TOWN OF MILLIKEN
TOWN BOARD
AGENDA MEMORANDUM

To: Mayor Tokunaga and Board of Trustees From: Martha Perkins, Community Development Director Via: Kent Brown, Town Administrator			Public Hearing Date: January 13, 2016
Agenda Item #	Action: x	Discussion:	Information:
Agenda Title: Public Hearing/Meeting for the Review and Possible Approval of Ordinance 722 "An Ordinance of the Town of Milliken Amending Sections 16-8-50 and 16-8-70 of Chapter 16, Article VIII of the Milliken Municipal Code Concerning Floodplain Areas and Declaring an Emergency"			
Attachments: Ordinance 722 Prior Special Food Hazard Map Ordinance 693 Prior Milliken Floodplain Standards Ordinance 686			
Planning & Zoning Commission Recommendation: Recommends approval			

PURPOSE

To consider and approve Ordinance 722 "An Ordinance of the Town of Milliken Amending Sections 16-8-50 and 16-8-70 of Chapter 16, Article VII of the Milliken Municipal Code Concerning Floodplain Areas and Declaring an Emergency". The Ordinance adopts the Town of Milliken Official Special Flood Areas that were identified by FEMA through a Flood Insurance Study (FIS) with accompanying Flood Insurance Rate Maps (DFIRM) in Weld County Colorado. Ordinance 722 is necessary to the immediate preservation of the public health and safety because the new flood insurance rate maps must be effective on or before January 20, 2016 in order to ensure the Town's continued compliance with the National Flood Insurance Program. Ordinance 693 adopted of Milliken's Official Floodplain Map in April 2014, which became effective 30 days after publication in May 2014.

BACKGROUND INFORMATION

Type of Application:	Updated Flood Insurance Rate Maps
Location:	Milliken Colorado in Weld County
Applicant:	Town Engineer & Floodplain Administrator, Troy Spraker with Lamp Rynearson
Comprehensive Plan	Updates the 2015 Comprehensive Plan Envision Milliken Framework Map

	and Floodplain Map in the Comprehensive Plan
Notice	The public hearing was noticed/published in the *Johnstown Breeze* on November 25, 2015. Referrals were sent out on December 1, 2015. The Planning & Zoning Commission held a public hearing on January 6, 2016 and recommended approval.

COMPREHENSIVE PLAN GOALS IMPLEMENTED

The Town of Milliken Official Special Flood Areas that were identified by FEMA through a Flood Insurance Study (FIS) with accompanying Flood Insurance Rate Maps (DFIRM) in Weld County Colorado shall update the Town's Official Zoning Map and the Envision Milliken Comprehensive Plan's Framework Plan Map. The Framework Plan was developed originally to represent and preserve an integrated pattern of community land uses, agricultural lands, and natural areas based on the community's vision, input, and a fiscal impact analysis. By adopting FEMA's flood insurance rate maps, the Town's residents can continue to obtain flood insurance.

One of the proposed Envision Milliken 2016 Comprehensive Plan's eight guiding principles is to become "a safer and more disaster resilient community", which builds on the strength and resolve demonstrated by Town residents and many community partners in the wake of the September 2013 flood. The goals under this guiding principle include directing future growth and public/private investment away from hazard prone areas and minimizing risk and the effects of future hazard events on the Town's essential infrastructure.

Thus, the new DFIRM updates the updated Town's Official Zoning Map with the digital flood insurance maps in congruence with the long-term proposed land uses depicted in 2009 and 2016 Envision Milliken Comprehensive Plan Framework Maps.

COMPLIANCE WITH TOWN LAND USE CODE

The Federal Emergency Management Agency (FEMA) periodically updates Flood Insurance Studies (FIS) as well as accompanying Flood Insurance Rate Maps (FIRMS) and/or Digital Flood Insurance Rate Maps (DFIRMS). In 2014, the Town Board enacted Ordinance No. 693 which adopted updated FEMA special flood hazard areas and mapping provided by FEMA, which redefined the special flood hazard area within the Town after the 2013 flood. More recently, FEMA and the Colorado Water Conservation Board have revised all of Weld County's Flood Insurance Rate Maps in a digital county-wide format and request that the Town adopt this updated 2016 DFIRM on or before January 20, 2016 to ensure the Town's compliance with the National Flood Insurance Program.

This staff memorandum is prepared in accordance with the Land Use Code. Staff complied the most relevant sections of the Code for the Planning and Zoning Commission's and the Town Board's review of the application. The applicable Code sections are included at the end of the staff report after the suggested motions to enable a Commissioner or Board Trustee to look up relevant sections of the Code and still be able to read through staff's review of the case easily.

REVIEW CRITERIA

The Land Use Code contains four criteria for amendments to Official Zoning Map (Section 16-3-120), which includes "*Floodplain District Boundaries* – Floodplain district boundaries, as depicted by separate maps, are estimates based upon data verified from the Colorado Water Conservation Board, Federal Emergency Management Agency (FEMA) or the Board of Trustees on flood-prone areas". Section 16-3-540 "Amendments" provides the Commission and the Board with review criteria for amending the Official Zoning Map, which is intended to establish and maintain sound, stable and desirable development within the Town. These are four criteria:

(1) To correct a manifest error in an ordinance establishing the zoning for a specific property;
(2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally;
(3) The land to be rezoned was zoned in error and as presently zoned in inconsistent with the policies and goals of the Comprehensive Plan;
(4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The first criterion does not apply, since the Town is not changing the zoning of any specific property.

The second criterion, to rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally, does apply, since FEMA and the Colorado Water Conservation Board have revised and updated the Weld County Flood Insurance Rate Maps in digital countywide format based on flood insurance studies. The Town's previous FIRMS maps and special flood hazard areas were adopted by Ordinance No. 693 in 2014. The updated Flood Insurance Rate Maps (FIRMS) and/or Digital Flood Insurance Rate Maps (DFIRMS), if adopted, will become effective January 20, 2016 to minimize flood losses, promote the public health, safety and welfare of citizens, and allow Town's residents continue to obtain flood insurance.

The third criterion does not apply since flood hazard areas and mapping changed after the 2013 flood. The land was not zoned in error nor is the zoning inconsistent with the policies and goals of the Comprehensive Plan. The Colorado State Statute, C. R. S. 13-23-301 requires the Town of Milliken ("Town") to be responsible for adopting regulations designed to minimize flood losses and to promote the public health, safety and welfare of its citizens. The adoption of the latest floodplain maps does this.

The fourth criterion does apply. The adoption of the revised the Weld County Flood Insurance Rate Maps in a digital countywide format does support the Comprehensive Plan's goals as outlined above. Ordinance No. 722 promotes the public health, safety and welfare of Town's citizens and ensures the Town's compliance with the National Flood Insurance Program.

FINDINGS OF FACT

1. C.R.S. 31-23-301 the Town of Milliken ("Town") is responsible for adopting regulations designed to minimize flood losses and promote the public health, safety and welfare of

citizens.

