

TOWN OF SUPERIOR  
ORDINANCE NO. O-4  
SERIES 2024

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
SUPERIOR AMENDING PORTIONS OF CHAPTER 16 OF THE SUPERIOR  
MUNICIPAL CODE CONCERNING LAND USE

**WHEREAS**, Chapter 16 of the Superior Municipal Code concerns land use requirements within the Town; and

**WHEREAS**, the Board of Trustees desires to update certain sections of Chapter 16 to clarify and harmonize specific requirements within Chapter 16.

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

**Section 1.** Section 16-1-70 of the Superior Municipal Code is hereby amended to read as follows:

**Sec. 16-1-70. – Definitions.**

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

\* \* \*

*Architectural projection* means any projection not intended for occupancy that extends beyond the face of an exterior wall of a building, including, without limitation, cornices, eave belt courses, sills, fireplaces, roof overhangs, mansards, unenclosed decorative balconies, marquees, canopies, pilasters and fascia, but not including signs.

*Setback* means the horizontal distance between a lot line and the nearest extremity of any building or structure; provided, however, that architectural projections may project no more than thirty (30) inches into the setback space.

\* \* \*

**Section 2.** The Land Use Approval List in Section 16-2-10 of the Superior Municipal Code is hereby amended to read as follows:

### Land Use Approval List

	<b>Step One: Staff</b>	<b>Step Two: Planning Commission</b>	<b>Step Three: Board of Trustees</b>	<b>Notice Requirement</b>
<b>Zoning and Use Permits</b>				
Preapplication	R & C	—	—	—
Rezoning (Zoning Amendment)	R & C	R & C (hearing)	D (hearing)	Pub, M, Post
Special Use Permit	R & C	R & C (hearing)	D (hearing)	Pub, Post
Conditional Use Permit	R & C	D (hearing)	—	Pub, Post
Temporary Use Permit	D	—	—	Post
Temporary Use Permit - Objected		D (hearing)		—
Sign Permit	D	—	—	—
<b>Major Subdivision</b>				
Preapplication	R & C	—	—	—
Final Plat	R & C	R & C (hearing)	D (hearing)	Pub, M, Post
<b>Minor Subdivision</b>				
Preapplication	R & C	—	—	—
Final Plat	R & C	R & C (hearing)	D (hearing)	Pub, M, Post
<b>Site Development Plan</b>				
Preapplication	R & C	—	—	—
Site Development Plan	R & C	R & C (hearing)	D (hearing)	Pub, M, Post
SDP, Administrative	D	—	—	—
Site Specific Development Plan	R & C	R & C (hearing)	D (hearing)	Pub, M, Post
SDP Amendment - Minor	D	—	—	—
SDP Amendment - Major	R & C	R & C (hearing)	D (hearing)	Pub, M, Post
<b>Planned Development</b>				
Preapplication – (PD and FDP)	R & C	—	—	—
PD Plan (Zoning)	R & C	R & C (hearing)	D (hearing)	Pub, M, Post
Final Development Plan	R & C	R & C (hearing)	D (hearing)	Pub, M, Post
FDP Amendment - Minor	D	—	—	—
FDP Amendment - Major	R & C	R & C (hearing)	D (hearing)	Pub, M, Post
PD Amendment	R & C	R & C (hearing)	D (hearing)	Pub, M, Post

<b>Miscellaneous</b>				
Lot Line Adjustment	D	—	—	—
Subdivision Exemption	D	—	—	—
Comprehensive Plan Amendment	R & C	R & C (hearing)	D (hearing)	Pub
Annexation	R & C	R & C	D (hearing)	Per Municipal Annexation Act
Street/Alley/Easement Vacation	R & C	R & C	D (hearing)	Pub, M, Post
Land Disturbance Permit	D	—	—	—
Building Permit	D	—	—	—
Major Public Improvement	R & C	R & C (hearing)	D (hearing)	Pub, Post
Historic Designation	R & C	R & C	D	Post
<b>Board of Adjustment</b>				
Variance	R & C	—	D (hearing)	Pub, M, Post
Appeal	R & C	—	D (hearing)	—

R & C = Review and Comment

D = Decision (process stops)

— = No action

Pub = Publication

M = Mailing

Post = Posting

**Section 3.** Section 16-2-40(b) of the Superior Municipal Code is hereby amended to read as follows:

**Sec. 16-2-40. – Application procedures.**

(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 *Mile High Flood* 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) Boulder County or Jefferson County, as applicable.
- (8) The Mountain View 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.

**Section 4.** Section 16-2-120 of the Superior Municipal Code is hereby repealed in its entirety.

**Section 5.** Note 1 of the Schedule of Requirements Table for Residential District in Section 16-6-120 of the Superior Municipal Code is hereby amended to read as follows:

**Notes:**

- 1. As defined in Section 16-17-20.

