

TOWN OF MEAD, COLORADO
ORDINANCE NO. 716

AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING THE FOLLOWING SECTIONS OF THE *MEAD MUNICIPAL CODE*: SECTION 16-1-150, WITH RESPECT TO THE REPEAL OF THE DEFINITIONS FOR MEDICAL MARIJUANA DISPENSARY, MEDICAL MARIJUANA GROW FACILITIES AND OPERATOR OR MANAGER; SECTION 16-2-180 (c) (9) a.2., WITH REGARD TO RECESSED GARAGES DOORS; SECTION 16-2-220 (d) (5) WITH REGARD TO FIGURE 2.10 PROPOSED BOULEVARD CROSS-SECTION; SECTION 16-3-30 (a) (2) d., WITH REGARD TO THE DEFINITION OF LIGHT INDUSTRIAL; SECTION 16-3-60 (f) (1), WITH REGARD TO HOME OCCUPATIONS; SECTION 16-3-120 (c) (5), WITH REGARD TO PROCEDURES FOR PROCESSING CONDITIONAL USE REVIEW; SECTION 16-3-140 (3) b. 2., WITH REGARD TO PROCEDURES FOR PROCESSING VARIANCES; SECTION 16-3-160 (a), WITH REGARD TO AMENDMENTS TO THE OFFICIAL ZONING MAP; SECTION 16-3-160 (c) (2), WITH REGARD TO AMENDMENTS TO THE OFFICIAL ZONING MAP; SECTION 16-3-160 (c) (3), WITH REGARD TO AMENDMENTS TO THE OFFICIAL ZONING MAP; SECTION 16-3-160 (c) (5), WITH REGARD TO AMENDMENTS TO THE OFFICIAL ZONING MAP; SECTION 16-3-160 (c) (6), WITH REGARD TO AMENDMENTS TO THE OFFICIAL ZONING MAP; SECTION 16-3-160 (c) (7), WITH REGARD TO AMENDMENTS TO THE OFFICIAL ZONING MAP; SECTION 16-3-160 (c) (8), WITH REGARD TO AMENDMENTS TO THE OFFICIAL ZONING MAP; SECTION 16-3-160 (d), WITH REGARD TO AMENDMENTS TO THE TEXT OF THE LAND USE CODE.

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. Subsection 16-1-150, of the *Mead Municipal Code* is hereby amended by the deletion of the definitions for “marijuana dispensary,” “marijuana grow facilities” and “or manager.”

Section 2. Section 16-2-180 (c) (9) a. 2., is hereby amended to read as follows:

“2. Recessed garages doors. Street facing garage doors shall be set back at least five (5) feet from the forward most enclosed area or covered porch of the home.”

Section 3. Section 16-2-220 (d) (5) is hereby amended by the deletion of Figure 2.10 Proposed Boulevard Cross-Section and its replacement by a new Figure 2.10 as shown below.