2. On December 11, 2013, the Town of Milliken Board of Trustees enacted Ordinance No. 686 which identified and established regulations for special flood hazard areas within the Town as set forth in Chapter 16, Article VIII of the Milliken Municipal Code.
3. Pursuant to Ordinance No. 686, the Town adopted the Flood Insurance Study ("FIS") as well as the accompanying Flood Insurance Rate Maps ("FIRMS") and/or Flood Boundary Floodway Maps ("FBFM") dated August 1, 1979 by the Federal Emergency Management Agency ("FEMA") which documents identified the special flood hazard areas within the Town.
4. From time to time the Flood Insurance Study ("FIS") as well as the accompanying Flood Insurance Rate Maps ("FIRMS") and/or Flood Boundary Floodway Maps ("FBFM") are updated by FEMA and must be adopted and incorporated into local codes pursuant to FEMA's regulations.
5. In 2014, the Town of Milliken Board of Trustees enacted Ordinance No. 693 which adopted updated special flood hazard areas and mapping provided by FEMA, redefining the special flood hazard area within the Town.
6. FEMA and the Colorado Water Conservation Board have revised the Weld County Flood Insurance Rate Maps in digital countywide format, which must be adopted and incorporated into local codes pursuant to FEMA's regulations effective January 20, 2016 as the "2016 DFIRM" in order to ensure the Town's compliance with the National Flood Insurance Program.
7. The Town's Official Zoning Map referred in the Town's Land Use Code, Section 16-3-120, includes Floodplain District Boundaries, as depicted by separate maps, and are considered part of the Town's Official Zoning Map.
8. The Planning & Zoning Commission recommended the Board's approval of Ordinance 722 at a public hearing on January 6, 2016.

STAFF RECOMMENDATION

Staff recommends that the Town Board approve Ordinance 722 "An Ordinance of the Town of Milliken Amending Sections 16-8-50 and 16-8-70 of Chapter 16, Article VIII of the Milliken Municipal Code Concerning Floodplain Areas and Declaring an Emergency" in Weld County Colorado.

TOWN BOARD APPROVAL

_____The Town Board after hearing testimony, examination of the documents presented and the findings of fact finds the application MEETS the provisions of Sections et. seq. of the Town of Milliken's Land Use Development Code (LUDC) and APPROVES Ordinance 722 "An Ordinance of the Town of Milliken Amending Sections 16-8-50 and 16-8-70 of Chapter 16, Article VIII of the Milliken Municipal Code Concerning Floodplain Areas and Declaring an Emergency" in Weld County Colorado.

or:

_____The Town Board after hearing testimony, examination of the documents presented and the findings of fact finds the application DOES NOT MEET the provisions of Sections et. seq. of the Town of Milliken's Land Use Development Code (LUDC) and DENIES Ordinance 717

Ordinance 722 "An Ordinance of the Town of Milliken Amending Sections 16-8-50 and 16-8-70 of Chapter 16, Article VIII of the Milliken Municipal Code Concerning Floodplain Areas and Declaring an Emergency" in Weld County Colorado.

Town of Milliken Land Use Code Sections
for reference

Sec. 16-1-50. Purpose.
The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town of Milliken's character and further the citizens' goals as identified in the Comprehensive Plan. This Code is designed to:

(1) Encourage the most appropriate use of land through the Town;
(2) Encourage innovative, quality site design, architecture and landscaping;
(3) Encourage new developments to relate to Milliken's historic development pattern;
(4) Promote compact, well-defined, sustainable neighborhoods that enhance Milliken's character;
(5) Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
(6) Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
(7) Provide a variety of lot sizes and housing types in every neighborhood;
(8) Protect sensitive natural and historic areas and Milliken's environmental quality;
(9) Integrate a high-quality natural environment into the developed portions of the community;
(10) Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
(11) Provide protection from geologic, flood and fire hazards and other dangers; and
(12) Promote the health, safety, morals and general welfare of Milliken residents. (Ord. 480 §1.5, 2003)

Sec. 16-1-60. Interpretation.
In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern. (Ord. 480 §1.6, 2003)

Sec. 16-1-70. Applicability of Article.
(a) The provisions of this Code shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.
(b) Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
(c) Whenever both the provisions of this Code and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.

This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies and other guidelines.(Ord. 480 §1.7, 2003)

Sec. 16-1-80. Relationship to existing ordinances.

All ordinances, resolutions or motions of the Board of Trustees or parts thereof in conflict with this Code are to the extent of such conflict hereby superceded and repealed, provided that no such repealer shall repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby. The adoption of this Code shall not adversely affect the Town's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect. (Ord. 480 §1.8, 2003)

Sec. 16-1-90. Relationship to Comprehensive Plan.

It is the intention of the Town that this Code implement the planning policies adopted in the Comprehensive Plan ("Comprehensive Plan") for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

(1) Requirement for Comprehensive Plan Amendment. Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Land Use Plan Map, Transportation Plan Map or Parks and Open Space Map in the Comprehensive Plan.

(2) Criteria for Evaluating Amendment Proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan. (Ord. 480 §1.9, 2003)

Sec. 16-1-100. Effective date.

The provisions of this Code became effective December 10, 2003, and were originally adopted on December 10, 2003. Development plans approved under previous regulations that received vested property rights through a site specific development plan shall be valid for the duration of that vested property right, provided that all terms and conditions of the site specific development plan are followed. Existing legal uses that may become nonconforming by adoption of this Code shall become legal nonconforming uses subject to the provisions of Section 16-3-420 of this Code. (Ord. 480 §1.10, 2003)

Sec. 16-1-120. Severability.
If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code. The Board of Trustees hereby declares that it would have passed the Code including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one (1) or more parts, sections, subsections, sentences, clauses or phrases be declared invalid. (Ord. 480 §1.12, 2003)

Sec. 16-1-150. Definitions.
Terms used in this Code are defined as follows:

Character means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

Common open space means a parcel of land, an area of water, or a combination of land and water within the site designated for a planned unit development (PUD) designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development.

Community Design Principles and Development Standards means the standards in the Town of Milliken *Land Use Code* set forth in Article II of this Chapter.

Compatibility means the characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

Comprehensive Plan means the Town of Milliken Comprehensive Plan.

Density means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in context, *development* shall also mean the act of developing or the result of development. *Development* shall also include:

a. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land;
b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;

c. Any change in use of land or a structure;
d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
e. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
f. The demolition of a structure;
g. The clearing of land as an adjunct of construction;
h. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
i. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
j. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

Development shall not include:
a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
b. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;
c. The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
d. The use of any land for an *agricultural activity* as defined in this Section.
e. A change in the ownership or form of ownership of any parcel or structure; or
f. The creation or termination of rights in land.

Development plan means the written and graphical documents that detail the provisions for development of a PUD development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas and parking facilities; and common open space and other public facilities.

Functional open space means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

Infrastructure means those manmade structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Integrate means to combine or coordinate separate elements (such as housing, recreation, jobs and shopping), so as to provide a harmonious, interrelated whole; organized or structured so that constituent parts function cooperatively.

Lot means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

Mixed use means the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mixed use building means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses, including but not limited to office, retail, public uses, personal service or entertainment uses.

Mixed use dwelling unit means the dwelling unit in a mixed use building. For purposes of calculating residential density, each dwelling unit shall count as one-half (½) dwelling unit.

Municipality means an incorporated city or town.

Open space means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas, wildlife habitat, agricultural areas and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological or historical significance. *Open space* shall not be considered synonymous with vacant or unused land but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.

Open space, common means an area permanently set aside for the common use and enjoyment of residents of a multifamily development.

Owner means the person or entity that owns the property under consideration.

Parcel means a tract or plot of land.

Park means an area open to the general public and reserved for recreational, educational or scenic purposes.

Plan means the map and supporting documentation for a development that includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas and conservation areas in accordance with the requirements of this Code.

Planned unit development (PUD) means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony

with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

Planning Area Boundary means the area surrounding the Town of Milliken that the Town of Milliken will consider annexing and developing. The Planning Area Boundary is delineated on the *Land Use Map* in the Town of Milliken Comprehensive Plan. *Plan* means the map and supporting documentation for a development that includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas and conservation areas in accordance with the requirements of this Code.

Plat means a map of certain described land prepared in accordance with the requirements of this Code and Section 38-51-106, C.R.S., as an instrument for recording of real estate interests with the County Clerk and Recorder.

Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.

Property means all real property subject to land use regulation by the Town of Milliken.

Property line means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which said lot, parcel or tract abuts.

