

TOWN OF SUPERIOR
ORDINANCE NO. 0- 4
SERIES 2015

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR ADOPTING AMENDMENTS TO CHAPTER 16 OF THE SUPERIOR MUNICIPAL CODE, TO CORRECT TYPOGRAPHICAL ERRORS, CLARIFY DETAILS REGARDING LAND USE APPLICATIONS, AND TO MODIFY THE PROCESS FOR TELECOMMUNICATIONS FACILITIES APPLICATIONS IN LIGHT OF RECENT CHANGES IN FEDERAL LAW


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. The Board of Trustees hereby approves the changes to Chapter 16 shown in **Exhibit A**, attached hereto and incorporated herein by this reference.



Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 13th day of April, 2015.



Clint Folsom, Mayor

ATTEST:



Phyllis Hardin, Town Clerk-Treasurer

EXHIBIT A

CHANGES TO CHAPTER 16

ALL ADDITIONS ARE SHOWN IN ITALICS, AND DELETIONS SHOWN IN STRIKE-THROUGH TEXT.

Sec. 16-1-30. Relationship to existing ordinances.

Situations not lawful or conforming under previous ordinances do not become lawful merely by repeal of such ordinances. The adoption of this Chapter shall not adversely affect the Town's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect. Existing uses that may become nonconforming by adoption of this Chapter shall be legal nonconforming uses subject to Articles *III and IV*.

Sec. 16-1-70. Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

* * *

Apartment means one (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit *for rent* in a building containing more than two (2) dwelling units.

Base station means any structure or equipment other than a tower, at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network, including any equipment associated with wireless communications services, including radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks), and including any structure, other than a tower, to which any of the equipment described above is attached.

Bed and breakfast establishment means ~~a building in which rooms are rented on a daily basis to short-term guests~~ an owner-occupied or manager-occupied building providing guest rooms for temporary, overnight lodging, with or without meals, for paying guests.

Condominium means a legal form of ownership whereby an owner gains title to an interior air space dwelling, retail or office unit, together with interest in the common areas and facilities appurtenant to such units.

Construction trailer means a wheeled or formerly-wheeled vehicle designed for transport upon roads or highways and used or intended to be used in connection with construction or development, for the storage of materials, tools or equipment or for office purposes, excluding mobile homes, recreation vehicles and camping trailers.

Eligible telecommunications facilities request means any request for modification of an existing tower or base station that involves the co-location of new transmission equipment, the removal of transmission equipment or the replacement of transmission equipment.

Garage means a detached accessory building or an attached portion of a principal building for the storage of materials for noncommercial purposes or for the parking or temporary storage of automobiles for noncommercial purposes.

Gross floor area (GFA) means the gross area of a nonresidential building measured along the inside of exterior walls of the building, including each floor level intended for occupancy or storage, but excluding enclosed parking areas and exterior unenclosed balconies.

Junk means scrap metal; bones; rags; used cloth, rope, rubber, tinfoil or bottles; old or used machinery of any type; used tools; used appliances; used lumber or crates; building materials; industrial equipment; fabrication waste of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; derelict vehicles, farm and heavy equipment construction vehicles; used tires' and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

*Open space means an area of land, an area of water or a combination of land and water within a parcel of land, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the parcel of land or the general public for uses, including but not limited to: open landscaped areas, recreation areas and facilities, plazas, gardens, parks, walkways, paths and trails, and areas of native vegetation left substantially in their natural state or supplemented by additional plant material. Floodways may be used to meet the minimum standards for amount of required open space or usable open space within a particular development, as determined by the Town. The term shall not include space devoted to buildings, public rights-of-way, parking, storage, loading areas, private open space such as individual yards or sidewalks adjacent to paved areas or buildings. *Open space* is further identified by the following type and ownership categories:*

a. *Natural open space. Natural open space means is defined as undeveloped land that is identified for the protection of habitat for native animals and plants, for limited recreational use and for the preservation of archeological and topographical significance. The three (3) types of natural open space are:*

1. *Prairie:* Flat or rolling tracts of land providing habitat vital to a variety of grasses and numerous species of animals.

2. *Aquatic:* Lakes, streams, ponds and wetlands providing habitat for a variety of plants and animals living in water or at the water's edge.

3. *Riparian:* Land occurring along streams or ditches, characterized by a variety of plant life, providing habitat, migratory corridors and nesting and breeding sites for birds and animals.

b. *Developed open space. Developed open space in the Town is developed land that can be used for any or all of the following purposes:*

1. *Parks*: Public recreational areas that can include playgrounds, ball fields, rinks, picnic areas and other similar uses.

2. *Landscaping*: Landscaping around buildings or structures.

3. *Trails*: *Defined non-motorized (except for emergency purposes) recreational ways or paths of specified widths for the use of the public for such purposes as walking, hiking, bicycling, cross-country skiing, snowshoeing or similar activities. Trails may be paved or have a surface consisting of other suitable materials.*

4. *Berms*: Large or small mounds of earth that may be landscaped to help alleviate visual, sound and air pollution, as well as to create new habitat for birds and animals.

c. *Usable open space*. Within either of the above two (2) categories (Subparagraphs a and b), the term shall generally not include linear areas, such as lot breaks narrower than fifty (50) feet, natural open areas on steep slopes (greater than fifteen percent [15%] slope), man-made drainage facilities and any other area inaccessible or unsafe to the general public.

d. Ownership categories.

