

ORDINANCE NO. 979

AN ORDINANCE REPEALING AND RE-ENACTING
TITLE 19 OF THE GOLDEN REVISED
ORDINANCES OF 1965 PERTAINING TO
FLOODPLAIN HAZARD AREAS

WHEREAS, a Flood Insurance Rate Study establishing base flood elevations has been completed for the City of Golden; and

WHEREAS, the attendant Flood Insurance Rate Map will become effective May 15, 1985, and by that date the City of Golden must have enacted legally enforceable floodplain management measures as required by Section 44 CFR 60.3(d) of the National Flood Insurance Program (NFIP) regulations.

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

Section 1. Title 19 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

Title 19

FLOODPLAIN HAZARD AREAS

Chapters:

- 19.04 Purpose and Findings of Fact
- 19.08 Definitions
- 19.12 General Provisions
- 19.16 Nonconforming Uses
- 19.20 Development Permits
- 19.24 Variance Procedure
- 19.28 Provisions for Flood Hazard Reduction
- 19.32 Amendments
- 19.34 Application and Enforcement

CHAPTER 19.04

PURPOSE AND FINDINGS OF FACT

Sections:

- 19.04.010 Purpose
- 19.04.020 Findings of Fact
- 19.04.030 Implementation

19.04.010 Purpose. It is the purpose of this title to promote the public health, safety and general welfare; to minimize the effect of significant hazard to public health and safety or to property due to flood hazard by the proper administration of all land use changes within such floodplain hazard areas; and to promote the wise use of floodplain hazard areas.

19.04.020 Findings of Fact. (1) The flood hazard areas of the City of Golden are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

19.04.030 Implementation. The purpose of these regulations shall be accomplished by:

(1) Restricting certain uses by permit where hazard to life and property are conditional and dependent on proper precautions being taken to minimize the hazard,

(2) Allowing existing lawful nonconforming uses of acceptable hazardousness,

(3) Regulating the manner in which structures are designed and built so as to minimize property damage and negate danger to life,

(4) Regulating the manner in which water supply systems, sanitation systems, public utility systems, streets, bridges and drainage structures are designed and built so as to minimize property damage and danger to life,

(5) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters,

(6) Regulating the placement of fill, materials and structures which would unreasonably obstruct flows or cause an inordinate amount of potentially damaging debris to be carried downstream or cause unacceptable pollution of the stream,

(7) Regulating the pattern of development of floodplains to protect the public from the burden of extraordinary financial expenditures for flood control and relief, minimize victimization of unwary home and land purchasers, minimize business and commercial interruptions and allow the economic use of floodplain land consistent with the purposes stated here.

Chapter 19.08

DEFINITIONS

Sections:

19.08.005	Generally
19.08.010	Appeal
19.08.020	Area of shallow flooding
19.08.030	Area of special flood hazard
19.08.040	Base flood
19.08.045	Base flood elevation
19.08.050	Development
19.08.060	Existing mobile home park or mobile home subdivision
19.08.070	Expansion to an existing mobile home park or mobile home subdivision
19.08.080	Flood or flooding
19.08.090	Flood insurance rate map (FIRM)
19.08.100	Flood insurance study
19.08.110	Flood profile
19.08.120	Floodproofed
19.08.130	Floodway
19.08.135	Floodway fringe
19.08.140	Highest adjacent grade
19.08.150	Mobile home
19.08.160	New construction
19.08.170	New mobile home park or mobile home subdivision
19.08.180	Start of construction
19.08.190	Structure
19.08.200	Structure, habitable
19.08.210	Substantial improvement
19.08.220	Variance

19.08.005 Generally. Unless specifically defined below, words or phrases used in this title shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

19.08.010 Appeal. "Appeal" means a request for a review of the City Engineer's interpretation of any provision of this ordinance or a request for a variance.

19.08.020 Area of shallow flooding. "Area of shallow flooding" means a designated AO or AH Zone on the flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

19.08.030 Area of special flood hazard. "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

19.08.040 Base flood. "Base Flood" means the flood having a one percent change of being equaled or exceeded in any given year.

