



**CHECKLIST
FLOODPLAIN DEVELOPMENT PERMIT**

Authority: New Castle Municipal Code §§16.08.060 & 13.05.100 et seq.

This is a helpful checklist and is not necessarily all inclusive for all Municipal Code requirements. It is still your responsibility to read and comply with all code requirements. All applications must include a non-refundable Application fee.

Signature _____ Date _____

The following items must be submitted to the Town Clerk:

- Development Application
- Complete site plan, drawn to scale, illustrating:
 - The nature, location, dimensions and elevations of the area in question
 - Existing or proposed structures and the elevation in relation to mean sea level of the lowest floor (including basements) of all structures
 - Elevation in relation to mean sea level to which any structure has been flood-proofed.
 - Certification by a registered professional engineer licensed in the State of Colorado that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in 13-05-300 (copy attached)
 - Location of material storage, if applicable
 - Location of drainage facilities
 - Fill locations
 - Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- Flood plain studies for any area in the site not previously mapped, if applicable
- Request to divide the floodplain land included in the application as lying whole or in part in the floodway or flood fringe, if applicable.
 - Report of a registered professional engineer licensed in the State of Colorado, competent in the field of floodplain hydrology and hydraulics, showing which portion of land lies wholly or in part in the floodway or flood fringe.
 - A statement that division of the floodplain in the manner shown in the report complies with all the standards and requirements of section 13-05-157 (copy attached)
 - Maps depicting the information contained in the report
- Other information supporting your application
- \$100.00 Non-refundable Application Fee

13-05-140 Lands to Which This Chapter Applies

This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the Town.

13-05-150 Basis for Establishing The Areas of Special Flood Hazard

The areas of special flood hazards identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for New Castle, Colorado," dated July 25, 1975, with accompanying insurance rate maps (FIRM), as adopted by reference and declared to be a part of this Chapter. Copies of the Flood Insurance Study shall be made available for inspection by the public at the New Castle Town Hall, 450 West Main Street, New Castle, Colorado.

13-05-153 Determination of Floodplains in Areas Not Previously Mapped

When an application for a development indicates or suggests that an area of the site may be subject to the 100 Year Floodplain, but for which area no studies or maps have been previously prepared, it shall be the responsibility of the applicant to provide floodplain studies, including appropriate maps, conducted and certified by a registered professional engineer licensed in the State of Colorado experienced in floodplain hydrology and hydraulics, which studies shall, at a minimum, determine the depth and elevation of the 100 Year Flood for the entire area of the site and for two hundred (200) yards upstream and downstream from the site, with all appropriate cross sections. Map scales shall be determined by Town zoning and subdivision requirements.

13-05-157 Delineation of Districts within Floodplain

- A. District Types. The floodplain of the Town may, where deemed to be in the public interest by the Town, and to promote wise use of the floodplain, be divided by the Town into two (2) sub-areas: (1) Flood Fringe; (2) Floodway. In case of such division, such sub-areas shall be as delineated and described in the studies and maps incorporated herein. Where such definition of any area of the floodplain into sub-areas is not so made, the provisions of this Chapter applicable to Floodways shall be applied to the entire area of the floodplain not so divided.
- B. Applications to Divide Floodplain into Districts. Applications for Floodplain Development Permits, as required hereunder, may include a request to divide the floodplain use as to the land included in the application, so that the floodplain land included in the application will be designated as lying in whole or in part in Floodway or Flood Fringe. The applicant seeking such division shall include in the application, at the applicant's expense, a report of a registered professional engineer licensed in the State of Colorado competent in the field of floodplain hydrology and hydraulics, including accurate maps, which report and maps shall show, in the opinion of the engineer, which portions of the land included in the application lie in whole or in part in the Floodway and Flood Fringe as defined herein. The report shall further state that division of the floodplain, in the manner shown in the report, complies with all the standards and requirements of this Regulation. Applications to divide the floodplain may be included in an application for the permit for use of the land included in the application, or may be submitted apart from any application for a permit for a use. If the application is submitted apart from any application for a permit for a use, then the granting of the application to divide the floodplain into sub-areas shall not be construed to be the granting of a permit to make a use of the land included, and an application for a Floodplain Development Permit shall be required as provided herein before any use of the land can be made for which a Floodplain Development Permit is required. In

any case, such application for division shall be approved or denied using the guidelines set forth below.

- C. Guidelines for Determining Appropriateness of Division. In determining whether to divide the floodplain into Floodway and Flood Fringe sub-areas, the Town shall determine whether such division is in the public interest and promotes wise use of the floodplain. The following factors, by way of example, and not by way of limitation, shall be considered in making such determinations:
1. Whether the Flood Fringe area, as depicted by the available studies and maps, is so restrictive due to the amount of total area or topography involved that the development of the site would require a variance from other applicable Town Zoning Regulations. In cases where a variance would be necessary, the Town shall not approve dividing of the 100 Year Floodplain.
 2. Whether the 100 Year Floodplain in question could serve as an integral part of the land use planning for a subdivision or planned unit development application for the purposes of providing common open space or recreational land. In such case the Town shall strive to keep the 100 Year Floodplain free of significant construction or substantial improvement.

