

## Section 37 - Floodplain Overlay District

(orig. 1-10-75; am. 2-6-84; am. 7-2-97; am. 12-17-02; am. 7-11-06; am. 4-20-10)

### A. Intent and Purpose

It is the purpose of this District to promote the public health, safety, and welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed: to protect human life and health; to minimize expenditure of public money for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets/roads and bridges located in floodplain or flood-prone areas; to help maintain a stable tax base by providing for the sound use and development in floodplain or flood-prone areas so as to minimize future flood blight areas; to ensure that potential buyers are notified that a property is in a floodplain or flood-prone area; and to ensure that those who occupy the floodplain or flood-prone areas assume responsibility for their actions. (orig. 1-10-75; am. 2-11-80; am. 5-31-88; am. 12-17-02; am. 5-27-03; am 8-27-13)

### B. Statutory Authorization

The Legislature of the State of Colorado has in 30-28-111 C.R.S., or as amended, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Board of County Commissioners does ordain as follows: (orig. 5-27-03)

### C. General Provisions

#### 1. Floodplain Overlay District

The Floodplain Overlay District (District) shall overlay that portion of all land located in this District. The regulations of this District shall be construed as being supplementary to the regulations imposed on the same lands by any underlying zone district or other overlay district. When the regulations of this District conflict with any provision of the underlying zone district, the provisions of the District shall control; (orig. 7-11-07)

#### 2. Boundaries

The boundaries of the District were designated through the adoption of certain floodplain and flood-prone maps by the Board of County Commissioners. The adopted maps comprise the area identified as the District. The District boundary and the floodplain maps are on file in Planning and Zoning. Changes to the floodplain maps occur from time to time making it necessary for those changes to be adopted as a part of the District. Revised floodplain or flood-prone maps may be adopted either by the Director of Planning and Zoning or by the Board of County Commissioners, as authorized within this regulation. (am. 8-27-13; am. 3-3-15)

#### 3. Lands to which this District Applies

a. The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report titled, "The Flood Insurance Study for Jefferson County, Colorado, dated August 2, 2022, with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be part of this regulation. This includes Zones A, AE, AH and AO. The following types of maps or processes that depict the SFHA are approved by the FEMA: (orig. 8-27-13; am. 1-14-14; am. 12-8-15; am. 12-17-19; am. 12-8-20; am. 6-28-22)

- (1) Flood Insurance Rate Map (FIRM) (orig. 10-13-09)
- (2) Letters of Map Revision (LOMR) (orig. 10-13-09)
- (3) Letters of Map Amendment (LOMA) (orig. 10-13-09)
- (4) Letters of Map Revision - Based on Fill (LOMR-F) (orig. 10-13-09)

b. Areas that are in FEMA Zone D and are within 50 feet of the thalweg of a Major Drainageway (tributary area of 130 acres or greater). (orig. 8-27-13; am. 7-17-18)

c. Jefferson County Designated Floodplain maps. The Jefferson County Designated Floodplain map is based FHADs and/or updated reports that have not gone through FEMA adoption process. (orig. 1-10-13; am. 8-27-13)

- d. Jefferson County Designated Flood-prone map. The Jefferson County Designated Flood-prone map is based on a drainageway classified as a perennial stream by the USGS NHD and having a tributary area of 320 acres or greater in the plains and 640 acres in the mountainous area and includes a 50-foot distance from both sides of the thalweg. (orig. 8-27-13; am. 7-17-18)
  - e. Inadvertent exclusions or inadvertent inclusions for properties within the District may be evaluated by Planning and Zoning based on best available topographic data. Inadvertent exclusions require a Floodplain Development Permit. Inadvertent inclusions within the SFHA require a Minor Floodplain Development Permit to allow for documentation of the inadvertent inclusion. (orig. 7-17-18; am. 6-28-22)
  - f. Emergency work necessary to prevent or mitigate an immediate threat to life or property when an urgent necessity arises is allowed. The person performing such emergency work shall submit a Floodplain Development Permit Application within 5 calendar days of the work being initiated. A complete application for a Floodplain Development Permit shall be submitted within 30 calendar days of commencement of work. Any work performed does not indicate final approval of the application. If necessary, modifications to the improvements may be required in accordance with County regulations. (orig. 7-17-18; am. 6-28-22)
4. Findings of Fact
- a. The areas of Jefferson County within the District are subject to periodic 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. (orig. 5-27-03; am. 8-27-13)
  - b. These flood losses are caused by the cumulative effect of obstructions in areas 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. (orig. 5-27-03; am. 8-27-13)
5. Methods of Reducing Flood Losses: To accomplish its purposes, this District includes methods and provisions for: (orig. 5-27-03; am. 7-17-18)
- 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; (orig. 5-27-03)
  - b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; (orig. 5-27-03)
  - c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters; (orig. 5-27-03)
  - d. Controlling filling, grading, dredging, and other development which may increase flood damage; and, (orig. 5-27-03)
  - e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (orig. 5-27-03)
6. Warning and Disclaimer of Liability
- The degree of flood protection required by this District 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 District does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This District shall not create liability on the part of Jefferson County, any officer or employee thereof, or FEMA for any flood damages that result from reliance on this District or any administrative decision lawfully made there under. (orig. 1-10-75; am. 2-11-80; am. 12-17-02; am. 5-27-03; am. 10-13-09; am. 8-27-13)

#### **D. Applicability**

- 1. No building or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this District and other applicable regulations. (orig. 5-27-03)

2. Abrogation and Greater Restriction: This District is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this District and another district, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (orig. 5-27-03)
3. In the interpretation and application of this District, all provisions shall be: (orig. 5-27-03)
  - a. Considered as minimum requirements; (orig. 5-27-03)
  - b. Liberally construed in favor of the governing body; and, (orig. 5-27-03)
  - c. Deemed neither to limit nor repeal any other powers granted under State Statutes. (orig. 5-27-03)
4. A Floodplain Development Permit is not required for maintenance of existing designed stormwater structures. For this provision, maintenance is defined as removing debris/obstructions and/or accumulated sediments from designed stormwater structures to allow for conveyance of designed flows. (orig. 8-27-13; am. 11-24-15)
5. A Floodplain Development Permit is not required for replacement of existing guard rails associated with publicly maintained streets/roads. (orig. 11-24-15)

#### **E. Administration**

A Floodplain Development Permit shall be obtained before construction or development begins within any area of this District. Application for a Floodplain Development Permit shall be made in accordance with the requirements of this District. (orig. 5-27-03; am. 8-27-13)