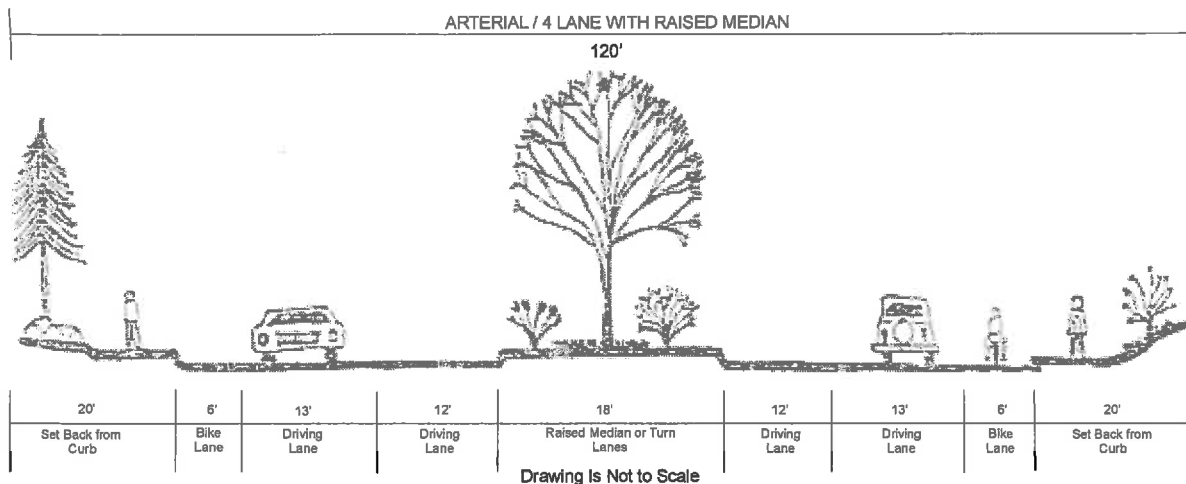


Figure 2.10 Proposed Boulevard Cross-Section

Section 4. Subsection 16-3-30 (a) (2) d., of the *Mead Municipal Code* is hereby amended to read as follows:

“d. LI. Light Industrial. The Light Industrial district is primarily intended to accommodate light manufacturing uses within an enclosed structure or development that provides for a mix of office, light industrial and limited retail service uses in attractive, business Park settings. Campus-style business parks are appropriate within this district.”

Section 5. Section 16-3-60 (f) (1), of the *Mead Municipal Code* is hereby amended to read as follows:

“(1) General. Some types of work can be conducted at home with little or no affect on the surrounding neighborhood. The home occupation regulations of this Section are intended to permit primary, legal and full-time residents to engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the allowed principal use (household living), and that the residential viability of the dwelling unit is maintained. There are two types of home occupations — major home occupations and minor home occupations. Both types are considered an accessory use to an allowed household living use.

a. Approval process. All persons requesting home occupation permits must notify all neighbors of the proposed home occupation. A written description of the proposed home occupation describing possible impacts of the home occupation to the neighborhood must be signed by an adult occupant of (1) each residence abutting the property or (2) located within three hundred (300) feet of the property at which the home occupation will be conducted, whichever requires the most signatures. If there are objections to a proposed Minor or Major Home Occupation, the use may be reviewed by the Board of Trustees utilizing the Conditional Use Review criteria.”

Section 6. Section 16-3-120 (c) (5), of the *Mead Municipal Code* is hereby amended to read as follows:

“(5) Step 5: Set conditional use public hearing dates and complete public notification process. The Town Clerk shall set the dates of the public hearings before the Planning Commission and the Board of Trustees. The Town Clerk shall send notice of the Planning Commission and Board of Trustees public hearings by certified mail to the applicant, to all surrounding property owners of record within three hundred (300) feet of the property, to mineral estate owners of record, to appropriate ditch companies, and to the appropriate referral agencies, no less than fifteen (15) days before the Planning Commission and Board of Trustees public hearings. The notices shall include the time and place of the public hearing(s), the nature of the hearing(s), the location of the subject property and the applicant’s name. The Town Clerk shall also publish notice of the public hearing(s) in a newspaper of general circulation no less than fifteen (15) days before the Planning Commission and the Board of Trustees hearings. The hearings may be held no less than fifteen (15) days from the date of the newspaper publication.

Not less than fifteen (15) days before the Planning Commission hearing, the applicant shall post signs on the property within one hundred (100) feet of each adjacent public street right-of-way bordering the property, at least once for every six hundred (600) feet of frontage, or as otherwise approved by the Town. The applicant shall submit photos of the signs, and a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the Town prior to the Planning Commission public hearing. The applicant is responsible for ensuring that the posted signs remain in place, in legible condition until the public hearings are concluded, and for removal of the signs after the public hearings are concluded. The signs shall be a minimum of three (3) by four (4) feet in size and shall state: "property is under land use review by the Town of Mead. Call 970-535-4477 for further information." The signs shall have a white background with black and/or red lettering.

If the conditional use application is accompanying another application which is scheduled for public hearings before the Planning Commission and Board of Trustees, one (1) public hearing may be held on both applications.”

Section 7. Section 16-3-140, of the *Mead Municipal Code* is hereby amended to read as follows:

“Sec. 16-3-140. Appeals and variances.