1. *Common open space* means an area designed and intended primarily for the use of the lawful owners, residents and occupants of a development project, but not necessarily the general public, which is owned and maintained by an organization established for such purpose.

2. *Public open space* means an area designed and dedicated to the public for use by both the owners within the development and the general public.

3. *Private open space* means landscaping areas, yards and similar areas that are privately owned and where public or common access is denied, *including private yards that are not fenced and are maintained by a common ownership entity, such as a homeowners' association.*

Planned development (PD) means an area of minimum contiguous size as specified in this Chapter, to be planned, developed, operated and maintained as a single entity and usually containing a combination of uses.

Principal building means the building that houses a principal use or uses.

Roof-mounted facility means any telecommunications facility that is mounted and supported entirely on the ~~wall~~ *roof* of a legally existing building, ~~including the walls of architectural features, such as parapets, chimneys, and similar appurtenances.~~

Tower means any freestanding structure designed and constructed primarily for the purpose of supporting one (1) or more *Federal Communications Commission-licensed or authorized antennae*, including self-supporting lattice towers, guy towers and monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone

towers and other similar structures. The term also includes any antenna or antenna array attached to the tower structure.

* * *

Sec. 16-2-10. Process.

(a) The following general development review process establishes the procedures for reviewing all development and permit applications submitted to the Town. The core application review process consists of three (3) steps, and all applications shall be subject to one (1), two (2) or all three (3) of these steps depending on the specific type of application processed:

- (1) Step 1: Preapplication Conference/Staff Review.
- (2) Step 2: Planning Commission Review.
- (3) Step 3: Board of Trustees Review.

(b) The following Land Use Approval *and Notification* List charts the steps *and required notice* for specific applications. For purposes of this chart, *Review and Comment* means that the appropriate staff or body reviews the submittal and provides written comments to the applicant and the body considering the submittal at the next step; and *Decision* means the step at which the final decision of the Town is made. The chart also designates at which parts of the process a public hearing, rather than a public meeting, is required. When the Planning Commission is responsible for Review and Comment, the Planning Commission's written comments shall be adopted by resolution approved by a majority of those Planning Commissioners present at the meeting at which the application is heard. The resolution of the Planning Commission will identify the number of "yes" and "no" votes.

Land Use Approval and Notification List

	<i>Step One: Staff</i>	<i>Step Two: Planning Commission</i>	<i>Step Three: Board of Trustees</i>	<i>Notice Requirement</i>
Zoning and Use Permits				
Preapplication	R & C	—	—	—
Rezoning (Zoning Amendment)	R & C	R & C (hearing)	D (hearing)	<i>Pub, M, Post</i>
Special Use Permit	R & C	R & C (hearing)	D (hearing)	<i>Pub, Post</i>
Conditional Use Permit	R & C	D (hearing)	—	<i>Pub, Post</i>
Temporary Use Permit	D	—	—	<i>Post</i>
<i>Temporary Use Permit - Objected</i>		<i>D (hearing)</i>		—
Sign Permit	D	—	—	—
Major Subdivision				
Preapplication	R & C	—	—	—
Preliminary Plat	R & C	R & C (hearing)	D (hearing)	<i>Pub, Post</i>
Final Plat	R & C	R & C (hearing)	D (hearing)	<i>Pub, M, Post</i>
Minor Subdivision				
Preapplication	R & C	—	—	—

Final Plat	R & C	R & C (hearing)	D (hearing)	<i>Pub, M, Post</i>
Site Development Plan				
Preapplication	R & C	—	—	—
Site Development Plan	R & C	R & C (hearing)	D (hearing)	<i>Pub, M, Post</i>
Site Specific Development Plan	R & C	R & C (hearing)	D (hearing)	<i>Pub, M, Post</i>
SDP Amendment – Minor	D	—	—	—
SDP Amendment – Major	R & C	R & C (hearing)	D (hearing)	<i>Pub, M, Post</i>
Planned Development				
Preapplication – (<i>PD and FDP</i>)	R & C	—	—	—
PD Plan (Zoning)	R & C	R & C (hearing)	D (hearing)	<i>Pub, M, Post</i>
Final Development Plan	R & C	R & C (hearing)	D (hearing)	<i>Pub, M, Post</i>
FDP Amendment – Minor	D	—	—	—
FDP Amendment – Major	R & C	R & C (hearing)	D (hearing)	<i>Pub, M, Post</i>
PD Amendment	R & C	R & C (hearing)	D (hearing)	<i>Pub, M, Post</i>
Miscellaneous				
Lot Line Adjustment	D	—	—	—
Subdivision Exemption	D	—	—	—
Comprehensive Plan Amendment	R & C	R & C (hearing)	D (hearing)	<i>Pub</i>
Annexation	R & C	R & C	D (hearing)	<i>Per Municipal Annexation Act</i>
Street/Alley/Easement Vacation	R & C	R & C	D (hearing)	<i>Pub, M, Post</i>
Land Disturbance Permit	D	—	—	—
Building Permit	D	—	—	—
Major Public Improvement	R & C	R & C (hearing)	D (hearing)	<i>Pub, Post</i>
Historic Designation	R & C	R & C	D	<i>Post</i>
Board of Adjustment				
Variance	R & C	—	D (hearing)	<i>Pub, M, Post</i>
Appeal	R & C	—	D (hearing)	—

R & C = Review and Comment
D = Decision (process steps stops)
— = No action
Pub = Publication
M = Mailing
Post = Posting

Sec. 16-2-40. Application procedures.

