



TOWN OF PAONIA
THURSDAY, FEBRUARY 18, 2021
TOWN BOARD/PLANNING COMMISSION WORK SESSION AGENDA
4:00 PM

VIRTUAL MEETING
(MEETING WILL NOT BE HELD AT THE TOWN HALL)

TELEPHONE:

DIAL (FOR HIGHER QUALITY, DIAL A NUMBER BASED ON YOUR CURRENT LOCATION):

**US: +1 253 215 8782 OR +1 346 248 7799 OR +1 669 900 9128 OR +1 301 715 8592 OR +1 312 626 6799 OR
+1 646 558 8656**

MEETING ID: 832 3127 7583

MEETING LINK: [HTTPS://US02WEB.ZOOM.US/J/83231277583](https://us02web.zoom.us/j/83231277583)


Roll Call

Regular Business

1. Municipal Code Chapter 18 Update
2. Master Plan Update

Adjournment

AGENDA SUMMARY FORM

	Municipal Code Chapter 18 Update
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Summary: A review of proposed building code update to 2018 regulations.

Notes:
 Suggestions from Building Department Training:

DO NOT adopt IBC Appendix Chapters A, D, F, G, K, L, or M.
 So we would include language to adopt IBC Appendix Chapters B, C, E, I, J, and N.

DO NOT adopt IRC Appendix Chapters A, C, D, E, G, I, L, N, O, P, and maybe not Appendix T.
 So we would include language to adopt IRC Appendix Chapters B, F, H, J, K, M, Q, R, and S for the IRC.

Appendix Chapters are listed toward the back of the Attached 2018 IRC Adoptions Topics sheet. Appendix Chapters A, C, G, N, and P all have to do with Plumbing, so we don't need or want to adopt those.

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Lucy Hunter:	Mary Bachran:		
Vote:	Trustee Bear	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Meck	Trustee Pattison	Mayor Bachran:

PAONIA MUNICIPAL CODE

2015

**A Codification of the General Ordinances
of the Town of Paonia, Colorado**

Updated through Ord. No. 2016-06

Commented [T2R1]: The Ordinance update dates will change when supplements are prepared by Municode. Current updated through Ordinance 2019-09.

Chapter 18 - BUILDING REGULATIONS

ARTICLE 1. - BUILDING CODE

Sec. 18-1-10. - Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the Town, by reference thereto, the 2018 Edition of the International Building Code with appendix chapters and referenced codes, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the building code are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with additions, insertions, deletions and changes, if any, as set forth in Section 18-1-30 below. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare, and providing for the issuance of permits and collection of fees therefore.

(Ord. No. 2006-03, 2006; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-1-20. - Copy on file.

At least one (1) copy of the International Building Code, certified to be a true copy, on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted.

(Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-1-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

- (1) References to jurisdiction in Section 101.1 and elsewhere mean the Town of Paonia.
- (2) Section 101.4.1 is amended to read: The provisions of the International Fuel gas Code as amended and adopted by the State of Colorado Plumbing Board (per 3 CCR 720-1 of the Code of Colorado Regulations.)
- (3) Section 101.4.3 is amended to read: The provisions of the International Plumbing Code as amended and adopted by the State of Colorado Plumbing Board (per 3 CCR 720-1 of the Code of Colorado Regulations).
- (4) Section 101.4.4 is hereby deleted.
- (5) Sections 104.10.1, 1612.3 and 1612.4 are amended to read: Consideration of Flood Hazard Areas shall be as adopted by Chapter 18 Article 9 of this Municipal Code.

Commented [DR78]: Check with Legal Department to see if this statute (shown throughout) is still the valid reference.

THIS IS THE CORRECT REFERENCE.

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

- 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses provided the floor area cannot exceed 200 square feet. Such structures shall be located in accordance with Section 705.3 with respect to other structures on the same lot and in accordance with Chapter 16 Zoning Regulations.
- 2. Fences not over 6 feet high; however, all fence-plans must be reviewed and approved as per Municipal Code Section 18-11-10
- 14. Item 14 is added and reads: Window and door replacement provided no structural changes are needed or proposed.
- 15. Item 15 is added and reads: Decks not exceeding 200 square feet (18.58 m2) in area, that are not more than 30 inches (762 mm) above grade at any point; a site-plan is required and subject to approval with regards to setback requirements.
- 16. Item 16 is added and reads: Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product*. (*If the stucco-type product will be applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit).

(7) Section 109.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.

(8) Section 109.6 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.

(9) Section 109.4 is amended to read: Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by Resolution that shall be in addition to the required permit fees. The amount of the fee shall be equal to the permit fee or \$100, whichever is greater. Payment of this fee does not constitute approval of work already completed and does not assure that a permit will be issued for the project under consideration.

(10)Section 113 is amended to read: Means of Appeal shall be initiated and addressed as per Municipal Code section ??????

(11)Section 114 is amended to read: Violations shall be processed as outlined in Municipal Code Section ????

(12) Section 310.4.1 is hereby deleted

Commented [DR79]: It is recommended that you have one location in the M.C. for all appeals and variances. 16-15-10 is very close to being able to serve that need, but it is specific to Zoning in paragraph "c".

Commented [DR80]: Again, one central location for all considerations would be helpful. You'll see right now that 16-18-10 is in Zoning but discusses Building Code Violations. Maybe just move 16-18-10 to the end of Chapter 18.

THIS WILL BE FILLED IN WITH REFERENCE TO THE ORDINANCE UPCOMING AT THE NEXT MEETING REGARDING THE COMBINATION OF A ZONING BOARD OF ADJUSTMENT AND APPEALS.

(13) All foundations submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado.

(Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 2. - RESIDENTIAL CODE

Sec. 18-2-10. - Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the residential code of the Town, by reference thereto, the International Residential Code, 2018 edition, and all appendices, tables and examples thereto, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. The Residential Code provides the standards for the design, erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of one and two-family dwellings and townhouses, and providing for the issuance of permits and collection of fees therefore.

(Ord. No. 2006-03, 2006; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-2-20. - Copy on file.

At least one (1) copy of the International Residential Code, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular office hours

(Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-2-30. - Amendments.

The code adopted herein is hereby modified and amended by the following:

- (1) Chapters 33-43 are hereby deleted.
- (2) References to jurisdiction in Section R101.1 and elsewhere shall mean the Town of Paonia.
- (3) R104.10.1, R105.3.1.1, R301.2.4, R309.3, and R322 are amended to read: Consideration of Flood Hazard Areas shall be as adopted by Chapter 18 Article 9 of this Municipal Code.
- (4) Section R105.2 is amended in part and with items added to read as exempt from permit requirements:

Building:

2. Fences not over 6 feet high; however, all fence-plans must be reviewed and approved as per Municipal Code Section 18-11-10

10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point; a site-plan is required and subject to approval with regards to setback requirements.

11. Item 11 is added and reads: Window and door replacement provided no structural changes are needed or proposed.

12. Item 12 is added and reads: Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product*. (*If the stucco-type product will be applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit).

Electrical:

All exemptions are subject to the laws established by the Colorado State Electrical Board.

Plumbing:

All exemptions are subject to the laws established by the Colorado State Plumbing Board.

(5) Section R105.5 is amended to read:

R105.5 Expiration:

- a. Work must commence within 180 days of issuing the permit.
- b. Unless determined otherwise by the Building Official because of the size or complexity of the project, each inspection must be completed within 180 days of the previous mandated inspection according to the following schedule:
 - i. Reinforcement in footings or structural (monolithic) slab.
 - ii. Reinforcement in stem-wall or basement-wall.
 - iii. Wall and roof sheathing (as required by AHJ)
 - iv. Framing (which implies that plumbing, electrical and mechanical have already passed inspection or will be inspected at the time of the framing inspection).
 - v. Insulation.
 - vi. Drywall or other interior wall coverings.
 - vii. All final inspections.

(6) Section R108.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.

(7) Section 108.5 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.

(8) Section R108.6 is amended to read: Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by Resolution that shall be in addition to the required permit fees. The amount of the fee shall be equal to the permit fee or \$100, whichever is greater. Payment of this fee does not constitute approval of work already completed and does not assure that a permit will be issued for the project under consideration.

(9) Section R112 is amended to read: Means of Appeal shall be initiated and addressed as per Municipal Code section [???

(10) Section R113 is amended to read: Violations shall be processed as outlined in Municipal Code section [???

Commented [DR81]: It is recommended that you have one location in the M.C. for all appeals and variances. 16-15-10 is very close to being able to serve that need, but it is specific to be for Zoning in paragraph "c".

[Redacted comment box]

Commented [DR82]: Again, one central location for all considerations would be helpful. You'll see right now that 16-18-10 is in Zoning but discusses Building Code Violations. Maybe just move 16-18-10 to the end of Chapter 18.

SAME AS ABOVE – WILL REFERENCE ORDINANCE FOR BOARD OF APPEALS

(11) All foundations submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado.

(12) Amend Exceptions to Section R302.1 to read:

- 2. Exception #2 is hereby deleted.
- 3. Exception #3 is hereby deleted.

(13) Amend Table R301.2(1) Manual J Design Criteria_

Elevation: 5,682

Latitude: 38

Winter Heating 3

Summer Cooling 87

Altitude Correction Factor: .84

Indoor Design Temperature: 70

Design Temperature Cooling: 75

Heating Temperature Difference: 67

Cooling Temperature Difference: 12

Wind Velocity Heating: N/A

Wind Velocity Cooling: N/A

Coincident Wet Bulb: 58

Daily Range H

Winter Humidity: 30%

Summer Humidity: 50%

Ground Snow Load: 33 psf

Wind Speed: 115 mph Ultimate / Exposure C

Topographic Effects: N.A.

Special Wind Region: N.A.

Windborne Debris Zone: N.A.

Seismic Design Category: C

Weathering: Severe

Frost Line Depth: 24"

Termite: Moderate

Winter Design Temp.: 3 degrees F

Ice Barrier Underlayment: No

Flood Hazards: [See footnote g and have GIS fill in.](#)

Air Freezing Index: 1500

Mean Annual Temp.: 49 degrees F

Commented [DR83]: Still needs to be clarified.

(14) Q. Section R326.1 is hereby deleted.

(15) Add a new subsection R908.7 to read as follows:

R908.7 Attic ventilation shall be made to be in compliance with Section R806 when possible.

(16) Section G2445 is amended to read: Unvented Room heaters are prohibited.

(17) Section G2406.2 is amended to delete Exceptions #3 and #4.

(18) Section G2425.8 is amended to delete item #7.

(19) Section N1102.4.1.2 is deleted.

(20) Section N1103.3.3 is deleted.

(21) Section N1103.3.4 is deleted.

(22) Section N1103.5.1 is amended as follows: When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.

(23) Section N1103.5.2 is amended as follows: When installed, demand recirculation water-systems shall have controls that comply with both of the following:

1. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance.
2. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).

(24) Section N1103.5.4 is amended as follows: When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.

(Ord. No. 2006-03, 2006; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 3. - EXISTING BUILDING CODE

Sec. 18-3-10. - Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the existing building code of the Town, by reference thereto, the International Existing Building Code, 2018 edition, including Resource "A", published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. The Existing Building Code provides the standards for the alteration, repair, addition, moving, change of occupancy and relocation of existing buildings, and providing for the issuance of permits and collection of fees therefore.

(Ord. No. 2006-03, 2006; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-3-20. - Copy on file.

At least one (1) copy of the International Existing Building Code, certified to be a true copy is on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted.

(Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-3-30. - Amendments.

- (1) Reference to "jurisdiction" in Section 101.1 and elsewhere shall mean the Town of Paonia.
- (2) Section 108.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- (3) Section 108.6 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.

(4) Section 112 is amended to read: Means of Appeal shall be initiated and addressed as per Municipal Code section ???

(5) Section 113 is amended to read: Violations shall be processed as outlined in Municipal Code Section ???

Commented [DR84]: It is recommended that you have one location in the M.C. for all appeals and variances. 16-15-10 is very close to being able to serve that need, but it is specific to Zoning in paragraph "c".

Commented [DR85]: One central location somewhere in the M.C. Section 16-18-10 is close but needs to be at the end of Chapter 18

SAME AS ABOVE – WILL REFERENCE ORDINANCE FOR BOARD OF APPEALS

The code adopted herein is hereby modified by the following amendments: IEBC Section 108 is amended by the establishment of fees as set forth in the Fee Schedule adopted by the Board of Trustees by resolution.

(Ord. No. 2006-03, 2006; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 4. - ENERGY EFFICIENCY STANDARDS

Sec. 18-4-10. - Adoption.

There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Energy Conservation Code, 2018 Edition , as published by the International Code Council, 4051 West Flossmoor Road, County Club Hills, Illinois 60478-5795; the subject matter of which is regulations governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems

(Ord. No. 376, § 1, 1978; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-4-20. - Copy on file.

