

TITLE 15

LAND USE, BUILDING, AND CONSTRUCTION

Chapters:

- 15.04 Building Regulations
- 15.05 Manufactured Structures
- 15.06 Fire Safety Regulations
- 15.08 Licenses and Contractors
- 15.12 Radio and Television Interference
- 15.16 Canopy Construction
- 15.20 Sidewalk, Curb and Gutter Construction Requirements
- 15.24 Demolition Regulations
- 15.30 Excavation and Sewer and Water Line Construction Requirements
- 15.36 Building Moving Permit
- 15.52 Mobile Home and Travel Home Regulations
- 15.56 Flood Damage Prevention
- 15.60 Legislated Vested Property Rights

Chapter 15.04

BUILDING REGULATIONS

Sections:

- 15.04.010 Adoption and application of codes.
- 15.04.020 Administration.
- 15.04.030 Deletions, modifications and exceptions to the codes adopted by reference or applied.
- 15.04.040 Appeals.
- 15.04.050 Violations and penalties.
- 15.04.060 Fence construction and maintenance requirements.
- 15.04.070 Housing maintenance requirements.
- 15.04.080 Site development and maintenance requirements.
- 15.04.090 Supplemental site development standards for highway corridors.

15.04.010 Adoption and application of codes.

A. There is hereby adopted for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare The International Building Code, 2003 Edition, including Appendix C as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations

governing, the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such structures; and providing for the issuance of permits and collection of fees therefor.

B. There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Residential Code, 2003 Edition, including Appendices E, G, H, J and K, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress and the issuance of permits and collection of fees therefor.

C. There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Mechanical Code, 2003 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795;; the subject matter of which is regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems and the issuance of permits and collection of fees therefor.

D. There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Fuel Gas Code, 2003 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing fuel gas systems and gas-fired appliances and the issuance of permits and collection of fees therefor.

E. There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Plumbing Code, 2003 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing the design, construction, quality of

materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor.

F. There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Energy Conservation Code, 2003 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems and for the issuance of permits and collection of fees therefor.

G. Pursuant to C.R.S. 12-23-104, the electrical code, as amended and enforced by the State of Colorado from time to time shall apply to all electrical work within the City.

H. One copy of each of the above codes is on file in the office of the City Clerk and may be inspected during regular business hours. Additional copies are available for purchase. (Ord. 7, \$1(part), 1986; Ord. 17, \$1(part), 1990; Ord. 5, \$1, 1994; Ord. 21, \$1, 1999; Ord. 31, \$8, 2000; Ord. 13, \$1, 2004)

15.04.020 Administration.

A. The City Manager shall be responsible for the enforcement of this Chapter, and the Codes adopted herein by reference. He may appoint a Building Official or one or more inspectors who shall enforce, interpret and administer the provisions of this Chapter, and the Codes adopted herein by reference. Provided, however, that the state electrical code shall be administered and enforced in accordance with State law by the State Electrical Inspector.

B. The City Manager and State Electrical Inspector and their designated representatives shall have the right of entry to inspect and enforce the provisions of this Chapter, the state electrical code and any of the Codes adopted herein by reference in accordance with the procedures and provisions of Subsection 104.6 of The International Building Code in addition to any other provisions provided by law.

C. Whenever, in any of the Codes adopted or applied in this Chapter, it is provided that anything must be done, subject to the approval or discretion of an inspector or official, this shall be construed to give such official or inspector only the

discretion to determine whether rules or standards established by such Codes have been complied with, and no such provisions shall be construed as giving any official or inspector any arbitrary or discretionary power to require conditions not prescribed by said Codes or to enforce the Codes in an arbitrary or discriminatory manner.

D. Permit and other fees shall be established by City Council Resolution. (Ord. 7, §1(part), 1986; Ord. 17, §1(part), 1990; Ord. 5, §2, 1994; Ord. 21, §2, 1999; Ord. 13, §2, 2004)

15.04.030 Deletions, modifications and exceptions to the Codes adopted by reference or applied.

A. The International Building Code, 2003 Edition, is amended as follows:

1. References to jurisdiction in Section 101.1 and elsewhere mean the City of Delta.

2. The flood insurance study and maps referred to in Section 1612.3 are as adopted by Chapter 15.56 of the Delta City Code.

3. Chapter 27 and Sections 101.4.1, 101.4.5, 103, 104.7, 104.8, 112, 113.1, 113.3 and 113.4 are deleted.

4. Section 105.2 is amended to exempt the following from permit requirements:

a. Decks and platforms not more than 30 inches above grade and not over any basement or story below.

b. Replacement of sinks, faucets, showers, tubs, water heaters, dishwashers, garbage disposals and lawn sprinkler systems.

c. Window replacement not requiring significant structural alterations.

5. The date referenced in Section 3410.2 is January 1, 1984.

B. The International Residential Code is amended as follows:

1. Chapters 33 through 42 and Sections G2447.2, R103, R104.7, R104.8, R112, R113.1, R113.3, and R113.4 are deleted.

2. Section G2445 is amended to read as follows:

"G2445: Unvented fuel burning room heaters are prohibited."

3. Section AH 106.1 is amended to read as follows:

"A patio cover may be supported on a concrete slab on grade without footings, provided the slab is not less than 3½ inches (89 mm) thick and further provided that the columns do not support live and dead loads in excess of 750 pounds (3.34 kN) per column."

4. A new Section M1301.2 is added to read as follows:

"M1301.2: Prohibited Locations. Equipment shall not be located in a hazardous location unless listed and approved for the specific installation. Fuel-burning equipment, electric resistance heating devices or electrostatic air cleaners shall be not installed in a surgical procedure or medical treatment room. Fuel-burning equipment shall not be installed in a closet, bathroom or a room readily usable as a bedroom or in a room compartment or alcove opening directly into any of these.

"EXCEPTIONS: 1. Direct vent equipment and electric heat furnaces.

2. Access to furnaces located in an attic or underfloor crawl space may be through a closet.

3. A vented appliance located in an unconfined space in accordance with the combustion air requirements of Chapter 7.

4. A fireplace may be approved for installation in a bathroom or bedroom if equipped with an approved method of obtaining combustion air from outside.

5. A warm-air furnace in an enclosed space with combustion air obtained from outside the building in conformance with Chapter 7 and having a tightfitting gasketed door with a closer may have access through a bathroom or bedroom.

"Equipment burning liquefied petroleum gas (LPG) or liquid fuel shall not be located in a pit, an underfloor space, below grade or similar location where vapors or fuel might unsafely collect unless an approved method for the safe collection, removal and containment of the vapors or fuel is provided.

"In areas subject to flooding, equipment which would be damaged or create hazardous conditions if subjected to inundation shall not be installed at or

below grade unless suitably protected by elevation or other approved means.”

5. Section R105.5 of the IRC is amended to read as follows:

“R105.5 Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 120 days from the date of issuance, or if any one scheduled inspection is not completed within 120 days of the previous mandated inspection per the following inspection schedule unless the Building Official determines that because of the size and complexity of the building, additional time will be required:

1. Rebar in footer or monolithic slab.
2. Rebar in basement wall or stem wall.
3. Rough framing (to include roof and wall sheathing)
4. Insulation.
5. Drywall.
6. All final inspections (electrical, plumbing, mechanical, building)

“Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

“Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this Section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.”

6. Section 105.2 is amended to exempt the following from permit requirements:

a. Decks and platforms not more than 30 inches above grade and not over any basement or story below.

b. Replacement of sinks, faucets, showers, tubs, water heaters, dishwashers, garbage disposals and lawn sprinkler systems.

c. Window replacement not requiring significant structural alterations.

7. Subsection R907.3(3) is amended to read as follows:

"3. Where the existing roof has two or more applications of any type of roof covering; except that, a metal roof system may be applied over a second layer of asphalt or fiberglass shingles when applied in accordance with the manufacturer's recommendations."

8. Add a new Subsection R907.7 to read as follows:

"R907.7 Attic ventilation shall be made to be in compliance with Section 1203.2 of the International Building Code."

9. References to jurisdiction in Section R101.1 and elsewhere mean the City of Delta.

10. Subsection P2603.6.1 is amended to specify "12 inches below finished grade..." and "4 inches below grade..."

11. Subsection P3103.1 is amended to specify "12 inches above the roof..." and "2 inches above anticipated snow..."

C. The International Plumbing Code is amended as follows:

1. Sections 103, 104.4, 104.8, 108.1, 108.2, 108.3, 108.4, 108.5, 108.6, 109, 106.6.2, 106.6.3, and 707.1(6) are deleted.

2. References to "jurisdiction" in Section 101.1 and elsewhere shall mean the City of Delta.

3. Section 305.6.1 is amended to specify "12 inches below finished grade..." and "4 inches below grade..."

4. Section 904.1 is amended to specify "12 above the roof..."

5. Section 106.2 is amended to exempt the following from permit requirements: Replacement of sinks, faucets, showers, tubs, water heaters, dishwashers, garbage disposals and lawn sprinkler systems.

6. Section 708.3.5 is amended to add the following:

“An approved two-way cleanout is allowed when within 18” of finish grade when junction of building drain and building sewer is greater than 18” below finish grade, directional fittings shall be used for building sewer cleanout and for required building drain cleanout. Cleanouts shall extend to 6” above finish grade or an approved cover shall be provided.”

7. Notwithstanding anything in The International Plumbing Code to the contrary, the Building Inspector may waive requirements to remove or fill in an abandoned individual sewage disposal system when no safety or health hazard will result from leaving it in place as is.

D. The International Mechanical Code is amended as follows:

1. Sections 103, 104.4, 104.8, 106.5.2, 106.5.3, 108.1, 108.2, 108.3, 108.4, 108.5, 108.6 and 109 are deleted.

2. References to “jurisdiction” in Section 101.1 and elsewhere shall mean the City of Delta.

E. The International Energy Conservation Code is amended as follows:

1. References to “jurisdiction” in Section 101.1 and elsewhere shall mean the City of Delta.

F. The International Fuel Gas Code is amended as follows:

1. References to “jurisdiction” in Section 101.1 and elsewhere shall mean the City of Delta.

2. Sections 103, 104.4, 104.8, 106.5.2, 106.5.3, 108.1, 108.2, 108.3, 108.4, 108.5, 108.6, 109, 621 and 623.2, exceptions 3 and 4 of 303.3, and paragraphs 8 and 10 of Section 501.8 are deleted.

