

1
2 **CITY OF LITTLETON, COLORADO**

3
4 **ORDINANCE NO. 14**

5
6 **Series of 2020**

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8
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**
10 **COLORADO, AMENDING THE FLOODPLAIN**
11 **REGULATIONS CONTAINED IN TITLE 10, CHAPTERS 1,**
12 **2, 3, AND 6, AND REFERENCE IN TITLE 2, CHAPTER 9**

13
14 **WHEREAS**, the City of Littleton is a participating community in the National
15 Flood Insurance Program; and

16
17 **WHEREAS**, the current regulations for floodplain development are contained in
18 Municipal Code Title 10, Chapter 6 and various references in Chapters 1, 2, and 3 with additional
19 reference in Title 2, Chapter 9; and

20
21 **WHEREAS**, the existing regulations are to be revised to allow for administrative
22 review and approval of floodplain development permit applications and correct and update
23 language; and

24
25 **WHEREAS**, the zones and zoning map of the City of Littleton are to be revised to
26 include an overlay district where floodplains exist titled Floodplain Overlay District (FP-O).

27
28 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
29 **THE CITY OF LITTLETON, COLORADO, THAT:**

30
31 **Section 1:** Title 10, Chapter 1, Section 2 is amended to read as follows:

32
33 **10-1-2: DEFINITIONS:**

34
35 Unless defined below, the terms used in this title shall be as defined in section 1-3-2 of this
36 Code, or in any other provisions of this Code, including those codes adopted by reference in this
37 Code.

38
39 **ALTERNATIVE TOWER STRUCTURE:** Man-made trees, clock towers, bell steeples, light
40 poles, buildings, and similar alternative design mounting structures that are compatible with the
41 natural setting and surrounding structures, and camouflage or conceal the presence of antennas or
42 towers so as to make them architecturally compatible with the surrounding area pursuant to
43 chapter 16 of this title. This term also includes any antenna or antenna array attached to an
44 alternative tower structure. A stand-alone pole in the right-of-way that accommodates small cell
45 facilities is considered an alternative tower structure to the extent it meets the camouflage and
46 concealment standards of this title.

1
2 **ANIMAL BOARDING AND CARE FACILITY:** A full service animal treatment and boarding
3 facility licensed by the State of Colorado which may offer veterinary care, grooming, training,
4 retail sales of pet supplies, day care and inside overnight boarding for canines and felines. The
5 facility shall only accommodate privately owned domesticated pets which are boarded by their
6 owner. Animals shall not be bred, sold or let for hire from this facility. This use shall not include
7 rescue shelters, impounded canines or fostering.

8
9 **ANTENNA:** Any device used to transmit and/or receive radio or electromagnetic waves such as,
10 but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional
11 and non-directional antennas consisting of one or more elements, multiple antenna
12 configurations, or other similar devices and configurations. Exterior apparatus designed for
13 telephone, radio, or television communications through the sending and/or receiving of wireless
14 communications signals.

15
16 **ASSEMBLY:** A joining together of completely fabricated parts to create a finished product.

17
18 **AUTOMOBILE PARKING GARAGES/LOTS:** The principal use of a parcel of land for the
19 parking of automobiles specifically not including ancillary off street parking required in section
20 10-4-9 of this title.

21
22 **AUTOMOTIVE REPAIR, MAJOR:** Automotive repairs which require the removal or
23 replacement of major component parts, including, but not limited to, motors, axles,
24 transmissions, drive shafts and radiators. For purposes of this title, all bodywork shall be
25 classified as "major automotive repair".

26
27 **AUTOMOTIVE REPAIR, MINOR:** Minor automotive repairs are those repairs including, but
28 not limited to, chassis and axle lubrication; changing motor oil and oil filters; replacement of
29 spark plugs and distributor points; changing or repairing tires; replacement of brake shoes, shock
30 absorbers and exhaust systems; carburetor repair; and other similar adjustment, repair and
31 replacement necessary for general automotive maintenance, and which do not involve the
32 removal or replacement of major component parts or bodywork.

33
34 **AUTOMOTIVE SERVICE:** A commercial enterprise providing for the maintenance of motor
35 vehicles in a fully enclosed structure, including, but not limited to, mechanical repairs, painting,
36 bodywork, detailing, tires, mufflers, lubrication and oil changes.

37
38 **BASE STATION:** A structure or equipment at a fixed location that enables FCC-licensed or
39 authorized wireless communications between user equipment and a communications network.
40 The definition of base station does not include or encompass a tower as defined herein or any
41 equipment associated with a tower. Base station does include, without limitation:

1 (A) Equipment associated with wireless communications services such as private broadcast, and
2 public safety services, as well as unlicensed wireless services and fixed wireless services such as
3 microwave backhaul that, at the time the relevant application is filed with the City under chapter
4 16 of this title has been reviewed and approved under the applicable zoning or siting process, or
5 under another State or local regulatory review process, even if the structure was not built for the
6 sole or primary purpose of providing such support; and

7 (B) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied,
8 and comparable equipment, regardless of technological configuration (including distributed
9 antenna systems ("DAS") and small-cell networks) that, at the time the relevant application is
10 filed with the City under chapter 16 of this title, has been reviewed and approved under the
11 applicable zoning or siting process, or under another State or local regulatory review process,
12 even if the structure was not built for the sole or primary purpose of providing such support.

13
14 The definition of base station does not include any structure that, at the time the relevant
15 application is filed with the City under chapter 16 of this title, does not support or house
16 equipment described in subsections (A) and (B) of this definition.

17 **BLOCK:** A parcel of land within a subdivision, generally bounded by public or private rights-of-
18 way (other than alleys), or the exterior boundary of a subdivision.

19
20 **BLOCK FACE:** Any side of a block; also sometimes referred to as block front.

21
22 **BREWERY:** An establishment where malt liquors and fermented malt beverages are
23 manufactured.

24
25 **BUFFER AREAS:** A landscaped area which physically separates and visually screens adjacent
26 land uses. Specific buffer area standards are established in the B-P, T and PD Zone Districts.

27
28 **BUILDING INSPECTOR:** The City's building inspector.

29
30 **BUILDING PERMIT:** A written document granting permission to construct, erect, repair or alter
31 structures in accordance with the Building and Zoning Codes of the City in effect at the time
32 application for the permit is filed.

33
34 **CRS:** Colorado Revised Statutes.

35
36 **CAMOUFLAGE, CONCEALMENT, OR CAMOUFLAGE DESIGN TECHNIQUES:** A
37 wireless communication facility (WCF) is camouflaged or utilizes camouflage design techniques
38 when any measures are used in the design and siting of a WCF with the intent to minimize or
39 eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes
40 camouflage design techniques when it: a) is integrated as an architectural feature of an existing

1 structure such as a cupola, or b) is integrated in an outdoor fixture such as a flagpole, or c) uses a
2 design which mimics and is consistent with the nearby natural, or architectural features (such as
3 an artificial tree) or is incorporated into (including without limitation, being attached to the
4 exterior of such facilities and painted to match it) or replaces existing permitted facilities
5 (including without limitation, stop signs or other traffic signs or freestanding light standards) so
6 that the presence of the WCF is not readily apparent.

7
8 **CAMPGROUND:** Any tract of land on which may be located accommodations for temporary
9 occupancy exclusively for recreational purposes including tents, camping trailers, motor homes
10 or other recreational equipment which includes living accommodations, and which areas
11 generally retain the natural, open character of the land.

12
13 **CARPORT:** A permanent, roofed structure used for parking motor vehicles which is enclosed on
14 not more than three (3) sides, and is constructed in compliance with the regulations of the City.

15
16 **CARPORT, TEMPORARY:** A prefabricated structure, commonly comprised of a lightweight
17 metal frame and a fabric roof, which is intended as a shelter for motor vehicles or other similar
18 equipment, and which does not comply with the City's zoning, building construction and/or fire
19 safety regulations.

20
21 **CEMETERY:** The use of property for the interment of human remains, whether above or below
22 ground, along with all accessory structures which are commonly and reasonably associated with
23 such use.

24
25 **CHILDCARE CENTER:** Any facility operated to provide full or part time care for any number
26 of children in other than a residence or which is staffed by persons who are not full time
27 residents on site, and the operation of which has been approved in accordance with this title.
28 "Childcare center" does not include home childcare or childcare which is provided by an
29 employer on the same premises as the business and solely for the benefit of the employees of that
30 business.

31
32 **CHURCH:** A building, together with its parsonage, and accessory buildings and uses, where
33 persons regularly assemble for religious worship, meetings, church school and other activities,
34 and which is maintained and controlled by a religious body organized for the purposes of
35 worship.

36
37 **CHURCH FACILITIES:** Any facility which is located on the same lot as a church or parsonage,
38 but which is not used for the primary purpose of regular religious services, meetings, church
39 school or related activities. Church facilities include, but are not limited to, full time general
40 education schools, daycare centers, bingo parlors, gymnasiums and reception or banquet halls.

41
42 **COLLOCATION:** The mounting or installation of transmission equipment on an eligible support

1 structure for the purpose of transmitting and/or receiving radio frequency signals for
2 communications purposes.

3
4 **COMMUNITY CORRECTIONAL FACILITY:** Any facility which provides confinement for
5 offenders who have been placed in a community corrections or work release program by judicial
6 action, or by the correctional department of a unit of local government or the State or Federal
7 government. This definition includes, but is not limited to, halfway houses and work release
8 quarters which are intended to provide programs and services to aid such offenders in obtaining
9 and holding regular employment, and participating in vocational training programs and academic
10 courses.

11
12 **COMMUNITY DEVELOPMENT:** The City's Department of Community Development.

13
14 **COMPREHENSIVE PLAN:** One (1) or more documents, approved by the Council, which set
15 forth goals, objectives and policies for the City and neighborhoods. Goals and policies which
16 have been adopted, or as they may be expanded or amended, are to serve as a guide for decisions
17 by the Planning Commission and the Council on a variety of subjects, including, but not limited
18 to, initial zoning, rezoning, conditional uses, growth and development, transportation, parks and
19 open space, capital improvements, and cultural arts.

20
21 **CONGREGATE CARE:** See definition of nursing home/congregate housing.

22
23 **CORRECTIONAL INSTITUTION:** Any permanent structure, publicly or privately owned and
24 operated, intended solely for the detention, safekeeping and confinement of prisoners directed to
25 the facility by judicial action, or by persons awaiting judicial hearing.

26
27 **DAYCARE CENTER:** See definition of childcare center.

28
29 **DENSITY:** The relationship of structural development to the site on which the development is
30 located, commonly expressed as the number of residential units per acre, or the floor area to lot
31 area ratio of nonresidential projects.

32
33 **DENSITY, TRANSFER OF:** The conveyance of a regulated density of development from one
34 (1) portion of a site to another portion of the same site while maintaining the maximum permitted
35 intensity or density for the entire site.

36
37 **DETOXIFICATION CENTER:** Any facility, premises or part thereof, to which persons who are
38 under the influence of alcohol or drugs are taken or to which facility or premises any person
39 voluntarily or by court order enters for purposes of "drying out" or detoxification of such
40 person's blood from drugs or alcohol.

41
42 **DEVELOPMENT:** Any manmade change to unimproved property including, but not limited to,

1 grading, drilling, excavation, filling, paving, installation of utilities or landscaping, and the
2 construction of structures, retaining walls and fences.

3
4 **DIRECTOR OF COMMUNITY DEVELOPMENT:** The City's Director of Community
5 Development, or his/her designee.

6
7 **DIRECTOR OF PUBLIC WORKS:** The City's Director of Public Works, or his/her designee.

8
9 **DISABILITY:** A physical or mental impairment which substantially limits one (1) or more of a
10 person's major life activities, or a record of having such impairment, or being regarded as having
11 such impairment, not to include current, illegal use of or addiction to a controlled substance.

12
13 **DISTILLERY:** An establishment where spirituous liquors are manufactured.

14
15 **DWELLING, MULTIPLE-FAMILY:** Any building structurally divided into two (2) or more
16 separate dwelling units including rooming/boarding houses and tourist homes. No such dwelling
17 unit shall be occupied by more than one (1) unrelated individual over the age of twelve (12)
18 years who is required to register as a sex offender under the provisions of Colorado Revised
19 Statutes section 18-3-412.5, as amended. Provided however, that this section shall not require a
20 resident to leave the home upon becoming twelve (12) years of age, nor shall this section apply
21 to any child required to register as a sex offender under said statute who is placed pursuant to
22 section 19-1-103(51.3), Colorado Revised Statutes in a foster care home certified or licensed
23 pursuant to article 6 of title 26, Colorado Revised Statutes.

24
25 **DWELLING, SINGLE-FAMILY:** A detached principal structure, other than a mobile home,
26 designed and used as a single residential dwelling unit exclusively by either one (1) family or by
27 not more than three (3) unrelated people, unless otherwise provided for in State or Federal law,
28 including rooming and boarding as an accessory use. No such dwelling unit shall be occupied by
29 more than one (1) unrelated individual over the age of twelve (12) years who is required to
30 register as a sex offender under the provisions of Colorado Revised Statutes section 18-3-412.5,
31 as amended. Provided however, that this section shall not require a resident to leave the home
32 upon becoming twelve (12) years of age, nor shall this section apply to any child required to
33 register as a sex offender under said statute who is placed pursuant to section 19-1-103(51.3),
34 Colorado Revised Statutes in a foster care home certified or licensed pursuant to article 6 of title
35 26, Colorado Revised Statutes.

36
37 **DWELLING UNIT:** One (1) or more rooms connected together but structurally divided from
38 other structures or from all other rooms in the same structure and providing residence for a
39 family living together as a single housekeeping unit. No such dwelling unit shall be occupied by
40 more than one (1) unrelated individual over the age of twelve (12) years who is required to
41 register as a sex offender under the provisions of Colorado Revised Statutes section 18-3-412.5,
42 as amended. Provided however, that this section shall not require a resident to leave the home

1 upon becoming twelve (12) years of age.

2

3 ELDERLY: Those persons sixty (60) years of age or older.

4

5 ELIGIBLE FACILITIES REQUEST: Any request for modification of an existing tower or base
6 station that does not substantially change the physical dimensions of such tower or base station
7 involving: a) collocation of new transmission equipment, b) removal of transmission equipment,
8 or c) replacement of transmission equipment.

9

10 ELIGIBLE SUPPORT STRUCTURE: Any tower or base station as defined in this section,
11 provided that it is existing at the time the relevant application is filed with the City under this
12 section.

13

14 EXISTING TOWER OR BASE STATION: A constructed tower or base station that was
15 reviewed, approved, and lawfully constructed in accordance with all requirements of applicable
16 law as of the time it was built, for example, a tower that exists as a legal, non-conforming use
17 and was lawfully constructed is existing for purposes of this definition.

18

19 FEMA: The United States government's Federal Emergency Management Agency.

20

21 FABRICATION: The cutting, shaping and forming of bulk processed materials into parts for
22 assembly.

23

24 FAMILY: Any number of persons related by blood, marriage or adoption, living together and
25 normally, but not always, consisting of two (2) parents and their children; or persons living
26 together for the purpose of guardian, ward or foster family who may or may not be related by
27 blood or marriage to the head of the household; or a group of not more than three (3) unrelated
28 individuals living together in a dwelling unit. A family shall not include more than one (1)
29 unrelated individual over the age of twelve (12) years who is required to register as a sex
30 offender under the provisions of Colorado Revised Statutes section 18-3-412.5, as amended, nor
31 shall this section apply to any child required to register as a sex offender under said statute who
32 is placed pursuant to section 19-1-103(51.3), Colorado Revised Statutes in a foster care home
33 certified or licensed pursuant to article 6 of title 26, Colorado Revised Statutes. Provided
34 however, that this section shall not require a resident to leave the home upon becoming twelve
35 (12) years of age.

36

37 FENCE: A structure designed or intended to constitute an enclosure or barrier, either physical or
38 visual, including a wall or a planter not exceeding twenty four inches (24") in width, or other
39 similar structure.

40

41 FINE ARTS: An art form developed primarily for aesthetics and/or concept rather than practical
42 application. The fine arts commonly include the visual art and performing art forms, such as

1 painting, sculpture, collage/assemblage, calligraphy, music, dance, theater, photography, and
2 printmaking.

3
4 FLEA MARKET: See definition of Open Air Market.

5
6 **FP-O: FLOODPLAIN OVERLAY DISTRICT: LAND USE DISTRICT DEFINED BY**
7 **THE BOUNDARIES OF THE 1% CHANCE FLOODPLAIN, AS DEFINED IN**
8 **CHAPTER 6 OF THIS TITLE (10-6-3). SPECIAL STANDARDS APPLY (AS**
9 **DESCRIBED IN 10-6-8 THROUGH 10-6-21) WHICH LIMIT PARTICULAR TYPES**
10 **AND EXTENTS OF IMPROVEMENTS IN THE DISTRICT, WHILE RETAINING**
11 **MOST OF THE PERMITTED LAND USES AND THE OVERALL**
12 **DENSITY/INTENSITY OF THE UNDERLYING DISTRICTS.**

13 FLOOR AREA, GROSS: For all commercial structures, including multiple-family residential,
14 gross floor area shall mean the sum of the areas of the several floors of a building, measured
15 from the interior faces of exterior walls, including, but not limited to, all basements, reception
16 areas, hallways, elevator shafts, stairwells at each story, and mechanical rooms. For single-
17 family residential, the gross floor area shall include all interior floor spaces except basements or
18 attached garages.

19
20 FLOOR AREA RATIO: The density of development based on the ratio of gross floor area to lot
21 area, generally applied to office, service, retail and industrial buildings.

22
23 FLOOR AREA RATIO, MAXIMUM: The maximum permitted ratio of gross floor area of all
24 structures on the lot to the total area of the lot, as established by the governing zone district
25 regulations.

26
27 FOSTER FAMILY CARE HOME: A private residence where care, protection and supervision is
28 provided to not more than four (4) children unrelated to the adult provider at one time.

29
30 GARAGE, COMMERCIAL PARKING: A structure used for the parking of passenger vehicles,
31 either with or without charge, and in which the following activities are not permitted: fueling;
32 servicing; repair; dismantling; storage of vehicles; or freight handling.

33
34 GARAGE, PRIVATE: A building for the private use by the owner or occupant of a principal
35 building situated on the same lot of the principal building for the storage of motor vehicles with
36 no facilities for mechanical service or repair of a commercial or public nature.

37
38 GARAGE/YARD SALE: A sale of personal property conducted by the occupants in A-1, R-S,
39 R-L, R-E, R-1, R-2, R-3, R-3X and single-family and duplex areas of R-4, T, CA and PD-R zone
40 districts.

41

1 GRADE: The average finished ground level of the land immediately adjacent to and surrounding
2 the building.

3
4 GROUP HOME FOR CHILDREN: A residential facility for children, which is licensed by the
5 state department of social services for the purpose of providing foster family care.

6
7 GROUP HOME FOR PERSONS WITH DISABILITIES: A dwelling unit which is shared by
8 four (4) or more persons with disabilities living together as a single housekeeping unit.
9 Professional staff may provide twenty four (24) hour supervision or supportive services, and may
10 reside in the dwelling unit.

11
12 GROUP HOME FOR THE ELDERLY: An owner occupied or nonprofit residential facility
13 which houses not more than eight (8) elderly persons, including resident staff.

14
15 HEIGHT OF STRUCTURE: The height of structures is the vertical distance above reference
16 datum measured to the highest point of the coping of a flat roof or the deck line of a mansard
17 roof or to the average height of the highest gable of a pitched or hipped roof. The referenced
18 datum shall be selected by either of the following, whichever yields a greater height of building:

19
20 (A) The elevation of the highest adjoining sidewalk or ground surface within a five foot (5')
21 horizontal distance of the exterior wall of the building when such sidewalk or ground is not more
22 than ten feet (10') above the lowest grade; or

23
24 (B) An elevation ten feet (10') higher than the lowest grade when the sidewalk or ground surface is
25 more than ten feet (10') above lowest grade.

26
27 The height of a stepped or terraced building is the maximum height of any segment of the
28 building.

29 HOME CHILDCARE: Any childcare facility which is operated in a private residence which is
30 staffed only by full time residents of the premises. Home childcare is limited to the full or part
31 time care of not more than six (6) children, including those of the operator, and not more than
32 two (2) additional children for before and after school care. Operation of home childcare
33 facilities must be approved in accordance with this title.

34
35 HOME OCCUPATION: Any business or service of limited scope, conducted entirely within the
36 dwelling and carried on solely by its residents and which is clearly incidental and secondary to
37 the primary use for residential purposes and which does not alter the exterior of the property or
38 affect the residential character of the neighborhood.

39

- 1 INTENSITY: The cumulative effect of developing a site, including impacts on adjacent
2 properties resulting from the density, height, bulk, site area coverage, type and volume of traffic
3 generated, amount and use of paved surfaces and visual impact of the development.
4
- 5 LAND AREA, GROSS: The total area of a tract of land as measured within the property lines.
6
- 7 LANDSCAPE DESIGN CRITERIA MANUAL: Administrative guidelines authorized by section
8 10-5-2 of this title and which shall include landscape design, installation and maintenance
9 standards as well as plan review procedures. This landscape manual shall control landscape
10 installation and landscape maintenance in the city.
11
- 12 LANDSCAPE MAINTENANCE: The necessary watering, weeding, pruning, pest control,
13 fertilization, mowing and replacement of dead or diseased plant materials; and the proper
14 maintenance of irrigation systems including adjustments, replacements, repairs and cleaning.
15
- 16 LANDSCAPE MANUAL: The city's "Landscape Design Criteria Manual".
17
- 18 LANDSCAPE PLAN: A scaled plan which illustrates the location and types of landscaping to be
19 installed. A landscape plan is a component of an SDP or a final PD plan.
20
- 21 LANDSCAPING: A combination of living plants such as trees, shrubs, vines, ground cover,
22 flowers or grass; natural features such as rock, stone or mulch; and structural features such as
23 fountains, reflecting pools, artworks, screen walls, fences, benches, decorative paving,
24 ornamental concrete or stonework areas. Weeds and artificial plants shall not be considered
25 landscaping.
26
- 27 LANDSCAPING, TRADITIONAL: Landscaping characterized by the predominant use of
28 bluegrass turf and other plant materials which are high in water consumption.
29
- 30 LIVESTOCK: Animals commonly associated with agricultural use such as, but not limited to,
31 horses, cows, sheep, goats, pigs, chickens, ducks, geese, turkeys and other poultry.
32
- 33 LIVING FACILITY, ASSISTED: State licensed rental properties that provide the same services
34 as an independent living facility, as defined in this section, but also provide, in a majority of the
35 units, supportive care from trained employees to residents who are unable to live independently
36 and require assistance with activities of daily living including, but not limited to, management of
37 medications, bathing, dressing, toileting, ambulating and eating.
38
- 39 LIVING FACILITY, INDEPENDENT: Multi-family residential rental properties restricted to
40 adults at least fifty five (55) years of age or older. This facility will have central dining facilities
41 that provide residents as part of their monthly fee with access to meals and other services such as
42 housekeeping, linen service, transportation, and social and recreational activities. Such properties

1 do not provide, in a majority of the units, assistance with activities of daily living such as
2 supervision of medication, bathing, dressing, toileting, etc. There are no licensed skilled nursing
3 beds in the property.

