

**TOWN OF MEAD, COLORADO
BOARD OF TRUSTEES
ORDINANCE NO. 1005**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING A TEXT
AMENDMENT TO SECTION 16-3-150, WAIVERS, OF THE *LAND USE CODE*, REGARDING
A PROCESS FOR ADMINISTRATIVE RELIEF**

WHEREAS, Section 16-3-160(d) of the Town of Mead Municipal Code ("MMC") sets forth that any 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 the written application of any property owner or resident of the Town, and 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 repeal and replace Section 16-3-150, Waivers, of the MMC, as shown in **Exhibit A**, attached to this Ordinance ("Text Amendment"); and

WHEREAS, the criteria by which text amendments to the Land Use Code are evaluated are set forth in Section 16-3-160, Amendments, of the MMC; and

WHEREAS, in accordance with applicable requirements of the MMC, a notice of the proposed Text Amendment was published no later than fifteen (15) days prior to the public hearing in a newspaper of general circulation; and

WHEREAS, the MMC requires the Board of Trustees to approve, conditionally approve, or deny any proposed text amendment; and

WHEREAS, the Planning Commission made a recommendation by Resolution (Resolution No. 05-PC-2022), to the Board of Trustees, to approve the Text Amendment, during a duly noticed public hearing on July 20, 2022; and

WHEREAS, based upon evidence set forth in the Agenda Item Summary that was presented to the Board of Trustees and other evidence offered and accepted at the public hearing, the Board of Trustees has determined that the approval criteria set forth in Sec. 16-3-160(f)(2), (f)(3) and (f)(4) of the MMC have been satisfied in that the Text Amendment will assist with the accommodation of providing for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff; will accommodate innovations in land use and development practices that were not contemplated at the adoption of the Town's existing Code; and will further the implementation of the goals and objectives of the Town's Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Trustees 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 the Board of Trustees.

Section 2. Findings. The Board of Trustees finds and determines that it reviewed the Text Amendment in accordance with the procedure set forth in Sec. 16-3-160 of the MMC and that the public hearing on the Text Amendment was held, conducted, and concluded in accordance with Sec. 16-3-160 of the MMC.

Section 3. Approval. The Board of Trustees hereby approves the Text Amendment to repeal and replace Section 16-3-150, Waivers, of the MMC, as shown in **Exhibit A**, attached hereto.

Section 4. Effective Date. This Ordinance shall become effective immediately upon adoption.

INTRODUCED, READ, PASSED AND ADOPTED THIS 8TH DAY OF AUGUST, 2022.

ATTEST:

TOWN OF MEAD:

By: Mary Strutt
Mary Strutt, Clerk



By: Colleen G. Whitlow
Mayor Colleen G. Whitlow

EXHIBIT A

LAND USE CODE TEXT AMENDMENT

[To begin on the next page]

Section 16-3-150, titled "Waivers," shall be repealed in its entirety and reenacted to read in full as follows.

Sec. 16-3-150. Administrative Relief

- A. **Purpose.** The purpose of Administrative Relief is to provide an efficient process for minor modifications to Development Plans. Administrative Relief must preserve the intent of the Comprehensive Plan, the Land Use Code, and the Development Plan that it modifies. If a standard or regulation is not applicable for Administrative Relief, it will be considered a major change and must be processed through the variance application process.
- B. **Definitions.** For purposes of this Section 16-3-150. Administrative Relief, the following definitions shall apply:
1. **Applicant.** Applicant shall mean an applicant for Administrative Relief pursuant to this Section 16-3-150.
 2. **Administrative Relief.** Administrative Relief shall mean relief granted pursuant to this Section 16-3-150 in accordance with the purpose described herein.
 3. **Development Plan.** Development Plan shall mean a site plan, plat, or a planned unit development (PUD) that has not expired by way of conversion, sunset, or abandonment, whether fully approved by the Town or under review for approval.
 4. **Director.** Director shall mean the Town of Mead Community Development Director.
- C. **Applicability.** The standards and regulations listed in this subsection are applicable for Administrative Relief, within the limitations specified herein.
1. **Permitted Uses.** The Director may provide clarity to the definition of a permitted or prohibited land use described in a Development Plan.
 2. **Setbacks.** The Director may authorize a reduction to the minimum setback from lot lines of up to twenty percent (20%) of the applicable setback.
 3. **Distance Between Buildings.** The Director may authorize a reduction up to ten percent (10%) for the minimum distance between buildings if Building Code requirements are met.
 4. **Building Footprints and Lot Coverage.** The Director may authorize an increase or a decrease of up to ten percent (10%) of the area of a building footprint or lot coverage regulation. Such increase or reduction shall not impact applicable Building Code requirements, or open space, parking, and setbacks requirements, or height and density limitations.
 5. **Heights.** The Director may authorize an increase to the maximum allowed building height of up to ten percent (10%) in order to accommodate mechanical appurtenances, necessary elements or appurtenances of a specific architectural design, or another purpose, based upon a compelling rationale, provided by the Applicant, which ensures that the modification will meet the intent of the height requirements.
 6. **Parking.** The Director may authorize a reduction of up to ten percent (10%) of parking spaces otherwise required under applicable parking regulations. A Parking Study shall

