

**TOWN OF MEAD, COLORADO
PLANNING COMMISSION
RESOLUTION NO. 09-PC-2023**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF MEAD,
COLORADO, RECOMMENDING APPROVAL OF STAFF-INITIATED TEXT AMENDMENTS
TO SECTION 16-3-90(e)(2) REGARDING ENCROACHMENTS INTO SETBACKS**

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 certain of such text amendments shall be reviewed and considered by the Planning Commission, prior to consideration by the Board of Trustees for enactment by ordinance; and

WHEREAS, Town Staff has proposed to amend Section 16-3-90(e)(2) of the MMC, regarding encroachments into setbacks, as shown in Exhibit A to the proposed ordinance attached to this Resolution as **EXHIBIT 1** (the "Amendments"); and

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

WHEREAS, in accordance with applicable requirements of the MMC, the Town Clerk has caused a notice of the Planning Commission public hearing on the Amendments 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 November 15, 2023, to consider the 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 that was 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)(2) of the MMC have not been satisfied for the proposed Amendments; and

WHEREAS, with respect to the Amendments, specifically the amendments to Section 16-3-90(e)(2) (regarding encroachments into setbacks), the Planning Commission requested staff to prepare this Planning Commission Resolution No. 09-PC-2023, a Resolution recommending approval of the proposed amendment to Section 16-3-90(e)(2) (regarding encroachments into setbacks); and

WHEREAS, following a motion duly made, seconded and unanimously approved, this Resolution 09-PC-2023 failed, which operates as a recommendation of denial of the proposed amendment to Section 16-3-90(e)(2) (regarding encroachments into setbacks),

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 the Planning Commission.

Section 2. Recommendation. The Planning Commission finds and determines that it reviewed the Amendments in accordance with the procedure set forth in Sec. 16-3-160 of the MMC and that the public hearing on the 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 approve the Amendments, specifically the amendments to Section 16-3-90(e)(2) (regarding encroachments into setbacks).

Section 3. Amendment(s) to Proposed Ordinance. The Planning Commission hereby instructs Town Staff to make changes to the proposed Ordinance attached to this Resolution as **EXHIBIT 1** in order to remove the proposed amendments related to the proposed floor area ratio text amendments.

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

INTRODUCED, READ, AND NOT ADOPTED THIS 15TH DAY OF NOVEMBER, 2023.**

ATTEST:

TOWN OF MEAD PLANNING COMMISSION:

By: _____
Jeannine Reed, Secretary

By: _____
Chair

** Note: motion to approve Resolution No. 09-PC-2023 failed by a vote of 5-0.

No Action Taken

EXHIBIT 1

PROPOSED ORDINANCE AMENDING 16-3-90(e)(2) OF THE *MEAD MUNICIPAL CODE*
REGARDING ENCROACHMENTS INTO SETBACKS

[Attached.]

No Action Taken

TOWN OF MEAD, COLORADO
ORDINANCE NO. XX

AN ORDINANCE OF THE TOWN OF MEAD, COLORADO,
AMENDING SECTION 16-3-90(e)(2) OF THE *MEAD MUNICIPAL CODE*, REGARDING
ENCROACHMENTS INTO SETBACKS

WHEREAS, in accordance with Section 16-3-160 of the Town of Mead Municipal Code ("MMC"), amendments to the text of Chapter 16 of the MMC may be initiated by the Board of Trustees, the Planning Commission, the Town Staff or written application of any property owner or resident of the Town; and

WHEREAS, certain text amendments are required to be reviewed by the Planning Commission at a public hearing; and

WHEREAS, following review and consideration of the Board of Trustees following a public hearing, text amendments to Chapter 16 of the MMC are enacted by Ordinance;

WHEREAS, Town Staff has proposed certain text amendments to Section 16-3-90(e)(2) of the MMC, regarding encroachments into setbacks, as shown in **Exhibit A** attached to this Ordinance (collectively, the "Amendments"); and

WHEREAS, the Planning Commission considered the Amendments at a duly noticed public hearing on November 15, 2023, and recommended approval of the Amendments by Resolution [REDACTED]; and

WHEREAS, in accordance with applicable requirements of the MMC, the Town Clerk has caused a notice of the Board of Trustees public hearing, regarding the Amendments, to be published no later than fifteen (15) days prior to the public hearing in a newspaper of general circulation; and

WHEREAS, the Board of Trustees considered the Amendments at a duly noticed public hearing on [REDACTED], 2023; and

WHEREAS, the Board of Trustees desires to approve the Amendments as specifically set forth in **Exhibit A** attached hereto, finds that the approval of the Amendments is in the best interest of the health, safety, and welfare of the public, and further finds that the criteria for text amendments to the zoning code set forth in Section 16-3-160(f) have been satisfied.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, 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. Amendment. The Amendments set forth in **Exhibit A** of this Ordinance are hereby approved.