4
5 **LOADING SPACE, OFF STREET:** Any off street area, either located inside or outside of a
6 structure, used exclusively for loading and unloading of materials, and which has direct and
7 unobstructed access to a street or alley.

8
9 **LOT:** A parcel of land, or contiguous parcels under one (1) ownership, occupied or designed to
10 be occupied by a principal structure or use and the accessory structures or uses customarily
11 incidental to such principal structure or use, including the open spaces as are arranged and
12 designed to be used in connection with such structures. A lot is not divided by any public street
13 or alley.

14
15 **LOT COVERAGE:** That portion of a lot covered or permitted to be covered by structures,
16 including accessory structures, also known as building coverage.

17
18 **LOT LINE, FRONT:** That boundary line of a lot which parallels a street toward which the
19 principal structure on the lot faces, or is proposed to face, and on which the principal structure is
20 addressed.

21
22 **LOT LINE, REAR:** That boundary line of a lot which is opposite the front line; or, in the case of
23 any irregular lot, that boundary line which is determined by the Planning Division from the
24 orientation of existing structures in the vicinity to be the rear lot line.

25
26 **LOT LINE, SIDE:** Any boundary line of a lot which is neither a front nor a rear lot line.

27
28 **LOT OF RECORD:** A lot which is part of a recorded subdivision, which has been filed with the
29 appropriate County Clerk and Recorder's Office. The term "legally platted lot" is synonymous
30 with the term "lot of record".

31
32 **MANUFACTURE:** All operations required to produce the material named.

33
34 **MANUFACTURED HOUSING:** A factory built structure that is built in conformance with the
35 "Federal Manufactured Home Construction Safety Standards", is transportable in one (1) or more
36 sections, and is built on a permanent foundation. It is not constructed with a permanent hitch, nor
37 does it have wheels or axles permanently attached to its body or frame.

38
39 **MARTIAL ARTS:** Various forms of self-defense, usually weaponless, based on techniques
40 developed in ancient China, India, and Tibet. For purposes of this definition, martial arts shall
41 include only the traditional forms, such as jujitsu, kung fu, karate, tae kwon do and judo.

42

- 1 MOBILE HOME: A detached single-family dwelling, which is designed to be transportable and
2 which conforms to the provisions of title 4, chapter 4 of this Code.
3
- 4 NURSING HOME/CONGREGATE HOUSING: A residential facility for more than eight (8)
5 elderly and/or handicapped persons within which are provided living and sleeping facilities,
6 shared food preparation service and major dining areas and common recreation, social and
7 service facilities for the exclusive use of all residents. Such facilities may include full or part
8 time domestic or medical assistance for the residents.
9
- 10 OTARD: An over-the-air receiving device.
11
- 12 OTARD ANTENNA: (A) An antenna that is designed to receive direct broadcast satellite
13 service, including direct-to-home satellite services, that is one meter (1 m) or less in diameter; or
- 14 (B) An antenna that is designed to receive video programming services via multipoint distribution
15 services, including multichannel multipoint distribution services, instruction television fixed
16 services, and local multipoint distribution services, and that is one meter (1 m) or less in diameter
17 or diagonal measurement; or
- 18 (C) An antenna that is designed to receive television broadcast signals.
- 19 OTARD ANTENNA STRUCTURE: Any pole, tower, or other structure designed and intended
20 to support an OTARD antenna.
21
- 22 OFFICIAL ZONING MAP: The official zoning map of the City shall contain the boundaries of
23 the various zone districts in the City, together with graphic and written identification of streets,
24 alleys, lots, block, corporate limits or other physical features of the City.
25
- 26 OPEN AIR MARKET: Any sale or distribution of commercial goods, ordinarily conducted by
27 several persons who are temporary occupants of the premises on which such sale takes place, and
28 which is held outside of a permanently enclosed structure; also, known as a "flea market".
29
- 30 OPEN SPACE: Any parcel of land, essentially unimproved, which is set aside, dedicated,
31 designated or reserved for public use and enjoyment.
32
- 33 OPEN SPACE, COMMON: A parcel of land, an area of water or a combination of land and
34 water within a development which is designed and intended primarily for the use and enjoyment
35 of occupants and owners of the development. In agricultural zone districts, land areas used for
36 pasturage, row crops, orchards and other similar uses shall be considered unobstructed open
37 space.
38
- 39 OPEN SPACE, UNOBSTRUCTED: An area upon which no structure may be erected or surface

1 area utilized for storage or for vehicular movement or parking.

2
3 OPERATING STANDARDS, DEPARTMENT OF COMMUNITY DEVELOPMENT: The
4 standards established by the Department of Community Development detailing the requirements
5 for processing applications for development review. The requirements may include type of
6 application materials, number of copies of the materials, time frames for reviewing, the referral
7 agencies, application deadlines, application fee schedule and public notice requirements. The
8 document containing the operating standards shall be kept on file in the Department of
9 Community Development.

10
11 OUTDOOR/OPEN STORAGE: The storage of supplies, materials and equipment in other than a
12 fully enclosed structure.

13
14 PD: Planned development.

15
16 PDO: Planned development overlay.

17
18 PARAGRAPH: All references to paragraphs contained in this title, unless the context indicates
19 otherwise, shall be references to paragraphs in this Code.

20
21 PARK: Any parcel of land dedicated, designated or reserved for public use and enjoyment, and
22 which contains improvements for active and/or passive recreation purposes including, but not
23 limited to, arboretums, gardens, play fields, trails, recreation centers and supervised recreational
24 activities.

25
26 PARKING LOT, COMMERCIAL: An open area for the parking of vehicles and on which is
27 prohibited servicing, repair, dismantling or storage of automobiles which are for sale or which
28 are to be repaired, in a manner accessory to a sales or repair garage.

29
30 PARKING SPACE, OFF STREET: An off street area or space, located either inside or outside of
31 a structure, used exclusively for the temporary parking of motor vehicles and which has direct
32 and unobstructed access to a street or alley.

33
34 PETS, HOUSEHOLD: Any domesticated animal commonly kept at a place of residence, not
35 including livestock (except ducks as allowed under subsection 10-4-4(B)3 of this title), mink,
36 chinchilla or other commercial furbearing animals. Household pets include dogs, domestic cats,
37 ducks, canaries, parrots, hamsters, guinea pigs and similar rodents, fish, reptiles and other
38 species normally sold at a local pet shop. The term "household pet" does not include any species
39 capable of inflicting substantial physical harm to man.

40
41 PLANNED DEVELOPMENT: A zone district granted for a parcel of land originally owned by a
42 single owner or entity involving a unified site design for all elements of the development

1 including, but not limited to: residential, commercial, industrial and mixed uses; public and
2 private open spaces; and transportation patterns.

3
4 **PLANNED DEVELOPMENT OVERLAY:** Special standards which allow more flexible site
5 design and development than is possible under traditional zone district regulations, while
6 retaining the permitted land uses and the overall density/intensity of those districts.

7
8 **PLANNED DEVELOPMENT PLAN:** A plan containing the provisions for the development of
9 any area zoned Planned Development, binding on the property owner, including, but not limited
10 to, easements, covenants and restrictions relating to use, location and bulk of buildings and other
11 structures; intensity of use or density of development; utilities, private and public streets, ways
12 and roads, pedestrianways and area; parking facilities; common open space; drainage provisions
13 and other public facilities. As used in this section, "provisions for development" means the
14 written and graphic materials referred to in this title.

15
16 **PLANNING COMMISSION:** The City's Planning Commission.

17
18 **PLANNING DIVISION:** The Planning Division of the City's Department of Community
19 Development.

20
21 **PRELIMINARY PROJECT PLAN:** A preliminary project plan represents a generalized land
22 use/site plan for the area proposed to be included within a Planned Development (PD) District
23 and/or any proposed rezoning of property. It is an optional step that allows early, informal, non-
24 binding evaluation of a proposed PD and/or any rezoning within any zoning district request
25 before detailed planning and engineering work has been undertaken and before substantial
26 expenses have been incurred.

27
28 **PREMISES:** A general term meaning part or all of any lot, and part or all of any structure or
29 group of structures located on the lot.

30
31 **PROJECTED LINE:** A line which is transferred from the outer periphery of a structure,
32 including all attachments and appurtenances.

33
34 **REDEVELOPMENT:** Any manmade change to improved property including, but not limited to,
35 demolition, grading, filling, paving, installation of utilities or landscaping, and the construction
36 of, or additions to, structures.

37
38 **RETAINING WALL:** A wall used or intended to be used to resist the lateral displacement of
39 earth.

40
41 **REZONE:** Any change in a parcel's zone district designation which results in an amendment to
42 the zone district boundaries as shown on the official zoning map.

- 1
2 ROOMING/BOARDING HOUSE: A residential structure containing a single dwelling unit and
3 two (2) or more guestrooms where lodging is provided, with or without meals, for compensation.
4 Includes rooming/boarding as a permitted use, as an accessory use, and as a tourist home as
5 provided in section 10-3-2 of this title.
6
- 7 SDP: Site development plan.
8
- 9 SALES, RETAIL: Sales to the ultimate consumer for direct consumption and not for resale,
10 including any sales made within the City, except wholesale sales.
11
- 12 SALES, WHOLESALE: Sales by wholesalers to retail merchants, jobbers, dealers or other
13 wholesalers for resale, and does not include a retail sale by wholesalers to users or customers not
14 for resale.
15
- 16 SATELLITE COMMUNICATIONS RECEIVING DISH: A device, commonly parabolic in
17 shape, used for the purpose of capturing any communications signals, including television,
18 transmitted via satellite.
19
- 20 SECTION: All references in this title to sections, unless the context indicates otherwise, shall be
21 references to sections in this Code.
22
- 23 SETBACK: The distance in linear feet, measured on a horizontal plane, between the outer
24 perimeter of a structure and each of its lot lines.
25
- 26 SETBACK LINE: The required minimum distance that any structure may be located from the
27 front, side or rear property line, that defines the buildable area of a lot.
28
- 29 SHOOTING RANGE - INDOOR: A building open to the general public where the shooting of
30 firearms or the use of archery for the purpose of target practice is conducted. Indoor shooting
31 ranges maintained or operated by the Police Department, County Sheriff's Office or State Patrol
32 and which are not available to the general public shall be treated as ancillary to the law
33 enforcement facility and not part of this definition. Indoor shooting ranges containing an
34 ancillary retail use, or vice-versa, shall have to meet all requirements of this Code as a
35 conditional use.
36
- 37 SHOOTING RANGE - OUTDOOR: The use of land for archery and/or the discharging of
38 firearms for purposes of target practice, skeet and trap shooting. Outdoor shooting ranges
39 containing an ancillary retail use, or vice-versa, shall have to meet all requirements of this Code
40 as a conditional use.
41
- 42 SITE DEVELOPMENT PLAN - MAJOR: A detailed site plan that is required to be submitted

1 prior to the issuance of a building permit for any new development on any parcel that consists of
2 any one of the following:

3 A. Industrial development in any zone providing for more than ten thousand (10,000) square feet of
4 gross floor area for new building space;

5 B. All multi-family development in any zone having more than four (4) dwelling units. However,
6 two (2) or more multi-family projects on the same parcel or adjacent parcels which total more
7 than four (4) units shall require a major site development plan;

8 C. All commercial development in any zone providing for more than thirty thousand (30,000)
9 square feet of gross floor area; or

10 D. Any development on any undeveloped parcel in excess of ten (10) acres regardless of zoning
11 district.

12 **SITE DEVELOPMENT PLAN - MINOR:** A detailed site plan that is required to be submitted
13 prior to the issuance of a building permit for any new structures or additions to be located in any
14 zone district, except single-family dwellings, those developments which are defined as a Major
15 Site Development Plan, or those developments that are eligible for review as sketch plan under
16 section 10-7-6 of this title.

17
18 **SITE FOR TOWERS (Other Than Towers In The Right-Of-Way And Eligible Support**
19 **Structures):** The current boundaries of the leased or owned property surrounding the tower or
20 eligible support structure and any access or utility easements currently related to the site. A site,
21 for other alternative tower structures, base stations and small cell facilities in the right-of-way, is
22 further restricted to that area comprising the base of the structure and to other related accessory
23 equipment already deployed on the ground.

24
25 **SKETCH PLAN:** A plan depicting the site layout, existing structures and existing site
26 improvements such as paved driveways and parking surfaces, access points and landscaped
27 areas.

28
29 **SKILLED NURSING FACILITY:** State licensed daily rate or rental properties where the
30 majority of individuals require twenty four (24) hour nursing and/or medical care. In most cases,
31 these properties are licensed for medicaid and/or medicare reimbursement. These properties may
32 include a minority of assisted living and/or Alzheimer's/dementia units.

33
34 **SMALL CELL FACILITY:** A WCF where each antenna is located inside an enclosure of no
35 more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements,
36 the antenna and all of its exposed elements could fit within an imaginary enclosure of no more
37 than three (3) cubic feet; and primary equipment enclosures are no larger than seventeen (17)

1 cubic feet in volume. The following associated equipment may be located outside of the primary
2 equipment enclosure and, if so located, is not included in the calculation of equipment volume:
3 electric meter, concealment, telecommunications demarcation box, ground-based enclosure,
4 back-up power systems, grounding equipment, power transfer switch and cut-off switch.

5
6 **SOLID WASTE RECOVERY, COMMERCIAL:** Any use of real property for the storage,
7 separation and other processing or recycling of waste materials in bulk. Waste materials include,
8 but are not limited to, newspaper, glass, aluminum and appliances, but shall not include scrap
9 motor vehicles or any part thereof. The term "commercial solid waste recovery" does not
10 include, for any purpose, any sanitary landfill or other waste disposal operation.

11
12 **STREET TREES:** Defined in section 8-4-1 of this Code.

13
14 **STRUCTURE:** That which is built or constructed. Any piece of work artificially built up or
15 composed of parts joined together in some definite manner including, for example, buildings,
16 fences, retaining walls and accessory structures.

17
18 **STRUCTURE, ACCESSORY:** A detached subordinate structure which is customarily used in a
19 manner that is incidental to the principal structure or the principal use which is located on the
20 same lot.

21
22 **STRUCTURE, NONCONFORMING:** Any structure which, at the time of construction, was
23 lawfully erected or altered in conformance with all applicable City zoning regulations, but which
24 does not now comply with all of the provisions of this title.

25
26 **STRUCTURE, PRINCIPAL:** A structure which contains or is intended to contain a principal
27 use.

28
29 **STRUCTURE, TEMPORARY:** Any structure which meets all applicable requirements of this
30 title and of title 4, "Building Regulations", of this Code, but which is required to be removed in a
31 specific period of time.

32
33 **STRUCTURE, TEMPORARY ACCESSORY:** A prefabricated structure, commonly comprised
34 of a lightweight metal frame and a fabric roof, which is intended for temporary, seasonal use,
35 and which does not comply with the City's zoning, building construction and/or fire safety
36 regulations. Such structures are restricted to a maximum ground coverage of one hundred twenty
37 (120) square feet and shall not exceed eight feet (8') in height, measured from the average grade
38 to the highest point of the roof.

39
40 **SUBSECTION:** All references to subsections in this title, unless the context indicates otherwise,
41 shall be references to subsections in this Code.

42

1 SUBSTANTIAL CHANGE FOR ELIGIBLE SUPPORT STRUCTURE: A modification that
2 substantially changes the physical dimensions of an eligible support structure if after the
3 modification, the structure meets any of the following criteria: a) for towers other than
4 alternative tower structures or towers in the right-of-way, it increases the height of the tower by
5 more than ten percent (10%) or by the height of one (1) additional antenna array with separation
6 from the nearest existing antenna not to exceed twenty feet (20'), whichever is greater; for other
7 eligible support structures, it increases the height of the structure by more than ten percent (10%)
8 or more than ten feet (10'), whichever is greater; b) for towers other than towers in the right-of-
9 way, it involves adding an appurtenance to the body of the tower that would protrude from the
10 edge of the tower more than twenty feet (20'), or more than the width of the tower structure at the
11 level of the appurtenance, whichever is greater; for eligible support structures, it involves adding
12 an appurtenance to the body of the structure that would protrude from the edge of the structure
13 by more than six feet (6'); c) for any eligible support structure, it involves installation of more
14 than the standard number of new equipment cabinets for the technology involved, but not to
15 exceed four (4) cabinets; or for towers in the right-of-way and base stations, it involves
16 installation of any new equipment cabinets on the ground if there are no pre-existing ground
17 cabinets associated with the structure, or else involves installation of ground cabinets that are
18 more than ten percent (10%) larger in height or overall volume than any other ground cabinets
19 associated with the structure; d) for any eligible support structure, it entails any excavation or
20 deployment outside the current site; e) for any eligible support structure, it would undermine the
21 concealment elements of the eligible support structure; or f) for any eligible support structure, it
22 does not comply with conditions associated with the siting approval of the construction or
23 modification of the eligible support structure or base station equipment, unless the non-
24 compliance is due to an increase in height, increase in width, addition of cabinets, or new
25 excavation that would not exceed the thresholds identified in items a, b, and c of this definition.
26 For purposes of determining whether a substantial change exists, changes in height are measured
27 from the original support structure in cases where deployments are or will be separated
28 horizontally, such as on buildings' rooftops; in other circumstances, changes in height are
29 measured from the dimensions of the tower or base station, inclusive of originally approved
30 appurtenances and any modifications that were approved prior to February 22, 2012.

31
32 TASTING/RETAIL SALES ROOM: A room where customers taste samples of malt, spirituous
33 or vinous liquors manufactured by a single brewery, distillery or winery, and sales of items
34 customarily related to the product occurs.

35
36 TOWER: Any structure that is designed and constructed primarily built for the sole or primary
37 purpose of supporting one (1) or more of any FCC-licensed or authorized antennas and their
38 associated facilities, including structures that are constructed for wireless communications
39 services including, but not limited to, private, broadcast, and public safety services, as well as
40 unlicensed wireless services and fixed wireless services such as microwave backhaul, and the
41 associated site. The term includes self-supporting lattice towers, guy towers, monopole towers,
42 radio and television transmission towers, microwave towers, common carrier towers, cellular

1 telephone towers, alternative tower structures and the like.

2

3 TOWNHOUSE: A single-family dwelling unit, with a private entrance, which is part of a
4 structure whose dwelling units are attached horizontally in a linear arrangement, and having a
5 totally exposed front and rear wall to be used for access, light, and ventilation. The units are
6 separated from one another by a common party wall having no doors, windows, or other
7 provisions for human passage or visibility.

8

9 TRANSMISSION EQUIPMENT: Equipment that facilitates transmission for any FCC licensed or
10 authorized wireless communication service, including, but not limited to, radio transceivers,
11 antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes
12 equipment associated with wireless communications services including, but not limited to,
13 private, broadcast, and public safety services, as well as unlicensed wireless services and fixed
14 wireless services such as microwave backhaul.

15

16 USE: The purpose for which land or structures are, or are intended, to be occupied, maintained,
17 rented or leased.

18

19 USE, ACCESSORY: A use which is not permitted as a principal use, but is clearly incidental to
20 and customarily found in connection with and located on the same lot as the principal use, not
21 including those which are designated as home occupations.

22

23 USE, NONCONFORMING: Any legal use which, as the result of the adoption of this title or
24 subsequent amendments hereto, does not conform to the permitted uses established for the
25 district in which the use is located.

26

27 USE, PERMITTED: A use which is specifically authorized by this title in a particular zone
28 district.

29

30 USE, PRIMARY: See definition of use, principal.

31

32 USE, PRINCIPAL: The main purpose for which a parcel of land or a structure is used, as
33 distinguished from an accessory use of land or structures. The term "primary use" is synonymous
34 with the term "principal use". The principal use shall be determined by one (1) or more of the
35 following:

36 (A) Any use which physically occupies a majority of a parcel of land and/or a structure.

37 (B) Any use which constitutes a majority of the activity conducted on a premises in relative terms
38 of, for example, sales or rental volume of materials or services offered; prominence of on site
39 display or advertisement of materials or services offered; type of materials or services offered;

1 amount of stock or inventory; hours of operation devoted to a particular sales or service activity;
2 occupation of inhabitants or employees; and/or the purpose or attraction of the occupation.

3 USE, TEMPORARY RETAIL SALES OR SERVICE/TEMPORARY USE: Any permitted retail
4 and service use which is operated for not more than six (6) months in any twelve (12) month
5 period.

6
7 VEHICLE, COMMERCIAL: Any vehicle designed, maintained or used for commercial
8 purposes, primarily for the transportation of persons, products or material.

9
10 WETLANDS: Those areas that are inundated or saturated by surface water or groundwater at a
11 frequency and duration sufficient to support and that, under normal circumstances, do support a
12 prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands
13 generally include swamps, marshes, bogs and other similar areas.

