



**TOWN OF MILLIKEN  
PLANNING COMMISSION  
AGENDA MEMORANDUM**

<b>To:</b> Vice-Chairman Woodcock and Planning Commissioners <b>From:</b> Martha Perkins, Community Development Director <b>Via:</b> Kent Brown, Town Administrator		<b>Public Hearing Date:</b> April 1, 2015	
<b>Agenda Item #</b>	<b>Action:</b> x	<b>Discussion:</b>	<b>Information:</b>
<b>Agenda Title:</b> Public Hearing/Meeting for Review and Recommend Approval of a commercial site plan for a use allowed by right, which includes the storage of concrete forms, vehicles and an professional office, in the I-2, Medium Industrial Zone District for property located at 2705 Center Drive in Milliken, Colorado. The property consists of 1.138 +/- acres and is currently vacant. The property owner is Jerry Swoffard with Swofford Properties, LCC. and the agent is Barbara Clinard, project manager with Boulder Scientific, LLC.			
<b>Staff Recommendation:</b> Staff recommends approval by the Planning & Zoning Commission.			

**PURPOSE**

To consider a request from Swofford Properties, LCC. for a site plan for the construction of a 7,837 square foot building for the storage of concrete forms, vehicles and a professional office, in the I-2, Medium Industrial Zone District for property located at 2705 Center Drive in Milliken, Colorado. The parcel is 1.138+/- acres in size and is currently vacant. The contractor/applicant is Boulder Scientific, LLC., represented by project manager Barbara Clinard, and the property owner is Jerry Swofford with Swofford Properties, LLC. The site will be used as the northern office for a concrete installation company with approximately 4 employees.

**BACKGROUND INFORMATION**

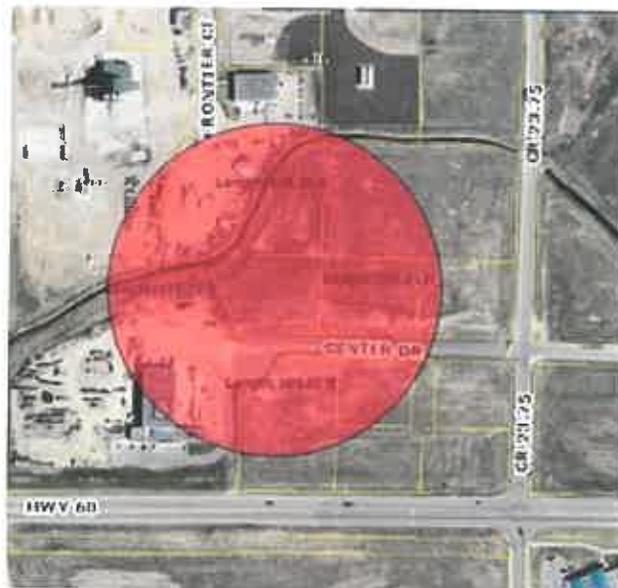
<b>Type of Application:</b>	Site Plan Review
<b>Location:</b>	Frontier Commercial Center Replat C, Block 1, Lot 1
<b>Applicant:</b>	Boulder Scientific, LLC.
<b>Existing Land Use:</b>	vacant
<b>Surrounding Land Use:</b>	North: Medium Industrial Zone, Vacant West: Medium Industrial Zone, Bestway Concrete/Power Motive Company South: Medium Industrial Zone, Vacant East: Medium Industrial Zone, Vacant
<b>Zoning:</b>	I-2, Medium Industrial Zone

**Comprehensive Plan**

The Comprehensive Plan designates the site neighborhood as Business/Industrial

**Notice**

Notice was mailed to Surrounding Property Owners within 300' of the proposed development via Certified/Return Receipt mail on March 2, 2015. The hearing was published in the *Johnstown Breeze* on February 26 and March 5, 2015. Referral notices were mailed/emailed on February 28, 2015.



## COMPLIANCE WITH TOWN LAND USE CODE

This staff memorandum is prepared in accordance with the Land Use Code as outlined below. Staff complied the most relevant sections of the Code for the Planning and Zoning Commission's and Town Board's (if needed) review of the application.

### **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. 16-1-150. Definitions.**

Terms used in this Code are defined as follows:

*Automotive repair* means an establishment primarily engaged in the repair or maintenance of passenger and light truck-oriented motor vehicles, trailer and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work, car washing, detailing, polishing or the like, provided that it is conducted within a completely enclosed building. Such may include the sale of fuel, gasoline or petroleum products.

*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.

*Commercial storage facility* means cold storage plants and other such establishments renting storage space commercially.

*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.

*Design standards* means the standards that set forth specific improvements requirements.

*Detention basin* means a manmade or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or manmade outlets.

*Developer* means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

*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.

*Easement* means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

*Employees* means the total number of persons to be employed in a building during normal periods of use.

*Floodplain or flood hazard area* means areas that have been designated by the Board of Trustees, the Colorado Water Conservation Board or FEMA as susceptible to flooding.

*Flood-prone* means areas subject to flooding that have not been designated by the Board of Trustees, the Colorado Water Conservancy Board or FEMA.

*Floor area*, also called *gross floor area*, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half (1/2) of all storage and display areas for durable goods

*Freestanding sign* means a sign which is not attached to any building and which is supported by a structure extending from the ground, or from an object on or in the ground.

*Grade* means:

- a. The lowest point of elevation of the finished surface of the ground, pavement or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
- b. The degree of rise or descent of a sloping surface.

*Grade, finished* means the final elevation of the ground surface after development.

*Grade, natural* means the elevation of the ground surface in its natural state, before manmade alterations.

*Ground or monument sign* means a type of freestanding sign in which the entire bottom of the sign or the bottom of the sign support structure is in contact with or is close to the ground and is independent of any other structure.

*Industrial, medium* means a variety of uses, including warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations, establishments for food and beverage processing, for the sale and repair of farm machinery and diesel trucks and buses, lumberyards and builders supply facilities (with outdoor storage), machine shops, mini-storage facilities, outside storage facilities, railroad yards and stations, recycling facilities, transportation headquarters with incidental repair and servicing facilities, and utility service facilities with buildings and/or storage structures.

*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.

*Landscaping* means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

*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.

*Lot size* means the total horizontal area within the lot lines of a lot; synonymous with *area of lot*.

*Oil and gas operation* means any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.

*Outdoor storage* means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites.

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

*Parcel* means a tract or plot of land.

*Parking lot* means an off-street parking area or vehicular use area.

*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.

*Professional office* means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

*Proof of ownership* means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State of Colorado.

*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 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.

*Public utility* means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

*Raw water* means water rights acceptable to the Town of Milliken for domestic purposes, or water rights acceptable to the Town that may be used for irrigation of public facilities.

*Replat* (resubdivision) means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.

*Retention basin* means a pond, pool or basin used for permanent storage of water runoff.

*Right-of-way* means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

*Setback* means the required unoccupied open space between the nearest wall of a structure and the property line of the lot on which the structure is located.

*Setback, front* means the distance between the front lot line and the front wall of the main structure.

*Setback, rear* means the distance between the rear lot line and the back wall of the main structure.

*Setback, side* means the distance between any wall and the lot line other than the front and rear setbacks.

*Sign permit* means a permit issued by the Town Building Official and which is required for any sign specified in this Code.

*Site-built dwelling* means a dwelling that is predominately constructed on-site and is not a factory built home or dwelling.

*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.

*Structure* means anything constructed or erected on the ground, the use of which requires a more or less permanent location on the ground, but not including earthwork, ditches, canals, dams, reservoirs, pipelines, telephone, telegraph or electrical power poles, and public walks or curbs.

*Subdivider* or *developer* means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

*Subdivision* means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.

*Title commitment* means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way or liens.

*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.

*Transportation headquarters* means headquarters and parking areas for ambulance services, taxi services, bus services and other services involving the transportation of persons but not property.

*Utility service facilities* mean utilities substations and public lift-up pumping stations for domestic water and sanitary sewer service, microwave towers and other such installations; does not include any such installations which contain buildings or storage structures; and does not include transportation headquarters.

*Vacant land* means land that does not have development on it.

*Vegetation* means plants growing in a place, including but not limited to trees, shrubs, vines, grasses and groundcover.

*Warehouse and distribution* means a use engaged in storage, wholesale and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

*Warehousing* means a business that stores or stocks merchandise or commodities.

