

**TOWN OF MEAD, COLORADO  
PLANNING COMMISSION  
RESOLUTION NO. 03-PC-2020**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF  
MEAD, COLORADO RECOMMENDING TO THE BOARD OF TRUSTEES  
APPROVAL OF AN ORDINANCE AMENDING CERTAIN PROVISIONS OF  
ARTICLES I, II, III, VII, AND XI OF CHAPTER 16 OF THE *MEAD  
MUNICIPAL CODE* PERTAINING TO SIGNAGE, ACCESSORY DWELLING  
UNITS,  
AND ACCESSORY STRUCTURES**

**WHEREAS**, Sec. 16-3-160(d) of the Town of Mead Municipal Code (“MMC”) sets forth that amendments to the text of the Land Use Code may be initiated by the Board of Trustees, the Planning Commission, Town Staff or written application of any property owner or resident of the Town and further provides that any such text amendments “. . . shall be reviewed and considered by the Planning Commission and the Board of Trustees at public hearings and shall be enacted by ordinance”; and

**WHEREAS**, Town Staff has proposed to amend certain provisions of Articles I, II, III, VII, and XI of Chapter 16 of the MMC (the “Proposed Amendments”); and

**WHEREAS**, a copy of the Proposed Amendments is attached to this Resolution as **Exhibit A** and is incorporated herein by reference; and

**WHEREAS**, in accordance with applicable requirements of the MMC, the Town Clerk caused notice of the Planning Commission public hearing on this matter to be published no later than fifteen (15) days prior to the hearing in a newspaper of general circulation; and

**WHEREAS**, the Planning Commission conducted the duly noticed public hearing on June 17, 2020, to consider the Proposed Amendments; and

**WHEREAS**, the MMC requires the Planning Commission to make a recommendation to the Board of Trustees to approve, conditionally approve or deny any proposed text amendment; and

**WHEREAS**, based upon evidence set forth in the *Agenda Item Summary/Staff Report* presented to the Planning Commission and other evidence offered and accepted at the public hearing, the Planning Commission has determined that the approval criteria set forth in Sec. 16-3-160(f)(2), (f)(3) and (f)(4) of the MMC has been satisfied in that the Proposed Amendments, if approved by the Board of Trustees, will provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town Staff, will assist with the accommodation of innovations in land use and development practices that were not contemplated at the adoption of the Town’s existing sign code, and will further the implementation of the goals and objectives of the Town’s Comprehensive Plan; and

**WHEREAS**, the Planning Commission desires to recommend approval of the Proposed Amendments to the Board of Trustees,

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Mead, Colorado, that:

**Section 1. Recitals incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of Planning Commission.

**Section 2. Recommendation.** The Planning Commission finds and determines that it reviewed the Proposed Amendments in accordance with the procedure set forth in Sec. 16-3-160 of the MMC and that the public hearing on the Proposed Amendments was held, conducted and concluded in accordance with Sec. 16-3-160 of the MMC. The Planning Commission recommends that the Board of Trustees proceed to consider and approve an ordinance adopting the Proposed Amendments.

**Section 3. Effective Date.** This resolution shall become effective immediately upon adoption.

**INTRODUCED, READ, PASSED AND ADOPTED this 17th day of June, 2020.**

**ATTEST:**

By:  Secretary

 TOWN OF MEAD PLANNING COMMISSION  
SEAL  
WELD COUNTY, COLORADO

 Chair or Acting Chair

Exhibits:

**Exhibit A** – Proposed Amendments to Certain Provisions of Articles I, II, III, VII, and XI of Chapter 16 of the *Mead Municipal Code*

## EXHIBIT A

UNDERLINE = ADDITION

STRIKE-OUT = DELETION

### Sec. 16-1-150. - Definitions.

*Accessory building* means a subordinate building or structure in size, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a continuous lot in the same ownership) with the main building or use. Accessory buildings are only permitted when they are incidental for accessory to an existing and permitted principal or conditional use.

*Accessory dwelling* means an apartment integrated within a single-family dwelling or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. Accessory dwellings shall be limited to eight hundred fifty (850) square feet in floor area in the RSF-4 and DMU zone districts, and fifty (50) percent of the finished floor area of the principal dwelling, not to exceed one thousand (1,000) square feet, in the AG, RSF-E and RSF-1 zone districts. For purposes of calculating residential density, each accessory dwelling shall count as one-half ( $\frac{1}{2}$ ) dwelling unit. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.

