

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 760**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING  
SECTION 16-3-150, OF THE *MEAD MUNICIPAL CODE* WITH REGARD TO  
THE ISSUANCE OF WAIVERS.**

**WHEREAS**, the purpose of this amendment to the Land Use Code is to address various issues that have arisen since the adoption of the 2009 Land Use Code; and

**WHEREAS**, the Board of Trustees desires to regulate land use in a manner that promotes the public health, safety and general welfare;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

**Section 1.** Section 16-3-150 of the *Mead Municipal Code* is hereby amended to read as follows:

**“16-3-150. Waivers.**

- (a) Purpose. The Board of Trustees, acting through the Town Manager, may authorize waivers from the Town Land Use Code in cases where special conditions and circumstances exist which are peculiar to the land, or where practical difficulties exist creating an unnecessary hardship on the land owner, or where a literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties with similar conditions. Such waiver shall not be granted if it would be detrimental to the public good, create conflict with the Town Comprehensive Plan, or impair the intent and purpose of this Code.
- (b) Waiver application. A signed waiver application is to be submitted to the Town Clerk on a form obtained from the Town Clerk, along with all supporting material and required fees.
- (c) Explanation letter. An explanation letter identifying the waiver being requested and explaining what exceptional condition, practical difficulty, or unnecessary hardship exists to require the waiver. The letter shall also address how the waiver, if granted, will not be detrimental to the public good, create conflict with the Town Comprehensive Plan, or impair the interest and purposes of this Code.
- (d) Staff review of application. Staff will complete a review of the waiver request based on the waiver review criteria listed below. Based on the results of the review, Staff will recommend approval, approval with conditions, or denial of the waiver request. The Town Manager shall make a final decision on the requested waiver; except that the Town Manager may set the waiver request for a public hearing before the Board of Trustees, if deemed necessary.
- (e) Board of Trustees action. Staff approved waivers shall be presented to the Board of Trustees for ratification by ordinance since waivers affect real property rights.

- (f) Appeal of waivers denied by staff. Conditional approvals of a waiver and waivers denied by staff may be appealed to the Board of Adjustment, as provided by Section 16-3-140 of the Code.
- (g) Waiver criteria for approval. The condition(s) of any waiver authorize shall be included in the ordinance with justification set forth. The ordinance shall be recorded with the Weld County Clerk and Recorder. Waivers may be granted only if they meet the following criteria:
  - (1) The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or diminish the value, use, or enjoyment of adjacent property.
  - (2) The waiver, if granted, is a minimum change that will afford relief and is the least modification possible of the zoning or subdivision ordinance provisions which are in question.
  - (3) Such practical difficulties or unnecessary hardship have not been created by the applicant.”

**Section 2. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 3. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

**Section 4. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 5. Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 26<sup>th</sup> DAY OF January, 2015.**

**ATTEST:**

By Linda Blackston  
Linda Blackston, CMC, Town Clerk

**TOWN OF MEAD**

By Gary R. Shields  
Gary R. Shields, Mayor

