

ORDINANCE NO. 07
Series 2005

June 21, 2005: Introduced as Council Bill 08 Series 2005 by Councilmember Doug Tisdale, seconded by Councilmember Bonnie Blum, and considered by the title only on first reading. Passed unanimously.

July 19, 2005: Considered in full text on second reading. Passed unanimously

A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING SECTION 16-17-40(b) AND SECTION 18-1-20(17)
OF THE CITY OF CHERRY HILLS VILLAGE MUNICIPAL CODE
CONCERNING METHODS FOR ESTABLISHING
FLOODPLAIN AREAS WITHIN THE CITY

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, the City of Cherry Hills Village is authorized to regulate land uses for property within the boundaries of the City; and

WHEREAS, the City Council originally established Article XVII of the City Code to promote the public health, safety and general welfare; and

WHEREAS, Section 16-17-40(b) currently establishes the basis for defining floodplain areas within the City, including the August 16, 2005 Flood Insurance Rate Map (FIRM) and the May 1, 1974 Little Dry Creek drainage basin map; and

WHEREAS, the Urban Drainage and Flood Control District with the assistance of WRC Engineering recently conducted a flood hazard area delineation (FHAD) study of the Little Dry Creek watershed entitled "Flood Hazard Area Delineation – Little Dry Creek (ARAPCO) and Tributaries" study dated August 2003 (the "Little Dry Creek Study"); and

WHEREAS, the Little Dry Creek Study contains floodplain and floodway information in greater detail than the August 15, 1995 flood insurance rate map (FIRM); and

WHEREAS, the Little Dry Creek Study updates portions of the previous study referred to in City Code Section 16-17-40(b)(2), which previous study was performed in May 1, 1974; and

WHEREAS, the City Council desires to amend Section 16-17-40(b) of the City Code to include the Little Dry Creek Study prepared by WRC Engineering on behalf of the Urban Drainage and Flood Control District as part of the basis for establishing the floodplain areas within the City of Cherry Hills Village;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Section 16-17-40(b) of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

(b) Basis for establishing the floodplain areas. In determining whether any particular real property is located within the floodplain of the City, reference may be made to either of the Urban Drainage studies and the FIRM as referenced below; and, if such property is located within the area of special flood hazard on either or any of said maps, the most detailed information shall be used to determine whether said property is located within a floodplain of the City and subject to all rules, regulations, restrictions or laws relating thereto. The

Community Development Director shall determine which document shall be considered with respect to any individual application.

(1) The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study for the City of Cherry Hills Village," dated August 16, 1995, along with any subsequent revisions thereto approved and adopted by FEMA, with an accompanying flood insurance rate map (FIRM) is hereby adopted by reference and declared to be a part of this provision. The Flood Insurance Study and FIRM are on file in the City's Community Development Department.

(2) The areas of special flood hazard within the City are also defined in the Little Dry Creek drainage basin general map of the Urban Drainage and Flood Control District, revised on May 1, 1974, as adopted by the Colorado Water Conservation Board, June 21, 1974, which map is incorporated herein by reference, a copy of which is available for public inspection in the City's Community Development Department.

(3) The areas of special flood hazard within the City are also defined in the "Flood Hazard Area Delineation - Little Dry Creek (ARAPCO) and Tributaries" study dated August 2003 conducted by WRC Engineering on behalf of the Urban Drainage and Flood Control District, which study is incorporated herein by reference, a copy of which is available for public inspection in the City's Community Development Department.

Section 2. Section 18-1-20(17) of the Cherry Hills Village Municipal Code is hereby amended to read as follows:


(17) Section 1612.3 is hereby amended to read as follows:

"1612.3 Establishment Of Flood Hazard Areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified in Section 16-17-40(b) of the Cherry Hills Village Municipal Code. Said areas of special flood hazard are hereby adopted by reference and declared to be part of this section."

Section 3. No Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall take effect in accordance with the City of Cherry Hills Village Home Rule Charter.

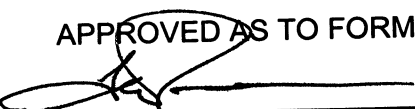
Adopted as Ordinance No. 7 Series 2005, by the City Council of the City of Cherry Hills Village, Colorado this 19th day of July, 2005.



Douglas C. Scott, Mayor

ATTEST:


Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:


Thad Renaud, City Attorney