1. The Director of Planning and Zoning is hereby appointed to administer and implement this District by granting or denying development permit applications in accordance with its provisions. (orig. 2-11-80; am. 12-17-02; am. 5-27-03; am. 3-3-15)
2. Duties and Responsibilities of Planning and Zoning shall include, but not be limited to: (orig. 5-31-88; am. 12-17-02; am. 5-27-03; am. 3-3-15; am. 7-17-18)
  - a. Review all Floodplain Development Permits to determine that the permit requirements of this District have been satisfied. (orig. 5-27-03)
  - b. Review all Floodplain Development Permits to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required. (orig. 5-27-03)
  - c. Review all Floodplain Development Permits to determine if the proposed development is in the regulatory floodway. If in the regulatory floodway, assure that the encroachment provisions of this section are met. (orig. 5-27-03; am. 7-17-18; am. 12-17-19; am. 6-28-22)
  - d. Use of Best Available Information: When base flood elevation (BFE) data has not been provided, Planning and Zoning shall obtain, review, and reasonably utilize any BFE and floodway data available from any Federal, State, or other best available information source. When BFE data is utilized, all new construction, substantial improvements, or other development shall be administered in accordance with this section. (orig. 5-27-03; am. 8-27-13; am. 3-3-15; am. 7-17-18)
  - e. Obtain and record all FEMA Elevation Certificates which must include actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, and whether or not the building contains a basement. (orig. 5-27-03)
  - f. For all new or substantially improved floodproofed buildings, verify and record the actual elevation (in relation to mean sea level) to which the building has been floodproofed. Maintain the Floodproofing Certifications required by this section. (orig. 5-27-03; am. 8-27-13)
  - g. Maintain for public inspection all records pertaining to the provisions of this District. (orig. 5-27-03)
  - h. Interpret Floodplain and Flood-Prone Boundaries: Make interpretations, where needed, as to the exact location of the boundaries of the floodplain or flood-prone boundaries (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided by this section (orig. 5-27-03)
3. Variance Procedure

The Jefferson County Board of Adjustment shall hear and decide appeals and request for variances from the requirements of this District. Variances from the requirements of this District are subject to the provisions contained in the Board of Adjustment Section of this Zoning Resolution. An administrative relief process may be used when requesting relief from other regulatory standards not required by the District. (orig. 1-10-75; am. 2-11-80; am. 5-31-88; am. 12-17-02; am. 5-27-03; am. 7-11-06; am. 6-28-22)

**F. Procedures**

If the applicant complies with all given time frames, submits a complete application and complies with all requirements of this Regulation, the estimated time to reach the Determination Phase of the Major Floodplain Development Permit Application process is 53 to 60 calendar days from the date of the 1st referral and 25 days for the Minor Floodplain Development Permit Application. (orig. 8-27-13; am. 7-17-18)

<b>Major Floodplain Development Permit Application</b>		
<b>Process Steps</b>	<b>Processing Time Frames</b>	
<b>Steps Prior to 1<sup>st</sup> Referral</b>		
Sufficiency Review and Referral Distribution or Deficiency Response	5 calendar days	
Resubmittal Sufficiency Review (if necessary)	5 calendar days	
<b>Process from 1<sup>st</sup> Referral to Determination</b>		
1st Referral and Staff Response	12 or 19 calendar days*	53-60** days to tentatively scheduled determination if time frames are met.
Applicant's Response to 1st Referral	Varies, 14 calendar days used for example timeframe	
Sufficiency Review and Referral Distribution	5 calendar days	
2 <sup>nd</sup> Referral and Staff Response	12 calendar days	
Final Documents	10 calendar days	
<b>Determination</b>		
Determination	5 calendar days	

\* See 1st Referral step below for a description of the required length of the 1st Referral

\*\*If there is a concurrent application process, the longer process time of the processes will apply.

<b>Minor Floodplain Development Permit Application</b>		
<b>Process Steps</b>	<b>Processing Time Frames</b>	
<b>Steps Prior to 1<sup>st</sup> Referral</b>		
Sufficiency Review and Referral Distribution or Deficiency Response	5 calendar days	
Resubmittal Sufficiency Review (if necessary)	5 calendar days	
<b>Process from 1<sup>st</sup> Referral to Determination</b>		
1st Referral and Staff Response	7 calendar days*	25** days to tentatively scheduled determination if time frames are met.
Applicant's Response to 1st Referral	Varies, 7 calendar days used for example timeframe	
Sufficiency Review and Referral Distribution	3 calendar days	
2 <sup>nd</sup> Referral and Staff Response	5 calendar days	
Final Documents	3 calendar days	
<b>Determination</b>		
Determination	5 calendar days	

\* See 1st Referral step below for a description of the required length of the 1st Referral

\*\*If there is a concurrent application process, the longer process time of the processes will apply.

If the applicant is going to request relief from a standard, to avoid processing delays, it is recommended that the request for relief be submitted early in the development process. Requests for relief of a standard are subject to different specific processing timeframes, which may add to the length to the processing of the development application. Requests for relief shall be approved prior to approval of the permit. (orig. 7-17-18; am 6-28-22)

**Steps Prior to 1st Referral**

1. Sufficiency Review and Referral Distribution (1<sup>st</sup> Referral):

The applicant shall submit electronic copies of all documents as identified in the Plans and Specifications

Section for review by Staff. (orig. 8-27-13; am. 7-17-18)

The Case Manager shall have 5 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents (including the appropriate referral fees). A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 7-17-18)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18)

2. Formal Application:

The applicant shall submit all documents as identified in the Staff response to the Sufficiency Review. (orig. 7-17-18)

The Case Manger shall have 5 calendar days to refer the application and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 7-17-18)

**Process from 1st Referral to Determination**

3. 1<sup>st</sup> Referral and Staff Response:

The referral agencies shall have 7, 12 or 19 calendar days to respond in writing to the application, depending on the complexity for the proposed activity. For a Minor Floodplain Development Permit application, the referral process shall be 7 days. For a Major Floodplain Development Permit application, if the referral agencies are all Jefferson County agencies, then the referral shall be 12 calendar days, however, if there are external agencies on the referral matrix, the referral period shall be 19 days. An extension of no more than 30 days may be agreed to by the applicant. (orig. 8-27-13; am. 7-17-18)

The Case Manager will identify the tentative date for a decision to be made on the application based on the time frames of this process. This date will be set when the application is sent out on the 1<sup>st</sup> referral. (orig. 8-27-13)

If the Case Manager indicates that the application is in substantial conformance with all applicable regulations and that only minor revisions to the documents are required, the application may proceed directly to the final documents phase of the process. Under this circumstance, the application will be able to reach the determination phase of the process earlier than the date tentatively scheduled at the time of the 1<sup>st</sup> referral. (orig. 8-27-13; am. 7-17-18)

