

O-2019-32

AN ORDINANCE

REPEALING AND REPLACING PORTIONS OF CHAPTER 14.25 OF THE LAKEWOOD MUNICIPAL CODE CONCERNING FLOODPLAIN MANAGEMENT

WHEREAS, the City of Lakewood (the "City") regulates by ordinance development within floodplains throughout the City; and

WHEREAS, the City participates in the National Flood Insurance Program of the Federal Emergency Management Agency; and

WHEREAS, the City Council desires to amend portions of existing Municipal Code chapter 14.25 with the intent of maintaining current and updated floodplain management regulations as required for continued participation in the National Flood Insurance Program; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal code by setting a public hearing in order to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal;

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The recitals set forth above are incorporated herein.

SECTION 2. Section 14.25.040(A)(47) of the Lakewood Municipal Code is hereby amended to read in its entirety as follows:

47. Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure either: (a) before the improvement or repair is started; or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; however, past improvements included in the cumulative cost shall only include repair, reconstruction or improvement that required a building permit under this Title 14, and for which a building permit was issued within the five (5) years preceding the date of the application for a new repair, reconstruction or improvement. Substantial improvement does not include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to

assure safe living conditions; or (2) any repair, reconstruction, rehabilitation or restoration of a historic structure as defined in this Chapter 14.25, provided the alteration does not affect the external dimensions of the structure and does not preclude the structure's continued designation as a historic structure.

SECTION 3. Section 14.25.050 of the Lakewood Municipal Code is hereby amended to read in its entirety as follows:

14.25.050 Adoption of Flood Insurance Study, Flood Insurance Rate Map and Official Flood Studies.

A. There is hereby adopted the Flood Insurance Study for Jefferson County, Colorado and Incorporated Areas prepared by the Federal Emergency Management Agency, 2014 and amendments thereto, and the Flood Insurance Rate Map dated February 5, 2014 and amendments thereto, and the following studies and amendments thereto and all technical back-up information as the Official Flood Studies for Lakewood, Colorado. A copy of said map, studies and amendments are on file in the Department of Public Works and available for public inspection.

1. Flood Hazard Area Delineation
Weir Gulch Tributaries
1st Avenue - Dakota Avenue July, 1977
2. Major Drainageway Planning
Weir Gulch Tributaries
1st Avenue and Dakota Avenue
Depew Street Basin July, 1978
Portions of this study are superseded by (19) and (24) below.
3. Major Drainageway Planning, Volume 2
Sanderson Gulch/Weir Gulch August, 1972
Portions of this study are superseded by (4), (16) and (26) below.
4. Weir Gulch
Drainage Improvements Schedule III
South Garrison Street to
Main Reservoir January, 1977
5. Flood Hazard Area Delineation
Lakewood Gulch February, 1979
6. Flood Hazard Area Delineation
McIntyre Gulch October, 1977
7. Flood Hazard Area Delineation
Sloans Lake Basin October, 1977

8. Flood Hazard Area Delineation
Green Mountain Area April, 1978
Portions of this study are superseded by (22) and (25) below
9. Flood Hazard Area Delineation
South Lakewood Gulch July, 1977
10. Flood Hazard Area Delineation
Bear Creek December, 1979
11. Master Drainage Plan, Volume 2
Lena Gulch June, 1975
Portions of this study are superseded by (17) and (18) below.
12. Flood Hazard Area Delineation
Dry Gulch and Tributaries November, 1977
13. Flood Hazard Area Delineation
Henry's Lake Drainageway July, 1983
Portions of this study are superseded by (20) and (21) below.
14. Flood Hazard Area Delineation
Weaver Creek May, 1981
15. Flood Hazard Area Delineation
Dutch Creek, Lilley Gulch,
Coon Creek and Three Lakes Tributary May, 1978
16. Major Drainageway Planning
Upper Weir Gulch December, 1993
17. Flood Hazard Area Delineation
Upper Lena Gulch January, 1993
18. Major Drainageway Planning
Upper Lena Gulch March, 1994
19. Flood Plain Revisions
Depew Street Basin December, 1998
Portions of this study are superseded by (24) below.
20. Outfall System Planning
Academy Park Tributary to Bear Creek July, 1999
21. Outfall System Planning
Pinehurst Tributary to Bear Creek December, 1999

22. Flood Hazard Delineation Update Fox Run Gulch (f/k/a "Drainageway B")	January, 2008
23. Flood Hazard Area Delineation Marston Lake North Drainageway	July, 2012
24. Floodway Study First Avenue Tributary	July, 2013
25. Hydrologic Evaluation and Floodplain Update Drainageway G, G1, G2, G3 and the Indiana Street Overflow	February, 2013
26. Flood Hazard Area Delineation Sanderson Gulch (includes North Sanderson Gulch)	October, 2018

- B. The official flood studies listed as 1 through 26 above and any amendments to the 2014 Flood Insurance Study are to be used in all cases for administration of this chapter.
- C. No provision in this chapter will be enforced based upon modified data reflecting natural or man-made physical changes without prior approval of the change in the documents by the City of Lakewood, the Urban Drainage and Flood Control District and the Federal Emergency Management Agency.

SECTION 4. Section 14.25.240 of the Lakewood Municipal Code is hereby amended to read in its entirety as follows:

14.25.240 Penalties for Violation.

- A. Any person who violates any of the provisions of this chapter or fails to comply therewith shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020 of the Lakewood Municipal Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- C. The City may pursue any necessary legal remedies to enforce this chapter.

SECTION 5. This Ordinance shall become effective thirty days after approval on second reading.

SECTION 6. If any provision of this Ordinance should be found by a court of

competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 26th day of August, 2019; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 29th day of August, 2019; set for public hearing to be held on the 9th day of September, 2019; read, finally passed and adopted by the City Council on the ____ day of September, 2019; and signed and approved by the Mayor on the ____ day of September, 2019.

Adam Paul, Mayor

ATTEST:

Michele Millard, City Clerk

APPROVED AS TO FORM:

Timothy P. Cox, City Attorney