The Board of Adjustment (“Board” shall have the powers and authority concerning the application and enforcement of this Chapter as those powers are delegated to it by provisions of state law and by the specific provisions of this Chapter, including the following:

- (a) Purpose. The Board of Adjustment shall hear and decide appeals from any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Code. In addition, the Board of Adjustment shall hear and decide all requests for a variance from the requirements of this Code. Such variance shall not be granted if it would be detrimental to the public good, create a conflict with the Town Comprehensive Plan or impair the intent and purpose of this Code.

(b) Appeal application.

(1) Any aggrieved person in interest may appeal a denial of a building or other development permit, or any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this code.

(2) An appeal to the Board of Adjustment shall be made within ten (10) days after denial of a building permit or other development permit, or receipt of a written notice of an order, requirement, decision, interpretation or determination by an administrative official of the Town. Failure to make a timely appeal shall be considered a waiver of the appellant's right to appeal to the Board of Adjustment.

(3) The appellant shall provide a written statement that demonstrates that the application of the order, requirement, decision or determination of the Town Manager or other authorized Town official being appealed would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Mead Land Use Code. The applicant shall file with the Town Clerk a written notice of appeal on a form approved by the Board of Adjustment and pay the fee set by the current fee schedule.

(4) The Town Clerk shall forward a copy of the notice of appeal to the planning staff or other appropriate administrative officer, who shall prepare a record of the Town action that is being appealed for consideration by the Board of Adjustment.

(5) Set appeal public hearing and complete public notification process. The Town Clerk shall send notice of the Board of Adjustment public hearing by certified mail to the appellant. Notice of the public hearing date shall also be given to the planning staff or other appropriate administrative officer. The notice shall include the time and place of the public hearing, the nature of the hearing (the order, requirement, decision or determination being appealed) and the appellant's name. The Town Clerk shall also publish notice of the public hearing in a newspaper of general circulation no less than fifteen (15) days before the Board of Adjustment hearing. The hearing may be held no less than fifteen (15) days from the date of the newspaper publication.

(6) Board of Adjustment public hearing and action on the appeal. The appeal and the staff prepared record of the Town action being appealed shall be presented to the Board of Adjustment for its review and action. The Board of Adjustment shall hear and decide the appeal based upon the merits of the oral and written record presented during the public hearing. The Board of Adjustment, by order or resolution may, in whole or in part, affirm, reverse or amend the order, requirement, decision, interpretation, or determination appealed. The Board of Adjustment may impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of the Town Land Use Code. The Board of Adjustment shall provide a written record of its findings and the staff shall use it to propose amendments that address future interpretation problems.

The appellant shall be provided a copy of the Board of Adjustment's order or resolution by certified mail or personal delivery.

(7) Appeal criteria for approval. The Board of Adjustment, in hearing an appeal from

an interpretation of the Town Land Use Code, shall consider:

- a. The technical meaning of the provision being appealed;
- b. Evidence of the manner in which the provision has been interpreted in the past;
- c. The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives; and
- d. The intent of the provision in implementing the Town Comprehensive Plan.

(c) Variance application.

(1) Any person in interest may apply to the Board of Adjustment for a variance from the literal interpretation of the provisions this code. The applicant shall pay the fee(s) set by the current fee schedule. For a variance request, the applicant shall submit nineteen (19) copies, in D-ring binders, and three CDs with all maps, legal descriptions and surrounding property owner information contained thereon, of the following to the Town Clerk:

- a. Land use application form.
- b. Variance - technical criteria form.
- c. Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of variance application submittal.
- d. Explanation letter identifying the variance being requested, a citation of the portion of the Town Land Use Code from which relief is requested and explaining what exceptional condition, practical difficulty, or unnecessary hardship exists to require the variance. The letter shall also address how the variance, if granted, will not be detrimental to the public good, create a conflict with the Town Comprehensive Plan or impair the intent and purpose of this code.
- e. Map. Staff will dictate map requirements based on the variance being requested. The map shall typically consist of a scale drawing depicting the property affected by the variance request, including, but not limited to, required or existing setbacks and proposed setbacks from adjacent lot lines or structures and any other information that will assist the Board of Adjustment in understanding the request.
- f. Surrounding property ownership report. Provide the Town Clerk with a current list, not more than thirty (30) days old, of the names and addresses of the surrounding property owners, within three hundred (300) feet of the property, mineral estate owners and appropriate ditch companies. The property owner list should also be submitted on a CD in an Excel™ spreadsheet. The applicant shall certify that the report is complete and accurate.