*Wholesale merchandise establishment* means establishments for the sale of merchandise at the wholesale level, including those that warehouse merchandise in covered buildings.

*Yard, front* means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

*Yard, front setback* means the distance a building or structure must be placed from the back of the front property line.

*Yard, rear* means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

*Yard, rear setback* means the distance a building or structure must be placed from the back of the rear property line.

*Yard, side* means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

*Yard, side setback* means the distance a building or structure must be placed from the back of the side property line.

*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*.

## **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. New development will pay for its infrastructure costs and required services.
  - 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*

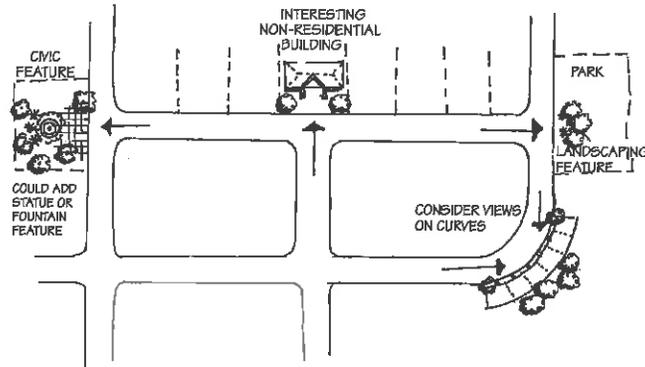
*what we may call the modern period, one is almost sure to see something pleasing and beautiful in its effect. ...It is the lack of beauty, of the amenities of life, more than anything else which obliges us to admit that our work of town building in the past century has not been well done.*

– *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.<sup>1</sup> 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 drainageway, 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)

## **Community Design Principles and Development Standards**

### *Division 3 Parking*

The intent of this Division is to provide adequate parking for motor vehicles while minimizing the visual impact of parking lots and structures. (Ord. 480 §2.9, 2003)

#### **Sec. 16-2-215. General provisions.**

- (a) Provide off-street parking. In all zone districts, off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees and patrons of the building or structures hereafter erected, altered or extended shall be provided and maintained as herein prescribed.
- (b) Provide adequate parking. If the use contemplated is not described in the required parking tables, the applicant must demonstrate that the parking as planned will be adequate to serve the needs of the proposed development.
- (c) Provide additional parking. At the time a property changes use, the applicant must demonstrate that the existing parking is adequate to serve the proposed use. It shall be the responsibility of the new user to provide additional parking if the existing parking does not meet the needs of the proposed use.

- (d) **Surface.** All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or similar materials. The Board of Trustees, on a case-by-case basis, may consider grass-crete or similar porous pavement.
- (e) **Integrate parking lots with surroundings.** Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings shall be maximized through continuity of buildings and landscape frontage.
- (f) **Location.** Parking lots shall be located to the rear or side of buildings or in the interior of a block whenever possible.
- (g) **Landscaping.** Parking lots shall be landscaped, screened and buffered as provided in Sections Division 5 and 6 of this Article.
- (h) **Share-access.** Where feasible, parking lots shall share access drives with adjacent property with similar land uses.
- (i) **Off-street parking design.** Any off-street parking area shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way or sidewalks or strike against or damage any wall, vegetation, utility or other structure.
- (j) **Circulation area design.** Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.
- (k) **Lighting.** All parking area lighting shall be full cut-off type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from nearby residential properties and away from the vision of passing motorists.
- (l) **Shared off-street parking.** When there are opportunities to support parking demand through shared off-street parking for compatible uses (such as a movie theater and an office building), a parking study and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.
- (m) **Adjacent on-street parking in MU-C-D Mixed-Use District.** In order to promote a pedestrian scale and encourage a perception of safety in the MU-C-D, Mixed Use District, parking may be satisfied using adjacent on-street parking or shared rear-lot parking areas. A parking study and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements. (Ord. 480 §2.9, 2003)

**Sec. 16-2-220. Paved off-street parking requirements.**

- (a) Paved off-street parking in nonresidential zones shall be provided according to the minimum requirements as specified below:

<b>Nonresidential Off-Street Parking Minimum Requirements</b>	
<b>Land Use Type</b>	<b>Number of Parking Spaces Required</b>
Industrial uses	.75 space per employee
Lodging uses	1 space per unit
Long-term care uses	.33 space per bed
Medical offices	4 spaces per 1,000 sq. ft.
Offices	3 spaces per 1,000 sq. ft.
Personal service uses	4 spaces per 1,000 sq. ft.
Restaurants	15 spaces per 1,000 sq. ft.
Fast food Standard	10 spaces per 1,000 sq. ft.

Retail	4 spaces per 1,000 sq. ft.
Theaters, places of assembly	1 space per 3 seats

Off-street parking for commercial uses shall be sufficient to provide parking for employees of all proposed uses, as well as long-term customer parking. Spaces reserved for employees shall be designated as such by means of striping and signage. Parking shall be located at the rear and sides of buildings to the greatest extent possible and screened from the view of streets as provided by Section 16-2-480 of this Article.

- (b) Parking for nonresidential land uses shall generally be required in the downtown area as shown in the following chart, but may be waived or reduced, depending on the nature of the proposed land use(s):

<b>Nonresidential Off-Street Parking Standards</b>	
<b>Land Use Type</b>	<b>Number of Parking Spaces Required</b>
Auto repair, low intensity retail, work shops	2 spaces per 1,000 sq. ft.
Banks, financial institutions	3 spaces per 1,000 sq. ft.
Bars, taverns, nightclubs	10 spaces per 1,000 sq. ft.
Grocery, supermarket	6 spaces per 1,000 sq. ft.
Child care	1 space per 8 students + 1 space per employee
Churches	1 space per 4 seats
Convenience store with gasoline sales	1 space per island + 1 space per 150 sq. ft.
Hospitals	1 space per bed
Industrial uses	.75 space per employee
Lodging uses	1 space per unit
Long-term care uses	.33 space per bed
Medical offices	4 spaces per 1,000 sq. ft.
Offices	3 spaces per 1,000 sq. ft.
Personal service uses	4 spaces per 1,000 sq. ft.
Restaurants Fast food Standard	15 spaces per 1,000 sq. ft. 10 spaces per 1,000 sq. ft.
Retail	4 spaces per 1,000 sq. ft.
Theaters, places of assembly	1 space per 3 seats

Note: Square footage is based upon gross floor area of the related buildings.

Note: If the number of parking spaces required results in a fractional space, any fraction shall be counted as one (1) additional parking space.

Parking for residential land uses shall be required as follows:

<b>Residential Off-Street Parking Standards</b>	
<b>Unit Type</b>	<b>Number of Parking Spaces Required</b>
Single-family, town home and two-family unit	2.00 spaces per unit (in driveway)
Multi-family studio or efficiency unit	1.25 spaces per unit
Multi-family one-bedroom unit	1.50 spaces per unit

Multi-Family two-bedroom unit	1.75 spaces per unit
Multi-family three-bedroom unit	2.00 spaces per unit
Multi-family four + bedroom unit	3.00 spaces per unit
Guest parking for multi-family units, in addition to required resident parking	1 space per 5 units

(Ord. 480 §2.9, 2003)

**Sec. 16-2-225. Location of spaces.**

- (a) Off-street parking facilities for residential uses shall be provided and located on the same lot as the building they are intended to serve.
- (b) Required off-street parking in residential zones shall not lie within the front yard setback nor within any required side yard setback adjacent to a street. (Driveway spaces within these setbacks cannot be counted for required off-street parking.)
  - (1) The location of required off-street parking facilities for other than residential uses shall be within seven hundred (700) feet of the building they are intended to serve when measured from the nearest point of the building or structure.
  - (2) Except within a garage or in conjunction with an approved affordable housing project, tandem parking is not allowed to meet required off-street parking requirements.
  - (3) Garages or required off-street parking spaces shall be set back twenty-two (22) feet from the back of the sidewalk. (Ord. 480 §2.9, 2003)

**Sec. 16-2-230. Handicap parking spaces.**

Parking for the disabled shall be provided for multi-family and nonresidential land uses as required by the Americans with Disabilities Act (ADA) and shall be identified by an upright sign at least four and one-half (4 1/2) feet in height. (Ord. 480 §2.9, 2003)

**Sec. 16-2-235. Parking stall dimensions.**

Parking stalls for automobiles shall meet the following standards. All dimensions represent the minimum requirement for any required parking space. Standard sized parking spaces in parking lots shall be nine (9) feet in width and nineteen (19) feet in length. The parking space length may be reduced to seventeen (17) feet if there is a landscaped area or sidewalk at least six (6) feet in width to provide a two-foot overhang, as long as wheel stops are provided and if the overhang does not negatively impact the adjacent landscaping or sidewalk. See Figure 2-14.