(a) Preapplication conference. To minimize development costs, avoid misunderstanding or misinterpretation and ensure compliance with this Chapter, a preapplication conference between the applicant and the Manager is required for all applications. This conference is for information-sharing purposes only, and applicants should not assume that the issues identified at this conference will be the only issues to surface during the course of the review process. The Town reserves the right to address any relevant issues up to the final decision.

(b) Agency review. Upon receipt of the complete submittal, the Manager shall promptly distribute copies to the following agencies as determined necessary by the Manager:

- (1) Boulder Valley School District.
- (2) Any utility, special district or ditch company as necessary.
- (3) The Urban Drainage and Flood Control District.
- (4) The Rocky Mountain Metropolitan Airport.
- (5) The State Engineer for an opinion regarding material injury to decreed water rights, historic use of and estimated water yield to supply the proposed development, and conditions associated with said water supply evidence.
- (6) The Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land.
- (7) *The Boulder County Land Use Department or Jefferson County Land Use Department, as applicable.*
- (8) The Rocky Mountain Fire District.
- (9) The Colorado Department of Transportation (CDOT).
- (10) *The Colorado Division of Wildlife.*
- (11) Other applicable reviewing agencies as determined by the Manager.

(c)(d) Agency comments. The failure of any agency to respond within the time established by the Manager for the purpose of the hearing on the plan shall be deemed an approval of such plan.

(d) *Owners of mineral estates. The applicant shall be solely responsible for all notification of mineral estate owners required by applicable law, and shall submit evidence of such notification with the application.*

(e) Complete applications. Upon receipt of a complete application, the Manager shall place the application on the agenda of the appropriate reviewing body. An application that is incomplete shall not be processed further.

(f) Administrative report. All applications shall be accompanied by a report from the Manager setting forth the results of staff and agency review of the application, including proposed findings concerning the application's compliance with this Chapter and any staff recommendations for additional requirements to be imposed by the Town.

Sec. 16-2-60. Notice of public hearing.

* * *

(c) Posting.

(1) If notice by posting is required, the applicant shall accomplish such notice by prominently posting one (1) sign within two (2) feet of the property line on each public street frontage on the property that is the subject of the proposed action. *The sign shall be a minimum of three (3) feet tall and four (4) feet wide and four (4) feet off the ground, and the font of the type on the sign shall be a minimum of two (2) inches.* Such sign shall be posted not less than ten (10) days prior to the hearing, shall be easily legible from the nearest public street and shall be in substantially the following format:

NOTICE OF PUBLIC HEARING BEFORE THE (PLANNING COMMISSION OR TOWN BOARD OF TRUSTEES)

Notice is hereby given that the property upon which this sign is posted will be considered for (nature of request) under the Superior Municipal Code. For further information contact the Town of Superior at (303) 499-3675. The public hearing will be held on (date), at the Superior Town Hall at (time).

Name of Proposal: _____

Case Number: _____

Date of Posting: _____

(2) Prior to the hearing, the applicant shall provide an affidavit *and a photograph* showing the property was posted in compliance with this Section.

(3) The posted sign shall be removed by the applicant within fourteen (14) days following the final decision.

~~(d) The following chart indicates which type of notice is required for various land use applications:~~

Notice Requirements

	<i>Publication</i>	<i>Mail</i>	<i>Posting</i>
Rezoning (Zoning Amendment)	Yes	Yes	Yes
Special Use Permit	Yes	No	Yes
Conditional Use Permit	Yes	No	Yes
Temporary Use – Administrative Review	No	No	Yes
Temporary Use – PC Review	Yes	Yes	Yes
Preliminary Plat	Yes	No	Yes
Minor Subdivision – Final Plat	Yes	No	Yes
Site Development Plan (SDP)	Yes	Yes	Yes
Site Specific Development Plan	Yes	Yes	Yes
SDP Amendment – Major	Yes	Yes	Yes
PD Plan (Zoning)	Yes	Yes	Yes
Final Development Plan	Yes	Yes	Yes
FDP Amendment – Major	Yes	Yes	Yes
PD Plan (Zoning) Amendment	Yes	Yes	Yes

Comprehensive Plan Amendment	Yes	No	No
Annexation	Per Municipal Annexation Act		
Street Vacation	Yes	Yes	Yes
Major Public Improvement	Yes	No	No
Variance	Yes	Yes	Yes

Sec. 16-2-120. Special application procedures for eligible telecommunications facilities requests.