4. Applicant's Response to 1<sup>st</sup> Referral:

For the application to be processed in accordance with the example timeframe in the Minor and Major Floodplain Development Permit tables above, the applicant shall have 7 or 14 calendar days to address in writing any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2<sup>nd</sup> referral. The applicant will be deemed to have consented to a later determination date than that tentatively scheduled if the resubmittal is not received within the 7- or 14-calendar day period. (orig. 8-27-13; am. 7-17-18; am. 6-28-22)

Regardless of the example timeframe, the applicant shall have a maximum of 180 calendar days to respond to the referral comments and resubmit, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 8-27-13; am. 7-17-18)

5. Sufficiency Review and Referral Distribution (2<sup>nd</sup> Referral):

The Case Manager shall have 3 calendar days for a Minor Floodplain Development Permit and 5 calendar days for a Major Floodplain Development Permit to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 7-17-18)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the

resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18)

6. 2<sup>nd</sup> Referral and Staff Response:

For a Minor Floodplain Development Permit application, the referral agencies shall have 5 calendar days to respond in writing to the 2<sup>nd</sup> referral. For a Major Floodplain Development Permit application, the referral agencies shall have 12 calendar days to respond. An extension of no more than 30 calendar days may be agreed to by the applicant. (am. 5-20-08; am. 7-17-18) (orig. 8-27-13; am. 7-17-18)

The Case Manager shall have 5 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to the Final Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 7-17-18)

If the applicant has not consented to a later determination date based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled Determination, the applicant shall submit the final documents as requested by the Case Manager in accordance with the Final Documents phase of the process. (orig. 8-27-13)

7. Applicant's Response to 2<sup>nd</sup> Referral:

The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 8-27-13; am. 7-17-18)

8. Additional Referrals and Responses:

For the 3<sup>rd</sup> referral, and for any subsequent referrals thereafter, the processing of the application shall follow the same steps identified above in the Sufficiency Review and Referral Distribution (2<sup>nd</sup> Referral) process, the 2<sup>nd</sup> Referral and Staff Response process and the Applicant's Response to 2<sup>nd</sup> Referral process. The only exception shall be that for the 3<sup>rd</sup> Referral, and for any subsequent referrals thereafter, the referral agencies shall have 14 calendar days to respond in writing to the referral. (orig. 8-27-13; am. 7-17-18)

The response from the Case Manager will include an opinion as to whether or not the case should proceed forward for Determination or if revised documents should be submitted for a subsequent referral process. (orig. 8-27-13; am. 7-17-18)

9. Final Documents:

The final documents shall be comprised of the stamped and signed plans and other final documents as identified by the Case Manager. (orig. 8-27-13)

If the applicant has not consented to a later determination date based on the time constraints of this process, the applicant shall have 3 calendar days for a Minor Floodplain Development Permit or 10 calendar days for a Major Floodplain Development Permit to address, in writing, any issues identified by the Case Manager or any referral agency and submit the final documents for the tentatively scheduled determination. The applicant will be deemed to have consented to a later determination date if the resubmittal is not received within the 10-calendar day period. (orig. 8-27-13; am. 7-17-18)

The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 8-27-13; am. 7-17-18)

10. Determination:

The Case Manager shall have 5 calendar days to review the Final Documents and shall approve, conditionally approve or deny the permit. The applicant may appeal the Case Manager's decision as described in The Board of Adjustment Section. (orig. 8-27-13)

**G. Limitations**

1. Permit Limitations: The permit shall be limited to work shown on the approved plans. At any time during the plan review or in the event unforeseen conditions arise during completion of the project; the County may require revision of the plans as necessary to ensure compliance with the performance standards. (orig. 8-27-13)
2. Amendments: Amendments to the approved plans are subject to the same procedures as initial applications except as specifically provided for in this section. An amendment to approved plans shall comply with requirements of this section. (orig. 8-27-13)

#### **H. Minor Floodplain Development Permit Criteria and Submittal Requirements**

Application for a Minor Floodplain Development Permit shall be made in accordance with the requirements of this District on forms furnished by Planning and Zoning and may include: (am. 7-17-18)

1. Minor Floodplain Development Permit Application Criteria:
  - a. The Minor Floodplain Development Permit applies to development that does not obstruct, impede or interfere with the flow of storm water in natural drainageways, unimproved channels or watercourses, or improved ditches, channels or canals in such a manner as to cause flooding where it would not otherwise occur. If the obstruction is a result of work without a permit, a Minor Floodplain Development Permit process will be required to remove the obstruction. (orig. 7-17-18; am. 12-17-19)
  - b. The Minor Floodplain Development Permit applies to any development within a Zone A SFHA where the proposed obstruction(s) has a cross-sectional area equal to or less than 20 square feet at or below BFE or estimated BFE and is not a primary structure. If there are multiple obstructions on the property, Planning and Zoning Staff may make a determination as to whether they have a cumulative or individual obstruction. (orig. 7-17-18)
  - c. The Minor Floodplain Development Permit applies to any development within the District not within the SFHA where the proposed obstruction(s) has a cross-sectional area equal to or less than 32 square feet measured 4 feet in height from existing grade and is not a primary structure. If there are multiple obstructions on the property, Planning and Zoning Staff may make a determination as to whether they have a cumulative or individual obstruction.(orig. 7-17-18)
  - d. The Minor Floodplain Development Permit applies to the removal of all structures within the Zone A SFHA, within the District not within the SFHA, and Zone AE SFHA when the original floodplain study did not incorporate the impacts of the structure(s) into the analysis. (orig. 7-17-18)
  - e. A Minor Floodplain Development Permit shall be required for Inadvertent Inclusions in accordance with this section. (orig. 6-28-22)
2. Minor Floodplain Development Permit Submittal Requirements
  - a. The site plan may include the following as determined by Planning and Zoning:
    - (1) A neat and legible drawing of the proposed site layout showing the required information at a scale of one (1) inch to fifty (50) feet or larger. (orig. 7-17-18)
    - (2) Topographic mapping (existing and proposed at 2-foot maximum contour intervals). (orig. 7-17-18)
    - (3) Location of existing and proposed buildings, utility locations, storage of materials, fences, retaining walls, drainage facilities. (orig. 7-17-18)
    - (4) Location of floodplain, and/or flood-prone boundaries. (orig. 7-17-18)
    - (5) Cut and fill limits and volumes and the area of land disturbance. (orig. 7-17-18; am. 6-28-22)
    - (6) A Grading, Erosion, and Sediment Control plan in accordance with the Land Disturbance Section of this regulation, as applicable. (orig. 7-17-18; am. 6-28-22)
    - (7) North arrow and scale. (orig. 7-17-18)
    - (8) Vicinity map. (orig. 7-17-18)
    - (9) Building and utility elevations. (orig. 7-17-18)
  - b. Substantial Improvements shall be tracked for all floodplain development permits within the SFHA. Applicant shall submit a cost estimate of the proposed improvements associated with all existing and/or proposed structures. Applicant shall also provide the assessed value of the structure to be improved. The assessed value of the structure may be obtained from the assessor's office. (orig. 7-

