

APPENDIX D: CITY OF COLORADO SPRINGS ORDINANCE

The City Council of the City of Colorado Springs, Colorado, adopted **Ordinance No. XX-XX** on second reading on **XX XX, 2023**, adopting the 2023 edition of the Pikes Peak Regional Building Code by reference, as amended.

The following is an excerpt of the modifications to the Pikes Peak Regional Building Code, 2023 Edition (hereinafter referred to as the "Regional Building Code"):

Section RBC108.2. SCHEDULE OF PERMIT FEES. Add the following to the end:

City Council establishes Appendix B: Building Permit Fee Schedule of the Regional Building Code as the adopted fee schedule.

Section RBC302.4.1 Section 202 DEFINITIONS. Add the following definitions:

COMPOSITION WOOD roofing is a roofing product composed of natural wood fibers and falls within the Underwriters Laboratories (UL) category of formed roofing.

SOLID WOOD roofing products are roofing materials that are defined as "wood shakes", "wood shingles", or "wood shakes and shingles, fire-retardant (treated)". These materials are cellulose based wood products that include non-treated and pressure impregnation by the full-cell vacuum-pressure process with fire retardant chemicals.

Section RBC302.4.41.1 General. Insert a new Section as follows:

RBC302.4.41.1 Section 1505.1 General. Add the following after the first paragraph:

All buildings shall have a minimum roof covering of Class B. Buildings containing twenty percent (20%) or more of a Group R fire area shall have a minimum roof covering of Class A excluding solid wood roofing products.

These requirements shall also apply when completely recovering or replacing a roof covering in accordance with Section 1512 of the International Building Code, 2021 edition.

RBC302.4.41.2 Table 1505.1 Delete.

Section RBC303.4.1 Section R202 DEFINITIONS. Add the following definitions:

COMPOSITION WOOD roofing is a roofing product composed of natural wood fibers and falls within the Underwriters Laboratories (UL) category of formed roofing.

SOLID WOOD roofing products are roofing materials that are defined as "wood shakes", "wood shingles", or "wood shakes and shingles, fire-retardant (treated)". These materials are cellulose based wood products that include non-treated and pressure impregnation by the full-cell vacuum-pressure process with fire retardant chemicals.

Section RBC303.4.66.1 Roof covering materials. Insert a new Section as follows:

RBC303.4.66.1 Section R902.1 Roof covering materials. Delete the second and third sentences and replace with the following:

One- and two-family dwellings shall have a minimum roof covering of Class A excluding solid wood roofing products. Accessory structures shall have a minimum roof covering of Class B. Class A and B roofing required by this section to be listed shall be tested in accordance with ASTM E108 or UL 790. These requirements shall also apply when completely recovering or replacing a roof covering in accordance with Section R908 of the International Residential Code, 2021 edition.

Section RBC313.6 DEFINITIONS. Add the following definition:

APPEAL. A request for a review of the Floodplain Administrator's decision or interpretation of any provision of this Section or for a review of the Drainage Board's decision on appeal, grant of relief or interpretation of any of the provisions of this part.

Section RBC313.17.1. Appeals. Delete and replace with the following:

RBC313.17.1 Appeals.

