

**ORDINANCE NO. 3:88-3.89**

**FLOOD DAMAGE PREVENTION ORDINANCE FOR  
THE TOWN OF LARKSPUR COLORADO**

**SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT,  
PURPOSE AND OBJECTIVES**

**1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of Colorado has in Sections 24-65; 29-20-101, et seq; 30-28-111 et seq. Colorado Revised Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Council of the Town of Larkspur, Colorado does hereby ordain as follows:

**1.2 FINDING OF FACT**

- A. The flood hazard areas of the Town of Larkspur are subject to periodical inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**1.3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditures of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions; and
- I. To facilitate the administration of Areas of Special Flood Hazard by establishing requirements that must be met before use for development is permitted.

#### 1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alterations of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other

areas.

## SECTION 2.0 DEFINITIONS

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

- 2.1 Appeal: a request for a review of the Town Administrator's interpretation of any provision of this ordinance or a request for a variance.
- 2.2 Area of special flood hazard: the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- 2.3 Base Flood: the flood having a one percent chance of being equaled or exceeded in any given year.
- 2.4 Development: any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- 2.5 Flood or Flooding: a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - A. The overflow of inland or tidal waters and/or
  - B. The unusual and rapid accumulation or runoff of surface water from any source.
- 2.6 Flood Hazard Boundary Map (FHBM): an official map of a community on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated as Zone A.
- 2.7 Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated number of feet.
- 2.8 Manufactured home: a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent

foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

- 2.9 New Construction: structures for which the start of construction commenced on or after the effective date of this ordinance.
- 2.10 Structure: a walled and roofed building or manufactured home that is principally above ground.
- 2.11 Substantial improvement: any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
- A. before the improvement or repair is started, or
  - B. if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimension, of the structure.

The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions, or
  - (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- 2.12 Town Administrator for purposes of this Ordinance means an individual duly appointed by the Town Council as the Town Administrator or Town Manager or, if no such individual has been appointed, then the Town Engineer or such other person as the Town Council may designate by resolution, from time to time.

## SECTION 3.0 GENERAL PROVISIONS

### 3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Larkspur.

### 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Hazard Boundary Map (FHBM), dated March 5, 2004 0435F 0432F, 04 is adopted by reference and declared to be part of this ordinance. The FHBM is on file at the Town Hall located at 9524 South Spruce Mountain Road, Larkspur, Colorado.

### 3.3 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, or altered without full compliance with the terms of this ordinance and other applicable regulations.

### 3.4 ABROGATION AND GREATER RESTRICTIONS

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

### 3.5 INTERPRETATION

In the interpretation of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

### 3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas of special flood hazards will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Larkspur, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

## SECTION 4.0 ADMINISTRATION

### 4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a development permit shall be made on forms furnished by the Town of Larkspur and may include, but not be limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been flood-proofed;
- C. Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 5.2.B; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed developed.

### 4.2 DESIGNATION OF THE TOWN ADMINISTRATOR

The Town Administrator is hereby appointed to administer and implement this

ordinance by granting or denying development permit applications in accordance with its provisions.

#### 4.3 DUTIES AND RESPONSIBILITIES OF THE TOWN ADMINISTRATOR

Duties of the Town Administrator shall include but not be limited to:

##### A. Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this ordinance, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent over-bank areas.
  - (a) If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.
  - (b) If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required.
  - (c) If the proposed development is a building, then the provisions of this ordinance shall apply.

##### B. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Town Administrator, shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from

Federal, State, or other source as criteria for requiring the new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 5.2, SPECIFIC STANDARDS.

C. Information to be Obtained and Maintained

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved flood-proofed structures:
  - (a) Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed.
  - (b) Maintain the flood-proofing certifications required in Section 4.1.C.
- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. Alteration of Watercourses

- (1) Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FHBM Boundaries

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).



## SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

### 5.1 GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

#### A. Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads.
- (2) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:
  - (a) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side.
  - (b) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
  - (c) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
  - (d) any additions to the manufactured home be similarly anchored.

#### B. Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage, provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 20 lots or 5 acres (whichever is less).

E. Encroachments

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 4.3.B, Use of Other Base Flood Data, the following standards are required:

A. Residential Construction

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

B. Nonresidential Construction

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

- (1) be flood-proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
- (2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (3) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Town Administrator as set forth in Section 4.3.C(2).

**SECTION 6.0 SEVERABILITY**

If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**SECTION 7.0 REPEAL**

Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance, including but not limited to Ordinance 3.44, are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

**INTRODUCED, PASSED AND ADOPTED AT A SPECIAL MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AFTER PUBLIC HEARING AND SIGNED THIS 8<sup>th</sup> DAY OF SEPTEMBER, 2005.**



Votes Approving:   6    
Votes Opposed:             
Absent:             
Abstained:           

ATTEST:

**TOWN COUNCIL OF THE  
TOWN OF LARKSPUR, COLORADO**

Katherine White  
Katherine White, Town Clerk

By: Myrna A. Been  
Myrna A. Been, Mayor