

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 961**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING
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**

WHEREAS, Sec. 16-3-160(d) of the Town of Mead Municipal Code (“MMC”) sets forth that amendments to the text of Chapter 16 of the MMC (“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, Community Development staff is recommending 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 Ordinance as **Exhibits A-1 and A-2** and is incorporated herein by reference; and

WHEREAS, at a public hearing held on April 21, 2021, the Town of Mead Planning Commission recommended the proposed changes to the MMC to the Board of Trustees for approval; and

WHEREAS, in conformance with the Sec. 16-3-160 of the MMC, the public hearings before the Planning Commission and the Board of Trustees were properly noticed, including publication in *The Longmont Times-Call*; and

WHEREAS, the Board of Trustees has specifically reviewed and analyzed the criteria for text amendments to the Land Use Code, and has determined that the amendment to the Land Use Code set forth in this Ordinance will correct manifest errors in the text of the Land Use Code, will provide for changes in administrative practices as may be necessary to accommodate the changing needs of the community and Town staff, and will further the implementation of the goals and objectives of the Town Comprehensive Plan; and

WHEREAS, the Board of Trustees has determined that the adoption of this Ordinance will further the public health, safety and welfare of the residents of the Town.

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

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. The MMC is hereby amended as reflected in the legislative redlines attached hereto **Exhibits A-1 and A-2**.

Section 3. Effective Date. This Ordinance shall be published and become effective as provided by law.

Section 4. Remaining provisions. Except as specifically amended hereby, all other provisions of the Mead Municipal Code shall continue in full force and effect.

Section 5. Codification Amendments. The codifier of Mead's Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Mead Municipal Code.

Section 6. 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 7. 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.

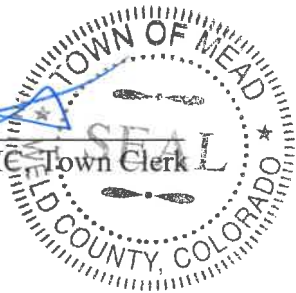
Section 8. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 10TH DAY OF MAY, 2021.

ATTEST:

By: _____

Mary E. Strutt, MMC Town Clerk



TOWN OF MEAD:

By: _____

Colleen G. Whitlow, Mayor

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.~~

EXHIBIT A-2

Sec. 16-3-40. – Use regulations.

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

Table 3.1

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

	All other household living			A	A	A	A					
Group Living	Assisted living facility	C	C	C	C	C	C	C	C		C	16-3-50(9)
	Large group living facility				C	C	C	C	C	C		
	Small group living facility	C	C	C	C	C	C	C	C		C	
	Treatment facility	C	C	C	C	C	C	C	C		C	
INSTITUTIONAL AND CIVIC												
Colleges & Vocational Schools	Colleges & universities				C	C	C	A	A	C		
	Vocational/technical/trade schools							A	A	C		
	All other educational institutions							C	C	C		
Community Service	Community activity building	A	A	A	A	A	A	A	A		C	
	All other community services	C	C	C	C	C	C	A	A	C	C	
Cultural	Museums, art galleries, libraries						A	A	A	C	C	
Day Care	Child care center, large					C	C	C	C	C		
	Child care center, small	C	C	C	C	C						
	Family child care, home	A	A	A	A	A	C	C			A	