PARKING STALL DIMENSIONS					
Parking Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width (D)	Curb Length (E)	Overhang (F)
45°	9'	19'	13'	12' 8"	1' 5"
60°	9'	20'	13'	10' 5"	1' 8"
90°	9'	18'	24'	9'	2'
0°(parallel)	8'*	8'*	12'	24'	0'

\*Except along local streets where 7' is permitted.

(Ord. 480 §2.9, 2003)

**Sec. 16-2-240. Bicycle parking spaces.**

Commercial, industrial, civic, employment, multi-family and recreational uses shall provide bicycle facilities to meet the following standards:

- (1) A minimum number of bicycle parking spaces shall be provided, equal in number to two percent (2%) of the total number of automobile parking spaces provided by the development, but not less than one (1) space.
- (2) For convenience and security, bicycle parking facilities shall be located near building entrances. Within downtown commercial areas, however, a grouping of spaces shall be utilized as directed by the Town.
- (3) Bicycle parking facilities shall be designed to allow the bicycle frame and both wheels to be securely locked to a parking structure which is permanently attached to the pavement.
- (4) Bicycle parking facilities shall be designed so that they do not obstruct the flow of pedestrian, bicycle or vehicular traffic within the public way. (Ord. 480 §2.9, 2003)

## **Community Design Principles and Development Standards**

### *Division 3 Public Property*

#### **Sec. 16-2-315. Easement and utility standards.**

- (a) **Utility Easement Width.** Utility easements shall measure ten (10) feet on each side of abutting rear lot lines. On subdivision perimeter rear lot lines adjacent to unsubdivided property, utility easements shall measure ten (10) feet in width. In the event that the location of utility easements adjacent to rear property lines is unsuitable for use by utility companies due to drainage, irrigation ditches or other obstructions, the subdivider shall provide like-width easements adjacent to said areas of obstruction. Side lot line easements, where necessary, shall measure ten (10) feet in full width; five (5) feet either side of a lot line is acceptable. Front lot line easements shall measure thirteen (13) feet in width. Easements may be more or less than widths stated if the specific utility indicates in writing a width other than those required by this Code. Utility easements shall be subject to the approval of the Town or applicable utility company.
- (b) **Multiple Installations Within Easements.** Easements shall be designed so as to provide efficient installation of utilities. Public utility installations shall be located as to permit multiple installations within the easements. The developer will establish final utility grades prior to utility installations.
- (c) **Underground Utilities.** Telephone lines, electric lines, cable television lines and other like utility services shall be placed underground. Pedestals and transformers shall not be located in the front yard setback adjacent to public streets, unless they are underground and/or not visible to the traveling public. The subdivider shall be responsible for complying with the requirements of this Section and shall make the necessary arrangements, including any construction or installation charges, with each utility provider for the installation of such facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground. Screening or fencing is required to the satisfaction of the Board of Trustees. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV. Such facilities shall be placed within easements or public streets, as therein provided, or upon private easements or rights-of-way provided for particular facilities. (Refer to Division 2, Street Standards of this Article. Utility easements have been identified outside the right-of-way in order to accommodate the location of street trees.)
- (d) **Street Lighting.** Street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be two-hundred-fifty-watt sodium vapor lamps at a maximum spacing of four hundred (400) feet for local streets. Arterial streets and commercial areas shall have a higher level of lighting as determined by the Board of Trustees. Street lighting shall also comply with Section 16-2-810 of this Article and be approved by the Town prior to installation. (Ord. 480 §2.11, 2003)

## **Community Design Principles and Development Standards**

### *Division 5 Landscaping Standards*

*To exist as a nation, to prosper as a state, and to live as a people, we must have trees. — Theodore Roosevelt*

#### **Sec. 16-2-410. Intent.**

- (a) The purpose of this Division is to protect and enhance the community's environmental, economic, recreational and aesthetic resources by promoting efficient use of water in the community's public and private landscape, reducing water waste and establishing procedures for the design, installation and maintenance of water-efficient landscapes throughout the jurisdiction.
- (b) Furthermore, these landscaping standards are intended to promote quality landscape design that:
  - (1) Reinforces the identity of the community and each neighborhood;
  - (2) Provides tree-lined streets in urban areas;
  - (3) Anchors new buildings in the landscape;
  - (4) Provides tree canopies within paved areas;
  - (5) Is environmentally sensitive by preserving existing trees, using water conservation techniques and planting native species (when appropriate), and enhances valuable habitat;
  - (6) Encourages the utilization of xeriscape principles; and
  - (7) Promotes efficient use of water and reduces water waste. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

#### **Sec. 16-2-412. Applicability.**

- (a) This Section applies to all new or renovated landscapes that require development review permits. However, both the standards and/or the submittal requirements may be amended with Town approval when necessary to reflect the individuality of the specific site and development.
- (b) Please see Section 16-2-490 of this Division for a summary of the landscaping requirements based on development types.
- (c) An applicant may use the Planned Unit Development zoning and approval process if necessary to amend the regulations to allow for individualized landscapes in connection with unique developments. (Ord. 607 §1, 2009)

#### **Sec. 16-2-415. General provisions.**

All land development applications shall be accompanied by an appropriate landscape plan. Building permit applications for individual single-family residences will require landscape plans. However, all landscaping within the community shall comply with the intent of these regulations. Any landscaping in place at the time of the adoption of these regulations that does not conform to these regulations will be considered legal nonconforming. However, any legal nonconforming landscaping on commercial, industrial and multi-family developments will be required to comply with these regulations if changes are made to more than twenty-five percent (25%) of the total landscaped area of the subject property. This twenty-five percent (25%) will be measured from the existing conditions at the time of the adoption of the ordinance codified herein and does not allow for repeated changes of less than twenty-five percent (25%) so as to avoid conformity. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

*Trees can transform a street more easily than any other physical improvement. Moreover, for many people, trees are the most important single characteristic of a good street.*

– *Great Streets, Alan B. Jacobs*

**Sec. 16-2-420. Street trees.**

- (a) Landscape improvements in urban settings shall create an orderly, irrigated, managed landscape. All urban neighborhoods shall have tree-lined streets. Street trees shall include a mix of species and be aligned in straight rows. Street trees shall be placed within the right-of-way tree lawn. Spacing of trees shall allow for their mature spread. Trees installed along streets that will be widened in the future shall take into account plans for future widening of streets so that established trees will not be disturbed during future construction.
- (b) Landscape improvements in rural subdivisions, environmentally sensitive areas and lower-density, rural developments shall be native-looking and informal. Street trees in rural developments shall be planted to create irregular clusters of trees to reinforce the design and character of each project and to frame views. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

**Sec. 16-2-422. Soil amendments and mulch.**

- (a) Soil amendments.
  - (1) Addition of proper and adequate soil amendments is required for all plantings. A soil amendment is any material added to improve its physical properties, such as water retention, permeability, water infiltration, drainage, aeration and structure, with the goal of providing a better environment for roots. In addition to helping the plants grow, this addition can also help with successful water conservation.
  - (2) Prior to the installation of turf grass and/or other plant materials in areas to be landscaped, the areas shall be thoroughly loosened, and organic industry-accepted, certified weed-free soil amendment (such as compost, peat or aged manure) shall be thoroughly incorporated (i.e., rototilled) into the soil at a rate of at least four (4) cubic yards of soil amendment per one thousand (1,000) square feet of turf grass and/or area to be planted, to a depth of at least six (6) inches. In addition, prior to installation of any turf grass and/or other planted area, all foreign waste materials, including concrete, plastic, wire and the like, along with rocks larger than three (3) inches, shall be removed from the top six (6) inches of soil. The developer shall affirm and certify, in writing, that the turf grass and/or planted areas have been installed according to these standards or that legally binding commitments have been made to install such soil amendments prior to installation of such turf grass and/or other plant materials.
- (b) Mulch.
  - (1) All plantable areas not covered with turf shall be covered with a minimum of four (4) inches of a suitable mulch to retain water and inhibit weeds. Nonporous fabrics (like black plastic) shall not be placed under mulches.
  - (2) Mulch shall be of wood-based materials and does not include gravel, rock, grass clippings, straw, hay or leaves. (Ord. 607 §1, 2009)

**Sec. 16-2-425. Site landscape design.**

Landscape improvements shall be an integral part of the overall site design for each property. Landscape improvements shall be designed to complement and enhance the character of neighborhoods and shall follow these guidelines:

- (1) Landscaped areas shall be configured to *maximize their interconnectivity* within the site, to natural areas and to landscaped areas in adjacent developments. Small, isolated islands of

landscaping should be avoided except as required in parking lots and for screening along roadways.

