

**TOWN OF MEAD, COLORADO
PLANNING COMMISSION
RESOLUTION NO. 02-PC-2021**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
MEAD, COLORADO RECOMMENDING APPROVAL OF STAFF-INITIATED
TEXT AMENDMENTS TO SECTIONS 16-1-150, 16-3-40- TABLE 3.1, 16-3-50, 16-
3-60(f), AND 16-13-30 OF THE *MEAD MUNICIPAL CODE*, REGARDING HOME
OCCUPATIONS, TO THE BOARD OF TRUSTEES**

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 amendments to Sections 16-1-150, 16-3-40- Table 3.1, 16-3-50, 16-3-60(f), and 16-13-30, of the MMC, regarding home occupations as an accessory use; and

WHEREAS, a legislative redline of the proposed amendments to Sections 16-1-150, 16-3-40- Table 3.1, 16-3-50, 16-3-60(f), and 16-13-30 of the MMC is attached to this Resolution as **Exhibits A-1 and A-2** 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 April 21, 2021 to consider the proposed staff-initiated text amendments summarized in **Exhibits A-1 and A-2** (the “Proposed Text 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)(1), (2), and (4) of the MMC have been satisfied in that the Proposed Text Amendments, if approved by the Board of Trustees, will correct manifest errors in Article 3 of Chapter 16 of the MMC, will provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town Staff, and will further the implementation of the goals and objectives of the Town’s 2018 Comprehensive Plan, and specifically Policy 2C: Strategy 2C-3; and

WHEREAS, the Planning Commission desires to recommend approval of the Proposed Text 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 Text Amendments in accordance with the procedure set forth in Sec. 16-3-160 of the MMC and that the public hearing on the Proposed Text 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 approve the Proposed Text Amendments.

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

INTRODUCED, READ, PASSED AND ADOPTED THIS 21st DAY OF APRIL, 2021.

ATTEST:

By Jeanine Reed Secretary  [Signature] Chairman or Acting Chair

Exhibits:

EXHIBIT A-1 – Proposed Amendments to Sections 16-1-150, 16-3-50, 16-3-60(f), and 16-13-30 of the MMC

EXHIBIT A-2 – Proposed Amendments to Section 16-3-40- Table 3.1 of the MMC

EXHIBIT A-1

The text amendments to the Land Use Code of the Mead Municipal Code are provided below, with deletions in strike-through and additions underlined except as otherwise noted.

Section 16-1-150. - Definitions.

Home occupation means an occupation or business activity which results in a product or service, for which a business license may be required pursuant to Chapter 6 of the Mead Municipal Code, that is conducted in whole or in part in a dwelling unit and is subordinate to the residential use of the dwelling unit, and is incidental to the residential use of the dwelling unit and does not change the essential residential character or appearance of the dwelling unit or neighborhood.

Child care, home based, ~~means a facility that is maintained for the whole or part of the day for the care for less than seven (7) children.~~

Family child care home shall have the meanings provided in Section 26-6-102 of the Colorado Revised Statutes, as may be amended from time to time. Family child care home shall not include exempt family child care home providers, as that term is defined in Section 26-6-102, C.R.S. means a home-based facility licensed by the state for child care in a place of residence of the family or person for the purpose of providing less and twenty-four hour care for children under the age of eighteen (18) years who are not related to the head of such home.

Foster care home ~~means a facility that is certified by the county department of social services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care.~~

Section 16-3-50. – Specific use standards.

(3) ~~Reserved. Home occupation. Business residence uses within nonresidential zoning districts shall be subject to the standards listed below:~~

- ~~a. The residential unit shall comply with all applicable building and fire codes, and with all applicable portions of this land use code.~~
- ~~b. Only one (1) single family dwelling unit per primary business or structure shall be allowed and it shall be occupied by the immediate family of the owner, operator or employee of the business.~~
- ~~c. The dwelling unit shall be located within a structure used primarily for business purposes.~~
- ~~d. A minimum of one (1) off street parking space shall be provided for the dwelling unit in addition to the required parking for the business. Additional spaces may be required based upon number of bedrooms within the dwelling unit.~~

Section 16-3-60. – Accessory uses.