\* \* \*

**Section 6.** The Schedule of Requirements Table for Commercial and Mixed Use Districts in Section 16-6-120 of the Superior Municipal Code is hereby amended to read as follows:

**Schedule of Requirements  
Commercial and Mixed Use Districts**

<i>Standard</i>	<i>B-C</i>	<i>B-R</i>	<i>B-</i>	<i>M-U</i>
Minimum lot area (square feet)				
Nonresidential	6,000	10,000	10,000	3,125
Residential	—	6,000 <sup>1</sup>	—	6,000 <sup>1</sup>
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	See Note 3	See Note 3	See Note 3	5 <sup>5</sup>
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% <sup>4</sup>	25% <sup>4</sup>	40% <sup>4</sup>	30% <sup>4</sup>
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.

**Section 7.** Section 16-8-50 of the Superior Municipal Code is hereby amended to read as follows:

**Sec. 16-8-50. – Major subdivision.**

(a) Procedure. The process for reviewing a major subdivision shall be as follows:

(1) Preapplication conference. The Manager shall meet with the applicant, review the concept plan and provide recommendations and comments to the applicant.

(2) Final plat. The final plat process requires review and comment by the Manager and the Planning Commission, and a final decision by the Board of Trustees.

(b) Criteria. Final plats shall be reviewed for conformity with this Chapter and the Comprehensive Plan; provided that the Town may approve a final plat that is inconsistent with the Comprehensive Plan at its discretion.

(c) Final plat submittal requirements. In addition to the standard submittal materials required by the Superior Development Application Standards, the final plat shall include the following:

(1) If the final plat is submitted in sections or filings covering representative and reasonable portions of the subdivision tract, a map, indicating the sections designated for the entire tract, and each sheet numbered accordingly, including title, legend, matchlines and other appropriate information.

(2) If additional subdivision of the parcel is planned, a narrative indicating the intended future subdivision plans.

(3) Final engineering plans and all required supplemental material.

(4) Dedications, reservations and agreements concerning parks, school sites and access roads are subject to Board of Trustees approval. Where such action involves another public agency, a letter of clearance from that agency shall accompany the final plat application.

(5) Any agreement for the dedication of land or fees-in-lieu of for public purposes. A signed warranty deed conveying land designated for public purposes or, at the discretion of the Board of Trustees, a certified check for an agreed upon amount. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear of all taxes, liens or other encumbrances.

(6) In the case of a PD, an official signed deed dedicating or reserving certain tracts or the development rights to such tracts for local use as may have been agreed upon. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear of all taxes, liens or other encumbrances.

(7) An official signed document conveying the water rights required by this Chapter to the Town, or, at the discretion of the Board of Trustees, a certified check for an agreed amount. The document shall be accompanied by a title insurance policy or other evidence that the water is free and clear of all taxes, liens or other encumbrances.

(8) A bond or letter of credit equal to the total estimated construction cost of all required subdivision improvements not yet completed at the time of application for final plat approval. Such improvements shall include but not

necessarily be limited to streets, roads, paving, curb and gutter, sidewalks, storm sewers, sanitary sewers including collectors and outfall lines, water distribution and transmission lines, fire hydrants, street lights, street signs, traffic control devices, survey monuments, culverts, bridges and landscaping features. Bonds or letters of credit may be negotiated based on development phases of the subdivision.

(9) An executed copy of the subdivision improvement agreement.

(10) If a homeowners' association or other entity is to be used for the administration and maintenance of private roads or open space and recreational facilities, a binding and perpetual agreement in regard to maintenance and access control shall be submitted with the final plat. Such agreement shall be in a form acceptable to the Town, shall be recorded with the County Clerk and Recorder prior to or simultaneously with recording of the final plat, and shall include provisions for:

- a. Adequate funding and self-enforcement by the homeowners' association of the terms contained in the agreement.
- b. Continuous safety inspections and immediate follow-up maintenance to correct unsafe conditions.
- c. Receiving and processing complaints by authorized users of the private roads or open space and recreational facilities.
- d. Requiring written permission from the Board of Trustees before the association can be dissolved.

(11) Where a portion of an existing easement is contiguous to a proposed easement for right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Board of Trustees shall be submitted.

(12) When a new street will intersect with a state highway, a copy of the state highway access permit shall be submitted. If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(13) A summary statement, including the following:

- a. Total development area;
  - b. Total number of proposed dwelling units;
  - c. Estimated total number of gallons per day of water system requirements;
  - d. Estimated total number of gallons per day of sewage to be treated;
- and

e. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, flood plain protection, storm drainage facilities and such other facilities as may be necessary. If improvements are not to be completed prior to approval of the final plat, the cost estimates included in this statement shall be identical to those included in the improvement agreement.

(14) Certification of inclusion of the land represented by the final plat in SMD1.

(15) Certification from SMD1 that all applicable fees have been paid relative to the final plat including sewer connection fees or plant investment fees or that an agreement has been executed acceptable to SMD1 for such payment.

(16) A check for the applicable water tap and plant investment fees, or a contract for payment of said fees in a form acceptable to the Town.