3. A new paragraph 6 is added to Section 303.3 to read as follows:

"303.3(6): Prohibited Locations. Equipment shall not be located in a hazardous location unless listed and approved for the specific installation. Fuel-burning equipment, electric resistance heating devices or electrostatic air cleaners shall be not installed in a surgical procedure or medical treatment room. Fuel-burning equipment shall not be installed in a closet, bathroom or a room readily usable as a bedroom or in a room compartment or alcove opening directly into any of these.

"EXCEPTIONS: 1. Direct vent equipment and electric heat furnaces.

2. Access to furnaces located in an attic or underfloor crawl space may be through a closet.

3. A vented appliance located in an unconfined space in accordance with the combustion air requirements of Chapter 7.

4. A fireplace may be approved for installation in a bathroom or bedroom if equipped with an approved method of obtaining combustion air from outside.

5. A warm-air furnace in an enclosed space with combustion air obtained from outside the building in conformance with Chapter 7 and having a tightfitting gasketed door with a closer may have access through a bathroom or bedroom.

"Equipment burning liquefied petroleum gas (LPG) or liquid fuel shall not be located in a pit, an underfloor space, below grade or similar location where vapors or fuel might unsafely collect unless an approved method for the safe collection, removal and containment of the vapors or fuel is provided.

"In areas subject to flooding, equipment which would be damaged or create hazardous conditions if subjected to inundation shall not be installed at or below grade unless suitably protected by elevation or other approved means." (Ord. 7, §1, 1986; Ord. 17, §1(part), §2 & 3, 1990; Ord. 5, §3, 1994; Ord. 21, §3, 1999; Ord. 9, §3 & 4, 2004; Ord. 13, §2, 2004)

15.04.040 Appeals.

A. The decision of the City Manager or his designated official or inspector under this Chapter may be appealed to the Board of Appeals by filing a written appeal on forms provided by

the City with said official or inspector within fifteen (15) days of the date he renders his decision.

B. Such appeal should set in full the reasons for the appeal, and specify the relief requested.

C. The inspector shall review the appeal and forward it to the Board of Appeals attaching thereto his written recommendations and reasons for his decision.

D. The decision of the Board of Appeals shall be final.

E. The Board of Appeals shall have no authority to grant any variance.

F. The City Council shall appoint five members to the Board of Appeals for staggered terms. (Ord. 7 §1(part), 1986; Ord. 13, §2, 2004)

15.04.050 Violations and penalties.

A. It shall be unlawful to violate any provision of this Chapter, the state electrical code, any of the Codes adopted by reference herein, or any stop order or other order issued by the City pursuant to said Codes or this Chapter. Any person convicted of such a violation shall be punished by a fine of not more than \$1,000.00 or imprisonment for not more than one (1) year or by both fine and imprisonment; provided, however, no person under the age of eighteen (18) years shall be sentenced to any term of imprisonment in excess of ten (10) days, except for contempt of Court. Each day during which any violation is committed or permitted to continue shall be considered as a separate offense.

B. Continuing violation of the provisions of this Chapter or the Codes adopted herein by reference, the state electrical code, or of any order issued pursuant to this Chapter or the Codes adopted by this Chapter is hereby declared to be a nuisance and may be abated in accordance with law.

C. In addition to any other remedy the City may have, it may maintain an action in a Court of competent jurisdiction to enjoin any violation of any provision of this Chapter, the state electrical code, or of the Codes adopted herein by reference.

D. The City may refuse to issue any permits required by this Chapter, or by the Codes adopted herein by reference if the applicant is in violation of any

provisions of this Chapter, the state electrical code, any of the Codes adopted herein by reference, or any stop order or other order issued pursuant thereto . (Ord. 7, §1(part), 1986; Ord. 17 §1(part), 1990; Ord. 5, §4, 1994; Ord. 18, §2 & §3, 1997; Ord. 32, §4, 1999; Ord. 13, §4, 2004)

15.04.060 Fence construction and maintenance requirements.

A. All fences shall be constructed so that all exterior surfaces exposed to the weather are constructed of weather-resistant materials or adequately treated or painted for weather resistance. Any components in contact with the ground shall be of rot resistant materials or adequately treated to resist rot. Provided, however, this shall not be construed to apply to the Fort Uncompahgre fences.

B. Plywood, pressboard, waferboard, chipboard, cardboard, pallets and other similar materials shall not be used for fences.

C. No fence, free-standing wall, hedge or other plantings shall be located, constructed or maintained on corner lots in a place or at a height which unreasonably creates a traffic hazard by obstructing vision from vehicles on abutting streets. The City Manager may adopt regulations and guidelines as necessary for the interpretation and administration of this provision.

D. All fences shall be constructed and maintained so they do not create a safety hazard.

E. All fences shall be maintained in good repair. It shall be prima facie evidence that a fence is not being maintained in good repair if any of the following conditions exist:

1. Missing, broken or loose boards.
2. Chipped, faded or peeling paint or stain.
3. Warped or delaminated boards.
4. Chain link fencing which is not properly attached to supports.
5. Leaning fences, or fences which are inadequately braced to resist wind, or support the weight of persons climbing them. (Ord. 12, §1, 1994; Ord. 31, §7, 2000)

15.04.070 Housing maintenance requirements.

A. (1) Structures requiring plumbing shall be provided with a treated water supply directly or indirectly from the City of Delta system unless Tri-County Water Conservancy District service is allowed pursuant to the service area agreement

between the City and the Tri-County Water Conservancy District, and with City sewer service or an authorized and approved Individual Sewage Disposal System (ISDS), properly maintained and operated.

(2) No building permit or certificate of occupancy shall be granted for any such building unless proof of availability of such water supply and sewer or ISDS is provided.

(3) No new ISDS shall be authorized and an existing ISDS may not be used to serve new construction, or a factory-built structure recently set or to be set, unless the City determines that connection to the City sewer is technically unfeasible or will cost substantially more than a lawful approved ISDS.

(4) Provided, however, structures lawfully using an existing cistern or well as of September 1, 2001, may continue to do so so long as such system is maintained in accordance with applicable Federal, State, County and City regulations, is in good operating condition, and does not present a health hazard.

(5) All ISDS's must be in compliance with applicable State, County and City regulations.

B. It shall be unlawful to occupy any structure, other than the lawful occupancy of a travel home, as a residence without the required plumbing and water or sewer service in violation of subsection (A), or for more than three days after water, sewer or electric service has been terminated to the premises. (Ord. 32, §1, 2001; Ord. 20, §1, 2002)

15.04.080 Site development and maintenance requirements.

A. No building permit for new construction or additions to existing structures shall be issued until a site development plan has been approved pursuant to this section. The formality, scope and content of each site development plan shall depend upon the use and size of the building or structure for which the permit is sought. It shall generally address and meet any requirements, standards and specifications applicable to developments under Titles 16 and 17 of the Delta Municipal Code that are reasonably attributable to the size and allowed use of the building or structure proposed for construction. Provided, however, that the landscape provisions set forth in Section 15.04.080.B.1.d shall not apply to building permits sought for (a) single family residences, duplexes, farms, ranches and accessory buildings thereto; or (b) an addition to an existing building or structure which increases the footprint area by no more than fifty percent (50%), or has construction value of no more than twenty thousand dollars

(\$20,000.00); or (c) the erection of a building which is accessory to an existing building and which increases the aggregate footprint area by no more than fifty percent (50%), or has a construction value of no more than twenty thousand dollars (\$20,000.00).

B. The site development plan shall be submitted on forms provided by the City with a building permit application and comply with the following requirements:

1. Plans and specifications shall be submitted, drawn to a scale adequate to clearly show all required features and not less than 1" equals 40 feet, for the construction of the following improvements consistent with City construction standards, specifications and design standards.

a. Installation of new, or repair of damaged, curb, gutter and sidewalk along abutting streets, except in subdivisions where it is not required by current subdivision regulations.

b. Required off-street parking spaces, including landscaped areas, and maneuvering areas adequate to avoid any need for vehicles to back onto sidewalks and other developed parts of adjoining streets, and adequate to meet all applicable requirements. The required parking and maneuvering areas shall be constructed and surfaced according to Section 17.04.230.G.

c. Site drainage adequate to avoid damage or adverse effects to improvements, structures and property on and off the site.

d. Landscaping, including provisions for trees and shrubs, subject to the following minimum requirements:

i. At least 25% of the linear frontage of the site abutting public street rights-of-way to a minimum width of fifteen feet, unless the City approves an alternative plan as more effectively presenting a landscaped view from the abutting street rights-of-way; and

ii. Inclusive of the above frontage requirement, landscaping shall be required in at least 15% of that part of the site not covered by buildings for sites located in residential zoning districts; at least 6% of that part of the site not covered by buildings for sites located in commercial zoning districts; and at least 2% of that part of the site not covered by buildings for sites located in industrial zoning districts.

iii. In addition, each parking area which contains either twenty or more spaces, or more than one aisle, shall incorporate landscaped islands dispersed throughout the parking area with such islands to occupy a minimum of five

percent (5%) of the parking area and to be landscaped in accordance with City standards and specifications.

iv. Such landscaping shall consist of trees, shrubs, and ground covers, and may include up to a maximum of 60% coverage in inert materials such as decorative paving stones, lava rock, pea gravel, etc., excluding from the calculation of the area to be landscaped any portion that is lawfully covered by a building.

v. In addition, property within the defined highway corridor of Section 15.04.090 shall also meet the requirements therein.

e. Driveways, culverts and curb cuts.

f. All outdoor lighting fixtures shall be shielded so that the light source is not directly visible off the premises.

2. The current deed to the property or other evidence of title shall be submitted with the plan.

3. If the abutting street is not paved, a recordable covenant binding the property for assessments for the cost of paving and related improvements must be properly executed and submitted.

C. In those cases where the grade for curb, gutter and sidewalk cannot be established by the City or immediate construction is impractical, a recordable covenant binding the property to pay for such improvements or other security pursuant to Subsection 15.20.020(B) may be accepted by the City in lieu of immediate construction of the curb, gutter or sidewalk.

D. Any improvement, the construction of which has been secured pursuant to City Subdivisions Regulations, Planned Unit Development Regulations or by other contract, need not be provided as part of the site development plan.

E. Following review, revision and approval by the City, the plan and specifications as approved by the City shall be revised in final form, stamped with City's approval and filed with the City. Thereafter, a building permit may be issued.

F. No occupancy permit shall be issued until the required improvements are constructed and approved by the City in compliance with the approved plans or secured for completion within 6 months, and a recordable maintenance covenant running with the land on forms provided by the City is executed, approved by the City, and recorded.

G. All required improvements and landscaping shall be maintained in good repair and safe condition. Violation of this provision is hereby declared to be a nuisance which may be abated by the City in any lawful manner.