(a) *Expedited review.* An eligible telecommunications facilities request shall be approved or denied by the Board of Trustees within 60 days of the date of filing of the request. This time period may be tolled only by mutual agreement or where an application is incomplete. If the Board of Trustees fails to approve or deny an eligible telecommunications facilities request within 60 days (plus any tolling), the request shall be deemed granted. The automatic approval shall become effective only upon the Town's receipt of a written notification from the applicant, after the 60-day period (plus any tolling) has expired, indicating that the application has been deemed granted.

(b) *Application.* Applicants shall only be required to submit such documentation and information as is reasonably necessary to determine whether the modification would substantially change the physical dimensions of an eligible tower or base station. If an application is incomplete, the Town shall provide written notice to the applicant within 30 days, clearly and specifically identifying all missing documents or information. If the application remains incomplete after a supplemental submission, the Town shall again notify the applicant within 10 days, but second or subsequent notices of incompleteness will not require the production of documents or information that was not requested in the original notice of incompleteness.

(c) *Denials.* A decision to deny an eligible telecommunications facilities request shall be in writing and shall include the reasons for the denial.

Sec. 16-6-30. Amendments to Zoning Map.

(a) Amendments to the Zoning Map are accomplished using the procedures that apply to other amendments to this Chapter, as set forth in ~~Section 16-7-20~~ Article VII.

* * *

Sec. 16-6-40. Residential districts.

The following residential districts are hereby established:

- (1) The R-E, Estate Residential District. The R-E District is intended to accommodate very low density single-family residential uses and country estates on large lots that can possibly accommodate livestock at specified density limits.

(2) The R-VL, Very Low Density Residential District. The R-VL District is intended to accommodate single-family residential development in areas served by public water or sewer facilities at very low densities.

(3) The R-L, Low Density Residential District. The R-L District is intended to accommodate single-family, two-family and three-family residences at low densities in areas served by public water and sewer facilities.

(4) The R-M, Medium Density Residential District. The R-M District is intended to accommodate single-family detached, two-family and multi-family dwelling units.

(5) The R-MH, Mobile Home Residential District. The R-MH District is intended to provide a residential zone for mobile home parks.

~~(6) The M-U, Mixed Use District. The M-U District is intended to provide for residential, retail and office uses within a planned area, including multi-family or single-family uses in close proximity to retail or office uses, and to promote compact development, pedestrian circulation and integration, efficient vehicular access to centralized parking and pedestrian scale development.~~

~~(7) The RCS, Residential Character Streets District. The RCS District is intended established to provide an alternative for nonresidential land uses to be developed in the Original Superior residential area of the Town, emphasizing The District's standards and requirements for new development emphasize impact mitigation and design compatibility of new developments with the existing residential uses.~~

* * *

Sec. 16-6-50. Commercial districts.

The following commercial districts are hereby established:

(1) The B-R, Regional Business District. The B-R District is intended to accommodate the widest range of commercial activities, including uses such as regional shopping centers that require a large population base, near major arterials allowing high visibility, easy access and the avoidance of residential traffic conflicts.

(2) The B-C, Community Business District. The B-C District is intended to accommodate commercial development on a scale that is less intensive than that permitted in a B-R District, including retail sales and personal services.

(3) The B-O, Office Business District. The B-O District is intended to accommodate professional and financial services, research and development and corporate offices.

~~(4) The M-U, Mixed Use District. The M-U District is intended to accommodate a variety of land uses, including residential, commercial, office and open space, in arrangements that integrate these uses through unique land area allocations of the uses, or where the uses may be integrated with each other within individual structures.~~

Sec. 16-6-54. Mixed-use districts.

The following mixed-use district is hereby established:

(1) *The M-U, Mixed-Use District. The M-U District is intended to provide for residential, retail, office, and open space uses within a planned area, including multi-family or single family uses in close proximity to retail or office uses, and to promote compact development, pedestrian circulation and integration, efficient vehicular access to centralized parking and pedestrian scale development.*

Sec. 16-6-120. Schedules of uses and requirements.

* * *
Schedule of Uses
RCS District

Permitted Uses:

1. Single-family detached or single-family attached residential conforming with the residential uses allowed in the R-L and R-M Zone Districts.
2. Personal service/professional office uses, such as law offices, doctors' offices, insurance offices, real estate offices, banks, government offices subject to the Schedule of Requirements for R-M Zone Districts.
3. Above uses are subject to Section 16-20-70 80.