- (2) Landscaped areas shall enhance functional open space through the *creation of outdoor rooms* appropriate to the location and purpose of the open space within the development. This can be accomplished through a combination of plantings, fencing and berms and by using natural features on the site.  
Use plantings and berms to create outdoor rooms in common open space areas.
- (3) Landscape improvements in all developments shall be *consistent with the character* of the proposed development and the surrounding area to reinforce neighborhood identity. For example, if the theme of the development is prairie grassland then fewer trees will be required while more shrubs and grasses will be necessary.
- (4) Landscape design shall *enhance natural features, drainage ways and environmental resources*.
- (5) All landscape improvements shall be designed for mature landscapes and shall provide appropriate *visibility for cars and pedestrians*. Landscaping shall be no more than thirty (30) inches high when located in a sight distance triangle.
- (6) Preserve and *frame views* both into and out of the neighborhood.
- (7) Incorporate the elements of *gateway, path and destination* into the design of landscapes. Gateways are entries that provide transitions from one (1) space to another. Pathways are routes that lead to a destination. Destinations are focal points that can include anything from a garden bench at the end of a path to a civic building at the end of a street. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

#### **Sec. 16-2-427. Water efficiency in landscape design.**

Landscape improvements shall be designed with water efficiency as a goal. These guidelines shall apply to the design of all regulated landscapes:

- (1) Landscapes shall use the following *xeriscape design principles* to facilitate water conservation:
  - a. Well-planned planting schemes.
  - b. Appropriate turfs election to minimize the use of bluegrass.
  - c. Use of mulch to maintain soil moisture and reduce evaporation.
  - d. Grouping of plant materials according to their microclimatic needs and water requirements.
  - e. Improvement of the soil with organic matter if needed.
  - f. Efficient irrigation systems.
  - g. Proper maintenance and irrigation schedules.
  - h. Design of landscaping to help minimize steep grades and reduce water runoff.
  - i. Minimize landscaping in strips less than eight (8) feet wide when necessary, such as between the street and the sidewalk.
  - j. In medians, use of native plants that require low amounts of water and maintenance.
- (2) Plants shall be selected appropriately based upon their adaptability to the climatic, geologic and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of this Division. Please see the approved Town Plant Species List.
- (3) Recirculating water shall be used for decorative water features.
- (4) With prior written approval of the Town's designated staff, artificial plants, grass and other materials are allowed where they are aesthetically in accord with the neighborhood, of a quality consistent with current state-of-the-art products and in compliance with the requirements of this Code.
- (5) Refer to Section 13-2-60 of this Code for the Town's watering restrictions.

- (6) Refer to the Department of Local Affairs Smart Growth Office "WaterWise Landscaping Best Practices Manual" for a list of approved plant species for use as well as other pertinent information to help develop a water-efficient and water-conserving landscape. (Ord. 607 §1, 2009)

**Sec. 16-2-430. Landscaping environmental considerations.**

- (a) All landscapes shall strive to *maximize the use of native species*. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and noninvasive may be used.
- (b) Landscapes shall consist of a variety of species to *enhance biodiversity*. No one (1) species may make up more than twenty-five percent (25%) of the total non-grass plant materials on the site.
- (c) Buildings and parking areas shall be located to *preserve and promote the health of existing trees, environmental resources and natural drainage ways*. No healthy tree shall be removed without good cause. This requirement is not intended to prevent the removal of unhealthy trees in conjunction with site development.
- (d) Trees shall be located to *provide summer shade and limit winter shade* on walks and streets.
- (e) A combination of plantings, berms, walls and fences shall be used as appropriate to *buffer sensitive habitat*. Use buffers to protect the physical integrity of riparian ecosystems. Try to preserve vegetation and trees in streamside zone and middle zone. Encourage grass and landscaping in outer zone to filter runoff from backyards, parking areas, roads, etc.
- (f) Plants shall be selected to blend with the native vegetation for projects at the interface between urban areas and natural open space (nonirrigated). Locally recognized invasive introduced plants shall be unacceptable. Plants with low fuel volume and/or low flammability shall be emphasized.
- (g) All areas disturbed by construction shall be reseeded to *prevent erosion*. Erosion mats may be necessary under certain conditions. Native, noninvasive grasses shall be used for revegetation where practical. Weed control is the responsibility of the landowner on all reseeded areas and all preservation areas. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

**Sec. 16-2-435. New buildings and paved areas.**

- (a) Anchor structures in the landscape through the use of trees, shrubs and ground cover. The size and intensity of plantings shall be appropriate to the size and context of the improvements.
- (b) Integrate adjacent land uses of different intensities through a combination of berming, plantings and fencing. Use opaque screening only when necessary to mitigate the impact of noise, light, unattractive aesthetics and traffic. A fence shall not be the only screening material used. A combination of berming, planting and fencing to integrate land uses.
- (c) Use landscaping to provide a transition from developed, managed landscape to more natural vegetation.
- (d) Provide a tree canopy by installing shade trees within and adjacent to paved areas. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

**Sec. 16-2-440. Plant materials.**

- (a) Minimum tree and shrub planting sizes shall be as follows:
  - (1) Ornamental trees: one-and-one-half-inch caliper.
  - (2) Deciduous shade trees: two-inch caliper.
  - (3) Evergreen trees: six-foot height.
  - (4) Shrubs: five-gallon.

- (b) Required plant materials shall be grown in a recognized nursery in accordance with proper horticultural practice. Plants shall be healthy, well-branched, vigorous stock with a growth habit normal to the species and variety and free of diseases, insects and injuries.
- (c) All plants shall conform to standards for measurements, grading, branching, quality, ball and burlapping as stated in the *American Standard for Nursery Stock*, 1990 Edition, American Association of Nurserymen, Inc. (AAN-ASNS), and the Colorado Nursery Act of 1965 (CNA).
- (d) Native grass seed mixes shall be certified as weed-free. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

**Sec. 16-2-450. Guarantee of installation.**

Required landscape improvements shall be installed prior to issuance of a certificate of occupancy for all structures. If weather conditions prevent installation, the developer shall post a financial guarantee for the improvements. This guarantee shall be released upon completion of the installation of the landscaping. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

**Sec. 16-2-455. Maintenance.**

- (a) In order to provide for the ongoing health and appearance of landscape improvements, all landscaping shall be maintained and replaced by the landowner/occupant as necessary. All property owners/occupants shall be responsible for maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property.
- (b) A regular *maintenance schedule* satisfying the following conditions shall be submitted as part of the Landscape Documentation Package. A regular maintenance schedule shall include, but not be limited to, checking, adjusting and repairing irrigation equipment, resetting the automatic controller, aerating and dethatching turf areas (only if needed), replenishing mulch, fertilizing, pruning and weeding in landscaped areas. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

**Sec. 16-2-463. Landscaping design standards and minimum requirements for common open space areas in residential areas and multi-family, commercial and industrial developments.**

- (a) Water efficiency in irrigation design.
  - (1) All required landscaping shall be irrigated as required for plant establishment and maintenance. Irrigation shall be appropriate to the type and scope of the improvements.
    - a. Use of nontreated water for irrigation is encouraged if a permanent suitable supply is available. In the event that nontreated water is not continually available, an alternative supply of treated water shall be available by means of a separate line to avoid any possibility of cross- contamination.
    - b. Requiredlandscapingshallbeirrigatedwithapermanentirrigationsystem.
    - c. Irrigation for native grasses and vegetation shall be used for establishment and shall be available for maintenance if necessary.
  - (2) Irrigation system improvements shall be designed to achieve water efficiency as a goal. These guidelines shall apply to the irrigation system design for all regulated landscapes:
    - a. Plant water requirements shall be considered in irrigation design schemes.
    - b. Hydraulic principles shall be employed when designing the irrigation system.
      - 1. Separate landscape meters shall be installed for all regulated landscapes.
      - 2. The irrigation system shall be designed to provide irrigation per Section 13-2-60 of this Code.