H. 1. Variances by the Planning Commission may be granted from the requirements of Subsection (B) above if it determines following the review procedure of Section 17.04.290 of City Zoning Regulations that all the criteria of this Subsection H are met:

a. The variance is requested for an addition to an existing building or construction of a purely accessory structure.

b. The variance will not adversely affect the public health, safety or welfare.

c. The addition or structure will have a *de minimus* effect on traffic, parking and drainage.

d. The variance requested is the minimum variance that will afford relief.

e. The variance will not result in development incompatible with other property or buildings in the area and will not affect or impair the value, use or development of other property.

f. Strict compliance is technically infeasible or the cost of the required site improvements is substantially more than the cost of the addition or structure, and the addition or structure is insignificant with respect to the structures already on the premises.

2. Published or delivered notice of the hearing as specified in Subsection 17.04.290(D) is not required.

I. Following approval of a site development plan, requests for amendments may be filed with the City and shall be reviewed in accordance with the provisions of Paragraphs (B), (C), (D), (E), and (F) above.

J. The City Manager is authorized to issue supplemental regulations to implement, interpret and administer these provisions and to provide detailed standards and specifications, consistent herewith.

K. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these requirements, upon written application, the City Council may vary or modify the application of these requirements, so that the spirit of the requirements is observed, public safety and welfare secured, and substantial justice done. (Ord. 6, §1,

2004; Ord. 4, §1 & 2, 2005; Ord. 3, §13, 2008; Ord. 6, §1, 2008; Ord. 8, §1, 2012; Ord. 12, §1, §2, 2012)

15.04.090 Supplemental site development standards for highway corridors.

A. Property, any part of which is located within four hundred feet (400') of a right-of-way line of Highways 50 and 92, and Crawford Avenue west of 1800 Road, shall, in addition to other applicable requirements, be subject to the supplemental site development standards described in this Section. Whichever City ordinance or regulation requires more stringent or restrictive requirement shall apply. It is provided, however, that this Section shall not apply to any application for a building permit for (a) an addition which increases the footprint area by no more than fifty percent (50%), or has construction value of no more than twenty thousand dollars (\$20,000.00); or (b) the erection of a building which is accessory to an existing building and which increases the aggregate footprint area by no more than fifty percent (50%), or has a construction value of no more than twenty thousand dollars (\$20,000.00).

1. Building facades which are substantially constructed of smooth-face concrete, smooth-face concrete block, or metal siding, or similar monolithic building materials shall be designed to include either a) two (2) foot eaves and a different colored pitched roof with a height between the top of the roof and the eave of at least equal to the distance from the eave to the ground, or a 8:12 pitch; or b) contrasting surface materials on a minimum of 24% of area of the front, and on 20% on each side and rear where visible from any street or proposed street. Such materials may include, but are not limited to, contrasting materials such as glass, brick, stucco, wood, stone, different colored metal or different colored paint. In either case, other architectural elements must also be included in the design which include but are not limited to architectural projections such as dormers, roof overhangs, protective canopies, and creatively shaped window openings. Metal skinned buildings are not allowed within the B-1 Zoning District.

2. Exterior mechanical equipment, including electrical transformers, shall either be incorporated in the overall form of the building or screened from view from any street by materials consistent with the landscaping, safety, the main building, and the National Electrical Code.

3. Refuse collection containers and areas shall be screened from view from any street or residential area by materials consistent with the landscaping and building.

4. a. Landscaping shall be installed and maintained to a minimum depth of 15 feet along 70% of the frontages of highways, streets and roadways identified in the first sentence of this subsection A.

b. Landscaping shall be installed and maintained to a minimum depth of 15 feet along a minimum of 25% of the secondary street frontages, excluding driveways and sidewalks.

B. The regulations of this Section shall apply to the entire building, lot, parcel or contiguous lots or parcels which constitute a single site, when any part thereof is located within 400 feet of the right-of-way of the highway or street segments described in Subsection (A) above.

C. The City Manager is hereby authorized to adopt regulations as may be appropriate to implement, interpret and administer the provisions of this Section and to provide detailed Standards and Specifications, consistent herewith.

D. All required improvements and landscaping shall be maintained in good repair and safe condition. Violation of this provision is hereby declared to be a nuisance which may be abated by the City in any lawful manner.

E. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these requirements, upon written application, the City Council may vary or modify the application of these requirements, so that the spirit of the requirements is observed, public safety and welfare secured, and substantial justice done. (Ord. 6, §1, 2004; Ord. 4, §1 & 2, 2005; Ord. 6, §1, 2008; Ord. 13, §1, 2012)

Chapter 15.05

MANUFACTURED STRUCTURES

Sections:

- 15.05.010 Permit required.
- 15.05.020 Foundation and set up requirements.
- 15.05.030 Construction standards for manufactured structures.
- 15.05.040 Definitions.
- 15.05.050 Non-conforming mobile homes.

15.05.010 Permit required.

A. It shall be unlawful to set up any mobile home or manufactured structure excluding travel homes, on any space, lot or site, including a mobile home park, for use or occupancy until a building permit has been obtained from the City. No building permit shall be issued unless it meets the criteria of this chapter and all other applicable ordinances and any sales and use tax due has been paid.

B. Application for a building permit shall be made on forms supplied by the City and shall be accompanied by a fee determined by City Council. Accompanying the application shall be a site plan drawn to scale showing the dimensions of the mobile home lot or space, the dimensions of the structure itself, setbacks, and the location of any other structures, easements or improvements on the lot or space.

C. All repairs, remodeling, additions or alterations to any manufactured structure shall be subject to the permit and other requirements of Chapter 15.04 and the codes adopted and applied therein, except that manufactured structures and mobile homes originally constructed to standards of paragraph 15.05.030(A)(1)(b) or which are lawfully existing but were not constructed pursuant to such standards, may utilize standards of construction consistent with paragraph 15.05.030(A)(1)(b) for such work. (Ord. 13, §2, 1994)

15.05.020 Foundation and set up requirements.

A. Manufactured structures shall be placed on a permanent foundation meeting City Building Code requirements except that mobile homes may be set up as follows in licensed mobile home parks, in authorized spaces in travel home parks, or at other locations in use districts where a permanent foundation is not required for mobile homes:

1. The mobile home shall be set up so that there is a minimum eighteen inches (18") high area for access to the water and sewer connections measured from the bottom of the frame to the ground or pad.

2. The support areas shall consist of a poured concrete or leveled gravel base.

3. The mobile home shall be set upon supports along both sides no more than eight feet (8') apart, center to center, or as per manufacturer's specification. Each support shall consist of two four inch by eight inch by sixteen inch (4" x 8" x 16") concrete pad blocks, topped by additional concrete blocks placed with their long dimensions running perpendicular to the long dimensions of the pad blocks. Pad blocks are not required if the supports rest upon a minimum six inch (6") reinforced concrete slab. The top of each support shall be capped by a two inch by eight inch by sixteen inch (2" x 8" x 16") wood block, and wedges shall be used to insure a tight set up. Alternate supports may be approved pursuant to Section 106 of the Uniform Building Code. The Building Inspector may require a soils test and/or larger pad blocks or poured footers if soil conditions provide inadequate bearing capacity.

4. All plumbing, electrical or gas connections and work shall meet applicable Code requirements.

5. The site shall be graded to direct drainage away from the mobile home.

6. That portion of the water supply line subject to flexing shall be copper or polybutylene. That portion subject to freezing shall be wrapped with heat tape or otherwise frost proofed.

7. All applicable requirements of this chapter, City Land Use regulations, Flood Plain Management regulations and other City ordinances and regulations shall be met.

8. Fire resistant skirting meeting City standards shall be installed within 60 days of set up around the lower perimeter of the mobile home between the ground and the mobile home, completely enclosing all water and sewer connections. Skirting shall be of materials suitable for exterior exposure and contact with the ground. Permanent perimeter enclosures

shall be constructed of materials as required by the Uniform Building Code for typical foundation construction.

9. The mobile homes and accessory storage structures shall be adequately anchored and attached by a tie down system adequate to resist maximum foreseeable wind forces. (Ord. 13, §2, 1994)

15.05.030 Construction standards for manufactured structures.

A. No building permit shall be issued for any manufactured structures unless the following criteria are met:

1. a. The structure complies with the requirements of Chapter 15.04 of the Delta Municipal Code, or

b. Its use is restricted to a single family residence and

i) it bears a HUD certificate of approval;

ii) for mobile homes manufactured after June 15, 1976, it complies with the requirements of the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC 1501, et seq.);

iii) for mobile homes manufactured prior to June 15, 1976, and subsequent to the effective date of the Colorado Housing Act of 1970 (C.R.S. 24-32-701, et seq.), it complies with the requirements of said Act and all rules and regulations promulgated thereunder;

iv) for mobile homes manufactured prior to the effective date of the Colorado Housing Act of 1970 (C.R.S. 24-32-701, et seq.) it is certified by a registered professional engineer, or architect, to meet or exceed, on an equivalent engineering performance basis, the standards established pursuant to the Colorado Housing Act of 1970 or the National Mobile Home Construction Act of 1974; or

v) the mobile home was constructed in compliance with ANSI Standard 119.1 and has a seal certifying thereto, affixed to the structure.

2. The structure shall be in good condition, safe and fit for the intended use, and the utility connections as set up are safe, conform to plumbing and electrical code requirements and pose no safety or fire hazard. The Building

Inspector may require this to be confirmed by a licensed engineer.

B. No mobile home or other manufactured structure may be set up for uses other than a single family residence, including lawful accessory uses thereto, unless it complies with the City Building Codes and the regulations of Chapter 15.04 or is less than 250 square feet in floor area, is erected in accordance with the manufacturer's instructions and is not occupied by people on a regular basis. Provided however this does not apply to mobile homes or travel homes authorized for use by a permit issued pursuant to Section 15.52.040.

C. Additions to mobile homes must meet the requirements of City Building Codes. All such additions must have a foundation capable of supporting that addition without dependence upon the manufactured structure frame for support of any kind. Additions to mobile homes which require structural attachment to the mobile home or a water tight seal between the addition and the mobile home shall be allowed only if the mobile home is set on a permanent foundation complying with City building codes.

