

ORDINANCE NO. 1034

AN ORDINANCE AMENDING TITLE 19 OF THE
GOLDEN REVISED ORDINANCES OF 1965 AND
RELATING TO FLOODPLAIN HAZARD AREAS

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 amended by the repeal of Section 19.08.150 "Mobile Home" and the repeal of Section 19.08.170 "New Mobile Home Park" or "Mobile Home Subdivision". A new Section 19.08.150 entitled "Manufactured Home", and a new Section 19.08.170 entitled "Manufactured Home Park or Subdivision" is hereby enacted as follows:

19.08.150 "Manufactured Home".
"Manufactured Home" means means a structure, transportable in one or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

19.08.170 "Manufactured Home Park or Subdivision". "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Further, in addition to the within definitional changes, throughout Title 19 of the Golden Revised Ordinances of 1965, the word "mobile home" is hereby deleted and replaced with the word "manufactured home" and the word "mobile home park or subdivision" is deleted and hereby replaced with "manufactured home park or subdivision".

Section 2. Chapter 19.08 of the Golden Revised Ordinances is hereby amended by the addition of the following definitions:

19.08.047 "Critical Feature". "Critical Feature" means an integral and readily identifiable part of a flood protection

without which the flood protection provided by the entire system would be compromised.

19.08.142 "Levee". "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

19.08.144 "Levee System". "Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage device which are constructed and operated in accordance with sound engineering practices.

19.08.146 "Lowest Floor" "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

19.08.148 "Mean Sea Level" "Mean Sea Level" means, for purposes of the National Flood Insurance Program, the national Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

19.08.173 "Program Deficiency". "Program Deficiency" means a defect in a community's flood plain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards in Sections 60.3, 60.4, 60.5, or 60.6.

19.08.177 "Remedy a Violation". "Remedy a Violation" means to bring into compliance with State or local floodplain management regulations, or, if this is

not possible, to reduce the impacts of its non-compliance ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

19.08.230 "Violation". "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in NFIP standards per 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

19.08.240 "Water Surface Elevation". "Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Section 3. Section 19.08.180 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

19.08.180 Start of Construction. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage

of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, 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 part of the main structure.

Section 4. Section 19.20.010(1)(a) is thereby repealed and re-enacted as follows:

"19.20.010 "Required". . . .

(1) . . .

(a) all new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and to withstand hydrodynamic loads."

Section 5. Section 19.20.010(2) is hereby amended by the addition of a sub-section (c) and (d) thereto as follows:

"19.20.010 Required. . . .

(2) . . .

(c) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above

grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters."

(d) Utilities including electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding."

Section 6. Section 19.20.030, upper sub-section (3), of the Golden Revised Ordinances of 1965 is hereby repealed. The remaining sub-section numbers are hereby re-numbered so as to be in conformity with this repeal provision.

Section 7. Upper sub-section (7) of Section 19.20.030 of the Golden revised Ordinances of 1965 is hereby added as follows:

"19.20.030 Application - Evaluation.
. . .

(7) Description of the extent to which any water course will be altered or relocated as a result of proposed development."

Section 8. Section 19.20.040 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted:

"19.20.040 Application - Recommendation of City Engineer. (1) The City Engineer shall:

(a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied,

(b) Review all development permits to determine that all necessary permits have been obtained from federal, State, or local governmental agencies from which prior approval is required, and

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in

the floodway, assure that the encroachment provisions of Section 19.28.030(1) hereof are met.

(2) 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."

Section 9. Section 19.20.050 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

19.20.050 Application - City Council Decision.

(1) The City Council is hereby appointed to administer and implement this Title 19 by granting or denying development permits in accordance with the provisions hereof.

(2) 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.

Section 10. Any ordinances or portions of ordinances in conflict herewith are hereby repealed.

Introduced, read and ordered published this 8th day of October, 1987.

Adopted, approved and ordered published this 22nd day of October, 1987.

James T. Brown, Jr.
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 8th day of October, 1987 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 22nd day of October, 1987, the said proposed ordinance was read on second reading and passed by the City Council and ordered published in the aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 23rd day of October, 1987.

(SEAL)

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