19.08.045 Base flood elevation. "Base flood elevation" means the elevation of the high water level of the 100 year flood under existing conditions. This definition applies to and supercedes any reference to "Flood Protection Elevation."

19.08.050 Development. "Development" means 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 or drilling operations located within the area of special flood hazard.

19.08.060 Existing mobile home park or mobile home subdivision. "Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

19.08.070 Expansion to an existing mobile home park or mobile home subdivision. "Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

19.08.080 Flood or flooding. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters and/or,

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

19.08.090 Flood Insurance Rate Map (FIRM). "Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

19.08.100 Flood insurance study. "Flood insurance study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood Boundary-Floodway Map, and the water surface elevation of the base flood.

19.08.110 Flood profile. "Flood profile" means a graphic representation showing the relationship of the water surface elevation of a flood to the land under such water surface taken along the centerline of the streambed (or parallel to the centerline); such profile being determined by generally accepted engineering principles.

19.08.120 Floodproofed. "Floodproofed" (floodproof, floodproofing) means a combination of provisions, changes or adjustments applicable to structures and moveable objects located on properties within a floodplain and having the primary intent of reducing or eliminating flood damages, preventing the washing away of same during a flood, or insuring that below the base flood elevation the structure is watertight with walls substantially impermeable to passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. The criteria for floodproofing shall be those delineated herein and in the "Drainage Criteria Manual" published by the Urban Drainage and Flood Control District, Denver, Colorado.

19.08.130 Floodway. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half foot.

19.08.135 Floodway fringe. "Floodway fringe" encompasses the portion of the floodplain outside of the floodway that could be completely obstructed without increasing the water surface elevation of the 100 year flood more than 1.0 foot at any point.

19.08.140 Highest adjacent grade. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

19.08.150 Mobile home. "Mobile home" means a structure that is transportable in one or more sections, placed on a permanent foundation or anchoring system when connected to the required utilities. It does not include recreational vehicles or travel trailers.

19.08.160 New construction. "New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

19.08.170 New mobile home park or mobile home subdivision. "New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

19.08.180 Start of construction. "Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivision, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

19.08.190 Structure. "Structure" means a walled and roofed building or mobile home that is principally above ground.

19.08.200 Structure, habitable. "Habitable structure" means any building or structure used, or intended for use on a day-to-day basis by people for residential purposes, or for purposes of conducting a commercial or industrial business, or for purposes of a similar nature.

19.08.210 Substantial improvement. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(1) Before the improvement or repair is started, or

(2) 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.

The term 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 are solely necessary to assure safe living conditions, or

(2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

19.08.220 Variance. "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Chapter 19.12

GENERAL PROVISIONS

Sections:

- 19.12.010 Lands to which this ordinance applies
- 19.12.020 Identification
- 19.12.030 Adoption of official maps
- 19.12.040 Interpretation
- 19.12.050 Abrogation and greater restrictions

19.12.010 Lands to which this ordinance applies. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Golden.

19.12.020 Identification. True and official copies of maps, profiles and cross sections of the areas of special flood hazard as identified by the Federal Emergency Management Agency and the Urban Drainage and Flood Control District in scientific and engineering reports shall be kept and maintained for public

inspection in the office of the city planner. Such materials shall include the report entitled "The Flood Insurance Study for the City of Golden, Colorado", dated November 15, 1984, and as amended, with an accompanying Flood Insurance Rate Map (both hereby adopted by reference and declared to be a part of this ordinance) and the detailed studies prepared under the direction of the Urban Drainage and Flood Control District and previously adopted by the City Council of the City of Golden.