D. It shall be unlawful to occupy any mobile home until an occupancy permit has been issued following an inspection by the City to determine that it was installed in compliance with all applicable requirements of this section and other ordinances and regulations. (Ord. 13, §2, 1994; Ord. 9, §17, 2004)

15.05.040 Definitions. Mobile Home, Mobile Home Park, Travel Home, Travel Home Park and Manufactured Structure shall be defined as set out in Section 15.52.010 of the Delta Municipal Code. (Ord. 13, §2, 1994)

15.05.050 Non-conforming mobile homes and manufactured structures. Manufactured structures or mobile homes lawfully existing on March 1, 1994, which don't meet the construction standards of this chapter may continue to be used at their existing locations, so long as they are maintained in good repair and safe condition. (Ord. 13, §2, 1994)

Chapter 15.06

FIRE SAFETY REGULATIONS

Sections:

- 15.06.010 Adoption of Fire Code.
- 15.06.020 Amendments and additions to code.
- 15.06.030 Administration and enforcement.

15.06.010 Adoption of Fire Code.

A. There is hereby adopted for the purpose of providing minimum standards to prevent fires, protect persons and property and to promote the public health, safety and welfare, the following specified provisions of The International Fire Code, 2003 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, the subject matter of which is regulations for safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and the issuance of permits and fees therefor: Uniform Fire Code Sections 101, 102, 104 (except 104.6), 105, 106, and 107; Chapter 2; Chapter 3 (except 301.2 and 307); Chapter 5 (except Section 506); Chapter 6; Chapter 9; Chapter 10 (except Sections 1026 and 1027); and Chapters 15, 24, 26, 27, 30, 33, 34, 38, and 45; and Appendices E & F.

B. One copy of each of the above codes is on file in the office of the City Clerk and may be inspected during regular business hours. Additional copies are available for purchase. (Ord. 5, \$5(part), 1994; Ord. 21, \$5, 1999; Ord. 4 \$1, 2001; Ord. 13, \$5, 2004)

15.06.020 Amendments and additions to the Codes.

A. The limits referred to in Sections 3404.2.9.5.1 and 3406.2.4.4 of The International Fire Code in which the storage of Class I and Class II liquids in above ground tanks outside of buildings is prohibited includes the entire City except areas within 200 feet of railroad tracks owned by the Railroad Company, or within 500 feet of the centerline of the state and federal highways.

B. "Jurisdiction" as used in Section 101.1 and elsewhere in The International Fire Code shall mean the City of Delta, Colorado.

C. The limits referred to in Section 3804.2 of The International Fire Code in which the storage of liquified petroleum gas is restricted are hereby established as follows:

The entire City except the I-2 Districts and that part of B-3 District easterly of U. S. Highway 50.

D. The limits referred to in Section 3204.3.1.1 of The International Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows:

None

E. Permits shall be required pursuant to Section 105 of The International Fire Code when specified in Chapters 24, 27, 33, 34, and 38 of The International Fire Code. (Ord. 5, \$5 (part), 1994; Ord. 21, \$5, 1999; Ord. 13, \$5, 2004)

15.06.030 Administration and enforcement.

A. The City Manager shall be responsible for the administration and enforcement of this Chapter and the Codes adopted herein by reference. The City Manager may appoint a Building Official or one or more inspectors who shall enforce, interpret and administer the provisions of this Chapter and said Codes.

B. The City Manager and designee shall have the right of entry to inspect and enforce the provisions of this Chapter and the Code adopted herein in accordance with the procedures and provisions of Section 104.6 of The International Building Code in addition to any other provisions provided by law.

C. Any reference in The International Fire Code to "Chief", "Fire Marshal" or any other official shall be construed to mean the City Manager or the City Manager's designee.

D. The decision of the City Manager or designated official or inspector under this Chapter may be appealed to the Board of Appeals pursuant to procedures of Section 15.04.040 of the Delta Municipal Code.

E. Any violation of the provisions of this Chapter or the Codes adopted by reference herein is hereby declared to be a nuisance and may be abated in accordance with law.

F. In addition to any other remedies the City may have, it may maintain an action in a court of competent jurisdiction to enjoin any violation of any provision of this Chapter or of the Codes adopted herein by reference.

G. The City may refuse to issue any permits required by this Chapter or the Codes adopted by reference herein or by other City building regulations, if the applicant is in violation of any provisions of this Chapter or of the Codes adopted by reference herein. (Ord. 5, §5(part), 1994; Ord. 21, §5, 1999; Ord. 13, §5, 2004)

Chapter 15.08

LICENSES AND CONTRACTORS

Sections:

15.08.010 Licenses required.

15.08.020 Contractors' responsibility.

15.08.010 Licenses required.

A. It shall be unlawful for any person to perform electrical work for which a State license is required without such license.

B. It shall be unlawful for any person to perform plumbing work for which a State license is required without such license.

C. It shall be unlawful to engage in gas-fitting work without having been certified by the City as a gas fitter. Applications for such certification shall be made on forms supplied by the City and be accompanied by a certification fee in the amount of \$10.00. All applicants will be required to take and pass a gas fitters certification examination prior to being certified. No certification shall be administered without proof of two years apprenticeship to a certified gas fitter. Such certification may be revoked with reasonable notice and hearing if the City Council finds the gas fitter has violated any of the provisions of this Title 15 or of the Codes adopted by reference herein. (Ord. 7, §1(part), 1986)

15.08.020 Contractors' responsibility. The City Council may revoke the right of any person to obtain any permit under this Title 15 for a period of up to two years if it determines, following reasonable notice and hearing, that such person has violated any of the provisions of this Title 15 or of the Codes adopted by reference herein. (Ord. 7, §1(part), 1986)

Chapter 15.12

RADIO AND TELEVISION INTERFERENCE

Sections:

15.12.010 Interference prohibited.

15.12.010 Interference prohibited.

A. It shall be unlawful to use or operate any apparatus or device which creates unreasonable interference with the reception of radio or television signals by another.

B. Such interference is hereby declared to be a nuisance which may be abated in accordance with law. (Ord. 7, §1(part), 1986)

Chapter 15.16

CANOPY CONSTRUCTION

Sections:

- 15.16.010 Canopies and awnings permitted.
- 15.16.020 Construction standards.
- 15.16.030 Design standards.
- 15.16.040 Maintenance requirements.
- 15.16.050 Termination of right to maintain a canopy.

15.16.010 Canopies and awnings permitted.

A. Canopies, awnings and like structures may be constructed or installed over the public right-of-way extending out from a building in a B-1 zoning use district, or for churches in any zoning district, if constructed, installed and maintained in accordance with the requirements of this Chapter and all other applicable City regulations.

B. A person desiring to construct or install any such structure shall submit an application to the City, including, if required by applicable regulations, the application for a building permit or any permits or licenses as may be required by City historical preservation regulations, public property design standards or other such regulations.

C. Construction may not proceed until a building permit and other applicable approvals and permits are approved by the City. (Ord. 9, §1(part), 1987)

15.16.020 Construction standards.

A. All canopies, awnings and other such structures shall be designed and constructed so that they do not impede or obstruct vehicular or pedestrian traffic and do not create site barriers which result in traffic hazards.

B. All structures shall be designed, installed and constructed in accordance with good engineering and construction practices and all applicable code requirements to insure that no safety hazard is created. The City may require certification by a registered professional engineer or architect of the structural integrity of any proposed design.

C. The lowest portion of any such structure, other than supports, shall be at least eight feet above the grade of sidewalk or right-of-way.

D. Unless otherwise approved, all canopies, permanent awnings or like structures in the B-1 zoning district may extend no closer than six feet from the curblineline. Canopies, permanent awnings or like structures in other zoning use districts may extend no closer than twenty-four inches from the curblineline. (Ord. 9, §1(part), 1987)

15.16.030 Design standards.

A. All structures to be installed and maintained above public property shall comply with applicable design standards as adopted by the City from time to time, including historical preservation regulations and other regulations.

B. All canopies, awnings and other similar structures shall be designed to be consistent and compatible with and to promote the historical architectural features of the buildings to which they are attached and, for those in the B-1 district, with the character of the B-1 district in general as such may be described in more detail in historical preservation or other City regulations. Such provisions shall apply to the materials used and the design to be approved. (Ord. 9, §1(part), 1987)

15.16.040 Maintenance requirements.

A. All canopies, awnings and other structures approved pursuant to these provisions or erected pursuant to prior provisions shall be maintained in good repair and in safe condition. Repairs or modifications shall be done only in accordance with the provisions of this Chapter as amended from time to time.

B. Advertising placed upon any canopy or awning shall be only as allowed by City sign and other regulations. (Ord. 9, §1(part), 1987)

15.16.050 Termination of right to maintain a canopy.

A. Canopies, awnings or other structures which do not meet the requirements of this Chapter and the design standards specified pursuant to 15.16.030, as such may be amended from time to time, may be maintained as is over City property if they were lawfully erected and maintained in accordance with applicable prior regulations subject to the following terms and conditions:

1. A permit is required pursuant to 15.16.010 for any material alteration in the structure and shall only be allowed if the alteration reduces the nonconforming features. Minor maintenance shall be allowed without a permit.

2. If a nonconforming canopy, awning or other such structure is damaged or destroyed, and the cost of repairing or replacing it exceed 50% of the value of the entire structure

after repair, such repair or replacement shall comply fully with the requirements of this Chapter.

3. If any canopy, awning or other similar structure is removed other than temporarily in the course of maintenance, it may be replaced only with a conforming structure.

B. No canopy, awning or other structure, whether approved pursuant to prior regulations or not, may be maintained over City property if it creates any traffic hazard or safety hazard or is not maintained in good repair and safe condition.

C. The City Manager, following reasonable notice and hearing, may terminate the right to maintain any canopy, awning or other structure over City property upon the determination that the structure is not being maintained or was not constructed in accordance with the applicable requirements of this Chapter or other City regulations. (Ord. 9, §1(part), 1987)

Chapter 15.20

SIDEWALK, CURB AND GUTTER CONSTRUCTION REQUIREMENTS

Sections:

- 15.20.010 Sidewalk, curb and gutter required.
- 15.20.020 Construction security.

15.20.010 Sidewalk, curb and gutter required.

A. No building permit shall be issued for any new construction in occupancy groups A through S, as defined in The Uniform Building Code, unless plans for the installation of curb, gutter and sidewalk, designed and located in accordance with City specifications, have been submitted and approved; provided, however, in those cases where grade or other specifications have not been established for sidewalk, curb and gutter, if security is provided as required in Section 15.20.020, immediate construction need not be required.