be provided, as part of the submittal package, that demonstrates, to the satisfaction of the Director, that the deviation to the parking regulations is appropriate for the proper function of the development, or that the approved land uses on the property have been substantially changed since the parking was previously established on the property.

7. **Access.** The Director, in coordination with the Public Works Director, may authorize changes to the number or type of access locations, access design, and/or internal circulation design pursuant to the standards in the *Design Standards and Construction Specifications*. An Access Study shall be provided, as part of the submittal package, that demonstrates that the access changes are appropriate for the proper function of the development.
8. **Lighting, Landscaping, Fencing, and Architectural Treatments.** The Director may authorize changes to lighting, landscaping, fencing, and other architectural design elements of an approved Development Plan. At the sole discretion of the Director, the decision will be based upon a compelling rationale provided by the Applicant, which ensures that the modification will meet the intent of otherwise applicable requirements.
9. **Residential densities.** The Director may authorize an increase to residential density regulations of up to five percent (5%), as long as the increase would not result in a density that falls within the density range of another zone, as set forth in Section 16-3-80. - Density and dimensional standards.

D. **Specific Exclusions.** The following items are not eligible for approval as an Administrative Relief:

1. A reduction or modification to right-of-way dedications, on-site or off-site public improvement requirements, engineering documents or studies required to be submitted to the Town, or requirements set forth in annexation agreements, development agreements, public improvement agreements, subdivision improvement agreements, site plan agreements, or similar agreements by and between the Town and a property owner.
2. A transfer of density from one phase to another or one site to another (where density by area or phase has been previously approved by the Town).
3. Subdivision related changes (such as lot lines, easements, rights-of-way, internal roadways, or vacations), which require a replat or plat correction.
4. In no case shall any Administrative Relief deviate from the requirements of the Building Code.

E. **Application Materials.** The following application materials are required for Administrative Relief:

1. A completed Land Use application.
2. Application fee.
3. A letter of intent that provides a compelling rationale for the requested deviation from the applicable standard or regulation, stating all relevant facts and providing documentation.

4. Proof of property ownership or consent by the landowner granting permission for the Applicant to process the application on the landowner's behalf.
 5. Any other documents necessary for a review of the application, as required by the Director.
- F. **Approval Standards.** The following criteria shall be considered by the Director for approval of Administrative Relief:
1. If the Administrative Relief implements, or does not reduce the potential for implementation of the goals and policies set forth in the Comprehensive Plan; and
 2. If the Administrative Relief is consistent with efficient development and preservation of any applicable Development Plan; and
 3. If the Administrative Relief will adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest; and
 4. If approval of the Administrative Relief is in keeping with the spirit and intent of this Code and will not weaken the purposes of applicable regulations; and
 5. If approval of the Administrative Relief will not adversely impact the public health, safety, and welfare.
- G. **Application Process.**
1. **Pre-Submittal Consultation.** During the pre-submittal meeting, the Director will make an initial determination as to the proposal's eligibility to be processed for Administrative Relief. At the discretion of the Director, the Applicant may be required to submit a letter of intent and any other documents necessary to make an initial determination, as deemed necessary by the Director.
 2. **Application Review.** Upon a determination, by the Director, that the proposed deviation from the Code is eligible for Administrative Relief, the Applicant must submit a formal application within sixty (60) days of the Pre-Submittal Consultation date.
 3. **Final Decision.** Upon receipt of a complete application for Administrative Relief, the Director will make a final decision to either approve, conditionally approve, or deny the application. The Director may impose conditions in the granting of an application for Administrative Relief to ensure that the approval of an application for Administrative Relief will have a minimum impact on surrounding properties or as necessary to ensure that other applicable Code regulations are satisfied. The decision will be provided to the Applicant within sixty (60) days of the application submission date unless the Applicant agrees to an alternative date.
 4. **Record of Decision.** A copy of the application and final decision will be placed in the project file and a copy will be provided to the Applicant.
 5. **Appeal Procedures.** If the application is denied, the Applicant may appeal the final decision in accordance with Section 16-3-140. - Appeals and Variances.