

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 837**

AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING THE REQUESTED WAIVER OF THE MEASUREMENTS AND EXCEPTIONS LIMITING AN EAVE OF COVERED PATIOS TO ENCROACH INTO REAR SETBACKS UP TO TWO FEET, FOR LOTS 16, 17, 18, 19, 20, 21, 22, 23, 24, 40, 41, 42, 43, 44, 45, 46, 117 AND 150, IN THE COYOTE RUN SUBDIVISION, MEAD, COLORADO 80542.

WHEREAS, Richfield Homes LLC, 428 Kimbark Street, Longmont, CO 80501 has submitted an application for a waiver of Section 16-3-90 of the *Mead Municipal Code*, to allow a covered patio to encroach into the rear setback up to five feet on the following described real property; to wit:

Lots 16, 17, 18, 19, 20, 21, 22, 23, 24, 40, 41, 42, 43, 44, 45, 46, 117 and 150, Coyote Run Subdivision, Mead, Colorado.

WHEREAS, in accordance with Section 16-3-150 of the *Mead Municipal Code*, the requested waiver application was considered at a regularly scheduled public meeting of the Board of Trustees on Monday, March 13, 2017; and

WHEREAS, Section 16-3-150 of the *Mead Municipal Code* provides that waiver request only be made in conjunction with other applications; and

WHEREAS, Section 16-3-150 of the *Mead Municipal Code* provides certain criteria for the approval of a waiver that is to be included in any ordinance of the Board of Trustees justifying such approval;

WHEREAS, the Board of Trustees has considered the following justifications for allowing waiver of the requirement that the eaves of a covered patio shall not encroach in the rear setback beyond two feet:

- a) The waiver will not alter the essential character of the neighborhood, as many homes in the Coyote Run Subdivisions homes have covered decks or patios.
- b) The waiver is the minimum variance that will afford the future homeowner to enjoy the use of the property and is the least modification possible of the zoning provisions that are in question.
- c) The practical difficulties affecting the use and enjoyment of the properties by the homeowner will be alleviated by the addition of the potential covered patio.

WHEREAS, it is the opinion of the Board of Trustees that it is desirable and necessary that the waiver for the described real property be granted in accordance with the application;

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

Section 1. Approval of Waiver. The requested waiver to allow flatwork and roof eaves of a covered patio to encroach in the rear setback up to five feet on Lots 16, 17, 18, 19, 20, 21, 22, 23, 24, 40, 41, 42, 43, 44, 45, 46, 117 and 150, is hereby approved. All activities conducted on the site shall be in conformance with the conditions contained in this approval and with the *Land Use Code* for the Town of Mead as though the same were set forth in full.

Section 2. Amendment of the Zoning Map. The official *Town of Mead Zoning District Map* as adopted by Section 16-3-103 of the *Mead Municipal Code*, and as subsequently amended, shall be amended by the addition of a note to the effect that the waiver has been approved.

Section 3. Ministerial Action. The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required to cause an appropriate revision of the Town of Mead Zoning District Map to be prepared and placed in the official records of the Town.

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

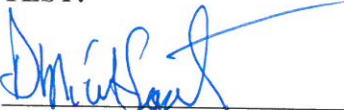
Section 5. Validity. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 6. Necessity. In the opinion of the Board of Trustees of the Town of Mead, this ordinance is necessary for the immediate preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Mead.

Section 7. 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, ADOPTED AND ORDERED PUBLISHED THIS 13th DAY OF March, 2017.

ATTEST:

By 
Mike Segrest, Acting Town Clerk

TOWN OF MEAD

By 
Gary R. Shields, Mayor