14
15 WINERY: An establishment where vinous liquors are manufactured.

16
17 WIRELESS COMMUNICATIONS FACILITY OR WCF: A facility used to provide personal
18 wireless services as defined at 47 USC section 332(c)(7)(C); or wireless information services
19 provided to the public or to such classes of users as to be effectively available directly to the
20 public via licensed or unlicensed frequencies; or wireless utility monitoring and control services.
21 A WCF does not include a facility entirely enclosed within a permitted building where the
22 installation does not require a modification of the exterior of the building; nor does it include a
23 device attached to a building, used for serving that building only and that is otherwise permitted
24 under other provisions of this Code. A WCF includes an antenna or antennas, including without
25 limitation, direction, omni-directional and parabolic antennas, base stations, support equipment,
26 alternative tower structures, and towers. It does not include the support structure to which the
27 WCF or its components are attached if the use of such structures for WCFs is not the primary
28 use. The term does not include mobile transmitting devices used by wireless service subscribers,
29 such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor
30 does it include other facilities specifically excluded from the coverage of this section.

31
32 XERISCAPE: Landscaping which is specifically intended to achieve water conservation.

33
34 YARD: A required open space located on the same lot with a structure, between a lot line and
35 the nearest setback line, unoccupied and unobstructed from the ground up, except for accessory
36 structures or such projections as are expressly permitted in this title.

37
38 YARD, FRONT: A yard extending across the full width of the lot between the front lot line and
39 the front setback line.

40
41 YARD, REAR: A yard extending across the full width of the lot between the rear lot line and the

1 rear setback line.

2

3 YARD, SIDE: A yard lying between the side lot line and the side setback line, and extending
4 from the front yard to the rear yard.

5

6 ZONE DISTRICT, AGRICULTURAL: Any A-1, R-S or R-L District.

7

8 ZONE DISTRICT, BUSINESS: Any B-P, T, B-1, B-2, B-3 or CA District, or any portion of a
9 PD plan approved for commercial development.

10

11 ZONE DISTRICT CLASSIFICATIONS, HIGHER - LOWER: For descriptive purposes only,
12 the various zone district classifications shall rank, from highest to lowest, as follows: OS, A-1,
13 R-S, R-L, R-E, R-1, R-2, R-3, R-3X, R-4, MH, R-5, B-P, T, B-1, B-2, B-3, CA, STP, I-P, I-1 and
14 I-2. Planned Development (PD) Districts are not ranked because of their varying densities and
15 uses.

16

17 ZONE DISTRICT, INDUSTRIAL: Any STP, I-P, I-1, I-2 or any portion of a PD plan approved
18 for industrial development.

19

20 ZONE DISTRICT, MIXED USE: Any zone district which permits a combination of usually
21 separated land uses, especially residential and commercial, e.g., Transitional T, Central Area CA,
22 and Planned Development PD Districts. For purposes of this title, it is intended that the mixture
23 of uses may occur either within the same lot or within the same structure.

24

25 ZONE DISTRICT, PARK/OPEN SPACE: The OS Zone District is applied to certain lands, the
26 use of which shall be restricted to park and open space activities including, but not limited to,
27 playgrounds, play fields, display gardens, land conservation, wildlife habitat preservation or
28 other resource protection.

29

30 ZONE DISTRICT, RESIDENTIAL: Any A-1, R-S, R-L, R-E, R-1, R-2, R-3, R-3X, R-4, MH,
31 R-5, T or CA District, or any portion of a PD plan approved for residential development.

32

33 ZONE LOT: A parcel of land entirely contained within a single zone district. Such land area may
34 be composed of a single lot or series of lots which are owned by one individual or legal entity.

35

36 ZONING OFFICIAL: The City's zoning official, or his/her designee. (Revised 6-12-1992; amd.
37 Ord. 33, Series of 1992; Ord. 3, Series of 1993; Ord. 10, Series of 1993; Ord. 27, Series of 1993;
38 Ord. 3, Series of 1994; Ord. 31, Series of 1995; Ord. 18, Series of 1997; Ord. 19, Series of 1997;
39 Ord. 30, Series of 1997; Ord. 3, Series of 1998; Ord. 44, Series of 1999; Ord. 5, Series of 2000;
40 Ord. 7, Series of 2000; Ord. 8, Series of 2000; Ord. 13, Series of 2000; Ord. 11, Series of 2003;
41 Ord. 22, Series of 2003; Ord. 22, Series of 2004; Ord. 14, Series of 2005; Ord. 17, Series of
42 2008; Ord. 9, Series of 2009; Ord. 34, Series of 2009; Ord. 4, Series of 2010; Ord. 6, Series of

1 2010; Ord. 24, Series of 2011; Ord. 17, Series of 2012; Ord. 19, Series of 2012; Ord. 20, Series
2 of 2012; Ord. 36, Series of 2013; Ord. 26, Series of 2015; Ord. 15, Series of 2016; Ord. 27,
3 Series of 2016; Ord. 09, Series of 2017; Ord. 34, Series of 2017; Ord. 04, Series of 2019; Ord.
4 13, Series of 2019; Ord. 16, Series of 2019)

5
6 **Section 2:** Title 10, Chapter 1, Section 7 is amended to read as follows:

7
8 10-1-7: ADMINISTRATION:

9
10 (A) Enforcement: UNLESS NOTED OTHERWISE HEREIN, the city manager, acting by and
11 through the planning division, is vested with the duty and the power necessary for the
12 enforcement of this title, incidental to which duty and power the planning division shall:

13 1. Conduct investigations and surveys to determine compliance or noncompliance with the
14 provisions of this title. Incidental to such investigations and surveys, the zoning official may,
15 with the consent of the landowner or the person entitled to possession of the premises, or as may
16 be authorized by law, enter into and upon any land or structure to be inspected and examined.
17 Additionally, the right of entry and inspection may be obtained by the zoning official by
18 application to and proper orders or warrants issued from a court of proper jurisdiction.

19 2. Issue written orders requiring compliance with the provisions of this title. Such orders shall be
20 served personally or by registered or certified mail upon the person deemed to be violating the
21 provisions of this title; provided, however, that if such person is not the owner of the land or
22 structure in which the violation is deemed to exist or have occurred, a copy of such order shall be
23 sent by registered or certified mail to the owner of such land or structure. The date of the mailing
24 shall be deemed the date of service of any order served by registered or certified mail.

25 3. Initiate appropriate steps necessary for the enforcement of the provisions of this title.

26
27 (B) Interpretation: In the interpretation and application of this title, the provisions contained
28 herein shall be held to be the minimum requirements necessary and shall be liberally
29 construed for the promotion of the public health, safety and general welfare. (Revised 6-12-
30 1992)

31
32 (C) Amendments: Amendments to the provisions of this title may be proposed by motion of the
33 council, the city manager, by the request of any person, or by recommendation of the
34 planning commission. Amendments to the official zoning map, which specifically includes
35 initial zoning of newly annexed territory or rezoning of any parcel within the city, shall be

1 proposed by the owner, purchaser or a designated agent, or by the council or the planning
2 division. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

3
4 (D) General: UNLESS NOTED OTHERWISE HEREIN, the planning division shall be
5 responsible for the general administration of activities necessary to implement this title which
6 shall include, but is not necessarily limited to:

7 1. Review all applications for building permits for conformance with this title; and approve or
8 disapprove such applications accordingly.

9 2. Prepare application forms, ordinances and administrative guidelines as are necessary for the
10 convenience of the public; and recommend to the Council a schedule of fees for offsetting the
11 reasonable costs of administering this title. (Revised 6-12-1992)

12 3. Maintain written records of all actions taken by the Planning Division, Board of Adjustment,
13 Planning Commission, Historical Preservation Board or Council authorized by this title. (Ord.
14 20, Series of 2012; amd. Ord. 15, Series of 2016)

15

16 (E) Minor Variances: The Planning Division, acting through the zoning official, shall grant
17 minor variances to certain lot requirements for legally platted lots which meet the criteria
18 stated below. Such variances shall not, however, exceed twenty percent (20%) of the
19 minimum lot requirements, established in chapter 2 of this title.

20 1. Variances granted under this provision shall be restricted to:

21 (a) Minimum lot area requirements for legally platted lots which do not meet the minimum lot
22 area required by the zone district regulations governing the area in which the lot is located;

23 (b) Minimum lot width at the front setback line;

24 (c) Building setbacks for primary and accessory structures;

25 (d) Distribution of unobstructed open space adjacent to rights-of-way in Commercial and
26 Industrial Zone Districts; and

27 (e) Percentage of lots to be retained in unobstructed open space.

28

29 2. Any variance granted under the provisions of this subsection shall meet all of the following
30 criteria:

31 (a) The variance will not alter the essential neighborhood character, nor will it substantially
32 impair the permitted use or development of adjoining property;

33 (b) The variance shall be the minimum necessary to grant relief from a demonstrated hardship;

1 (c) That the hardship, if any, under which the variance is sought, was not created by the owner,
2 occupant or agent of the owner of the property in question; nor was it suffered as a result of a
3 violation of any provision of this Code. (Revised 6-12-1992)

4
5 **Section 3:** Title 10, Chapter 2 (heading) is amended to read as follows:

6 Chapter 2
7 ZONE DISTRICT REGULATIONS

- 8 10-2-1: ZONE DISTRICT REQUIREMENTS:
9 10-2-2: A-1 AGRICULTURAL DISTRICT:
10 10-2-3: R-S RESIDENTIAL-SUBURBAN AGRICULTURAL DISTRICT:
11 10-2-4: R-L RESIDENTIAL-LIMITED AGRICULTURAL DISTRICT:
12 10-2-5: R-E RESIDENTIAL-ESTATES DISTRICT:
13 10-2-6: R-1 RESIDENTIAL SINGLE-FAMILY DISTRICT:
14 10-2-7: R-2 RESIDENTIAL SINGLE-FAMILY DISTRICT:
15 10-2-8: R-3 RESIDENTIAL SINGLE-FAMILY DISTRICT:
16 10-2-9: R-3X RESIDENTIAL MULTIPLE-FAMILY DISTRICT:
17 10-2-10: R-4 RESIDENTIAL MULTIPLE-FAMILY DISTRICT:
18 10-2-11: MH MOBILE HOME DISTRICT:
19 10-2-12: R-5 RESIDENTIAL MULTIPLE-FAMILY DISTRICT:
20 10-2-13: B-P BUSINESS AND PROFESSIONAL DISTRICT:
21 10-2-14: T TRANSITIONAL DISTRICT:
22 10-2-15: B-1 NEIGHBORHOOD BUSINESS DISTRICT:
23 10-2-16: B-2 COMMUNITY BUSINESS DISTRICT:
24 10-2-17: B-3 GENERAL BUSINESS DISTRICT:
25 10-2-18: CA CENTRAL AREA MULTIPLE USE DISTRICT:
26 10-2-19: STP SCIENTIFIC AND TECHNOLOGICAL PARK DISTRICT:
27 10-2-20: I-P INDUSTRIAL PARK DISTRICT:
28 10-2-21: I-1 LIGHT INDUSTRIAL DISTRICT:
29 10-2-22: I-2 HEAVY INDUSTRIAL DISTRICT:
30 10-2-23: PD PLANNED DEVELOPMENT DISTRICT:
31 10-2-24: OS PARK/OPEN SPACE DISTRICT:
32 10-2-25: CEM CEMETERY DISTRICT:
33 **10-2-26: FP-O FLOODPLAIN OVERLAY DISTRICT:**

34
35 **Section 4:** Title 10, Chapter 2, Section 26 is amended as follows:

36
37 10-2-26: FP-O FLOODPLAIN OVERLAY DISTRICT:
38

1 (A) INTENT: THE FLOODPLAIN OVERLAY (FP-O) DISTRICT IS HEREBY CREATED TO
2 PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE IN CERTAIN
3 AREAS OF THE CITY SUBJECT TO PERIODIC INUNDATION AND FLOODING WHICH
4 MAY RESULT IN LOSS OF LIFE AND PROPERTY, HEALTH AND SAFETY HAZARDS,
5 DISRUPTION OF BUSINESS AND GOVERNMENTAL SERVICES, EXTRAORDINARY
6 PUBLIC EXPENSE FOR FLOOD PROTECTION AND RELIEF, AND IMPAIRMENT OF
7 THE TAX BASE.

8 (B) LAND USES: LAND DESIGNATED FP-O ON THE OFFICIAL ZONING MAP SHALL
9 BE RESTRICTED AS DESCRIBED IN CHAPTER 6 OF THIS TITLE (10-6-8 THROUGH
10 10-6-21).

11 **Section 5:** Title 10, Chapter 3, Section 1 is amended to read as follows:
12

13 10-3-1: LAND USES:

14
15 (A) Land Uses: Land uses permitted within each specific zone district other than the planned
16 development district (PD-R, PD-C, PD-I), are designated by symbols in section 10-3-2 of this
17 chapter. The listed symbols are defined as follows:

P	-	Use permitted by right.
C	-	Conditional use required pursuant to <u>chapter 8</u> of this title.
A	-	Permitted as accessory use, pursuant to section <u>10-4-4</u> of this title.
H	-	Permitted as home occupation pursuant to section <u>10-4-5</u> of this title.
T	-	Permitted as temporary use pursuant to section <u>10-4-10</u> of this title.
G	-	Group home for the elderly pursuant to <u>chapter 14</u> of this title.
O	-	Permitted pursuant to <u>chapter 9</u> of this title.
R	-	Permitted pursuant to section <u>10-4-12</u> of this title.
S	-	Use by special permit pursuant to <u>title 3, chapter 17</u> of this code.
PS	-	Permitted pursuant to section <u>10-4-16</u> of this title.

1
2 (Revised 6-12-1992; amd. Ord. 44, Series of 1992; Ord. 12, Series of 1994; Ord. 36, Series
3 of 2013)

4
5 (B) Permitted Land Uses: Land uses permitted within a PD district shall be listed on the
6 approved planned development general development plan.

7
8 (C) Relationship To Applicable Development Standards: Land uses shall be subject to
9 development standards for the specific zone district, as provided in chapter 2 of this title, and
10 applicable supplemental standards provided in chapter 4 of this title. (Revised 6-12-1992)

11
12 (D) OS Zone District: For uses permitted in the OS zone district, refer to subsection 10-2-24(B)
13 of this title. (Ord. 8, Series of 2000)

14 (E) FP-O FLOODPLAIN OVERLAY DISTRICT: FOR USES PERMITTED OR
15 RESTRICTED IN THE FP-O DISTRICT, REFER TO SUBSECTION 10-6-8 THROUGH
16 10-6-21 OF THIS TITLE.

17
18 **Section 6:** Title 10, Chapter 6, is amended to read as follows:
19

20 Chapter 6
21 **FLOODPLAIN OVERLAY DISTRICT (FP-O) AND**
22 **FLOODPLAIN REGULATIONS**
23

24 10-6-1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, ~~PURPOSE, AND~~
25 ~~OBJECTIVES:~~

26 **10-6-2: PURPOSE AND OBJECTIVES:**

27 10-6-2 3: DEFINITIONS:

28 10-6-3 4: GENERAL PROVISIONS, **LAND TO WHICH THIS REGULATION APPLIES,**
29 **BASIS FOR ESTABLISHING FLOODPLAINS:**

30 **10-6-5: FLOODPLAIN DEVELOPMENT PERMIT:**

31 10-6-4 6: ADMINISTRATION:

32 10-6-5 7: ADMINISTRATIVE APPEALS:

33 10-6-6 8: FLOODWAY REGULATIONS:

34 10-6-7 9: FLOODPLAIN REGULATIONS:

35 ~~10-6-8: USE BY SPECIAL EXCEPTION:~~

- 1 ~~10-6-9: VARIANCE PROCEDURE:~~
- 2 10-6-10: NONCONFORMANCES:
- 3 ~~10-6-11: CERTIFICATE OF COMPLIANCE:~~
- 4 **10-6-11: GENERAL CONSTRUCTION STANDARDS:**
- 5 **10-6-12: REQUIREMENTS FOR SUBDIVISIONS:**
- 6 **10-6-13: RESIDENTIAL CONSTRUCTION STANDARDS:**
- 7 **10-6-14: NON-RESIDENTIAL CONSTRUCTION STANDARDS:**
- 8 **10-6-15: REQUIREMENTS FOR ENCLOSURES:**
- 9 **10-6-16: REQUIREMENTS FOR MANUFACTURED HOMES:**
- 10 **10-6-17: REQUIREMENTS FOR PLACEMENT OF FILL:**
- 11 **10-6-18: REQUIREMENTS FOR RECREATIONAL VEHICLES:**
- 12 **10-6-19: ALTERATION OF WATERCOURSE:**
- 13 **10-6-20: REQUIREMENTS FOR FENCING:**
- 14 **10-6-21: STANDARDS FOR CRITICAL FACILITIES:**
- 15

16 10-6-1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, ~~PURPOSE AND~~
17 ~~OBJECTIVES:~~

18 (A) Statutory Authorization And Findings OF FACT: The following flood plain regulations
19 (hereafter in this Chapter referred to as "regulations") are hereby adopted pursuant to ~~section 31-~~
20 ~~45-403~~ TITLE 29, ARTICLE 20 OF THE Colorado Revised Statutes, as amended, in which
21 authority has been delegated to local governments to adopt ordinances to promote the public
22 health, safety and general welfare of its citizens., ~~and by~~ BY virtue of the City's home rule
23 Charter, ¶ the City Council does hereby declare the following:

24 1. THIS OVERLAY DISTRICT IS INTENDED TO COMPRISE THOSE certain areas of the
25 City ~~are~~ subject to periodic INUNDATION AND flooding which may result in loss of life and
26 property, health and safety hazards, disruption of business and governmental services,
27 extraordinary public expense for flood protection and relief, and impairment of the tax base, all
28 of which adversely affect the public health, safety and general welfare OF THE PUBLIC;

29 ~~2. Flood losses are caused by the cumulative effect of obstructions in flood hazard areas which~~
30 ~~increase flood heights and velocities, and which may cause damage to property outside flood~~
31 ~~plains.~~

32 2. Flood losses are caused by the cumulative effect of obstructions in flood hazard areas which
33 increase flood heights and velocities, AND BY THE OCCUPANCY OF FLOOD HAZARD
34 AREAS BY USES VULNERABLE TO FLOODS AND THEREFORE HAZARDOUS TO
35 OTHER LANDS BECAUSE THEY ARE INADEQUATELY ELEVATED,
36 FLOODPROOFED, OR OTHERWISE PROTECTED FROM FLOOD DAMAGE.

1 ~~3. Some properties, located within flood plains, are inadequately floodproofed, elevated, or~~
2 ~~otherwise protected from flood damage, and may contribute to the flood losses.~~

3 **10-6-2: PURPOSE AND OBJECTIVES:**

4 ~~(B) Statement Of Purpose:~~ (A) It is the purpose of THIS DISTRICT and these regulations to
5 promote the public health, safety, and general welfare OF THE PUBLIC, and to minimize public
6 and private losses due to flooding within the City by adopting provisions which are intended to:

7 1. Protect human life and health;

8 2. Minimize expenditures of public money for costly flood control projects;

9 3. Minimize the need for post-flood rescue and relief efforts which are, generally, undertaken at
10 public expense;

11 4. Minimize prolonged business interruptions;

12 ~~5. Minimize damage to public facilities and utilities which are located in flood plains, such as~~
13 ~~water and gas mains, electric, telephone and sewer lines, streets and bridges;~~ MINIMIZE
14 DAMAGE TO CRITICAL FACILITIES, INFRASTRUCTURE AND OTHER PUBLIC
15 FACILITIES WHICH ARE LOCATED IN FLOOD PLAINS, SUCH AS WATER, SEWER
16 AND GAS MAINS, ELECTRIC AND COMMUNICATIONS STATIONS; AND STREETS
17 AND BRIDGES;

18 6. Maintain a stable tax base by providing for the sound use and development of floodplains
19 which has minimum flood damage potential AND IN SUCH A MANNER AS TO MINIMIZE
20 FUTURE FLOOD BLIGHT AREAS;

21 7. Ensure that information is available to potential buyers that property is in a flood plain; and

22 8. Ensure that those who occupy floodplains ARE AWARE OF THE RISK, ~~know that they are~~
23 ~~responsible for their actions~~ and assume responsibility for their actions.

