



Legislation Details (With Text)

File #: Ord 2122 **Version:** 1 **Name:** FEMA Required Floodplain LDC Amendment
Type: Ordinance **Status:** Passed
File created: 1/17/2017 **In control:** City Council
On agenda: 3/20/2017 **Final action:** 3/20/2017
Title: AN ORDINANCE AMENDING SECTION 21-4400(1) OF THE CITY OF COMMERCE CITY LAND DEVELOPMENT CODE BY ADOPTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY’S RECENT AND FUTURE UPDATED FLOOD INSURANCE STUDY AND ACCOMPANYING FLOOD INSURANCE RATE MAPS

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance Final, 2. Exhibit A, 3. Planning Commisison Minutes, 4. Staff Report, 5. FEMA Letter, 6. Presentation

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---|--------|
| 3/20/2017 | 1 | City Council | approved on second & final reading | |
| 3/6/2017 | 1 | City Council | introduced by council as seated and approved on first reading | Pass |

AN ORDINANCE AMENDING SECTION 21-4400(1) OF THE CITY OF COMMERCE CITY LAND DEVELOPMENT CODE BY ADOPTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY’S RECENT AND FUTURE UPDATED FLOOD INSURANCE STUDY AND ACCOMPANYING FLOOD INSURANCE RATE MAPS

Summary and Background Information:

The Commerce City Land Development Code (LDC) Article IV is the regulatory basis for the Floodplain Overlay Zone District within Commerce City. Commerce City is required to adopt and enforce floodplain regulations in order to be a participant in the National Flood Insurance Program (NFIP). The NFIP is a federal program enabling property owners, in participating communities, to purchase flood insurance as a protection against flood losses in exchange for community floodplain management regulations that reduce future flood damages.

Participation in the NFIP is based on an agreement between communities, the State of Colorado, and the federal government. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction in floodplains, the federal government will make flood insurance available within that community as a financial protection against flood losses.

Commerce City has been a participating agency and has had adopted floodplain management ordinances since 1978. This allows ALL the properties within Commerce City the option of purchasing flood insurance, and enables federally backed mortgage loans for properties within a Special Flood Hazard Area. Participating in the NFIP is also a requirement for certain grant funding and emergency funding sources.

The NFIP regulations are the minimum requirements for floodplain management. Each state must also adopt floodplain regulations and the federal government gives them authority to adopt stricter standards than what the

NFIP has outlined in the Code of Federal Regulations. Furthermore, each jurisdiction must adopt the federal and state regulations as the minimum requirements, but they too, are given the option of adopting stricter standards than what is required at the federal and state level.

The city's existing floodplain section of the LDC has a comprehensive format, meaning all the requirements can be found in one location that encompass uses and structures. The existing code covers all of the NFIP requirements, but the state and FEMA staff, along with city staff, realized the need to update the ordinance to be in conformance with the updated FEMA panel requirements.

Staff Responsible (Department Head): Chris Cramer, Community Development Director

Staff Member Presenting: Steve Timms, Planning Manager

Financial Impact: N/A

Funding Source: N/A

Recommendation:

On February 7, 2017, the Planning Commission held a hearing, took testimony, and voted (5-0) to forward the ordinance request to City Council with a positive recommendation, subject to the findings of fact.

Suggested Motion:

I move to introduce Ordinance 2122 by council as seated, and approve the ordinance on first reading.