17-18)

- c. A detailed narrative of the work to be performed, discussion of applicable criteria, analysis of the downstream impacts and applicable mitigation methods. (orig. 7-17-18; am. 6-28-22)

#### **I. Major Floodplain Development Permit Criteria and Submittal Requirements**

Application for a Major Floodplain Development Permit shall be made in accordance with the requirements of this District on forms furnished by Planning and Zoning and may include, but are not limited to:

1. Major Floodplain Development Application Criteria:
  - a. There is any proposed encroachment into Zone AE SFHA and/or regulatory floodway. (orig. 7-17-18)
  - b. Any development within the Zone A SFHA that has a total cumulative cross-sectional area of proposed obstruction greater than 16 square feet at or below BFE or estimated BFE and is a primary structure. If a BFE cannot be estimated, assume depth of flooding of 4 feet. (orig. 7-17-18)
  - c. Any development within the District not within the SFHA that has a total cumulative cross sectional area of proposed obstruction greater than 32 square feet measured 4 feet in height from existing grade or is a primary structure. If a BFE cannot be estimated, assume depth of flooding of 4 feet. (orig. 7-17-18; am. 6-28-22)

#### **2. Major Floodplain Development Permit Submittal Requirements**

Submittal requirements for the Major Floodplain Development permit shall be determined by Planning and Zoning and may include the following: (orig. 6-28-22)

- a. The site plan shall include all of the following, as applicable: (orig. 5-27-03; am. 7-17-18)
  - (1) A neat and legible drawing of the proposed site layout showing the required information at a scale of one (1) inch to fifty (50) feet or larger. (orig. 5-27-03)
  - (2) The sheet size shall be 24" by 36" with the long dimension horizontal unless the Case Manager approves an alternative format. A title block shall be located in the lower right-hand margin shall include the name address and contact information of the engineer, date of preparation and revision dates, sheet page number. (orig. 5-27-03; am. 7-17-18)
  - (3) Topographic mapping (existing and proposed at 2-foot maximum contour intervals). (orig. 5-27-03)
  - (4) Location of existing and proposed buildings, utility locations, storage of materials, fences, retaining walls, drainage facilities. (orig. 5-27-03)
  - (5) Location of floodway, floodplain, and/or flood-prone boundaries. (orig. 5-27-03; am. 8-27-13)
  - (6) Location of well and onsite wastewater treatment systems. (orig. 5-27-03; am. 7-17-18)
  - (7) Cut and fill limits and volumes. (orig. 5-27-03)
  - (8) Area of land disturbance.
  - (9) North arrow and scale. (orig. 5-27-03)
  - (10) Vicinity map. (orig. 5-27-03)
  - (11) Building and utility elevations. (orig. 5-27-03)
  - (12) Building Plans shall demonstrate compliance with the applicable Performance Standards. (orig. 5-27-03; am. 8-27-13; am. 6-28-22)
  - (13) Grading, Erosion, and Sediment Control Plan in accordance with the Land Disturbance section of this regulation. (orig. 7-17-18)
- b. Floodplain Study

The Floodplain Study shall be prepared by a professional engineer, registered in the State of Colorado. A Floodplain Study will be required when one of the three criteria as listed in Section I.1 have been met. The Floodplain Study may include as determined by Planning and Zoning: (orig. 5-27-03; am. 7-17-18; am. 6-28-22)

  - (1) Location and description of property and surrounding properties. (orig. 5-27-03; am. 7-17-18)
  - (2) Discussion of the proposed scope of work in the District. (orig. 5-27-03; am. 7-17-18)



- (3) Discussion of compliance or deviation from regulations in this section and Storm Drainage Technical Criteria Manual. (orig. 5-27-03; am. 8-27-13; am. 7-17-18)
  - (4) Discussion of methodology and design criteria presented. (orig. 5-27-03)
  - (5) Calculations supporting hydrology flow rates. Any development within the SFHA with detailed studies shall utilize the best available data. (orig. 5-27-03; am. 6-28-22)
  - (6) Calculations supporting hydraulics and floodplain, floodway limits and elevations for both existing and proposed conditions. The Mile High Flood District BFE Comparison Table shall be required. (orig. 5-27-03; am. 6-28-22)
  - (7) Calculations supporting mitigation proposal and demonstrating compliance this section. (orig. 5-27-03)
  - (8) Cross-sections: (2 minimum) Showing existing and proposed stream channel, stream thalweg, floodplain and floodway adjoining each side of the channel, cross-sectional area to be occupied by the building (if applicable), high water information, cut and fill limits and elevations, building floor elevations including basements (if applicable). (orig. 5-27-03; am. 7-17-18)
  - (9) Channel profile: showing channel thalweg, existing 100-year water surface profile, proposed 100-year water surface profile, driveway, road or street crossings if applicable. (orig. 5-27-03; am. 7-17-18)
  - (10) Proposed development in the SFHA or Jefferson County Designated Floodplains should not increase velocities on adjacent properties. Planning and Zoning may allow the increased velocities provided it can be adequately demonstrated that the increased velocities will not adversely affect adjacent properties or structures. (orig. 8-27-13)
  - (11) Construction Drawings: Required unless otherwise determined by Planning and Zoning. Construction drawings shall include grading, erosion, and sediment control measures and all applicable details. (orig. 5-27-03; am. 7-17-18)
  - (12) Design Calculations: Required for floodplain, floodways, elevation or flood-proofing, construction materials, crawlspace construction and openings, utility elevations or flood-proofing, anchoring, and design of hydrostatic and hydrodynamic loads as required to certify compliance with this section. Design certification shall be in accordance with the latest Building Code and FEMA requirements. (orig. 5-27-03; am. 8-27-13; am. 7-17-18)
- c. No-Impact Certification: For minor projects, a No-Adverse Impact certification may be provided in-lieu of or in addition to a Floodplain Study, as determined by Planning and Zoning. (orig. 6-28-22)
  - d. No-Rise Certification: Any development in the Floodway shall require a No-Rise Certification. (orig. 6-28-22)

## **J. Performance Standards**

1. Permitted Uses and Restricted Activities
  - a. All land use activity except the uses specified below shall be permitted within this District to the same extent that they are permitted by an underlying zone district so long as all of the standards and requirement of this section are met. Building and lot standards, including minimum area, height and setback requirements, shall conform to those of the underlying zone district. (orig. 1-10-75; am. 2-11-80; am. 9-19-89; am. 5-27-03; am. 8-27-13)
  - b. No solid or extremely hazardous materials are permitted within this District. (orig. 1-10-75; am. 5-31-88; am. 5-27-03; am. 8-27-13)
  - c. Sufficiently hazardous materials are permitted in this District only if the materials are securely stored three feet (3) above the BFE. (orig. 5-27-03; am. 8-27-13)
2. Culverts within the District shall be designed in accordance with the Storm Drainage Design and Technical Criteria. (orig. 10-1-13; am. 1-14-14; am. 8-27-13; ex. 4-1-14; am. 7-17-18)
3. A Conditional Letter of Map Revision (CLOMR) is required whenever a Stream Alteration Activity or development:
  - a. Will increase the water surface elevation of the designated base flood elevation more than 0.5 foot at any point within the community,

