ITEM NO. 4

INFORMATION FOR MEETING
OF THE PLANNING COMMISSION

AGENDA ITEM NAME: **Chapter 16 -Land Use – Miscellaneous Code Updates**

MEETING DATE: **January 16, 2024**

PRESENTED BY: **Lisa Ritchie, AICP, Planning and Building Director**

PRESENTED FOR: **Discussion and Recommendation**

Item: Chapter 16 – Land Use Code Updates; Case No. LUC-2024-01

Applicant: Town of Superior

Location: Town-wide

BACKGROUND:
Chapter 16 – Land Use is the regulatory chapter in the Superior Municipal Code that "*ensures the orderly, efficient and integrated development of the Town in a way that promotes the public health, safety and general welfare and that is compatible and protective of the natural environment.*" The code was last updated in 2022 following Marshall Fire to provide design flexibility in Original Town.

The purpose of the proposed amendments is to streamline certain development review processes, eliminate conflicting provisions, and provide clarifying language to improve administrative enforcement of the legislative intent of the code.

PROPOSAL:
The following summary describes the proposed changes along with the intent of the change. The draft ordinance is included as an Attachment.

Sec. 16-1-70 Definitions:

- *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, ~~box or bay windows~~, fireplaces, roof overhangs, mansards, unenclosed balconies, marquees, canopies, pilasters and fascia, but not including signs.
    - *The proposed change removes areas of a structure that could be "occupied", which is inconsistent with the intent to allow encroachments for building elements that are not occupied. Box and bay windows may be occupied and are inconsistent in nature with the other elements included within this definition.*
- *Setback* means the horizontal distance between a lot line and the nearest extremity of any building or structure; provided, however, that eaves, awnings and other architectural projections may project no more than thirty (30) inches into the setback space~~, and fences may project into any setback space a total of two (2) feet~~.
    - *Fences may be located along the property line. In practice, setbacks have not been applied to installation of fences.*

Sec. 16-2-10 and 16-8-50 regarding Preliminary Plats

These sections both detail process and requirements for Preliminary Plats. The purpose of the proposed changes is to remove preliminary plats from the subdivision process. Preliminary plats are currently required for all plats qualifying as a major subdivision. In practice, the Town has been approving preliminary and final plats concurrently and not requiring applicants to go through two separate public hearings. By eliminating the preliminary plat requirement from the code and allowing applicants to go straight to final plat, this code amendment clearly establishes this procedure and the application requirements for final plats and streamlines the development review process, which staff finds is an improvement for both applicants and staff workload.

Sec. 16-2-40 Application procedures

These revisions simply update the referral agencies based on current agency names. No new agencies are added, and no agency was removed.

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

This section is deleted in entirety. In 2019, Chapter 16 was amended to create *Article XXXI – Wireless Communication Facilities* in response to recent changes in both State and Federal laws. When this amendment was approved in 2019, Sec. 16-2-120 should have been deleted from the code as it is duplicative of portions of Article XXXI. Deleting this section at this time is a clean-up for consistency.

Section 16-6-120 Schedule of Requirements

The following edits are intended to provide additional clarity for both applicants and staff in interpreting and administering the changes adopted in 2022. They are not intended to revise any of the standards established in that amendment. The redline from the ordinance is copied below to reflect the proposed changes in the tables:

Schedule of Requirements
Residential Districts

Standard	*R-E*	*R-VL*	*R-L*	*R-M*	*R-MH*
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~~ structures (feet) (see Note 9)	10	10	10	10	10
Maximum number of stories	2	2	2	2	1
Minimum lot width (feet)	150	75	50	50	37.5
Minimum yard 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[11] 20[12] 15[13]	25[11] 20[12] 15[13]	30
Local	25	25	25[11] 20[12] 15[13]	25[11] 20[12] 15[13]	30
Side yard setback (principal and accessory uses and structures – interior lot line)	20	10	5	10[10]	5
Side yard setback (principal ~~and accessory~~ structures – abutting street or alley, including a corner lot)	20	10	8[~~14~~]	8[10, ~~14~~]	10
Side yard setback (accessory structures) – abutting street or alley, including a corner lot	20	10	6[14]	6[14]	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 *and* 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 (dwelling units per acre)	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:

1. As defined in Section 16-17-20~~(b).~~
2. Measured from high water mark or boundary line of floodway.
3. Or as specified otherwise in Section 16-20-40.
4. 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.
5. 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.
6. 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.
7. May be reduced to 40% for multi-family and to 35% for single-family through the PD process.
8. 75% of the "minimum total open space."
9. Detached garages may be a maximum of 2) stories and 32 feet in height.
10. Single-family dwellings have a minimum of a 5-foot side setback.
11. Applies to all structures unless specifically noted otherwise.
12. The minimum front yard setback for garages that are accessed from the front of the lot shall be 20 feet.
13. The minimum front yard setback for single-family dwellings shall be 15 feet; provided that front porches may encroach up to 6 feet into the front yard setback.
14. ~~If no off-street parking is required, garages may encroach up to 2 feet into the side yard setback.~~ If off-street parking is required, then the minimum side yard setback shall be 20 feet for garages.

- *The table above includes a new row for side yard setbacks for accessory structures and accompanying clean up within Note 14. The intent is to provide clarity within the table, rather than regulations within the footnotes.*

Schedule of Requirements
Commercial and Mixed Use Districts

Standard	*B-C*	*B-R*	*B-O*	*M-U*
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~~ See Note 3	~~10~~ See Note 3	~~10~~ See Note 3	5[5]
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.

- *The only change to this table is the clarification of side yard setbacks. As currently written, there is inconsistency in how one could interpret the side yard setback requirement in the commercial zone districts.*

Article X1 – Site Development Plans

Staff is proposing amendments to this article to establish an administrative (staff level) review and approval of certain Site Development Plans (SDP). At the time of the writing of this report, final language for the proposed changes to this article is not complete. SDPs are similar to Final Development Plans (FDP) that the Planning Commission reviews on a regular basis. FDPs are for developments sited within a Planned Development, and SDPs are for property that is straight zoned. Generally, this means SDPs are the approval mechanism for development on property zoned Commercial or Industrial or for larger residential developments in the Original Town area.

Staff contemplates establishment of criteria for which an application could be reviewed and approved administratively. These applications would still be subject to and reviewed for compliance by staff with all design criteria in the municipal code (i.e.: parking, landscape, setbacks, height, etc). The following criteria are under consideration, and all would have to be met in order to qualify:

- All public improvements required to serve the development are installed and approved;
    - *This means all streets, curb and gutter, public utilities, etc are in place to serve the project.*
- The gross square footage of the proposed structure or the combined total of all structures does not exceed 25,000 square feet;
- The use(s) associated with the proposal is permitted within the zone district.
    - *This means the uses proposed for the application do not require approval of a Special Use or Conditional Use. These approvals require public hearings and have special and unique site considerations that should be factored in to the site design.*

RECOMMENDATION:

Staff recommends Planning Commission review and comment on the draft Ordinance and the suggested criteria for Administrative SDPs.

ATTACHMENTS:

- Draft Ordinance

TOWN OF SUPERIOR
ORDINANCE NO. O-__
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~~, box or bay windows~~, fireplaces, roof overhangs, mansards, unenclosed 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 eaves, awnings and other architectural projections may project no more than thirty (30) inches into the setback space~~, and fences may project into any setback space a total of two (2) feet~~.

* * *

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

	Step One: Staff	Step Two: Planning Commission	Step Three: Board of Trustees	Notice Requirement
Zoning and Use Permits				
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	—	—	—
Major Subdivision				
Preapplication	R & C	—	—	—
~~Preliminary Plat~~	~~R & C~~	~~R & C (hearing)~~	~~D (hearing)~~	~~Pub, Post~~
Final Plat	R & C	R & C (hearing)	D (hearing)	Pub, M, Post
Minor Subdivision				
Preapplication	R & C	—	—	—
Final Plat	R & C	R & C (hearing)	D (hearing)	Pub, M, Post
Site Development Plan				
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
Planned Development				
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
Miscellaneous				
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
Board of Adjustment				
Variance	R & C	—	D (hearing)	Pub, M, Post
Appeal	R & C	—	D (hearing)	—

R & C = Review and Comment
D = Decision (process ~~steps~~ 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 Urban Drainage and Flood Control~~.

(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~~ Community Planning and Permitting Department or Jefferson County ~~Land Use and Planning Department~~, as applicable.

