

TOWN OF SUPERIOR
ORDINANCE NO. O-3
SERIES 2023

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
SUPERIOR APPROVING AN APPLICATION TO REZONE LOTS 5 & 6
WITHIN THE ERIN'S COMMUNITY SUBDIVISION OF ORIGINAL
TOWN, CASE NO. RZN-2023-01

WHEREAS, the Town of Superior (the "Applicant") owns certain real property located in the Town, generally referred to as Lots 5 & 6 of the Erin's Community FLG 1 (the "Property");

WHEREAS, the Applicant has filed an application for approval to rezone the Property from R-L Low Density Residential to OS-N, Open Space - Natural Uses Zone District (the "Application");

WHEREAS, the specific requirements for rezoning are set forth in Sections 16-7-10 through 16-7-40 of the Superior Municipal Code (the "Code");

WHEREAS, Section 16-10-30(c)(3) of the Code requires a public hearing before the Planning Commission and recommendation by the Planning Commission to the Board of Trustees regarding an amendment to a PD Plan;

WHEREAS, on April 4, 2023, the Planning Commission held a properly-noticed public hearing on the Application and recommended approval of the Application;

WHEREAS, Section 16-7-30(a) of the Code also requires a public hearing by the Board of Trustees prior to approval of a rezoning;

WHEREAS, on April 24, 2023, the Board of Trustees held a properly-noticed public hearing on the Application; and

WHEREAS, the Board of Trustees, upon reviewing the recommendation of the Planning Commission to approve the Application, hearing statements of staff and the public, and giving due consideration to the matter, finds and determines as provided below.

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

Section 1. The Board of Trustees hereby finds and determines that the Application satisfies the criteria for rezoning set forth in Section 16-7-30 of the Code.

Section 2. The Board of Trustees hereby approves the rezoning of Lots 5 & 6 of the Erin's Community Subdivision OF Original Town, as set forth in the Application.

Section 3. 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 4. 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 24th day of April, 2023.



Mark Lacis, Mayor

ATTEST:



Lydia Yecke, Town Clerk