- b. Will increase the water surface elevation within a Zone AE with a floodway more than 0.00 foot at any point within the community,
  - c. Involves a habitable structure or associated grading for that structure within the SFHA. (orig. 8-27-13; am. 7-17-18; am. 6-28-22)
4. Whenever a Stream Alteration Activity or development is known or suspected to increase or decrease the Designated BFE in excess of 0.3 vertical feet, a LOMR showing such changes shall be obtained in order to accurately reflect the changes on FEMA's regulatory floodplain map for the stream reach. It should be noted that a LOMR is based on as-built conditions. (orig. 8-27-13; am. 7-17-18; am 6-28-22)
5. When BFE data has not been provided in accordance with this section, the Floodplain Administrator shall obtain, review and reasonably utilize the BFE data and Floodway data available from a Federal, State, or other source, to administrator the provisions of this regulation. (orig. 8-27-13; am. 7-17-18)
6. Anchoring
- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the building and can resist the hydrostatic and hydrodynamic loads. (orig. 5-31-88; am. 5-27-03; am. 7-17-18)
  - b. 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. Specific requirements include: (orig. 5-31-88; am. 5-27-03)
    - (1) Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side. (orig. 5-27-03)
    - (2) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side. (orig. 5-27-03)
    - (3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds. (orig. 5-27-03)
    - (4) Any additions to the manufactured home shall be similarly anchored. (orig. 5-27-03)
    - (5) A Manufactured Home in the Floodplain Overlay District Certification shall be provided by the contractor who completed the installation. (orig. 6-28-22)
7. Construction Materials and Methods
- a. All new construction including substantial improvements, non-substantial improvements, or remodeling, any of which that occur less than two (2) feet above the BFE or estimated BFE, shall be constructed with flood damage resistant materials and utility equipment resistant to flood damage. For BFE's that cannot be estimated, assume a depth of flooding of four (4) feet. (orig. 5-31-88; am. 5-27-03; am. 8-27-13; am. 7-17-18)
  - b. All new construction including substantial improvements, non-substantial improvements, or remodeling, any of which that occur less than two (2) feet above the BFE or estimated BFE, shall be constructed using methods and practices that minimize flood damage. For BFE's that cannot be estimated, assume a depth of flooding of four (4) feet. (orig. 5-31-88; am. 5-27-03; am. 8-27-13; am. 7-17-18)
  - c. All new construction including substantial improvements, non-substantial improvements, or remodeling, any of which that occur less than two feet above the BFE or estimated BFE, shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding. For BFE's that cannot be estimated, assume a depth of flooding of four (4) feet. (orig. 5-31-88; am. 5-27-03; am. 8-27-13; am. 7-17-18)
8. Utilities - Water and Sanitation
- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. (orig. 5-27-03)
  - b. 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. (orig. 5-27-03)

- c. New Onsite Wastewater Treatment Systems (OWTS) shall be located outside the SFHA and Jefferson County Designated Floodplains. A new, upgrade or repair of an existing OWTS will require a Floodplain Development Permit. Repair or replacement of existing OWTS located within the SFHA or Jefferson County Designated Floodplain may be allowed as determined by Planning and Zoning and Public Health Staff. If there are limited options to locate the OWTS outside the SFHA or Jefferson County Designated Floodplain, higher level treatment may be required dependent on project scope. (orig. 5-27-03; am. 8-27-13; am. 6-28-22)
- d. At grade and below grade utility work shall require a minor Floodplain Development Permit. (orig. 6-28-22)

9. Development Standards

- a. Developments shall comply with all the requirements of this section of this Zoning Resolution, Land Development Regulation and the Jefferson County Storm Drainage Design and Technical Criteria. (orig. 5-27-03; am. 7-11-06; am. 8-27-13; am. 7-17-18)
- b. All subdivision proposals, including the placement of manufactured home parks, shall be reasonably safe from flooding. If a subdivision or other development proposal is in a floodplain or flood-prone area, the proposal shall minimize flood damage. (orig. 8-27-13)
- c. BFE data shall be generated for subdivision proposals and other proposed development within the SFHA that include the placement of manufactured home parks or subdivisions that have greater than fifty (50) lots or include a total of five (5) acres or greater. (orig. 8-27-13)

**K. Specific Construction Standards**

1. Properties with a Letter of Map Revision Based on Fill (LOMR-F)

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property that has been issued a LOMR-F, if the lowest floor elevation is less than two (2) feet above the BFE that existed prior to the placement of fill. (orig. 8-27-13)

2. Residential Buildings

- a. New construction or substantial improvement of any residential building shall have the lowest floor, including basement, elevated to at least two (2) feet above the BFE. (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am 8-27-13; am. 7-17-18)
- b. Below-Grade Residential Crawlspace Construction

New construction and substantial improvement of any below-grade crawlspace shall conform to the following requirements: (orig. 5-27-03; reloc. 6-28-22)

- (1) Have the interior grade elevation, that is below BFE, no lower than two (2) feet below the lowest adjacent grade; (orig. 5-27-03; am. 7-17-18; reloc. 6-28-22)
- (2) Have the height of the below grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four (4) feet at any point; (orig. 5-27-03; reloc. 6-28-22)
- (3) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood; (orig. 5-27-03; reloc. 6-28-22)
- (4) Meet the provisions of this Section (orig. 5-27-03; reloc. 6-28-22)

3. Nonresidential Buildings for All Public or Private Industrial, Commercial, Recreational, and Institutional Uses for Major Floodplain Development Permits. (am. 7-17-18)

- a. New construction or substantial improvement of any nonresidential building shall have the lowest floor, including basement, elevated to at least two (2) feet above the BFE; (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am. 8-27-13; am. 7-17-18)

or

- b. The structure is floodproofed with the following conditions:

- (1) Be floodproofed to at least two (2) feet above the BFE; (orig. 8-27-13)

- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and (orig. 8-27-13)
  - (3) Be certified with a FEMA Floodproofing Certificate to ensure the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. (orig. 8-27-13)
4. Accessory Buildings and Agricultural Buildings (for example barns, detached garages, sheds)
- a. Accessory Structures Requiring a Building Permit: (orig. 5-27-03)
    - (1) New construction or substantial improvement of nonresidential accessory buildings and agricultural buildings shall either have the lowest floor (including basement) elevated to two (2) feet above the level of the BFE or estimated BFE. For BFE's that cannot be estimated, assume a depth of flooding of four (4) feet; (orig. 5-27-03; am. 8-27-13; am. 7-17-18)

or

    - (2) Together with attendant utility and sanitary facilities, the entire building shall: (orig. 5-27-03)
      - (a) Be floodproofed to at least two (2) feet above the BFE; (orig. 5-31-88; am. 5-27-03; am. 8-27-13)
      - (b) For structures within the SFHA, have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and (orig. 5-31-88; am. 5-27-03; am. 7-17-18)
      - (c) For structures within the SFHA, be certified with a FEMA Floodproofing Certificate to ensure the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. (orig. 5-31-88; am. 5-27-03; am. 8-27-13; am. 7-17-18)
  - b. Accessory Structures Not Requiring a Building Permit (orig. 5-27-03)
 

Together with attendant utility and sanitary facilities, the entire building shall: (orig. 5-27-03)

    - (1) Be anchored to resist floating; (orig. 5-27-03)
    - (2) Be built of flood resistant materials; (orig. 5-27-03)
    - (3) Be documented by the applicant that the methods of construction are in accordance with the standards of practice for meeting the provisions of this paragraph. (orig. 5-27-03; am. 8-27-13)
5. Wet Floodproofing (am. 6-28-22)
- All new construction and substantial improvements with fully enclosed areas below the lowest floor, shall be designed to meet or exceed the following minimum criteria: (orig. 5-27-03)
- a. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; (orig. 5-27-03)
  - b. The bottom of all openings shall be no higher than one (1) foot above grade; (orig. 5-27-03)
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; (orig. 5-27-03)
7. Manufactured Homes
- Manufactured homes shall be anchored in accordance with the section and all manufactured homes or those to be substantially improved shall conform to the following requirements: (orig. 5-27-03; am. 8-27-13)
- a. Require that manufactured homes that are placed or substantially improved on a site be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of two (2) feet above the BFE and is securely anchored. These requirements shall apply to the following manufactured home scenarios: (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am. 8-27-13)
    - (1) Outside of a manufactured home park or subdivision (orig. 5-27-03)
    - (2) In a new manufactured home park or subdivision (orig. 5-27-03)
    - (3) In an expansion to an existing manufactured home park or subdivision, or (orig. 5-27-03)

- (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of two (2) feet above the BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (orig. 5-27-03; am. 8-27-13)
- b. Require that manufactured homes to be placed on sites in existing manufactured home parks or subdivisions, that are not subject to the provisions above, be elevated to comply with one of the following provisions: (orig. 5-27-03)
  - (1) The lowest floor of the manufactured home is a minimum of two (2) feet above the BFE, or (orig. 5-27-03; am. 8-27-13)
  - (2) The manufactured home chassis is supported by reinforced piers or other equivalent foundation elements that are no less than three (3) feet in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. (orig. 5-27-03)
- c. Require a completed Jefferson County Manufactured Home in the Floodplain Overlay District certification form upon completion prior to the Building Safety permitting process. (orig. 6-28-22)

8. Recreational Vehicles

All recreational vehicles placed on properties within the SFHA or Jefferson County Designated Floodplain shall:

- a. Be on the property for fewer than 180 consecutive calendar days; and (orig. 8-27-13)
- b. Be licensed, operable and ready for highway use, or (orig. 8-27-13)
- c. Meet the permit requirements of this section and the elevation and anchoring requirements for "manufactured homes" in this section. (orig. 8-27-13; am. 6-28-22)

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

9. Critical Facilities

Critical Facilities are identified by Jefferson County Emergency Management and the Planning and Zoning Division. The following criteria are applicable to Critical Facilities:

- a. New Critical Facilities shall be located outside the SFHA or Jefferson County Designated Floodplains. (orig. 8-27-13)
- b. Substantially improved or additions to an existing Critical Facilities shall be constructed with at least three (3) feet above the BFE. (orig. 8-27-13)
- c. Ingress and egress for new Critical Facilities shall, to the extent practicable, have continuous non-inundated access to a public roadway during a 100-year flood event. (orig. 8-27-13)

10. Fencing

Fences may be permitted in the District depending on the type of fence. Open fences, such as split rail or three strand wire, will not obstruct flows to the same degree as a solid fence, such as privacy fences. In certain scenarios fencing, such as solid fencing constructed perpendicular to the direction of flow, will not be permitted in the District. (orig. 8-27-13; am. 7-17-18)

- a. Open fences may be permitted in the District, including the regulatory floodway without a Floodplain Study upon determination by Planning and Zoning of no adverse impact. (orig. 8-27-13; am. 11-24-15; am. 7-17-18; am. 12-17-19)
- b. Chain-link, barbed wire, or other similar type fencing materials are considered a solid fence for the purpose of this regulation due to the potential for debris accumulation. (am. 11-24-15; am. 7-17-18)
- c. A solid fence is not permitted in the regulatory floodway unless a Floodplain Study is submitted with a Major Floodplain Development permit. (orig. 11-24-15; am. 7-17-18; am. 12-17-19)
- d. A solid fence having an obstruction which exceeds the cross-sectional area as defined in the Minor Floodplain Development Permit section of this regulation will require a Major Floodplain Development Permit application and floodplain study. The purpose of the floodplain study is to demonstrate no

adverse impact. A solid fence that is not in the regulatory floodway and is approximately parallel to flows or in a backwater area does not require a floodplain study. (orig. 7-17-18)

- e. The fence must not adversely affect drainage or create debris build-up. (orig. 8-27-13)
- f. All fence construction, including replacement fences, shall comply with this section. (orig. 8-27-13)

#### 11. Utilities – Communications & Infrastructure

Utilities may be permitted in the District depending on the size of the obstruction. Monopoles and other similar poles which support utility equipment fall under this category. (orig. 12-17-19; am. 6-28-22)

- a. An above ground utility is not permitted in the regulatory floodway unless a Floodplain Study demonstrating no adverse impact is submitted when a Major Floodplain Development permit is approved. (orig. 12-17-19)
- b. A utility having an obstruction which exceeds the cross-sectional area as defined in the Minor Floodplain Development Permit section of this Regulation will require a Major Floodplain Development Permit application and Floodplain Study. The purpose of the Floodplain Study is to demonstrate no adverse impact. A utility that is not in the regulatory floodway and is approximately parallel to flows or in a backwater area does not require a Floodplain Study. (orig. 12-17-19)
- c. A utility having an obstruction that is less than 2 feet in width and is not within the regulatory floodway are permitted in the District, and will require a Minor Floodplain Permit. (orig. 12-17-19)
- d. The utility must not adversely affect drainage or create debris build-up. (orig. 12-17-19)
- e. All utilities, including replacement of existing utilities, shall comply with this section. (orig. 12-17-19)
- f. At grade and below grade utility work shall require a minor floodplain development permit. (orig. 6-28-22)