At least one (1) copy of the International Energy Conservation Code, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular office hours.

(Ord. No. 376, § 3, 1978; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-4-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

Commercial

- (1) Section C101.1is amended as follows: This code shall be known as the Energy Conservation Code of Town of Paonia, Colorado, and shall be cited as such. It is referred to herein as "this code."

Residential

- (1) Section R101.1is amended as follows: This code shall be known as the Energy Conservation Code of Town of Paonia, Colorado, and shall be cited as such. It is referred to herein as "this code."
- (2) Section R402.4.1.2 is deleted.
- (3) Section R403.3.3 is deleted.

- (4) Section R403.3.4 is deleted.
- (5) Section R403.5.1 is amended as follows: When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.
- (6) Section R403.5.2 is amended as follows: When installed, demand recirculation water systems shall have controls that comply with both of the following:
1. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance.
 2. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).
- (7) Section R403.5.4 is amended as follows: When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.
- (8) R403.6 – append this Section by adding: Automatic controls for heating incoming-air shall be provided.

(Ord. No. 376, § 2, 1978; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-4-40. - Penalties.

The following penalty clause is herewith set forth in full and adopted: "It shall be unlawful for any person, firm or corporation to erect, construct, renovate, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the Town, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Energy Code. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Energy Code is committed, continued or permitted, and, upon conviction of any such violation, such persons shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

(Ord. No. 376, § 4, 1978; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 5. - MANUFACTURED HOUSING INSTALLATION

Sec. 18-5-10. - Adoption of Guidelines.

The Installation Handbook for Manufactured Homes and Factory Built Housing, January 2016 edition, published by the Colorado Department of Local Affairs is hereby adopted as the Manufactured Housing Code of the Town, by reference, pursuant to statute, for regulating the installation of manufactured homes

Commented [DR86]: As suggested for ALL books, Violations such as shown in 16-18-10 could be moved to the end of Chapter 18 and referenced for all adopted codes.

in the Town and each and all of the regulations, provisions, conditions and terms of such Guidelines referenced above, are hereby referred to, adopted and made a part hereof as if fully set out in this Code. The purpose of the adopted code is to protect the health, safety and welfare of the residents of the Town.

(Ord. No. 97-03, § 1, 1997; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-5-20. - Copy on file.

At least one (1) copy of the Installation Handbook for Manufactured Homes and Factory Built Housing, January 2016 edition published by the Colorado Department of Local Affairs, certified to be a true copy, is on file in the office of the Town Clerk, and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted.

(Ord. No. 97-03, § 1, 1997; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-5-30. - Amendments.

The Installation Handbook adopted herein is hereby modified by the following amendments: none.

(Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-5-40. - Definitions.

For purposes of this Chapter, the following definitions will apply:

Dependent mobile home means a mobile home which does not have a flush toilet and a bath or shower.

Independent mobile home means a mobile home which has a flush toilet, a bath or a shower and a sink.

Mobile home means any vehicle, trailer coach, house trailer or similar portable structure designed or constructed to permit occupancy for dwelling or sleeping purposes and designed to be transported on wheels.

Modular home means a factory-built or prefabricated structure designed for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled by a manufacturer for installation or assembly and installation on a residential building site.

(Ord. No. 337, § 1, 1974; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 18-5-50. - Permit for location and installation.

- (a) It shall be unlawful for any person to use or occupy a dependent mobile home for human habitation within the limits of the Town.
- (b) It shall be unlawful for any person to install, erect, use or occupy any independent mobile home or modular home that has less than six hundred (600) square feet of living space.
- (c) It shall be unlawful for any person to install, erect, use or occupy any independent mobile home or modular home for human habitation within the limits of the Town without first obtaining a permit therefor upon written application on a form to be furnished by the Town Clerk. Each such application shall describe the land on which the installation is to be made, shall be accompanied by plans and specifications of the foundation for the proposed installation showing its location on the building site, shall be signed by the applicant, shall be accompanied by evidence of application for a State Permit

from the Colorado Department of Housing and shall give such other information as may be required by the Building Official. The application plans and specifications shall be checked by the Building Official, and if he or she is satisfied that the installation therein described will conform to the requirements of Paragraphs (1) through (6) below, he or she shall issue a permit therefor to the applicant. Fees for the permit shall be a minimum of \$300.00 or otherwise in accordance with the Permit Fee Rate Schedule adopted by Resolution based on the value of the foundation, exterior stairs, landings, porches and any other added feature exterior to the Manufactured Structure. Thereafter, the Building Official shall make such inspections as reasonably necessary to determine that all requirements of paragraphs (1) through (6) below are complied with, and he or she shall either approve the installation at each inspection or notify the permit holder when it fails to comply with said requirements. No mobile home or modular home shall be used or occupied until the Building Official has issued a certificate of occupancy which shall be issued to the permittee after final inspection of the installation and approval of the same by the Building Official in accordance with the foregoing. The certificate of occupancy shall contain the permit number, the address of the installation, the name of the owner, a statement that the mobile home or modular home installation complies with the requirements of this Article, the date issued and the signature of the Building Official.

- (1) The proposed location shall be in compliance with Chapter 16 of this Code. No mobile home or modular home shall be located or placed on or within an area of less than five thousand (5,000) square feet.
- (2) No mobile home or modular home shall be located closer than twelve (12) feet to any building and shall also be located as to comply with all requirements as to setback lines and side and rear yards as now or hereafter provided for dwelling structures by Chapter 16 of this Code.
- (3) The plumbing and electrical connections shall be in accordance with the provisions of this Code and in accordance with State Law as shown in paragraph (6) below.
- (4) All mobile homes or modular homes using liquefied petroleum gas, kerosene, gasoline or fuel oil for heating or cooking purposes shall have their stoves properly vented with flues of adequate size and construction; and, with the exception of a supply container for each mobile home, no gasoline, kerosene or fuel oil shall be stored on the premises. Said supply container must be approved by the Fire Chief. Every connection between a liquefied petroleum gas container and its appliance shall be of metal pipe. No liquefied petroleum gas container shall be permitted inside of any mobile home. All mobile homes and modular homes shall comply with the regulations of the Colorado State Department of Public Health and Environment controlling carbon monoxide poisoning.
- (5) Every mobile home and modular home shall be supported on solid masonry or concrete footings which shall be of sufficient size to safely support the loads imposed as determined from the character of the soil. The foundation walls or piers shall extend at least six (6) inches above the finished grade adjacent to the wall at all points. The foundation walls or piers shall be directly below the load-bearing beams of the mobile home or modular home. If piers are used, they shall be installed as per requirements of the home manufacturer and as per State Laws, except that design and specifications shall be provided by a Colorado Licensed Engineer for all "permanent foundations". Every mobile home and modular home shall be anchored in such a way as to resist wind loads established per the IRC and approved as per State Laws, except that design and specifications for anchoring shall be provided by a Colorado Licensed Engineer for all "permanent foundations". Foundations for all mobile homes and modular homes shall be level or shall be stepped so that both top and bottom of such foundation are level. After such foundations have been constructed, each mobile home or modular home shall have a wood or metal skirt firmly attached to all exterior walls and extended to the ground along the entire outside perimeter.
- (6) As per the Laws of the State of Colorado, Department of Housing, no permanent utilities are to be released to the home prior to the affixing of the installation-insignia, and Occupancy of the structure is prohibited prior to affixing the installation-insignia.

(Ord. No. 355, § 2, 1976; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 6. - INTERNATIONAL MECHANICAL CODE

Sec. 18-6-10. - Adoption.

There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Mechanical Code, 2018 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 therefore, as adopted and amended in 18-6-10, et seq.

Sec. 18-6-20. - Copy on file.

At least one (1) copy of the International Mechanical Code, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted.

(Ord. No. 2014-04, § 1, 1-13-2015)-

THE NEWEST CODIFICATION ORDINANCE NUMBER WILL BE ADDED TO ALL SECTIONS MODIFIED.

Sec. 18-6-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

- (1) Reference to "jurisdiction" in Section 101.1 and elsewhere shall mean the Town of Paonia.
- (2) Section 106.5.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- (3) Section 106.5.3 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- (4) Section 108 is amended to read: Violations shall be processed as outlined in Municipal Code Chapter ????
- (5) Section 109 is amended to read: Means of Appeal shall be initiated and addressed as per Municipal Code Chapter ????

Commented [DR87]: New ordinance number needed

Commented [DR88]: One central location somewhere in the M.C. Section 16-18-10 is close but needs to be at the end of Chapter 18.

ARTICLE 7. – INTERNATIONAL FUEL GAS CODE

Sec. 18-7-10. - Adoption.

There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Fuel Gas Code, 2018 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 therefore.

Sec. 18-7-20. - Copy on file.

At least one (1) copy of the International Fuel Gas Code, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted.

(Ord. No. 2014-04, § 1, 1-13-2015)

Commented [DR89]: New Ordinance number needed.

Sec. 18-7-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

- (1) Reference to "jurisdiction" in Section 101.1 and elsewhere shall mean the Town of Paonia.
- (2) Section 106.6.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- (3) Section 106.6.3 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- (4) Section 108 is amended to read: Violations shall be processed as outlined in Municipal Code Chapter ????
- (5) Section 109 is amended to read: Means of Appeal shall be initiated and addressed as per Municipal Code Chapter ????
- (6) Section 621 is amended to read: Unvented Room Heaters are hereby prohibited.

Commented [DR90]: Central location somewhere in the M.C. Section 16-18-10 is close but needs to be at the end of Chapter 18.

ARTICLE 8 - SIGNS

Sec. 18-8-10. - Intent.

It is the intent of these regulations to provide for the proper control of signs in the Town. It is recognized that signs are a necessary means of visual communication for the convenience of the public and also for the benefit of businesses. It is intended to provide for a reasonable balance between the right

of the individual to identify his or her business and the right of the public to be protected against visual discord and clutter resulting from the unrestricted proliferation of signs. It is further intended that the public be protected from signs that are structurally unsafe or obscure the vision of motorists or conflict with necessary traffic signals and signs.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-8-20. - Scope.

The provisions of this Article shall apply to the display, construction, erection, alteration, use, maintenance and location of all signs within the Town. All signs displayed, constructed, erected or altered after the date of the adoption of the initial ordinance codified herein shall be in conformance with the provisions of this Code. All signs that are existing at such time shall not be altered or enlarged without being in conformance with this Code. The Building Official is hereby authorized and directed to enforce the provisions of this Article.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

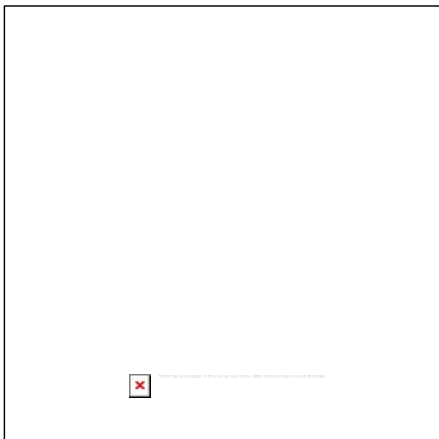
Sec. 18-8-30. - Definitions.

For purposes of this Chapter, the following terms shall be defined as follows:

Awning sign means a sign that is written on the face or edge of an awning.

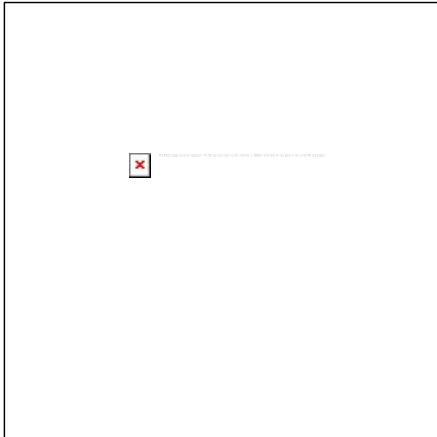
Building frontage means the horizontal, linear dimension of that side of a building which abuts a street, parking area or other circulation area open to the general public. Where more than one (1) use occupies a building, each such use having a public entrance or main window display shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.

Business sign means a sign which identifies and directs attention to the business, service, profession or activities conducted.