24 ~~(CB) Methods Of Reducing Flood Losses:~~ In order to accomplish the intent of these regulations,
25 one or more of the following safeguards may be required by the City as a condition to obtaining
26 approval to develop in a floodplain. The City may:

27 1. Restrict or prohibit uses which are dangerous to health, safety, and property due to flooding or
28 erosion hazards; or which cause greater flood heights and velocities;

- 1 2. Require that uses and associated facilities which are vulnerable to floods are adequately
2 protected against flood damage at the time of initial construction;
- 3 3. Control alteration of natural floodplains, stream channels, and natural protective barriers,
4 which convey or confine floodwaters;
- 5 4. Control filling, grading, dredging, and other development which may increase flood damage;
6 and
- 7 5. Prevent or regulate the construction of barriers in floodplains which will UNNATURALLY
8 divert floodwaters ~~and~~ OR WHICH MAY increase flood hazards in other areas. (~~Revised 6-12-~~
9 ~~1992~~)
- 10 6. LIMIT NEW CONSTRUCTION OR INSTALLATION OF RESIDENTIAL OR NON-
11 RESIDENTIAL STRUCTURES IN FLOODPLAINS OR SPECIAL FLOOD HAZARD
12 AREAS;
- 13 7. RESTRICT ENCROACHMENTS, INCLUDING FILL, NEW CONSTRUCTION, AND
14 OTHER DEVELOPMENT IN ANY FLOODPLAIN OR SPECIAL FLOOD HAZARD AREA
15 UNLESS A TECHNICAL EVALUATION DEMONSTRATES THAT THE
16 ENCROACHMENTS WILL NOT RESULT IN AN INCREASE IN FLOOD ELEVATIONS
17 MORE THAN 6 INCHES DURING THE OCCURRENCE OF THE BASE FLOOD, OR A
18 FEMA APPROVED CLOMR IS PROVIDED;
- 19 8. REQUIRE MINIMUM CLEARANCE OR FREEBOARD OF ONE FOOT, BETWEEN THE
20 100-YEAR BASE FLOOD ELEVATION AND A STRUCTURE'S LOWEST FLOOR
21 (INCLUDING BASEMENT) AND APPLICABLE FACILITIES WHICH MAY BE
22 IMPACTED BY OR ADJACENT TO THE BASE FLOOD.
- 23 9. CONSIDER CASES WHERE PROTECTION SHOULD BE GIVEN FROM FLOODING IN
24 EXCESS OF THE 100-YEAR STORM EVENT, INCLUDING ACCESS ROUTES CRITICAL
25 TO THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE, OR
26 WHERE FLOODING IN EXCESS OF THE 100-YEAR STORM EVENT COULD RESULT IN
27 LOSS OF LIFE, SIGNIFICANT DAMAGE TO UTILITIES AND INFRASTRUCTURE, OR
28 RESULT IN HAZARDOUS MATERIALS BEING TRANSPORTED IN FLOOD WATERS.
- 29 (C) TO FURTHER MEET THESE OBJECTIVES, THE FLOODPLAIN CHAPTER OF THE
30 CITY OF LITTLETON'S STORM DRAINAGE DESIGN AND TECHNICAL CRITERIA
31 MANUAL (LATEST VERSION), HEREINAFTER REFERRED TO AS SDDTC, IS HEREBY
32 ADOPTED AND DECLARED TO BE A PART OF THIS CODE. THE SDDTC PROVIDES
33 ADDITIONAL AND DETAILED REQUIREMENTS FOR THE FLOODPLAIN

1 DEVELOPMENT PERMIT APPLICATION, AND FOR THE MANAGEMENT AND
2 REGULATION OF FLOODPLAINS AND SPECIAL FLOOD HAZARD AREAS.

3 10-6-2 3: DEFINITIONS: Unless specifically defined below or elsewhere in this code, words or
4 phrases used in these regulations shall be interpreted to have the same meaning as in common
5 usage, and to provide reasonable application of these regulations.
6

7 100 YEAR OR 1% CHANCE FLOOD: THAT FLOOD THAT HAS A ONE PERCENT (1%)
8 ANNUAL CHANCE OF OCCURRENCE IN ANY GIVEN YEAR. ALSO KNOWN AS THE
9 BASE FLOOD.

10 100 YEAR OR 1% CHANCE FLOODPLAIN: The area of land that is inundated by the
11 floodwater from a 1% annual chance flood or base flood.

12 ADDITION: Any activity that expands the enclosed footprint or increases the square footage of
13 an existing structure.

14 APPEAL: A request for review, held by the Board of Adjustment city's planning commission, of
15 the floodplain administrator's interpretation of any provision of these regulations.
16

17 AREA OF SHALLOW FLOODING: An area susceptible to base flood depths ranging from one
18 foot (1') to three feet (3') usually designated zone AO or AH on the city's flood insurance rate
19 map (FIRM), OR SIMILAR DESIGNATION ON AN APPROVED STUDY, with a one percent
20 (1%) or greater chance of flooding in any given year, where a clearly defined channel does not
21 exist, the path of flooding is unpredictable ~~and indeterminate~~, and velocity flow may be evident.
22 Such flooding is characterized by ponding or sheet flow.
23

24 AREA OF SPECIAL FLOOD HAZARD: Land within the floodplain subject to a one percent
25 (1%) or greater chance of flooding in any given year. The area may be designated zone A, AE,
26 **OR A1-A30** AH, AO, or A99 on the city's flood insurance rate map (FIRM), OR OTHERWISE
27 DESIGNED ON AN APPROVED STUDY.
28

29 BASE FLOOD: A flood having a one percent (1%) chance of being equaled or exceeded in any
30 given year. Sometimes also known as a "100-year flood".

31 BASE FLOOD ELEVATION (BFE): THE ELEVATION SHOWN ON A FEMA FLOOD
32 INSURANCE RATE MAP (FIRM) FOR ZONES AE OR A1-A30 THAT INDICATE THE
33 WATER SURFACE ELEVATION RESULTING FROM A FLOOD THAT HAS A ONE
34 PERCENT CHANCE OF EQUALING OR EXCEEDING THAT LEVEL IN ANY GIVEN
35 YEAR.

1 IF FOR A PARTICULAR WATERWAY BFES ARE NOT SHOWN OR PUBLISHED
2 IN THE FIRM OR FIS, THIS MAY BE THE BASE FLOOD ELEVATION DEPICTED OR
3 DETERMINED IN ANOTHER APPROVED STUDY.

4 BASEMENT: ANY AREA OF A BUILDING HAVING ITS FLOOR SUB-GRADE (BELOW
5 GROUND LEVEL) ON ALL SIDES.

6
7 CHANNEL: A perceptible natural or artificial watercourse, with a definite bed and banks to
8 confine and conduct continuous or intermittent water flows. PHYSICAL CONFINE OF
9 STREAM OR WATERWAY CONSISTING OF BED AND STREAM BANKS, EXISTING IN
10 A VARIETY OF GEOMETRIES.

11 CHANNELIZATION: THE ARTIFICIAL CREATION, ENLARGEMENT, OR
12 REALIGNMENT OF A STREAM CHANNEL.

13 CODE OF FEDERAL REGULATIONS (CFR): THE CODIFICATION OF THE GENERAL
14 AND PERMANENT RULES PUBLISHED IN THE FEDERAL REGISTER BY THE
15 EXECUTIVE DEPARTMENTS AND AGENCIES OF THE FEDERAL GOVERNMENT. IT
16 IS DIVIDED INTO 50 TITLES THAT REPRESENT BROAD AREAS SUBJECT TO
17 FEDERAL REGULATION. ~~COMMISSION: The Littleton city planning commission, which is~~
18 ~~a duly appointed body of the city council created under title 2 of this code.~~

19 COMMUNITY: ANY POLITICAL SUBDIVISION IN THE STATE OF COLORADO THAT
20 HAS AUTHORITY TO ADOPT AND ENFORCEMENT FLOODPLAIN MANAGEMENT
21 REGULATIONS THROUGH ZONING, INCLUDING, BUT NOT LIMITED TO, CITIES,
22 TOWNS, UNINCORPORATED AREAS IN THE COUNTIES, INDIAN TRIBES AND
23 DRAINAGE AND FLOOD CONTROL DISTRICTS.

24 COLORADO WATER CONSERVATION BOARD: AN AGENCY OF THE STATE OF
25 COLORADO DEPARTMENT OF NATURAL RESOURCES THAT REGULATES
26 FLOODPLAINS IN THE STATE OF COLORADO.

27 CLOMR (CONDITIONAL LETTER OF MAP REVISION): FEMA'S COMMENT ON A
28 PROPOSED PROJECT, WHICH DOES NOT REVISE AN EFFECTIVE FLOODPLAIN MAP,
29 THAT WOULD UPON CONSTRUCTION, AFFECT THE HYDROLOGIC OR HYDRAULIC
30 CHARACTERISTICS OF A FLOODING SOURCE AND THUS RESULT IN THE
31 MODIFICATION OF THE EXISTING REGULATORY FLOODPLAIN.

32 CRITICAL FACILITY: A structure or related infrastructure, but not the land on which it is
33 situated, that if flooded may result in significant hazards to the public health and safety or
34 interrupt essential services and operations for the community at any time before, during and after
35 a flood.

1 DIRECTOR: THE DIRECTOR OF THE PUBLIC WORKS DEPARTMENT OF THE CITY
2 OF LITTLETON.

3
4 DEVELOPMENT: Any manmade change to improved or unimproved real property located
5 within a floodplain including, but not limited to, buildings or other structures, mining, dredging,
6 filling, grading, paving, excavation or drilling operations, OR STORAGE OF EQUIPMENT OR
7 MATERIALS.

8
9 ELEVATED BUILDING: A NON BASEMENT BUILDING (I) BUILT, IN THE CASE OF A
10 BUILDING IN THE FLOODPLAIN, TO HAVE THE TOP OF THE ELEVATED FLOOR
11 ABOVE THE GROUND LEVEL BY MEANS OF PILINGS, COLUMNS (POSTS AND
12 PIERS) OR SHEAR WALLS PARALLEL TO THE FLOW OF THE WATER AND (II)
13 ADEQUATELY ANCHORED SO AS TO NOT IMPAIR THE STRUCTURAL INTEGRITY
14 OF THE BUILDING DURING A FLOOD OF UP TO THE MAGNITUDE OF THE BASE
15 FLOOD. IN THE CASE OF FLOODPLAIN AREAS, "ELEVATED BUILDING" ALSO
16 INCLUDES A BUILDING ELEVATED BY MEANS OF FILL OR SOLID FOUNDATION
17 PERIMETER WALLS WITH OPENINGS SUFFICIENT TO FACILITATE THE
18 UNIMPEDED MOVEMENT OF FLOOD WATERS.

19 EXISTING MANUFACTURED HOME PARK **or SUBDIVISION**: A manufactured home park
20 OR SUBDIVISION, for which construction ~~is complete~~ OF FACILITIES FOR SERVICING
21 THE LOTS ON WHICH THE MANUFACTURED HOMES ARE TO BE AFFIXED (including
22 installation of utilities, CONSTRUCTION OF STREETS, final site grading, or pouring of
23 concrete pads, prior to July 18, 1978(EFFECTIVE DATE OF THE FLOODPLAIN
24 MANAGEMENT REGULATIONS ADOPTED BY THE CITY).

25
26 EXPANSION OF EXISTING MANUFACTURED HOME PARK: The PREPARATION OF
27 ADDITIONAL SITES BY THE CONSTRUCTION OF FACILITIES FOR SERVICING THE
28 LOTS ON WHICH THE MANUFACTURED HOMES ARE TO BE AFFIXED ~~construction of~~
29 ~~additional lots by the installation of facilities necessary for serving the units to be placed on such~~
30 ~~lots~~ including the installation of utilities, the construction of streets, final site grading, or the
31 pouring of concrete pads.

32 FEDERAL REGISTER: THE OFFICIAL DAILY PUBLICATION FOR RULES, PROPOSED
33 RULES, AND NOTICES OF FEDERAL AGENCIES AND ORGANIZATIONS, AS WELL AS
34 EXECUTIVE ORDERS AND OTHER PRESIDENTIAL DOCUMENTS.

35
36 FEMA: The Federal Emergency Management Agency, THE AGENCY RESPONSIBLE FOR
37 ADMINISTERING THE NATIONAL FLOOD INSURANCE PROGRAM
38

1 **FLOOD or FLOODING:** A general and temporary condition of partial or complete inundation
2 of normally dry land areas from:

3 (A) The overflow of ~~inland waters; and/or~~ FROM CHANNELS AND RESERVOIR
4 SPILLWAYS;

5 (B) The unusual and rapid accumulation of runoff of surface waters from any source; or

6 (C) MUDSLIDES OR MUDFLOWS THAT OCCUR FROM EXCESS SURFACE WATER
7 THAT IS COMBINED WITH MUD OR OTHER DEBRIS THAT IS SUFFICIENTLY FLUID
8 SO AS TO FLOW OVER THE SURFACE OF NORMALLY DRY LAND AREAS (SUCH AS
9 EARTH CARRIED BY A CURRENT OF WATER AND DEPOSITED ALONG THE PATH
10 OF THE CURRENT).

11 NOTE: A DIFFERENT DEFINITION OF “FLOOD” IS USED FOR DETERMINING
12 ELIGIBILITY FOR FLOOD LOSS CLAIMS UNDER THE NFIP.

13 FLOOD FRINGE: THAT PORTION OF A FLOODPLAIN THAT IS LOCATED OUTSIDE
14 THE LIMITS OF A FEMA REGULATORY FLOODWAY.

15 FLOOD INSURANCE RATE MAP (FIRM): The MOST RECENTLY ADOPTED official map
16 on which FEMA has delineated floodplains and the risk premium zones applicable to the city.

17
18 FLOOD INSURANCE STUDY (FIS): The MOST RECENTLY ADOPTED OFFICIAL report,
19 entitled “The Flood Insurance Study For Arapahoe County And Incorporated Areas”, provided
20 by FEMA, that includes THE FLOOD INSURANCE RATE MAP AND flood profiles FOR
21 STUDIED FLOODING SOURCES THAT CA BE USED TO DETERMINE BASE FLOOD
22 ELEVATIONS FOR SOME AREAS. ~~—, the flood boundary/floodway map, and the water surface~~
23 ~~elevation of the base flood. The flood insurance study referred to in these regulations is the study~~
24 ~~dated December 17, 2010, or as may be revised.~~

25
26 FLOODPLAIN or FLOODPRONE AREA: ANY LAND AREA SUSCEPTIBLE TO BEING
27 INUNDATED AS THE RESULT OF A FLOOD, INCLUDING THE AREA OF LAND OVER
28 WHICH FLOODWATER WOULD FLOW FROM THE SPILLWAY OF A RESERVOIR. For
29 administrative purposes, the floodplain is also defined as the land area inundated by the base
30 flood as defined in the flood insurance study, or by other recognized sources.

31
32 FLOODPLAIN ADMINISTRATOR (ADMINISTRATOR): THE DIRECTOR OR A
33 DESIGNEE THAT ADMINISTERS AND ENFORCES THE FLOODPLAIN MANAGEMENT
34 REGULATIONS.

1 **FLOODPLAIN DEVELOPMENT PERMIT:** A PERMIT REQUIRED BEFORE
2 CONSTRUCTION OR DEVELOPMENT BEGINS WITHIN A FLOODPLAIN. PERMITS
3 ARE REQUIRED TO ENSURE THAT PROPOSED DEVELOPMENT PROJECTS MEET
4 THE REQUIREMENTS OF THE NFIP AND THIS FLOODPLAIN MANAGEMENT
5 ORDINANCE.

6 **FLOODPLAIN MANAGEMENT:** THE OPERATION OF AN OVERALL PROGRAM OF
7 CORRECTIVE AND PREVENTATIVE MEASURES FOR REDUCING FLOOD DAMAGE,
8 INCLUDING BUT NOT LIMITED TO EMERGENCY PREPAREDNESS PLANS, FLOOD
9 CONTROL WORKS, AND FLOODPLAIN MANAGEMENT REGULATIONS.

10 **FLOODPLAIN MANAGEMENT REGULATIONS:** ZONING ORDINANCES,
11 SUBDIVISION REGULATIONS, BUILDING CODES, HEALTH REGULATIONS, SPECIAL
12 PURPOSE ORDINANCES (SUCH AS A FLOODPLAIN ORDINANCE, GRADING
13 ORDINANCE AND EROSION CONTROL ORDINANCE) AND OTHER APPLICATION OF
14 POLICE POWER. THE TERM DESCRIBES SUCH STATE AND LOCAL REGULATIONS,
15 IN ANY COMBINATION THEREOF, WHICH PROVIDE STANDARDS FOR THE
16 PURPOSE OF FLOOD DAMAGE PREVENTION AND REDUCTION.

17 **FLOOD CONTROL STRUCTURE:** A PHYSICAL STRUCTURE DESIGNED AND BUILT
18 EXPRESSLY OR PARTIALLY FOR THE PURPOSE OF REDUCING, REDIRECTING, OR
19 GUIDING FLOOD FLOWS ALONG A PARTICULAR WATERWAY. THESE
20 SPECIALIZED FLOOD MODIFYING WORKS ARE THOSE CONSTRUCTED IN
21 CONFORMANCE WITH SOUND ENGINEERING STANDARDS.

22 FLOOD PROFILE: A graph of the longitudinal profile of a watercourse which shows the water
23 surface elevation of a flood at various locations FLOOD RECURRENCE INTERVALS
24 INCLUDING THE BASE FLOOD; CONTAINED WITHIN THE FLOOD INSURANCE
25 STUDY

26 ~~FLOOD PROTECTION ELEVATION: An elevation of one foot (1') above the water surface~~
27 ~~elevation of a base flood under existing channel and floodplain conditions, as established for a~~
28 ~~specific parcel of land.~~

29
30 FLOOD STORAGE AREA: The fringe portion of a floodplain in which flows are
31 characteristically shallower and of lower velocities.

32
33 ~~FLOODPLAIN: The relatively flat or lowland area adjoining a river, watercourse, lake, or other~~
34 ~~body of surface water, which has been or may be temporarily covered by floodwater. For~~
35 ~~administrative purposes, the floodplain is also defined as the land area inundated by the base~~
36 ~~flood as defined in the flood insurance study, or by other recognized sources.~~

- 1 ~~FLOODPLAIN ADMINISTRATOR (ADMINISTRATOR): The city manager or a designated~~
2 ~~representative.~~
- 3 FLOODPROOFING: Any combination of structural AND/or nonstructural additions, changes or
4 adjustments TO STRUCTURES WHICH REDUCE OR ELIMINATE FLOOD DAMAGE
5 ~~which are intended to reduce or eliminate the risk of flood damage to~~ property, WATER AND
6 SANITARY utilities, structures and their contents.
- 7
- 8 FLOODWAY (**REGULATORY FLOODWAY**): THE CHANNEL OF A RIVER OR OTHER
9 WATERCOURSE AND ADJACENT LAND AREAS THAT ~~That portion of a floodplain that~~
10 must be reserved in order to discharge the base flood without a cumulative increase in the water
11 surface elevation more than one-half foot (0.5') for newly studied reaches or due to new
12 development. Previously studied reaches and letters of map revisions to existing floodway
13 delineations may continue to use the floodway criteria in place at the time of the existing
14 floodway delineation.
- 15 **FREEBOARD:** THE VERTICAL DISTANCE IN FEET ABOVE A PREDICTED WATER
16 SURFACE ELEVATION INTENDED TO PROVIDE A MARGIN OF SAFETY TO
17 COMPENSATE FOR UNKNOWN FACTORS THAT COULD CONTRIBUTE TO FLOOD
18 HEIGHTS GREATER THAN THE HEIGHT CALCULATED FOR A SELECTED SIZE
19 FLOOD, SUCH AS DEBRIS BLOCKAGE OR BRIDGE OPENINGS AND THE INCREASED
20 RUNOFF DUE TO URBANIZATION OF THE WATERSHED.
- 21
- 22 HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to
23 construction next to the proposed walls of a structure.
- 24
- 25 HISTORIC STRUCTURE: Any structure that:
- 26 (A) Is listed INDIVIDUALLY on the national register of historic places BY THE
27 DEPARTMENT OF THE INTERIOR, OR PRELIMINARILY BY THE SECRETARY OF THE
28 INTERIOR AS MEETING THE REQUIREMENTS FOR INDIVIDUAL LISTING ON THE
29 NATIONAL REGISTER; or by the Colorado Historical Society, or
- 30 (B) IS CERTIFIED OR PRELIMINARILY DETERMINED BY THE SECRETARY OF THE
31 INTERIOR AS CONTRIBUTING TO THE HISTORICAL SIGNIFICANCE OF A
32 REGISTERED HISTORIC DISTRICT OR A DISTRICT PRELIMINARILY DETERMINED
33 BY THE SECRETARY TO QUALIFY AS A REGISTERED HISTORIC DISTRICT; ~~Has been~~
34 ~~certified to contribute to the historical significance of a registered historical district.~~
- 35 (C) Is individually listed on a STATE OR local inventory of ~~structures of historical merit.~~
36 HISTORIC PLACES IN STATES OR COMMUNITIES WITH HISTORIC PRESERVATION
37 PROGRAMS APPROVED BY THE SECRETARY OF THE INTERIOR, OR DIRECTLY BY
38 THE SECRETARY OF INTERIOR IN STATES WITHOUT APPROVED PROGRAMS.

1 **INSURABLE STRUCTURE:** A STRUCTURE WHICH QUALIFIES FOR COVERAGE
2 UNDER THE NATIONAL FLOOD INSURANCE PROGRAM; A WALLED AND ROOFED
3 BUILDING, INCLUDING A GAS OR LIQUID STORAGE TANK, THAT IS PRINCIPALLY
4 ABOVE GROUND, AS WELL AS A MANUFACTURED HOME. THE TERMS
5 "STRUCTURE" AND "BUILDING" ARE INTERCHANGEABLE IN THE NATIONAL
6 FLOOD INSURANCE PROGRAM (NFIP).

7 **LOMR (LETTER OF MAP REVISION):** FEMA'S OFFICIAL REVISION OF AN
8 EFFECTIVE FLOOD INSURANCE RATE MAP. LOMRS ARE GENERALLY BASED ON
9 THE IMPLEMENTATION OF PHYSICAL MEASURES THAT AFFECT THE
10 HYDROLOGIC OR HYDRAULIC CHARACTERISTICS OF A FLOODING SOURCE AND
11 THUS RESULT IN THE MODIFICATION OF THE EXISTING REGULATORY
12 FLOODWAY, THE EFFECTIVE BASE FLOOD ELEVATIONS OR THE SPECIAL FLOOD
13 HAZARD AREA.

14 **LOMR-F (LETTER OF MAP REVISION BASED ON FILL):** FEMA'S MODIFICATION
15 OF THE SPECIAL FLOOD HAZARD AREA SHOWN ON THE FLOOD INSURANCE RATE
16 MAP BASED ON THE PLACEMENT OF FILL OUTSIDE THE EXISTING REGULATORY
17 FLOODWAY.

18 **LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basements). ANY
19 FLOOR USED FOR LIVING PURPOSES WHICH INCLUDES WORKING, STORAGE,
20 SLEEPING, COOKING AND EATING, OR RECREATION OR ANY COMBINATION
21 THEREOF. THIS INCLUDES ANY FLOOR THAT COULD BE CONVERTED TO SUCH A
22 USE SUCH AS A BASEMENT OR CRAWL SPACE. THE LOWEST FLOOR IS A
23 DETERMINATE FOR THE FLOOR INSURANCE PREMIUM FOR A BUILDING, HOME
24 OR BUSINESS, AN UNFINISHED OR FLOOD RESISTANT ENCLOSURE, USEABLE
25 SOLELY FOR PARKING OR VEHICLES, BUILDING ACCESS, OR STATE IN AN AREA
26 OTHER THAN A BASEMENT AREA IN NOT CONSIDERED A BUILDINGS LOWEST
27 FLOOR; PROVIDED THAT SUCH ENCLOSURE IS NOT BUILT SO AS TO RENDER THE
28 STRUCTURE IN VIOLATION OF THE APPLICABLE NON ELEVATION DESIGN
29 REQUIREMENT OF SECTION 60.3 OF THE NATIONAL FLOOD INSURANCE
30 PROGRAM REGULATIONS.

