

## ORDINANCE NO. 2

Series 2024

February 20, 2024: Introduced as Council Bill 1, Series 2024 by Councilor Robert Eber, seconded by Councilor Susan Maguire and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

March 19, 2024: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

### **A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING SECTION 16-5-120 OF THE MUNICIPAL CODE TO ADOPT THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAP FOR ARAPAHOE COUNTY AND ITS INCORPORATED AREAS**

**WHEREAS**, the City of Cherry Hills Village is a home rule municipal corporation created and organized pursuant to Article 20 of the Colorado Constitution and the Home Rule Charter of the City of Cherry Hills Village; and

**WHEREAS**, the City Council previously adopted as part of the City's floodplain management regulations a flood insurance study ("FIS") and accompanying flood insurance rate map ("FIRM") for Arapahoe County, Colorado and its incorporated areas, prepared by the Department of Homeland Security's Federal Emergency Management Agency ("FEMA") and dated December 17, 2010; and

**WHEREAS**, FEMA has revised the FIS and FIRM for Arapahoe County, Colorado and its incorporated areas and has directed the City to update its floodplain management regulations to reflect the new FIS and FIRM effective date of April 11, 2024, as a condition of continued eligibility in the National Flood Insurance Program; and

**WHEREAS**, property within the City is unaffected by the updated flood hazard information presented in the revised FIS and FIRM; and

**WHEREAS**, at a duly noticed meeting held on February 13, 2024, the Cherry Hills Village Planning and Zoning Commission considered and recommended that City Council adopt an amendment to Section 16-5-120 of the Cherry Hills Village Municipal Code to adopt the revised FIS and FIRM; and

**WHEREAS**, the City Council desires to amend the City's floodplain management regulations to adopt the FIS for Arapahoe County and its incorporated areas, with accompanying FIRM, dated April 11, 2024.

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

Section 1. Section 16-5-120 of the Cherry Hills Village Municipal Code, entitled *Basis for establishing the special flood hazard area*, is amended as set forth below, with additions shown as underlined text and deletions shown as ~~strikethroughs~~.

#### **Sec. 16-5-120. - Basis for establishing the special flood hazard area.**

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Cherry Hills Village, Colorado," dated December 17, 2010, and the Flood Insurance Rate Map for Arapahoe County, Colorado and Incorporated Areas, Revised December 17, 2010 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance through and including ~~September 3, 2020~~ April 10, 2024. Effective ~~September 4, 2020~~ April 11, 2024, the Special Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "Flood Insurance Study for Arapahoe County, Colorado and Incorporated Areas," dated ~~September 4, 2020~~, April 11, 2024, and accompanying Flood Insurance Rate Map, and any revisions thereto, are hereby

adopted by reference and declared to be a part of this ordinance. These Special Flood Hazard Areas ("SFHAs") identified by the Flood Insurance Study ("FIS") and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the City Council. The Floodplain Administrator shall keep a copy of the FIS, Digital Flood Insurance Rate Maps ("DFIRMs"), Flood Insurance Rate Maps (FIRMs), and/or Flood Boundary-Floodway Maps ("FBFMs") on file and available for public inspection.

Section 2. 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 be declared invalid.

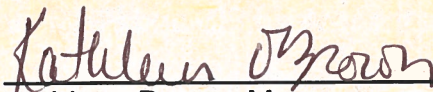
Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 4. Codification Amendments. The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Cherry Hills Village Municipal Code.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 2 Series 2024, by the City Council of the City of Cherry Hills Village, Colorado this 19<sup>th</sup> day of March, 2024.

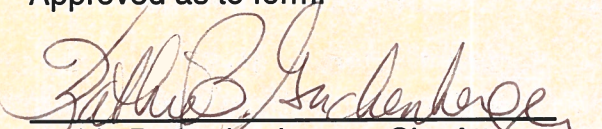
(SEAL)

  
Kathleen Brown, Mayor

ATTEST:

Approved as to form:

  
Laura Gillespie, City Clerk

  
Kathie B. Guckenberger, City Attorney

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CITY OF CHERRY HILLS VIL-  
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ADOPTION OF ORDINANCE  
ORDINANCE 2, SERIES 2024

A BILL FOR AN ORDINANCE  
OF THE CITY OF CHERRY  
HILLS VILLAGE AMENDING  
SECTION 16-5-120 OF THE MU-  
NICIPAL CODE TO ADOPT THE  
FEDERAL EMERGENCY MAN-  
AGEMENT AGENCY'S REVISED  
FLOOD INSURANCE STUDY  
AND FLOOD INSURANCE RATE  
MAP FOR ARAPAHOE COUNTY  
AND ITS INCORPORATED  
AREAS

Copies of the Ordinances are on  
file at the office of the City Clerk  
and may be inspected during  
regular business hours.

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