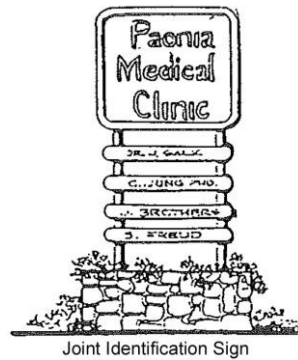
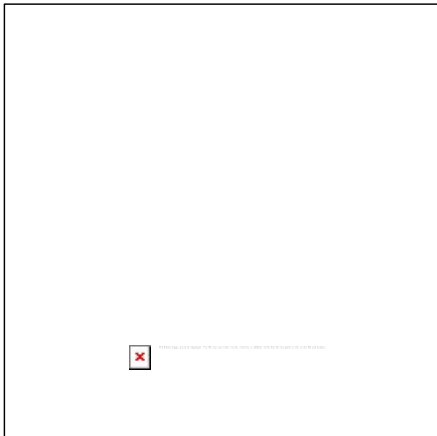
Construction sign means a temporary sign identifying a subdivision, development or property improvement by a builder, contractor or other person furnishing materials, labor or services to the premises.

Freestanding sign means a sign that is supported by one (1) or more columns, uprights or poles extended from the ground or from an object on the ground, or a sign that is erected on the ground. No part of the sign may be attached to a building.

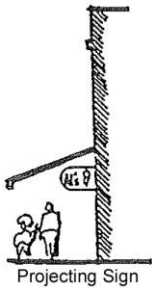
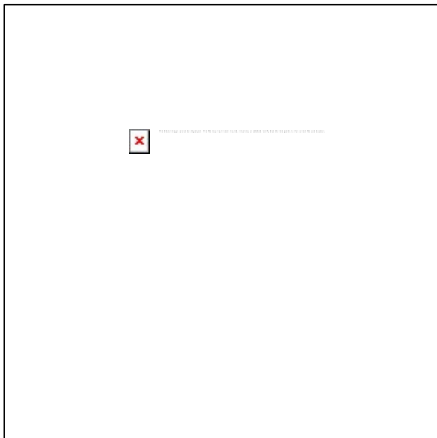


Identification sign includes name plates, signs or symbols establishing the identity of a building, combination of name and street address, landmark or natural features or plaques that are an integral part of the structure.

Joint identification sign means a sign that serves a common or collective identification for two (2) or more businesses or industrial uses.



Projecting sign means a sign attached to a building and extending in whole or in part fifteen (15) inches or more horizontally beyond the surface of the building to which the sign is attached.



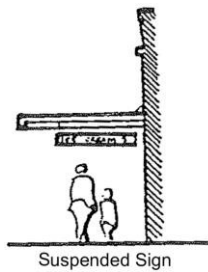
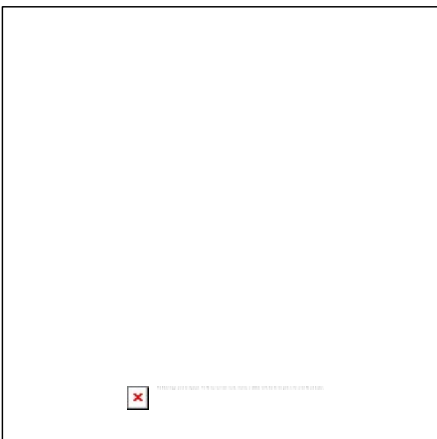
Real estate sign means a sign indicating the availability for sale, rent or lease of a specific lot or building.

Sign means any written, pictorial representation, form, emblem, flag, banner or figure of similar character which has one (1) or more of the following characteristics:

- a. Is a structure or part thereof.
- b. Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building canopy, awning or vehicle.
- c. *Is designed to attract attention or used as a means of identification or advertisement.*

Sign face means the surface of a sign upon, against or through which the message is displayed or illustrated.

Suspended sign means a sign suspended from the ceiling of an arcade, marquee or canopy.



Wall sign means a sign displayed upon or against the wall of an enclosed building where the exposed face of the sign is in the plane parallel to the plane of the wall and extended not more than fifteen (15) inches from the face of the wall.

Window sign means a sign that is printed on glass only. Window signs are allowed in commercial and industrial zones only.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-8-40. - Exemptions.

The following signs shall be exempt from the provisions of this Article:

- (1) Official government notices posted by government officers in the performance of their duties to control traffic or to provide warning. Identification signs or bulletin boards accessory to government buildings are not exempt from the provisions of this Article.
- (2) Temporary decorations or displays which are clearly incidental to and are customarily associated with any national, local or religious holiday or celebration.
- (3) Temporary or permanent signs erected by a public utility company or construction company to warn of dangerous or hazardous conditions.
- (4) Political signs for temporary use during an election. **To be erected no more than 180 days prior to elections and removed within 30 days of final election results.**
- (5) Temporary yard sale signs posted on the property where the sale is to take place.

Commented [DR91]: These two comments are just suggestions.

Commented [DR92R91]: Are you good with these??

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-8-50. - Prohibited signs.

- (a) There shall be no flashing lights connected to or a part of any sign.
- (b) There shall be no freestanding signs placed at the intersection of two (2) streets within the triangular area defined by a line extending from a point thirty (30) feet from the intersection of curb lines along one (1) street to a point thirty (30) feet from the intersection along the other curb line.
- (c) There shall be no signs with visible moving, revolving or rotating parts, other mechanical movement or apparent movement achieved by electrical, electronic or mechanical means, except for time-temperature-and-date signs.
- (d) Signs shall be prohibited that are structurally unsafe or constitute a hazard to safety or health by reason of inadequate maintenance or dilapidation.
- (e) Signs shall be prohibited that create an unsafe visual distraction or obstruct the view of motor vehicle operators.
- (f) **Roof signs shall be prohibited.**

Commented [DR93]: This seems to be unnecessary since Section 18-8-60 clearly addresses placement of freestanding signs, but I suppose it can't hurt to stay here?

Commented [DR94R93]: Your guidance??

Commented [DR95]: "Roof signs" should be clearly defined above – these can become quite contentious.

Commented [DR96R95]: Will you offer a clear definition??

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-8-60. - Setback requirements for freestanding signs.

Freestanding signs in any zoning district shall be set back from the property line the following distances:

Zone	Minimum Setback
R-1, R-2, E-1	10 ft.
R-3, MH	10 ft.
C-1	0 ft.
C-2	15 ft.
I-1, I-2	25 ft.

No portion of any sign shall extend into the sidewalk area.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-8-70. - Permits required.

- (a) It shall be unlawful to display, erect, relocate or alter any sign without first obtaining a sign permit from the Building Official, except as provided in Section 18-8-40 above.
- (b) Once a sign permit has been issued, it shall be unlawful to change, modify or deviate from the terms or conditions of the approved permit without the consent of the Building Official.
- (c) The application for a sign permit shall be made by the owner, tenant or the authorized agent of the owner or tenant of the property on which the sign is to be placed. The application shall be made on forms provided by the Building Official and shall be signed by the applicant.
- (d) The application shall include applicable information as to the size, character, construction, height and proposed location of the sign.
- (e) Permit fees shall be established by the Board of Trustees.
- (f) Any sign erected without a permit shall have imposed a fine of one hundred dollars (\$100.00) unless the sign is removed within thirty (3) days.
- (g) For the procedure for variances to the provisions of this Article refer to Section 18-9-240 of this Chapter.

Commented [DR97]: 18-7-240 (now 18-9-240) discuss variances for Floodplain regulations? I suppose this needs to be another number altogether – [suggestion??](#)

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-8-80. - Structural requirements.

Signs and structures for signs shall be designed in conformity with the building code adopted by the Town, including but not limited to consideration for wind loads, seismic loads, allowable stresses, materials and anchorage requirements.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-8-90. - Existing nonconforming signs.

All previously approved existing signs that are not in conformance with the provisions of these regulations may be continued and shall be maintained in good condition but shall not be:

- (1) Changed to another nonconforming sign.
- (2) Structurally altered so as to prolong the life of the sign except for safety reasons.
- (3) Altered or expanded so as to increase the degree of nonconformity of the sign.
- (4) Continued in use after cessation or change of business or activity to which the sign pertains.
- (5) Re-established after damage or destruction if the estimated cost or reconstruction exceeds fifty percent (50%) of the appraised value (as determined by the Building Official).

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Commented [DR98]: All Ordinance numbers to change.

Sec. 18-8-100. - Sign regulations; schedule of requirements.

The following table sets forth the schedule of requirements for sign regulations.

Zoning District	Functional Type	Structural Type	Maximum Area	Maximum Number of Signs	Maximum Height of Freestanding Signs
R-1, R-2, E-1, MH	Identification	Wall	2 sq. ft.	1 per dwelling	-
	Real estate	Freestanding	4 sq. ft. per face	1 per dwelling	4 ft.
R-3	Identification	Wall	Maximum area 10 sq. ft. for each permitted sign	1 wall sign per street footage	
	Real estate or construction (temporary)	Freestanding	4 sq. ft. per face a total of 8 sq. ft.	1 per dwelling	4 ft.
R-1, R-2, R-3, E-1, MH	Permanent subdivision identification	Freestanding	15 sq. ft.	1 per project	4 ft.
Churches	Identification/information	Wall/freestanding	20 sq. ft.	2 per church	5 ft.

		g			
Home occupation	Identification/information	Wall	2 sq. ft.	1 per dwelling (See Subparagraph 16-11-20(4)d.)	
C-1	Business or identification	Wall	Wall sign or canopy sign shall not exceed 1 sq. ft. of building frontage with a maximum area of 50 sq. ft.	1 sign per building except for corner buildings which may have 2 separate signs; provided that the total area does not exceed 75 sq. ft.	
	Business	Projecting or suspended	Area shall not exceed 6 sq. ft. per face or a total of 12 sq. ft. if internally illuminated or 9 sq. ft. per face or total of 18 sq. ft. if not illuminated	1 sign per building	
	Real estate or construction (temporary)	Freestanding	4 sq. ft. per face or a total of 8 sq. ft.	1 sign per lot	
C-2	Business	Wall	Wall sign or canopy signs shall not exceed 1 sq. ft. for each linear ft. of building frontage or a maximum of 50 sq. ft. per business	1 sign per business except for corner buildings which may have 2 separate signs, provided that the total area does not exceed 75 sq. ft.	4 ft.

Commented [DR101]: Why are you limiting the number of signs? It seems that you would want your businesses to be successful – they are limited by how much frontage they have. The Print Shop on the SW corner of 1st and Grand is a prime example of a large lot with lots of frontage, and very limited advertising space.

Commented [T102R101]: agree

Commented [DR103R101]: OK – I'll let you and Muni-Code reword this as you want to see it.

Commented [DR100R99]: Again – your deal to change and reword with Muni-Code if you wish.

Commented [DR99]: Why limit it if a business has 200 feet of frontage? It seems that what should be done is allow at least 30 sq. ft. (40?, 50?) no matter how little frontage one might have.

Commented [DR105]: See above – think about that throughout this chart.

Commented [DR104]: See above – think about that throughout this chart.

	Business	Freestanding	Freestanding individual identification signs shall be limited to 25 sq. ft. per face or a maximum of 50 sq. ft.	1 sign per business	10 ft.
	Joint identification	Freestanding	Freestanding signs for community shopping centers shall not exceed 50 sq. ft. per face or a total of 100 sq. ft. When permitted, no other freestanding sign shall be permitted in the shopping center.	1 sign per shopping center	20 ft.
	Business	Projecting or suspended	Area shall not exceed 6 sq. ft. per face or a total of 12 sq. ft. if sign is internally illuminated and 9 sq. ft. per face or a total of 18 sq. ft. if not illuminated	1 sign per business	-
	Real estate or construction (temporary)	Freestanding	16 sq. ft. per face or a total of 32 sq. ft.	1 sign per street frontage	20 ft.
I-1, I-2	Business or identification	Wall	Wall signs shall not exceed 1 sq. ft. for each linear ft. of building frontage or a maximum of 100 sq. ft. per	1 sign per business, except for corner buildings which may have 2 separate signs,	-

			business	provided that the total area does not exceed 100 sq. ft.	
	Business	Freestanding	25 sq. ft. per face or a max of 50 sq. ft.	1 sign per business	10 ft.
	Joint identification	Freestanding	For an industrial park or center, a freestanding joint identification sign shall not exceed 75 sq. ft. per face or a total of 150 sq. ft.	1 freestanding sign per industrial park or center	20 ft.
	Real estate or construction (temporary)	Freestanding	16 sq. ft. per face or a total of 32 sq. ft.	1 sign per street frontage	20 ft.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

ARTICLE 9. - FLOOD DAMAGE PREVENTION

DIVISION 1. - GENERAL PROVISIONS

Sec. 18-9-10. - Statutory authorization.

The Legislature of the State has, in Title 29, Article 20, C.R.S., delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of Trustees hereby adopts the following floodplain management regulations.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-20. - Findings of fact.

- (a) The flood hazard areas of the Town are subject to periodic inundation, which results 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 public health, safety and general welfare.

- (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 hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-30. - Statement of purpose.

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

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) 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
- (7) Ensure that potential buyers are notified that property is in a flood area.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-40. - Methods of reducing flood loss.