* * *

Schedule of Requirements - Residential Districts

<i>Standard</i>	<i>R-E</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>
Minimum lot area (square feet)	43,560	14,520	7,000	6,000	3,750
Maximum building or structure height (feet)	32	32	32	32	32
Maximum height of accessory uses (feet) (see Note 9)	10	10	10	10	10
Maximum number of stories	2	2	2	2	1
<i>Minimum</i> lot width (feet)	150	75	50	50	37.5
<i>Minimum</i> Yyard requirements (feet)					
Front yard setback (principal and accessory uses and structures) (see Note 1 for street types)					
Arterial	50	40	25	25	30
Major collector	35	25	25	25	30
Minor collector	25	25	25	25	30
Local	25	25	25	25	30
Side yard <i>setback</i> (principal accessory uses and structures – interior lot line)	20	10	5	10 ¹⁰	5
Side yard <i>setback</i> (principal accessory uses and structures – abutting street or alley, including a corner lot)	20	10	10	10 ¹⁰	10
Rear yard (principal uses and structures)	35	20	20	20	20
Rear yard (accessory uses and structures – no alley)	35	20	10	10	10

Rear yard (accessory uses and structures – abutting street or alley)	35	20	8	8	8
Creek setback (feet) (principal accessory uses and structures) (see Note 2)	30	30	30	30	30
Maximum lot coverage	20%	30%	40%	40%	
Maximum landscaped open space (see Note 3)	15%	20%	25%	45%	25%
The following additional standards shall be applicable only to development projects on greater than six (6) lots or with a total site area of two (2) acres or greater:					
Density limits (<i>dwelling units per acre</i>)	1	3	6	8	6
Minimum total open space ⁴	15%	20%	25/35% ⁵	45% ⁷	25%
Minimum usable open space ⁴	10%	10%	20/25% ⁶	See Note 8	25%

Notes:

- As defined in Subsection 16-17-20(b).
- Measured from high water mark or boundary line of floodway.
- Or as specified otherwise in Section 16-20-40.
- The usable open space may be included within the total open space calculation. The percentages shown in the chart for total open space and for usable open space are percentages of the gross lot area.
- Developments with lot sizes 8,500 sq. ft. or greater shall have a minimum of 25% total open space; those below 8,500 sq. ft. shall have a minimum of 35% total open space.
- Developments with lot sizes 8,500 sq. ft. or greater shall have a minimum of 20% usable open space; those below 8,500 sq. ft. shall have a minimum of 25% usable open space.
- May be reduced to 40% for multi-family and to 35% for single-family through the PD process.
- 75% of the "minimum total open space."
- Detached garages may be a maximum of 2) stories and 32 feet in height.
- Single-family dwellings and two-family/duplex dwellings may have a minimum of a 5-foot side setback.

Schedule of Requirements - Commercial and Mixed Use Districts

<i>Standard</i>	<i>B-C</i>	<i>B-R</i>	<i>B-O</i>	<i>M-U</i>
Minimum lot area (square feet)				
Nonresidential	6,000	10,000	10,000	3,125
Residential	—	6,000 ¹	—	6,000 ¹
Combined residential/commercial	6,000	10,000	10,000	3,125
Maximum building or structure height	40	40	40	40
Minimum lot width (feet)	25	50	50	50
Maximum number of stories	4	4	3	3
Maximum floor area ratio				
Nonresidential	0.5	0.75	1.0	1.5
Residential	—	0.5	—	0.5
Combined residential/commercial	—	1.25	—	2.0
Yard requirement (feet)				
Front yard setback (see Note 2 for street types)				
Arterial	25	50	50	25
Major collector	25	40	40	25
Minor collector	25	25	25	25

Local	25	25	25	15
Side yard setback	15	10	10	5 ^{6s}
Rear yard setback	15	25	15	25
Creek setback from high water mark (minimum) (see also Section 16-29-90)	30	30	30	30
Minimum landscaped open space	25% ⁴	25% ⁴	40% ⁴	30% ⁴
Maximum building height for single-family detached (feet)	N/A	N/A	N/A	32

Notes:

1. Residential minimum lot sizes in the B-R District shall conform to the requirements of the R-M District.
2. As defined in Subsections 16-17-20(b) and (c).
3. In the B-R, B-C and B-O Districts, the minimum side yard shall be 10 feet for the first 25 feet of building height. Buildings in excess of 25 feet shall increase the side yard setback 1 foot for each 2 feet of building height over 25 feet to a maximum setback of 25 feet.
4. Of the required minimum landscaped open space, up to 20% may be provided in the public right-of-way with credits given for pedestrian improvements, street furniture, subject to the approval of the Planning Commission and Board of Trustees.
5. Zero lot line or patio/single-family detached units are allowed in this district. The minimum side setback to the next unit from a zero lot line unit is 5 feet.

Schedule of Requirements - Industrial Zone Districts

<i>Standard</i>	<i>I-L</i>	<i>I-H</i>
Minimum lot area (square feet)	10,000	14,000
Maximum building or structure height (feet)	60	65
Maximum number of stories	3	4
Maximum floor area ratio	2:1	2.5:1
Minimum lot width (feet)	50	100
Yard requirements (feet) ¹		
Front yard setback		
Local street	20	30
Other streets	25	35
Setback from zone district boundaries (landscaped)	20	30
Side yard setback	10 ²	10 ²
Rear yard setback	10 ²	10 ²
Creek setback from high water mark (minimum) (feet)	50	50
Minimum landscaped open space ³ (useable and total)	15%	15%

Notes:

1. Street types defined in Subsections 16-17-20(b) and (c).
2. Variable side and rear yard setbacks may be permitted that would allow a zero lot line development, provided that the following conditions are met: a minimum of 20 feet is maintained between buildings unless common wall construction is proposed; the lot line does not abut a public right-of-way or private access easement; all zero lot line developments provide a maintenance easement of 3 feet adjacent to the lot line with a zero setback; the variable setback is allowed only where all the lots involved are part of a platted subdivision of a PD with unified ownership of the lots adjacent to the property line with the reduced setback; and any other conditions deemed appropriate by the Board of Trustees.
3. The usable open space may be included within the total open space calculation. The percentages shown in the chart for total open space and for usable open space are percentages of the gross lot area.