3. The tap size shall be based on the water demand of the site and shall take into consideration the areas of each plant type (i.e., turf, native seed, perennials, annuals and shrubs), the evapotranspiration for the site, the water demand of each plant type at peak season and the water window.
4. A reduced-pressure backflow preventer shall be used on all systems. The requirement of a backflow preventer may be waived if the irrigation system utilizes nonpotable water that is in no way connected to a domestic system.
5. Turf and grass areas irrigation shall be designed using the following principles:
  - a) No single zone shall mix head types, such as rotors and pop-up spray heads in the same zone.
  - b) Sprinklers shall be spaced for "head-to-head" coverage where the spray pattern from one (1) head will reach to the next head.
  - c) Check valves shall be included in heads or valves where low drainage will occur due to elevation changes.
6. Shrub bed areas with plant material one (1) gallon in size or larger shall be irrigated with a drip or subsurface system.
7. Where the water supplied will be from secondary or other nonpotable water sources, the use of nonpotable color indicators shall be used on the equipment. This includes purple handles on quick coupler valves and gate valves, caps for irrigation heads, valve box lids and marker tape buried above the mainline.
8. All systems shall be equipped with an automatic rain shut-off device.
9. All wire connections shall be made with watertight connectors and contained in a valve box.
- c. Irrigation control systems shall be employed that offer flexibility in programming.
  1. All irrigation systems shall include an electric automatic controller with multiple programs and multiple repeat and rest cycle capabilities and a flexible calendar program.
  2. The controller shall have the ability to adjust run times based on percentage of maximum evapotranspiration rate.
  3. Each zone/valve shall have its own station on the controller.
- d. Installation of irrigation systems shall be per plan and accurate.
  1. Mainline shall be tested to ensure its ability to maintain required pressure for two (2) hours. Proof of test and compliance shall be submitted to the Town.
  2. Before acceptance, each zone shall be operated and each valve box opened to verify accurate installation. Proof of test and compliance shall be submitted to the Town.
- e. "As-built" drawings of irrigation system may be provided after the installation, with dimensions shown for irrigation components depending on the development as designated by the Town.
  1. The "as-built" drawings shall show all points of connection, including tap size, line size and static water pressure of service. Dimensions that will be used to locate components shall be shown on plans. Components to be located include meters, backflow preventers, all valves, including quick coupler, control, gate and manual drain valves, and controller locations.
  2. The drawings shall also show zone number, valve size, and gallons per minute.

- (b) Landscaping within right-of-way and required common open space. The developer or assigns shall provide:
- (1) Street trees: Deciduous shade trees, selected from the Town's tree list, shall be provided at the rate of one (1) tree on approximately forty-foot centers in tree lawns along all streets adjacent to or within new developments and for new single-family, two-family and townhome dwellings in existing neighborhoods along all streets. Where this spacing would result in a tree location in conflict with utility facilities or driveways, the spacing may be reduced or increased to facilitate the best location for tree planting purposes. Tree lawns between the curb and detached sidewalk shall consist of seventy-five percent (75%) live ground cover at maturity.
  - (2) Collector and local streets: Live ground cover, including a combination of grass, required street trees, flowers or shrubs. In commercial areas, this area may be paved if it functions as pedestrian access to storefronts and is integrated into the overall design of the other improvements on the site.
  - (3) Arterial streets: Live ground cover as appropriate to the use and function of the area, including a combination of grass, required street trees, flowers, paving and one (1) shrub for every one hundred fifty (150) square feet of landscape area clustered into planting beds. The developer shall also install an automatic irrigation system for all landscaping within arterial rights-of-way.
  - (4) Landscaping for required common open space: Landscaping within new multi-family developments or other residential developments that have common open space shall be provided as specified within each land use category below. Landscape area shall include common open space within the development and shall be in addition to the required street trees in Paragraph (1) above.
  - (5) A mechanism for long-term maintenance of common open space and arterial and collector street right-of-way landscaping, such as a homeowners' association and covenants.
- (c) Multi-family and mixed-use district residential landscaping standards:
- (1) In addition to right-of-way landscaping, the developer or assigns shall provide:
    - a. Site trees: A minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.
    - b. Shrubs: A minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half (1/2) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.
    - c. Ground cover: Irrigated turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed-free and maintained at a maximum height of eight (8) inches. There shall be a minimum of seventy-five percent (75%) live materials at maturity between the front of the house and the curb unless approved by the Town. Mulch may be considered live ground cover as associated with plantings as approved by the Town.
  - (2) Landscape setback to parking lots: The density, width and quality of the buffer design shall be reviewed for approval by the Town. Signage may be included in this setback as long as it is not located within the sight distance triangle.
- (d) Business/commercial and industrial development landscaping standards.
- (1) Landscape improvements shall be designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and into the surrounding neighborhood. All improvements shall consider the people who will use the site, travel through or by the site and adjacent land uses. A minimum of fifteen

percent (15%) of the site (gross) shall be landscaped area. Of this fifteen percent (15%), there shall be a minimum of seventy-five percent (75%) live materials at maturity, fifty percent (50%) of which shall be between the front of the building and the street. This requirement may be waived with Town approval.

- (2) Parking lots shall be screened through the use of dense shrubbery, low walls, berms or a combination of these methods a minimum of three (3) feet in height, so that at least fifty percent (50%) of the light from headlights of vehicles in the parking lot is screened from view beyond the parking lot.
- (3) The developer or assigns shall provide:
  - a. Site trees: Plant a minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.
  - b. Shrubs: Plant a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half (1/2) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.
  - c. Ground cover: Establish irrigated grass turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed-free and maintained at a maximum height of eight (8) inches. There shall be a minimum of seventy-five percent (75%) live materials at maturity between the building and the street unless approved by the Town. Mulch may be considered live ground cover as associated with plantings as approved by the Town.
  - d. Landscape setback to parking lots: The purpose of the setback is to provide a buffer between street parking areas. The density, design and quality of the buffer shall be reviewed for approval by the Town. Signage may be included in this setback as long as it is not located within the sight distance triangle.
  - e. Screen loading areas: Screen loading areas (including vehicles being loaded), service and storage areas visible from the public right-of-way or adjacent property with an opaque screen that is an integral part of the building architecture or by landscaping. Chain-link fencing with slats, tires or used building materials are not acceptable screening materials.
  - f. Compatibility: Integrate activities on the subject property with adjacent land uses by utilizing a combination of landscaping, building orientation and appropriate architectural elements.

Create pedestrian-friendly commercial areas by:

    - a. Providing open areas for gathering places.
    - b. Creating a tree canopy between on-street parking and store fronts to provide a separation between cars and sidewalks.
    - c. Landscaping parking lots.
- (4) The building owner or occupant shall maintain the yard and landscaping within the adjacent road right-of-way in accordance with Town regulations.
- (e) State highway corridor landscaping standards. The developer or assigns shall provide:
  - (1) Landscape setback to parking lots: Provide a fifty-foot landscape setback from the highway. The purpose of the setback is to provide a buffer between the street and parking areas. Signage may be included in this setback as long as it is not located within the sight distance triangle.
  - (2) Shrubs: A minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped setback. Group shrubs and distribute throughout the landscape setback. Trees may be substituted for up to one-half (1/2) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.