19.12.030 Adoption of official maps. Any proposed map(s) or amendments thereto shall be originated by the city planner and sent to the planning commission for a published public hearing. An advisory report and recommendation by the planning commission shall be required prior to action by the city council. The city council shall publish notice of a public hearing in the same manner as prescribed for an ordinance and, after the public hearing, shall by ordinance approve or disapprove the proposed map(s) or amendment thereto. Approval by the city council shall become effective upon approval of the map(s) or amendment by the Colorado Water Conservation Board and the Federal Emergency Management Agency. The city council shall always retain the discretion to disapprove any map or any amendment proposed thereto or to repeal by motion any official map, including amendments thereto, which has previously been approved or adopted.

19.12.040 Interpretation. Where interpretation is needed as to the exact location of the boundaries of special flood hazard areas or other physical factors on the official map(s), the city engineer shall make the necessary interpretation.

The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 19.24.010 herein.

When base flood elevation data has not been adequately provided in the materials referenced in Section 19.12.020, "Identification", the City Engineer shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to administer the provisions of this code.

19.12.050 Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Chapter 19.16

NON-CONFORMING USES

Sections:

19.16.010 Non-conforming uses.

19.16.010 Non-conforming uses. Within any given special flood hazard area, all existing lawful uses of land, structures or premises may be continued subject to the following conditions:

(1) No such land use shall be changed, expanded, or enlarged except in conformity with the provisions of this title,

(2) No fixed buildings or structures lawfully in place or for which a lawful permit has already been granted at the time of the enactment of the ordinance codified in Chapters 19.04 through 19.32 shall be enlarged or expanded without complying with the provisions of this chapter,

(3) Any existing uses discontinued for twelve consecutive months after adoption of these regulations shall have the future use of such land, structures or premises conform to these regulations,

(4) Alterations and repairs to fixed buildings and structures necessary for purposes of maintenance, for compliance with the building code or fire code, to restore damage sustained by fire, explosion or act of God, or remodeling for more efficient use of the building or structure will be permitted; provided such alterations and repairs do not exceed fifty percent of the assessed value of such building or structure at the time of its becoming a non-conforming use; and provided further, such alterations and repair do not create any substantially new or substantially different non-conformity. The building official, when reviewing an application for a building permit for such alteration and/or repair, shall ensure that appropriate floodproofing of the building or structure will be accomplished. In the event of the substantial destruction of such building or structure, its reconstruction or replacement shall be considered a new use governed by the other applicable provisions of these regulations,

(5) Existing uses involving the storage or processing of materials that are buoyant, flammable, poisonous, explosive, or, in times of flooding would unreasonably endanger human, animal, or plant life shall be at or above the special flood hazard elevation or floodproofed. The existing storage of moveable objects may be continued; provided such storage

facilities are floodproofed to prevent flood movement of the objects. If floodproofing is not feasible, the moveable objects shall be removed from the special flood hazard area,

(6) Existing mobile homes and travel trailers located in a designated special flood hazard area shall be mechanically anchored in such a manner as to prevent their displacement by floodwater. Fixed buildings and structures located in a special flood hazard area shall, so far as is practical, be floodproofed. The owner of the property on which existing mobile homes or existing travel trailers are located shall be responsible for providing the required anchorage facilities or, in the case of fixed buildings, shall be responsible for the required floodproofing. The owner shall also be responsible for permanently posting the premises in a conspicuous manner with signs of a size, style, number and location approved by the city engineer and city attorney, which signs shall advise of the flood hazard designation.

Chapter 19.20

DEVELOPMENT PERMITS

Sections:

- 19.20.010 Required
- 19.20.020 Application - Submission - Fee
- 19.20.030 Application - Evaluation
- 19.20.040 Application - Recommendation of city engineer
- 19.20.050 Application - City council decision
- 19.20.060 Issuance - Temporary, final
- 19.20.070 Information to be obtained and maintained
- 19.20.080 Alteration of watercourse

19.20.010 Required. A development permit shall be required for the uses enumerated in this section where such use is located within a designated special flood hazard area and provided the use is not prohibited by the underlying zoning district.

