



Agenda Item Summary

MEETING DATE: November 15, 2023

SUBJECT: **Resolution 08-PC-2023** – A Resolution of the Planning Commission of the Town of Mead, Colorado, Recommending Approval of Staff-Initiated Text Amendments to Sections 16-1-150, 16-3-80 – TABLE 3.3, 16-3-90(e)(2), 16-3-90(g), AND 16-11-40(9) of the *Mead Municipal Code*, Regarding Floor Area Ratio Standards for Development and Encroachments into Setbacks

PRESENTED BY: Collin Mieras, Planner II

SUMMARY

Staff is proposing text amendments to Chapter 16 – Land Use Code of the Mead Municipal Code (“MMC”) relating to density and dimensional standards for lots and structures. Specifically, the proposed text amendments aim to (1) eliminate floor area ratio (FAR) standards, and (2) add permissible distances for non-foundational flatwork encroaching into setbacks and add encroachment standards for window wells (together, the “Text Amendments”). The Text Amendments are laid out with specificity in Exhibit A to the draft ordinance (“Ordinance”) attached as Exhibit 1 to Resolution No. 08-PC-2023.

Section 16-3-160 of the MMC states that amendments to the text of the Land Use Code may be initiated by Town Staff, and changes to Article III of the Land Use Code shall be reviewed and considered by the Planning Commission prior to referral to the Board of Trustees for consideration and enactment by ordinance.

This AIS recommends that the Planning Commission recommend approval of the proposed Text Amendments to the Board of Trustees.

OVERVIEW

(1) Text Amendments to Eliminate Floor Area Ratio Standards

FAR is the gross floor area of a building on a lot divided by the total area of the lot. For example, a 25,000 square-foot, one-story building located on a 100,000 square-foot lot would have a FAR of .25. See the provided attachment for a graphic representation of FAR.

A FAR maximum is typically used in land use codes to control the intensity of a development. Staff has found that the FAR maximum in the MMC is unnecessary as other density and dimensional standards already appropriately limit the intensity of development. Therefore, the Text Amendments include the following:

- Amend Section 16-1-150 to delete the definition of the term “floor area ratio.”
- Amend Section 16-3-80. – Table 3.3, which outlines the Density and Dimensional Standards for zoning districts in the Town. The proposed amendment removes the maximum Floor Area Ratio (FAR) standard from the table, as well as references to FAR.
- Amend Section 16-3-90(g) to remove the explanation of how FAR is to be measured.

- Amend Section 16-11-40(9) to eliminate the FAR standard for manufactured housing (for which the MMC includes lot and structure area dimensional standards).

(2) Text Amendments to Add Permissible Distances for Non-foundation Flatwork Encroaching into Setbacks and Add Encroachment Standards for Window Wells

The MMC creates setback requirements for all structures from lot lines by zone district. MMC Section 16-3-90(e)(2) identifies the allowable encroachments into setbacks on a lot. Improvements such as porches and heating and cooling equipment are allowed to encroach a set distance into the setback. Non-foundational flatwork, such as driveways, sidewalks, walkways, patios, parking lots etc. have also been permitted to encroach into the setback, but with no limitation on the distance of encroachment. The proposed Text Amendments add limitations to the distance that non-foundational flatwork can encroach into the setback, among other changes. Specifically, the Text Amendments amend MMC Section 16-3-90(e)(2) to specify:

- Encroachments cannot encroach into easements without easement holder’s permission;
- Driveways and sidewalks can only encroach into front setbacks and only if shared access or rear alley access is not provided;
- Non-foundational flatwork such as patios and walkways can encroach not closer than five feet to the nearest property line;
- Parking lots and drive aisles not closer than five feet to the nearest property line; and
- Window wells not to exceed three feet.

REVIEW CRITERIA ANALYSIS

Zoning Amendment Review Criteria (MMC Section 16-3-160. Amendments)

The criteria by which text amendments to Chapter 16 of the Code (“Land Use Code”) are evaluated are set forth in Section 16-3-160(f), *Criteria for text amendments to the Zoning Code*. This subsection reads as follows:

“For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the text of this Article shall not be amended except:

- (1) To correct a manifest error in the text of this Article; or
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff; or
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Article; or
- (4) To further the implementation of the goals and objectives of the Town Comprehensive Plan.”

Only one of the review criteria listed above must be met for the proposed Text Amendments to be approved. Staff believes the Text Amendments meet the following criteria:

(2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;

(1) Text Amendments to Eliminate Floor Area Ratio Standards

Staff has found that the use of FAR in the MMC is unnecessary, as the MMC includes other density and dimensional standards that control the intensity of development. These standards include maximum lot coverage, height, and dwelling units per acre, as well as on-site parking and landscaping requirements.

When the FAR maximum is implemented along with the other density and dimensional standards listed above, it becomes increasingly complicated and burdensome for the developer to design their site and meet all the standards. Taking out the FAR maximum will allow for property owners to have more

flexibility in designing their site, while still being limited by the other density and dimensional standards to the appropriate intensity of use for the property.

(2) Text Amendments to Add Permissible Distances for Non-foundation Flatwork Encroaching into Setbacks and Add Encroachment Standards for Window Wells

Recently constructed residential developments in the Town have had smaller lot sizes than historically seen with older subdivisions in the Town. The smaller lot sizes have resulted in less area within the building envelope for accessory structures and improvements. Staff has seen an increasing number of residents constructing non-foundational flatwork, such as patios and walkways, within their side and rear setbacks as a result of the smaller lot sizes.

To mitigate any potential issues with having flatwork in the setbacks on these lots, Staff is proposing to require non-foundational flatwork to not be allowed to encroach closer than 5 ft. from the property line.

Staff has also included a revision to not allow flatwork to be constructed in or over any easements unless easement holders permit. Construction that occurs within an easement can conflict, for example, with utility companies' access to their infrastructure for maintenance. Typically, the companies will remove the construction at the cost of the property owner and not replace the removed construction. To prevent these conflicts in the future, Staff is recommending that flatwork not be allowed to be constructed in or over an easement unless the easement holder so permits.

FINANCIAL CONSIDERATIONS

N/A

STAFF RECOMMENDATION/ACTION REQUIRED

Staff finds that the proposed Text Amendments, as outlined, satisfactorily meet the criteria for approval as set forth in Section 16-3-160(f) of the MMC and request that the Planning Commission approve Resolution No. 08-PC-2023, recommending approval of Staff-Initiated Text Amendments to the Board of Trustees via the following motion:

Suggested Motion:

“I MOVE TO APPROVE RESOLUTION NO. 08-PC-2023, A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF MEAD, COLORADO RECOMMENDING APPROVAL OF THE STAFF-INITIATED TEXT AMENDMENTS TO SECTIONS 16-1-150, 16-3-80 – TABLE 3.3, 16-3-90(e)(2), 16-3-90(g), AND 16-11-40(9) OF THE MEAD MUNICIPAL CODE.”

ATTACHMENTS

1. FAR Representation Graphic
2. Resolution 08-PC-2023
EXHIBIT 1 to Resolution: Draft Ordinance Amending Sections 16-1-150, 16-3-80 - Table 3.3, 16-3-90(e)(2), 16-3-90(g), and 16-11-40(9)
EXHIBIT A to Ordinance: Text Amendments shown with additions underlined and deletions in strike-through