In order to accomplish its purposes, this Article uses the following methods:

- (1) 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;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood-waters or which may increase flood hazards to other lands.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-50. - Definitions.

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

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 (100) years.

100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

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 (500) years.

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

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

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of shallow flooding means a designated Zone AO, AH or VO 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 (1) to three (3) 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.

Area of special flood hazard means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

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.

Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

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

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (C.F.R.) 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 fifty (50) titles that represent broad areas subject to federal regulation.

Community means any political subdivision in the State 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.

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.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as specified in Section 18-7-380 of this Article, 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 Section 18-7-380 of this Article.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

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.

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.

Digital flood insurance rate map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Drain way means a natural or artificial land surface depression with or without perceptively defined beds and banks to which surface runoff gravitates and collectively forms a flow of water continuously or intermittently in a definite direction.

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, or in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the floor 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 floodwaters. In the case of Zones V1-30, VE or V, elevated building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing construction means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

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.

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).

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.

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

Fill means a deposit of materials of any kind by artificial means.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters;

- b. The unusual and rapid accumulation or runoff of surface waters from any source; or
- c. 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.

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.

Flood fringe means that portion of the floodplain inundated by the 100-year return frequency flood not within the floodway.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles and water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Flood profile means a graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

Flood protection system means those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source. See definition of Flooding.

Floodplain Administrator means the community official designated by title to administer and enforce the floodplain management regulations.

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 Article.

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.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance or 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.

Floodproofing means any combination of structural and nonstructural 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.

Floodway (regulatory floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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.

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.

Highest adjacent grade means the highest natural elevation of the round surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- a. 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;
- b. 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 of the Interior to qualify as a registered historic district;
- c. 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
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs.

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).

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.

Levee means a man-made structure, usually an earthen embankment, 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.

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.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). Lowest floor also means 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.

Manufactured home means a structure transportable in one (1) 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.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

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.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project would 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).

Physical map revision (PMR) means FEMA's action whereby one (1) 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.

Recreational vehicle means a vehicle which is:

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

Regulatory flood datum means the reference elevation above mean sea level, which represents the peak elevation of the 100-year return-frequency flood.

Regulatory flood protection elevation means the elevation one and one-half feet above the regulatory flood datum.

Special flood hazard area means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation,

addition, placement or other improvement was within one hundred eighty (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.

Structure means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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 fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. 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
- b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

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.

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.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-60. - Lands to which this Article applies.

This Article 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 Town.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-70. - Basis for establishing areas of special flood hazard.

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," 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 Article. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Town. 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.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-80. - Establishment of development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this Article. The fee for such a permit shall be as established by Resolution.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-90. - 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 Article and other applicable regulations. Nothing herein shall prevent the Town 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.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-100. - Abrogation and greater restrictions.

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

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-110. - Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-120. - Warning and disclaimer of liability.

The degree of flood protection required by this Article 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 Article 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 Article 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 Article or any administrative decision lawfully made thereunder.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-130. - Severability.

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

(Ord. No. [2017-11](#), § 3, 10-10-2017)

DIVISION 2. - ADMINISTRATION

Sec. 18-9-210. - Designation of Floodplain Administrator.

The Building Official of the Town is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Article and other appropriate sections of 44 C.F.R. (National Flood Insurance Program Regulations) pertaining to floodplain management. The Town Administrator may appoint a designee to assist, facilitate and enforce the provisions hereof.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-220. - Duties and responsibilities of Floodplain Administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this Article, 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 Section 18-9-230 below.
- (2) Review, approve or deny all applications for floodplain development permits required by adoption of this Article.
- (3) Review floodplain development permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (4) 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.
- (5) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Article, including proper elevation of the structure.
- (6) 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.

- (7) When base flood elevation data has not been provided in accordance with Section 18-9-70 of this Article, 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 Division 3 of this Article.
- (8) 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 ($\frac{1}{2}$) foot at any point within the community.
- (9) Under the provisions of 44 C.F.R. Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE and AH on the community's FIRM which increases the water surface elevation of the base flood by more than one-half ($\frac{1}{2}$) 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.
- (10) 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.
- (11) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-230. - Permit procedures.

- (a) Application for a floodplain development permit shall be presented to the Floodplain Administrator on forms furnished by him or 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 areas of special flood hazard. 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 professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Paragraph 18-9-320(2) of this Article;
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
 - (5) Maintain a record of all such information in accordance with Section 18-9-220 above.
- (b) Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this Article 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 floodwaters 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.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-240. - Variance procedures.

- (a) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this Article.
- (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 Article.
- (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 Article.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ($\frac{1}{2}$) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the relevant factors in Section 18-7-230 above have been fully considered. As the lot size increases beyond the one-half ($\frac{1}{2}$) acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this Article, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Article.
- (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, resolutions 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 Subsections 18-9-240(a)—(i) of this Section 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.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

DIVISION 3. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 18-9-310 - General standards.

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

- (1) 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;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) 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;
- (5) 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;
- (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- (8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-320. - Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 18-9-70, Paragraph 18-7-220(7) or Section 18-9-370 of this Article, the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to at least one (1) 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.
- (2) *Nonresidential construction.* With the exception of critical facilities outlined in Section 18-7-380, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below the one (1) foot above 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 Section. Such certification shall be maintained by the Floodplain Administrator, as proposed in Section 18-9-230 of this Article.
- (3) *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:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (4) *Manufactured homes.*
 - a. 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 a manufactured home has incurred substantial damage as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - b. 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 Subparagraph a. above shall be elevated so that either:

1. The lowest floor of the manufactured home is one (1) 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 thirty-six (36) inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (5) *Recreational vehicles*. It is required that recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM, shall either:
- a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - b. Be fully licensed and ready for highway use; or
 - c. Meet the permit requirements of Section 18-9-230 and the elevation and anchoring requirements for "manufactured homes" in Paragraph (4) above. 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.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-330. - Standards for subdivision proposals.

- (a) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with Sections 18-9-20, 18-7-30 and 18-9-40 of this Article.
- (b) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet development permit requirements of Section 18-9-80 of this Article and the provisions of Division 3 of this Article.
- (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 are greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Section 18-9-70 or Paragraph 18-9-220(8) of this Article.
- (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.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-340. - Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in Section 18-9-70 of this Article are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (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:

- (1) *Residential construction*. All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three (3) 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.

- (2) *Nonresidential construction.* With the exception of critical facilities, outlined in Section 18-9-380 of this Division, all new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement) 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 (3) 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 (1) 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 and 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 Section 18-9-230 of this Article, are satisfied.

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

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-350. - Floodways.

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The state has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Section 18-9-50 of this Article). Located within special flood hazard areas established in Section 18-9-70 of this Article are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) 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 Colorado professional engineer 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.
- (2) If Paragraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Division.
- (3) Under the provisions of 44 C.F.R. 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.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-360. - Alteration of watercourse.

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

- (1) 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.
- (2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

- (3) 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.
- (4) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
- (5) All activities within the regulatory floodplain shall meet all applicable federal, state and Town floodplain requirements and regulations.
- (6) 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 in the 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 18-9-340 above.
- (7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-370. - Properties removed from 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), with a lowest floor elevation placed below the base flood elevation with one (1) foot of freeboard that existed prior to the placement of fill.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-9-380. - Standards for critical facilities.

- (a) 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 any time before, during and after a flood.
 - (1) Classification of critical facilities. 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. It is the responsibility of the Town to identify and confirm that specific structures in their community meet the following criteria:
 - a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities and transportation lifelines.
 1. These facilities consist of:
 - a) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage and emergency operation centers);
 - b) 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);
 - c) Designated emergency shelters;

Commented [DR106]: Reminder – all Ordinance numbers will need to be updated unless not required when simply changing Article numbers (from 7 to 9)

- d) 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);
 - e) 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
 - f) 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]).
2. Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems and hydroelectric power generating plants and related appurtenances.
 3. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Town 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 Town on an as-needed basis upon request.
- b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.
1. These facilities may include:
 - a) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - b) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - c) Refineries;
 - d) Hazardous waste storage and disposal sites; and
 - e) Aboveground gasoline or propane storage or sales centers.
 2. 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 workplace, and the chemicals are 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 five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R., § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (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 of this Article, but exclude later amendments to or editions of the regulations.

3. Specific exemptions to this category include:

- a) Finished consumer products within retail centers and households containing hazardous materials intended for household use and agricultural products intended for agricultural use.
- b) 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.
- c) Pharmaceutical sales, use, storage and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this Article.

c. At-risk population facilities include medical care, congregate care and schools. These facilities consist of:

- 1. Elder care (nursing homes);
- 2. Congregate care serving twelve (12) or more individuals (day care and assisted living);
- 3. Public and private schools (preschools, K-12 schools), before-school and after-school care serving twelve (12) or more children;

d. Facilities vital to restoring normal services, including government operations.

1. These facilities consist of:

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

2. These facilities may be exempted if it is demonstrated to the Board of Trustees 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 Article 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 Board of Trustees on an as-needed basis upon request.

(b) *Protection for critical facilities.* 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 Article, protection shall include one (1) of the following:

- (1) Location outside the special flood hazard area; or
- (2) Elevation or floodproofing of the structure to at least two (2) feet above the base flood elevation.

(c) *Ingress and egress for new critical facilities.* New critical facilities shall, when practicable as determined by the Board of Trustees, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

DIVISION 4. - PENALTIES

Sec. 18-9-410. - Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations. Violation of the provisions of this Article 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 Article or fails to comply with any of its requirements shall be considered in violation of the Code and ordinances of the Town and shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than ninety (90) days, or both, for each violation and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town from taking such other lawful action as deemed necessary to prevent or remedy any violation.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

ARTICLE 10.- SUPPLEMENTARY REGULATIONS

Sec. 18-10-10. - Temporary uses.

Upon application to the Town Clerk and approval by the Board of Trustees, a temporary use permit may be issued for the following uses for the period of time indicated. Such permits shall be valid only for the period of time specified. Extension of time may be granted by the Board of Trustees.

- (1) Construction office and yards incidental thereto from construction on the premise: Nine (9) months.
- (2) Carnivals, circuses, bazaars and fairs: One (1) week.
- (3) Tent meetings and crusades: Two (2) weeks.
- (4) Parking for authorized temporary uses.

(5) Occupation of an RV in other than an RV Park when used as temporary housing during construction provided:

- a) It is occupied by the owner's family only and only after a building permit has been issued.
- b) It is connected to water and sewer for which appropriate tap-fees have been paid.
- c) Occupation is limited to no more than 12 months.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-10-20. - Exceptions to maximum height requirements.

Commented [DR107]: This may be left here, but it forces one to take all violations to court. You will see proposals within the individual Code Books for penalties that can be handled in house

Commented [DR108]: Added to address comments in Section 16-7-10 by Corinne. Subject to review of Town Board and staff.

The following uses may be excepted from the maximum height requirements, provided that written approval is granted by the Planning Commission, which shall have found that the use would not injure the value of or use of or prevent the proper access of light and air to, adjacent properties or be out of harmony with the intent and purpose of this Chapter:

- (1) Radio and television towers and antennae.
- (2) Church towers.
- (3) Water tanks.
- (4) Elevator enclosures.
- (5) Parapet walls which may exceed height limitation by four (4) feet.
- (6) Public utility poles and towers.
- (7) Monuments.
- (8) Chimneys, cupolas and vanes.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-10-30. - Building on slopes greater than 25 percent.

Any building proposed for a site with a slope of twenty-five percent (25%) or greater shall be subject to the special review requirements of Article 4. (See Section 17-4-20 of Chapter 17 of this Code.)

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-10-40. - Utilities.

Nothing in this Article shall be construed to prevent the construction or installation of public utilities transmission facilities, including mains or distribution lines, in any zone district. Substations for a public utility, storage, maintenance facilities and business offices shall be restricted to their appropriate zone district. Location of power transmission lines with a capacity of one hundred (100) kW or over shall be subject to review by the Planning Commission.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-10-50. - Solar access protection.

- (a) When a solar energy collection system (including an active or passive system) has been constructed or installed on a lot, the principal building, accessory structures or vegetation on abutting lots shall not be located so as to block the solar access to the solar collector between the hours of 9:00 a.m. and 3:00 p.m. This Section does not apply to principal buildings, accessory structures and vegetation existing on an abutting lot at the time of installation of the solar energy collection system or on the effective date of the initial ordinance codified herein, whichever is later. A statement that a solar energy collection system is installed in the lot may be filed and recorded with the County Clerk and Recorder, and the date of installation shall be the date of recording such notice.
- (b) If application of this provision requires more restrictive height, setback or area requirements than stated in the district requirement, the provisions of this Section shall apply.
- (c) In the event the strict application of this provision results in undue hardship upon an individual property owner, the aggrieved party may appeal to the Board of Trustees for an exception to the requirements. The Board of Trustees may approve, approve with conditions or deny the exception.