#### 12. Specific Standards for Zone A, Zone AO, Zone AH, Zone D and Jefferson County Designated Flood-prone areas.

In all SFHAs where BFE data is not available: (orig. 5-27-03; am. 8-27-13)

- a. All new construction and substantial improvements must either meet the specific standards outlined above, or for A or AO zones, the top of the bottom floor including basement and/or crawlspace must be elevated above the highest adjacent grade as shown below. (orig. 5-27-03)
  - (1) Zone AO – at least two (2) feet higher than the depth number shown on the FIRM (if no number is shown it must be at least three (3) feet above grade. For BFE's that cannot be estimated, assume a depth of flooding of four (4) feet. (orig. 5-27-03; am. 8-27-13; am. 7-17-18)
  - (2) Zone A – If a BFE can be estimated, top of bottom floor shall be two (2) feet above the estimated BFE. If a BFE cannot be estimated, BFE should be assumed a minimum of four (4) feet above grade and top of bottom floor shall be two (2) feet above the assumed BFE. (orig. 5-27-03; am. 8-27-13; am. 7-17-18)
- b. For A, AH and AO zones all new construction and substantial improvements must have adequate drainage paths around buildings to guide floodwaters around and away from proposed buildings. (orig. 5-27-03)
- c. For Jefferson County Designated floodplains that do not have BFE's assume a depth of flooding of four (4) feet. (orig. 7-17-18)
- d. For all proposed development and construction within fifty (50) feet of the thalweg of a Major Drainageway in Zone D or Jefferson County Established Flood-prone areas: (orig. 5-27-03; am. 8-27-13)
  - (1) A Floodplain Development Permit shall be required if the proposed development is within fifty (50) feet of the thalweg of a Major Drainageway in Zone D or a Jefferson County Designated Flood-prone area. For BFE's that cannot be estimated, assume a depth of flooding of four (4) feet. (orig. 5-27-03; am. 8-27-13; am. 7-17-18)
  - (2) If the development is determined to be in a flood-prone area the development must meet the applicable standards for floodproofing. (orig. 5-27-03; am. 8-27-13; am. 7-17-18)

#### **L. Post Construction Certifications**

1. The following applicable post construction certifications are required no later than 30 calendar days after the non-building related development construction is complete and/or prior to final building inspection. No Certificate of Occupancy shall be issued on any new or substantially improved building within this District until the required Elevation Certificate or Floodproofing Certificate, construction certificate and as-built drawings are submitted and accepted by the Planning and Zoning Division. Non-compliance with the standards in this section will be enforced as a Zoning Violation, as specified in the Enforcement and Administrative Exceptions Section of this Zoning Resolution. The cost of completion of all required post construction certifications and as-built drawings and shall be borne entirely by the applicant. (orig. 8-27-13; reloc. 6-28-22)
  - a. For Minor Floodplain Development Permits, post construction certification consists of notification from the applicant stating that the work has been completed per the approved plan. (orig. 7-17-18; reloc. 6-28-22)
  - b. For all new or substantially improved buildings within the completed Elevation Certificate or Floodproofing Certificate for Non-Residential Structures shall be submitted to demonstrate compliance with this section and requirements of FEMA. (orig. 8-27-13; am. 7-17-18; reloc. 6-28-22)
  - c. For Major Floodplain Development Permits, any grading within the Floodplain Overlay District as defined in this section and/or development within the regulatory floodway, as-built drawings and/or certifications by a licensed engineer in the State of Colorado as allowed by Planning and Zoning must demonstrate that the requirements in this Section and per the approved plans, have been fulfilled and development was constructed in conformance with the approved plan. (orig. 8-27-13; am. 11-24-15; am. 7-17-18; reloc. 6-28-22)
  - d. For all new or substantially improved buildings within the District an engineer's or architect's construction certification shall be submitted and accepted by the Planning and Zoning Division. The construction certification must certify that the anchoring, construction materials, and utility construction were constructed as specified in the approved plans. Construction certification shall be in accordance with the applicable Building Code. (orig. 8-27-13; am. 7-17-18; reloc. 6-28-22)
  - e. Once the applicable post construction documents are received by either Planning and Zoning or Transportation and Engineering, the inspector may conduct a site visit to verify the completed work prior to final acceptance of the Floodplain Development Permit. (orig. 8-27-13; am. 11-24-15; am. 7-17-18; reloc. 6-28-22)
2. The work associated with the permit shall be completed within one (1) year of the date of permit issuance, unless an extension has been granted by Planning and Zoning or Transportation and Engineering. A request for an extension shall be submitted in writing no later than ten (10) calendar days prior to the expiration of the permit. Planning and Zoning or Transportation and Engineering may grant an extension to the permit up to one additional year. Only one extension shall be permitted for the completion of construction activities. Additional extensions may be granted by Planning and Zoning and/or Transportation and Engineering to allow the establishment of permanent erosion and sediment control measures. (orig. 8-27-13; am. 7-17-18; am. 6-28-22; reloc. 6-28-22)

**M. Floodways**

The following provisions apply to the regulatory floodway: (orig. 5-27-03; am. 7-17-18)

1. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless it has been demonstrated through hydrological and hydraulic analyses prepared by a registered Colorado professional engineer, demonstrates no increase in flood levels during the occurrence of the base flood discharge. A Jefferson County no-rise certification form shall be required. (orig. 5-27-03; am. 8-27-13; am. 11-24-15; am. 6-28-22)
2. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section. (orig. 5-27-03; am. 8-27-13)

**N. Alteration of a Watercourse within the SFHA**

The following provisions apply to alterations of a watercourse in the SFHA:

1. Channelization and flow diversion projects shall analyze the sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. Dependent of the complexity of the project and material to be

encountered, a detailed analysis of sediment transport and overall channel stability may be required to assist in determining the most appropriate design. (orig. 8-27-13)

2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain. (orig. 8-27-13)
3. Any channelization or other stream alteration activity proposed by an applicant must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances. (orig. 8-27-13)
4. Any alteration of a watercourse shall be designed and sealed by a registered Colorado professional engineer or Certified Professional Hydrologist. (orig. 8-27-13)
5. All activities within the SFHA shall meet all applicable Federal, State and Jefferson County floodplain requirements and regulations. (orig. 8-27-13)
6. Within the regulatory floodway, stream alteration activities shall not be constructed unless the applicant demonstrates through a Floodplain Study, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a No-Rise Certification, unless the applicant first applies for and receives approval from FEMA for a CLOMR and Floodway revision. (orig. 8-27-13; am. 7-17-18)
7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished. (orig. 8-27-13)
8. Notification of adjacent local governments, Colorado Water Conservation Board, and Mile High Flood District, if the altered portion of the watercourse is within Mile High Flood District. (orig. 5-27-03; am. 6-28-22)
9. Prior to any alteration or relocation of a watercourse, the applicant must submit evidence of such notification to FEMA. This notice must certify that the flood carrying capacity within the altered or relocated portion of the watercourse has been and will be maintained. (orig. 5-27-03; am. 8-27-13)