31 ~~Enclosures in areas other than basements and which are used solely for parking, building access,~~
32 ~~or storage, are not to be considered in determining a building's lowest floor, provided that such~~
33 ~~enclosures do not violate the applicable requirements of these regulations.~~

34
35 **MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built
36 on a permanent chassis and is designed for use with or without a permanent foundation when
37 connected to the required utilities for occupancy. The term "manufactured home" does not
38 include recreational vehicles.

1
2 **MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of
3 land divided into two (2) or more manufactured home lots for rent or sale.

4 **MILE HIGH FLOOD DISTRICT (FORMERLY KNOWN AS THE URBAN DRAINAGE**
5 **AND FLOOD CONTROL DISTRICT (UDFCD)):** AN AGENCY ESTABLISHED BY THE
6 COLORADO LEGISLATURE IN 1969 THAT PARTNERS WITH DENVER AREA METRO
7 CITIES AND COUNTIES TO DESIGN AND CONSTRUCT FLOOD CONTROL AND
8 WARNING MEASURES, OPEN SPACE, REGIONAL PATHS, AND STREAM
9 MAINTENANCE.

10 **NATIONAL FLOOD INSURANCE PROGRAM (NFIP):** FEMA'S PROGRAM OF FLOOD
11 INSURANCE COVERAGE AND FLOODPLAIN MANAGEMENT ADMINISTERED IN
12 CONJUNCTION WITH THE ROBERT T. STAFFORD RELIEF AND EMERGENCY
13 ASSISTANCE ACT. THE NFIP HAS APPLICABLE FEDERAL REGULATIONS
14 PROMULGATED IN TITLE 44 OF THE CODE OF FEDERAL REGULATIONS. THE U. S.
15 CONGRESS ESTABLISHED THE NFIP IN 1968 WITH THE PASSAGE OF THE
16 NATIONAL FLOOD INSURANCE ACT OF 1968.

17 **NEW CONSTRUCTION:** Development for which the start of construction commenced on or
18 after THE EFFECTIVE DATE OF FLOODPLAIN MANAGEMENT REGULATIONS
19 ADOPTED BY THE CITY (July 18, 1978).

20
21 **NEW MANUFACTURED HOME PARK:** A manufactured home park which is constructed,
22 including the installation of utilities, construction of streets, and final site grading, or pouring of
23 concrete pads, after THE EFFECTIVE DATE OF FLOODPLAIN MANAGEMENT
24 REGULATIONS ADOPTED BY THE CITY (JULY 18, 1978).

25 **NO-RISE CERTIFICATION:** A RECORD OF THE RESULTS OF AN ENGINEERING
26 ANALYSIS CONDUCTED TO DETERMINE WHETHER A PROJECT WILL INCREASE
27 FLOOD HEIGHTS IN A FLOODWAY. A NO-RISE CERTIFICATION MUST BE
28 SUPPORTED BY TECHNICAL DATA AND SIGNED BY A REGISTERED COLORADO
29 PROFESSIONAL ENGINEER. THE SUPPORTING TECHNICAL DATA MIGHT BE ON
30 THE STANDARD STEP-BACKWATER COMPUTER MODEL USED TO DEVELOP THE
31 100-YEAR FLOODWAY SHOWN ON THE FIRM.

32
33 **OTHER FLOOD AREAS:** Areas of two-tenths percent (0.2%) annual chance flood, areas of one
34 percent (1%) annual chance flood with average depths of less than one foot (1'), or with drainage
35 areas less than one square mile. The area may be designated zone X on the city's flood insurance
36 rate map (FIRM).

37
38 **RECREATIONAL VEHICLE:** A vehicle, built on a single chassis, which is four hundred (400)
39 square feet or less when measured at the largest horizontal projections, ~~which is not intended for~~

1 ~~permanent use as a dwelling, and~~ is designed to be self-propelled or to be towed by an
2 automobile or light truck, and designed primarily not for use as a permanent dwelling but as
3 temporary living quarters for recreation, camping, travel or seasonal use.
4

5 **SPECIAL FLOOD HAZARD AREA (SFHA):** THE LAND IN THE FLOODPLAIN
6 WITHIN THE CITY SUBJECT TO A 1% CHANCE OR GREATER CHANCE OF
7 FLOODING IN ANY GIVEN YEAR. ALSO KNOWN AS THE 100-YEAR FLOODPLAIN.

8 ~~SPECIAL EXCEPTION: A use which may be permitted in a floodplain upon approval by the~~
9 ~~commission, and to which the commission may attach specific performance requirements.~~
10

11 **START OF CONSTRUCTION:** The DATE A BUILDING PERMIT WAS ISSUED,
12 INCLUDING SUBSTANTIAL IMPROVEMENTS, PROVIDED THE actual start of
13 construction, REPAIR, RECONSTRUCTION, REHABILITATION, ADDITION,
14 PLACEMENT OR OTHER IMPROVEMENT WAS WITHIN 180 DAYS OF THE PERMIT
15 DATE. THE ACTUAL START OF CONSTRUCTION MEANS EITHER THE ~~i.e.,~~ the first
16 placement of permanent construction of a structure on a site, such as the pouring of slab or
17 footings, the installation of piles, the construction of columns, or any work beyond excavation or
18 the placement of a manufactured home on a foundation. Permanent construction does not include
19 land preparation, such as clearing, grading and filling; nor does it include the installation of
20 streets and/or walkways; nor does it include the EXCAVATION FOR BASEMENT,
21 FOOTINGS, PIERS, OR FOUNDATIONS OR THE ERECTION OF TEMPORARY FORMS;
22 NOR DOES IT INCLUDE THE installation on the property of accessory buildings, such as
23 garages or sheds not occupied as dwelling units or not part of the main structure. FOR
24 SUBSTANTIAL IMPROVEMENT, THE ACTUAL START OF CONSTRUCTION MEANS
25 THE FIRST ALTERATION OF ANY WALL, CEILING, FLOOR, OR OTHER
26 STRUCTURAL PART OF A BUILDING, WHETHER OR NOT THAT ALTERNATIVE
27 AFFECTS THE EXTERNAL DIMENSION OF THE BUILDING.
28

29 **SDDTC (STORM DRAINAGE DESIGN AND TECHNICAL CRITERIA):** The most recently
30 approved version of the city's storm drainage design and technical criteria manual.

31 **STRUCTURE:** A walled and roofed building that is principally above ground, including
32 manufactured homes.
33

34 **SUBSTANTIAL DAMAGE:** Damage, of any origin, sustained by a structure which results in
35 CUMULATIVE costs (OVER A 5 YEAR PERIOD) to restore the structure to its original
36 condition that equal or exceed fifty percent (50%) of the market value of the structure before the
37 damage occurred.
38

39 **SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement to a structure,
40 the CUMULATIVE cost (OVER A 5 YEAR PERIOD) of which equals or exceeds fifty percent

1 (50%) of the market value of the structure BEFORE START OF CONSTRUCTION OF THE
2 IMPROVEMENT. THE VALUE OF THE STRUCTURE SHALL BE DETERMINED BY
3 THE LOCAL JURISDICTION HAVING LAND USE AUTHORITY IN THE AREA OF
4 INTEREST. THIS INCLUDES STRUCTURES WHICH HAVE INCURRED SUBSTANTIAL
5 DAMAGE, REGARDLESS OF THE ACTUAL REPAIR WORK PERFORMED. THE TERM
6 DOES NOT ~~either: a) before the improvement or repair is started; or b) if the structure has been~~
7 ~~damaged and is being restored, before the damage occurred. For the purpose of this definition,~~
8 ~~"substantial i"provement" is considere" to occur when the first alteration of any wall, ceiling,~~
9 ~~floor, or other structural part of the building commences, whether or not that alteration affects~~
10 ~~the external dimensions of the structure. "Substantial i"provement" does not include either: a)~~
11 any construction PROJECT FOR IMPROVEMENT OF A STRUCTURE TO CORRECT
12 EXISTING VIOLATIONS OF STATE OR LOCAL HEALTH ~~necessary to comply with~~
13 ~~existing state or local health,~~ sanitary, or safety code specifications which ~~are~~ HAVE BEEN
14 IDENTIFIED BY THE LOCAL COD ENFORCEMENT OFFICIAL AND WHICH ARE THE
15 MINIMUM NECESSARY CONDITIONS, OR ~~solely necessary to assure safe living conditions,~~
16 ~~or~~ b) any alteration of any officially designated historic structure PROVIDED THAT THE
17 ALTERATION WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED
18 DESIGNATION AS A HISTORIC STRUCTURE.

19 VARIANCE: A grant of relief from the requirements of these REGULATIONS WHEN
20 SPECIFIC ENFORCEMENT WOULD RESULT IN UNNECESSARY HARDSHIP. A
21 VARIANCE ~~by the commission which~~ THEREFORE permits construction OR
22 DEVELOPMENT within a floodplain in a manner that would otherwise be prohibited.
23

24 VIOLATION: The failure of a structure or other development to be fully compliant with the
25 city's floodplain regulations. A structure or other development where start of construction
26 commenced on or after July 18, 1978, without an elevation certificate, other certifications or
27 other evidence of compliance, is presumed to be in violation until such time as that
28 documentation is provided.
29

30 WATER SURFACE ELEVATION DATA: The elevation, in relation to ~~mean sea level~~ TO THE
31 NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988 (OR OTHER DATUM WHERE
32 SPECIFIED), ~~expected to be reached by~~ of floods of various magnitudes and frequencies at
33 ~~pertinent points along a watercourse~~ IN THE FLOODPLAINS OF COASTAL OR RIVERINE
34 AREAS.
35

36 WATERCOURSE: A channel, natural depression, slough, artificial channel, gulch, arroyo,
37 stream, creek, pond, reservoir, or lake into which storm runoff and floodwater flows either
38 regularly or infrequently. This includes major drainageways for carrying urban storm runoff.
39 (Revised 6-12-1992; amd. Ord. 25, Series of 2010; Ord. 19, Series of 2012; Ord. 38, Series of
40 2013; Ord. 15, Series of 2016)

1

2 10-6-4: GENERAL PROVISIONS; **LAND TO WHICH THIS REGULATION APPLIES,**
3 **BASIS FOR ESTABLISHING FLOODPLAINS**

4 (A) THESE REGULATIONS SHALL APPLY TO ALL LANDS, LOCATED IN AND
5 IMMEDIATELY ADJACENT TO FLOODPLAINS, WITHIN THE JURISDICTION OF THE
6 CITY OF LITTLETON AS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

7

8 ~~**10-6-3: GENERAL PROVISIONS:**(A) Applicability: These regulations shall apply to all~~
9 ~~lands within the city located in floodplains, as established under subsection (B) of this section.~~
10 ~~Further, these regulations shall be interpreted to be in addition to, and may supersede, any~~
11 ~~restrictions imposed on the same lands by zoning and/or subdivision regulations. When these~~
12 ~~regulations and the governing zoning or subdivision regulations conflict, the more restrictive~~
13 ~~shall control. (Revised 6-12-1992)~~

14 ~~(B) Basis For Establishing~~

15 (B) BASIS FOR ESTABLISHING FLOODPLAINS. Floodplains AND SPECIAL FLOOD
16 AREAS SHALL BE THE BOUNDARY OF THE 100-YEAR FLOODPLAIN (1% CHANCE
17 FLOODPLAIN). THE EXTENT OF THIS AREA SHALL BE BASED UPON THE BEST
18 AVAILABLE INFORMATION INCLUDING:

19 1. Floodplains AND SPECIAL FLOOD HAZARD AREAS are identified by FEMA in a
20 SCIENTIFIC report entitled, "The Flood Insurance Study For Arapahoe County And
21 Incorporated Areas" dated ~~December 17, 2010~~ APRIL 18, 2018, and includes
22 ACCOMPANYING flood insurance rate maps (FIRMs). This report, and any subsequent
23 amendments thereto, are hereby adopted and declared to be a part of these regulations by this
24 reference.

25 The flood insurance study and FIRMs are on file and are available for public
26 inspection during regular business hours at the following locations:

27 a. Engineering And Utilities Division, ~~Department Of Public Services~~ PUBLIC WORKS
28 DEPARTMENT, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado;

29 b. Bemis Public Library, 6014 South Datura Street, Littleton, Colorado and
30 ~~3. Office Of The City Clerk, 2255 West Berry Avenue, Littleton, Colorado. (Ord. 25, Series of~~
31 ~~2010)~~

32

33 2. FLOOD HAZARD AREA DELINEATION (FHAD) STUDIES, PRODUCED BY THE
34 MILE HIGH DISTRICT (FKA URBAN DRAINAGE AND FLOOD CONTROL DISTRICT),

1 AS MAY BE AMENDED AND UPDATED, HEREBY ADOPTED BY REFERENCE AS
2 PART OF THESE REGULATIONS WHEN ADOPTED BY MILE HIGH FLOOD DISTRICT
3 AND COLORADO WATER CONSERVATION BOARD, AND SUBSEQUENTLY BY THE
4 CITY COUNCIL.

5
6 **3. OTHER SOURCES, SUCH AS CLOMRS, LOMRS, PRELIMINARY FIRM AND FIS,**
7 **DRAINAGE STUDIES, OR MASTER DEVELOPMENT PLANS, AS DEEMED**
8 **APPROPRIATE BY THE FLOODPLAIN ADMINISTRATOR, AND ADOPTED BY THE**
9 **CITY COUNCIL AND ACCEPTED BY APPROPRIATE LOCAL, REGIONAL, STATE, OR**
10 **FEDERAL AGENCIES.**

11 **4. AREAS REMOVED FROM THE SFHA BY FILL. THESE AREAS ARE IDENTIFIED**
12 **BY FEMA BY ISSUANCE OF A LETTER OF MAP REVISION BASED ON FILL (LOMR-**
13 **F). FOR PURPOSES OF THIS CODE, THIS INCLUDES ALL EXISTING AND PROPOSED**
14 **LOMR-F AREAS, IF THE LOMR-F AREA HAS NOT PREVIOUSLY BEEN SUPERSEDED**
15 **BY A STANDARD LOMR.**

16 **5. WHEN BASE FLOOD ELEVATION DATA HAS NOT BEEN PROVIDED IN**
17 **ACCORDANCE WITH THE FOREGOING PARAGRAPHS, OR AN AREA HAS BEEN**
18 **DESIGNATED ZONE A ON THE FIRM, THE FLOODPLAIN ADMINISTRATOR SHALL**
19 **OBTAIN, REVIEW AND REASONABLY UTILIZE ANY BASE FLOOD ELEVATION**
20 **DATA AVAILABLE FROM FEDERAL, STATE, OR OTHER SOURCE IN ORDER TO**
21 **ADMINISTER THE APPLICABLE CONDITIONS OF THIS CODE. IF ADEQUATE DATA**
22 **IS NOT AVAILABLE, THE FLOODPLAIN ADMINISTRATOR SHALL REQUIRE THE**
23 **APPLICANT TO PROVIDE HYDRAULIC ANALYSIS, ADDITIONAL DATA, SURVEY**
24 **DATA, OTHER INFORMATION AND/OR STUDIES FOR REVIEW.**

25 **6. IN CASES WHERE THERE ARE MULTIPLE STUDIES OR CONFLICTING BASE**
26 **FLOOD ELEVATION DATA, THE DATA WHICH IS MOST RESTRICTIVE IN LIMITING**
27 **IMPACTS TO FLOODPLAINS AND SPECIAL FLOOD HAZARD AREAS AND WHICH**
28 **RESTRICTS DEVELOPMENT WILL BE USED.**

29
30 **(C) Use Of Additional Data:**

31 ~~1. In cases where the city defines any areas subject to a base flood which has not been identified~~
32 ~~in the flood insurance study, the city may adopt such floodplains provided the floodplains are~~
33 ~~defined by the urban drainage and flood control district, or other competent source.~~

34 ~~2. For purposes of reviewing floodplain development proposals, the administration of these~~
35 ~~regulations by the floodplain administrator shall be based on the most current flood elevation~~
36 ~~data available.~~

37 **(C) COMPLIANCE: NO STRUCTURE OR LAND SHALL HEREAFTER BE**
38 **CONSTRUCTED, LOCATED, EXTENDED, CONVERTED OR MATERIALLY ALTERED**
39 **WITHOUT FULL COMPLIANCE WITH THE TERMS OF THESE REGULATIONS AND**
40 **OTHER APPLICABLE REGULATIONS. NOTHING HEREIN SHALL PREVENT THE**

1 FLOODPLAIN ADMINISTRATOR, ACTING ON BEHALF OF THE CITY, FROM TAKING
2 SUCH LAWFUL ACTION AS IS NECESSARY TO PREVENT OR REMEDY ANY
3 VIOLATION. THESE REGULATIONS MEET THE MINIMUM REQUIREMENTS AS SET
4 FORTH BY THE STATE OF COLORADO THROUGH THE COLORADO WATER
5 CONSERVATION BOARD AND THE FEDERAL EMERGENCY MANAGEMENT
6 AGENCY NATIONAL FLOOD INSURANCE PROGRAM.

7 ~~(D) Minimum Requirements: In the interpretation and application of this Title, the provisions~~
8 ~~contained herein shall be the minimum requirements necessary and shall be liberally construed~~
9 ~~for the promotion of the public health, safety and general welfare.~~

10 (D) ABROGATION AND GREATER RESTRICTIONS: THESE REGULATIONS SHALL
11 BE INTERPRETED TO BE IN ADDITION TO, AND MAY SUPERSEDE, ANY
12 RESTRICTIONS IMPOSED ON THE SAME LANDS BY ZONING AND/OR SUBDIVISION
13 REGULATIONS. THIS ORDINANCE IS NOT INTENDED TO REPEAL, ABROGATE, OR
14 IMPAIR ANY EXISTING EASEMENTS, COVENANTS, OR DEED RESTRICTIONS.
15 HOWEVER WHERE THIS REGULATION AND ANOTHER ORDINANCE, EASEMENT,
16 COVENANT, OR DEED RESTRICTION CONFLICT OR OVERLAP, WHICH IMPOSES
17 THE MOST STRINGENT RESTRICTIONS FOR PROTECTION FROM POTENTIAL
18 FLOOD HAZARD SHALL PREVAIL.

19
20 (E) INTERPRETATION: IN THE INTERPRETATION AND APPLICATION OF THIS CODE,
21 ALL PROVISIONS SHALL BE:

- 22 1. CONSIDERED AS MINIMUM REQUIREMENTS;
23 2. LIBERALLY CONSTRUED IN FAVOR OF THE GOVERNING BODY; AND
24 3. DEEMED NEITHER TO LIMIT NOR REPEAL ANY OTHER POWERS
25 GRANTED UNDER STATE STATUTES.

26
27 (F) ~~E~~ Warning And Disclaimer Of Liability: The degree of flood protection required by these
28 regulations is considered reasonable for regulatory purposes and is based on scientific and
29 engineering considerations. Larger floods can and will occur on rare occasions. Flood levels may
30 also be increased by manmade structures or terrain modifications, or by natural causes. These
31 regulations do not imply that property or land uses outside of flood plains will be free from
32 flooding or flood damage. NO PART OF THESE REGULATIONS SHALL ~~These regulations~~
33 ~~shall not~~ create liability on the part of the City, any official, officer, agent or employee thereof,
34 OR THE MILE HIGH FLOOD DISTRICT, COLORADO WATER CONSERVATION
35 BOARD, OR FEDERAL AGENCIES for any flood damages that result from reliance on these
36 regulations or any administrative decision LAWFULLY made hereunder.

37 (G) SEVERABILITY: THE PROVISIONS OF THIS ORDINANCE ARE HEREBY
38 DECLARED TO BE SEVERABLE. IF ANY PROVISION, CLAUSE, SENTENCE OR

1 PARAGRAPH OF THIS ORDINANCE OR THE APPLICATION THEREOF TO ANY
2 PERSON OR CIRCUMSTANCES SHALL BE HELD INVALID, SUCH INVALIDITY
3 SHALL NOT AFFECT THE OTHER PROVISIONS OR APPLICATIONS OF THIS
4 ORDINANCE.

5 ~~(F) COMPLIANCE: EXCEPT FOR ANY VARIANCE WHICH MAY BE GRANTED~~
6 ~~HEREUNDER, NO STRUCTURE OR LAND SHALL be constructed, located, extended,~~
7 ~~converted or altered without full compliance with these regulations and other applicable~~
8 ~~requirements of the City. (Revised 6-12-1992)~~
9

10
11 ~~10-6-8 5: USE BY SPECIAL EXCEPTION~~ **FLOODPLAIN DEVELOPMENT PERMIT:**

12 ~~Prior to issuing a building permit for development within a floodplain, the proposed development~~
13 ~~shall be approved by the commission as a use by special exception. Such development shall~~
14 ~~comply with these regulations, and to all other applicable requirements. (Revised 6-12-1992;~~
15 ~~amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)~~

16 (A) IN ORDER TO ENSURE COMPLIANCE WITH THIS CHAPTER, AND EXCEPT AS
17 NOTED HEREIN, A FLOODPLAIN DEVELOPMENT PERMIT SHALL BE OBTAINED
18 AND APPROVED FROM THE FLOODPLAIN ADMINISTRATOR, WITH ASSOCIATED
19 FEE, PRIOR TO ANY PLAT FOR SUBDIVISION IN THE FLOODPLAIN AND SPECIAL
20 FLOOD HAZARD AREA, MODIFICATION OF THE FLOODPLAIN OR SPECIAL FLOOD
21 HAZARD AREA, OR ANY PROPOSED DEVELOPMENT OR CONSTRUCTION WITHIN
22 THE FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA.