B. Following issuance of a building permit, except where security for construction has been provided, the curb, gutter and sidewalk shall be constructed in accordance with the plans as approved. No certificate of occupancy shall be issued until such curb, gutter and sidewalk have been completed in accordance with the approved plans and City specifications, except when security has been provided. Curb, gutter and sidewalk shall be required on all public street frontages of the property on which the building is constructed. (Ord. 7, §1(part), 1986; Ord. 31, §6, 2000)

15.20.020 Construction security.

A. In those cases where the immediate construction of curb, gutter and sidewalk is not feasible because of lack of grade or other specifications, the City shall require security adequate to guarantee the construction of such improvements within one year of the date that the City notifies the property owner or other party in interest of the grade requirements or other specifications. Such security shall be released upon construction of the required improvements in accordance with approved plans and City specifications and shall provide that in the event of the failure to complete the construction when required, the City may utilize such security for costs incurred by the City in constructing such improvements.

B. Such security shall be in an amount equal to 150% of the City's estimated cost to construct the improvements and may consist of the following, if applied in a form acceptable to the City:

1. Performance or contract bond
2. Cash escrow account deposit
3. Clean irrevocable letter of credit
4. Contract with first real estate lien
5. Agreement to execute a petition for the creation of an improvement district

(Ord. 7, §1(part), 1986)

Chapter 15.24

DEMOLITION REGULATIONS

Sections:

15.24.010 Demolition permit required.

15.24.020 Safeguards.

15.24.010 Demolition permit required.

A. It shall be unlawful to demolish any building larger than 600 square feet in area (other than fences, carports, exterior porches, or similar appurtenances) without first obtaining a demolition permit from the City.

B. Applications for permits shall be made on forms provided by the City and shall be accompanied by a permit fee of \$15.00.

C. The permit may be revoked or suspended on account of failure to comply with the requirements of this Chapter. (Ord. 7, §1(part), 1986)

15.25.020 Safeguards.

A. The demolition site shall be properly protected by fences and other reasonably required safeguards as set forth in the current Uniform Building Code. It shall also be posted prohibiting trespassing on the premises. Demolition work may not commence until the City has inspected the fence and safeguards and approved them. Such fencing and safeguards shall be maintained throughout the work.

B. The work shall be performed in a good and workmanlike manner so that no nuisance is created off the premises and no safety hazards are created. Upon completion, the premises will be cleaned up and brought into compliance with all City junk, litter, and other applicable regulations. (Ord. 7, §1(part), 1986)

Chapter 15.30

EXCAVATION AND SEWER AND WATER LINE CONSTRUCTION REQUIREMENTS

Sections:

15.30.010 Permit required.

15.30.020 Construction requirements.

15.30.010 Permit required.

A. It shall be unlawful to excavate within any City street or other City-owned property, or to construct, or to repair, or to make any tap to any water or sewer main or appurtenant facility owned, controlled, or operated by the City without first obtaining a permit from the City.

B. Applications for permits shall be on forms provided by the City and shall be accompanied by a permit fee in the following amount: \$30.00 (Ord. 7, §1(part), 1986)

15.30.020 Construction requirements.

A. All water and sewer construction work shall comply with all City standards and specifications.

B. All excavations shall be properly barricaded and marked at all times. Requirements of the Uniform Manual for Traffic Control Devices of the State of Colorado shall apply to excavations within streets.

C. No water and sewer work shall be covered or backfilled until the work has been inspected and approved by the City as complying with City requirements and specifications.

D. All excavations shall be backfilled in accordance with required City specifications. Street cuts shall be repaired in accordance with City standards and specifications (Ord. 7, §1(part), 1986)

Chapter 15.36

BUILDING MOVING PERMIT

Sections:

15.36.010 Moving permit required.

15.36.020 Requirements.

15.36.010 Moving permit required.

A. It shall be unlawful to move any structure or building within the City without obtaining a moving permit unless the structure and vehicle used will not extend more than 13 1/2 feet above the ground and will meet traffic law vehicle width limits.

B. Applications for moving permits shall be made on forms provided by the City, shall be submitted no later than five days in advance, and shall be accompanied by a permit fee in the amount of \$10.00 and evidence of notification to Delta Montrose Electric Association, the telephone company, and the CATV company.

C. Following receipt of the application, the City shall inspect the proposed route and advise the applicant of the amount of a deposit to be applied toward the City's costs incurred in monitoring and accommodating the move, which deposit must be paid prior to issuing the permit.

D. The permit shall specify the route to be used and the times during which the operation shall be permitted.

E. In the event the City determines that the move will create any hazard, the City may require a bond or other adequate security sufficient to cover the cost of potential damages.

F. Following the move, the City's costs shall be deducted from the deposit and the balance refunded. If City costs exceed the deposit, the applicant shall remit the balance to the City. (Ord. 7, §1(part), 1986; Ord. 12, §1(part), 1989)

15.36.020 Requirements.

A. Any moving operations shall be conducted in a good and workmanlike manner and safeguards shall be instituted to protect public and private property.

B. All utility companies shall be notified of the proposed moved. Prior arrangements shall be made with such companies to move any utility facilities as necessary to accommodate the move.

C. The permittee shall be responsible for any damages caused by the move. (Ord. 7, §1(part), 1986; Ord. 12, §1(part), 1989)

Chapter 15.36

BUILDING MOVING PERMIT

Sections:

15.36.010 Moving permit required.

15.36.020 Requirements.

15.36.010 Moving permit required.

A. It shall be unlawful to move any structure or building within the City without obtaining a moving permit unless the structure and vehicle used will not extend more than 13 1/2 feet above the ground and will meet traffic law vehicle width limits.

B. Applications for moving permits shall be made on forms provided by the City, shall be submitted no later than five days in advance, and shall be accompanied by a permit fee in the amount of \$10.00 and evidence of notification to Delta Montrose Electric Association, the telephone company, and the CATV company.

C. Following receipt of the application, the City shall inspect the proposed route and advise the applicant of the amount of a deposit to be applied toward the City's costs incurred in monitoring and accommodating the move, which deposit must be paid prior to issuing the permit.

D. The permit shall specify the route to be used and the times during which the operation shall be permitted.

E. In the event the City determines that the move will create any hazard, the City may require a bond or other adequate security sufficient to cover the cost of potential damages.

F. Following the move, the City's costs shall be deducted from the deposit and the balance refunded. If City costs exceed the deposit, the applicant shall remit the balance to the City. (Ord. 7, §1(part), 1986; Ord. 12, §1(part), 1989)

15.36.020 Requirements.

A. Any moving operations shall be conducted in a good and workmanlike manner and safeguards shall be instituted to protect public and private property.

B. All utility companies shall be notified of the proposed moved. Prior arrangements shall be made with such companies to move any utility facilities as necessary to accommodate the move.

C. The permittee shall be responsible for any damages caused by the move. (Ord. 7, §1(part), 1986; Ord. 12, §1(part), 1989)

Chapter 15.52

MOBILE HOME AND TRAVEL HOME REGULATIONS

Sections:

- 15.52.010 Definitions.
- 15.52.020 Use and location of mobile homes.
- 15.52.030 Use and location of travel homes.
- 15.52.040 Permits for temporary location or occupancy of mobile homes or travel homes.
- 15.52.050 Mobile home park development procedure.
- 15.52.060 Mobile home park design requirements.
- 15.52.070 Travel home park development procedure.
- 15.52.080 Travel home park design requirements.
- 15.52.090 Mobile home and travel home park licensing requirements.
- 15.52.100 Nonconforming mobile home and travel home parks.
- 15.52.110 Operation and maintenance of mobile home and travel home parks.
- 15.52.120 Administration and enforcement.

15.52.010 Definitions.

A. "MOBILE HOME" shall include manufactured structures intended for use as a dwelling, including factory built housing and mobile homes transportable on their running gear, except for vehicles, trailers and other structures, either registered or required to be registered, pursuant to Article 42-3 of the Colorado Revised Statutes.

B. "MOBILE HOME PARK" shall mean a single site, parcel or lot operated and used for the location of three (3) or more mobile homes intended for use as residences. Provided, however, that a residential subdivision actually approved for, and occupied by, no more than two (2) mobile homes on each platted lot or parcel within said subdivision shall not be deemed a mobile home park for purposes of this chapter.

C. "TRAVEL HOME" shall mean any movable or relocatable dwelling unit, other than a "mobile home" as defined above, commonly used for temporary dwelling, travel, recreation or other purposes including, but not limited to campers, motor homes, pick-up truck campers, RVs, trailers and trailer coaches.

D. "TRAVEL HOME PARK" shall mean a park or campground for the use of travel homes, including but not limited to campers,

motorhomes, pick-up truck campers, RVs, trailers and trailer coaches.

E. "MANUFACTURED STRUCTURE" shall mean a factory fabricated structure transportable to its place of use. (Ord. 13, §1, 1994; Ord. 37, §1, 2001; Ord. §9, 2008)

15.52.020 Use and location of mobile homes. Mobile homes may be used, occupied or located only in the following places:

A. Stored or displayed upon a lawful mobile home sales lot if unoccupied.

B. Used as a single family dwelling within an authorized space in a licensed mobile home park for which an occupancy permit has been issued, or if less than 400 square feet in floor area, in a licensed travel home park upon a designated space.

C. Used as a single family dwelling on an individual lot or tract in a use district which allows such use.

D. Located upon property for which a permit has been issued by the City for the temporary use of a mobile home pursuant to Section 15.52.040.

E. Used at a location where a mobile home is lawfully located, occupied or used at the effective date of this chapter, or date of annexation to the city, and continuously located, occupied or used thereafter; subject to the non-conforming use regulations of the City's Land Use Code. (Ord. 13, §1, 1994)

15.52.030 Use and location of travel homes.

A. Travel homes may be occupied as temporary dwellings only in the following circumstances:

1. Within a licensed travel home park upon a designated space.

2. Upon private property for temporary occupancy by out-of-town guests, for a period not to exceed thirty (30) days in any calendar year for any tract of property. Any travel home used in this manner must be located within the minimum setback requirements for the district in which it is placed.

3. Upon property for which a permit has been issued by the City pursuant to Section 15.52.040.

B. Travel homes may be parked, if unoccupied, upon private property within the setbacks, or temporarily upon public streets, if registered under State law and lawfully parked;

provided, however, they may not be parked to create a traffic hazard or parked on public property in substantially the same location for more than 36 hours. (Ord. 13, §1, 1994)

15.52.040 Permits for temporary location or occupancy of mobile homes or travel homes.

A. An application for a permit for the temporary location and use of a mobile home or travel home upon private property shall be made upon forms supplied by the City.

B. A permit for a period of up to six months may be issued only under the following circumstances by the City Manager:

1. For fire protection or security purposes in Industrial Districts.

2. At a construction site during the construction period for construction related purposes, including residential occupancy by a property owner on his own property, provided that all necessary taps have been purchased and a building permit issued which has not been revoked. Such permit shall terminate when a Certificate of Occupancy has been issued for the project.