Public means (when used as modifying a structure, activity or purpose) a structure, activity or purpose owned or operated by a government agency or by a nonprofit corporation with tax-exempt status under the Federal Internal Revenue Code, if the nonprofit corporation makes the structure or facility available for the use of all the members of the public without regard to membership status.

Public areas mean streets, parks, open spaces and other property designated or described as for public use on a map or plat of the Town of Milliken and fee title is vested in the Town of Milliken, other public body or a special district as defined in Section 32-1-103, C.R.S.

Public facilities mean those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility that benefits the public.

Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and

other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

Site specific development plan means the final plat of a subdivision or final development plan of a PUD (planned unit development) when approved by the Board of Trustees pursuant to Article V of this Chapter.

Town means the Town of Milliken located in Weld County, Colorado.

Town of Milliken Comprehensive Plan means the plan which was adopted by the Planning Commission and Board of Trustees in accordance with Section 31-23-206, C.R.S., to guide the future growth, protection and development of the Town of Milliken, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

Use means the type of activity for which land or a building is designated, arranged or intended and also means the activity which in fact regularly takes place upon the land.

Zone district means a zone district of the Town of Milliken as established in Article III of this Chapter, unless the term is used in a context that clearly indicates that the term is meant to include both the zone districts of the Town of Milliken and the zone districts of an adjoining governmental jurisdiction. Also referred to as *zoning district*.

Zoning map means the official zoning map adopted by the Town of Milliken by ordinance, as amended. (Ord. 480 §1.15, 2003; Ord. 507 §1, 2005; Ord. 623 §1, 2010; Ord. 666 §§1, 2, 2012; Ord. 686 §1, 2013)

ARTICLE II
Community Design Principles and Development Standards

Division I General

Sec. 16-2-10. General provisions.

(a) Applicability. All development applications and building permit applications shall comply with the applicable standards contained in this Article.

(b) Relation to Zone District Standards (Section 16-3-490 of this Code). In the event of a conflict between a standard or requirement contained in Section 16-3-490 and this Article, the standard in Section 16-3-490 shall prevail. (Ord. 480 §2.1, 2003)

Sec. 16-2-15. Vision and intent.

(a) The intention of the Town of Milliken in enacting this Article is to clearly describe the Town's vision and to create a vital, cohesive, well-designed community in order to enhance its small-town character and further the citizens' goals as identified in the *Milliken Comprehensive Plan* ("Comprehensive Plan").

. . .Visions for Community is an attempt to bring into the city a new form of urban design, one which predicts a shift in the ways a community attempts to consider its physical city, its environment, its traditions, ritual life and mores and how they all cohere into patterns we call city. This "new" form of urban design is in truth quite old. It reflects one of humankind's most primordial activities – the making of "space" into "place." It is

considered new in this particular time because it is counter to the way cities have evolved during the twentieth century, by responding to the marketplace. It is considered new because it emphasizes "community" as its guiding imperative instead of economic gain, and "vision" as its principal operative rather than opportunism.

– Dallas Visions for Community, Dr. Gail Thomas

(b) The Town has many attributes, but its greatest source of pride is its small-town character. This character is readily apparent and forms the foundation of the community. As the Town grows, the elements that contribute to this character must be strengthened and nurtured. As part of the comprehensive planning process, the citizens of the Town described these elements and their collective intentions for development of the community. Their vision and intentions are outlined below:

(1) Community.

a. The Town will continue to be peaceful, quiet and safe with citizens who know, respect and care for each other and have a general concern for the community as a whole.

b. Milliken will continue to be a wonderful place to raise a family. Residents will represent a broad diversity of people in terms of age, income, interests and activities. Special attention will be given to the youth and seniors of the community.

c. The Town's western and cultural heritage needs to be preserved through historic preservation efforts of its significant buildings and cultural events.

d. The architectural styles used for new businesses will provide interesting, high-quality buildings while maintaining the small-town charm of Milliken.

e. The development of new schools in the Town, as demand warrants, will be an important component of providing exceptional educational opportunities to the youth in the community.

f. A spirit of cooperation will be fostered with the surrounding communities and the County.

(2) Housing.

a. Neighborhoods will each have unique character and will be designed with pedestrian access and linkages to parks, schools, public facilities, downtown, commercial areas and the Milliken trail system.

b. Additional variety of housing types will be available to reflect the diversity within the community. New development will include varying housing types, such as: single-family homes, row houses, small clusters of multi-family units and apartments, terraced town homes, senior housing and some manufactured homes. The diversity of product types available will accommodate a variety of lifestyles and income levels.

c. New residential developments will reflect the diversity of existing neighborhoods and incorporate a variety of housing styles and types. Large-scale, "cookie-cutter" developments will not be allowed.

d. Affordable housing will be dispersed among the mixture.

e. Incentives will be investigated in order to upgrade existing housing that is in need of repair.

(3) Public facilities.

a. Educational opportunities for all ages will be provided in many of the parks and public facilities throughout the community.
b. The development of a new Community Center will be pursued to provide a pool, recreation and cultural center, fine arts theater and outdoor concert facility.
c. The Thompson River corridor will be developed as a primary greenway over time, in order to highlight the scenic corridor and provide recreational opportunities.
d. Newdevelopmentwillpayforitsinfrastructurecostsandrequiredservices.
e. There must be adequate capacity in water and wastewater facilities prior to approval of new development. Water storage will be achieved without causing unnecessary negative visual impact.
f. Convenient public transit will ultimately be made available to nearby urban areas. This includes the possibility of a connection to the commuter rail system that may one day be built between Fort Collins and Denver.

(4) Environment.
a. The natural environment, the Town's most distinguishing feature, will be preserved and integrated into all aspects of community design. Special attention will be given to the design of the Town's entryways, as well as open space preservation at the outskirts of the Town limits.
b. Development will not be allowed on the bluffs, which are located north of the Big Thompson River and along ridgelines.
c. New developments will be built in harmony with the natural environment and take into consideration the physical constraints of the site, as well as aesthetic and ecological values of the land. Steep hillsides, drainageways and riparian areas will be protected.

(5) Economic vitality.
a. Downtown redevelopment will be an ongoing process to continue to strengthen the core community as an activity center and economic base.
b. Incentives will be investigated to encourage the development and expansion of local businesses in order to continue to create jobs within the community so that people can work and live in Town.
c. The Town's economic vitality will be achieved by allowing appropriate new development that enhances the community as a visitor destination and encourages small local businesses to thrive. A strong economy, combined with creative funding strategies, will enable the Town to invest in a number of desired amenities.

(c) Overall, Milliken will continue to be a wonderful place to call "home," with an unsurpassed quality of life. (Ord. 480 §2.2, 2003)

Sec. 16-2-20. Application of community design principles.

(a) The community design principles as set forth in this Article are to be considered in every development proposal. The Town's goal is to expedite the planning review process by clearly outlining the Town's expectations for new development. To this end, the Planning Commission invites applicants to participate in a visioning meeting prior to preparing the sketch plan application (refer to Section 16-4- 160 of this Code. The visioning meeting is an initial meeting between the developer and the Planning Commission. It is intended to begin a collaborative process to ensure that new development is consistent with the community's goals and that issues are identified early in the process.

(b) The Planning Commission and Board of Trustees will evaluate each proposal based on these principles and the context within which a project is located. The principles are intended to be specific enough to guide development, but not to preclude creative design solutions. **Applicants must substantially conform to the design principles unless it can be demonstrated that an acceptable alternative meets one (1) or more of the following conditions:**

(1) The alternative better achieves the stated intent;
(2) The intent will not be achieved by application of the principle in this circumstance;
(3) The effect of other principles will be improved by not applying the principle; and/or
(4) Strict application or unique site features make the principle impractical. (Ord. 480 §2.3, 2003)

Sec. 16-2-25. Design elements.