Commented [DR109]: Such Boards are called Board of Adjustment elsewhere. Code books typically call such Boards, the Board of Appeals.

WILL REFERENCE ORDINANCE FOR BOARD OF APPEALS

(d) All determinations of the solar access shall be based upon standard references for sky space and shadow data for December 21 (Winter Solstice) at the latitude for the area.

(e) Airspace easements may be purchased, reserved, granted or otherwise obtained.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

ARTICLE 11. - ACCESSORY BUILDINGS, STRUCTURES AND USES

Sec. 18-11-10. - Fences, hedges and walls.

Fences, hedges and walls may be permitted in the required yard areas of any district, subject to the following conditions and requirements:

- (1) All fences and walls are subject to the applicable sections of the IBC or IRC.
- (2) No fence, hedge or wall may extend beyond or across a property line unless with the joint agreement of the abutting property owners. It shall be the responsibility of the property owner to locate all property lines.
- (3) No fence, hedge or wall shall encroach upon a public right-of-way.
- (4) No barbed wire, sharp-pointed or electrically charged fence shall be permitted in the R-1, R-2, R-3, MH, C-1 or C-2 District.
- (5) Fences, hedges or walls shall not exceed four (4) feet in height from the front edge of the house to the property line. Rear yard fences, hedges or walls shall not exceed six (6) feet in height in the R-1, R-2, R-3 or MH District. The height shall be measured at the finished grade on the side of the fence nearest the street or abutting property.
- (6) On corner lots, no fence, hedge or wall exceeding thirty-six (36) inches in height shall be placed in a triangular area formed by three (3) points as established by:
 - a. The intersection of the property lines at the corner (Point A); and
 - b. Points B and C measured thirty (30) feet along the property lines from Point A.

Commented [DR110]: Do you propose NO height limit at all for other zones such as I-1, I-2, P, DR? It seems to me that if you allowed fences (with a permit as required) to be 8' or 10' high you might want to require engineering to resist wind loads?

Commented [DR111R110]: Still needs to be discussed. A decision for Planning Commission and/or Town Board.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-11-20. - Swimming pools, hot tubs and Jacuzzis.

- (a) Swimming pools, hot tubs and Jacuzzis may be located in any zoning district as an accessory use, provided that such pools are situated on a lot, tract or parcel in a manner which is not detrimental to the health, safety and welfare of the users of the pool or the adjacent property owners.
- (b) All new swimming pools, hot tubs and Jacuzzis shall be completely enclosed with a **minimum of a six-foot-high fence** or be elevated at least four (4) feet above the ground level.
- (c) Gates, ladders or entrances to the swimming pool, hot tub and Jacuzzi area shall be kept closed, locked and made inaccessible without the knowledge and consent of the owner.

Commented [DR112]: Confusing!?? The pool and Spa code simply calls for a 48" fence and would be considered a "recognized" standard of safety.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

ARTICLE 12. - SITE PLAN REVIEW REQUIREMENTS

Sec. 18-12-10. - Site plan required.

All applications for building permits shall include a site plan drawn to scale in a form acceptable to the Town Administrator and showing the following information:

- (1) The actual dimensions of the lot to be built upon.
- (2) The location of all buildings and structures with respect to the property lines.
- (3) The location of off-street parking areas.
- (4) Ingress and egress points to and from all public streets.
- (5) The size, location and height of all signs.
- (6) The location and intensity of exterior lighting, including height and type.
- (7) The location, type and size of landscaping and a statement as to how the landscaping is to be maintained.
- (8) A site drainage plan.
- (9) Tabulations showing the area of the site, number of dwelling units, number of parking spaces and percentage of open space provided.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-12-20. - Review standards.

The site plan shall be reviewed for conformity with site plan review standards as delineated for special review application as listed in Section 16-4-50 of Chapter 16. The site plan shall be reviewed by the Town Administrator.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-12-30. - Record of site plans and applications.

A careful record of site plans and applications shall be kept in the office of the Building Inspector. Notice of approval of a building permit shall be posted on the property within twenty-four (24) hours of such approval.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

Sec. 18-12-40. - Variance.

When a permit application indicates the need for a variance, the Building Inspector or Town Administrator shall refer the variance application to the Planning Commission. The applicant shall be directed to apply for a variance.

- (1) The application for special review/ variance will be provided by the Town Clerk in conjunction with a copy of the provisions of this Chapter that apply.
- (2) The Planning Commission shall hold a hearing within thirty (30) days of the application and payment of the application fee (as set by the Board of Trustees). Variance from strict application of this Chapter shall be considered at a public hearing following public notice as required in Article 16 of Chapter 16.
- (3) The Planning Commission will recommend final approval or denial to the Board of Trustees, which will act on the request.

(Ord. No. [2017-11](#), § 3, 10-10-2017)

2018 IRC Adoption Considerations

Items in **BLUE** are for you to consider as possible amendments.

Items in **GREEN** are simply a “heads up” of a change to be aware of.

1. **R104.10.1** – regarding modifications to Flood Hazard provisions. It seems that everyone has an entire Section in their Municipal Code dealing with Flood-Hazards, so you may find those regulations to be adequate and comprehensive.
 - a. Section **R322** is generally in accordance with common Flood Development Language, but **R322.3.7** discusses break-way stairways and ramps while **R322.3.8** discusses decks and porches with similar considerations (break-away or designed for flood conditions).
2. R105.2 discusses work exempt from permits.
 - a. Accessory structures <= 200 sq. ft (keep or **amend?**) **Would you want to limit the number of Accessory Structures? Consider defining “Detached” as having a minimum Fire Separation Distance from another structure (5’, 6’?)**
 - b. Fences not over 7’ (Keep or **amend** to 6’? Some have a specific fence ordinance and may choose to stay with that).
 - c. **Window replacement – currently not exempt.** Jurisdictions often amend to include window replacement as exempt when NO structural changes are being made. Window replacement is covered thoroughly in Appendix J for Existing Buildings (if you adopt that Appendix Chapter) but replacement windows are also mentioned in R310.2.5 – in both cases a permit would be required unless you specifically amend to exclude such work.
 - d. **Re-siding a residence – currently not exempt.** Jurisdictions experiencing many “upgrades” to vinyl siding often include re-siding as being exempt but with clarification that stucco is an exterior wall covering that does require a permit (unless maybe when over an existing concrete or masonry structure?)
 - e. Decks – leave as being exempt only if <= 200 sq. ft, detached and <= 30” above grade and not serving the required exit door? **Some jurisdictions allowed for this exemption if it was <= 30” above grade whether it was attached or not and had no size limitation but clarified that zoning setbacks must be adhered to.**
3. **R105.5 – expiration of permits.** How do you truly document when the work has been abandoned for 180 days? Commercial projects are typically not a concern since money talks and contracts have deadlines, but homeowner do-it-yourself projects can sometimes drag on. **Consider something like the following, or leave it be?**
 - a. **Work must commence within 180 days of issuing the permit.**
 - b. **Unless determined otherwise by the Building Official because of the size or complexity of the project, each inspection must be completed within 180 days of the previous mandated inspection according to the following schedule:**
 - i. **Reinforcement in footings or structural (monolithic) slab.**
 - ii. **Reinforcement in stem-wall or basement-wall.**
 - iii. **Wall and roof sheathing (as required by AHJ)**
 - iv. **Framing (which implies that plumbing, electrical and mechanical have already passed inspection or will be inspected at the time of the framing inspection).**
 - v. **Insulation.**
 - vi. **Drywall or other interior wall coverings.**
 - vii. **All final inspections.**
4. R108.2 – Fees. **Consider adopting Appendix L** which is a Fee Table similar to what was in the 1997 UBC used by jurisdictions for many years. You could tweak these numbers to fit your needs

and adopt a Valuation Table (which may also be tweaked as needed) published by ICC to accompany your Fee Table.

5. **R108.6 – Penalties for work commencing without a permit.** Often times it is equivalent to what the permit-fee would be, and then if a permit is eventually issued the actual permit fee is collected too. **It must be clarified in this Section if you wish to have a penalty.**
6. **R313 and P2904 discuss (and mandates) Fire Sprinklers for Townhomes and One & Two Family dwelling units. Consider amendments if this is not something you're prepared to enforce in your community.**
7. **R309.5 is a requirement for Fire Sprinklers in a private garage.** The premise is that if your exterior garage walls do not meet the separation requirements for a non-sprinklered home in Table 302.1(1) and you therefore seek a closer Fire Separation Distance by using Table 302.1(2) for sprinklered homes, the garage too must be sprinklered (see P2904.2.3 for "dry" system).
8. For those coming from the older Codes, **R311.7.11 and R311.7.12 now address alternating tread devices and ships ladders.**
9. **R312.2 now addresses Window Fall Protection when an opening window has a sill height less than 24" and is more 72" above adjacent grade. (amend?)**
10. R318 concerning subterranean termites is **dependent on how you fill out Table R301.2(1)** and whether you determine that mitigation is required.
11. **R322 Flood Resistant Construction. See item #1 above for discussion** – you may find your specific local ordinances to be adequate concerning Flood Development regulations. R322.3.4 addresses exterior flatwork as being "break-away" with control joints @ 48" o.c.e.w and no reinforcement.
12. R326.1 - References the International Swimming Pool and Spa Code for all guidelines (**adopt the Pool and Spa Code or delete this Section if you don't adopt**).
13. **R507.2.1 now requires all deck framing components to be treated lumber or "approved" naturally durable (redwood, etc.). Figures R507.9.2(1) and R507.9.2(2) show how a deck framing system must now have a positive connection to the main structure beyond hangers attached to a properly secured ledger (Hangers are pulling off the ledgers in some deck failures).**
14. **Table 602.3(1) footnote "f" – requires nailing of roof sheathing @ 6" o.c. at edges and in the field within 48" of roof edge at gable ends.**
15. **R702.7 Vapor Retarders Class I (sheet polyethylene) or Class II (Kraft-faced fiberglass batts). Class III (Latex or enamel paint) – only with Continuous R-5 over 2"x 4" or R-7.5 over 2"x 6" in Climate Zone 5; R-7.5 over 2"x 4" or R-11.25 over 2"x 6" in Climate Zone 6. (See literature from "Building Science Corporation")**
16. **R703.2 A water-resistive barrier had been exempted for accessory structures - no longer exempt.**
17. **Delete all Sections having to do with unvented room heaters: Exceptions 3 & 4 of G2406.2; #7 of G2425.8; G2445 (and G2445.1) declare as prohibited.**
18. The following are regulations and impacts of the Energy Code. The "N" Sections noted are from the IRC but correspond directly to the "R" Sections which is how they are designated in the IECC. **A full review of the IECC for your adoption considerations will be offered by CCC's Energy Expert.** Keep in mind that blower door tests conducted for WCCP in Delta and in Ouray County showed that we are already building very tight homes even under the 2003 IRC, so technically the ventilation requirements should already apply - we simply have not been enforcing them.
 - a. **R403.6** - Whole-house mechanical ventilation is required when a blower-door test shows results of ≤ 5 ach.