(2) Set variance public hearing and complete public and referral agency notification. The Town Clerk shall set the date of the public hearings before the Board of Adjustment. The Town Clerk shall send notice of the variance public hearing by certified mail to the applicant, to all surrounding property owners of record within three hundred (300) feet of the property, to mineral estate owners of record, to appropriate ditch companies, and to the appropriate referral agencies, no less than fifteen (15) days before the public hearing. The notice shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. The Town Clerk shall also publish notice of the public hearing in a newspaper of general circulation no less than fifteen (15) days before the hearing. The hearing may be held no less than fifteen (15) days from the date of the newspaper publication.

Not less than fifteen (15) days before the hearing, the applicant shall post signs on the property within one hundred (100) feet of each adjacent public street right-of-way bordering the property, at least once for every six hundred (600) feet of frontage, or as otherwise approved by the Town. The applicant shall submit photos of the signs, and a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the Town prior to the public hearing. The applicant is responsible for ensuring that the posted signs remain in place, in legible condition until the public hearing is concluded, and for removal of the signs after the public hearing is concluded. The signs shall be a minimum of three (3) by four (4) feet in size and shall state: "This property is under land use review by the Town of Mead. Call 970-535-4477 for further information." The signs shall have a white background with black and/or red lettering.

(3) Board of Adjustment public hearing and action on the variance request. The variance request and the staff prepared analysis of the variance request shall be presented to the Board of Adjustment for its review and action. The Board of Adjustment shall hear and decide the variance request based upon the compliance with criteria established below and the merits of the oral and written record presented during the public hearing. The applicant for a variance, has the burden of proof to establish the necessary facts to warrant favorable action of the Board of Adjustment. No single decision of the Board of Adjustment sets a precedent. The decision of the Board of Adjustment shall be made on the particular facts of each case. The Board of Adjustment may by written order, approve the variance, approve the variance with conditions, or deny the variance.

(4) Post approval action. Any variance authorized shall be stated in writing with the justifications set forth as a formal "findings and order" of the Board of Adjustments and shall be prepared, signed and recorded with the Weld County Clerk and Recorder at the expense of the applicant.

(5) Appeals of Board of Adjustment action on a variance request. Any appeal of the decision of the Board of Adjustment may be made to the District Court as provided by law; provided, however, that such appeal must be made prior to thirty (30) days following the date of the final action taken by the Board of Adjustment, as provided by Rule 106, Colorado Rules of Civil Procedure.

(6) Variance criteria for approval. In order to grant a variance to the Town Land Use Code, the Board of Adjustment shall find that all the following have been satisfied:

- a. That there are unique physical circumstances or conditions such as

irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property;

b. That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the Town Land Use Code;

c. That due to such unique physical circumstances or conditions, the strict application of the Town Land Use Code would create a demonstrated hardship;

d. That the demonstrable hardship is not self-imposed;

e. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood;

f. That the variance, if granted, will not change the character of the zoning district in which the property is located;

(7) That the variance, if granted, is in keeping with the intent of the Town Land Use Code; and

a. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of Town.

b. The Board of Adjustment shall not grant a variance to the Town Land Use Code, which:

c. Permits a land use not allowed in the zoning district in which the property is located; or

d. Is in the public right-of-way or on public property; or

e. Alters any definition of the Town Land Use Code; or

f. Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the Town Land Use Code; or

g. Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to of the Town Land Use Code; or

h. Is based exclusively on findings of personal or financial hardship. Convenience, profit or caprice shall not constitute undue hardship.”

Section 8. Section 16-3-160 (a), of the *Mead Municipal Code* is hereby amended to read as follows:

“(a) Initiation of amendments to official zoning district map or to the text of the Code.

The Board of Trustees may from time to time, amend, supplement, change or repeal the regulations and provisions of this Code.