One (1) of the greatest challenges facing small towns is the successful integration of new development with the original Town pattern. Suburban development patterns which have included numerous cul-de- sacs and limited street connections have often separated communities and created enclaves of the original towns. In order to maintain the Town's unique, small-town character and clearly describe the Town's vision, the following design elements have been set forth within this Article.

(1) Compact Urban Growth. As the community grows from the original Town limits, it is important to maintain a continuity of density, diversity and interconnectedness. Urban development should occur adjacent to the Town's core so that the community's prime agricultural land and natural areas are preserved and public infrastructure and utilities are used as efficiently as possible.

(2) Neighborhood Design. New developments should help create neighborhoods, rather than residential subdivisions adjacent to one another. Neighborhoods should be organized around a strong center, which may include elements such as common open space, civic and commercial or mixed uses. Strong consideration should be given to pedestrian movement, the character of streets and sidewalks as inviting public space, and the interconnectedness of the streets within the neighborhood and as they connect to the rest of the community. In addition, new neighborhoods should have a variety of housing sizes and types that help to create a distinct identity rather than a monotonous replication of styles.

(3) Lots and Blocks, Streets and Sidewalks. The layout of lots and blocks should be designed to continue the Town's existing block pattern to form a grid or modified grid pattern that is adapted to the topography, natural features and environmental considerations. The streets should be tree-lined and interconnected in order to create a comprehensive transportation network that facilitates the movement of pedestrians, cars and bicycles.

(4) Parks and Open Space. New developments shall use natural open spaces and developed public space (such as parks and plazas) to organize and focus lots, blocks and circulation patterns, protect natural areas and quality agricultural land and create an identity for each neighborhood.

(5) Site Design, Architecture and Landscaping. One (1) of the fundamental intentions of this Code is to encourage innovative, quality site design, architecture, and landscaping in order to create new places that can be integrated with the existing community and reflect the traditional patterns of the region. The photographic Design Vocabulary (Section 16-2-835 of this Article) as well as illustrations throughout the Code are intended to provide a visual description of the Town's design intentions.

(6) Environment. New developments should be designed to fit within the environment. To the greatest extent feasible, sites should be designed to preserve natural areas and the plants and wildlife inhabiting those areas. In addition, new developments are encouraged to follow Green Builder Guidelines (see Subsection 16-2-815[c] of this Article) and to conserve natural resources, especially water.

(7) Water Conservation. As the State grows, increasing pressure will be placed on the limited supply of water resources. Milliken residents have emphasized the importance of preserving the quality and quantity of water. All new development is encouraged to use raw water for irrigation and to incorporate water-saving measures in building design and landscaping. Developments are required to use stormwater management techniques that address water quality as well as quantity. (Ord. 480 §2.4, 2003)

Sec. 16-2-35. Neighborhood design principles.

We have become so used to living among surroundings in which beauty has little or no place that we do not realize what a remarkable and unique feature the ugliness of modern life is. Both in this country and in many others, wherever one finds a street or part of a street dating from before what we may call the modern period, one is almost sure to see something pleasing and beautiful in its effect. ...It is the lack of beauty, of the amenities of life, more than anything else which obliges us to admit that our work of town building in the past century has not been well done.

– Town Planning in Practice, Raymond Unwin, 1909

(a) Intent. The intent of this Section is to encourage the creation of viable neighborhoods that interconnect with each other and integrate new projects into the existing community, thereby strengthening the original Town. The neighborhood layout should consider the street, lot and block pattern of the original Town, as well as solar orientation, topography, sensitive wildlife and vegetation, drainage patterns and environmental and regional climate issues. Further, the edges of neighborhoods should be formed by features shared with adjacent neighborhoods, such as major streets, changes in street pattern greenways or natural features such as streams and major drainage or riparian corridors. New streets, bikeways, sidewalks, paths, and trails should connect to existing adjacent neighborhoods.

(b) Neighborhood Structure. Following is a summary of essential elements to consider integrating into new neighborhoods:

(1) Street, sidewalk and trail connections within new neighborhoods that connect to adjacent existing neighborhoods and strengthen the connection to the existing Town.
(2) Streets that encourage pedestrian activity by creating an inviting atmosphere through attention to the details of landscaping and tree locations, sidewalks, lighting and the building architecture, etc.
(3) A mixed-use neighborhood center located for easy access.
(4) A variety of housing types, sizes, densities and price range that are well integrated.
(5) A variety of land uses that are well-integrated and a transition of intensity. Nonresidential uses, larger buildings and attached multi-family housing should be encouraged to be located near commercial centers with a transition to smaller buildings closer to low-density neighborhoods.

(6) Pedestrian and bike connections throughout residential neighborhoods and linked to neighborhood commercial or civic centers and open space systems.

(7) Parks, open space, public plaza and greens that are the focus of and well-integrated into the neighborhood.

(8) Street trees placed in new developments at regular intervals of forty (40) feet and placed directly adjacent to sidewalks. See Figure 2-19 at Section 16-2-460 of this Article.

(9) Architectural, landscaping and site design elements of new developments as outlined in this Article.

(c) General Provisions. The following principles are contained in the original "downtown" of Milliken.[1] The Comprehensive Plan identifies them as contributing to the community's small-town character. **Although the size of individual development proposals will vary, projects will be evaluated with consideration to these neighborhood design principles and the context within which a project is located. Failure to incorporate these design principles into a project may be cause for denial of the project by the Board of Trustees.**

(1) Each Neighborhood Has a Center and an Edge. It is important that every neighborhood have activity centers that draw people together. Use natural and manmade features such as a drainage way, major roadways and ditches, to define neighborhood edges. Buildings or other features located at gateways entering a neighborhood shall mark the transition into and out of the neighborhood in a distinct fashion using massing, additional height, contrasting materials and/or architectural embellishments to obtain this effect.

(2) Mix of Types of Dwelling Units. A mix of dwelling unit types shall be distributed throughout the development. (Refer to Division 6 of this Article for additional housing requirements and Section 16-2-835 of this Code for illustrations of housing styles that the Town is encouraging.)

(3) Focal Points. Focal points, or points of visual termination, shall generally be occupied by more prominent, monumental buildings and structures that employ enhanced height, massing, distinctive architectural treatments or other distinguishing features, as well as landscape features. See Figure 2-1.

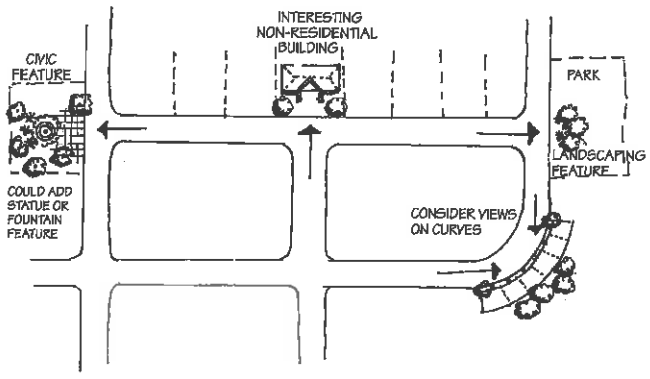

Figure 2-1

(4) Public Space as Development Framework. Public space is used to organize blocks and circulation patterns and to enhance surrounding development. Public open space must be functional and easily accessible and shall be designed to organize the placement of buildings to create an identity for each neighborhood. Buildings should face public open space to allow for casual surveillance.

(5) Design Streets as Public Spaces.

a. Buildings shall define streets through the use of relatively uniform setbacks along each block. The streetscape shall also be reinforced by lines of shade trees planted in the right-of-way landscape strip and may be further reinforced by walls, hedges, landscaping or fences which define front yards. (Refer to 16-2-835 of this Article for illustrations of streetscapes.)

b. On a lot with multiple buildings, those located on the interior of the site shall relate to one another both functionally and visually. A building complex may be organized around features such as courtyards, greens or quadrangles, which encourage pedestrian activity and incidental social interaction. Smaller, individualized groupings of buildings are encouraged. Buildings shall be located to allow for adequate fire and emergency access.

