

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER BERRY
Council Bill No. 03-2009
Ordinance No. 1431
Series of 2009

TITLE: AN ORDINANCE AMENDING THE CODE OF LAWS OF THE CITY OF WHEAT RIDGE ARTICLE VIII OF CHAPTER 26 CONCERNING FLOODPLAIN ADMINISTRATOR DECISION-MAKING AUTHORITY & FLOODPLAIN DEVELOPMENT STANDARDS.

WHEREAS, the City Council of the City of Wheat Ridge is authorized by the Home Rule Charter and the Colorado Constitution and statutes to enact and enforce ordinances for the preservation of the public health, safety and welfare; and

WHEREAS, the City Council of the City of Wheat Ridge finds that more administrative flexibility is desirable with regards to floodplain development standards; and

WHEREAS, the City Council of the City of Wheat Ridge wishes to make other conforming changes.

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

Section 1: Section 26-802 of the Code is amended to read:

Sec. 26-802. Definitions.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage, so as to be consistent with the definition given the term in other portions of this zoning code, and to give these regulations their most reasonable application.

Floodplain administrator. The ~~Director of Public Works~~ city engineer or his designee is assigned the responsibility to coordinate and deal with all aspects of these regulations.

Section 2: Section 26-803 of the Code is amended to read:

Sec. 26-803. General provisions.

A. *Jurisdiction.* The provisions of this article shall apply to all lands within the Flood Regulatory District as defined on the official maps and engineering reports of the City of Wheat Ridge.

B. *District types.* The Flood Regulatory District covers the area inundated by the 100-year flood. The Flood Regulatory District has been divided into two (2) subdistricts: The Floodway District and the Flood Storage District.

The Flood Regulatory District, the Floodway District, and the Flood Storage District are not separate zoning districts, but are overlay districts over existing zoning districts. In addition to meeting the conditions of the underlying zoning district, any property to be developed in the Flood Regulatory District must meet the conditions of the applicable overlay flood district.

C. *District determination.* All properties within the boundaries of the 100-year flood as shown on the current flood insurance rate map for the City of Wheat Ridge, shall be in either the Floodway or Flood Storage District and shall be subject to the requirements of sections 26-805 Floodway District, or 26-806 Flood Storage District, respectively.

D. *Boundaries.* The boundaries of the Flood Regulatory District, Floodway District and Flood Storage District have been defined by computing the 100-year flood limits under existing channel and floodplain conditions as shown on the official maps and engineering reports.

The boundaries of the Flood Regulatory District, Floodway District and the Flood Storage District shall be as they appear on the official maps and engineering reports kept on file in the office of the ~~Floodplain Administrator~~ city engineer. The boundary lines on the map shall be determined by the use of the scale and other surface features appearing on the map. When there is a conflict between the boundary lines illustrated on the map and the actual field conditions, the dispute shall be settled according to section 26-808.

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G. *Official maps and engineering reports.* The location and boundaries of the Flood Regulatory District shall be as identified by the Federal Emergency Management Agency in "The Flood Insurance Study for Jefferson County, Colorado", dated June 17, 2003, 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 Floodway and Flood Storage Districts shall be as shown in the following engineering reports and accompanying maps:

1. Flood Insurance Rate Map (FIRM) panels dated June 17, 2003 for portions of the City of Wheat Ridge.
2. Clear Creek: Flood Hazard Area Delineation of Clear Creek by Icon Engineering For the Urban Drainage and Flood Control District, April, 2007.
3. Clear Creek: Clear Creek Floodplain Revisions at McIntyre Overflow – Letter Report by Icon Engineering dated October 27, 2008.
4. Lena Gulch: Flood Hazard Area Delineation Lena Gulch (Lower) by George K Cotton Consulting for the Urban Drainage and Flood Control District, October, 2007.

The flood insurance rate map and the above-mentioned engineering reports constitute the current flood insurance study for the City of What Ridge and are hereby adopted by the above reference and declared to be part of these regulations. The flood insurance rate map and the above-mentioned engineering reports, which constitute the flood insurance study are on file at the Wheat Ridge Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado,

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1293, § 1, 6-9-03; Ord. No. 1411, § 1, 3-24-08)

Section 3: Section 26-806 of the Code is amended to read:

Sec. 26-806. Flood Storage District.

F. *Development standards.* The following regulations shall apply to all permitted development and uses within the Flood Storage District:

1. All new structures which are walled and roofed and greater than one hundred twenty (120) square feet in size must be elevated one (1) foot above the base flood elevation.
2. All development shall be evaluated based on any analysis of an equal degree of encroachment based on conveyance of the 100-year flood extending for a significant reach on both sides.
3. No Flood Storage District uses shall adversely affect the efficiency of or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.
4. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and to withstand hydrodynamic loads.
5. All new construction, and substantial improvements, and fences shall be constructed with materials and utility equipment resistant to flood damage.
- ~~16. All fences shall be designed so that the bottom portion, except for supporting fence posts, are elevated one (1) foot above base flood elevation or in a breakaway design if approved by the floodplain administrator.~~

Section 4: Section 26-808 of the Code is amended to read:

Sec. 26-808. Administration.

A. *Floodplain administrator.* The ~~Director of Public Works~~ city engineer of the City of Wheat Ridge or his designee shall be the floodplain administrator. The duties of the administrator shall include, but not be limited to:

1. *Coordination between departments and divisions:*
 - a. Coordinate the application, permit, review, appeal, certification and enforcement processes between the office of the ~~Floodplain Administrator~~ city engineer and the department of community development's divisions of planning, building, and code enforcement as appropriate to ensure compliance with these regulations and an efficient use of staff.

Section 5: 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.

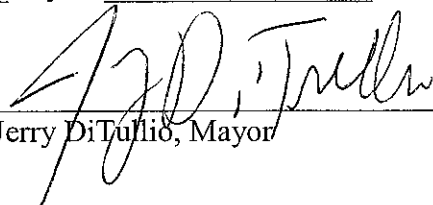
Section 6: Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of the ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7: Effective Date. This Ordinance shall take effect fifteen days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 9th day of February, 2009, 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 **Monday, February 23, 2009**, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 23rd day of February, 2009.

SIGNED by the Mayor on this 23rd day of February, 2009.

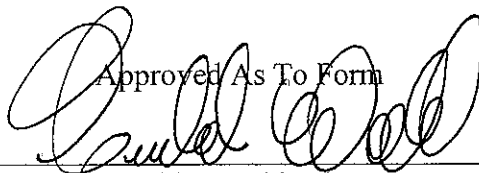


Jerry DiTullio, Mayor

ATTEST:



Christa Jones, Deputy
Michael Snow, City Clerk

Approved As To Form


Gerald E. Dahl, City Attorney

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