23
24 (B) Procedure:

25 1. Application: Any property owner, or designated agent, may request permission to
26 develop property located within a floodplain by filing an application with the administrator. The
27 request shall be prepared in accordance with an application form provided by the administrator,
28 which shall include the following (A) THROUGH (E). (Ord. 20, Series of 2012). ~~SOME~~
29 ~~INFORMATION BELOW MAY NOT BE REQUIRED DEPENDING ON THE NATURE OF~~
30 ~~THE PROJECT AND ITS IMPACTS. ADDITIONAL INFORMATION REGARDING~~
31 ~~FLOODPLAIN APPLICATIONS AND PROCEDURES ARE CONTAINED IN THE CITY'S~~
32 ~~SDDTC.~~

33
34 a) A NARRATIVE DESCRIBING THE PROJECT INCLUDING:

35 1. EXISTING ZONING FOR THE PROPERTY;

- 1 2. EXISTING ADJACENT DEVELOPMENT SURROUNDING THE
- 2 PROPERTY;
- 3 3. THE PROPOSED USE OF THE PROPERTY OR PURPOSE OF THE
- 4 PROJECT;
- 5 4. THE NAME OF THE WATERCOURSE AND SOURCE OF ALL
- 6 FLOODPLAIN DATA;
- 7 5. SOURCE AND VERTICAL DATUM FOR TOPOGRAPHIC SURVEY;
- 8 6. GENERAL specifications for building construction including, but not
- 9 limited to, material types, floodproofing measures, and water and
- 10 sanitation facilities.
- 11 7. Comments on the proposed floodplain development from affected
- 12 agencies, as applicable, including, but not limited to, the following:
- 13 a. City Engineer, Community Development, and Police;
- 14 b. South Metro Fire Department;
- 15 c. U.S. Army Corps of Engineers;
- 16 d. ~~Urban Drainage and Flood Control District~~ Mile High Flood
- 17 District;
- 18 e. ~~State Highway Department~~ Colorado Department of
- 19 Transportation;
- 20 f. PARKS AND RECREATION DISTRICT;
- 21 g. ~~State water conservation board~~ Colorado Water Conservation
- 22 Board; and
- 23 h. Adjacent jurisdictions. (Revised 6-12-1992)
- 24 b) A site plan, certified by a registered Colorado professional engineer competent in open
- 25 channel hydraulics. Such plan shall be prepared at a scale of one inch equals one hundred feet
- 26 (1" = 100'), or larger, and shall include:
- 27 1. Existing zone district boundaries;
- 28 2. Location of floodplain and floodway limits WITH BASE FLOOD ELEVATIONS;
- 29 3. LOCATION OF THE CENTERLINE OF THE WATERCOURSE OR STORM SEWER,
- 30 Labeled WITH THE WATERCOURSE NAME;
- 31 4. Legal description of the property;
- 32 5. LAYOUT OF EXISTING FEATURES AND PROPOSED PROJECT FEATURES;
- 33 6. Elevations of the site and immediately surrounding area, in relation to mean sea level, WITH
- 34 EXISTING AND PROPOSED PROJECT CONTOURS, AND STATEMENT OF VERTICAL
- 35 DATUM USED;
- 36 7. LAYOUT EXTENTS OF PROPOSED STRUCTURES, WITH THE ELEVATION OF THE
- 37 LOWEST FLOOR OF THESE STRUCTURES;
- 38 8. LOCATION AND ELEVATIONS OF ALL EXCAVATION AND FILL;

1 9. Locations and names of adjacent streets ~~and on site areas of impervious~~ surface
2 ~~and;~~

3 10. Location and elevations of water supply, sanitary facilities, and other utilities.

4
5 c) A typical ~~valley cross section~~ FLOODPLAIN CROSS SECTION showing the
6 ~~watercourse and adjoining floodplain~~, EXISTING GROUND ELEVATIONS OF THE
7 EXISTING CHANNEL AND ADJOINING FLOODPLAIN, THE PROPOSED GROUND, the
8 cross sectional area to be occupied by the proposed development, and the base flood elevation.

9 d) A LONGITUDINAL profile showing the ~~bottom of the watercourse~~ EXISTING AND
10 PROPOSED GROUND ELEVATION OF THE BOTTOM OF THE WATERCOURSE, e.g.,
11 invert of the channel of a stream, OR THE GROUND LOCATED AT THE CENTERLINE OF
12 THE FLOODPLAIN, and showing the existing and proposed base flood elevations.

13 E) A HYDRAULIC ANALYSIS PERFORMED BY A REGISTERED ENGINEER IN
14 COLORADO, COMPETENT IN OPEN CHANNEL HYDRAULICS, DEMONSTRATING
15 THE NATURE OF THE IMPACTS OF THE PROJECT OR A NO-RISE CERTIFICATION
16 FROM A REGISTERED ENGINEER IN COLORADO.

17
18
19 2. If deemed necessary, the administrator ~~and/or the commission~~ may require that an applicant
20 furnish additional information necessary to determine impacts, if any, of the proposed
21 development on adjacent properties. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15,
22 Series of 2016)

23
24 3. IF THE PROJECT IS DETERMINED TO REQUIRE A FEMA CLOMR OR LOMR, THEN
25 ADDITIONAL INFORMATION MAY BE REQUIRED.

26
27 4. IF THE PROJECT REQUIRES APPROVAL OF A FEMA CLOMR PRIOR TO
28 CONSTRUCTION, THEN PUBLIC NOTICE TO AFFECTED PROPERTY OWNERS AND
29 RESIDENTS IS REQUIRED AS DETAILED BY THE NATIONAL FLOOD INSURANCE
30 PROGRAM REQUIREMENTS. IN A NON-FEMA FLOODPLAIN, A PROPOSED
31 FLOODPLAIN IMPACT MATCHING OR EXCEEDING THAT OF THE CLOMR
32 REQUIREMENTS, WILL REQUIRE THE SAME PUBLIC NOTICE OF AFFECTED
33 PROPERTY OWNERS AND RESIDENTS.

34
35
36 5. THE COMPLETED APPLICATION AND APPLICATION FEE SHALL BE SUBMITTED
37 TO THE DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIVISION. Applications
38 determined by the administrator to be incomplete or inaccurate shall not be accepted for
39 processing, and shall be returned to the applicant.

1 ~~2. Submission Deadline: The completed application and application fee shall be submitted to the~~
2 ~~administrator in accordance with the operating standards as established by the department of~~
3 ~~community development. (Ord. 20, Series of 2012)~~

4 ~~3. Public Hearing Notice: Notice of a public hearing shall be provided by the city and the~~
5 ~~applicant as prescribed by state law and in the operating standards as established by the~~
6 ~~department of community development. Notice of the public hearing shall be made at least ten~~
7 ~~(10) calendar days prior to the planning commission public hearing date.~~

8 ~~Administrator Action: The application shall be reviewed by the administrator, which shall~~
9 ~~forward a recommendation to the commission based on compliance with the applicable~~
10 ~~requirements of this code.~~

11 ~~5. Commission Action:~~

12 ~~(a) The application, together with comments and recommendations by the administrator and~~
13 ~~pertinent referral agencies, shall be forwarded to the commission. Copies of the comments and~~
14 ~~recommendation shall be available for the applicant.~~

15 ~~(b) The commission shall conduct a public hearing to receive technical evidence and testimony~~
16 ~~from city staff, the applicant, and opponents, if any.~~

17 ~~(c) Based on the evidence and testimony received, and based on the objectives and policies stated~~
18 ~~in section 10-6-1 of this chapter, the commission shall make a decision on the application. The~~
19 ~~commission may approve the application, approve with conditions, deny the application, or table~~
20 ~~the matter to a specific date pending the receipt of additional information. Any action by the~~
21 ~~commission is final and subject only to judicial review. (Ord. 20, Series of 2012; amd. Ord. 15,~~
22 ~~Series of 2016)~~

23
24 **10-6-46: ADMINISTRATION:**

25
26 (A) Designation of Floodplain Administrator. THE CITY'S DIRECTOR OF PUBLIC WORKS,
27 INCLUDING THEIR DESIGNEE, IS HEREBY APPOINTED THE FLOODPLAIN
28 ADMINISTRATOR (ADMINISTRATOR) TO ADMINISTER AND IMPLEMENT THESE
29 FLOODPLAIN REGULATIONS, BY REVIEWING, GRANTING OR DENYING
30 FLOODPLAIN DEVELOPMENT PERMITS IN ACCORDANCE WITH THESE
31 PROVISIONS, AND OTHER APPROPRIATE SECTIONS OF 44 CFR (NATIONAL FLOOD
32 INSURANCE PROGRAM REGULATIONS) OR THE RULES AND REGULATIONS FOR
33 REGULATORY FLOODPLAINS IN COLORADO (COLORADO WATER CONSERVATION
34 BOARD). THE ADMINISTRATOR SHALL DESIGNATE AN ALTERNATE TO PERFORM

1 THE FUNCTIONS OF THE ADMINISTRATOR DURING ANY PERIOD OF
2 UNAVAILABILITY.

3 ~~(B) Floodplain Administrator: The floodplain administrator shall administer the provisions of~~
4 ~~these regulations.~~

5 (B) Duties and Responsibilities Of Administrator:

6 1. Development Application Review:

7 (a) Review all proposed flood plain development applications to determine that the requirements
8 of these regulations have been, or will be, met.

9
10 (b) Review all proposed flood plain development applications to determine that all necessary
11 permits have been obtained from those Federal, State or local governmental agencies from which
12 approval is required. THIS INCLUDES DETERMINATION OF NEED FOR A FEMA CLOMR
13 OR LOMR, AND REVIEW OF SUCH APPLICATIONS.

14
15 (c) Review all proposed flood plain development applications to determine if the proposed
16 development is located in the floodway. If so, insure that the provisions of subsection ~~10-6-6(D)~~
17 **10-6-8** of this Chapter are met.

18
19 (D) REVIEW OF WHETHER PUBLIC NOTICE OR PUBLIC HEARING IS REQUIRED FOR
20 PROJECTS IN BOTH FEMA AND NON-FEMA FLOODPLAINS.

21
22 2. Information To Be Obtained And Maintained:

23 a) Obtain and record the actual elevation of the lowest floor of all new or substantially improved
24 structures within OR ADJACENT TO the floodplain, and record whether or not such structures
25 contain a basement;

26 (b) For all new or substantially improved floodproofed structures:

27 (1) Verify and record the actual elevation to which the structure was floodproofed; and

28 (2) Maintain records of required floodproofing certification.

29 (c) Maintain for public inspection all records pertaining to ~~special exceptions~~ FLOODPLAIN
30 DEVELOPMENT PERMITS, appeals and variances granted pursuant to these regulations.

31 (D) COPIES CLOMR AND LOMR APPLICATIONS AND APPROVED DOCUMENTS, IF
32 APPLICABLE.

33
34
35 3. INSPECT ALL DEVELOPMENT AT APPROPRIATE TIMES DURING
36 CONSTRUCTION TO ENSURE COMPLIANCE WITH ALL PROVISIONS OF THIS
37 ORDINANCE, INCLUDING PROPER ELEVATION OF A STRUCTURE.

38
39 4. WHERE INTERPRETATION IS NEEDED AS TO THE EXACT LOCATION OF THE
40 BOUNDARIES OF A FLOODPLAIN, OR WHERE THERE APPEARS TO BE A CONFLICT

1 BETWEEN A MAPPED BOUNDARY AND ACTUAL FIELD CONDITIONS, MAKE THE
2 NECESSARY INTERPRETATION. Local decisions which may result in a change of boundary
3 lines and/or base flood elevations are subject to review and confirmation by FEMA.

4 ~~Interpretation Of Boundaries: Make interpretations where needed, as to the location of flood~~
5 ~~plain boundaries. Where there is evidence that a conflict exists between the boundary lines or the~~
6 ~~base flood elevation data contained in the Flood Insurance Study and actual field conditions, the~~
7 ~~dispute shall be settled in accordance with Section 10-6-5 of this Chapter.~~

8
9 5. Notify adjacent communities, US Army Corps of Engineers, the Colorado Water
10 Conservation Board, and Mile High Flood District prior to any alteration or relocation of a
11 watercourse, and submit evidence of such notification to FEMA.

12
13 6. Ensure that the flood carrying capacity with an altered or relocated portion of any watercourse
14 is maintained.

15
16 7. ENFORCEMENT. IN ADDITION TO THE REMEDIES AVAILABLE FOR
17 ENFORCEMENT OF ZONING VIOLATIONS, THE CITY SHALL BE ENTITLED TO
18 ENFORCE THESE REGULATIONS BY ALL LEGAL AND EQUITABLE MEANS
19 ALLOWED BY LAW, INCLUDING INJUNCTIVE RELIEF.

20 8. VIOLATIONS. WHENEVER THE FLOODPLAIN ADMINISTRATOR
21 DETERMINES THAT A VIOLATION OF THESE REGULATIONS HAS OCCURRED, MAY
22 OCCUR, OR IS THREATENED, THE FLOODPLAIN ADMINISTRATOR SHALL BE
23 RESPONSIBLE FOR PLACING A TEMPORARY OR PERMANENT HOLD ON FURTHER
24 DEVELOPMENT PERMITS, APPROVALS AND ACTIONS TO THE EXTENT
25 NECESSARY TO PREVENT OR REMEDY THE VIOLATION, AND FOR NOTIFYING
26 AFFECTED CITY DEPARTMENTS OF THIS ACTION. THE HOLD SHALL REMAIN IN
27 PLACE UNTIL THE PROPERTY OWNER COMPLIES WITH THESE REGULATIONS.

28 9. CERTIFICATE OF COMPLIANCE: NO CERTIFICATE OF OCCUPANCY SHALL BE
29 ISSUED FOR ANY STRUCTURE, MANUFACTURED HOME, OR OTHER USE UNTIL AN
30 INSPECTION BY THE ADMINISTRATOR AND CERTIFICATE OF COMPLIANCE HAS
31 BEEN ISSUED BY THE ADMINISTRATOR. (REVISED 6-12-1992; AMD. ORD. 25, SERIES
32 OF 2010). ANY PERSON SEEKING A CERTIFICATE OF COMPLIANCE FOR
33 PROPERTY LOCATED IN A FLOODPLAIN SHALL SUBMIT A CERTIFIED REPORT
34 FROM A REGISTERED ENGINEER COMPETENT IN OPEN CHANNEL HYDRAULICS
35 THAT THE FILL, BUILDING FLOOD ELEVATIONS, FLOODPROOFING MEASURES, OR
36 OTHER PROTECTIVE MEASURES ARE COMPLETE AND IN COMPLIANCE WITH
37 THESE REGULATIONS. THE SPECIFIC ELEVATION OF THE LOWEST FLOOR
38 (INCLUDING BASEMENTS), OR THE SPECIFIC ELEVATION TO WHICH THE
39 STRUCTURE IS FLOODPROOFED, SHALL BE RECORDED ON THE CERTIFICATE OF
40 OCCUPANCY. IF THE REPORT CERTIFIES FULL COMPLIANCE WITH THESE

1 REGULATIONS, AND WITH ANY CONDITIONS ATTACHED TO AN APPROVAL OF A
2 FLOODPLAIN DEVELOPMENT PERMIT, THE ADMINISTRATOR SHALL ISSUE THE
3 CERTIFICATE OF COMPLIANCE WITHIN TEN (10) DAYS OF RECEIPT OF THE
4 REPORT. A CERTIFICATE OF COMPLIANCE IS NOT, FOR ANY PURPOSE, A
5 CERTIFICATE OF OCCUPANCY, NOR DOES IT WAIVE ANY REQUIREMENTS FOR
6 BUILDING PERMITS. (REVISED 6-12-1992)

7 10. Variances: The ~~commission~~-ADMINISTRATOR may grant, in specific cases, variances to
8 the requirements of these regulations which do not conflict with the public interest. Variances
9 may be granted when, due to exceptional and extraordinary circumstances, literal enforcement of
10 these regulations will result in unnecessary hardship. No variance shall be approved unless the
11 administrator finds that the following conditions exist: ~~(Revised 6-12-1992; amd. Ord. 19, Series
12 of 2012; Ord. 15, Series of 2016)~~

- 13 a) Variances shall not be issued within any designated floodway if any increase in base
14 flood elevation would result;
- 15 b) Variances may be issued for new construction and substantial improvements on lots of
16 one-half ($1/2$) acre or less which are contiguous to, and surrounded by, existing
17 development constructed below the base flood elevation, provided the following criteria
18 are met: (1) A showing of good and sufficient cause, (2) A determination that failure to
19 grant the variance would result in exceptional hardship to the applicant, (3) A
20 determination that the granting of a variance will not result in increased flood heights,
21 additional threats to public safety, extraordinary public expense, create nuisances, or
22 conflict with other existing local laws or ordinances,
- 23 c) Variances shall only be issued upon determination that the variance is the minimum
24 necessary to afford relief considering the flood hazard. (Revised 6-12-1992)
- 25 d) Consideration shall be given by the ~~commission~~-ADMINISTRATOR to all relevant
26 technical data, and to the factors stated in subsection ~~10-6-5(D)~~ **10-6-7(D)** of this chapter.
27 ~~(Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)~~
- 28 e) Variances may be issued for the preservation, rehabilitation or restoration of historic
29 structures ~~without regard to the procedures set forth in the remainder of this chapter.~~
30 Upon a determination that the variance is the minimum necessary to preserve the historic
31 character and design of the structure and the proposed rehabilitation or repair will not
32 preclude the structure's continued designation as a historic structure. ~~(Revised 6-12-~~
33 ~~1992)~~

34
35 (E) VARIANCE Application: Any person requesting a variance to the requirements of these
36 regulations shall file an application to the Administrator, which shall conform to the
37 requirements of subsection ~~10-6-8(A)~~ **10-6-5(B)** of this chapter. ~~(Ord. 20, Series of 2012)~~

1 ~~(D) Public Hearing Notice:~~ Notice of a public hearing shall be provided by the city and the
2 applicant as prescribed by state law and in the operating standards as established by the
3 department of community development. Notice of the public hearing shall be made at least ten
4 ~~(10) calendar days prior to the planning commission public hearing date.~~

5 ~~(e) Administrator Action:~~ The application shall be reviewed by the administrator, who shall
6 forward a recommendation to the commission based on compliance with the applicable
7 requirements of this code. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)

8 ~~(F) Presentation Of Evidence And Testimony:~~ All evidence and testimony shall be presented
9 publicly. The commission may also consider any relevant facts personally known to any member
10 of the commission provided, such facts are stated into the record.

11 ~~(F) Filing Of All VARIANCE Actions:~~ All actions by the commission concerning variances to
12 these regulations shall be filed with the Administrator. The permanent record of such actions
13 shall include minutes, transcripts, technical reports, notification to applicants, and all data
14 considered by the Administrator. Any action to approve a variance shall be reported to FEMA.

15
16 (G) VARIANCE Notice To Applicant: The applicant shall be notified in writing by the
17 Administrator that:

- 18 1. The approval of a variance to construct a structure below the base flood elevation will
19 result in increased premium rates for flood insurance; and
20 2. Construction below the base flood elevation increases risks to life and property.

21 A. Such notification shall be maintained with the permanent record of all variance actions as
22 required above (Revised 6-12-1992).

23
24
25 ~~10-6-5~~ **7: ADMINISTRATIVE APPEALS:**

26
27 ~~(A) The commission~~ PLANNING COMMISSION is hereby designated to SHALL conduct
28 public hearings to receive evidence and testimony, and to decide appeals, when it is alleged that
29 there has been an error in any order, interpretation, determination, decision, or requirement made
30 in the application of these regulations by the Administrator. ~~Public hearings shall be required and~~
31 ~~conducted as follows.~~ APPLICATIONS AND HEARING PROCEDURE IS AS OUTLINED IN
32 10-11-2 THROUGH 10-11-4.
33

1 ~~The party alleging to have been aggrieved shall file a written request for a public hearing within~~
2 ~~thirty (30) days after such decision is made. This request shall be filed with the administrator,~~
3 ~~who will place the matter on a regular commission meeting agenda within thirty (30) days after~~
4 ~~the request is filed. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)~~

5
6 ~~(B) Any person alleging to have been aggrieved shall file an application with the city on a form~~
7 ~~provided by the administrator, which shall conform to the requirements of subsection 10-6-8(A)~~
8 ~~of this chapter. (Ord. 20, Series of 2012)~~

9
10 ~~(C) At least ten (10) calendar days prior to the public hearing date, notice of the hearing shall be~~
11 ~~made by the applicant. The required notice shall be made as provided in subsection 10-1-9(C)~~
12 ~~of this title. (Revised 6-12-1992)~~

13
14 ~~(B)~~ **(B)** In considering an appeal, the ~~commission~~ PLANNING COMMISSION shall consider all
15 pertinent technical data contained in the flood insurance study, and other relevant storm drainage
16 studies; the standards specified in these regulations and the city storm drainage criteria manual;
17 and the following: (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

- 18 1. Potential danger from debris being conveyed to other properties and causing
- 19 damage or injury to others;
- 20 2. Potential hazard to life and property due to increased flooding or erosion;
- 21 3. Potential risk for damage to the proposed development, its contents, and to the
- 22 owners/occupants of the affected property;
- 23 4. Anticipated contribution of the proposed use to the community;
- 24 5. Necessity for the use to be placed in the location proposed, specifically in a
- 25 floodplain;
- 26 6. Feasibility of placing the proposed use in alternate locations;
- 27 7. Compatibility of the proposed use with existing and proposed development in the
- 28 general area;
- 29 8. Relationship of the proposed use to the comprehensive plan and/or floodplain
- 30 management programs;
- 31 9. Routine and emergency access to the property under flooding conditions;
- 32 10. Expected conditions created by flooding on the property including, for example,
- 33 elevation, velocity, duration and erosion potential;

1 11. Costs to government of providing relief during and after a flood event including,
2 for example, repair or replacement of utilities, streets or bridges. (Revised 6-12-1992)(E)
3 ~~The application shall be reviewed by the administrator, who shall forward a~~
4 ~~recommendation to the commission based on compliance with the applicable~~
5 ~~requirements of this code. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)~~

6
7 ~~(F) A concurring vote of the commission of a majority of the quorum present shall be required to~~
8 ~~reverse any order, interpretation, determination, decision, or requirement of the administrator.~~

9
10 ~~(G) All actions by the commission concerning appeals to administrative decisions are final and~~
11 ~~subject only to judicial review. A permanent record of such actions shall be maintained by the~~
12 ~~administrator including minutes, transcripts, technical reports, and all data considered by the~~
13 ~~commission. Any action which reverses an administrative decision shall be reported to FEMA.~~
14 ~~(Revised 6 12 1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)~~

15 10-6-6 **8: FLOODWAY REGULATIONS:**

16
17 (A) Statement Of Intent: Located within floodplains are areas designated as floodways which
18 are extremely hazardous due to the depth and velocity of floodwaters. Floodways are dangerous
19 because they convey flows which carry damaging debris and cause serious erosion. The use of
20 land in floodways is, therefore, restricted to uses which will not inhibit or alter flood flows. ~~Such~~
21 ~~uses are generally limited to agriculture, recreation, and mineral extraction.~~ These regulations,
22 and related requirements, are intended to ensure that uses permitted within floodways are
23 compatible with this statement of intent, and that such uses do not increase the flood hazard to
24 property located outside floodways.