(8) The~~Rocky Mountain~~ 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. The Schedule of Uses Tables in Section 16-6-120 of the Superior Municipal Code are hereby amended to read as follows:

Schedule of Requirements
Residential Districts

Standard	*R-E*	*R-VL*	*R-L*	*R-M*	*R-MH*
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~~ structures (feet) (see Note 9)	10	10	10	10	10
Maximum number of stories	2	2	2	2	1
Minimum lot width (feet)	150	75	50	50	37.5
Minimum yard 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[11] 20[12] 15[13]	25[11] 20[12] 15[13]	30

Local	25	25	25[11] 20[12] 15[13]	25[11] 20[12] 15[13]	30
Side yard setback (principal and accessory uses and structures – interior lot line)	20	10	5	10[10]	5
Side yard setback (principal ~~and accessory~~ structures – abutting street or alley, including a corner lot)	20	10	8~~[14]~~	8[10, ~~14~~]	10
Side yard setback (accessory structures) – abutting street or alley, including a corner lot	20	10	6[14]	6[14]	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 *and* 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 (dwelling units per acre*)*	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:

1. As defined in Section 16-17-20~~(b)~~.
2. Measured from high water mark or boundary line of floodway.
3. Or as specified otherwise in Section 16-20-40.
4. 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.
5. 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.
6. 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.

7. May be reduced to 40% for multi-family and to 35% for single-family through the PD process.
8. 75% of the "minimum total open space."
9. Detached garages may be a maximum of 2) stories and 32 feet in height.
10. Single-family dwellings have a minimum of a 5-foot side setback.
11. Applies to all structures unless specifically noted otherwise.
12. The minimum front yard setback for garages that are accessed from the front of the lot shall be 20 feet.
13. The minimum front yard setback for single-family dwellings shall be 15 feet; provided that front porches may encroach up to 6 feet into the front yard setback.
14. ~~If no off-street parking is required, garages may encroach up to 2 feet into the side yard setback.~~ If off-street parking is required, then the minimum side yard setback shall be 20 feet for garages.

Schedule of Requirements
Commercial and Mixed Use Districts

Standard	*B-C*	*B-R*	*B-*	*M-U*
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~~See Note 3	~~10~~ See Note	~~10~~ See Note	5[5]
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.

* * *

Section 6. 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) Preliminary plat. Following the preapplication conference, a preliminary plat drawing and accompanying information shall be submitted to and reviewed by the Manager. All information shall be of sufficient detail to properly review the subdivision proposal and to resolve planning and engineering problems that may arise before the final plat is prepared.~~

~~(3) Planning Commission review. The Planning Commission shall review and comment on the preliminary plat at a public hearing after notice is provided by publication and posting, pursuant to Section 16-2-60.~~

~~(4) Board of Trustees review. The Board of Trustees shall render a final decision on the preliminary plat after a public hearing. Notice of the public hearing shall be provided by publication and posting, pursuant to Section 16-2-60.~~

~~(5) Effective period of preliminary plat approval.~~

~~a. The preliminary plat shall be effective for a period of eighteen (18) months from the date of the Board of Trustees approval.~~

~~b. Prior to the end of the eighteen (18) months, the applicant shall have met all requirements of the final plat process and the final plat shall have been signed and recorded with the Clerk and Recorder of Boulder County.~~

~~c. For preliminary plats for multiphase projects, a final plat submitted for at least ten percent (10%) of the total area of the initial preliminary plat shall extend the effective period of preliminary plat approval for an additional eighteen (18) months.~~

~~d. The applicant may request in writing, prior to the expiration of the preliminary plat or any portion of a preliminary plat, an extension of the effective period. An extension application shall:~~

~~1. Show good cause for the extension;~~

~~2. Be limited to a maximum of twelve (12) months; and~~

~~3. Be reviewed and approved by the Manager.~~

~~e. Extensions of the effective period may be requested more than one (1) time; however, each will be evaluated on its own merit.~~

(2~~6~~) Final plat. The final plat ~~step in the platting~~ 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 ~~preliminary or~~ final plat that is inconsistent with the Comprehensive Plan at its discretion.

~~(c) Preliminary plat submittal requirements. In addition to the Superior Development Application Standards, the preliminary plat shall include the following:~~

~~(1) Summary statement of proposal including the following:~~

~~a. Total acres to be subdivided.~~

~~b. Total number of proposed dwelling units.~~

~~c. Total number of square feet of nonresidential floor space.~~

~~d. Total number of off-street parking spaces, including those associated with single-family residential use.~~

e. Estimated total number of gallons of water per day required.

f. Estimated total number of gallons per day of sewage to be treated.

g. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities and such other facilities as may be necessary to complete the development plan.

