

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;

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

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;

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; and

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 such 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. The term Substantial improvement does not, however, include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications

~~which 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 (2019) and (24) below.
3. Major Drainageway Planning, Volume 2
Sanderson Gulch/Weir Gulch August, 1972
Portions of this study are superseded by (4), (5), (1716) and (2526) below.
4. Weir Gulch
Drainage Improvements Schedule III
South. Garrison Street to
Main Reservoir January, 1977

~~5. Flood Hazard Area Delineation
Sanderson Gulch &
North Sanderson Gulch August, 1979
Portions of this study are superseded by (25) below.~~

6.5. Flood Hazard Area Delineation
Lakewood Gulch February, 1979

7.6. Flood Hazard Area Delineation

	McIntyre Gulch	October, 1977
8.7.	Flood Hazard Area Delineation Sloans Lake Basin	October, 1977
9.8.	Flood Hazard Area Delineation Green Mountain Area	April, 1978
	<u>Portions of this study are superseded by (22) and (25) below</u>	
10.9.	Flood Hazard Area Delineation South Lakewood Gulch	July, 1977
11.10.	Flood Hazard Area Delineation Bear Creek	December, 1979
12.11.	Master Drainage Plan, Volume 2 Lena Gulch	June, 1975
	Portions of this study are superseded by (1817) and (1918) below.	
13.12.	Flood Hazard Area Delineation Dry Gulch and Tributaries	November, 1977
14.13.	Flood Hazard Area Delineation Henry's Lake Drainageway	July, 1983
	Portions of this study are superseded by (2120) and (2221) below.	
15.14.	Flood Hazard Area Delineation Weaver Creek	May, 1981
16.15.	Flood Hazard Area Delineation Dutch Creek, Lilley Gulch, Coon Creek and Three Lakes Tributary	May, 1978
17.16.	Major Drainageway Planning Upper Weir Gulch	December, 1993
18.17.	Flood Hazard Area Delineation Upper Lena Gulch	January, 1993
19.18.	Major Drainageway Planning Upper Lena Gulch	March, 1994
20.19.	Flood Plain Revisions Depew Street Basin	December, 1998
	Portions of this study are superseded by (24) below.	
21.20.	Outfall System Planning	

Academy Park Tributary to Bear Creek	July, 1999
22.21. Outfall System Planning Pinehurst Tributary to Bear Creek	December, 1999
<u>22. Flood Hazard Delineation Update</u> <u>Fox Run Gulch</u> <u>(f/k/a "Drainageway B")</u>	<u>January, 2008</u>
23. Flood Hazard Area Delineation Marston Lake North Drainageway	July, 2012
24. Floodway Study First Avenue Tributary	July, 2013
25. Flood hazard Area Delineation Sanderson Gulch	August, 2013
<u>25. Hydrologic Evaluation and Floodplain Update</u> <u>Drainageway G, G1, G2, G3 and the</u> <u>Indiana Street Overflow</u>	<u>February, 2013</u>
<u>26. Flood Hazard Area Delineation</u> <u>Sanderson Gulch (includes North Sanderson Gulch)</u>	<u>October, 2018</u>

- B. The official flood studies listed as 1 through ~~25~~26 above and any amendments to the 2014 Flood Insurance Study are to be used in all cases for administration of this [Ordinance chapter](#).
- C. No provision in this [Ordinance 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 Violations ~~of the Flood Plain Management Ordinance~~.

- A. Any person who violates any of the provisions of ~~the code adopted by this Ordinance 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, ~~punishable by a fine of not more than one thousand dollars or by imprisonment for not more than three hundred and sixty-five days or by both such fine and imprisonment~~. 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 [the provisions of this Ordinance 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 ____ day of _____, 2019; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the ____ day of _____, 2019; set for public hearing on the ____ day of _____, 2019, read, finally passed and adopted by the City Council on the ____ day of _____ 2019 and, signed and approved by the Mayor on the ____ day of _____, 2019.

Adam Paul, Mayor

ATTEST:

Margy Greer, City Clerk

APPROVED AS TO FORM:

Timothy P. Cox, City Attorney