Schedule of Requirements - Agricultural and Open Space Districts

<i>Standard</i>	<i>A-UR</i>	<i>OS-R</i>	<i>OS-N</i>
Minimum lot area	35	0.25	0.25
Maximum building or structure height (feet)	35	25	(Note 1)
Maximum number of stories	2	1	NA
Minimum lot width (feet)	200	50	NA
Maximum lot coverage	35%	35%	NA
Yard requirement (feet)			
Front yard setback	50	50	NA
Side yard <i>setback</i>	25	25	NA
Rear yard <i>setback</i>	30	30	NA
Creek setback from high water mark A (feet) (minimum)	30	30	30

Notes:

1. As approved by a special use or conditional use permit.

Sec. 16-8-40. Minor subdivision.

(a) Procedure. The following procedures shall be followed when reviewing a minor subdivision:

- (1) Preapplication conference. The Manager shall review the ~~sketch~~ *concept* plan and provide recommendations and comments to the applicant.

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Sec. 16-8-60. Resubdivision and lot line adjustments.

(a) Resubdivision of land (*also referred to as a replat*) is considered a new subdivision, except that lot lines may be adjusted administratively on approved and recorded plats if the following conditions are met:

- (1) All public improvements required at the existing phase of development are installed and approved;
- (2) No parcel shall be created that does not meet the minimum standards required by this Chapter and other applicable regulations;
- (3) The lot line adjustment shall not adversely affect the character of the previously recorded plat or the character of the area;
- (4) The lot line adjustment shall not result in an increase in the total density of the original subdivision; and
- (5) A final plat is prepared for filing showing all changes.

* * *

Sec. 16-8-80. Lot standards.

(a) Division. No lot shall be divided by a municipal or county boundary line, road, alley or other lot.

(b) Shape. In the case of wedge-shaped lots, no lot shall be less than twenty (20) feet in width where the narrow side of the lot is at the front property line.

(c) Lot lines. Side lot lines shall be substantially at right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be indicated.

~~(d) Corner lots. Corner lots in all subdivisions shall have the minimum front yard requirements as required by the zone district facing both streets.~~

Sec. 16-10-20. General requirements.

Because the creation of a PD involves a particular land area and standards for development may be negotiated that are different from those set forth in the schedule of requirements for the basic zone districts in this Chapter, such different standards, as negotiated, are allowed when all of the following general and specific criteria have been met:

(1) Design and construction of the PD shall include adequate, safe and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space. All developments shall provide for pedestrian access from adjacent developments, open space areas and trails through the developments to border streets or open spaces and trails.

(2) The applicant shall clearly demonstrate the positive benefits to the Town of the PD District classification versus a traditional single district zone classification.

(3) The plans for the proposed PD shall indicate the particular portions of the project that the applicant intends to develop under various use categories. Densities, acreage and permitted uses shall be detailed for all development areas within the PD. A summary chart indicating development standards applicable to the entire PD or separate areas within the PD shall be required.

(4) The total parking requirements of the PD may exceed the sum of the parking that would be required for each separate use pursuant to Article XXIV. However, the total parking requirements may be reduced if the applicant demonstrates to the Town by using standard parking reduction ratios that the total number of spaces is not needed within the PD.

(5) Planned open spaces within the PD, including those spaces being used as public or private recreation sites, shall be protected by adequate covenants running with the land, or by conveyances or dedications.

(6) Open space percentages within separate land use areas of a PD may vary from the percentages provided in this Chapter, but the total amount of open area shall equal the total overall amount required for residential and nonresidential PDs.

(7) Traffic circulation shall be determined by review of each PD. The PD shall have an adequate internal street circulation system. Public streets shall serve all PD planning areas. Streets in a PD District may be designed to a standard that is different than the Town's adopted street standards, particularly in regard to width and traffic calming. Private roads may be permitted if they meet minimum construction standards and can be used by police and fire department vehicles for emergency purposes and each structure or use in the PD provides off- street loading spaces, loading berths, service courts or accesses.

(8) Placement of parking in attached, under-structure, underground or in structures is encouraged and shall be considered in allowing height and density increases over the limits of the basic zone districts.

(9) *The minimum area for a PD shall be two (2) acres.*

Sec. 16-10-40. Final development plan.

(a) A final development plan (FDP) may only be approved after approval of a PD plan.

(b) Criteria.

(1) Prior to approving an FDP, the Planning Commission and the Board of Trustees shall find that the FDP is consistent with the PD plan and all other Town ordinances and regulations.

(2) The Planning Commission, however, may approve an FDP which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the PD plan review and approval.