(1) Amendments to the official zoning district map may be initiated by the Board of Trustees, the Planning Commission, the Town staff, or by an owner of real property in the area to be included in the proposed amendment.

(2) Amendments to the text of the Code may be initiated by the Board of Trustees, the Planning Commission, the Town staff, or by written application of any property owner or resident of the Town. Amendments to the text of the Code shall be reviewed and considered by the Planning Commission and the Board of Trustees at public hearings and shall be enacted by ordinance.”

Section 9. Section 16-3-160 (c) (2), of the *Mead Municipal Code* is hereby amended to read as follows:

“(2) Step 2: Zoning map amendment application submittal. The applicant shall submit five (5) copies of the complete zoning map amendment application package, in individual D-ring binders, to the Town Clerk and shall request that the application be reviewed by the Town staff. In addition to any hard copies required, the complete zoning map amendment application package in electronic format will be provided on three (3) CDs. The original application and all documents requiring a signature shall be signed in blue ink. The zoning map amendment application package shall include the following items:

a. Completed land use application form, zoning map amendment – technical criteria form, application fee and fee agreement;

b. A legal description for all property to be considered for rezoning;

c. Current proof of ownership in the form of title insurance issued within thirty (30) days of submission of the application.

d. A zoning amendment map of the area included in the proposed change, twenty-four (24) inches high by thirty-six (36) inches wide, with the following information:

1. North arrow, scale (1" = 100' or 1" = 200') and date of preparation.

2. The subdivision or block and lot name of the area to be rezoned (if applicable) at the top of each sheet.

3. Legal description of area to be rezoned (entire area and **individual** zoning districts). In unsubdivided property, zone boundaries shall be determined by a metes and bounds description.

4. Location and boundaries, including dimensions, of the property proposed for rezoning. Note: zone boundaries are to be the center lines of physical

streets, roads, highways, alleys, railroad rights-of-way, and channelized waterways or such lines extended.

5. The acreage or square footage contained within the property proposed for rezoning.

6. All existing land uses in the proposed rezoning area.

7. Zoning and existing land uses on all lands adjacent to the proposed rezoning.

8. The location and dimensions for all existing public rights-of-way, including streets, and centerlines of water-courses within and adjacent to the rezoning.

9. The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.

10. Certificate blocks for Surveyor, Planning Commission, Board of Trustees, and County Clerk and Recorder. Text is to be 10 pt. (0.13888") AutoCAD™ Roman Simplex, Helvetica, Arial or similar "san serif" type. Add signature lines to the certificate of ownership and spaces in the notary certificate as necessary for multiple owners. Add additional notary certificates as necessary for all signatories. Remove "extra" titles and signature lines in the certificate of ownership and spaces in the notary certificate as appropriate. The certificates are to be placed in columns not more than six and one-half (6.5) inches in width, starting with the certificate of ownership on the upper right-hand side of the page. If multiple columns are required, separate the columns by one (1) inch, proceeding from right to left across the page. Legal descriptions are to contain a blank line separating each clause in the description.

11. An AutoCAD™ drawing file of the zoning amendment map in an acceptable electronic transfer format shall also be provided.

e. A written statement describing the proposal and addressing the following points:

1. Need for the proposed rezoning;

2. Present and future impacts on the existing adjacent zone districts, uses, and physical character of the surrounding area;

3. Impact of the proposed rezoning on area accesses and traffic patterns;

4. Availability of utilities for any potential development;

5. Present and future impacts on public facilities and services,

including, but not limited to, fire, police, water, sanitation, roadways, parks and schools;

6. The relationship between the proposal and the Town Comprehensive Plan; and

7. Public benefits arising from the proposal.

f. Surrounding property ownership report. Provide the Town Clerk with a current list, not more than thirty (30) days old, of the names and addresses of all property owners of record within three hundred (300) feet of the property in question, all mineral estate owners of record and appropriate ditch companies. The property owner list should also be submitted on a CD in an Excel™ spreadsheet. The applicant shall certify that the report is complete and accurate.

g. Application fee and cash deposit. The applicant shall submit the application fee, cash deposit and a signed application fee agreement. Application fees will be assessed in accordance with the Application Fee and Cash Deposit Schedule contained in the *Mead Land Use Code*. The cash deposit is non refundable and is collected to cover the cost of review by the Town Attorney, the Town Engineer and any other expert whom the Town may wish to employ, for notice and publication expenses and for recording fees. Actual costs may exceed the deposit, in which case, the applicant is liable for costs in excess of the deposit. The application fee agreement form shall be obtained from the Town Clerk.”