(1) Nonhabitable permanent structures of a commercial or industrial nature, dams, flood control structures, bridges, solid fences or walls, irrigation structures, electrical operational facilities, natural gas operational facilities, telephone operational facilities, drainage structures, railroad operational facilities, water and sewer operational facilities and others of a similar nature provided:

(a) There is no storage or processing of materials which in times of flooding would be buoyant, flammable, explosive, or otherwise substantially and potentially injurious to human, animal or plant life,

(b) The possibility of substantial solid debris being carried downstream by floodwaters is minimized,

(c) No obstruction is created which would substantially impair the flow capacity of the designated floodplain so as to unreasonably endanger the property of others,

(d) No development permit shall be required for any facilities located more than five feet above the base flood elevation of the floodplain whose physical support is located outside the floodplain,

(2) Habitable structures, only where such use is to be located in a floodway fringe zone, provided:

(a) The restrictions of subsections (a) through (d) above shall be applicable,

(b) The floodway fringe has been identified by principles of generally accepted engineering practice.

(3) Any change of channel or water way (including realignment, profile and cross section) of sufficient magnitude as to have an adverse effect on the flood carrying capacity of same,

(4) Filling of ground unless the filling operation can be accomplished without significant adverse effect on the flood carrying capacity of the floodplain; and provided that the filling operation complies with the requirements of Chapters 19.04 through 19.36 and other city ordinances.

19.20.020 Application - Submission - Fee. Application for a development permit shall be submitted to the city planner and processed according to the standards, provisions and procedures as contained in this chapter. The application shall be accompanied by a fee as established by council resolution, a copy of which is on file with the city clerk.

19.20.030 Application - Evaluation. The application for a development permit shall contain such information as is deemed necessary by the city engineer for proper evaluation relating to the effects of the proposal upon the subject floodplain. Such information may include, but is not limited to, the following:

(1) Typical channel cross section related to special flood hazard elevation,

(2) Plan showing contours, location and elevations of proposed and existing structures, extent of fills, storage elevations, streets, water supply, sanitary facilities, and soil types,

(3) Profile of bottom of channel,

(4) Specifications for building construction, filling, dredging, grading, channel changes or improvements, storage of materials, water supply, and sanitary facilities,

(5) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures,

(6) Elevation in relation to mean sea level to which any structure has been floodproofed,

(7) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria contained herein.

The city engineer shall evaluate the application on the basis of meeting the purposes and intent of Chapters 19.04 through 19.36 by considering, by way of illustration but not limitation, the following:

(1) The effects upon the efficiency or capacity of the special flood hazard area,

(2) The effects upon land in the immediate vicinity and beyond,

(3) The effects upon flood profile and special flood hazard elevation,

(4) The effects upon drainage ditches or mainstream tributaries,

(5) The need and probable extent of any public expenditures in connection with flood prevention or relief,

(6) The establishment of precedent for future similar requests,

(7) Whether the proposed use would unreasonably endanger persons or property in the vicinity.

19.20.040 Application - Recommendation of city engineer. The city engineer shall send a recommendation of approval or denial to the city council, together with his evaluation of the application and a listing of such conditions as he deems necessary if the recommendation is favorable to the applicant.

19.20.050 Application - City council decision. The city council shall review the city engineer's recommendation and may request a review by the planning commission. If the council

deems the application of minor nature, it may by majority vote of its membership order the issuance of a development permit imposing such conditions as it deems proper. If the council deems the application of major nature, it shall order a public hearing, notice of which shall be published not less than fifteen days prior to the date set for hearing. At such hearing the applicant and city engineer shall both make a presentation and such other interested parties who so desire shall be heard. The city council shall within thirty days of the conclusion of such public hearing judge the application by the provisions and standards of Chapters 19.04 through 19.36 as well as such other factors as it deems relevant. If it determines that the development permit should be issued it may impose such conditions as it deems proper.