3. For temporary dwelling purposes at carnivals, circuses, festivals or other civic events.

4. For a temporary sales office for subdivision lot or unit sales purposes during the initial subdivision development and sales period.

C. The City shall not issue any temporary permit, except for a use or location which complies with the criteria of this Section. Such permit may be revoked by the City Council after a hearing upon reasonable notice to the applicant for a violation of any of the provisions of this Section, or any other applicable ordinances or regulations of the City or State. (Ord. 13, §1, 1994; Ord. 9, §2, 2004)

15.52.050 Mobile home park development procedure.

A. It shall be unlawful to commence the construction of any mobile home park or the enlargement of an existing mobile home park until a mobile home park construction permit has been approved by the City Council as meeting the criteria and requirements of this Chapter and other applicable City and State regulations.

B. Application for a mobile home park construction permit shall be made by submitting an application on forms supplied by the City accompanied by a site plan of the proposed mobile home park and any supporting documents, plans or drawings necessary

to show that the design requirements of Section 15.52.060 will be complied with. The size and location of each existing mobile home shall be accurately shown.

C. The site plan and all supporting plans must be submitted to the City no later than thirty (30) days before the date at which the Planning Commission is to review the application. Following review of the application, the Planning Commission shall recommend approval, conditional approval, or disapprove the application. The reasons for disapproval shall be included in the Planning Commission minutes and provided to the applicant upon request. The application shall then be submitted to the City Council for review and action. The Council may approve the application, conditionally approve it, or disapprove the application if it finds that the requirements of these regulations have not been met.

D. It shall be unlawful to locate any mobile home within any mobile home park prior to the time that a license for the mobile home park, or applicable portion thereof, has been issued by the City Manager following an inspection to determine if the mobile home park, or the applicable portion thereof, has been developed in substantial conformity with the construction permit, plans and other documents as approved by the City Council.

E. An application fee as set by the City Council shall accompany the application for a mobile home park construction permit. (Ord. 13, §1, 1994; Ord. 9, §16, 2004)

15.52.060 Mobile home park design requirements.

A. Size and Location: Mobile home parks may be located only where allowed by the City Land Use Regulations and shall be a minimum of five (5) acres in area, unless adjacent to an existing mobile home park, with the aggregate area being over 5 acres. Mobile home parks containing 25 or more spaces shall abut a major or minor arterial street as designated in the City's Major Street Plan. Mobile home parks containing less than 25 spaces shall abut a collector street or larger street, as designated in the City's Major Street Plan.

B. All mobile home parks shall, as a minimum, comply with the Regulations for mobile home parks issued by the State of Colorado, and the requirements of this Chapter. In the event of any conflict between the State regulations and the requirements of this Chapter or other ordinances and regulations of the City, those regulations which are more stringent shall apply.

C. Dimensional Requirements:

1. Each mobile home space shall be shown on the site plan and may have only one mobile home located on it.
2. Each space shall have a minimum area of four thousand five hundred (4500) square feet.
3. Mobile home park internal setbacks for individual spaces shall be as follows:
 - a. Front setback shall be a minimum of fifteen feet (15');
 - b. Rear setbacks shall be a minimum of fifteen feet (15');
 - c. Side setbacks shall be a minimum of five feet (5').
4. Mobile home park external boundary setbacks shall be as follows:
 - a. Minimum park front setback shall be twenty-five feet (25'), except when the mobile home park fronts on a state highway; then the minimum shall be fifty feet (50').
 - b. Minimum park side set back shall be fifteen feet (15').
 - c. Minimum park rear set back shall be fifteen feet (15').
5. A minimum of two (2) off-street parking spaces per mobile home space shall be provided.
6. All mobile home spaces shall have access only to park internal streets.
7. 10% of the gross area of the mobile home park shall be developed and maintained as a park or playground.

D. The mobile home park developer shall provide the following improvements:

1. Water systems, including fire hydrants and adequately sized mains.
2. City sanitary sewer collection system.

3. Paved streets with a minimum paved width of thirty-six feet (36'), including the width of valley pans.

4. Storm drainage system.

5. Street signs, street lights.

6. Concrete valley pans three feet (3') in width and five foot (5') wide sidewalks shall be installed as a minimum on each side of each street.

7. All mobile home spaces shall be clearly marked and numbered and shall contain at a minimum a level graveled, paved or concrete area on which to place the mobile home which is designed to drain away from the mobile home, and contains the necessary anchors and tie-downs to secure the stability of the mobile home. Utility risers for each utility service and a yard hydrant are required for all mobile home spaces.

8. Storage facilities: Conveniently located storage buildings equal to at least sixty square feet per unit shall be provided to house additional personal possessions of park residents. This may be accomplished by provision of a centrally located storage building, or individual storage units on each mobile home space.

Storage areas for boats, travel trailers, campers and similar items shall be provided within the park. The minimum storage area shall equal one hundred square feet per mobile home space and shall be separated from view by fencing or landscaping.

E. Arrangements to provide public utilities including, if available, gas, electricity, telephone and cable television shall be made with the utility companies.

F. Plans for all improvements shall be submitted with the site plan. All required improvements shall comply with City design and construction standards and specifications.

G. Easements: The City may require reasonable utility easements to be dedicated to the public for the purpose of public and City utilities. The City may require the oversizing of any water and sewer lines, in which event the City shall pay for the cost of oversizing.

H. Screening: Fencing or vegetative screening may be required if the City Council determines a visual buffer is needed to provide separation from surrounding uses and help protect the property value of the existing neighborhood, or to improve the quality of the mobile home park.

I. Landscaping: A landscape plan shall be submitted which, at minimum, provides for the use of appropriate ground cover and vegetation to prevent erosion and reduce the creation of dust and mud, and shall include the use of other landscape materials to enhance the quality of life in the mobile home park.

J. No mobile home without toilet, lavatory and shower or bathing facilities shall be allowed in any mobile home park. (Ord. 13, §1, 1994; Ord. 6, §1, 1998)

15.52.070 Travel home park development procedure.

A. It shall be unlawful to commence construction of any travel home park or the enlargement of an existing travel home park until a travel home park construction permit has been approved by the City Council as meeting the criteria and requirements of this Chapter and other applicable City and State regulations.

B. Application for a travel home park construction permit shall be made on forms supplied by the City accompanied by a site plan of the travel home park and any supporting documents, plans or drawings as necessary to show that the design requirements of Section 15.52.080 will be met.

C. The site plan and all supporting plans must be submitted to the City no later than thirty (30) days before the date at which the Planning Commission is to review the application. Following review of the application, the Planning Commission shall recommend approval, conditional approval or disapproval of the application. If disapproved, the reasons for disapproval shall be included in the Planning Commission minutes and provided to the applicant upon request. The application shall then be submitted to the City Council for review and action. The Council may approve, conditionally approve or disapprove the application, if it finds that the requirements of these regulations have not been met.

D. It shall be unlawful to occupy any travel home within the travel home park prior to the time that a license for the travel home park, or applicable portion thereof, has been issued by the City Manager following an inspection to determine if the

travel home park, or the applicable portion thereof, has been developed in substantial conformity with the site plan as approved by the City Council. A travel home may only be occupied in an approved space.

E. An application fee as set by the City Council shall accompany the application for a travel home park development permit. (Ord. 13, §1, 1994)

15.52.080 Travel home park design requirements.

A. Size and Location: Travel home parks may be located only where allowed by City Land Use Regulations and shall be a minimum of two (2) acres in area.

B. All travel home parks shall, as a minimum, comply with applicable State of Colorado regulations for campgrounds and recreation areas, and the requirements of this chapter. In the event of any conflict between State regulations and the requirements of this chapter or other City ordinances or regulations, those regulations which are more stringent shall apply.

C. Dimensional Requirements:

1. All travel homes and any accessory structures must be kept at least fifteen feet (15') from any other travel home and accessory structure.

2. Travel home park external boundary setbacks shall be as follows:

a. Minimum park front setback shall be twenty-five feet (25') except when the travel home park fronts on a state highway; then the minimum shall be fifty feet (50').

b. Minimum park side setback shall be fifteen feet (15').

c. Minimum park rear setback shall be fifteen feet (15').

3. The number of travel homes in the park shall not exceed twenty (20) travel homes per acre.

4. All travel home spaces shall be clearly marked and numbered and shall contain a minimum of 1500 square feet.

D. Ten percent (10%) of the gross area of the travel home park shall be developed and maintained as a park or playground.

E. The travel home park developer shall provide the following improvements:

1. A water system, including fire hydrants and adequate mains.
2. A sanitary sewer collection system.
3. Paved streets with a minimum width as follows:
 - a. One way/parking on one side - 20 feet;
 - b. Two way/no parking - 24 feet;
 - c. Two way/parking on one side - 30 feet; and
 - d. Two way/parking on both sides - 36 feet.
4. A storm drainage system.
5. Street signs and security lights.
6. A service building meeting the requirements of applicable State and City regulations.

F. Plans for all improvements shall be submitted with the site plan. All required improvements shall comply with standard City design and construction standards and specifications.

G. Easements: The City may require reasonable utility easements to be dedicated to the public for the purpose of public and City utilities. The City may require the oversizing of water

and sewer lines in which event the City shall pay the cost for oversizing.

H. Fencing or vegetative screening may be required if the City Council determines a visual buffer is needed to provide separation from surrounding uses, help protect the property values of the existing neighborhood, and improve the quality of the travel home park.

I. Landscaping: A landscape plan shall be submitted which at a minimum provides for the use of appropriate ground cover and vegetation to prevent erosion and reduce the creation of dust and mud, and includes the use of other landscape

materials to enhance the quality of life in the travel home park. (Ord. 13, §1, 1994)

15.52.090 Mobile home and travel home park licensing requirements.

A. It is unlawful to maintain or operate any travel home park or mobile home park with three or more spaces, travel homes or mobile homes within the City limits, unless a license has been issued in accordance with this Section.

B. All existing mobile home parks or travel home parks with three or more spaces, travel homes or mobile homes shall have ninety (90) days to obtain a license following the effective date of this Section, or following annexation to the City. As part of the initial license, an occupancy permit shall be issued for each mobile home lawfully located within a mobile home park at the effective date of this Section or of annexation. Notwithstanding the fact that mobile home parks or travel home parks with only two sites, or mobile homes or travels homes are not subject to this licensing requirement, such mobile home parks or travel home parks shall comply with all other applicable provisions of this Chapter.

C. An application for a license shall be made on forms provided by the City and shall include a scale map of the park showing all existing spaces, structures, streets, utilities and all other facilities. Physical characteristics of the site including topography, floodplains and other significant site features should be shown. Said map shall be on a scale of not less than 1 inch equals 40 feet. The size and location of each existing mobile home shall be accurately shown.

