

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER HUTCHINSON
Council Bill No. 06
Ordinance No. 1734
Series of 2022

TITLE: AN ORDINANCE AMENDING ARTICLE VIII OF CHAPTER 26 OF THE CODE OF LAWS TO UPDATE THE CITY'S FLOODPLAIN MAPS AND TO MAKE CONFORMING AMENDMENTS

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-301(1), the City, acting through its City Council (the "Council"), is authorized to adopt rules and regulations concerning the location, construction, occupancy and use of buildings and structures on and along any storm or floodwater runoff channel or basin; and

WHEREAS, under such authority, the Council previously adopted floodplain regulations, codified as Article VIII of Chapter 26 of the Wheat Ridge Code of Laws ("Code"); and

WHEREAS, On February 2, 2022, the Federal Emergency Management Agency (FEMA) adopted the revised Digital Flood Insurance Rate Map (DFIRM) as the official floodplain maps; and

WHEREAS, the Council desires to amend a section of said Article VIII to adopt the revised DFIRM as the official floodplain maps; and

WHEREAS, the Council desires to amend Paragraph G of said Article VIII to more clearly designate the source of the official floodplain maps and Local Flood Hazard Area (LFHA) that was adopted in 2019.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Subsection 26-802 – Definitions, is hereby amended to incorporate the following additional definitions in the appropriate alphabetical order:

Flood hazard area delineation (FHAD). The local flood maps that serve as the floodplain maps for floodplain management purposes when adopted as LFHA.

Local flood hazard area (LFHA). The land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year that is adopted by the City but is not included in the DFIRM.

Section 2. Paragraph G of Subsection 26-803 of the Code, concerning official maps and engineering reports, is hereby repealed and replaced in its entirety as follows:

G. *Official maps and engineering reports.* The location and boundaries of the SFHA shall be as identified by the Federal Emergency Management Agency in "The Flood Insurance Study for Jefferson County, Colorado and Incorporated Areas," dated August 2, 2022, and any amendments or revisions thereto are hereby adopted by reference and declared to be a part of this article.

The location and boundaries of the SFHA shall be as shown in the following engineering reports and accompanying maps:

1. Digital flood insurance rate map (DFIRM) panels dated August 2, 2022 for portions within the City of Wheat Ridge.

The location and boundaries of the LFHA shall be as shown in the following engineering reports and accompanying maps:

1. Sloan's Lake FHAD dated July 2018 for portions within the City of Wheat Ridge.

The DFIRM constitutes the current flood insurance study for the City of Wheat Ridge and is fully incorporated herein by this reference. True and correct copies of the DFIRM and FHAD are available on the City website and are on file at the Wheat Ridge Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado, and are available for inspection and copying during normal business hours.

Section 3. Paragraph 26-804 A.3. is hereby repealed and replaced in its entirety as follows:

2. *The respective regulations of subsection 26-805 and subsection 26-806 shall regulate all lands within the SFHA and LFHA.*

Section 4. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.


Section 5. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 9th day of May 2022, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for May 23, 2022, at 7:00 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, if allowed to meet in person on that date per COVID-19 restrictions.


READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 23 day of May, 2022.

SIGNED by the Mayor on this 31 day of May, 2022.



Bud Starker, Mayor

ATTEST:



Steve Kirkpatrick, City Clerk

Approved As To Form



Gerald E. Dahl, City Attorney

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