Section 10. Section 16-3-160 (c) (3), of the *Mead Municipal Code* is hereby amended to read as follows:

“(3) Step 3: Certification of completion - zoning map amendment application. Within a reasonable period of time, staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the forty-four (44) copies of the application to the Town Clerk. Nineteen (19) of the copies shall be bound in D-ring binders. Fewer copies of the application package may be submitted at the discretion of the Town staff after reviewing the numbers of referrals necessary for the project being reviewed. In addition to any hard copies required, the complete zoning map amendment application package in electronic format will be provided on three (3) CDs. The original application and all documents requiring a signature shall be signed in blue ink.”

Section 11. Section 16-3-160 (c) (5), of the *Mead Municipal Code* is hereby amended to read as follows:

“(5) Step 5: Set zoning map amendment public hearing dates and complete public notification process. The Town Clerk shall set the dates of the public hearings before the Planning Commission and the Board of Trustees. The Town Clerk shall send notice of the Planning Commission and Board of Trustees public hearings by certified mail to the applicant, to all surrounding property owners of record within three hundred (300) feet of the property, to mineral estate owners of record, to appropriate ditch companies, and to the appropriate referral agencies,

no less than fifteen (15) days before the Planning Commission and Board of Trustee public hearings. The notices shall include the time and place of the public hearing(s), the nature of the hearing(s), the location of the subject property and the applicant's name. The Town Clerk shall also publish notice of the public hearing(s) in a newspaper of general circulation no less than fifteen (15) days before the Planning Commission and the Board of Trustee hearings. The hearings may be held no less than fifteen (15) days from the date of the newspaper publication.

Not less than fifteen (15) days before the Planning Commission hearing, the applicant shall post signs on the property within one hundred (100) feet of each adjacent public street right-of-way bordering the property, at least once for every six hundred (600) feet of frontage, or as otherwise approved by the Town. The applicant shall submit photos of the signs, and a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the Town prior to the Planning Commission public hearing. The applicant is responsible for ensuring that the posted signs remain in place, in legible condition until the public hearings are concluded, and for removal of the signs after the public hearings are concluded. The signs shall be a minimum of three (3) by four (4) feet in size and shall state: "This property is under land use review by the Town of Mead. Call 970-535-4477 for further information." The signs shall have a white background with black and/or red lettering.

If the zoning amendment application is accompanying another application which is scheduled for public hearings before the Planning Commission and Board of Trustees, one (1) public hearing may be held on both applications."

Section 12. Section 16-3-160 (c) (6), of the *Mead Municipal Code* is hereby amended to read as follows:

"(6) Step 6: Planning Commission public hearing and action on the zoning map amendment. The Planning Commission shall hold a public hearing to review the zoning map amendment based on the criteria for amendments to the official zoning map. The Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve, or deny the zoning map amendment."

Section 13. Section 16-3-160 (c) (7), of the *Mead Municipal Code* is hereby amended to read as follows:

"(7) Step 7: Board of Trustees public hearing and action on the zoning map amendment. The Board of Trustees shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. The public hearing may be continued at the discretion of the Board of Trustees to another date without additional notification to the public and publication. Following the required hearing, the Board of Trustees shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with the criteria listed below and approve, approve with conditions, or deny the application, in whole or in part. Approval shall be by ordinance."