[Remove entire subsection (f), including Table 3.2 to replace with the following:]

- (f) Home Occupations. It is the intent of this subsection to regulate home occupations so that the average neighborhood resident, under normal circumstances, will not be negatively impacted by and will be minimally aware of their existence. Home occupations shall be a permitted accessory use and shall meet all of the following criteria:
- (1) Home occupations shall be registered with the Town of Mead prior to initiation of a home occupation. Registrant shall complete a Home Occupation Affidavit form describing the nature of the home occupation and certifying that it will comply with all applicable Code standards and limitations. Affidavits shall be filed with the Town of Mead prior to initiation of a home occupation and annually thereafter with the business Sales and Use Tax report. Forms will be available online or with the Town Clerk or Deputy Clerk.
 - (2) Home occupations shall be conducted predominately within the principal structure or an accessory structure associated with the residential use and shall be primarily conducted by one or more residents of the principal dwelling. No more than two (2) non-residents may assist in the on-site conduct of the home occupation.
 - (3) Home occupations shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character of the property and neighborhood.
 - (4) There shall be no advertising or other display or indications of a home occupation, with the exception of signage permitted per Chapter 16, Article 7 of this Code.
 - (5) There shall be no substantial retailing or wholesaling of stocks, supplies, or products conducted on the premises of a home occupation; however, delivery of retail products to the consumer off the premises, such as in the course of a mail order business, shall be permitted.
 - (6) There shall be no exterior storage on the premises of supplies or material used in the home occupation, nor of any chemically hazardous, explosive, or combustible material within the dwelling or upon the premises upon which the dwelling is situated.
 - (7) A home occupation shall not generate or result in nuisances such as traffic, excessive on-street parking, noise, vibration, odor, glare, fumes, electrical interference, or hazards greater than that usually associated with residential uses.
 - (8) The maximum number of clients that may visit the home occupation per day is ten (10). *Family child care homes* are exempt from this requirement, and capacity is governed under state law and Department of Human Services regulations.
 - (9) The property containing the home occupation shall adequately accommodate all parking needs (residents, clients, customers, employees, etc.) utilizing the public right-of-way immediately adjacent, onsite driveways or off-site parking facilities.
 - (10) The following uses shall not be permitted as home occupations:
 - (i) Auto repair or motorized implement maintenance or repair;
 - (ii) Painting of vehicles, trailers, boats, or similar items;

- (iii) Motor vehicle towing operation;
- (iv) Welding shop;
- (v) Barber or beauty shops having more than one (1) chair.

In addition to the prohibited uses specified herein, the Mead Planning Director shall have the authority to prohibit other uses upon a determination that such uses are likely to result in external impacts comparable to the prohibited uses specified herein or are otherwise inconsistent with the residential character of the area.

- (11) In addition to the provisions of this Section 16-3-60(f), medical marijuana primary caregivers are subject to Section 6-2-130(e) of the Mead Municipal Code.

Section 16-13-30. – Other fees.

- (3) Reserved. ~~Home occupation permit.~~

Sec. 16-3-40. – Use regulations.

[The below sections of Table 3.1 will be revised with deletions in strike-through.]

Table 3.1

Use Category	Specific Use Type	Residential					Nonresidential				T	Specified Use Standard (Reference No.)		
		RSF- E	RSF- I	RSF- 4	RMF- 8	RMF- 14	DMU	HC	GC	LI			AG	
RESIDENTIAL														
Household Living	Accessory dwelling unit	A	A	C			A						A	
	Duplex				A		A			C				
	Home occupation	C	C	C	C		C			A				+16-3-50(3)
	Manufactured housing park				C		A			C				
	Multi-family units				A		A			A				16-3-50(14)
	Rooming/boarding house				A		A			A				
	Single-family detached (include manufactured housing)	A	A	A	A		A			A				A
	Townhomes				A		A			A				C
	All other household living				A		A			A				