**Sec. 16-2-90. - Parking.**

**Table 2.1 Parking Requirements**

<b>Land Use</b>	<b>Required Minimum Parking (Must be out of rights-of-way)</b>
Accessory dwellings	1 space per bedroom, up to 2 per unit (Parking requirements can be met by spaces located in garages, driveways, or on-street.)

**Sec. 16-2-200. - Welker Avenue Corridor.**

**Sec. 16-2-210. - Old Town Corridor.**

The Old Town Corridor is defined to mean all property located in the DMU zoning area. The legislative intent of the Old Town Corridor is to create and preserve a traditional Old Town look without inappropriate modern architecture, building materials, or colors. This Section shall be applicable only to new construction, except that any building elevation or envelope change in an existing building in the Old Town Corridor shall also be required to undergo site plan review. All projects required under the provisions of this Section to undergo site plan review shall be subject to the following additional or more restrictive or higher standards, at a minimum, unless otherwise approved.

**Sec. 16-2-220. - Highway Design Overlay District (HDOD).**

(c)(1)c. Highway 66: A minimum setback of fifty (50) feet from the existing State Highway 66 right-of-way is required. No buildings, structures, access drives or facilities (such as parking lots) may be located within such setbacks, except for the following: 1) storm water detention/retention facilities; 2) any required street lighting for State Highway 66 or Welker Ave.; 3) approved small-scale mass transit facilities such as bus shelters or bus stops; and 4) monument signs, as further regulated by the Town's storm water management, lighting, accessory structure, sign and other applicable codes and regulations.

**Sec. 16-3-40. - Use regulations.**

**Table 3.1 Principal Uses Allowed**

Use Category	Specific Use Type	R S F - E	R S F - 1	R S F - 4	R M F - 8	R M F - 1 4	D M U	H C	G C	L I	A G	Specified Use Standard (Reference No.)
Household Living	Accessory Dwelling Unit	A	A	C			A				A	

**Sec. 16-3-60. - Accessory uses.**

(c) Dimensional and Operational Standards. The standards of this Section shall apply in all districts unless otherwise expressly stated.

(1) Height. The maximum height of accessory buildings or structures is defined in the density and dimensional standards of this Code.

**Sec. 16-3-70. - Temporary uses.**

(b)(10)h. Within the designated outdoor seating area, chairs, tables, umbrellas, planters and trash receptacles may be permitted.

(b)(11)j. Within the designated outdoor seating area, chairs, tables, umbrellas, planters and trash receptacles may be permitted.

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

(a) Generally. Except as provided in subsection (b) below, the Board of Adjustment 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 those contained in this Subsection (a):

(1) 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 Comprehensive Plan or impair the intent and purpose of this Code.

(2) Appeal application.

- a. 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.
- b. An appeal to the Board of Adjustment shall be made within ten (10) days after the 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.
- c. 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 this Chapter. 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.
- d. 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.
- e. 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.
- f. Board of Adjustment public hearing and action on 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 this Chapter. The Board of Adjustment shall provide a written record of its findings and the Town 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.
- g. Appeal criteria for approval. The Board of Adjustment, in hearing an appeal from an interpretation of this Chapter, shall consider:
  1. The technical meaning of the provision being appealed;
  2. Evidence of the manner in which the provision has been interpreted in the past;

3. The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives; and
4. The intent of the provision in implementing the Comprehensive Plan.

(3) Variance application.

- a. Any person in interest may apply to the Board of Adjustment for a variance from the literal interpretation of the provisions of this Chapter. The applicant shall pay the fees set by the current fee schedule. For a variance request, the applicant shall submit nineteen (19) copies, in D-ring binders, and three (3) CDs with all maps, legal descriptions and surrounding property owner information contained thereon, of the following to the Town Clerk:
  1. Land use application form.
  2. Variance - technical criteria form.
  3. Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of the variance application submittal.
  4. Explanation letter identifying the variance being requested, a citation of the portion of this Chapter 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 Comprehensive Plan or impair the intent and purpose of this Code.
  5. Map. Town 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.
  6. 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.
- b. 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 and 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) feet 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.