- (f) Downtown landscaping standards. Downtown landscaping is intended to provide an attractive environment for people to walk and shop. Refer to the streetscape at Section 16-2-835 of this Article for illustrations of the character and quality of landscaping the Town is seeking.
- (1) Deciduous shade trees, selected from the Town's tree list, shall be provided at the rate of one (1) tree on approximately forty-foot centers along all existing streets in the downtown area. Where this spacing would result in a tree location in conflict with utility facilities, alleys or driveways, the spacing may be reduced or increased to facilitate the best location for tree planting purposes. Trees installed along streets shall be located within a protective tree grate that shall be flush with the sidewalk.
  - (2) Additional landscaping may be provided in the form of planters or window boxes which shall be constructed of the same or similar materials used in the adjacent building or of similar materials used in benches and trash receptacles and may be designed to include bench seating.
  - (3) Buffering shall be provided between land uses of different intensities, such as between residential and commercial uses. The responsibility for buffering shall rest with the proposed land use, rather than with existing land uses. Buffering may be accomplished through the use of dense plant materials, fencing, walls, berms or a combination of these methods and shall provide visual screening between the land uses, as well as screen or mitigate other negative impacts such as noise or lighting.
  - (4) Existing trees shall be preserved where feasible and when the trees are in good health and of a desirable species. When trees are removed from a site, replacement shall be at a ratio of two (2) trees for every tree that was removed from the site or as approved by the Community Development Director.
  - (5) Street furniture, including benches and trash receptacles, shall be provided to serve the public and shall be constructed of a combination of wood and wrought iron or other similar metal. Planters may be constructed of the same or similar materials used in the adjacent building or of similar materials used in benches and trash receptacles and may be designed to include bench seating. All street furnishings in the downtown area shall meet standards established by the Town.
  - (6) Street lighting fixtures shall be on poles no higher than twelve and one-half (12 1/2) feet and shall be of the single-acorn Victorian style.
- (g) Parking lot landscaping standards. Parking lot landscaping is intended break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and development and enhance the overall appearance of each project.
- (1) Applicability. All parking lots with fifteen (15) spaces or more shall be subject to these requirements. Landscape standards for parking lots within the downtown business district may be adjusted to provide the maximum number of parking spaces within the downtown area. The applicant must demonstrate that the variance from the standard will provide additional parking and provide alternative streetscape improvements to meet the intent of this Division.
  - (2) The developer or assigns shall provide:
    - a. Site trees: A minimum of one (1) tree per five (5) parking spaces. Group trees together in islands which are a minimum of ten (10) feet wide. Use the landscaping to break up large expanses of pavement and to create a tree canopy for summer shade.
    - b. Shrubs: A minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group plantings in landscape islands.
    - c. Ground cover: Limit areas of irrigated turf. Grass is discouraged in areas less than ten (10) feet wide. Install a grass buffer (native grass where possible) around the perimeter to filter runoff and improve water quality.

- d. Landscape setback to parking lots: The purpose of the setback is to provide a buffer between the street and parking areas and to screen the parking from the street. The density, design and quality of the buffer shall be reviewed for approval by the Town.
- e. Screening: Parking lots shall be screened through the use of dense shrubbery, low walls, berms or a combination of these methods a minimum of three (3) feet in height, so that at least fifty percent (50%) of the light from headlights of vehicles in the parking lot is screened from view beyond the parking lot.
- f. Provide a mechanism for long-term maintenance of landscaping: All landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant. (Ord. 480 §2.13, 2003; Ord. 507 §1, 2005; Ord. 607 §1, 2009)

**Sec. 16-2-465. Storm drainage facilities.**

- (a) Intent. The intent of this Section is to promote innovative and effective land- and water-management techniques that protect and enhance water quality.
- (b) General provisions.
  - (1) Landscaping associated with storm drainage facilities shall be integrated into the overall design of the project.
  - (2) Stormwater drainage facilities shall enhance the overall appearance of the project, prevent erosion, minimize mosquito habitat and improve water quality of stormwater runoff whenever possible.
  - (3) Storm drainage facilities may function as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately and approved by the Board of Trustees.
  - (4) The use of planting strips and shallow, landscaped depressions in parking lots and along roads is encouraged to help trap and remove pollutants from stormwater runoff.
- (c) Applicability. All storm drainage facilities shall be appropriately landscaped. (d) Minimum requirements.
  - (1) All facilities shall be seeded to grass appropriate to the function of the area. Areas to be used for active recreation shall be seeded to a turf-type grass and irrigated with a permanent irrigation system. Areas to be maintained for habitat enhancement shall be seeded to native grasses and wildflowers. The developer is responsible for establishment of a complete, weed-free stand of grass. Trail corridors may be seeded to native grasses if appropriately integrated with adjacent improvements.
  - (2) Maximum side slope on drainage facilities shall be 4:1; minimum slope of the bottom of a drainage facility shall be one-half percent (0.5%).
  - (3) Landscape improvements shall be designed to enhance the function of the facility. Areas designed for recreation shall include clusters of trees to provide shade, located so they do not impair the function of the facility.
  - (4) Habitat and water quality enhancement, including wetland plantings in low wet areas, is encouraged.
- (e) Ownership and maintenance. All drainage facilities shall be owned and maintained by the landowner or occupant unless otherwise approved by the Town. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

**Sec. 16-2-470. Submittal standards for landscape plans.**

All land development applications will be accompanied by the appropriate landscape plan:

<i>TYPE OF APPLICATION</i>	<i>CONCEPTUAL LANDSCAPE PLAN</i>	<i>PRELIMINARY LANDSCAPE PLAN</i>	<i>FINAL LANDSCAPE PLAN</i>
Sketch Plan	X		
Preliminary Plat/PUD		X	
Final Plat/PUD			X
Conditional Use Review			X
Site Plan			X

- (1) Conceptual landscape plan (submit with sketch plan). Intent: to illustrate the overall design concept for landscaping and depict how it relates to the overall development.
  - a. Describe the design intention of the proposed landscape improvements.
  - b. This information should be included on the sketch plan map or combined with the conceptual open space plan if it can be clearly illustrated and the scale is not greater than 1" = 200'.
  - c. Information required on the plan is listed in the table which follows.
- (2) Preliminary landscape plan (submit with preliminary plat). Intent: to illustrate the master landscape plan for the development.
  - a. Describe the design intention and how the proposal is consistent with the purpose and intent of these regulations.
  - b. Landscaping should be included on the preliminary open space and ecological characterization plan if it can be clearly illustrated and the scale is not greater than 1" = 100'.
  - c. Information required on the plan is listed in the table which follows.
- (3) Final landscape plan (submit with final plat). Intent: to ensure that each phase of the final landscape plan is consistent with the master landscape plan for the development and to illustrate the specific landscaping details for each phase.
  - a. Describe the design intention and how the proposal is consistent with the preliminary landscape plan.
  - b. The final landscape plan must be on a separate page from the final plat map and should be included with the final open space and ecological characterization plan if it can be clearly illustrated. The scale shall not be greater than 1"=50'.
  - c. Information required on the plan is listed in the table which follows.

<i>INFORMATION REQUIRED</i>	<i>CONCEPT</i>	<i>PRELIMINARY</i>	<i>FINAL</i>
Scale, north arrow, site boundary.	✓	✓	✓
Existing and proposed streets.		✓	✓
Existing and proposed utilities and easements.		✓	✓
Existing contours (2' intervals), can be USGS for conceptual landscape plan.	✓	✓	✓
General grading concepts for proposed improvements, typical cross-sections of streets and special treatment areas.		✓	
Proposed contours (2' intervals).			✓
Describe the design intention.	✓	✓	✓
Describe the general character and location of proposed landscaping and open space and how it meets the purpose of these regulations.	✓		

Illustrate how the open space network and pedestrian circulation system will function.	✓		
Existing site features, including ditches, trees, shrubs and ground cover, and any drainage ways, wetlands or wildlife habitat present on the site. Indicate which plants will be preserved, the method of preservation and which will be removed.	✓	✓	✓
Proposed landscaping, including trees, shrubs, ground cover, walks, fences. Show which plantings are deciduous and evergreen.		✓	
Indicate which areas will be irrigated and method of irrigation.		✓	✓
Typical detail drawings at 1" = 20' to illustrate perimeter treatment, buffering, typical front yard and any special treatment areas on the site.		✓	
Define areas to be considered open space and if they will be public or private. Indicate how open space will be maintained, including erosion control, revegetation and weed management, both during and after construction.		✓	✓
Detailed planting plan indicating location, species, size and quantity of all proposed plantings and ground cover. Improvements shall be shown in their final location and mature size. Include a plant list in chart form and description of the type and location of ground cover, walks, fences and mulches. Include a cost estimate for improvements. (This may be submitted as a separate sheet and is not required on the plans.)			✓

(Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

**Sec. 16-2-475. Prohibited plant materials list.**

- (a) The following list of trees are prohibited in the Town:
- (1) Russian olive (an invasive species that threatens native trees in
  - (2) Lombardy poplar (susceptible to canker-forming fungi for controls).
  - (3) Siberian elm (can dominate native vegetation, especially in disturbed areas; is weak-wooded and subject to continuous dieback when large; can be devastated by the elm leaf beetle).
  - (4) Boxelder maple (primary host plant of the Boxelder bug).
  - (5) Cotton-bearing cottonwood. The Board of Trustees will consider cotton-bearing cottonwood on a case-by-case basis for restoration projects along riparian corridors (often considered a public nuisance).
- (b) All plant species on the Colorado State Invasive and Noxious Weed List are prohibited.  
(Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