13-05-160 Compliance

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

13-05-170 Abrogation and Greater Restrictions

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

13-05-180 Interpretation

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

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

13-05-190 Warning and Disclaimer of Liability

This Chapter is enacted for regulatory purposes. The decree of flood protection, the flood hazard areas, and the flood insurance studies upon which this Chapter is based have been established by the federal government, and the Town assumes no liability for the accuracy of completion thereof. Larger floods can and will occur on occasion, and flood heights may be increased by natural or manmade causes. Land outside the areas of special flood hazards, and uses permitted within such areas may be subject to floods or flood damage. Neither this Chapter, nor any act or administrative decision taken hereunder, shall subject the Town or any officer or employee thereof, or the Federal Emergency Management Agency (FEMA) to any liability for any flood damage that may result from reliance thereon.

13-05-200 Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be obtained before construction or development begins within any areas of special flood hazards established in §13-05-150. Application for a Floodplain Development Permit shall be made by forms furnished by the Floodplain Administrator, and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill,

storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been Flood-Proofed;
- C. Certification by a registered professional engineer licensed in the State of Colorado that the Flood-Proofing methods for any non-residential structure meet the Flood-Proofing criteria in 113-05-300; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

13-05-230 General Standards for Flood Hazard Reduction

A. Floodway

Prohibited Uses and Activities. The following uses and activities are prohibited in the Floodway:

1. Encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels or velocities during the occurrence of the base flood discharge. If the technical evaluation satisfies the requirement, all new construction and substantial improvements shall be required to meet the performance standards set forth in §13-05-230(B)(3).
2. The storage or processing of materials that in times of flooding are buoyant, flammable, explosive or otherwise potentially injurious to human, animal or plant life.
3. The disposal of garbage or other solid waste materials.
4. The placement of any structures, either fixed or mobile, for purposes of human occupation, either permanent or temporary.
5. Any obstruction which would adversely affect the efficiency of or restrict the flow capacity of a designated floodplain so as to cause foreseeable damage to others.

Permissible Uses. The following are permitted in the Floodway if present underlying zoning allows such uses:

1. Agriculture, such as farming, grazing and forestry.
2. Loading and parking areas for industrial and commercial uses not requiring paving or grading.
3. Recreation and open space uses such as parks, golf courses, picnic grounds, green belts, wildlife preserves and trails systems, provided that no permanent structures are constructed.
4. Any fence, pipeline or structure for which the primary use is the diversion or storage of water or the control of flooding or any similar use.

B. Flood Fringe/Elood Prone Areas

Prohibited Uses and Activities. The following uses and activities are prohibited in the Flood Fringe/Elood Prone Areas:

1. The development, use, fill, construction, substantial improvement or alteration on or above any portion of the Flood Fringe or Flood Prone Areas which alone, or cumulatively with other activities, would cause or result in the danger of substantial solid debris being carried downstream by floodwaters.
2. The storage or processing of materials that in times of flooding are buoyant, flammable, explosive or otherwise potentially injurious to human, animal or plant life.
3. The disposal of garbage or other solid waste materials.
4. Any obstruction which would adversely affect the efficiency of or restrict the flow capacity of a designated floodplain so as to cause foreseeable damage to others.

Permissible Uses. All uses permitted in the Floodway and all lawful uses permitted by the underlying zoning are permitted in the Flood Fringe and Flood Prone Areas subject to §13-05-230(B)(I), the regulations concerning Floodplain Development Permits, and the performance standards set forth below.

Performance Standards. The performance standards set forth in §13-05-240 through 13-05-270 must be met for development in the Floodway, Flood Fringe or Flood Prone Areas.

13-05-240 Anchoring

All mobile homes, new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and to withstand hydrostatic and hydrodynamic loads. The methods for anchoring shall be determined by a licensed registered professional engineer in the State of Colorado, through site-specific analysis of the proposed use and identifiable hazards.

13-05-250 Construction Materials and Methods

All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, using methods and practices that minimize flood damage. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that 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 be certified by a registered professional engineer in the State of Colorado.

13-05-260 Utilities

All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system; new replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Electrical heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

13-05-270 Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
- D. Base flood elevation data shall be provided for all lots subjected to inundation by the base flood; and
- E. The location of the 100 Year Floodplain of any drainage with tributary areas of forty (40) acres on or adjacent to the site of the proposed subdivision shall be mapped and shown on the proposal.

13-05-280 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in §13-05-150 or §13-05-210(B), the provisions set forth in §13-05-290 through 13-05-310 are required.

13-05-290 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to not less than one (1) foot above the maximum water surface elevation of the 100 Year Flood.

13-05-300 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either:

- A. Have the lowest floor, including basement, elevated to not less than one (1) foot above the maximum water surface elevation of the 100 Year Flood; or,
- B. Provide Flood-Proofing improvements so that below an elevation of one (1) foot above the maximum water elevation of the 100 Year Flood, the structure, together with attendant utility and sanitary facilities, is watertight with walls substantially impermeable to the passage of water. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered 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 for meeting the applicable provisions of this Chapter, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are Flood-Proofed shall be maintained with the official designated by the Town under §13-05-210 of this Code.

13-05-310 Manufactured Homes

- A. Manufactured homes shall be anchored in accordance with §13-05-240.
- B. All manufactured homes placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to not less than one (1) foot above the maximum water surface elevation of the 100 Year Flood and is securely anchored to an adequately engineered and constructed anchored foundation system.