(6) Order Rather Than Repetition. The orderly arrangement of design elements can unify a space even when the elements are not the same. The location of sidewalks relative to streets, building setbacks and orientation, and the placement of trees can all help create an overall impression of unity even though each home or building has a distinct character.

(7) Use Human Proportion. Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale. (In a small town, this means generally one-story, two-story and three-story buildings.)

(8) Define the Transition Between the Public and Private Realm. Buildings shall be located to front towards and relate to public streets or parks, both functionally and visually, to the greatest extent possible. Wherever possible, buildings shall not be oriented to front towards a parking lot.

(9) Encourage Walking and Bicycling. Sites shall be designed to minimize conflicts between vehicles, bicycles and pedestrians. Pedestrian and bicycle access and connections shall be designed to make it safe and easy to get around on foot and by bicycle.

(10) Neighborhoods Shall Have a Mix of Activities Available Rather Than a Purely Residential Land Use. Neighborhood residents shall have convenient access to parks, schools, open space, trails and services. The optimum size of a neighborhood is one-quarter (¼) mile from center to edge.

(11) Fit Within the Environment Rather Than on Top of It. New developments shall be designed to respond to the natural environment, fit into the setting and protect scenic view corridors. Key design considerations shall include a site layout that responds to natural features both on- and off-site, the size of structures and materials used in the development and the transition between the development and the surrounding landscape.

(12) Encourage a Range of Residents in Every Neighborhood. Housing types and the size of lots shall be varied to enable people to remain in the neighborhood as their needs change. (Refer to Section 16-2-835 of this Article for illustrations of architectural styles that the Town is encouraging.)

(13) Housing Types and Styles That Reflect the Architecture of the Region. Familiar architectural styles shall play an important role in developing an architectural identity for neighborhood dwellings. New homes shall be designed consistent with the architectural principles outlined in Division 6 of this Article. (Ord. 480 §2.6, 2003)

Sec. 16-3-10. General provisions.

ARTICLE III

Zoning

Division 1 General

(a) In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.

(b) Uniformity of Regulations. The regulations established by this Article within each zone shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this Article, the following interpretations shall apply:

(1) No buildings, structure or land shall be used or occupied, and no building, structure or part thereof shall be erected, changed, constructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located. Where a lot is divided by a zoning district boundary line by the current official zoning map or by subsequent amendments to the zoning map, the zoning requirements may be extended within the lot for a distance of not more than twenty-five (25) feet.

(2) No building or other structure shall be erected or altered:

a. To exceed the height limitations.
b. To accommodate or house a greater number of families.
c. To occupy a greater percentage of the area.
d. To have narrower or smaller rear yards, front yards, side yards or other open spaces.

(3) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Article, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building unless specific exception therefore is stated in this Article. Exceptions may be granted by the Board of Trustees for infill development.

(4) No yard or lot existing or approved at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.

(5) Any use not permitted in a zone either specifically or by interpretation by the Board of Trustees per Section 16-3-210 of this Article is hereby specifically prohibited from that zone.

(6) The Town shall withhold building permits, occupancy certificates, final inspection certificates and any other certificates or permits provided for by any building code or other law, if a violation of this Article exists with respect to the land to which the permit or certificate pertains, or such a violation would exist upon the exercise of the privilege granted by the permit or certificate.

(7) No building shall hereafter be changed to a residential, business, commercial or industrial use, nor shall any new structure, building or land be occupied for a residential, business, commercial or industrial use unless the owner has first obtained a certificate of occupancy from the Building Official. Provided that the use is in

conformance with the provisions of this Article, a certificate of occupancy shall be issued within a reasonable time after written notification that the building is ready for occupancy.

(8) The fact that land is zoned pursuant to this Article does not excuse compliance with Town subdivision regulations and community design and development standards.

(c) Conflict with Other Provisions of Law. Whenever the requirements of this Article are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

(d) Conflict with Private Covenants or Deeds. In case of a conflict between this Code and any private restrictions imposed by covenant or deed, the responsibility of the Town of Milliken shall be limited to the enforcement of this Code. When provisions within this Code are more restrictive than those imposed by covenant or deed, or when any such private instruments are silent on matters contained within this Code, the provisions of this Code shall rule.

(e) Zoning of Annexed Territory.

(1) Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this Section. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.

(2) Any area annexed shall be brought under the provisions of this Section and the map there under within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day period, or such portion thereof as is required to zone the territory, the Town shall refuse to issue any building permit for any portion or all of the newly annexed area.

(f) Previous Zoning Ordinance. At the effective date of the initial code, all territory in the Town had been zoned pursuant to an earlier zoning ordinance that had been amended from time to time. That earlier code, as it existed on the effective date of the initial code, will be referred to hereinafter as the "Zoning Ordinance." The zoning district classifications are assigned to the territory of the Town pursuant to the zoning map. The Zoning Ordinance and the last zoning map hereunder are hereby made a part of this Article, in order to facilitate application of the nonconforming use provisions of this Article and of certain additional provisions of this Article.

(g) Administrative Official. The Town Clerk shall administer this Article, with the assistance from other Town employees. The Town Clerk is referred to as the "administrative official" in this Article. The function of administering this Article shall include, but not necessarily be limited to, reviewing proposed construction projects and other proposed land use activities to determine compliance with this Article; interpreting words, phrases and concepts contained herein; obtaining factual material needed for making decisions which this Article requires to be made; and performing other duties specifically or impliedly delegated to the administration official by other sections of this Article.

(h) Enforcement Official.

(1) The Town Clerk shall be responsible for enforcing compliance with this Article. The Town Clerk may designate other Town employees assigned to the Town Clerk's office to assist him or her. The Town Clerk is also referred to as the "enforcement official" in this Article.

(2) The enforcement official shall have authority to notify owners or occupiers of land in the Town of violations of this Article, and to issue orders requiring compliance within specified times, not longer than six (6) months unless a longer time is specified by the Zoning Board of Appeals.

(3) The enforcement official may initiate proceedings in the Municipal Court for the punishment of persons who violate this Article. The issuance of a notice or order

pursuant to Paragraph (2) above shall not be a prerequisite to the initiation of any such proceeding in the Municipal Court. (Ord. 480 §3.1, 2003)

Sec. 16-3-20. Purpose.

The purpose of this Zoning Code is to create a vital, cohesive, well-designed community in order to enhance the Town of Milliken's small-town character and further the citizens' goals as identified in the Comprehensive Plan. These zoning regulations are designed:

(1) To promote the health, safety, aesthetics, morals and general welfare of the community;
(2) To lessen congestion in the streets and enhance pedestrian and vehicular movement with the least detriment to environmental quality;
(3) To secure the safety of the people against fire, panic, flood waters and other dangers;
(4) To provide adequate light and air, to prevent the overcrowding of land and to avoid the undue concentration of population;
(5) To regulate the location of activities and developments which could produce significant changes in population density;
(6) To classify land use and distribute land development and utilize in a way which will benefit the community; to regulate development and activities in hazardous areas; and to regulate the use of land on the basis of the impact thereof on the community and other surrounding areas;
(7) To provide, in conjunction with other laws and regulations, for transportation, water, schools, sewage treatment and other public requirements;
(8) To preserve mineral lands for needed development;
(9) To provide for phased development of government services and facilities and to aid in realizing the policies, objectives and goals of the Comprehensive Plan;
(10) To encourage innovations in land uses in order to take advantage of improvements in the technology of land use and development;
(11) To encourage and facilitate the orderly growth and expansion of the Town, while at the same time protecting the environment in a manner consistent with constitutional rights;
(12) To construct new domestic water and sewer systems in areas which result in minimal environmental damage;
(13) To permit extension of domestic water and sewage systems in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the environmental and financial capacity of the area;
(14) To encourage traditional neighborhood residential mixed and multiple-use developments, so the growing demand for housing may be met;
(15) To protect the environmental and cultural heritage of the community; and
(16) To ensure quality development that will present and enhance the quality of life for residents of the Town. (Ord. 480 §3.2, 2003)

Division 2

Zoning Districts and Boundaries

Sec. 16-3-110. Zoning Districts.