D. No license shall be issued until an inspection is made by the City and it is determined that the applicable requirements of this Section and other City and State regulations are met.

E. Following a hearing, preceded by reasonable notice to licensee, any license issued pursuant to this Section may be revoked if the City Council determines that a violation of this Chapter or other applicable City regulations exists.

F. The license fee for each mobile home or travel home space shall be set by the City Council.

G. This license shall not be transferable to any new park owner. (Ord. 13, §1, 1994; Ord. 31, §4, 2000; Ord. 9, §16, 2004)

15.52.100 Non-conforming mobile home and travel home parks.

A. All mobile home parks and travel home parks shall be maintained in accordance with the requirements of this chapter, applicable State of Colorado Department of Health regulations and other applicable regulations of the City of Delta, Colorado.

B. Any mobile home park or travel home park, which on March 1, 1994, or at the time of annexation, if annexed subsequently thereto, was lawfully existing and maintained in accordance with previously applicable State, County or City regulations and ordinances, but which does not conform or comply with all of the regulations provided for in this Chapter, may be continued to be maintained or used, but shall not be enlarged, modified or repaired except in conformity with this Section. Provided further, spaces in an existing mobile home park lawfully used or designated for travel homes on the effective date of this Section, may continue to be so used, and spaces in an existing travel home park lawfully used or designated for mobile homes on the effective date of this Section may continue to be so used. Any mobile home park or travel home park which was previously unlawful or illegal under previously applicable regulations shall remain unlawful or illegal and subject to abatement or other enforcement action.

C. If the park is not operated for any 10 month period, it may not thereafter be operated until it is brought into conformity this Section.

D. No mobile home or travel home may be placed onto any space which will create or increase any non-conformity with this chapter.

E. 1. Notwithstanding the provisions of Subsection B, lawful non-conforming mobile home or travel home parks existing as of March 1, 1994, may be expanded one time to add an additional number of spaces equal to 30% in accordance with this subsection.

2. The City Council may allow deviations from the design standards of Subsection 15.52.060(C)(2) and (7), (D)(3), (6), (8) or 15.52.080(D) and (E)(3) if it determines that the following criteria are met:

a. The deviations are compatible and consistent with the existing park,

b. The deviation will not be inconsistent with the public health, safety and welfare, and

c. The deviation will not adversely affect the health, safety and welfare of the park customers.

All other requirements of this chapter shall be met. (Ord. 13, §1, 1994)

15.52.110 Operation and maintenance of mobile home and travel home parks.

A. The park owner shall provide adequate and competent supervision and management to ensure that the park is maintained and operated in conformance with this chapter, State regulations and other ordinances and regulations of the City of Delta.

B. The park owner of every mobile home or travel home park shall be responsible for maintaining all facilities of the park in good repair and in safe, clean and sanitary condition. (Ord. 13, §1, 1994)

15.52.120 Administration and enforcement.

A. The City Manager or designated representative shall have the right to enter upon any mobile home park or travel home park at any reasonable time for the purpose of inspecting the premises to determine compliance with this chapter or other applicable ordinances and City and State regulations.

B. It shall be unlawful for any person to violate any provision of this Chapter.

C. Any person convicted of a violation of any of the provisions of this Chapter may be sentenced to a fine of not more than one thousand dollars (\$1,000.00), or by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment; provided, however, no person under the age of eighteen (18) years may be sentenced to any term of imprisonment in excess of ten (10) days. Each day during which any violation is committed or permitted to continue shall be considered to constitute a separate offense.

D. Any violation of the provisions of this chapter is hereby declared to be a nuisance and may be abated in accordance with law.

E. In addition to any other remedies the City may have, it may maintain an action in a court of competent jurisdiction

to enjoin any violation of or compel compliance with any provision of this chapter.

F. The City may refuse to issue any permits required by City ordinance or grant water or sewer taps if the applicant is in violation of any of the provisions of this chapter. (Ord. 13, §1, 1994; Ord. 18, §2 & §3, 1997)

Chapter 15.56

FLOOD DAMAGE PREVENTION

Sections:

ARTICLE I. TITLE AND PURPOSE

- 15.56.010 Statutory authority.
- 15.56.020 Findings of fact.
- 15.56.030 Statement of purpose.
- 15.56.040 Methods of reducing flood losses.

ARTICLE II. DEFINITIONS

- 15.56.050 Definitions.

ARTICLE III. GENERAL PROVISIONS

- 15.56.060 Lands to which this chapter applies.
- 15.56.070 Basis for establishing the special flood hazard area.
- 15.56.080 Establishment of floodplain development permit.
- 15.56.090 Compliance.
- 15.56.100 Abrogation and greater restrictions.
- 15.56.110 Interpretation.
- 15.56.120 Warning and disclaimer of liability.
- 15.56.130 Severability.

ARTICLE IV. ADMINISTRATION

- 15.56.140 Designation of the floodplain administrator.
- 15.56.150 Duties & responsibilities of the floodplain administrator.
- 15.56.160 Permit procedures.
- 15.56.170 Variance procedures.
- 15.56.180 Penalties for noncompliance.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

- 15.56.190 General standards.
- 15.56.200 Specific standards.
- 15.56.210 Standards for areas of shallow flooding (AO/AH Zones).
- 15.56.220 Floodways.
- 15.56.230 Alteration of a watercourse.
- 15.56.240 Properties removed from the floodplain by fill.

- 15.56.250 Standards for subdivision proposals.
- 15.56.260 Standards for critical facilities.

ARTICLE I. TITLE AND PURPOSE

15.56.010 Statutory authority. The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Delta, Colorado, does hereby adopt the following floodplain management regulations:

15.56.020 Findings of fact.

A. The flood hazard areas of the City are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage. (Ord. 1, §1(part), 1984)

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

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;

F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

G. Insure that potential buyers are notified that property is located in a flood hazard area

15.56.040 Methods of reducing flood losses. In order to accomplish its purposes, this Chapter uses the following methods:

A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

D. Control filling, grading, dredging and other development which may increase flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE II. DEFINITIONS

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

A. "100-YEAR FLOOD" means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

B. "100-YEAR FLOODPLAIN" means the area of land susceptible to being inundated as a result of the occurrence of

a one-hundred-year flood.

C. "500-YEAR FLOOD" means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

D. "500-YEAR FLOODPLAIN" means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

E. "ADDITION" means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

F. "ALLUVIAL FAN FLOODING" means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

G. "AREA OF SHALLOW FLOODING" means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

H. "BASE FLOOD ELEVATION (BFE)" means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

I. "BASEMENT" means any area of a building having its floor sub-grade (below ground level) on all sides.

J. "CHANNEL" means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

K. "CHANNELIZATION" means the artificial creation, enlargement or realignment of a stream channel.

L. "CODE OF FEDERAL REGULATIONS (CFR)" means the codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

M. "COMMUNITY" means any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

N. "CONDITIONAL LETTER OF MAP REVISION (CLOMR)" means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

O. "CRITICAL FACILITY" means a structure or related infrastructure, but not the land on which it is situated, as specified in Article 5, Section 15.56.260, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Article 5, Section 15.56.260.

P. "DEVELOPMENT" means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Q. "DFIRM DATABASE" means a database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

R. "DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)" means FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

S. "ELEVATED BUILDING" means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

T. "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

U. "EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

V. "FEDERAL REGISTER" means the official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

W. "FEMA" means Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

X. "Flood or Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess

surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Y. "FLOOD INSURANCE RATE MAP (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Z. "FLOOD INSURANCE STUDY (FIS)" means the official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

AA. "FLOODPLAIN OR FLOOD-PRONE AREA" means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

BB. "FLOODPLAIN ADMINISTRATOR" means the community official designated by title to administer and enforce the floodplain management regulations.

CC. "FLOODPLAIN DEVELOPMENT PERMIT" means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

DD. "FLOODPLAIN MANAGEMENT" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

EE. "FLOODPLAIN MANAGEMENT REGULATIONS" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such

state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FF. "FLOOD CONTROL STRUCTURE" means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

GG. "FLOODPROOFING" means any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

HH. "FLOODWAY (REGULATORY FLOODWAY)" means the channel of a river or other watercourse and 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 height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

II. "FREEBOARD" means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

JJ. "FUNCTIONALLY DEPENDENT USE" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

KK. "HIGHEST ADJACENT GRADE" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

LL. "HISTORIC STRUCTURE" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a) By an approved state program as determined by the Secretary of the Interior or;

b) Directly by the Secretary of the Interior in states without approved programs.

MM. "LETTER OF MAP REVISION (LOMR)" means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

NN. "LETTER OF MAP REVISION BASED ON FILL (LOMR-F)" means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

OO. "LEVEE" means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

PP. "LEVEE SYSTEM" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

QQ. "LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

RR. "MANUFACTURED HOME" means 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. The term "manufactured home" does not include a "recreational vehicle".

SS. "MANUFACTURED HOME PARK OR SUBDIVISION" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

TT. "MEAN SEA LEVEL" means for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

UU. "MATERIAL SAFETY DATA SHEET (MSDS)" means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

VV. "NATIONAL FLOOD INSURANCE PROGRAM (NFIP)" means FEMA's

program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

WW. "NEW MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

XX. "NO-RISE CERTIFICATION" means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

YY. "PHYSICAL MAP REVISION (PMR)" means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

ZZ. "RECREATIONAL VEHICLE" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

AAA. "SPECIAL FLOOD HAZARD AREA" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

BBB. "START OF CONSTRUCTION" means the date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

CCC. "STRUCTURE" means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

DDD. "SUBSTANTIAL DAMAGE" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

EEE. "SUBSTANTIAL IMPROVEMENT" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

FFF. "THRESHOLD PLANNING QUANTITY (TPQ)" means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

GGG. "VARIANCE" means a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

HHH. "VIOLATION" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

III. "WATER SURFACE ELEVATION" means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III. GENERAL PROVISIONS

15.56.060 Lands to which this chapter applies. This Chapter shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the City of Delta, Colorado.

15.56.070 Basis for establishing the special flood hazard area. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Delta County, Colorado and Incorporated Areas," dated August 19, 2010, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this

ordinance. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the City Council. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

15.56.080 Establishment of floodplain development permit.

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Chapter.

15.56.090 Compliance. No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Chapter and other applicable regulations. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

15.56.100 Abrogation and greater restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.56.110 Interpretation. In the interpretation and application of this Chapter, 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.

