will minimize flood damage.

- 3) Use construction materials and utility equipment that are resistant to flood damage.

Section 22. Zoning Ordinance Amended. Chapter 175C.02(2)(C) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

C. Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

Section 23. Zoning Ordinance Amended. Chapter 175C.02(2)(D) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

D. Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

Section 24. Zoning Ordinance Amended. Chapter 175C.02(2)(G) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

G. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

Section 25. Zoning Ordinance Amended. Chapter 175C.02(2) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by incorporating the following new provisions:

H. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

Section 26. Zoning Ordinance Amended. Chapter 175C.02(2)(H)(1) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

1. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.

Section 27. Zoning Ordinance Amended. Chapter 175C.02(2)(H)(3) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.

Section 28. Zoning Ordinance Amended. Chapter 175C.02(2)(I) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

I. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either

be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

Section 29. Zoning Ordinance Amended. Chapter 175C.02(2)(J) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

J. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood within a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

Section 30. Zoning Ordinance Amended. Chapter 175C.02(2)(K) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

K. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

Section 31. Zoning Ordinance Amended. Chapter 175C.02(2)(M)(1) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

1. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.

Section 32. Zoning Ordinance Amended. Chapter 175C.02(2)(N) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting it in its entirety and replacing it with the following:

N. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodway Fringe (Overlay) District.

Section 33. Zoning Ordinance Amended. Chapter 175C.02(2) of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by incorporating the following new provisions:

P. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

Q. Maximum Damage Potential Development - All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

Section 34. Zoning Ordinance Amended. Chapter 175C.03 of the Zoning Ordinance of the City of Norwalk, Iowa, is amended by deleting and replacing it with the following:

1. Permitted Uses

- A. All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.
- B. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

- 1) The bridge or culvert is located on a stream that drains less than two (2) square miles, and
- 2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

2. Performance Standards

- A. All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District in CH 175C.01.
- B. All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District in CH 175C.02.

Section 35. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 36. Saving Clause. If 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 37. 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 2nd day of May, 2024.

Tom Phillips, Mayor

Attest:

Lindsey Offenburger, City Clerk

First Reading: April 4, 2024

Second Reading: April 18, 2024

Third Reading: May 2, 2024

Clerk's Certificate

I certify that the foregoing was published as Ordinance No. 24-10 on the 9th day of May, 2024.

City Clerk