(17) No subdivision shall be approved until such data, surveys, analyses, studies, plans and designs have been submitted, reviewed and found to these subdivision regulations and all other applicable law. The minimum data required for final plat review are as follows:

a. Street construction plans and profiles shall include:

1. Sufficient data to show how to construct major structures and road appurtenances, such as bridges, large culverts, curbs, drives, walks and cross pans. Details should include orientation, line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality and specifications.

2. A structural street section design report shall be submitted for review by the Town. The design criteria set forth in the Town's Roadway Design Criteria and Standards shall be used in the preparation of the final street construction plans and profiles.

b. Final drainage plans and reports shall include:

1. Plans and specifications detailing design of the final storm drainage system, including construction details and alignment of storm sewers, catch basins, manholes, ditches, slope protection, dams and energy dissipaters.

2. Flow line profiles and layout elevations at minimum one-hundred-foot stations, and natural ground elevations shown to indicate any significant irregularities for proposed conduits, channels and structures.



3. Cross-sections of each water carrier showing high water elevations and adjacent features which may be affected thereby.

4. Construction details of curb, curb and gutter, valley gutter, driveway apron and ditch culvert.

5. Written approvals as may be required from other agencies or parties that may be affected by the drainage proposal.

6. A drainage report including the supporting calculations for runoffs, times of concentration and flow capacity with assumptions clearly stated and with proper justification when needed or requested.

7. A final drainage plan in conformance with the design criteria set forth in the Town's Roadway Design Criteria and Standards.

c. Final utility plans and profiles shall include:

1. Plans and specifications detailing the design of final water, sanitary sewer, natural gas, telephone, electric and cable television facilities to be installed in the area included in the final plat, and any off-site facilities related to the above-described utilities which may be considered an integral part of the utilities plan for the subdivision.

2. Water utility facilities design in compliance with the criteria established by the Town, SMD1 or other special district of competent jurisdiction.

3. Sewer utility facilities design in compliance with the criteria established by the Town, SMD1 or other special district having jurisdiction.

(18) Certification of notification of any mineral estate owners associated with the property on which the subdivision is proposed meeting the requirements of C.R.S. § 24-65.5-103.3.

(d) Final plat drawing requirements. The final plat shall meet the standard drawing requirements set forth in the Superior Development Application Standards and shall include the following:

(1) Final plat drawings.

(2) Certificate of acceptance as follows:

\* \* \*

**Section 8.** Section 16-11-30 of the Superior Municipal Code are hereby amended to read as follows:

**Sec. 16-11-30. – Procedures.**

(a) Preapplication conference. A preapplication conference shall be held with the Manager.

(b) Planning Commission review and comment. Following a public hearing after notice provided by publication, mailing and posting, as set forth in Section 16-2-60, the Planning Commission shall review and comment on the SDP.

(c) Board of Trustees decision. Following a public hearing after notice provided by publication, mailing and posting, as set forth in Section 16-2-60, the Board of Trustees shall render a final decision on the SDP.

(d) Administrative approval. Notwithstanding the foregoing, the Manager may administratively approve an SDP in a B-R, B-C, or B-O zone district if all of the following criteria are satisfied:

(1) All public improvements required to serve the land development project have been constructed and have received final acceptance from the Town;

(2) The gross square footage of any proposed new structures or the combined total of all proposed new structures does not exceed 25,000 square feet;

(3) All uses proposed in the SDP are permitted uses within the applicable zone district; and

(4) The SDP complies with all other applicable requirements of this Chapter.

(e) Expiration. An approved SDP shall expire eighteen (18) months from the date of final approval thereof unless prior to such date a building permit has been issued and work is diligently pursued to complete the improvements as provided by an approved SDP, or the property owner has requested and received an extension from the Board of Trustees.

**Section 9.** Section 16-11-50 of the Superior Municipal Code is hereby amended to read as follows:

**Sec. 16-11-50. – Supplemental procedures.**

(a) Recordation. The approved SDP shall be recorded by the Town upon receipt of the cost thereof from the applicant.

(b) Building permits. Building permits will not be issued unless an SDP or plot plan has been approved by the Town and all conditions thereof and all other requirements imposed by agreement or otherwise have been met.

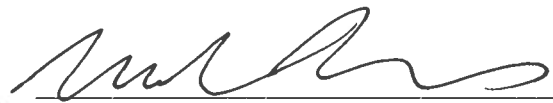
(c) Certificate of occupancy. No structure shall receive a permanent certificate of occupancy until all public and private improvements shown on the SDP, plat or public improvement agreement for the property are in place and accepted by the Town. Under special circumstances, adequate financial security may be posted in lieu of final completion of all public improvements and a temporary certificate of occupancy issued as determined by the Town.

(d) Amendments. An SDP may be amended with the approval of the Manager and without public notification if the amendment does not exceed the limits of Section 16-2-90 or qualifies for administrative approval pursuant to Section 16-11-30(d). If an amendment does exceed those limits, then a new SDP shall be required.

**Section 10.** 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 11.** 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 26<sup>th</sup> day of February, 2024.**



Mark Lacis, Mayor

**ATTEST.**



Lydia Yecke, Town Clerk