19.20.060 Issuance - Temporary, final. Prior to issuing any permit the city engineer shall determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required. The city engineer shall issue a temporary development permit for any application approved by city council subject to such conditions as the council may impose. A certificate of compliance shall be required before final approval of any development permit. The applicant shall submit a certificate by a registered professional engineer that the proposal has been completed in accordance with the approved plan and all conditions have been satisfied. The city engineer within ten days after the receipt thereof, shall verify the same and, if found acceptable, issue the final permit. He may withhold such final permit pending acceptability of the certificate of compliance. Lack of issuance of the final permit shall hold the applicant in violation of these regulations.

19.20.070 Information to be obtained and maintained. The city will:

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures,

(2) For all new or substantially improved floodproofed structures:

(a) Verify and record the actual elevation (in relation to mean sea level), and

(b) Maintain the floodproofing certifications required in Section 19.20.030 (a) (7).

(3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

19.20.080 Alteration of watercourse. The city will:

(1) Notify adjacent communities , the Urban Drainage and Flood Control District and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

Chapter 19.24

VARIANCE PROCEDURE

Sections:

19.24.010 Appeal board
19.24.020 Conditions for variances

19.24.010 Appeal Board:

(1) The city council of the City of Golden shall hear and decide appeals and requests for variances from the requirements of this ordinance,

(2) The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city engineer in the enforcement or administration of this ordinance,

(3) Those aggrieved by the decision of the city council, or any taxpayer, may appeal such decision to the District Court, as provided in Rule 106 (a) (4) of the Colorado Rules of Civil Procedure,

(4) In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance, and:

(a) The danger that materials may be swept onto other lands to the injury of others,

(b) The danger to life and property due to flooding or erosion damage,

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner,

(d) The importance of the services provided by the proposed facility to the community,

(e) The necessity to the facility of a waterfront location, where applicable,

(f) The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage,

(g) The compatibility of the proposed use with existing and anticipated development,

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area,

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles,

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

(5) Upon consideration of the factors of Section 19.24.010 (4) and the purposes of this ordinance, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(6) The city engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

19.24.020 Conditions for variances:

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in Section 19.20.010 (4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases,

(2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section,

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result,

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

(a) A showing of good and sufficient cause,

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 19.24.010 (4) or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Chapter 19.28

PROVISIONS FOR FLOOD HAZARD REDUCTION

Sections:

- 19.28.010 General standards
- 19.28.020 Specific standards
- 19.28.030 Floodways

19.28.010 General standards. In all areas of special flood hazards the following standards are required:

(1) Anchoring:

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure,

(b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(i) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side,

(ii) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side,

(iii) All components of the anchoring system be capable of carrying a force of 4,800 pounds, and

(iv) Any additions to the mobile home be similarly anchored.

(2) Construction materials and methods:

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage,

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Utilities:

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system,

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters, and

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision proposals:

(a) All subdivision proposals shall be consistent with the need to minimize flood damage,

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage,

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage, and

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

19.28.020 Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 19.12.020 and 19.12.030, the following provisions are required:

(1) Residential construction:

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation,

(b) Require within any AO and AH Zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified),

(c) Require within Zones AO and AH adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(2) Non-residential construction:

(a) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(i) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water,

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyance, and

(iii) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 19.20.030 (a) (7).

(b) Require within any AO and AH Zone on the community's FIRM that all new construction and substantial improvements of non-residential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified herein,

(c) Require within Zones AO and AH adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(3) Mobile Homes:

(a) Mobile homes shall be anchored in accordance with specifications contained herein,

(b) For new mobile home parks and mobile home subdivisions, for expansions to existing mobile home parks and mobile home subdivisions, for existing mobile home parks and mobile home subdivisions where repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

(i) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level,

(ii) Adequate surface drainage and access for a hauler are provided, and

(iii) In the instance of elevation on pilings, that:

- lots are large enough to permit steps,

- piling foundations are placed in stable soil no more than ten feet apart, and

- reinforcement is provided for pilings more than six feet above the ground level.