#### **O. Modification to the Floodplain Overlay District**

1. The District may be amended through any one of the following actions: (orig. 10-13-09; am. 8-27-13)
  - a. Director of Planning and Zoning Action: The Director of Planning and Zoning may adopt revised District boundaries based on one of the following documents: (orig. 10-13-09; am. 8-27-13; am. 3-3-15)
    - (1) A Flood Insurance Rate Map (FIRM) (orig. 10-13-09)
    - (2) A Letter of Map Revision (LOMR) (orig. 10-13-09)
    - (3) A Letter of Map Amendment (LOMA) (orig. 10-13-09)
    - (4) A Letter of Map Revision Based on Fill (LOMR-F) (orig. 10-13-09)
    - (5) Flood Hazard Area Delineation (FHAD) or Hydrologic Evaluation and Floodplain Reports: The associated maps may be adopted in accordance with the following provisions: (orig. 10-13-09; am. 8-27-13)
      - (a) If the study area affects an area that is currently not identified as a SFHA or a Jefferson County Designated Floodplain, the associated maps may be adopted to the existing District boundary. (orig. 10-13-09; am. 8-27-13)
      - (b) If the study area affects an area that is SFHA or a Jefferson County Designated Floodplain, then a separate layer to the Floodplain Overlay District may be adopted to allow the County to provide the best available information. If the FHAD or Hydrologic Evaluation and Floodplain Report are subsequently approved through FEMA or CWCB, and adopted by the County in accordance with this section, then the separate layer will be removed. (orig. 10-13-09; am. 8-27-13)
    - (6) Updated and/or revised GIS data used to define the Jefferson County Designated Flood-prone map. (orig. 8-27-13)

The amendment of the District boundary for maps identified in numbers 2 through 4 above will only be approved by the Director of Planning and Zoning if it is determined that the revised floodplain map has been issued based on construction that is consistent with an applicable Conditional Letter of Map Revision (CLOMR) or any County approved construction plan. In



addition, the Director of Planning and Zoning will not approve a change to the District boundary for maps identified in numbers 2 through 5 above, if it is determined that the notification of affected property owners has not been completed in accordance with the notification requirements. (orig. 10-13-09; am. 8-27-13; am. 3-3-15)

If the Director of Planning and Zoning does not approve an amendment to the District boundary based on the requirements of this section, then the revised floodplain map may be taken to the Board of County Commissioners for adoption in accordance with paragraph b. below. (orig. 5-31-88; am. 12-17-02; am. 5-27-03; am. 10-13-09; am. 8-27-13)

- b. Board of County Commissioner Action: The Board of County Commissioners may approve changes to District boundaries by approval of a rezoning application. The rezoning application can either be specifically for the adoption of a floodplain or flood-prone map or it may be in conjunction with a rezoning application for a proposed development. (orig. 10-13-09; am. 8-27-13)
  - (1) Adoption of revised floodplain or flood-prone map: The Board of County Commissioners may adopt revised District boundaries when presented with the following types of floodplain or flood-prone documents. (orig. 10-13-09; am. 8-27-13)
    - (a) Documents approved by FEMA: (orig. 10-13-09; am. 8-27-13)
      - (a-1) Flood Insurance Rate Map (FIRM) (orig. 10-13-09)
      - (a-2) Letter of Map Revision (LOMR) (orig. 10-13-09)
      - (a-3) Letter of Map Amendment (LOMA) (orig. 10-13-09)
      - (a-4) Letter of Map Revision Based on Fill (LOMR-F) (orig. 10-13-09)
    - (b) Jefferson County Designated Floodplain maps: These maps may be adopted as a separate layer to the District to allow the County to provide the most current floodplain information to its citizens and to apply appropriate floodplain regulations. If the floodplain limits of a Jefferson County Designated Floodplain map are subsequently approved through FEMA or CWCB, and adopted by the County in accordance with this section, then the separate layer will be dissolved. (orig. 10-13-09; am. 8-27-13)
    - (c) Flood Hazard Area Delineation (FHAD) or Hydrologic Evaluation and Floodplain Reports: The associated maps may be adopted in accordance with the following provisions: (orig. 10-13-09; am. 8-27-13)
      - (c-1) If the study area affects an area that is currently not identified as a SFHA or a Jefferson County Designated Floodplain, the associated maps may be adopted to the existing District boundary. (orig. 10-13-09; am. 8-27-13)
      - (c-2) If the study area affects an area that is SFHA or a Jefferson County Designated Floodplain, then a separate layer to the District may be adopted to allow the County to provide the best available information. If the FHAD or Hydrologic Evaluation and Floodplain Report are subsequently approved through FEMA or CWCB, and adopted by the County in accordance with this section, then the separate layer will be removed. (orig. 10-13-09; am. 8-27-13)
  - (2) Conditional adoption of revised floodplain limits with a rezoning application: During a rezoning process the applicant may desire to show proposed or corrected District limits, or BFEs, to accommodate development. Under this circumstance the Board of County Commissioners may provide conditional rezoning approval for the alteration. A Floodplain Development Permit will be required with the rezoning application. The conditions of approval shall include, but are not limited to, the conditions in the following notes that must be placed on the Official Development Plan based on the appropriate situation: (orig. 5-27-03; am. 10-13-09; am. 8-27-13; am. 7-17-18)
    - (a) The following Official Development Plan note shall be used for District changes based on proposed floodplain alterations in conjunction with any development: (orig. 5-27-03; am. 8-27-13)

The Floodplain Overlay District will be modified to be consistent with the Letter of Map Revision (LOMR) that is approved by the Federal Emergency Management Agency provided all of the following conditions have been satisfied: (orig. 5-27-03)

- (a-1) Submission of an approved final Floodplain Study that meets the requirements of the Zoning Resolution and Land Development Regulation (orig. 5-27-03; am. 8-27-13; am. 7-17-18)
- (a-2) Submission of a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency to the County prior to Final Plat approval (orig. 5-27-03; am. 10-13-09; am. 8-27-13)
- (a-3) Submission of an effective Letter of Map Revision (LOMR) from the Federal Emergency Management Agency to the County prior to issuance of any building permits (orig. 5-27-03; am. 8-27-13; am. 7-17-18)
- (a-4) Compliance with the applicable maintenance requirements of this section (orig. 5-27-03; am. 10-13-09; am. 8-27-13)