1. The Drainage Board shall hear and decide appeals of decisions of the Floodplain Administrator (FPA) when it is alleged there is an error in any requirement, decision or determination made by the FPA in the enforcement or administration of this Section.
2. Any person aggrieved by a decision of the FPA may appeal to Drainage Board, provided a written notice of appeal, stating the grounds for appeal, is filed with the Storm Water Enterprise Manager within thirty (30) days of the date of the FPA's decision. The Drainage Board shall hear the appeal at the next available meeting, but not less than fourteen (14) days after receipt of the notice of appeal.
3. The Drainage Board shall conduct a public hearing on the appeal and shall consider the factors set forth in Subsection 5, below. At the conclusion of the hearing, the Drainage Board shall make appropriate findings and determine whether the FPA's decision shall stand, be overturned, or modified. Unless appealed to City Council, the Drainage Board's decision shall be considered final agency action for all purposes under Colorado law.
4. Those aggrieved by the decision of the Drainage Board may appeal the decision to City Council, provided that a notice of appeal, stating the grounds for appeal, is filed with the City Clerk within ten (10) days after the Drainage Board's decision. The City Clerk, upon receiving a perfected appeal, shall forward the record of the Drainage Board to City Council, and the matter shall be set for a public hearing at the next available City Council meeting. The City Council may hear the appeal de novo or may limit the hearing to the issues identified in the notice of appeal. At the conclusion of the public hearing, the City Council shall determine whether there is substantial evidence in the record to support the Drainage Board's decision, and if so, then the decision must be affirmed. If there is not substantial evidence in the record to support the Drainage Board's decision, the City Council may overturn the decision or modify it.
5. In passing upon appeals of the FPA's decision, the Drainage Board shall consider all technical evaluations, all relevant factors, standards specified in other Sections of the Section, and:
 - 5.1 The danger that materials may be swept onto other lands to the injury of others;
 - 5.2 The danger to life and property due to flooding or erosion damage;
 - 5.3 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 5.4 The importance of the services provided by the proposed facility to the community;
 - 5.5 The necessity to the facility of a waterfront location, where applicable;
 - 5.6 The availability of alternate locations for the proposed use, which are not subject to flooding or erosion damage;
 - 5.7 The compatibility of the proposed use with existing and anticipated development;
 - 5.8 The relationship of the proposed use to the Colorado Springs Comprehensive Plan and floodplain management program for that area;
 - 5.9 The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 5.10 The expected heights, velocity, duration, rate of use, and sediment transport of the flood waters and the effects of wave action, if applicable, and expected at the site; and
 - 5.11 The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

6. Upon consideration of the factors listed in Subsection 5 above, the Drainage Board may impose conditions on the FPA's decision as it deems necessary to further the purposes of this Section.
7. The FPA shall maintain the records of all appeal actions and report any variances to FEMA upon request.

Section RBC313.17.2. Conditions for Pre-Construction Variances. Delete and replace with the following:

RBC313.17.2 Conditions for Pre-Construction Variances.

1. Development permits may be issued by the FPA for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or part of the local Historic Preservation District or a locally designated historic landmark, without regard to the procedures set forth in the remainder of this Subsection. Infill of vacant lots within the Historic Preservation District may be issued variances provided that the provisions of this Section are met. All other variances shall be reviewed and approved by the Drainage Board.
2. No application for variances shall be accepted or considered for an existing structure.
3. The Drainage Board shall conduct a public hearing on all applications for variance. The FPA shall be given an opportunity to comment on the application and make a recommendation to the Board. The applicant shall be given an opportunity to support the request for variance and respond to any comments by the FPA. The public shall be given an opportunity to comment on the application.
4. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
6. Variances shall only be issued upon the Drainage Board's finding that the application substantially complies with the following:
 - a. A showing of 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 or victimization of the public as identified in Section RBC313.17.1, Items 1 through 7 of the Regional Building Code, or conflict with existing local laws or ordinances..
7. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a 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.

Section RBC313.18.5 Subdivision Proposals. This Section is amended to read as follows:

RBC313.18.5 Subdivision Proposals.

1. All proposed subdivisions shall be consistent with the need to minimize flood damage;
2. All proposed subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All proposed subdivisions shall have adequate drainage provided to reduce exposure to flood damage; and,
4. FEMA approved base flood elevation data and 100-year floodplain boundaries shall be provided and shown on the Subdivision Plat;

5. If a proposed subdivision is located within three hundred feet (300') of a zone A floodplain, FEMA approved base flood elevations and boundaries are required to be determined and shown on plat, or a floodplain certification letter by a Professional Engineer or Architect licensed by the State of Colorado shall be provided stating that "Based on field verified characteristics of the property (topography, etc.), the property is reasonably safe from flooding and to the best of the engineer's knowledge if the 100-year floodplain were studied it would not enter the property in question".

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