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

EXHIBIT 1

to Resolution No. 09-PC-2023

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

Section 5. Instructions to Codifier. The codifier of the MMC is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the Amendments set forth in **Exhibit A** of this Ordinance within the MMC.

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 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 [] DAY OF [], 2023.

ATTEST:

TOWN OF MEAD:

By: _____
Mary E. Strutt, MMC, Town Clerk

By: _____
Colleen G. Whitlow, Mayor

No Action Taken

EXHIBIT 1

to Resolution No. 09-PC-2023

EXHIBIT A

Amendments – Mead Municipal Code Sections 16-3-90(e)(2)

Section 16-3-90(e)(2) is hereby amended as shown below, with additions underlined. Section 16-3-90 shall remain unchanged except as explicitly provided herein.

- (2) Exceptions and permitted encroachments. Setbacks must be unobstructed from the ground to the sky, except that the following features may encroach into required setbacks, as long as they do not interfere with the site triangle of roadways, alleys and streets, and as long as they do not encroach into or over an easement without the grantee's permission:

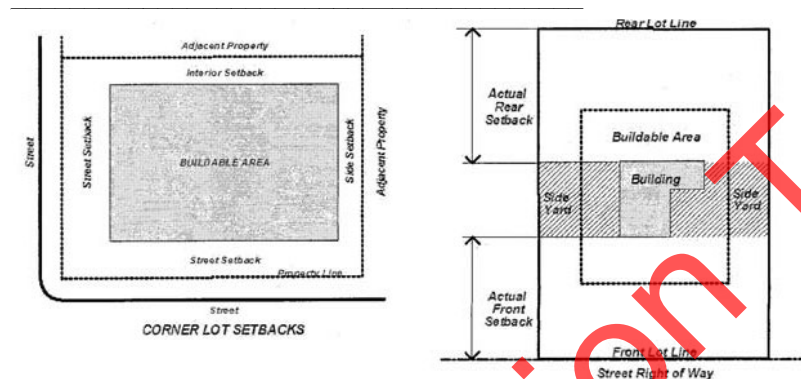


Figure 3.2 Corner Lot Setbacks and Figure 3.3 Measurements of Setbacks

- a. Landscaping;
- b. Clothesline post;
- c. Driveways, curbs and sidewalks;
- d. Driveways and sidewalks, within the front setback only, unless a shared access or a rear alley access is proposed, provided that the driveway complies with the requirements outlined in Sec. 16-2-70(b)(2);
- e. Patios, walkways, and other non-foundational flatwork not specified in this section, not closer than five (5) feet from the nearest property line;
- f. Parking lots and drive aisles, unless otherwise specified in Sec. 16-2-150, not closer than five (5) feet from the nearest property line, unless shared off-street parking is proposed;
- g. Window wells, not to exceed three (3) feet;
- h. Flagpoles;
- i. Heating and cooling units, not to exceed three (3) feet;
- j. Mailboxes;
- k. Overhanging roof, eave, gutter, cornice or other architectural feature and awnings, not to exceed two (2) feet;
- l. Septic systems, wells and underground utilities;
- m. Signs;
- n. Steps, stairs or fire escapes (non-enclosed), not to exceed six (6) feet;

EXHIBIT 1

to Resolution No. 09-PC-2023

- ~~k~~o. Uncovered, unenclosed terraces or porches, not to exceed six (6) feet within front and rear setbacks only;
- ~~l~~p. Accessory buildings, within required rear setbacks only;
- ~~m~~q. Fences or walls six (6) feet or less in height, if otherwise allowed by Town regulations (Note: fences or walls over six (6) feet in height require a Building Permit and shall be subject to all setback standards); and
- ~~n~~r. Yard and service lighting fixtures and poles.

No Action Taken