In order to carry out the provisions of this Code, the Town is divided into the following zoning districts:

DR	Developing Resource
A	Agricultural
AE	Agricultural Estates
CD	Conservation
E-1	Estate Zoning – Rural Subdivision
R-1	Single-Family Residential
R-1E	Single-Family Estate Residential

R-2	Two-Family Residential
R-3	Multi-Family Residential
R-FH	Factory Built Housing District
R-M	Mobile Home Community
C-1	Office
C-2	Local Business
C-3	General Business
C-4	Service Business
MU-C-D	Mixed Use Commercial - Downtown
I-1	Light Industrial
I-2	Medium Industrial
I-3	Heavy Industrial
PUD	Planned Unit Development
HSP	Hillside/Ridgeline Protection Overlay

(Ord. 480 §3.3, 2003)

Sec. 16-3-120. Zoning District Map.

The boundaries and classifications of districts established are as depicted on a map entitled Town Zoning District Map, as may from time to time be revised, updated or redrafted. The official zoning district map adopted and to be used for present reference shall be that map bearing the most recent date of publication that has been signed by the Town Clerk and the Mayor.

(1) Interpretation of Boundary Lines.

a. *Zoning District Boundaries* – In the event uncertainty is deemed to exist on the zoning district map, district boundaries shall be on section lines, lot lines, the center lines of highways, streets, alleys, railroad rights-of-way or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map. Where a lot is divided by a zoning district boundary line at the time of enactment of the ordinance codified in this section or by subsequent amendments to that ordinance or this Article, either zone requirements may be extended within the lot for a distance of not more than twenty-five (25) feet. If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the line shall be determined by the Town Clerk in a reasonable manner, considering the history of the Town's zoning ordinances and amendments, and other factors he or she deems relevant; his or her decision shall be subject to review by the Board of Trustees.

b. *Floodplain District Boundaries* – Floodplain district boundaries, as depicted by separate maps, are estimates based upon data verified from the Colorado Water Conservation Board, Federal Emergency Management Agency (FEMA) or the Board of Trustees on flood-prone areas.

(2) Amendment upon Zoning or Modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town shall amend the prior existing official map to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

(3) Cost for Amending Zoning. Any person who proposes zoning for property being annexed or proposes modifying existing zoning shall bear the entire cost of amending the official zoning map, including all notification costs. The Town shall provide applicants with a copy of the current fee schedule and fee agreement form.

(4) Public Inspection; Storage of Original. The official zoning district map shall be available and on display at the Town Hall during normal business hours. In addition, one (1) original duplicate Mylar copy of the current official map, and all prior official maps having been adopted, shall be held under lock and in a secure place by the Town Clerk, who shall act as custodian thereof, and the map shall not be amended, changed, updated or otherwise modified or let out of direct control of the Town Clerk for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the Town Clerk. (Ord. 480 §3.3, 2003)

Division 3
Uses by Right and Special Review Uses

Sec. 16-3-210. General application of uses.

(a) Uses designated as *uses by right* are allowed in a zone district as a matter of right. Uses classified as *uses by special review* are permitted upon the Board of Trustees' approval of a special use permit, pursuant to the procedures and standards set forth in Section 16-3-500 of this Article. Unless a use is designated as a *use by right* or *use by special review* or is classified as a legal nonconforming building, structure or use, it is not permitted.

(b) If this Article does not identify a land use as a use by right or an accessory use in a particular zoning district, or if the use is not identified as a use by special review, the use is prohibited in that district. If a particular land use is not permitted in a zoning district, a building that is designed for that land use also is prohibited. For example, if the sale of merchandise at retail is prohibited in a particular zoning district that does permit residential uses, a store building would be prohibited in that district, even though used as a residence. Similarly, if a land use is described by reference to a type of building, the only land uses intended to be covered by the description are those for which the building is designed.

(c) If a land use could be classified under two (2) or more land use descriptions, the land use shall be classified according to that description which most specifically describes it.

(d) The administrative official shall make the initial determination as to the land use descriptions contained in this Article that best identify an actual land use or proposed land use.

(e) Unspecified Uses. Notwithstanding the foregoing, land uses not otherwise identified in this Code may be proposed for development. In order to provide for such uses, the classification of any new or unlisted land use shall be made by the Board of Trustees to determine if the use can be reasonably interpreted to fit into a similar use category described in this Code. The Board will determine if such unspecified use shall be considered a use by right, accessory use or use by special review within any particular zone district. Unless such determination is made, the use is not permitted. An applicant shall make a request for such determination in writing and submit it to the Town Clerk. The Board of Trustees shall consider the request at a regularly scheduled meeting. (Ord. 480 §3.4, 2003)

Sec. 16-3-220. Special classification of mineral lands and floodplain areas.

With one (1) exception, the zoning district classifications provided for in this Article refer to the uses of land, rather than to the characteristics of land itself. The one (1) exception is the Conservation District (CD), which is included in order to provide a means for classifying land by reference to its inherent characteristics. Therefore, all land in the Town that is subject to classification under the Conservation District (CD) shall be assigned only to that district, regardless of the use that an owner desires to make of such land. (Ord. 480 §3.4, 2003)

Sec. 16-3-540. Amendments.

(a) Initiation of Amendments to Text or Official Zoning Map. The Board of Trustees may from time to time amend, supplement, change or repeal the regulations and provisions of this Article. Amendments to the text of this Code may be initiated by the Board of Trustees, Town Staff or Planning Commission, or by written application of any property owner or resident of the Town. Amendments to the zoning district map may be initiated by the Board of Trustees, Town Staff or the Planning Commission, or by a real property owner in the area to be included in the proposed amendment.

(b) General Rezoning of the Town. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of this Code, whether such revision is made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in, the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town Hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.

(c) Zoning Amendment Application Process.

(1) Step 1: Optional Preapplication Conference. The applicant may attend a preapplication conference with a representative from the Town. The purpose of the meeting is to discuss the zoning amendment, submittal requirements and review process.