25
26 (B) FLOODWAY RESTRICTIONS

27 1. ENCROACHMENTS, INCLUDING FILL OR OTHER DEVELOPMENT NOT LISTED
28 BELOW ARE PROHIBITED UNLESS IT HAS BEEN DEMONSTRATED THROUGH
29 HYDROLOGICAL AND HYDRAULIC ANALYSES PREPARED BY A REGISTERED
30 COLORADO PROFESSIONAL ENGINEER, THAT THERE IS NO INCREASE (0.00') IN
31 FLOOD ELEVATIONS DURING THE OCCURRENCE OF THE BASE FLOOD
32 DISCHARGE (NO RISE CERTIFICATION), APPROVAL BY PLANNING COMMISSION
33 PUBLIC HEARING, AND A CLOMR WITH FLOODWAY REVISION APPROVED BY
34 FEMA, WITH THE EXCEPTIONS NOTED BELOW.

1 2. CONSTRUCTION OF NEW BUILDINGS OR SUBSTANTIAL IMPROVEMENTS TO
2 EXISTING STRUCTURES, RESIDENTIAL OR NON-RESIDENTIAL, ARE PROHIBITED
3 IN THE FLOODWAY.

4 3 DEVELOPMENT OR CONSTRUCTION THAT CAUSES AN INCREASE IN THE BASE
5 FLOOD ELEVATION ON ANY INSURABLE STRUCTURE, ARE PROHIBITED.

6 4. SOLID WASTE DISPOSAL FACILITIES (INCLUDING, BUT NOT LIMITED TO,
7 JUNKYARDS, SANITARY LANDFILLS, AND AUTOMOBILE WRECKING YARDS) ARE
8 PROHIBITED IN THE FLOODWAY.

9
10 5. OUTDOOR STORAGE OF ANY MATERIAL IS PROHIBITED IN THE
11 FLOODWAY.

12 6. ENCROACHMENTS MAY BE PERMITTED IN THE FLOODWAY, AT THE
13 DISCRETION OF THE ADMINISTRATOR, WHEN THE ACTIVITY IS STRICTLY
14 DRAINAGEWAY MAINTENANCE IN WHICH THE INTENT IS TO RESTORE THE
15 NATURAL CONDITIONS OR HYDRAULIC CAPACITY OF THE DRAINAGEWAY
16 PROVIDED THAT THE ACTIVITY DOES NOT CAUSE MORE THAN A 0.00-FOOT RISE
17 COMPARED TO EFFECTIVE CONDITIONS BFES AND THAT ANY BFE RISE
18 COMPARED TO EXISTING CONDITIONS IS CONTAINED ENTIRELY WITHIN
19 PUBLIC PROPERTY WHICH WOULD NOT OTHERWISE REQUIRE ADVERSE IMPACT
20 NOTIFICATION.

21 7. No use shall affect the efficiency or restrict the capacity of any watercourse, drainage
22 ditch, or any other drainage facility or system. (Revised 6-12-1992)

23
24 ~~(CB)~~ Uses Permitted IN THE FLOODWAY. PROVIDED THEY ARE PERMITTED IN THE
25 UNDERLYING ZONE DISTRICT, AND TO THE EXTENT THAT THEY DO NOT IMPAIR
26 THE FLOOD-CARRYING CAPACITY OF THE CHANNEL IN COMPLIANCE WITH THE
27 INTENT OF THIS SECTION, THE FOLLOWING USES ARE PERMITTED IN THE
28 FLOODWAY:

29 1. Agricultural uses including, but not limited to, general farming; raising of plants, flowers, sod
30 and nursery stock; and grazing of livestock. No use shall include the construction of any new
31 structures, alteration of any existing structures, OR SOLID FENCING.

1 2. Public and private recreational uses including, but not limited to, parks, play fields, golf
2 courses, driving ranges, picnic grounds, fishing areas, and recreational trails. No use shall
3 include the construction of any new structures, alteration of any existing structures, OR SOLID
4 FENCING.

5 3. LAWNS, GARDENS AND OTHER SIMILAR USES ACCESSORY TO THE
6 RESIDENTIAL USE OF THE LAND. ~~(C) Uses Permitted By Special Exception: The following~~
7 ~~land uses are permitted within floodways only upon approval of the commission:~~

8 D) USES PERMITTED IN THE FLOODWAY WITH FLOODPLAIN DEVELOPMENT
9 PERMIT:

10 1. Mineral extraction including, but not limited to, sand, gravel and quarry aggregate.

11 2. Public or private parking lots.

12 3. UNDERGROUND UTILITY facilities SUCH AS TRANSMISSION LINES, AND
13 WATER OR SEWAGE TREATMENT FACILITIES; PROVIDED, HOWEVER, THAT ALL
14 APPLICABLE REQUIREMENTS OF THESE REGULATIONS ARE MET.

15 4. ROADS, BRIDGES, ~~including, but not limited to,~~ drainage structures, ~~transmission lines~~
16 AND water monitoring devices PROVIDED, HOWEVER, THAT ALL APPLICABLE
17 REQUIREMENTS OF THESE REGULATIONS ARE MET. ~~roads, bridges, and~~
18 ~~water or sewage treatment facilities; provided, however, that all applicable requirements of these~~
19 ~~regulations are met. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)~~

20 ~~(D) Requirements~~

21 1. ~~Any encroachments into a floodway, including fill, new construction, substantial~~
22 ~~improvements, or other development will be prohibited unless certified by a registered engineer~~
23 ~~competent in open channel hydraulics that such encroachments will not result in any increase in~~
24 ~~the base flood elevation;~~

25 2. ~~Provided that subsection (D)1 of this section is satisfied, all new construction and substantial~~
26 ~~improvements shall comply with all applicable floodplain development requirements of~~
27 ~~subsection 10-6-8(B) of this chapter; and~~

28 3. ~~No use shall affect the efficiency or restrict the capacity of any watercourse, drainage ditch, or~~
29 ~~any other drainage facility or system. (Revised 6-12-1992)~~

30 4. ~~When a floodway has not been designated, no new construction, substantial improvement, or~~
31 ~~any other development (including fill) shall be permitted in zones A1-30, and AE, unless it is~~
32 ~~demonstrated that the cumulative effect of the proposed development will not increase the water~~
33 ~~surface elevation of the base flood by more than one half foot (0.5'). (Ord. 38, Series of 2013)~~

1 (E) FOR FLOODPLAIN REVISIONS INVOLVING A FLOODWAY, WHERE THE
2 EFFECTIVE FIRM SHOWS A 1.0 FOOT FLOODWAY, A ONE-HALF FOOT FLOODWAY
3 WILL NOT BE REQUIRED UNTIL THE ENTIRE DRAINAGEWAY IS REMAPPED AT
4 WHICH TIME THE REVISED MAP WILL SHOW A ONE-HALF FOOT FLOODWAY.

5 ~~10-6-9: VARIANCE PROCEDURE:~~

6
7 ~~(A) Commission Established: There is hereby established a commission which shall hear and~~
8 ~~decide requests for variances to the requirements of these regulations, within the conditions~~
9 ~~established under subsection (B) of this section. The commission shall adopt procedures for~~
10 ~~conducting public hearings to consider such applications.~~

11 10-6-7 9 : FLOODPLAIN REGULATIONS:

12
13 (A) Flood Storage Areas: Portions of floodplains located outside DESIGNATED floodways are
14 known as flood storage areas OR THE FLOOD FRINGE, and are normally subject to shallowER
15 flooding and lowER velocities. ENCROACHMENT OF THE FLOODPLAIN FRINGE IS
16 STRONGLY DISCOURAGED AND WILL ONLY BE CONSIDERED ON A CASE BY CASE
17 BASIS. ~~Flood damage in these areas, generally, results from standing water and silt deposits.~~
18 Development may occur if appropriate protective measures are taken. Uses permitted in the
19 governing zone district, therefore, may be allowed subject to compliance with all applicable
20 floodplain development requirements of ~~subsection 10-6-8(B)~~ of this chapter.

21 (B) Permitted Uses: Any use permitted in the governing zone district, except solid waste disposal
22 facilities (including, but not limited to, junkyards, sanitary landfills, and automobile wrecking
23 yards), and outdoor storage of any material. Full compliance with these regulations, and other
24 applicable requirements, is required. (Revised 6-12-1992)

25 (C) GENERAL REQUIREMENTS:

26 1. IF A DEVELOPMENT OR CONSTRUCTION PROJECT IS WITHIN THE FLOODPLAIN
27 BUT OUTSIDE OF THE FEMA REGULATORY FLOODWAY, THEN
28 THE ADMINISTRATOR MAY REQUIRE A HYDRAULIC ANALYSIS TO VERIFY
29 FLOODPLAIN IMPACTS TO SURROUNDING PROPERTIES, AT THEIR DISCRETION.

30
31 2. ANY PROPOSED DEVELOPMENT OR CONSTRUCTION WITHIN A FEMA
32 FLOODPLAIN WHERE A REGULATORY FLOODWAY IS NOT DEFINED, WHICH
33 CAUSES AN INCREASE IN EXISTING CONDITIONS MODEL 1% CHANCE FLOOD
34 WATER SURFACE ELEVATIONS OVER 6 INCHES IS PROHIBITED, UNLESS
35 APPROVED BY PLANNING COMMISSION PUBLIC HEARING, AND A CONDITIONAL
36 LETTER OF MAP REVISION IS APPROVED BY FEMA PRIOR TO START OF
37 CONSTRUCTION. IF THE PROJECT IS NOT WITHIN A FEMA FLOODPLAIN, THEN A
38 PROPOSED INCREASE OVER 6 INCHES IN 1% CHANCE FLOOD ELEVATIONS MUST

1 BE APPROVED BY THE ADMINISTRATOR, PLANNING COMMISSION PUBLIC
2 HEARING, AND MILE HIGH FLOOD DISTRICT PRIOR TO CONSTRUCTION.

3
4 3. IF PROPOSED DEVELOPMENT OR CONSTRUCTION IS WITHIN A FLOODPLAIN
5 WHERE BASE FLOOD ELEVATIONS ARE NOT DEFINED, THE ADMINISTRATOR
6 WILL REQUIRE A HYDRAULIC ANALYSIS AS DESCRIBED IN 10-6-4 (B)(5), AND
7 COMPLIANCE WITH THE OTHER PROVISIONS OF THIS SECTION.

8
9 4. ANY PROPOSED DEVELOPMENT OR CONSTRUCTION THAT CAUSES AN
10 INCREASE (0.00') IN BASE FLOOD ELEVATIONS ON AN INSURABLE STRUCTURE,
11 ESTABLISHED EITHER BY INDEPENDENT STUDY OR BY PUBLISHED FEMA BASE
12 FLOOD ELEVATIONS, IS PROHIBITED. SUCH CONDITIONS ALSO APPLY TO AREAS
13 OF FLOODFRINGE OUTSIDE OF A REGULATORY FLOODWAY.

14
15 5. SIGNIFICANT FILL PROJECTS (DEFINED AS AN AREA OVER 0.25 ACRE THAT IS
16 TO BE ELEVATED ABOVE 1% CHANCE BASE FLOOD) THAN CONCENTRATE
17 FLOODWATERS AND INCREASE THE 1% CHANCE FLOOD DEPTH (IN FEET) AND
18 VELOCITY (FEET PER SECOND) SUCH THAT THE MULTIPLICATIVE PRODUCT OF
19 AVERAGE VELOCITY AND AVERAGE DEPTH INCREASES AND ITS VALUE IS
20 EQUAL TO OR GREATER THAN 7.0 (FT²/SEC), AND SUCH 1% CHANCE
21 FLOODWATERS ARE NOT ENTIRELY CONTAINED WITHIN A DRAINAGE-
22 DEDICATED EASEMENT OR TRACT, ARE PROHIBITED. SUCH CONDITIONS ALSO
23 APPLY TO AREAS OF FLOODFRINGE OUTSIDE A REGULATORY FLOODWAY.

24
25 5. IF THE DEVELOPMENT MAINTAINS EQUIVALENT EFFECTIVE CONVEYANCE
26 (COMPENSATING FILL WITH CUT IN CROSS SECTIONAL AREA, THAT DOES NOT
27 RAISE THE CHANNEL INVERT) THEN A HYDRAULIC ANALYSIS MAY NOT BE
28 REQUIRED AT THE DISCRETION OF THE ADMINISTRATOR.

29
30 6. THE ADMINISTRATOR HAS DISCRETION TO REQUIRE A FEMA REVIEW AND
31 APPROVED CLOMR PRIOR TO CONSTRUCTION, IN ORDER TO CONFIRM
32 HYDRAULIC ANALYSIS RESULTS.

33
34
35 7. ALL HYDRAULIC ANALYSES MUST BE PERFORMED AND CERTIFIED BY A
36 REGISTERED PROFESSIONAL ENGINEER IN COLORADO COMPETENT IN OPEN
37 CHANNEL HYDRAULICS.

38
39
40
41 10-6-10: NONCONFORMANCES:

1
2 The existing use of a structure or property which is not in conformance with these regulations
3 may be continued subject to the following conditions:

4
5 (A) No such use shall be expanded or enlarged except in conformance with these regulations.
6

7 (B) Substantial improvement to any nonconforming structure or use, or re construction following
8 substantial damage shall result in the structure or use conforming with these regulations.
9

10 (C) If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of
11 the structure or property shall conform to these regulations.
12

13 (D) Any alteration, addition or repair to any existing nonconforming structure shall be protected,
14 where applicable, by the floodplain development requirements of this chapter.
15
16

17 **10-6-11 GENERAL CONSTRUCTION STANDARDS:**

18
19 (A) All new construction and substantial improvements shall be;

20 1. DESIGNED OR MODIFIED AND ADEQUATELY anchored to prevent
21 flotation, collapse, or lateral movement, and shall resist the hydrostatic and hydrodynamic loads
22 of floods, INCLUDING EFFECTS OF BUOYANCY.

23 2. CONSTRUCTED BY accepted methods and practices that minimize flood
24 damage. ~~Accepted methods and practices that minimize flood damage shall be applied.~~

25 3. CONSTRUCTED WITH MATERIALS RESISTANT TO FLOOD DAMAGE
26 ~~Materials and utility equipment capable of resisting flood damage shall be used.~~

27 4 ~~Electrical, heating, ventilation, plumbing, and air conditioning equipment~~
28 ~~and other service facilities shall be designed and/or located to prevent water from entering into~~
29 ~~these service facilities during floods. (Revised 6-12-1992)~~ CONSTRUCTED WITH
30 ELECTRICAL, HEATING, VENTILATION, PLUMBING, AND AIR CONDITIONING
31 EQUIPMENT AND OTHER SERVICE FACILITIES WHICH ARE ELEVATED A
32 MINIMUM OF 1 FOOT ABOVE THE BASE FLOOD ELEVATION AND DESIGNED TO
33 PREVENT WATER FROM ENTERING INTO OR ACCUMULATING WITHIN THE
34 COMPONENTS DURING CONDITIONS OF FLOODING.
35

36 (B) ALL MANUFACTURED HOMES SHALL BE INSTALLED USING METHODS AND
37 PRACTICES THAT MINIMIZE FLOOD DAMAGE. Manufactured homes must be elevated
38 and anchored to resist flotation, collapse or lateral movement, and the hydrostatic and
39 hydrodynamic loads of floods. This requirement is in addition to state and local anchoring
40 requirements for wind forces.

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(C) All new utilities shall follow these requirements:

1. Water supply systems shall be designed to minimize or eliminate infiltration of floodwaters;
2. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems, and to prohibit discharges from the systems into floodwaters; and
3. On site waste disposal systems shall be located to avoid being damaged, or from releasing contaminants, during flooding.

12 (D) FREEBOARD. A MINIMUM VERTICAL CLEARANCE OF ONE FOOT SHALL BE
13 PROVIDED BETWEEN THE FLOODPLAIN ELEVATIONS AND THE LOWEST FLOOR
14 (INCLUDING BASEMENT) OF ALL NEW OR SUBSTANTIALLY IMPROVED
15 STRUCTURES WITHIN OR IMMEDIATELY ADJACENT TO THE FLOODPLAIN, AND
16 OTHER APPLICABLE FACILITIES WHICH MAY BE IMPACTED BY THE FLOODPLAIN.
17 FREEBOARD IS REQUIRED TO ALLOW FOR UNCERTAINTY IN THE FLOODPLAIN
18 MODELING, CHANGES TO THE DRAINAGEWAY, AND TO PROVIDE AN
19 ADDITIONAL FACTOR OF SAFETY FOR STRUCTURES AND FACILITIES WHICH
20 WOULD EXPERIENCE DAMAGES OR HAZARDS DURING INUNDATION.

21 **10-6-12 REQUIREMENTS FOR SUBDIVISIONS:**

22 (A) Shall be designed in a manner consistent with the flood protection objectives of these
23 regulations;

24 (B) Shall have utility systems and facilities located and designed to minimize flood damage
25 potential;

26 (C) Shall meet the requirements of THE MOST RECENT VERSION OF the SDDTC and

27 (D) Base flood elevation data shall be provided for all lots within, and immediately adjacent to,
28 the floodplain.

29 (E) IN THE CASE OF A FEMA CLOMR OR LOMR, A PLAT RESTRICTION SHALL
30 PROHIBIT THE ISSUANCE OF BUILDING PERMITS ON THE AFFECTED LOTS UNTIL
31 A THE MAP REVISION HAS BEEN DEEMED EFFECTIVE BY FEMA OR A SIMILAR
32 MAP CHANGE PROCESS HAS BEEN APPROVED BY THE CITY FOR NON-FEMA
33 MAPPED FLOODPLAINS.

1 **10-6-13 RESIDENTIAL CONSTRUCTION STANDARDS:**

2 (A) For residential New Construction, Substantial Improvement, OR REBUILDING
3 FOLLOWING SUBSTANTIAL DAMAGE, IN OR IMMEDIATELY ADJACENT TO THE
4 FLOODPLAIN:

5 1. The lowest floor (including basement) shall be elevated to one foot (1') above the
6 base flood elevation. (Revised 6-12-1992)

7 2. Within FEMA zones A, AO, AH, or other areas of DESIGNATED shallow
8 flooding, the lowest floor (including basement), shall be elevated one foot (1') above the highest
9 adjacent grade, or the base flood elevation, or to the depth number specified on the FIRM,
10 whichever is greater. (Ord. 25, Series of 2010). THREE FEET OF FREEBOARD SHALL BE
11 PROVIDED IF NO DEPTH NUMBER IS SPECIFIED.

12 3. Within areas of potential shallow flooding, on site drainage shall be directed
13 around and away from structures.

14 4. ON PROPERTY REMOVED FROM THE FLOODPLAIN BY ISSUANCE OF
15 A FEMA LETTER OF MAP REVISION BASED ON FILL (LOMR-F), STRUCTURES
16 SHALL MEET THESE STANDARDS.

17 5. THIS SECTION APPLIES TO THE ENTIRE STRUCTURE FOR
18 SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE REPAIR WITHIN THE
19 FLOODPLAIN.

20
21 (B) UPON COMPLETION OF CONSTRUCTION OF THE STRUCTURE, A
22 PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF COLORADO SHALL
23 CERTIFY THAT ALL REQUIREMENTS LISTED ABOVE ARE MET IN THE FORM OF
24 AN ELEVATION CERTIFICATE, AND SUBMITTED TO THE ADMINISTRATOR.

25 **10-6-14 NON-RESIDENTIAL CONSTRUCTION STANDARDS:**

26 (A) FOR non-residential New Construction, Substantial Improvement OR
27 REBUILDING FOLLOWING SUBSTANTIAL DAMAGE IN OR IMMEDIATELY
28 ADJACENT TO THE FLOODPLAIN:

29 1. The lowest floor (including basement) shall be elevated to one foot (1') above
30 the level of the base flood elevation; or, together with utility and sanitary services,
31 shall:

- 1 a. Be floodproofed below an elevation one foot (1') above the base flood elevation
2 with substantially watertight walls;
3 b. Have structural components which withstand hydrostatic and hydrodynamic
4 loads of flood flows, and the effects of buoyancy. ~~And~~

5
6 2. Within zones A, AO, AH, or other areas of DESIGNATED shallow
7 flooding, the lowest floor (including basement) shall be elevated one foot (1')
8 above the highest adjacent grade, or the base flood elevation, or to the depth
9 number specified on the FIRM, whichever is greater; or, together with utility and
10 sanitary services, shall be floodproofed below an elevation one foot (1') above the
11 base flood elevation, or to the depth number specified on the FIRM, whichever is
12 greater with substantially watertight walls. (Ord. 25, Series of 2010). IF A
13 DEPTH NUMBER IS NOT SPECIFIED, THE MINIMUM FREEBOARD
14 SHALL BE THREE FEET FROM HIGHEST ADJACENT GRADE.