- b. **N1102.4.1.2** (R402.4.1.2) - requires blower-door **testing** verifying ≤ 3 ach (Do you require testing or simply acknowledge that meeting (and visually verifying) the installation methods noted in N1102.4 (R402.4) will result in favorable results?)
- c. **N1102.4.4 (R402.4.4) – Thermal isolation of rooms with outside combustion-air ducts.**
- d. **N1103.2** (R403.2) Outdoor temperature setback device required for boilers. (Contractors understand that, and it is an energy saver)
- e. **N1103.3.3 (R403.3.3) - Mandatory duct testing (probably important for unconditioned spaces (attics / crawl-spaces), but maybe visual mastic application elsewhere)**
- f. **N1103.5.1** (R403.5.1) Mandatory recirculation for hot water (adopt or not?)
- g. **N1103.5.4** (R403.5.4) Drain water heat recovery (adopt or not?)
- h. **N1103.6** (R403.6) Mandatory whole-house ventilation (mentioned above in “a” above)
- i. **N1103.7** (R403.7) Manual J / Manual S calculations. We were supposed to be requiring WrightSoft, Elite Software or similar summary reports showing compliance for HVAC systems based on accurate Building-Envelope information since the 2003 IRC. This is nothing new, but will you enforce it?
- j. Montrose and Delta Counties are in Climate Zone 5B whereas Ouray and San Miguel Counties are in Climate Zone 6B - Table N1102.1.2 (R402.1.2) shows maximum **U-Factors of 0.30, ceilings at R49, floors at R30** for both Zones, but **walls** in Climate Zone 6 must now have continuous exterior rigid insulation (R-5 with R-20 cavities / R-10 with R-13 cavities). Climate Zone 5 is R-20 cavities or R-5 continuous with R-13 cavities.
- k. As expected, the Energy Code requirements are driving many of the changes coming at us. There are other requirements such as 90% high efficiency lighting, snow-melt controls, spa and pool controls, etc. I’m just pointing out some of the Big Ticket items above to get you thinking about what you’re adopting and how your community will respond. **As mentioned above, a full IECC review will be conducted by a CCC Energy Expert.**
- l. Montrose County and Delta County are classified as Climate Zone 5B / San Miguel County and Ouray County are classified as Climate Zone 6B
 - i. **5B Design Criteria: 5400 < HDD 65 degrees F < 7200 (3000 < HDD 18 degrees C < 4000) / Air Freezing Index 1500 /**
 - ii. **6B Design Criteria: 7200 < HDD 65 degrees F < 9000 (4000 < HDD 18 degrees C < 5000) / Air Freezing Index 2000 /**
 - iii. **San Miguel County: Ground Snow Load – varies / Wind 115 mph Exposure C / Topographic Effects “No” / Special Wind Region “No” / Windborne Debris “No” / Seismic B / Weathering Probability for concrete “Severe” / Frost Line Depth varies**
 - iv. **Ouray County: Ground Snow Load – varies / Wind 115 mph Exposure C / Topographic Effects “No” / Special Wind Region “No” / Windborne Debris “No” / Seismic C / Weathering Probability for concrete “Severe” / Frost Line Depth**
 - v. **Montrose County: Ground snow load 30#s / Wind 115 mph Exposure C / Topographic Effects “No” / Special Wind Region “No” / Windborne Debris “No” / Seismic C / Weathering Probability for concrete “Severe” / Frost Line Depth**
 - vi. **Delta County: Ground snow load 30#s / Wind 115 mph Exposure C / Topographic Effects “No” / Special Wind Region “No” / Windborne Debris “No” / Seismic C / Weathering Probability for concrete “Severe” / Frost Line Depth**

19. Appendix Chapters:

- a. Appendix A – adopt if you inspect gas-piping (Tables and guidelines for pipe sizing)
- b. Appendix B – adopt for Tables and guidelines for appliance vents.
- c. **Appendix C** – This diagram of Direct Vent terminations is not really needed since M1307.1 already states that the appliance must be installed in accordance with the listing and label of the manufacturer’s instructions.
- d. **Appendix D** – adopt only if your office conducts safety inspections for appliances. Generally this is left to contractors or the gas-provider.
- e. **Appendix E** – most jurisdictions have a stand-alone Section in their Municipal Code addressing Manufactured Housing.
- f. Appendix F – Radon Gas mitigation. Delta County, Montrose County, Ouray county and San Miguel County are all considered to be High Radon Potential Counties. Your call whether to **adopt or simply make recommendations**.
- g. Appendix G – Piping Standards. If you inspect plumbing systems in your jurisdiction these Tables provide valuable information and guidelines.
- h. Appendix H – Helpful guidelines for Patio Covers. This Appendix allows a column load of $\leq 750\#s$ to be supported by a slab of not less than 3.5” which makes homeowners very happy when trying to simply cover an existing concrete patio.
- i. **Appendix I** – Most jurisdictions defer to County and State laws governing private sewage disposal (On-site Wastewater Treatment Systems (OWTS)).
- j. Appendix J – Although you will want to adopt the Existing Building Code, this Appendix Chapter is specific to one and two-family dwellings and would give you clearer and easier guidelines for residential projects. This provides guidelines for smoke-alarms, window replacement (with respect for existing conditions when it comes to egress windows), etc. **You may want to eliminate AJ301 having to do with Repairs** so you do not have to concern yourselves with replacement of water-closets and other minor projects. This Appendix then goes into **Renovations, Alterations** and **Reconstruction** with guidelines that are helpful and in the spirit of wanting to utilize Existing Structures.
- k. Appendix K – Since Section R302 only gives us guidelines for Fire Separation between dwelling Units, this Appendix Chapter provides the guidelines for Sound Transmission.
- l. Appendix L = Permit Fees (Helpful and easy, but a Valuation Table to go with this would be good). For Valuation tables go to: iccsafe.org and search for Building Valuation Data – they have Tables in the archive going back to 2008 and you’ll find them to be remarkably accurate. You could tweak the numbers and adopt to result in permit fees that work in your community.
- m. Appendix M – A good chapter to adopt to allow for Day care use in a home while providing reasonable safety measures. Section AM103.1.3.3 does require a guard rail for a deck more than 12” above grade which may or may not be desirable, so you might not want to adopt that particular Section.
- n. Appendix N – Simply information on plumbing vents. Not really needed to be adopted but provides a reference.
- o. Appendix O – adopt only if you want to monitor the installation of vehicular gates.
- p. Appendix P – Procedures for sizing water lines. This is more of a guideline but is referenced in Section P2903.7 as a reference for sizing water lines. This cannot hurt to adopt if you inspect plumbing in your jurisdiction.
- q. Appendix Q – Helpful guidelines for Tiny Homes and may provide helpful guidelines for lofts in full-size homes.
- r. Appendix R – If you deal with Light Straw-Clay construction.

- s. Appendix S – If you deal with Straw-Bale construction. Limited to one-story unless engineered. You could simply allow straw-clay and straw-bale as alternative methods that require engineering for all of it, but there are helpful diagrams in here.
- t. Appendix T – Solar-Ready. Helpful if you're leaning toward requiring active solar.

AGENDA SUMMARY FORM

	Master Plan Update
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Summary: Review of Master Plan Update sections one and two. Requesting consensus on sections goals and objectives moving forward on parts 3 - 5.

Notes:

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Lucy Hunter:	Mary Bachran:		
Vote:	Trustee Bear	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Meck	Trustee Pattison	Mayor Bachran:

Master Plan Review Process Notes:

Refer to Page 10 of the draft “Parts of the Plan” for the flow of the document and the intention of the sections.

We have used a process that honors the information from community engagements over the last 10 years, incorporates recent survey and town hall results (2019-2020) and prioritizes plans for the future.

Community and Trustee input shaped the Vision, Mission and Values statements that are the “guiding principles” for planning and for decision-making purposes.

We have chosen to use the community’s values to build the framework for setting short- and long-term goals. Within that framework, we will move toward prioritizing levels of “finer granularity” with setting measurable objectives and action items that will allow the Town to achieve its Goals while being mindful of what matters most to the community.

At this point, upgrades have been made based on by feedback received from staff members, several trustees and commission members. It is important that the PC, Board and Staff are comfortable with Parts 1 & 2 so that we may move on to incorporating the Goals and Objectives in Part 3.

The Goals and Objectives in the draft have been selected from notes from the Trustees & Staff meetings in 2020 and from Evan Bolt’s summaries of survey results and Town meetings in 2019 and 2020. They are intended as a starting point for further conversations to be driven by the PC.

Suggested Timeline

Note: At each milestone, the PC may choose to open the drafts to public comment to ensure transparency and community engagement or move forward and present a full draft for review via the red pen campaign.

February 2021. Acceptance of Parts 1 & 2 by Trustees and PC.

March/April 2021. Meetings to finalize Part 3 - Goals & Objectives.

May/June 2021. Meetings to incorporate Actions and finalize Parts 4 & 5.

July/August 2021. Community “red pen” campaign

September 2021. Acceptance of Master plan document by Trustees.

For the purpose of this process the following descriptions are proposed:

Vision: The Vision statement focuses on tomorrow and what the Town wants to become. Why does the Town exist? What are our hopes and dreams? What is the overarching purpose that may never be achieved?

Mission: The mission statement focuses on today and what the organization does. How will we attempt to reach this Vision? What do we do? Who do we serve and how do we serve them?

Values: What matters most to our community? What are the attitudes, mind-sets & beliefs that determine how the community behaves as a whole? How do we recognize the unique character of the place and the emotional connection of the people who live here?

Goals are general guidelines that explain what you want to achieve in your community. They are usually long-term and bigger picture outcomes such as “protect public health and safety.”

Objectives define strategies or implementation **steps** to attain the identified goals. Objectives have tangible, measurable outcomes. These should predominantly fall from within the Important/not Urgent category of the Eisenhower Principle – which is the area to operate from to achieve the goals identified.

Actions are discrete tasks that must be accomplished to achieve the Objectives. They are specific, time-bound and define accountability. When trying to determine if something is an action item, think to yourself, “Can it be checked off a to-do list?” If the answer is yes, it’s an action item.

TOWN OF PAONIA MASTER PLAN

FEBRUARY 18, 2021

Acknowledgements

PAONIA TOWN COUNCIL

Mary Bachran - Mayor
William Bear - Mayor Pro-tem
Karen Budinger
Mick Johnson
Dave Knutson
Tamie Meck
Michelle Pattison

PAONIA PLANNING COMMISSION

Barbara Heck – Chair
Lucy Hunter
Monica Foguth
Mary Bachran
Karen Budinger

TOWN OF PAONIA STAFF

Corinne Ferguson, Administrator, Clerk
Amanda Mojarro, Deputy Clerk
Travis Loberg, Public Works Director
Cindy Jones, Finance Officer
Neil Ferguson, Chief of Police
JoAnn Katzer – Police Department & Public Works Clerk; Municipal Court Clerk

VOLUNTEERS

CONSULTANTS

EMB Associates

Table of Contents

Part 1. Introduction	4
About Paonia	5
About the Master Plan	9
About the Process	13
Community Engagement	14
Part 2. Community Vision	17
Vision	17
Mission	17
Values	18
Part 3. Goals & Objectives Matrix	25
Part 4. Growth Framework	33
Part 5. Action Plan	35
Appendices	38



PART 1. INTRODUCTION

The State of Colorado recommends that a comprehensive plan be completed every ten years, although communities with fewer than 10,000 residents are not required to adopt a plan (CRS 30-28-106). Comprehensive plans should address a plethora of issues ranging from public utilities, transportation, general character and locations of neighborhoods to flood control areas, land use, and respective hazards. The last time a comprehensive plan was completed for Paonia was in 1996.

“The quality of life in the place we live is a key component of our happiness” (Florida, 2011. p.361)¹. However, urban and rural areas need to be treated differently, as they have different goals. Citizens of Paonia chose this rural lifestyle, this sense of community, and are willing to trade

financial incentives such as higher paying salaries that would be found in more urban areas for the quality of life found here.

Paonia has an entrepreneur who used to be a stock trader in Boulder, but left to invest his money here, because this is where he wants to raise his family. The local theatre is owned by a nonprofit whose Board of Directors are dedicated to bringing culture to Paonia and helping local businesses thrive. Fifth generation residents stay here because of the beauty of the landscape; they invest significant time in the community. There are many more examples of residents who, for other reasons, chose Paonia because the attributes that make the quality of life here special.

¹ Florida, R. (2011) The great reset: how new ways of living and working drive post-crash prosperity. New York, NY: HarperCollins Publishers.



ABOUT PAONIA

The only Indians indigenous to Colorado, the Utes, can be traced to early Fremont man who migrated the Bering Strait 10,000 years ago and occupied west-central Colorado. The Utes practiced a

universal religion in a natural sanctuary of mountains, rivers and forests. They had a long established social order. The North Fork Valley and Colorado was the ancestral homeland of the Tabeguache or

Uncompahgre band of the Ute Tribe. The expedition of Fathers Dominguez and Escalante encamped in the valley in 1776. Thereafter, the Utes continued to lead their free and nomadic life until the start of the Mexican War in 1846.

The area was explored in 1853 by Captain John W. Gunnison of the United States Army. Gunnison was on an expedition to locate a suitable pass through the Rocky Mountains for the Topographical Engineers. The Valley was inhabited by Ute Indians until 1881, A series of treaties with the Utes were approved by the U.S. Senate but were not properly implemented as promised by the government. Disputes arose culminating in the Meeker Massacre as well as the Thornburg ambush leading to a forced exodus of the Tabeguage Utes to the Uintah reservation in 1881.

Paonia was settled in 1881 by Samuel Wade and Enos Hotchkiss who came from Ohio via Lake City. The town was officially incorporated in 1902 and had its first election in July of that year. The peony roots that Samuel Wade brought with him to Colorado in 1881 inspired him to submit the Latin name for peony, "Paeonia" as a town name. The post office wouldn't allow the extra vowel, so Paeonia became Paonia.

Cattle came first, but in 1893, sheep were introduced to the valley. Cowboys organized a secret society called the Cattle Growers Protective Association.

When sheep appeared on a cattle range, if legal persuasion failed, sheep were stampeded over bluffs or massacred.