(c) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

19.28.030 Floodways. Located within areas of special flood hazard established in Section 19.12.020 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge,

(2) If Section 19.28.030 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 19.28 - PROVISIONS FOR FLOOD HAZARD REDUCTION,

(3) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

Chapter 19.32

AMENDMENTS

Sections:

19.32.010 Procedure

19.32.010 Procedure. Amendments to these regulations shall be in accordance with the provisions of the City Charter procedures for any ordinance except for amendments to any official floodplain maps which shall be amended by the procedures prescribed in Chapter 19.12.

Chapter 19.34

APPLICATION AND ENFORCEMENT

Sections:

- 19.34.010 Jurisdiction
- 19.34.020 Disclaimer
- 19.34.030 Interpretation and limitation of regulations
- 19.34.040 Inspection
- 19.34.050 Violation - Penalty - Abatement

19.34.010 Jurisdiction. These regulations are applicable to all lands within the designated special flood hazard areas within the city.

19.34.020 Disclaimer.

(1) The degree of flood protection provided by the terms of these regulations is, after consideration of numerous relevant factors, considered reasonable for regulatory purposes. Floods of greater magnitude may occur and flood heights may be increased as a result of natural or manmade causes. Further, provisions of these regulations do not imply that areas outside the designated floodplains or land uses permitted within such floodplains will be free from flooding or flood damages,

(2) The grant or approval by the city under the regulations as contained in Chapters 19.04 through 19.36 shall not constitute a representation, guarantee, or warranty of any kind or nature by the city, or by any officer, board member, or employee thereof of the practicability or safety of any structure, building, or other proposed use; and shall create no liability upon or cause of action against such public body, officer, board member or employee of the city for any damages from flood or otherwise that may result from such use.

19.34.030 Interpretation and limitation of regulations.

(1) In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by the state constitution or statutes. It is not intended by these regulations to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. Where these regulations impose greater restrictions, however, these provisions shall prevail.

(2) Nothing in these regulations shall be construed as enhancing or diminishing the rights of owners or property as provided by the State Constitution or the Constitution of the United States.

19.34.040 Inspection. The city engineer or his authorized representative is empowered and directed to inspect and examine the use, occupation or development of designated floodplains within the city for the purpose of determining from time to time whether or not such use, occupation or development is in violation of any of the provisions of Chapter 19.16, of these regulations, or of any development permit issued pursuant to Chapter 19.20. If a violation is found to exist, the city engineer or his authorized representative shall by written order direct that such remedial action be taken forthwith as will result in full compliance with the applicable provisions of these regulations; provided, however, that the issuance of such order shall in no way or manner be deemed a prerequisite to the institution of such enforcement proceedings as are set forth in Chapter 19.20; and provided further, that compliance with such order shall not necessarily be deemed to be a defense to any alleged violation of these regulations in any court action instituted seeking full compliance therewith, but evidence of compliance with such order may be introduced as pertinent to mitigation or extenuation.

19.34.050 Violation - Penalty - Abatement. Any person, firm or corporation that violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of these regulations, upon conviction thereof shall be subject to the penalties provided in Section 1.01.110. Any building erected or converted, or any land or premises used in violation of any provision of these regulations or the requirements thereof is a nuisance, and such nuisance may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

Section 2. Any ordinances or portions of ordinances in conflict herewith are hereby repealed.

Introduced, read and ordered published this 28th day of March, 1985.

Adopted, approved and ordered published this 25th day of April, 1985.

Dr. Ruth A. Maurer
Mayor

ATTEST:

Sharon L. Bennetts
City Clerk

Approved as to form:

Russell J. Sindt
City Attorney

I, Sharon L. Bennetts, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular meeting of the City Council of said city held on the 28th day of March, 1985 and was published as a proposed ordinance in the Golden Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held and on the 25th day of April, 1985 the said proposed ordinance was passed by the City Council as amended and ordered published in the aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 26th day of April, 1985.

(SEAL)

Attest: _____
Sharon L. Bennetts, City Clerk
City of Golden, Colorado