- c. Board of Adjustment public hearing and action on 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.
- d. 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 Adjustment and shall be prepared, signed and recorded with the County Clerk and Recorder at the expense of the applicant.
- e. Appeals of Board of Adjustment action on 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.
- f. Variance criteria for approval. In order to grant a variance to this Chapter, the Board of Adjustment shall find that all the of following have been satisfied:
  1. 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.
  2. That, because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of this Chapter.
  3. That, due to such unique physical circumstances or conditions, the strict application of this Chapter would create a demonstrated hardship.
  4. That the demonstrable hardship is not self-imposed.
  5. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood.
  6. 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 this Chapter.



8. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of the Town.
- g. The Board of Adjustment shall not grant a variance to this Chapter, which:
  1. Permits a land use not allowed in the zoning district in which the property is located;
  2. Is in the public right-of-way or on public property;
  3. Alters any definition of this Chapter;
  4. Is other than the minimum variance that will afford relief with the least modification possible to the requirements of this Chapter;
  5. 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 this Chapter; or
  6. Is based exclusively on findings of personal or financial hardship. Convenience, profit or caprice shall not constitute undue hardship.

(b) Sign Regulations.

- (1) The Board of Trustees shall have the power and authority to hear appeals from the application of the Town's Sign Regulations, as codified in Article VII of this Chapter.
- (2) Appeals to the Board of Trustees may be brought by an aggrieved applicant, at the aggrieved applicant's option, by filing a notice of appeal with the Town within ten (10) business days after the date of the written decision appealed from.
- (3) The notice shall state the grounds for, and present argument and evidence in support of, the appeal.
- (4) The appeal shall be heard on the next available agenda of the Board of Trustees for which notice may be timely provided, but in any event not more than forty-five (45) days after the appeal is filed.
- (5) In considering the appeal, the Board of Trustees shall review the matter de novo; however, evidence that was not presented to the prior decision-maker shall not be introduced unless there is good and reasonable cause shown for the prior failure to introduce it.
- (6) Upon conclusion of the hearing, the Board of Trustees shall make findings of fact and grant the appeal; grant the appeal with conditions that are supported by the facts found, and necessary to assure compliance with Article VII; or deny the appeal. The decision shall be reduced to writing within five (5) business days and promptly thereafter provided to the applicant.
- (7) This Subsection (b) is an optional process for the applicant, and shall not be interpreted to limit an aggrieved applicant or other party with standing from seeking judicial review.

**Sec. 16-3-150. - Waivers.**

- (a) Purpose. Except with regard to applications that are subject to Article VII, Sign Regulations, 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, creative conflict with the Town Comprehensive Plan, or impair the intent and purpose of this Code.

**Sec. 16-7-70. - Prohibitions.**

2. Prohibited signs. The following sign structures and designs are prohibited:

- a. Animated or moving signs, including any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating, or otherwise animated light, except as specifically permitted in Section 16-7-90, Message centers; provided that “moving signs” shall not be deemed to prohibit a single, vertical, striped cylindrical pole, typically rotating about its vertical axis and not more than thirty-six (36) inches long, used as a projecting sign in the DMU zoning district in accordance with Table 7.11(2), *Projecting, Awning, and Bracket Signs*.

3. Prohibited design elements. The following elements shall not be incorporated as an element of any sign or sign structure, whether temporary or permanent:

- i. Spinning or moving parts; provided that “spinning or moving parts” shall not be deemed to prohibit a single, vertical, striped cylindrical pole, typically rotating about its vertical axis and not more than thirty-six (36) inches long, used as a projecting sign in the DMU zoning district in accordance with Table 7.11(2), *Projecting, Awning, and Bracket Signs*.

**Sec. 16-7-110. - Standards for attached permanent signs.**

**Table 7.11(2)  
Projecting, Awning, and Bracket Signs**

Additional Standards	Not applicable	<ul style="list-style-type: none"> <li>• Signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas</li> <li>• Projecting signs must be spaced not less than 20 ft. from other projecting signs</li> <li>• Projecting signs that extend over pedestrian use areas must provide at least 8 ft. of sign clearance</li> <li>• In the DMU zoning district only, “projecting signs” shall include and allow for a single, vertical, striped cylindrical pole, typically rotating about its vertical axis and not more than thirty-six (36) inches long.</li> </ul>
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**Sec. 16-11-30. - Uses permitted.**