Section 14. Section 16-3-160 (c) (8), of the *Mead Municipal Code* is hereby amended to read as follows:

"(8) Step 8: Post approval actions.

a. Upon approval of an amendment to the official zoning map by the Board of Trustees, the applicant will provide the Town drawings of the zoning amendment map for recording. In the event the zoning amendment was initiated by a party in interest, the applicant shall also pay the Town's cost for the preparation of the revision to the official zoning map.

b. The applicant initiating the official zoning map amendment shall have thirty (30) days after approval of the amendment by the Board of Trustees to submit to the Town Clerk, three (3) original 24"X 36" Mylar drawings for recording, and one (1) paper copy of the approved zoning map amendment, along with the recording fees and all other costs billed by the Town relative to the zoning map amendment.

c. The map for the zoning amendment shall be prepared by a licensed surveyor or engineer. Inaccurate, incomplete or poorly drawn maps shall be rejected. In addition, the petitioner shall submit an AutoCAD™ drawing file of the map in an acceptable electronic transfer format.

d. Within thirty (30) days of receipt of the map for the zoning amendment, the Town Clerk shall review the documents for compliance with the Board of Trustees' approval, obtain the Town Officials' signatures and submit the approved map for the zoning amendment and the ordinance amending the official zoning map to the County Clerk and Recorder's Office for recording."

Section 15. Section 16-3-160, of the *Mead Municipal Code* is hereby amended by the addition of a new subsection (d) and the renumbering of existing subsections (d), (e) and (f) as (e), (f) and (g):

"(d) Amendments to the text of the land use code process. Amendments to the text of the Code may be initiated by the Board of Trustees, the Planning Commission, Town staff, or by written application of any property owner or resident of the Town. Amendments to the text of the Code shall be reviewed and considered by the Planning Commission and the Board of Trustees at public hearings and shall be enacted by ordinance.

(1) Step 1: Optional preapplication conference. An applicant, who is a property owner or resident of the Town, may attend a preapplication conference with a representative from the Town. The purpose of the meeting is to discuss the proposed text amendment, the submittal requirements and the review process.

(2) Step 2: For text amendments proposed by the Board of Trustees, the Planning Commission, or Town staff, a written description of the proposed change to the text of the Code shall be prepared by the Town staff to include a citation of the portion of the land use code to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in the zoning codes of other jurisdictions that support the rationale of the proposed change. In the event the text amendment is proposed by a property owner or resident of the Town, the applicant shall submit a written description of the proposed change to the text as described above.

(3) Step 3: Staff review and report to Planning Commission. Staff shall complete a review of the proposed text amendment and prepare a report to the Planning Commission explaining how the application is or is not consistent with the criteria for text amendments to the Code.

(4) Step 4: Set public hearings for text amendment review and complete public notification process. The Town Clerk shall set the dates of the public hearings to consider the text amendment before the Planning Commission and Board of Trustees. The Town Clerk shall publish notice of the public hearings in a newspaper of general circulation no less than fifteen (15) days before the date of the Planning Commission and Board of Trustees public hearings.

(5) Step 6: Planning Commission public hearing and action on the text amendment. The Planning Commission shall hold a public hearing to review the proposed text amendment based on the criteria for amendments to the land use code. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve, or deny the text amendment.

(6) Step 7: Board of Trustees public hearing and action on the text amendment. The Board of Trustees shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing to review and act upon the proposed amendment. The Board of Trustees shall consider the comments and evidence presented at the hearing and evaluate the proposed text amendment in accordance with the criteria listed in subsection (f) of this Section and approve, amend, or deny the proposed text amendment, in whole or in part. Text amendments shall be enacted by ordinance.”

Section 16. Effective Date. This ordinance shall be published and become effective as provided by law.

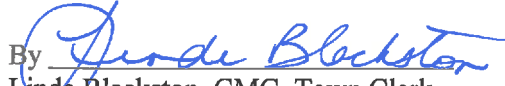
Section 17. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 18. 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.

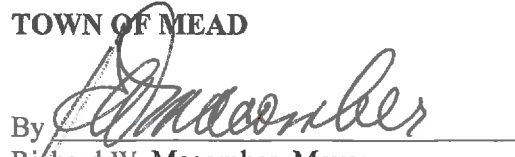
Section 19. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 30th DAY OF July, 2012.

ATTEST:

By 
Linda Blackston, CMC, Town Clerk

TOWN OF MEAD

By 
Richard W. Macomber, Mayor