Wade saw the potential for growing fruit and in 1882 picked up a shipment of fruit trees in Sapinero. By 1893, following the construction of an elaborate system of irrigation ditches, W.S. Coburn and Samuel Wade won six first place ribbons at the World's Fair in Chicago. Once the Denver & Rio Grande railroad established its line into the North Fork from Delta (1902) the region boomed with record fruit production.²

Vast reserves of coal lay buried in the area. The advent of the railroad made the shipping of coal economical and coal mining was the major industry.

Paonia is a unique town, with a deep rooted legacy of farming, ranching and mining. Now it is home to entrepreneurs, artists and outdoor lovers as well. It consistently ranks as one of the "coolest" Colorado mountain towns, and that's saying something!

Naturally air conditioned by warm air flowing up the valley at night and cool air from the mountains streaming down during the day, Paonia has optimal conditions for growing cherries, apricots, grapes, peaches, plums, pears, nectarines and apples. One of the oldest outdoor community celebrations in Colorado is Paonia Cherry Days held over the Fourth

² From *Elk Mountains Odyssey* by Paul Anderson and Ken Johnson, 1998.

of July holiday. In 2021 festival will be 75 years old!

Paonia is a real hotbed of organic farming, sustainably raised meats, value added products, organic hops and a truly remarkable wine industry. The area is at the center of the West Elks AVA, a federally designated wine region known for the unique qualities of the **terroir (pronounced ter'wār)** and the locally produced wines. The area has been called Colorado's "Farm-to-Table Capital." You will eat some of the highest quality, cleanest food in the world when you visit this Valley.

Paonia is a focal point of back roads and trails leading into the mountains and forests, attracting hunters, hikers bicyclists and cross-country skiers. Hunters outfit themselves in Paonia before setting out to get their elk, deer, and bear. As a stop along the West Elk Scenic Byway, few places offer such a wonderful combination of climate, scenery, lifestyle and recreation.

The art scene is alive and well! Paonia is a "Certified Colorado Creative District" and home to many creatives, including painters, jewelers, dancers, actors, musicians, writers, culinary artists and other traditional artisans. You can enjoy the creativity at places like the Paradise Theatre, Blue Sage Center for the Arts, and Elsewhere Studios Artist Residency.

Paonia is also home to the journalists, writers, and publishers of High Country News, a media organization that covers issues and stories that define the Western United States. Numerous non-profits serving our community add to the diverse and active culture of Paonia, including our own local National Public Radio Station KVNF.

Recent economic trends somewhat prompted by the closing of two of the remaining coal mines have resulted a migration of retired professionals and remote workers who are able to take advantage of high speed broadband.

SEE APPENDIX A - PAONIA COMMUNITY PROFILE ³

<https://drive.google.com/file/d/1mKrG4CtP7rl0o67Us2xwCGoGpc0pxduZ/view?usp=sharing>

³ Community Profile for Paonia. Colorado State Demography Office October 2020

Paonia**Words & Music by Nellie Lange Skrydstrup (1915)**

There's an ideal little city
Surrounded by mountains grand,
On the Western slope of Colorado lands,
It is beautiful Paonia the pride of all the West,
Of which all nature has the splendor blest.

Chorus:

Beautiful Paonia, ah, beautiful Paonia
With thy grand old mountains towering at thy side,
Of cities thou art most blest,
Paonia of the West.
Beautiful Paonia art thou.

Thy grand and glorious sunset,
Which at evening we behold,
On thy mountain top a beauty all untold,
With thy wealth of grand old orchards where luscious fruit abounds,
Are in thy valley and on Mesa found.

With the grand old North Fork river,
Winding thru the valley low,
With thy fields of fragrant clover all aglow,
Where the honey bee is hovering o'er blossom and the bud,
Paonia most beautiful most fair.

ABOUT THE MASTER PLAN

Role of the Plan

The Town of Paonia Master Plan (“the Plan”) is an officially adopted advisory document that outlines the community’s vision and goals for the next ten to twenty years, and beyond. The Plan is comprehensive in nature—addressing issues related to land use, growth and development, community character, historic preservation, economic development and tourism, parks and open space, and other topics of importance to the community. The Plan establishes goals, policies, and actions to help achieve the community’s vision. It also provides a blueprint for future growth within the Town of Paonia and its defined boundaries that is implemented through the Town’s zoning and subdivision regulations and other regulatory tools. Achieving the vision and goals outlined in the Plan will not occur overnight; rather, the Plan will be implemented incrementally over time through day-to-day decision-making, and through the specific actions outlined in Part V.

Legislative Authority

The Town of Paonia is authorized to develop a community master plan

(comprehensive plan) in accordance with Sections 31-23-206 through 209 of the Colorado Revised Statutes (C.R.S.) which refer to the development, modification, and approval procedures for such a plan.

Master Plan Elements

Most communities revisit and update their comprehensive plan every five to seven years to ensure that it continues to meet the community’s vision and goals for the future. The first Town of Paonia Master Plan was adopted in 1996. Over time, the 1996 plan was replaced by a series of standalone Master Plan elements including:

- The Highway 133 Corridor Master Plan
- Intergovernmental Agreement on growth by the Town and County Commissioners
- Municipal Code and Land Development Regulations
- Paonia Parks & Trails Plan (coming in 2021)

Parts of the Plan

While the overarching recommendations contained in these plans are reflected in this Master Plan, some contain additional background information and/or technical information that should be referenced as the recommendations of this Master Plan are carried out.

In addition to this introductory chapter, the Master Plan contains the following parts.

Part 2: Community Vision & Objectives

Describes what we value about Paonia today and the type of community we'd like to create in the future.

Part 3: Goals & Policies

Provides guidance to ensure day-to-day decision-making and other actions taken by the Town Council, the Planning Commission, and Town staff help support and advance the goals of the Master Plan

Part 4: Growth Framework

Provides guidance on how and where different types of development and land uses will be allowed within the Town of Paonia and its defined growth boundaries
Establishes policies to guide future annexations

Part 5: Action Plan

Outlines specific strategies or actions that the Town and its partners will take to implement the Master Plan over time

Plan Amendments

Over time, amendments to the Master Plan may be necessary in order to maintain the document’s relevance and viability as a planning and decision-making tool. Any amendment to the Plan will include a public process to uphold the tremendous effort put into this Plan and the overall vision while also allowing for the Plan to evolve over time. Targeted text amendments and/or map revisions may be requested by the Town Council, Planning Commission, Town staff, or the public.

Amendments to the Master Plan may be considered based on community desires to shape a positive future for Paonia, for example, when adjustments to an Objective or goal are needed in order to make the Master Plan more relevant to the needs of the community or to correct an objective or goal that is not working as intended. When considering an amendment to the Master Plan, the Planning Commission and Town Council should consider the following criteria to objectively measure the request:

- The proposed amendment is consistent with the overall intent of the Master Plan;
- Strict adherence to a current goal or objective of the Master Plan would result in a situation neither intended by nor in keeping with the vision and values or other goals and policies of the Plan;
- The proposed amendment will not have an undesirable effect on adjacent properties;

- The proposed amendment is compatible with the surrounding area (when amending the Future Land Use Map or Plan) and/or the vision, goals, and policies of the Master Plan;
- The proposed amendment will have minimal effect on public services and facilities and current or planned service provision; and
- The proposed amendment is not adverse to the public health, safety, and general welfare of the Town.

Administrative updates, such as outdated partner names, will not require an amendment. In addition, there will be some natural attrition during the life of this Plan where goals or policies may become less relevant; when there are many, this may indicate that it is time to update the Plan, as described below.

Plan Updates

Town staff should evaluate whether an update to the Master Plan is needed about every five years. Major updates may be triggered by the need to:

- Update key data points and re-evaluate trends related to demographics, housing, economic development, growth and development activity, and other important factors;
- Affirm the Master Plan’s vision, values, goals, and policies in total or regarding a particular topic or issue; and/or

- Re-evaluate the prioritization of implementation actions contained in the Action Plan.

Any update to the Master Plan should include opportunities for involvement by the public, Town staff, elected and appointed officials, and other relevant or

affected stakeholders. Depending on the amount of time that has passed since adoption of this Master Plan or any subsequent updates, the community profile or key data in the community profile should be made current as part of the update.

Related Plans and Studies

In addition to the Master Plan elements listed above, the following related plans and studies were used to help inform the goals and policies contained in this Master Plan:

- Paonia Community Profile from DOLA State Demographer’s Office (SDO)
- Paonia Creative District Signage and Wayfinding Plan (2018)
- Paonia Creative District Strategic Plan (201x)
- Delta County Master Plan and Land Use Regulations (2020)
- Delta County Economic Assessment (Better Cities) (2015-2016)
- Delta County Tourism Board Marketing Plan (2017)
- Space to Create Feasibility Study and Market Survey (2017-2019)
- Source Water Protection Plan (201x) ?
- Community Heart & Soul “What Matters Most” (2012-2014)
- Envisioning Paonia’s Comprehensive Plan: Utilizing diversity to move towards a self-sustaining community. (2012)
- North Fork Valley Vision 2020. Executive Summary. (2010)
- Region 10 Comprehensive Economic Development Strategy (2019)
- Paonia Parks & Trails Plan (2020)
- Master Plan Community Surveys (2019-2020)
- Revitalizing Grand Ave. Architectural Designs (2020)
- Board & Staff Goal Setting Work Session: October 2, 2020

ABOUT THE PROCESS

The task of updating the Master Plan is undeniably daunting. The Town has limited resources. By utilizing local resources including from past community engagement efforts and available factual information to update the plan, the project can be made financially feasible.

With ten years of community meetings and Town Halls behind us, we can take what we have learned and apply it to this Master Plan process. This framework will be vetted by the Planning Commission and Trustees. Agreement on the Goals, Objectives, Policies and Actions is vital.

Since 2010, members of the community have been holding conversations and looking for answers to questions about the future of our community and how our community can make a difference in shaping that future. In addition, assessments by professional consulting firms have informed the Region, the County and the Town about trends in industry, environmental issues, market demands, housing needs and population demographics and migration.



COMMUNITY ENGAGEMENT

Since 2010, there have been opportunities for community engagement on subjects ranging from Vision, Housing, Arts & Culture, Parks, Economic Development, Water usage, to Tourism. Meetings, surveys and conversations over time have contributed to the Vision, Mission and Values statements presented here. These broad statements were vetted by the Trustees, Staff and community members.

In 2019 - 2020 a series of Community surveys were distributed and town meetings were held to gather community

input and have community discussions about important planning issues including

- Housing and Utilities
- Economic Development, Transportation, Community Sustainability
- Arts & Culture, Parks, Recreation and Trails
- Land Use

Over xxx people participated and summaries were presented to the public and the trustees. These specific areas are used to formulate Goals, Objectives,



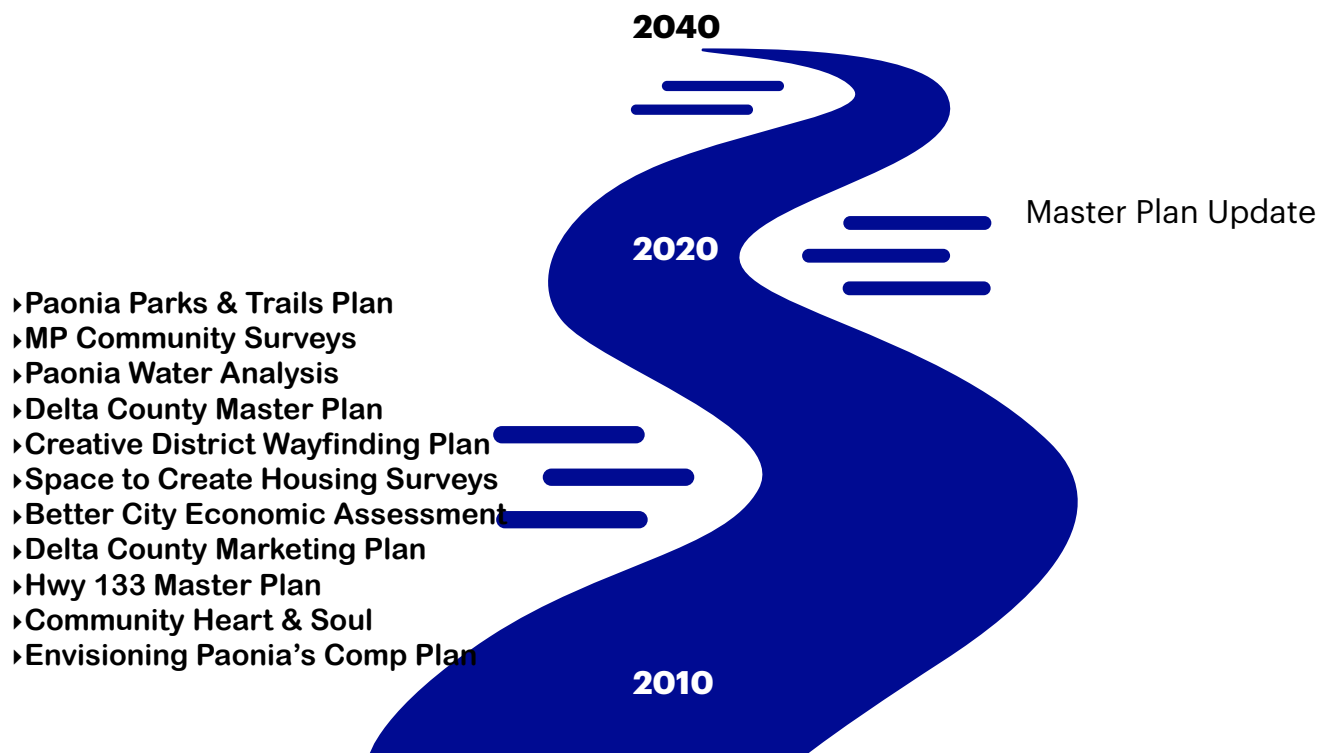
Policies and Specific Actions that will describe the direction of the Town for the next 10-20 years.