(2) Step 2: Zoning Amendment Application Submittal. The applicant shall submit one (1) copy of the complete zoning amendment application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. Note: In the case of text amendments, only Items a and b are required.

a. Completed Land Use Application Form, Zoning Amendment – Technical Criteria Form (see Workbook), application fee and fee agreement.

b. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.

c. Legal Notice Form. The applicant shall prepare the legal notice form and return it to the Town with an electronic copy of the legal description in MSWord format.

d. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.

e. A written description of the proposed change to the text of this Article, including the citation of the portion of the Article to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning codes of other jurisdictions that support the rational of the proposed change. Particular attention should be given to addressing the criteria listed in Subsection (d) below.

f. A legal description for all property to be considered for rezoning.

g. Current proof of ownership in the form of title insurance issued with thirty (30) days of submission of the application (for zoning map amendments only).

h. A zoning amendment map of the area included in the proposed change, twenty-four (24) inches high by thirty-six (36) inches wide, with the following information:

1. North arrow, scale 1" = 100' or 1" = 200', and date of preparation.
2. The subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.
3. Legal description of the area to be zoned (entire area and individual zoning districts). In unsubdivided property, zone boundaries shall be determined by a metes and bounds description.
4. Location and boundaries, including dimensions, of the property proposed for rezoning. Note: Zone boundaries are to be the centerlines of physical streets, roads, highways, alleys, railroad rights-of-way and channelized waterways, or such lines extended.
5. The acreage or square footage contained within the property proposed for rezoning.
6. All existing land uses in the proposed rezoning area.
7. Zoning and existing land uses on all lands adjacent to the proposed rezoning.
8. The location and dimensions for all existing public rights-of-way, including streets, and centerlines of watercourses within and adjacent to the rezoning.
9. The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.
10. Certificate blocks for the Surveyor, Planning Commission, Board of Trustees, and County Clerk and Recorder (see Workbook for examples).
11. An AutoCAD™ drawing file (Release 12 or higher) of the zoning amendment map on 3½" IBM-formatted disk or by other acceptable electronic transfer shall also be provided.

i. A written statement describing the proposal and addressing the following points:
   1. Need for the proposed rezoning.
   2. Present and future impacts on the existing adjacent zone districts, uses and physical character of the surrounding area.
   3. Impact of the proposed zone on area accesses and traffic patterns.
   4. Availability of utilities for any potential development.
   5. Present and future impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit.
   6. The relationship between the proposal and the Comprehensive Plan.
   7. Public benefits arising from the proposal.

j. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred (300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

k. Public Hearing Notification Envelopes. Two (2) sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies.

l. It is the applicant's responsibility to ensure that accurate and complete information is provided.

(3) Step 3: Zoning Amendment Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any

deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Zoning Amendment Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(4) Step 4: Final Staff Review and Report to Planning Commission. Staff shall complete a final review of the resubmitted materials and prepare a report to the Planning Commission explaining how the application is or is not consistent with the Criteria for Amendments to the Official Zoning Map or Criteria for Amendments to the Text of the Zoning Code.

(5) Step 5: Set Zoning Amendment Public Hearing and Complete Public Notification Process. The Town Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies no less than twenty-one (21) days before the initial Planning Commission public hearing. Such notice shall not be required for text amendments. The Town Clerk shall also publish notice in a newspaper of general circulation. For zoning map amendments, the Town Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant. The applicant shall furnish to the Town an affidavit of posting on a form provided by the Town Clerk. The hearing may be held no less than thirty (30) days from the date of property posting and newspaper publication. If the zoning amendment request is accompanying another application that is scheduled for public hearings before the Planning Commission and Board of Trustees, one (1) public hearing may be held on both applications.

(6) Step 6: Planning Commission Public Meeting and Action on the Zoning Amendment. The Planning Commission shall hold a public hearing to review the zoning amendment based on the Criteria for Amendments to the Official Zoning Map or the Criteria for Text Amendments to the Zoning Code. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the zoning amendment application.

(7) Step 7: Finalize Zoning Amendment Based on Planning Commission Comments. The applicant shall revise the zoning amendment application based on the Planning Commission's comments and submit it to the Town.

(8) Step 8: Notify Parties of Interest. Not less than twenty-one (21) days before the date scheduled for the initial Board of Trustees public hearing, Staff shall notify surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property and other interested parties. The notice shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. Such notice shall not be required for text amendments.

(9) Step 9: Set Board of Trustees Public Hearing and Complete Public Notification Process. The Board of Trustees shall schedule a public hearing for the purpose of taking action on the zoning amendment. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.

(10) Step 10: Board of Trustees Public Hearing and Action on the Zoning Amendment. The Board of Trustees shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the Board of Trustees shall consider the comments and evidence presented at the hearing, evaluate the application in accordance with the criteria listed below and approve, approve with conditions or deny the application, in

whole or in part. No petition for rezoning shall be granted where, within one (1) year preceding the date of filing of such petition with the Town Clerk, a petition for the same changes of the zoning district on the property described in such petition has been denied.

(11) Step 11: Post Approval Actions.

a. Upon approval of an amendment to the official zoning map by the Board of Trustees, the Town Clerk shall cause an appropriate revision of the official zoning map to be prepared for recording with the County Clerk and Recorder. In the event the zoning amendment was initiated by an interested party, the petitioner shall pay the Town's cost for the preparation of the revision to the official zoning map.

b. Upon approval of an ordinance amending, changing or repealing part of the text of this Article, the Town Clerk shall certify a copy of the ordinance and place it in the official records of the Town and make appropriate supplements to this Article.

c. The applicant initiating the official zoning map amendment shall have thirty (30) days after approval of the amendment by the Board of Trustees to submit to the Town Clerk two (2) Mylar copies and three (3) blueline copies of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the Town relative to the zoning amendment. A licensed surveyor or engineer shall prepare the zoning amendment map. Inaccurate, incomplete or poorly drawn plans shall be rejected. In addition, the petitioner shall submit one (1) eleven (11) inch by seventeen (17) inch Mylar reduction of the zoning amendment map and an AutoCAD™ drawing file (Release 12 or higher) of the zoning amendment map on 3½" IBM-formatted disk, or by other acceptable electronic transfer.

d. Within thirty (30) days of receipt of the zoning amendment map, the Town Clerk shall review the documents for compliance with the Board of Trustee's approval, obtain the Town officials' signatures and submit the approved zoning amendment map and the ordinance amending the official zoning map to the County Clerk and Recorder's Office for recordation.

(d) Criteria for Amendments to Official Zoning Map. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:

(1) To correct a manifest error in an ordinance establishing the zoning for a specific property;

(2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally;

(3) The land to be rezoned was zoned in error and as presently zoned in inconsistent with the policies and goals of the Comprehensive Plan;

(4) To further the implementation of the goals and objectives of the Comprehensive Plan.

(f) Map – Amendment upon Zoning Establishment or Modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map. (Ord. 480 §3.11, 2003; Ord. 522, 2005)

ORDINANCE NO. 722

AN ORDINANCE OF THE TOWN OF MILLIKEN AMENDING SECTIONS 16-8-50 AND 16-8-70 OF CHAPTER 16, ARTICLE VIII OF THE MILLIKEN MUNICIPAL CODE CONCERNING FLOODPLAIN AREAS AND DECLARING AN EMERGENCY

WHEREAS, pursuant to C.R.S. 31-23-301 the Town of Milliken ("Town") is responsible for adopting regulations designed to minimize flood losses and promote the public health, safety and welfare of citizens; and

WHEREAS, on December 11, 2013, the Town of Milliken Board of Trustees enacted Ordinance No. 686 which identified and established regulations for special flood hazard areas within the Town as set forth in Chapter 16, Article VIII of the Milliken Municipal Code; and

WHEREAS, pursuant to Ordinance No. 686, the Town adopted the Flood Insurance Study ("FIS") as well as the accompanying Flood Insurance Rate Maps ("FIRMS") and/or Flood Boundary Floodway Maps ("FBFM") dated August 1, 1979 by the Federal Emergency Management Agency ("FEMA") which documents identified the special flood hazard areas within the Town; and

WHEREAS, from time to time a new and updated FIS and/or Digital Flood Insurance Rate Map ("DFIRM") is issued and must be adopted and incorporated into local codes pursuant to FEMA regulations; and

WHEREAS, in 2014, the Town of Milliken Board of Trustees enacted Ordinance No. 693 which adopted updated special flood hazard areas and mapping provided by FEMA and which redefined the special flood hazard area within the Town; and

WHEREAS, FEMA and the Colorado Water Conservation Board have revised the Weld County Flood Insurance Rate Maps in digital countywide format which will become effective January 20, 2016 ("2016 DFIRM"); and

WHEREAS, the Town is required to adopt the 2016 DFIRM on or before January 20, 2016 in order to ensure the Town's compliance with the National Flood Insurance Program.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO:

Section 1:

Section 16-8-50 of Chapter 16, Article VIII of the Milliken Municipal Code entitled "Definitions" is hereby amended by the repeal and replacement of the definition of "water surface elevation" to read as follows:

> *Water surface elevation* means the height, in relation to the NAVD of 1988 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Section 2:

Section 16-8-70 of Chapter 16, Article VIII of the Milliken Municipal Code entitled "Basis for establishing special flood hazard area" is repealed in its entirety and reenacted to read as follows:

16-8-70. Basis for establishing special flood hazard area

a) The special flood hazard areas identified by FEMA in a scientific and engineering report entitled, "Flood Insurance Study for Weld County," (FIS) with accompanying flood insurance rate maps (DFIRM) with an effective date of January 20, 2016 and any revisions thereto are hereby adopted by reference and declared to be a part of this Article. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Town. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

b) The study prepared by ICON Engineering and the Milliken Flood Boundary Map dated February 5, 2014 is adopted by the Town of Milliken and shall constitute the special flood hazard area within the Town.