**Sec. 16-2-480. Buffering and screening techniques.**

- (a) Intent. The intent of this Section is to integrate adjacent land uses and provide seamless transitions from one (1) use to another through the use of building orientation and access, landscaping and appropriate architectural elements.
- (b) General provisions.
- (1) Special consideration shall be given to adjacent land uses of different intensities. The responsibility for buffering shall rest with the proposed land use, rather than with existing land uses. The developer shall ensure that the transition from one (1) use to another is attractive and functional and minimizes conflicts between the current and planned uses.
  - (2) Buffering can be accomplished through the effective use of shared access and parking, appropriate building orientation and setbacks, landscaping, architectural treatment and limited use of fencing and screening walls. Special consideration shall be given to the impact of aesthetics, noise, lighting and traffic.  
Integrate adjacent land use through appropriate:
    1. building orientation and setback;
    2. landscaping;

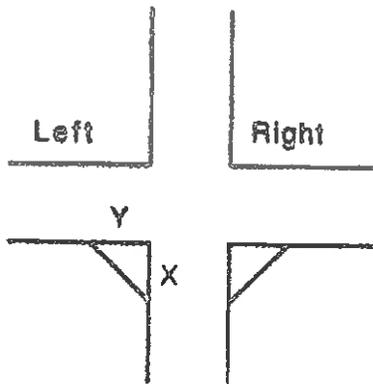
3. access;
  4. architectural elements.
- (3) Buffering may be required between any development and adjacent natural or environmentally sensitive areas. This will be determined on a case-by-case basis.
  - (4) Under no circumstances shall a fence be the only screening material used as a buffer between land uses.
- (c) Location and screening of required loading and service areas.
- (1) Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.
  - (2) Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and landscaping shall also prevent spill-over glare, noise or exhaust fumes. Screening and buffering shall be achieved through walls, architectural features and landscaping and shall be visually impervious. Recesses in the building or depressed access ramps may be used.
- (d) Dumpsters.
- (1) Every development that is required to provide one (1) or more Dumpsters for solid waste collection shall provide sites for such Dumpsters that are:
    - a. Located to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties or public rights-of-way; and
    - b. Constructed to allow for collection without damage to the development site or the collection vehicle.
  - (2) All such Dumpsters shall be screened to prevent them from being visible to:
    - a. Persons located within any dwelling unit on residential property other than that where the Dumpster is located;
    - b. Occupants, customers or other invitees located within any building on nonresidential property other than that where the Dumpster is located; and
    - c. Persons traveling on any public street, sidewalk or other public way. (Ord. 480 §2.15, 2003; Ord. 607 §1, 2009)

**Sec. 16-2-485. Fences and walls.**

- (a) Intent. The intent of this Section is to ensure that walls and fences are attractive and in character with the neighborhood. Recognizing that fences are used to create privacy, the Town encourages privacy fences (six-foot and solid) be located close to the house and not alongside and rear property lines.
- (b) General provisions.
  - (1) Compatibility. Walls and fences shall be architecturally compatible with the style, materials and colors of the principal buildings on the same lot. If used along collector or arterial streets, such features shall be made visually interesting by integrating architectural elements such as brick or stone columns, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings or through similar techniques. A fence or wall may not consist of a solid, unbroken expanse for more than fifty (50) feet for every seventy-five (75) feet of length, or portion thereof. See Section 16-2-835 of this Article for examples. Fence support posts should be constructed inside the fence and should not be visible from the outside of the fence, and all exterior fences made of wood shall be finished with a clear seal or left in their natural state. Decorative or ornamental fence support structures may be visible if approved by the Community Development Director.
  - (2) Materials.

- a. Stone walls, or brick walls with a stone or cast stone cap, treated wood fences, decorative metal, cast iron fences, stucco walls and stone piers are encouraged. Solid walls and fences are permitted only in rear and side yards. Retaining walls are permitted where required for landscaping and approved with a final drainage plan for architectural purposes. Hedges may be used in the same manner and for the same purposes as a fence or wall. Refer to Section 16-2-835 of this Article for illustrations of fence styles that the Town is encouraging.
  - b. Fences used in front yards and adjacent to public streets alongside and rear yards shall be at least fifty percent (50%) open. Allowable fences are split rail, wrought iron, picket or other standard residential fences of a similar nature approved by the Building Inspector.
  - c. Solid fences shall be constructed to meet the wind design criteria of the adopted Building Code, using a basic wind speed of ninety-five (95) miles per hour.
  - d. Other materials may be incorporated in fences and walls as may be approved by the Town.
- (3) Prohibited materials. Contemporary security fencing such as concertina or razor wire, barbed wire or electrically charged fences are prohibited unless specifically allowed by the Board of Trustees. Chain-link fencing with or without slats shall not be used, except as administratively approved for replacement, or extension of, existing chain-link fencing within the Town Subdivision on residential property in close proximity to existing chain-link fencing within the neighborhood. Chain-link fencing is prohibited in the Downtown area as per Subparagraph 16-2-721(d)(5)a.
- (4) Retaining walls. Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property. Any retaining wall greater than forty-eight (48) inches in height shall be engineered and allowed only with prior approval from the Town.
- (5) Height limitations. Fences or walls shall be:
- a. No more than forty-two (42) inches high between the front building line and the front property line. Walls shall not be solid except for retaining walls. For corner lots, front yard fence regulations shall apply to both street sides of the lot.
  - b. No more than forty-two (42) inches high if located on a side yard line in the front yard, except if required for demonstrated unique security purposes. Fences and walls shall not be solid, except for retaining walls.
  - c. No more than six (6) feet high for an opaque privacy fence located on a rear property line or on a side yard line in the rear yard.
  - d. No more than six (6) feet high for opaque privacy fences that are located directly adjacent to and integrated with the architecture of the house or connected to a courtyard.
  - e. No more than thirty (30) inches high when located within the site distance triangle, and fences or walls within this site distance triangle shall not be solid.

Sight Distance Table Type of Street	Y Distance (in feet)	X Distance (in feet)	Safe Sight Distance (in feet)
Arterial	Right 135' Left 270'	15'	500'
Collector	Right 120' Left 220'	15'	400'
Local	Right 100' Left 150'	15'	300'
Alley	Right 100' Left 150'	15'	-----



- f. In the Industrial (I) District, a chain-link fence is permitted so long as it is not higher than six (6) feet anywhere on the premises, and the visibility at the intersection shall be in accordance with site triangle regulations. Additional landscaping must be installed to minimize the visual impact of the chain-link fence.
  - g. Fences around a recreation court (e.g., tennis, squash racket, squash tennis or badminton) or around a publicly owned recreation area may exceed six (6) feet in height if the fence is at least fifty percent (50%) open.
- (6) Maintenance. Fencing shall be maintained in an acceptable appearance. Missing and broken segments of fence shall be repaired in a timely manner. Dilapidated, unsightly or dangerous fences shall be removed or repaired when so ordered by the Building Inspector. Hedges shall be maintained in a healthy condition, trimmed and pruned as appropriate for the plant type. Dead plant material in hedges shall be removed or replaced as appropriate when so ordered by the Building Inspector. Hedges shall not encroach upon sidewalks or street rights-of-way. The Town may repair and/or replace fencing or plants and bill the owner if the owner does not make repairs as ordered by the Building Inspector.
- (7) Ornamental gates associated with fences will be allowed subject to approval by the Town.
- (c) Warranty period. The warranty period for perimeter fences along arterial and collector streets shall be two (2) years. Provision for compliance shall be as outlined in the warranty section of the subdivision improvement agreement.
- (d) Additional fencing requirements for the downtown area.
- (1) Security or privacy fencing, not exceeding six (6) feet in height, located on the rear one-third ( $\frac{1}{3}$ ) of the property and not visible from Broad Street, may be permitted if the use of the enclosed area and the design of the fence meets the intent of the downtown commercial standards. Chain-link fences shall not be allowed. Decorative fencing that is fifty percent (50%) open is encouraged.
  - (2) All exterior fences which are made of wood shall be finished with a clear seal or left in the natural color of the wood. Painted fences shall not be permitted.
  - (3) Fence support posts shall be constructed inside the fence and shall not be visible from the outside of the fence. Decorative or ornamental fence support structures may be visible if approved by the Community Development Director.
  - (4) Fencing shall be maintained in good repair and, when needed, shall be replaced with fencing that is equal to or better than the original fencing.
  - (5) The use of materials not customarily used for fencing shall not be permitted. (Ord. 480 §2.16, 2003; Ord. 607 §1, 2009; Ord. 643 §1, 2011)