15.56.120 Warning and disclaimer of liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

This Chapter does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Community or any official or

employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

15.56.130 Severability. This Chapter and the various parts thereof are hereby declared to be severable. Should any section of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ARTICLE IV. ADMINISTRATION

15.56.140 Designation of the floodplain administrator. The Community Development Director is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management

15.56.150 Duties & responsibilities of the floodplain administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

A. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Article 4, Section 15.56.160.

B. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this Chapter.

C. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

D. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

E. Inspect all development at appropriate times during the

period of construction to ensure compliance with all provisions of this Chapter, including proper elevation of the structure.

F. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

G. When Base Flood Elevation data has not been provided in accordance with Article 3, Section 15.56.070, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5.

H. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

I. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

J. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

K. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

15.56.160 Permit procedures.

A. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished

by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be Floodproofed;

3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential Floodproofed structure shall meet the Floodproofing criteria of Article 5, Section 15.56.200(B);

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

5. Maintain a record of all such information in accordance with Article 4, Section 15.56.150.

B. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of Flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during

and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to Flooding or erosion damage, for the proposed use;

10. The relationship of the proposed use to the comprehensive plan for that area

15.56.170 Variance procedures.

A. The Appeal Board, as established by the City Council, shall hear and render judgment on requests for variances from the requirements of this chapter.

B. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

C. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Chapter.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level,

providing the relevant factors in Section 15.56.160 of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this Chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter as stated in Article 1, Section 15.56.030.

H. Variances shall not be issued within any designated Floodway if any increase in flood levels during the base flood discharge would result.

I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

J. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:

a) Showing a good and sufficient cause;

b) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:

1. The criteria outlined in Article 4, Section 15.56.170(A)-(J) are met, and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

15.56.180 Penalties for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

15.56.190 General standards.

In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

D. All new construction or 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;

E. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. 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.

F. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

H. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

15.56.200 Specific standards. In all Special Flood Hazard Areas where Base Flood Elevation data has been provided as set forth in (i) Article 3, Section 15.56.070, (ii) Article 4, Section 15.56.150(G), or (iii) Article 5, Section 15.56.250, the following provisions are required:

A. RESIDENTIAL CONSTRUCTION - New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the Base Flood Elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

B. NONRESIDENTIAL CONSTRUCTION - With the exception of Critical Facilities, outlined in Article 5, Section 15.56.260, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating,

ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Article 4, Section 15.56.160.

C. ENCLOSURES - New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. MANUFACTURED HOMES - All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation,

plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

1. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

E. RECREATIONAL VEHICLES - All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days,
2. Be fully licensed and ready for highway use, or
3. Meet the permit requirements of Article 4, Section 15.56.160, and the elevation and anchoring requirements for "manufactured homes" in paragraph (D) of this section.

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.

F. PRIOR APPROVED ACTIVITIES - Any activity for which a Floodplain Development Permit was issued by the City of Delta or a CLOMR was issued by FEMA prior to the effective date of this revised chapter may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this ordinance if it meets such standards.

15.56.210 Standards for areas of shallow flooding (AO/AH Zones). Located within the Special Flood Hazard Area established in Article 3, Section 15.56.070, are areas

designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

A. RESIDENTIAL CONSTRUCTION - All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

B. NONRESIDENTIAL CONSTRUCTION - With the exception of Critical Facilities, outlined in Article 5, Section 15.56.260, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section 15.56.160, are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

15.56.220 Floodways. Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway

standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Article 2). Located within Special Flood Hazard Area established in Article 3, Section 15.56.070, are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.

B. If Article 5, Section 15.56.220(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

15.56.230 Alteration of a watercourse. For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

A. Channelization and flow diversion projects shall appropriately consider issues of 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. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

B. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

C. Any channelization or other stream alteration activity proposed by a project proponent 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.

D. Any stream alteration activity shall be designed and

sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

E. All activities within the regulatory floodplain shall meet all applicable Federal, State and {community name} floodplain requirements and regulations.

F. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, 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 community first applies for a CLOMR and Floodway revision in accordance with Section D of this Article.

G. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

15.56.240 Properties removed from the floodplain by fill.

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

A. RESIDENTIAL CONSTRUCTION - the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

B. NONRESIDENTIAL CONSTRUCTION - the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

15.56.250 Standards for subdivision proposals.

A. All subdivision proposals including the placement of

manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section 15.56.080; Article 4, Section 15.56.160; and the provisions of Article 5 of this Chapter.

C. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section 15.56.070 or Article 4, Section 15.56.150 of this Chapter.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

15.56.260 Standards for critical facilities. A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at anytime before, during and after a Flood.

A. CLASSIFICATION OF CRITICAL FACILITIES

1. It is the responsibility of the City to identify and confirm that specific structures in their community meet the following criteria:

2. Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

a) Essential services facilities include public

safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

b) These facilities consist of:

- i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
- ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);
- iii. Designated emergency shelters;
- iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- v. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
- vi. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

c) Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

d) Public utility plant facilities may be

exempted if it can be demonstrated to the satisfaction of the City that the facility is an element of a redundant system for which service will not be interrupted during a Flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a Flood. Evidence of ongoing redundancy shall be provided to the city on an as-needed basis upon request.

3. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

- a) These facilities may include:
 - b) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - c) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - d) Refineries;
 - e) Hazardous waste storage and disposal sites;
- and
- f) Above ground gasoline or propane storage or sales centers.

4. Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910

(2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this chapter, but exclude later amendments to or editions of the regulations

- include:
- a) Specific exemptions to this category
 - i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
 - ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
 - iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

b) These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Article.

5. At-risk population facilities include medical care, congregate care, and schools.

- a) These facilities consist of:
 - i. Elder care (nursing homes);
 - ii. Congregate care serving 12 or more individuals (day care and assisted living);
 - iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

6. Facilities vital to restoring normal services including government operations.

- a) These facilities consist of:

- i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
- ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

b) These facilities may be exempted if it is demonstrated to the City that the facility is an element of a redundant system for which service will not be interrupted during a Flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Chapter, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a Flood. Evidence of ongoing redundancy shall be provided to the city on an as-needed basis upon request.

B. PROTECTION FOR CRITICAL FACILITIES

1. All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this Chapter, protection shall include one of the following:

- a) Location outside the Special Flood Hazard Area; or
- b) Elevation of the lowest floor or Floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

C. INGRESS AND EGRESS FOR NEW CRITICAL FACILITIES

1. New Critical Facilities shall, when practicable as determined by the city, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event. (Ord. 1, §1(part), 1984; Ord. 7, §7, 1989; Ord. 9, 2013)

Chapter 15.60

LEGISLATED VESTED PROPERTY RIGHTS

Sections:

- 15.60.010 Purpose.
- 15.60.020 Definitions and general provisions.
- 15.60.030 Procedures.
- 15.60.040 Limitations.

15.60.010 Purpose. The purpose of this Chapter is to provide procedures and regulations necessary to implement a program of legislated vested rights similar, but not necessarily identical, to that called for by the provisions of Article 68 of Title 24, C.R.S. The provisions of said Article 24-68, to the extent inconsistent with the provisions of this Chapter, including but not necessarily limited to the provisions of Section 24-68-102.5(1), are hereby superceded. (Ord. 27, §1, 1999)

15.60.020 Definitions and general provisions.

A. As used in this Section, "Site Specific Development Plan" means a plan approved by the City pursuant to this Section which has been submitted to the City by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan shall consist of one or more of the following:

1. An approved Final Planned Unit Development Plan;
2. An approved Subdivision Final Plat;
3. An Approved Conditional Use;
4. An approved change in a non-conforming use; or
5. Annexation Agreements or Development Agreements executed by the City which specifically provide that they should be part of a Site Specific Development Plan.
6. An approved Mobile Home or Travel Home Park Construction Permit.

B. Neither a Sketch Plan, a Preliminary Subdivision Plat nor a preliminary PUD plan may qualify as a Site Specific Development Plan. An approved zoning variance, final architectural plans, public utility filings, or final construction drawings and related documents and methods for construction of improvements shall not, in and of itself, constitute a Site Specific Development Plan, although it may be an additional element of a Site Specific Development Plan which is specified in subsection (A) above.

C. A Site Specific Development Plan for any development shall include all of the items identified in paragraphs (A) and (B) above, to the extent applicable to the development.

D. None of the items identified in paragraphs (A) and (B) shall be considered a Site Specific Development Plan until approved, pursuant to the procedures of this Section in addition to the procedures applicable to such individual items. Such procedures may be pursued contemporaneously. (Ord. 27, §1, 1999)

15.60.030 Procedures.

A. A landowner desiring approval of a Site Specific Development Plan shall submit an application therefore on forms provided by the City indicating each element of such plan and shall submit a copy of each element as approved by the City together with any other information necessary to determine with reasonable certainty the type and intensity of use for the property.

B. Accompanying such application shall be application fee in the amount of \$50.

C. Upon receipt of a properly completed application with fee, the City shall schedule a public hearing and publish notice thereof.

D. Following the Hearing, the City Council may approve the Site Specific Development Plan if it is consistent with the requirements of this Section.

E. Following approval, the City shall cause a Notice describing generally the type and intensity of the use approved, and the description of the property affected. Such notice shall not be published more than fourteen days after approval.

F. The Site Specific Development Plan shall be deemed approved upon the effective date of the City Council's action. In the event amendments to any of the elements of the Site Specific Development Plan are subsequently proposed and approved, the effective date of such amendments for purposes of the duration of vested property rights shall be the date of approval of the original Site Specific Development Plan. (Ord. 27, §1, 1999)

15.60.040 Limitations.

A. Approval of a Site Specific Development Plan pursuant to this Chapter shall be deemed to create a vested property right which shall be subject to the provisions and limitations of 24-68-103(1)(b) and (c), 104 and 105, C.R.S., except to the extent inconsistent with any provision of this Chapter.

B. Failure of any landowner to request a hearing and approval of various elements of the development plan as a Site Specific Development Plan shall constitute a waiver and no vested right shall be deemed to have been created by the City's approval of such elements.

C. Approval of a Site Specific Development Plan may be revoked by the City Council following notice and hearing on account of breach of any condition of approval of the various elements of the plan or of any ordinance or regulation of the City applicable to the various approvals or the various elements of the plan.

D. The provisions of all duly adopted zoning ordinances and other land use and development ordinances and regulations and master plans, as amended from time to time, shall apply in accordance with their terms, to all property and pending applications and proceedings except to the extent otherwise specifically provided in the adopting legislation, and except to the extent otherwise provided for an approved site specific development plan pursuant to Subsection (A) above. (Ord. 27, §1, 1999)