(3) An FDP may be submitted in sections covering representative and reasonable portions of the subdivision tract. In such cases, submission shall include a map indicating the sections designated for the entire tract, and each sheet numbered accordingly, including title, legend, matchlines and other appropriate information. When an entire parcel is not subdivided, the applicant shall indicate his or her intended plans for disposition of the remainder of the parcel.

(4) *When an ambiguity exists in the application of a PD plan to an FDP, or when a PD plan does not address a development standard, the applicable development standard of this Chapter shall apply to the FDP.*

* * *

Sec. 16-10-60. PD and FDP expiration.

~~(a) FDPs shall be filed within twenty four (24) months of the PD approval. If all FDPs are not filed within such time period, PD plan and FDP approvals shall expire after the following time limits unless extended by the Board of Trustees after a public hearing. In the case of the expiration of a PD plan, the property in question may be reverted to its original zoning or, in the case of property that was annexed and zoned PD, the property may be reverted to the Agricultural-Urban Reserve (A-UR) District classification. No reversion shall occur until after a hearing by the Board of Trustees and a decision by the Board of Trustees rezoning the affected property.~~

~~(b) The grace period for filing a PD plan from the date of administrative approval is twelve (12) months. PD plans expire at the end of the grace period of this Subsection unless an FDP is filed within the grace period.~~

~~(c) The grace period for filing a FDP from the date of approval of a PD plan is twenty-four (24) months. FDPs are valid for a period of three (3) years from date of approval or for the period of vesting pursuant to Article XII.~~

Sec. 16-11-40. Submittal requirements.

* * *

(b) Drawings. In addition to meeting the standard drawing requirements set forth in the Superior Development Application Standards, the SDP drawings shall include the following:

- (1) A site plan showing all proposed improvements, in detail, including:
 - a. Property dimensions, including lot lines and lot design.
 - b. Dimensions and location of all proposed structures, their footprints and height, the number of floors, number of dwelling units, all overhangs or protrusions into the public or private access routes, location of entrances and loading points. All structures shall be dimensioned and their locations shall be tied out, meaning sufficient information to determine the coordinates of any corner of any structure. Any structure within ten (10) feet of an easement shall show the distance between the closest point of the structure to the nearest point of the easement. Note total building coverage: percent and square footage. Include setback dimensions from property lines.
 - c. Name and dimension of all public and private road rights-of-way, points of access on or adjacent to the proposed site and surface materials.
 - d. Location, dimension and surface materials of required off-street parking and loading areas.

e. The structure's use for parking calculations, the gross floor area and the number of vehicle trips generated by the various uses on the site. Vehicle trip generation charts by use may be included in the traffic study.

f. Dimensions and locations for all curb cuts, driving lanes, bicycle lanes, pedestrian ways, garages, carports, public transportation pick-up points and mail box kiosks. All public improvements should be labeled, with dimensions, and tied out to property lines.

g. Dimensions and location of all walls, fences and screen plantings adjacent to public rights-of-ways and on the site, particularly around recreational vehicle and equipment storage areas and trash disposal facilities.

h. Location and dimensions of all existing and proposed drainage, utility and other easements, water and sewer lines, water meters and fire lanes and hydrants. Location and size of drainage facilities, and the direction of flow.

(2) A landscape plan showing all landscaping and buffering details, including:

a. Dimensions, square footage, percent of site and location of open space and common areas shall be shown on the plan.

b. Open space requirements for various use categories are set forth in Subsection 16-6-120(c). Percentage calculations for open space shall be shown.

c. Building entrances, pedestrian walks or paths, pedestrian-oriented areas and vehicular drives and exterior parking areas (including dimensions, materials and type of surface finish) shall be noted. Recreation areas, use and general equipment locations, as well as all fences, garden structures and plazas, shall be shown. Construction details showing methods of construction, materials, finishes, colors and the type and location of the irrigation system shall be included. Hand watering is not acceptable.

d. Slopes and mound areas within the site shall be called out as set forth in Article ~~XXI~~ XXVII.

* * *

Sec. 16-12-50. Notice of approval.

(a) Each map, plat or site plan or other document constituting a site specific development plan shall contain the following notice: "This plan constitutes a site specific development plan as defined in Section 24-68-101, *et seq.*, C.R.S., and Chapter 16 of the Superior Municipal Code, available at the Superior Town Hall, 124 East Coal Creek Drive, Superior, Colorado." Failure to include this statement shall invalidate the vested property right.

(b) The Town shall publish a notice describing generally the type and intensity of the use approved, the specific property affected and stating that a vested property right has been

created. The notice shall be published once in a newspaper of general circulation in the Town *within fourteen (14) days of approval.*

Sec. 16-16-10. Temporary use permits.

* * *

(f) Duration. All temporary use permits shall expire on the date stated on the permit, which in no event shall be more than six (6) months, *except for temporary use permits for construction trailers, which shall expire not more than twenty four (24) months after issuance of the permit.* It is unlawful to fail to remove from the property, within fifteen (15) days after expiration of a temporary use permit, all temporary structures and improvements not permitted in the zone district.

Sec. 16-20-30. Lighting requirements.