(2) Preliminary street plan. One inch equals one hundred feet (1" = 100') with two-foot contours with alignment, graphic dimensions of right-of-way widths, curve radii and tangent lengths. The proposed typical structural and geometric cross-sections, location, type and approximate size of appurtenant structures, such as bridges, culverts, traffic control devices, lot lines and other design features. shall be shown.

(3) Preliminary drainage plan and report, containing the following:

a. A basin contour map defining the drainage basins and illustrating the existing drainage patterns and concentration points with rough estimates of contributory acreage and runoff amounts;

b. A sketch of the proposed development showing the consequent changes in the drainage patterns, concentration points and flooding limits. with estimates of acreage, runoff coefficients and runoff amounts for the areas to be developed, both now and in the future, within each basin; and

c. A narrative of the proposed handling of the increased drainage at the concentration points or of internal pattern changes.

(4) Preliminary utility design. Preliminary plans and profiles of the proposed water and sewer facilities should be provided showing the location of existing or proposed water and sewer and other utilities relative to the development. Indicate the size, type and other pertinent data for existing and proposed utility improvements.

(5) Preliminary landscaping plan. A preliminary landscaping plan shall be submitted which shall show the approximate size and types of proposed planting and the location of the planting and its spacing. The plan shall also show the approximate location, type, height, spacing and physical health of existing vegetation. A statement shall be required explaining the intent of the preliminary landscaping plan, as for screening purposes and specimen tree plantings.

(6) Any agreement for the dedication of land or fees-in-lieu for public purposes.

(7) Letter from the jurisdictional fire district concerning fire protection and fire flow requirements for the proposed subdivision.

~~(8) A preliminary grading plan prepared by a qualified professional.~~

~~(9) Proof of notification of mineral estate owners as required by state law.~~

~~(d) Preliminary plat drawing requirements. In addition to meeting the standard drawing requirements set forth in the Superior Development Application Standards, the preliminary plat shall include the following:~~

~~(1) Location by survey of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes or other water features, including direction of flow, water level elevations and typical depths and location and extent of areas subject to inundation by a one-hundred-year storm.~~

~~(2) A traverse map of the monumented perimeter of the proposed subdivision, along with survey notes of subdivision perimeter and copies of monument records. The traverse shall have an error of closure of not greater than one (1) part in ten thousand (10,000). A survey tie to the state coordinate system or other permanent marker established by the Town Surveyor is required if practical.~~

~~(3) Lot and street layout.~~

~~(4) Scaled dimensions of all lots to nearest foot and the area of each lot to the nearest square foot.~~

~~(5) Lots and blocks numbered consecutively.~~

~~(6) Location and principal dimensions and identification of existing and proposed public and private easements and rights-of-way.~~

~~(7) Existing and proposed street names.~~

~~(8) Location of sites to be reserved or dedicated for parks, playgrounds, schools or other public uses except streets and utility easements.~~

~~(9) Sites, if any, for multi-family dwellings, shopping centers, community facilities, industrial or other uses, exclusive of single-family dwellings.~~

~~(10) Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use. Information other than location of these areas is to be provided in a separate document.~~(ce) 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) Final versions of all material submitted with the preliminary plat. The final plat submission shall conform in all major respects to the preliminary plat~~

~~as previously reviewed and approved by the Board of Trustees and shall incorporate all modifications that affect the preparation of a legal final plat.~~

(12) 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.

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

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

(45) 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.

(56) 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 ~~as may have been agreed to at the time the preliminary plat was approved~~. 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.

(67) 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~~to at the time the preliminary plat was approved~~. 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.

(78) 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 ~~as may have been agreed to at the time the preliminary plat was approved~~. 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.

(98) 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~~10~~) An executed copy of the subdivision improvement agreement.

(10~~1~~) 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.

(12~~1~~) 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 ~~Planning Commission~~ shall be submitted.

(12~~3~~) 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~~4~~) 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~~5~~) Certification of inclusion of the land represented by the final plat in SMD1.

(15~~6~~) 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~~7~~) 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~~8~~) 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.

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

(d~~f~~) 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 ~~versions of the preliminary~~ plat drawings.

(2) Certificate of acceptance as follows:

* * *

Section 7. 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 8. 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 ___ day of _____, 2024.

_____
Mark Lacis, Mayor

ATTEST:

_____
Lydia Yecke, Town Clerk