

**TOWN OF SUPERIOR
ORDINANCE NO. O-8
SERIES 2023**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR DENYING AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT FOR SAGAMORE TO MODIFY REGULATIONS FOR FENCING REQUIREMENTS, OPTIONS 1, 2, 3, 4, 4A, AND 5, CASE NO. PDA-2023-0002

WHEREAS, Sagamore is a single-family residential neighborhood in the area more particularly described in **Exhibit A** (the "Property"), which neighborhood is subject to the Sagamore Planned Unit Development (the "PUD");

WHEREAS, the PUD was approved in 1997 and was amended on April 14, 2022, following the significant damage to Sagamore due the 2021 Marshall Fire, to allow for additional flexibility to account for various construction trends as Sagamore residents rebuild their homes as expeditiously as possible;

WHEREAS, the PUD was amended on July 24, 2022 (the "Second Amendment"), to modify landscape and building designs to reduce the risk of wildfires including without limitation regulations concerning fencing requirements;

WHEREAS, the Town proposes to modify the PUD to require regulations specifically designed to address ambiguity in the Second Amendment concerning fencing requirements;

WHEREAS, Section 16-10-30(c)(3) of the Superior Municipal Code (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 PUD;

WHEREAS, on May 2, 2023, the Planning Commission held a properly-noticed public hearing on the proposed amendments to the PUD and recommended denial of Option 1;

WHEREAS, Section 16-10-30 of the Code requires a public hearing and decision by the Board of Trustees on the Application;

WHEREAS, on May 8, 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, hearing the 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 makes the following findings and determinations denying the Application, Options 1, 2, 3, 4, 4a, and 5, finding that the Application, Options 1, 2, 3, 4, 4a, and 5 do not satisfy the criteria for a PUD Amendment as set forth in Section 16-10-30 of the Code:

A. The Board finds that the proposed PUD amendments as proposed in Options 1, 2, 3, 4, 4a, and 5 are not in the best interest of the Town or Sagamore residents and do not meet the Town's policy decisions concerning the use of combustible materials for fencing after the Marshall Fire Disaster.

Section 2. The Board of Trustees hereby denies Amendment #3, Options 1, 2, 3, 4, 4a, and 5, to the Planned Development for Sagamore, 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.

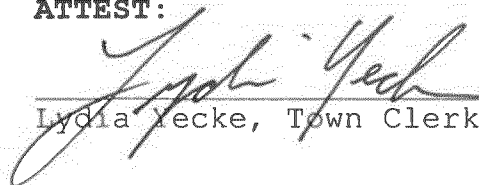
Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 22nd day of May, 2023.



Mark Lacis, Mayor

ATTEST:



Lydia Yecke, Town Clerk



Exhibit A
Legal Description

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF SUPERIOR, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER CORNER OF SAID SECTION 24;

THENCE SOUTH 00°11'17" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24 A DISTANCE OF 1227.16 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF BOULDER COUNTY ROAD 25.

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES;

1. THENCE SOUTH 44°17'27" WEST A DISTANCE OF 685.36 FEET;
2. THENCE SOUTH 43°37'04" WEST A DISTANCE OF 153.79 FEET TO THE SOUTHWEST CORNER OF THAT COLORADO AND SOUTHERN RAILROAD RIGHT-OF-WAY PARCEL AS DESCRIBED IN THE BOULDER COUNTY CLERK AND RECORDERS OFFICE IN BOOK 223, PAGE 171;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID PARCEL THE FOLLOWING THREE (3) COURSES;

1. THENCE NORTH 03°05'28" EAST A DISTANCE OF 245.42 FEET TO A POINT OF CURVATURE;
2. THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 24°15'10". A RADIUS OF 1535.86 FEET AND AN ARC LENGTH OF 650.12 FEET;
3. THENCE NORTH 21°09'42" WEST A DISTANCE OF 1048.05 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 24;

THENCE SOUTH 88°19'29" EAST ALONG SAID NORTH LINE OF SECTION 24 A DISTANCE OF 1047.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 26.87 ACRES, MORE OR LESS.