(a) The following general lighting requirements apply to those developments addressed in Sections 16-20-40 through Sections 16-20-70.

(1) All exterior lights for streets, parking drives, walkways and buildings shall be ~~metal halide~~ LED (light emitting diode), casting a white light.

* * *

Sec. 16-23-30. Trash and recycling areas.

(a) Centralized refuse storage facilities shall provide recycling containers pursuant to policies of the Town or the trash contractor.

(b) Homeowners' associations which provide or contract for trash disposal service shall provide recycling containers pursuant to policies of the Town or the trash contractor.

(c) Criteria for trash recycling areas include, but are not limited to, the appropriateness of the collection system for the use of the property, integration of the system with the site plan, minimization of noise and odor and convenience of access.

(d) ~~The Town's goal is to obtain a diversion of fifty percent (50%) recycling from the waste stream.~~ Equal space shall be provided for both garbage and recycling in all new buildings, developments and significant remodels.

* * *

Sec. 16-26-30. Stormwater management.

(a) Drainage and floodplain systems shall be designed to permit the unimpeded flow of natural water courses.

(b) Developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments.

(1) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby causing substantial change to such higher adjacent properties; and

(2) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

(c) The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but, where applicable, shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream.

(d) *For projects with a disturbed area of more than one (1) acre or projects that are part of a larger common plan of development that will disturb more than one (1) acre, the* The drainage system shall be designed to prevent any increase in discharge from the development site as a result of development unless it is in a master drainage plan area; then it shall conform to the master drainage plan. Stormwater drainage from the site shall be restricted by the drainage system to a rate equal to the historic discharges from the undeveloped site unless it is in a master drainage plan area.

(e) Complete drainage systems for the entire development area shall be designed by a professional engineer licensed in the State and qualified to perform such work. All existing drainage features which shall be incorporated in the design shall be so identified. All proposed surface drainage structures shall be indicated and all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans. If the development is to be constructed in phases, a general drainage plan for the entire area shall be presented with the first phase and appropriate development stages for the drainage system for each phase shall be indicated.

(f) A study detailing methods of handling all drainage shall be approved by the Manager.

Sec. 16-26-40. ~~Drainage and stormwater within the Coal Creek Basin and Rock Creek Basin Major Drainageway Plan.~~

All plans and permits for construction within the Coal Creek *and Rock Creek* Basin shall be approved by the Town only if the application is in conformance with and provides for the drainage improvements and stormwater control set forth in the current Coal Creek *and Rock Creek Major Master Drainageway* Plan for the property for which plan or permit approval is sought. ~~For purposes of this Section, the Coal Creek Basin shall mean all properties within the boundaries of the Town lying north of the Superior Water Treatment Plant.~~

Sec. 16-31-80. Eligible telecommunications facilities requests.

(a) Approval.

(1) Notwithstanding any other provision of this Code, the Town shall approve any eligible telecommunications facilities request that does not substantially change the physical dimensions of a tower or base station.

(2) The Town may condition the approval of any eligible telecommunications facilities request on compliance with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety.

(3) The Town may approve an eligible telecommunications facilities request for a modification of an existing tower or base station which substantially changes the physical dimensions of such tower or base station if it complies with Article XXXI.

(b) A substantial change in the height of an existing tower or base station occurs where any of the following criteria are found:

(1) For a tower outside of a public right-of-way, when the height of the tower is increased by more than ten percent (10%), or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater.

(2) For a tower located in a public right-of-way or a base station, where the height of the structure increases by more than ten percent (10%) or by more than ten (10) feet, whichever is greater.

(c) Changes in height are to be measured as follows:

(1) Where deployments are separated horizontally, changes in height shall be measured from the original support structure and not from the height of any existing telecommunications equipment.

(2) Where deployments are separated vertically, changes in height shall be measured from the height of the tower or base station, including any appurtenances, as the tower or base station existed on February 22, 2012.

(d) A substantial change in the width of an existing tower or base station occurs where any of the following criteria are found:

(1) For a tower outside of a public right-of-way, when the addition of an appurtenance to the body of the tower protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.

(2) For a tower in a public right-of-way or a base station, when the addition of an appurtenance to the body of the structure would protrude from the edge of the structure by more than six (6) feet.

(e) For existing towers in public rights-of-way and for existing base stations, a substantial change also occurs as follows:

(1) When the change involves the installation of any new equipment cabinets on the ground if no ground cabinets presently exist.

(2) When the change involves the installation of ground cabinets that are more than 10% larger in height or overall volume than any existing ground cabinets.

(f) A substantial change also occurs for any existing tower or base station when one or more of the following criteria are found:

(1) When the change involves installation of more than four (4) new equipment cabinets or the standard number of new equipment cabinets for the technology involved, whichever is less.

(2) When the change entails any excavation or deployment outside of the current site.

(3) When the change would defeat the concealment elements of the eligible support structure.

(4) When the change does not comply with conditions associated with the original siting approval of the construction or modification of the tower, base station or base station equipment. This limitation does not apply when a modification is non-compliant with such conditions only in a manner that would not exceed the thresholds identified in Subsections (b), (d), (e) or (f)(1) hereof.