In September and October 2020, The Trustees and Staff met to identify certain Goal areas with subsequent Objectives to achieving each Goal⁴. The purpose of the meeting was to position the town council to work effectively toward the betterment of the Town. This includes financial solvency, public health and safety concerns, and the general quality of civic life for the people who live here. The elements of the Board meetings are woven into a matrix that links the community’s priorities with actionable tasks. Universally, there was agreement that the updating of the Master Plan was

critical to guidance for decisions that would determine the future of the Town.

This Plan takes a “30,000 foot” view of the Town’s past, present and future so that proposed actions shall be aligned with the stated Vision, Mission and Values. This is a test of prioritizing Policies and Actions. By defining the Town’s Goals in terms of Community Values, we are ensuring that the guidance of the Master Plan is on track with what matters most to the community.

A “red-pen” campaign and additional town meetings with Paonia residents will garner broader input and provide necessary community engagement to produce a shared understanding and a final version of the Master Plan ready for Trustees’ approval.



⁴ Notes from Board & Staff Goal Setting Work Session October 2, 2020



PART 2. COMMUNITY VISION

In the past ten years, there certainly have been notable changes to the Town.

- Domestic and global changes in anchor industries such as coal mining and agriculture have restructured employment opportunities and energy resources.
- Technology upgrades such as broadband internet have opened the door to remote jobs and learning.
- The influx of creative industries and the naming of Paonia as a Certified Colorado Creative District brought not only creative practitioners, also tourists and visitors for events and festivals.
- The recognition of the North Fork Valley for organic produce and the West Elks AVA for fine Colorado wines has opened new markets and new culinary interests in the area.
- Aging infrastructure has taken its toll on Paonia’s water system and roads.
- The shift to an aging demographic due to long-time residents who love their home town and new retirees looking for a satisfying community to live out their years.

Yet some things do not change. The reasons we come and the reasons we stay in Paonia are deeply rooted in the vision and values we hold in common.

VISION

Paonia is the center of creative opportunity in the North Fork Valley of Western Colorado where individuals, families and businesses thrive.

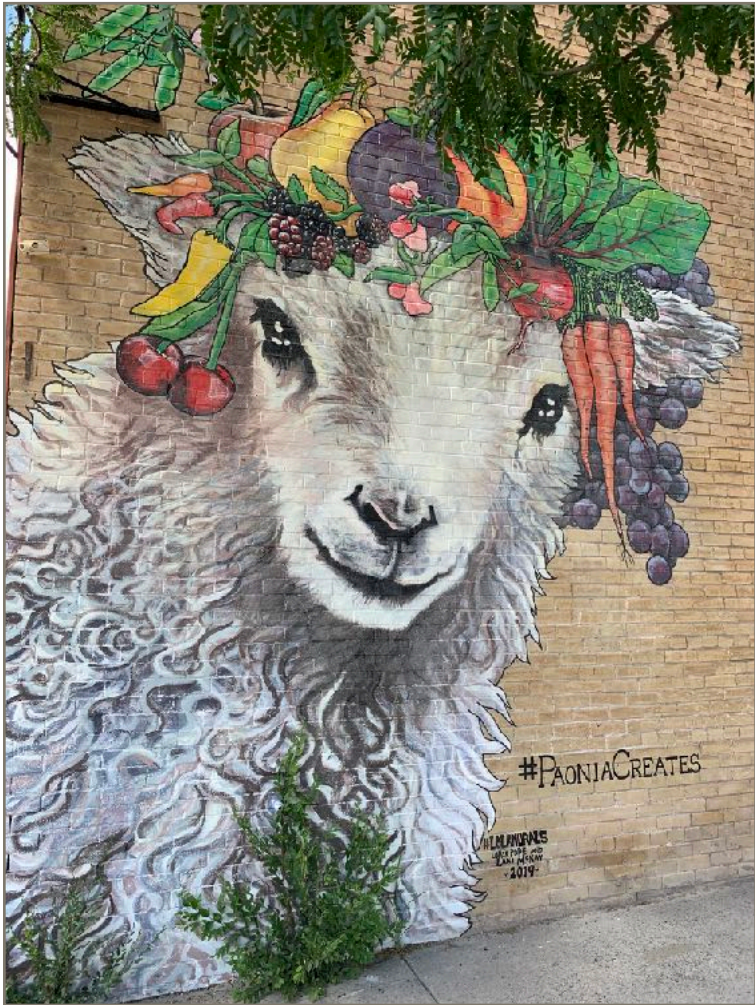
MISSION

Together, we shall preserve and enhance the unique qualities of this small rural community through thoughtful and deliberate actions, balancing between growth and environmental protection. We will provide adequate services to accommodate a diverse population, protecting and encouraging clean and environmentally sensitive industries and businesses in an effort to diversify the local economy and, encourage economic sustainability in an affordable environment.⁵

⁵ Peterson, Barbara. Envisioning Paonia’s Comprehensive Plan: Utilizing diversity to move towards a self-sustaining community. 2012

VALUES

The Town of Paonia, in partnership and communication with residents, businesses, and schools is dedicated to the betterment of our community and recognize these overarching values:



Sense of community. Providing excellent services and a safe, healthy, welcoming atmosphere contribute to a sense of community and preserve a place where people choose to live.

We value a small town feel and sense of community within and among the diverse groups of people who live in the North Fork Valley. A strong work ethic helped build our town and the historic western buildings built by settler families. The historic service organizations, churches and clubs are important in the tradition of community service (like Rotary, "Friends of" organizations and the American Legion). Our long running festivals, Cherry Days, and Mountain Harvest Festival celebrate local traditions that help create our small town feel and sense of community.

We also respect and recognize the valley was home to the Ute people with their own enduring cultural traditions before the establishment of North Fork Valley settlements. We value the families who have been here five and six generations, as well as new comers. We recognize the importance of preserving the traditions and heritage of the valley while new cultural traditions are being integrated into the local fabric of the community.

Goals and policies for this community value seek to retain and enhance key aspects of Paonia's small town character and identity as the community grows in the future through a continued commitment to:

- Quality town services
- Livable friendly neighborhoods
- Affordable housing
- Creativity and innovation
- Community events and activities
- Parks and recreation

Vibrant and steady economy. Promoting economic vitality while preserving our small town character. Strategically positioning Paonia for the future. Promoting a steady local economy by supporting agriculture, energy, creative industries, health & wellness, recreation & tourism and our local supporting businesses.

We value the traditions and heritage of the local economy, including the historical economic sectors of agriculture, ranching/herding, mining, local banks, small and downtown businesses, the railroad, hunting, and our systems of bartering and trade. Many people recognize the importance of new and emerging economic sectors, including tourism and recreation, arts and value-added agricultural products, wine making, organic agriculture, health and wellness, new energy resources, service jobs and businesses that utilize the Internet to do business outside of the valley. We recognize that





the health of our local economy is strongly tied to regional, national and international markets.

Larger shifts in the national economy towards telecommuting means that workers no longer need to physically commute to an office. With faster internet speed, residents will increasingly be able to pursue job opportunities and careers in industries not currently located in Paonia. Alternatively, home-based entrepreneurs will be able to access customers or clients located around the globe. Goals and policies for this community value seek to promote a more balanced and sustainable economy through support for:

- A diversified economy
- A vibrant downtown
- Farming and mining heritage
- Local businesses/manufacturing/services/creative industries
- Tourism and outdoor recreation industries
- Home-based entrepreneurs and a mobile workforce

Individualism, diversity and inclusivity. Honoring the diversity of our population and their independent spirit and freedom of expression.

Paonia has been described by its “quirkiness.” Coal miners, “hippies,” scientists, artists, retirees, entrepreneurs, teachers and healers make up the population. It is a

small town with many churches and nonprofits. Paonia loves a rockin' festival, a family picnic and a quiet float on the river - sometimes all on the same day.

Paonia is perceived as a friendly, welcoming community. Neighbors take care of neighbors and nonprofits and churches take care of cultural and social amenities. People will work together on a project that they believe in. Cherry Days and Mountain Harvest Fest are two examples of how the community comes together to put on community events.

Paonia also has an "edge" to it. With freedom of expression of individuals and with the diversity of thoughts and ideas, citizens are not hesitant to express themselves. This leads to participation and generating inclusive points of view. The community engagement over the years such as Community Heart & Soul and Chamber of Commerce "visioning" exercises, Creative District Wayfinding and affordable housing surveys all gathered a broad range of input from the community.

Trends like increasing housing costs^{6,7} and a lack of affordable childcare make it difficult for many people to live in Paonia. Looking to the future, residents would like to see Paonia remain a diverse and inclusive community, not one that is homogeneous and unwelcoming of "others." Residents want to avoid the kinds of changes that have occurred in other small mountain towns, such as an influx of second homeowners. Goals and policies for this community value address our commitment to those things that contribute to our community and help make Paonia, Paonia:

Goals and Policies for these values may include:

- Diverse housing options
- Updated planning and zoning
- Inclusive governance and community engagement
- Civil discourse
- Accessible community services including aging in place and in community
- Support for community nonprofits
- Public safety

⁶ Affordable Housing Guide for Local Officials

https://www.cshba.com/uploads/6/9/4/3/69431517/dola_affordable_housing_guide.pdf

⁷Colorado Housing affordability Data Explorer

<https://public.tableau.com/profile/connor.everson5568#!/vizhome/ColoradoHousingAffordabilityDataExplorer/Introduction>

A healthy natural environment. Respecting and preserving our beautiful landscape, our water resources and a healthy natural environment is valued by most who live and visit Paonia. From the North Fork of the Gunnison River to the Grand Mesa National Forest and the West Elk Wilderness, Paonia’s beautiful natural surroundings, and the recreational opportunities they provide, are one of the main reasons residents choose to live in this community. Protecting the scenic values, the agricultural practices and the riparian character of natural areas in and around Paonia through responsible environmental practices is something the community values strongly. Paonia must grow in a way that protects the natural environment and these valuable resources. Paonia residents must also be aware of the changes to our local environment that could arise as a result of climate change. Goals and policies for this community value should address:

- Source-water protection for domestic and irrigation uses
- Air quality protection
- Dark skies protection
- Preservation of natural habitats and ecosystems
- Conservation of open space, farm and ranch lands
- Sustainable development practices
- Access to and protection of the river corridor
- Community tree and forest management
- Climate adaptation



Honoring our history and heritage. Paonia is seen by residents and visitors as an “authentic” community. Whether it is a fifth generation ranching family, a third generation coal miner or a millennial newcomer, the Western story of the founding and the settlement of Paonia is important to the character of the Town. This feeling is

derived from a blend of Paonia’s historic past as a Western coal town, its ranching and agricultural community, its proximity to the mountains and outdoor recreation, and its welcoming of creative and innovative entrepreneurs.



Goals and policies for this community value seek to retain and enhance key aspects of Paonia’s small town character and identity as the community grows in the future through a continued commitment to:

- The legacy of mining, agriculture and ranching
- Traditional community events and activities
- Outdoor recreation including hunting and fishing
- Historic preservation



The Master Plan’s goals and objectives provide guidance for how the Town of Paonia will work towards achieving the community vision set forth in the previous part of the Master Plan as part of its day-to-day actions and decision-making processes. The goals and objectives are reflective of the community’s vision and the community values they share. As such, goals and objectives are organized by the five community values:

- Sense of Community**
- Vibrant Steady Economy**
- Individualism, Diversity and Inclusivity**
- Healthy Natural Environment**
- History and Heritage**

The community values, goals, and objectives are not presented in any order of importance or priority—each are equally important to achieving the community’s vision for the future. Actions to support the implementation of the goals and objectives are provided in Part V of the Plan.