15 3. THIS SECTION APPLIES TO THE ENTIRE STRUCTURE FOR
16 SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE REPAIR
17 WITHIN THE FLOODPLAIN.

18 ~~3.~~ 4. Within areas of potential shallow flooding, on site drainage shall be directed
19 around and away from existing and proposed structures. (Revised 6-12-1992)

20 ~~(B) Have certified, in a manner acceptable to the administrator, by a registered professional~~
21 ~~engineer or architect, that the proposed design and methods of construction are in accordance~~
22 ~~with accepted standards for meeting the requirements of these regulations. (Revised 6-12-~~
23 ~~1992) UPON COMPLETION OF CONSTRUCTION OF THE STRUCTURE, A~~
24 PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF COLORADO SHALL
25 CERTIFY THAT ALL REQUIREMENTS LISTED ABOVE ARE MET IN THE FORM OF
26 AN ELEVATION CERTIFICATE AND SUBMITTED TO THE ADMINISTRATOR.

27 **10-6-15 REQUIREMENTS FOR ENCLOSURES:**

28 Fully enclosed areas below the lowest floor AND IN THE FLOODPLAIN that are usable solely
29 for parking of vehicles, building access or storage in an area other than a basement, and which
30 are subject to flooding shall be designed to automatically equalize hydrodynamic flood forces on
31 exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this
32 requirement must either be certified by a registered professional engineer or architect; or have a
33 minimum of two (2) openings having a total net area of not less than one square inch for every
34 square foot of enclosed area subject to flooding, the bottom of all openings shall be no higher
35 than one foot (1') above grade, and openings may be equipped with screens, louvers, valves or
36 other coverings or devices provided they permit automatic entry and exit of floodwaters. (Ord.
37 25, Series of 2010)

1 **10-6-16 CONSTRUCTION STANDARDS FOR MANUFACTURED HOMES:**

2 (A) All manufactured homes that are placed or substantially improved in OR ADJACENT TO
3 the floodplain on sites ~~or have suffered substantial damage as a result of a flood in an existing,~~
4 ~~expanded, or new manufactured home park or subdivision in zones A99, AH, and AE~~
5 LOCATED OUTSIDE OF A MANUFACTURED HOME PARK OR SUBDIVISION, IN A
6 NEW MANUFACTURED HOME PARK OR SUBDIVISION, IN AN EXPANSION TO AN
7 EXISTING MANUFACTURED HOME PARK OR SUBDIVISION, OR IN AN EXISTING
8 MANUFACTURED HOME PARK OR SUBDIVISION WHERE THE MANUFACTURED
9 HOME HAS SUFFERED SUBSTANTIAL DAMAGE AS A RESULT OF A FLOOD, shall be
10 elevated on a permanent foundation such that the lowest floor AND ELECTRICAL, HEATING,
11 VENTILATION, PLUMBING AND AIR CONDITIONING EQUIPMENT AND OTHER
12 SERVICE FACILITIES INCLUDING DUCTWORK, are elevated to one foot above the base
13 flood elevation and securely anchored to adequately anchored foundation system to resist
14 flotation, collapse and lateral movement. ~~and shall be securely anchored as required by his~~
15 ~~subsection (B)2(e).~~

16 (B) ALL MANUFACTURED HOMES PLACED OR SUBSTANTIALLY IMPROVED IN AN
17 EXISTING MANUFACTURED HOME PARK OR SUBDIVISION WITHIN THE
18 FLOODPLAIN THAT ARE NOT SUBJECT TO THE PROVISIONS ABOVE, SHALL BE
19 ELEVATED SO THAT:

20 1. THE LOWEST FLOOR OF THE HOME, ELECTRICAL, HEATING,
21 VENTILATION, PLUMBING AND AIR CONDITIONING EQUIPMENT AND OTHER
22 SERVICE FACILITIES INCLUDING DUCTWORK ARE ONE FOOT ABOVE THE BASE
23 FLOOD ELEVATION, OR

24 2. THE MANUFACTURED HOME CHASSIS IS SUPPORTED BY PIERS OR
25 OTHER FOUNDATION ELEMENTS OF AT LEAST EQUIVALENT STRENGTH THAT
26 ARE NO LESS THAN 36 INCHES IN HEIGHT ABOVE GRADE AND BE SECURELY
27 ANCHORED TO AN ADEQUATELY ANCHORED FOUNDATION SYSTEM TO RESIST
28 FLOTATION, COLLAPSE, AND LATERAL MOVEMENT.

29 (C) All manufactured homes in the floodplain shall be anchored in accordance with one or more
30 of the following requirements:

31 1. Over the top ties at each of the four (4) corners of each unit; for units greater than
32 fifty feet (50') long, two (2) additional ties per side at intermediate locations; and for units
33 less than fifty feet (50') long, one additional tie per side.

1 2. Frame ties at each corner of each unit; for units greater than fifty feet (50') long,
2 five (5) additional ties per side at intermediate points; for units less than fifty feet (50')
3 long, four (4) additional ties per side.

4 3. Each component of the anchoring system shall be capable of sustaining a force of four
5 thousand eight hundred (4,800) pounds.

6 4. Any additions to a manufactured home shall be similarly anchored.

7 **10-6-17 REQUIREMENTS FOR PLACEMENT OF FILL:**

8 (A) GRADING AND placement of fill material on a site located within a floodplain is permitted
9 only upon approval of a ~~use by special exception by the commission~~ FLOODPLAIN
10 DEVELOPMENT PERMIT and based upon findings that:

11 1. REQUIREMENTS OF SECTIONS 10-6-2, 10-6-8 AND 10-6-9 ARE MET,
12 AS APPLICABLE.

13 2. Placement of fill material in a floodplain shall not adversely affect the
14 efficiency of the watercourse to convey storm runoff.

15 3. The amount of fill material to be deposited shall only be the minimum
16 necessary to achieve the required floodproofing of structures.

17 4. No fill materials are being placed in any floodway.

18 5. Fill materials shall be adequately protected against erosion by strong
19 vegetative cover, riprap, or bulkheads.

20 6. A determination that the fill will not result in increased flood heights,
21 additional threats to public safety, extraordinary public expense, create nuisances, or
22 conflict with other existing local laws or ordinances. (Revised 6-12-1992)

23 (B) NEW STRUCTURES PROPOSED FOR CONSTRUCTION IN AREAS REMOVED
24 FROM THE FLOODPLAIN BY FILL BY ISSUANCE OF A FEMA LETTER MAP
25 REVISION BY FILL (LOMR-F) MUST COMPLY WITH THE REQUIREMENTS OF
26 SECTIONS 10-6-13 AND 10-6-14.

27 **10-6-18 REQUIREMENTS FOR RECREATIONAL VEHICLES:**

28 (A) Recreational vehicles placed on sites within ~~zones A, AE, AH, AO, and A99 on the city's~~
29 ~~FIRM~~-THE FLOODPLAIN shall either:

- 1 (1) Be on a site for fewer than one hundred eighty (180) days.
- 2 (2) Be fully licensed and ready for highway use. A recreational vehicle is ready for
3 highway use if it is on its wheels, is attached to the site only by quick disconnect type
4 utilities and security devices, and has no permanent attached structures.
- 5 (3) Meet the elevation and anchoring requirements for manufactured homes in ~~subsection~~
6 ~~(B)2(c) of this section.~~ section 10-6-16.

7

8 **10-6-19 ALTERATION OF A WATERCOURSE:**

9

10 (A) THE FOLLOWING PROVISIONS APPLY TO ALTERATIONS OF A WATERCOURSE
11 IN THE FLOODPLAIN:

12 1. CHANNELIZATION AND FLOW DIVERSION PROJECTS SHALL ANALYZE THE
13 SEDIMENT TRANSPORT, EROSION, DEPOSITION, AND CHANNEL MIGRATION AND
14 PROPERLY MITIGATE POTENTIAL PROBLEMS THROUGH THE PROJECT AS WELL
15 AS UPSTREAM AND DOWNSTREAM OF ANY IMPROVEMENT ACTIVITY.

16 DEPENDENT OF THE COMPLEXITY OF THE PROJECT AND MATERIAL TO BE
17 ENCOUNTERED, A DETAILED ANALYSIS OF SEDIMENT TRANSPORT AND
18 OVERALL CHANNEL STABILITY MAY BE REQUIRED TO ASSIST IN DETERMINING
19 THE MOST APPROPRIATE DESIGN.

20 2. CHANNELIZATION AND FLOW DIVERSION PROJECTS SHALL EVALUATE THE
21 RESIDUAL 100-YEAR FLOODPLAIN.

22 3. ANY CHANNELIZATION OR OTHER STREAM ALTERATION ACTIVITY PROPOSED
23 BY AN APPLICANT MUST BE EVALUATED FOR ITS IMPACT ON THE REGULATORY
24 FLOODPLAIN AND BE IN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE
25 AND LOCAL FLOODPLAIN RULES, REGULATIONS AND ORDINANCES.

26 4. ANY ALTERATION OF A WATERCOURSE SHALL BE DESIGNED AND SEALED BY
27 A REGISTERED COLORADO PROFESSIONAL ENGINEER.

28 5. ALL ACTIVITIES WITHIN THE FLOODPLAIN SHALL MEET ALL APPLICABLE
29 FEDERAL, STATE AND CITY FLOODPLAIN REQUIREMENTS AND REGULATIONS.

30 Discharges of dredged or fill material into a watercourse may require prior issuance of a permit

1 by the U.S. Army Corps of Engineers pursuant to section 404 of the Clean Water Act (33 USC
2 1344).

3 6. WITHIN THE REGULATORY FLOODWAY, STREAM ALTERATION ACTIVITIES
4 SHALL MEET REQUIREMENTS OF 10-6-8.

5 7. MAINTENANCE SHALL BE REQUIRED FOR ANY ALTERED OR RELOCATED
6 PORTIONS OF WATERCOURSES SO THAT THE FLOOD CARRYING CAPACITY IS
7 NOT DIMINISHED.

8 8. NOTIFICATION OF ADJACENT LOCAL GOVERNMENTS, COLORADO WATER
9 CONSERVATION BOARD, AND MILE HIGH FLOOD DISTRICT.

10 9. PRIOR TO ANY ALTERATION OR RELOCATION OF A WATERCOURSE, THE
11 APPLICANT MUST SUBMIT EVIDENCE OF SUCH NOTIFICATION TO FEMA.

12 10. THIS NOTICE MUST CERTIFY THAT THE FLOOD CARRYING CAPACITY WITHIN
13 THE ALTERED OR RELOCATED PORTION OF THE WATERCOURSE HAS BEEN AND
14 WILL BE MAINTAINED.

15
16 **10-6-20 REQUIREMENTS FOR FENCING:**

17
18
19 (A) FENCES MAY BE PERMITTED IN THE FLOODPLAIN DEPENDING ON THE TYPE
20 OF FENCE. OPEN FENCES, SUCH AS SPLIT RAIL OR MINIMAL WIRE, WILL NOT
21 OBSTRUCT FLOWS TO THE SAME DEGREE AS A SOLID FENCE, SUCH AS A
22 PRIVACY FENCE.

23 1. OPEN FENCES ARE PERMITTED IN THE FLOODPLAIN WITHOUT A FLOODPLAIN
24 DEVELOPMENT PERMIT.

25 2. CHAIN-LINK OR OTHER SIMILAR SMALL OPENING OR NARROW GAP FENCING
26 MATERIALS ARE CONSIDERED A SOLID FENCE FOR THE PURPOSE OF THIS
27 REGULATION DUE TO THE POTENTIAL FOR DEBRIS ACCUMULATION.

28 3. A SOLID FENCE WHICH MAY IMPACT THE FLOOD CARRYING CAPACITY OF
29 THE FLOODPLAIN AS DETERMINED BY THE ADMINISTRATOR, WILL REQUIRE A
30 FLOODPLAIN DEVELOPMENT PERMIT IN ORDER TO EVALUATE IMPACTS.

1 4. ALL FENCE CONSTRUCTION, INCLUDING REPLACEMENT OF EXISTING
2 FENCES, SHALL COMPLY WITH THIS SECTION.

3

4 **10-6-21 STANDARDS FOR CRITICAL FACILITIES:**

5

6 ~~(C) Standards For Critical Facilities:~~

7 ~~1. (A) Classification Of Critical Facilities:~~ Critical facilities are classified under the following
8 categories:

9 1. Essential services consisting of:

10 (a) Public safety (police stations, fire and rescue stations, emergency vehicle and
11 equipment storage, and emergency operation centers);

12 (b) Emergency medical (hospitals, ambulance service centers, urgent care centers
13 having emergency treatment functions, and non-ambulatory surgical structures, but
14 excluding clinics, doctor's offices, and nonurgent care medical structures that do not
15 provide these functions);

16 (c) Designated emergency shelters;

17 (d) Communications (main hubs for telephone, broadcasting equipment
18 for cable systems, satellite dish systems, cellular systems, television, radio, and other
19 emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

20 (e) Public utility plant facilities for generation and distribution (hubs, treatment
21 plants, substations and pumping stations for water, power and gas, but not including
22 towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and
23 service lines);

24 (f) Air transportation lifelines (airports municipal and larger, helicopter pads and
25 structures serving emergency functions, and associated infrastructure (aviation control
26 towers, air traffic control centers, and emergency equipment aircraft hangars).

27
28 (g) EXEMPTIONS TO THIS CATEGORY INCLUDE ~~Specific exemptions to this~~
29 ~~category include historic structures,~~ wastewater treatment plants, nonpotable water
30 treatment and distribution systems, and hydroelectric power generating plants and related
31 appurtenances.

32
33 (h) Public utility plant facilities may be exempted if it can be demonstrated to the

1 satisfaction of the floodplain administrator that the facility is an element of a redundant
2 system for which service will not be interrupted during a flood. At a minimum, it shall be
3 demonstrated that redundant facilities are available (either owned by the same utility or
4 available through an intergovernmental agreement or other contract) and connected, the
5 alternative facilities are either located outside of the floodplain or are compliant with the
6 provisions of ~~this subsection~~ THESE FLOODPLAIN REGULATIONS ~~(C)~~, and an
7 operations plan is in effect that states how redundant systems will provide service to the
8 affected area in the event of a flood. Evidence of ongoing redundancy shall be provided
9 to the floodplain administrator on an as needed basis upon request.

10 2. Hazardous materials facilities including facilities that produce or store highly
11 volatile, flammable, explosive, toxic and/or water-reactive materials including:

- 12 a) Chemical and pharmaceutical plants and manufacturing;
13 b) Laboratories containing highly volatile, flammable, explosive, toxic and/or water
14 reactive materials;
15 c) Refineries;
16 d) Hazardous waste storage and disposal sites;
17 e) Aboveground gasoline or propane storage or sales centers
18

19 Facilities shall be determined to be critical facilities if they produce or store
20 materials in excess of threshold limits. If the owner of a facility is required by the
21 occupational safety and health administration (OSHA) to keep a material safety
22 data sheet (MSDS) on file for any chemicals stored or used in the workplace, and
23 the chemicals are stored in quantities equal to or greater than the threshold
24 planning quantity (TPQ) for that chemical, then that facility shall be considered to
25 be a critical facility. The TPQ for these chemicals is: either five hundred (500)
26 pounds or the TPQ listed (whichever is lower) for the three hundred fifty six (356)
27 chemicals listed under 40 CFR section 302 (2010), also known as extremely
28 hazardous substance; or ten thousand (10,000) pounds for any other chemical.
29 This threshold is consistent with the requirements for responsible chemicals
30 established by the Colorado department of public health and environment, OSHA
31 requirements for MSDS can be found in 29 CFR section 1910 (2010). The
32 environmental protection agency (EPA) regulation "designation, reportable
33 quantities, and notification" 40 CFR section 302 (2010) and OSHA regulation
34 "occupational safety and health standards" 29 CFR section 1910 (2010) are
35 incorporated herein by reference and include the regulations in existence at the
36 time of the promulgation of this subsection (C), but exclude later amendments to
37 or editions of the regulations.

38
39 Specific exemptions to this category include:

1 1.Finished consumer products within retail centers and households containing
2 hazardous materials intended for household use, and agricultural products
3 intended for agricultural use;

4 2.Buildings and other structures containing hazardous materials for which it can
5 be demonstrated to the satisfaction of the floodplain administrator by hazard
6 assessment and certification by a qualified professional that a release of the
7 subject hazardous material does not pose a major threat to the public;

8 3. Pharmaceutical sales, use, storage, and distribution centers that do not
9 manufacture pharmaceutical products.

10 These exemptions shall not apply to buildings or other structures that also function as
11 critical facilities under another category outlined in this subsection.

12 3. At risk population facilities include medical care, congregate care and schools
13 consisting of:

14 a) Eldercare (nursing homes);

15 b) Congregate care serving twelve (12) or more individuals (daycare and assisted living);

16 c) Public and private schools (preschools, K - 12 schools), before school and after school
17 care serving twelve (12) or more children.

18
19 ~~Specific exemptions to this category include historic structures.~~

20 4. Facilities vital to restoring normal services including government operations
21 consisting of:

22 a) Essential government operations (public records, courts, jails, building permitting and
23 inspection services, community administration and management, maintenance and
24 equipment centers);

25 b) Essential structures for public colleges and universities (dormitories, offices, and
26 classroom only).

27 c) ~~Specific exemptions to this category include historic structures.~~ Facilities may be also
28 exempted if it is demonstrated to the floodplain administrator that the facility is an
29 element of a redundant system for which service will not be interrupted during a flood. At
30 a minimum, it shall be demonstrated that redundant facilities are available (either owned
31 by the same entity or available through an intergovernmental agreement or other

1 contract), the alternative facilities are either located outside of the floodplain or are
2 compliant with this subsection (C), and an operations plan is in effect that states how
3 redundant facilities will provide service to the affected area in the event of a flood.
4 Evidence of ongoing redundancy shall be provided to the floodplain administrator on an
5 as needed basis upon request.

6
7 (B) Protection For Critical Facilities: All new and substantially improved critical facilities and
8 new additions to critical facilities located within the area of special flood hazard or other flood
9 areas shall be regulated to a higher standard than structures not determined to be critical
10 facilities. For the purposes THESE REGULATIONS, ~~of this subsection (C)~~, protection shall
11 include one of the following:

- 12 1. Location outside the area of special flood hazard or other flood areas, or
13 2. Elevation or floodproofing of the structure to at least two feet (2') above the base flood
14 elevation, or elevation at or above the two-tenths percent (0.2%) annual chance flood
15 elevation, where designated, whichever is greater.

16
17 (C) Ingress And Egress For New Critical Facilities: New critical facilities shall, when practical
18 as determined by the floodplain administrator, have continuous non-inundated access (ingress
19 and egress for evacuation and emergency services) during a base flood event. (Ord. 38, Series of
20 2013).

21
22 **Section 7:** Title 2, Chapter 9, Section 1 is amended to read as follows:

23 2-9-1: POWERS AND DUTIES:

24
25 The planning commission, hereinafter in this chapter referred to as "the commission", shall have
26 the following powers and duties:

27
28 (A) General Zoning Regulations: Prior to final consideration and action by the city council, the
29 commission shall, pursuant to title 10 of this code:

- 1 1. Review all amendments of the text of this code relating to zoning, rezoning and the
2 subdivision of land;
- 3 2. Review all applications for original zoning, rezoning and planned development plans; and
- 4 3. Forward its recommendations to the city council.

5
6 (B) Other Zoning Decisions: The commission shall have final jurisdiction over:

- 7 1. Conditional use applications as specified in title 10, chapter 8 of this code;
- 8 2. Commercial mobile radio service facility site development plan referrals as specified in
9 subsection 10-4-11(C) of this code;
- 10 ~~3. Floodplain management regulations as specified in title 10, chapter 6 of this code; and~~
- 11 3. Planned development overlay applications as specified in title 10, chapter 9 of this code.

12 (C) Comprehensive Plans: The commission shall recommend to the city council comprehensive
13 plans to guide future growth and development within the city which includes, for example,
14 land use, streets and transportation, parks and open space, pedestrian circulation, and urban
15 design. Such comprehensive plans shall be subject to:

- 16 1. Approval by the city council with changes, if any,
- 17 2. Denial by the city council, or
- 18 3. Remand by the city council to the commission with recommendations.

19

20 (D) Development Guidelines: The commission may make and adopt such design guidelines it
21 deems necessary to guide development occurring within the city. (Ord. 15, Series of 20164

22

23 **Section 8:** Severability. If any part, section, subsection, sentence, clause or
24 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
25 validity of the remaining sections of this ordinance. The City Council hereby declares that it would
26 have passed this ordinance, including each part, section, subsection, sentence, clause or phrase
27 hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or
28 phrases may be declared invalid.

29

1 **Section 9:** Repealer. All ordinances or resolutions, or parts thereof, in conflict
2 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer
3 clauses of such ordinance nor revive any ordinance thereby.
4

5
6 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
7 of the City of Littleton on the 5th day of May, 2020, passed on first reading by a vote of 7 FOR
8 and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
9 Municipal Courthouse and on the City of Littleton Website.

10 PUBLIC HEARING on the Ordinance to take place on the 19th day of May, 2020,
11 in the Council Chamber¹, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the
12 hour of 6:30 p.m., or as soon thereafter as it may be heard.

13 PASSED on second and final reading, following public hearing, by a vote of ___
14 FOR and ___ AGAINST on the 19th day of May, 2020 and ordered published by posting at
15 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

16 ATTEST:

17 _____
18 Colleen L. Norton
19 CITY CLERK

Jerry Valdes
MAYOR

20
21 APPROVED AS TO FORM:

22
23 _____
24 Reid Betzing
25 CITY ATTORNEY



¹ Due to COVID19, the City of Littleton is providing virtual coverage of city council meetings to protect the health of citizens, council members and staff. Meetings will not be held in the council chamber until further notice.