Section 3: Codification.

The Town Clerk is hereby directed to work with the Town's Municipal Code codifier to ensure that the provisions of this Ordinance are included in the next codification of the Milliken Municipal Code.

Section 4: Emergency.

The Board of Trustees finds that this Ordinance is necessary to the immediate preservation of the public health and safety because the new flood insurance rate maps must be effective on or before January 20, 2016 in order to ensure the Town's continued compliance with the National Flood Insurance Program.

Section 5: 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 parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 6: Repeal.

Existing or parts of ordinances covering the same matters as embraced in this Ordinance of the Milliken Municipal Code are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 7: Effective Date.

As an emergency measure, this Ordinance shall become effective immediately upon adoption as provided in C.R.S. § 31-16-105.

Introduced, read, **adopted as an emergency by an affirmative vote of three-fourths of the members of the Board of Trustees,** signed and ordered published in full by the Board of Trustees of the Town of Milliken this ___ day of _____, 2016.

TOWN OF MILLIKEN

_____
Milt Tokunaga, Mayor

ATTEST:

_____
Cheryl Powell, Town Clerk

APPROVED AS TO FORM:

_____
Linda Michow, Town Attorney

Published: _____

ORDINANCE NO. 693

AN EMERGENCY ORDINANCE OF THE TOWN OF MILLIKEN AMENDING ORDINANCE 686 "COLORADO FLOODPLAIN DAMAGE PREVENTION ARTICLE" PROVIDING FOR THE PREVENTION OF FLOOD DAMAGE THROUGH ADOPTION OF UPDATED SPECIAL HAZARD AREAS MAPPING

WHEREAS, the Legislature of the State of Colorado in Title 29, Article 20 of the Colorado Revised Statutes, has delegated the responsibility of local governmental entities to adopt regulations designed to minimize flood losses and to promote the public health, safety and welfare of citizens, and

WHEREAS, certain areas within the Town of Milliken are subject to periodic flooding which can result in loss of life and property, increased health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public, and

WHEREAS, these flood losses are created by the cumulative effect of obstructions in floodplains and flood hazard areas which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage, and

WHEREAS, the Town of Milliken Board of Trustees adopted Ordinance 686, AN ORDINANCE OF THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO ADOPTING AS A CODE THE STATE FLOODPLAIN DAMAGE PREVENTION ARTICLE on December 11, 2013, which went into effect on the same date, which Ordinance identified and regulated special flood hazard areas within the Town of Milliken, and

WHEREAS, Ordinance 686 adopted "The Flood Insurance Study for Milliken," (FIS) with accompanying Flood Insurance Rate Maps and/or Flood Boundary Floodway Maps (FIRM and/or FBFM) dated August 1, 1979 by the Federal Emergency Management Agency (FEMA) which identified the current special flood hazard areas within the Town of Milliken; and

WHEREAS, the state of Colorado has provided funding to update the FIRM and FBFM and through the Colorado Water Conservancy Board and their contract engineers, ICON Engineering; and

WHEREAS, be it further resolved, upon application to FEMA for the revision of flood hazard areas, including but not limited to an application for a Letter of Map Revision, all submitted data shall exclude areas of land located in unincorporated Weld County at the time such application is made; and

WHEREAS, the new mapping information received from ICON Engineering identifies current special flood hazard areas as identified in **Exhibit A**, attached hereto and incorporated herein, and constitutes the most current and best available information to the citizens of the Town of Milliken regarding special flood hazard areas within the Town; and

WHEREAS, it is in the best interests of the Town of Milliken to adopt the updated mapping provided by the State which redefines the special flood hazard area in order to protect the citizens of Milliken from future damage to persons and property.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO:

Section 1. Chapter 16, Article VIII, Section 16-8-70 of the Milliken Municipal Code is repealed in its entirety and reenacted to read as follows:

1. The Special Flood Hazard Areas identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for Milliken," (FIS) with accompanying Flood Insurance Rate Maps and/or Flood Boundary Floodway Maps (FIRM and/or FBFM) dated August 1, 1979 and any revisions thereto are hereby adopted by reference and declared to be a part of this Article. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Town. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

2. The study set forth by ICON Engineering dated 1-5-14 and attendant mapping is adopted by the Town of Milliken and shall constitute the new Special Flood Hazard Area within the Town.

Section 2. That as provided in Milliken Municipal Code Section 2-2-100, requirements for adoption of this ordinance shall be deemed satisfied if the title of the proposed ordinance is read and the entire text of the proposed ordinance or of any code which is to be adopted by reference is submitted in writing to the Board of Trustees before adoption.

Signed this 1st day of March, 2014.

ATTESTED:

Town Clerk

TOWN OF MILLIKEN, COLORADO

Mayor

APPROVED AS TO FORM:

Town Attorney

ORDINANCE NO. 686

AN ORDINANCE OF THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO ADOPTING AS A CODE THE STATE FLOODPLAIN DAMAGE PREVENTION ARTICLE.

Recitals

1. Pursuant to Colorado Revised Statutes, Section 31-12-105(1)(e), it is the responsibility of the Town of Milliken to annually update its plan for the area within three miles of its existing municipal boundaries. This plan, among other things, requires that areas near or inclusive of lakes, reservoirs, streams, or other natural or artificial waterways be evaluated and that planning be implemented for them; and,

2. Pursuant to Colorado Revised Statutes, Section 31-23-301(1), "... said governing body [appears to be the board of adjustment] also has power to establish, regulate, restrict and limit such uses on or along any storm or floodwater run-off channel or basin, as such storm or floodwater run-off channel or basin has been designated and approved by the Colorado water conservation board, in order to lessen or avoid the hazards to persons and damage to property resulting from the accumulation of storm or floodwaters. Any ordinance enacted under authority of this part 3 shall exempt from the operation thereof any building or structure as to which satisfactory proof is presented to the board of adjustment that the present or proposed situation of such building or structure is reasonably necessary for the convenience or welfare of the public."

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO THAT IT HEREBY ADOPTS AS A CODE OF THE TOWN OF MILLIKEN THE COLORADO FLOODPLAIN DAMAGE PREVENTION ARTICLE.

Emergency Clause

The enactment of this ordinance has been determined by the Board of Trustees to be an emergency, implementation of which is necessary to ensure the health, safety and welfare of the citizens of the Town of Milliken, based, in substantial part, upon the impact of the recent flood activity on the residents of the Town of Milliken.

Adoption

The Board of Trustees, at its regular meeting on the 23rd of October, 2013, hereby enacts this ordinance by a vote of 7 in favor and 0 opposed.

TOWN OF MILLIKEN:

Milt Tokunaga, Mayor

ATTEST:

Cheryl Bowell, Town Clerk

APPROVED AS TO FORM:

R. Bruce Fickel II, Attorney