## **Community Design Principles and Development Standards**

### *Division 7 Commercial and Industrial Architecture*

#### **Sec. 16-2-710. Intent.**

- (a) The Town has the following three (3) distinctly different commercial/industrial types of development within its Planning Area: mixed use; business/industrial; and business/commercial. They are different in character, purpose and mixture of uses. The design considerations vary for each type, although there are many common design elements. Section 16-2-715 below outlines the common elements, and the specific design considerations are identified by type.
- (b) With respect to the mixed use, Milliken's historic buildings have established a pattern of downtown development. Buildings are located close to the sidewalk, forming a continuous street facade. Pedestrian movement is the primary focus. Building height, architectural details, front setbacks, parking location, wall articulation and sidewalks establish the architectural edge that defines this area as a walkable commercial corridor. A Mixed Use Commercial – Downtown District has been created to strengthen the original downtown area.
- (c) The business/industrial is a primary employment center for the community. This area is predominantly automobile-accessible; however one (1) of the design challenges is to improve the pedestrian connections internally and as this area connects to the rest of the community.
- (d) Finally, business/commercial is intended to be integrated into the design of new neighborhoods to serve as a focal point and meet convenience commercial needs. (Ord. 480 §2.18, 2003)

#### **Sec. 16-2-715. General provisions.**

- (a) **Connections.** Commercial developments must be linked with surrounding areas by extending town streets, sidewalks and/or paths directly into and through the development, thereby providing convenient, direct pedestrian, bicycle and vehicle access to and from all sides of the development.
- (b) **Accessibility.** Developments must be accessible to pedestrians and bicyclists as well as motorists. Site plans shall equally emphasize the following:
  - (1) Pedestrian access to the site and buildings;
  - (2) Gathering areas for people; and
  - (3) Auto access and parking lots.The emphasis must not be placed solely on parking and drive-through functions.
- (c) **Walkways.** Walkways must be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access.
- (d) **On-Street Parking.** Streets and other elements of the site plan shall be designed so that on-street parking is a functional part of the development (except along arterial streets).
- (e) **Building Orientation.** Where possible, buildings shall be located to front on and relate primarily to streets. Building setbacks from local and collector streets should be minimized in order to establish a visually continuous, pedestrian-oriented streetfront. In the case of large buildings for employment, storage or auto-related uses, where greater setbacks are needed, a minimum of thirty percent (30%) of the building shall be brought to the setback line. If a minimized setback is not maintained, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.

- (f) **Pedestrian Scale.** The establishment of buildings on isolated "pad sites" surrounded by parking lots and driveways, and that offer mainly auto-oriented signage to define entrances, is discouraged. Even relatively massive development can be configured into "blocks" or other spaces, proportioned on a human scale and city block scale; and need not be proportioned on a monolithic, auto-oriented scale.
- (g) **Thematic Architectural Styles.** Standardized "corporate" or strongly thematic architectural styles associated with chain-type restaurants and service stores are strongly discouraged unless they accommodate the desired image for the Town and are compatible with adjacent structures and uses. Refer to Section 16-2-835 of this Article for illustrations.
- (h) **Location of Parking Lots.** Parking requirements shall be provided to the greatest extent possible by spaces at the rear or sides of the building. Refer to Division 3 and Division 5 of this Article for additional parking requirements.
- (i) **Blank Walls.** Blank, windowless walls are discouraged. Where the construction of a blank wall is necessary, the wall shall be articulated.
- (j) **Wall articulation.**
  - (1) Walls shall not have an uninterrupted length exceeding fifty (50) feet. Pilasters, texture transitions, windows and stepping of the wall plane are required.
  - (2) All exterior elevations shall maintain the integrity of the adjacent dwellings architectural character and detailing.
  - (3) Continuous cornice lines or eaves are encouraged between adjacent buildings.
  - (4) Buildings with flat roofs shall provide a parapet with an articulated cornice.
- (k) **Facade Treatment.** The architectural treatment of the front facade shall be continued, in its major features, around all visibly exposed sides of a building. Blank wall or service area treatment of side and/or rear elevations visible from the public viewshed is discouraged.
- (l) **Windows.** Windows shall be vertically proportioned wherever possible.
- (m) **Awnings.** Fixed or retractable awnings are permitted. Canvas is the preferred material, although other waterproofed fabrics may be used; metal or aluminum awnings shall not be used unless otherwise approved by the Board of Trustees. Awnings used as signage must conform to the Sign Code.
- (n) **Screening.** All air-conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing (except chain-link), roof elements and landscaping. In addition, all trash facilities, loading and parking areas shall be properly screened.
- (o) **Architectural Details.** All materials, colors and architectural details used on the exterior of a building shall be compatible with the building's style and with each other. Refer to Section 16-2-835 of this Article for illustrations of commercial architecture that the Town is encouraging. (Ord. 480 §2.18, 2003)

**Sec. 16-2-735. Industrial/business park architectural standards.**

The intent of the Industrial/Business Park architectural standards is to ensure that the quality of industrial/business park development enhances the overall well-being and image of the community.

- (1) Subsections (c) through (g) of Section 16-2-730 of this Article shall apply.
- (2) **Building Massing and Form:**
  - a. Office and entry spaces shall be distinguished from the building mass.
  - b. Large, square, "box-like" structures are not an acceptable form. Architectural elements with smaller forms stepping outwards and down shall be included.
  - c. Loading areas shall not front any street or public right-of-way.
  - d. Parking requirements shall be provided to the extent possible at the rear or sides of the building.

- (3) Wall Articulation. Walls shall not have an uninterrupted length exceeding fifty (50) feet. Pilasters, texture transitions, windows and stepping of the wall plane are required. Refer to Section 16-2-835 of this Article for examples of industrial architectural styles that the Town is encouraging.
- (4) Siting Structures.
  - a. Structures shall be sited to avoid a "wall" affect along public rights-of-way and along adjacent property lines. This can be achieved by varying the building setbacks and clustering buildings.
  - b. Where multiple buildings are proposed on a development parcel, buildings shall be oriented to allow views into the project and shall preserve high-quality views through the project (e.g., views of the mountains). (Ord. 480 §2.18, 2003)

**Sec. 16-2-835. Design vocabulary.**

*A small community is physically unified by common design features which include building mass and style, facade treatment, materials, colors, landscape and streetscape details.*

*– Visions for a New American Dream, Anton Nelessen, 1994*

- (a) Intent. The following images are intended to provide examples of buildings and landscape features that may contribute to Milliken's special character. The intent of the Design Vocabulary is to illustrate the character and quality of development the Town is seeking and to help ensure new development is integrated with "downtown" Milliken. The residential architectural styles illustrate traditional Colorado styles which are referred to in Section 16-2-35 and in Division 6 of this Article.
- (b) The Design Vocabulary includes the following elements:
  - (1) Residential architectural styles.
  - (2) Multi-family residential architectural styles.
  - (3) Downtown and neighborhood commercial.
  - (4) Common areas.
  - (5) Commercial/industrial.
  - (6) Streetscape.
  - (d) Fences.
  - (e) Signage.

(Ord. 480 §2.24, 2003)

**COMMERCIAL/INDUSTRIAL**



**DESIGN VOCABULARY**  
TOWN OF MILLIKEN  
COLORADO

**FENCES**



**DESIGN VOCABULARY**  
TOWN OF MILLIKEN  
COLORADO

**Community Design Principles and Development Standards**  
*Division 8 Development Standards*

**Sec. 16-2-810. Lighting.**

(a) Intent. The intent of this Section is as follows:

- (1) To create an attractive lighting system to enhance visibility and safety, while minimizing glare and contrast.
- (2) To encourage exterior lighting that is functional, aesthetically pleasing and complementary to the architectural style of buildings.

(b) General Provisions.

- (1) Evaluation of Exterior Lighting. Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood.
- (2) Light Style. The style of lights shall be consistent with the style and character of architecture proposed on the site. Light fixtures that illuminate signage shall be compatible with the architecture of the building on which they are placed.
- (3) Concealed Light Source. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property and away from the vision of passing motorists. All lights shall be directed downward and the light source shall be equipped with "cut-off" devices so that it will not be visible from any adjacent property and to ensure that ambient skyward light is eliminated. Accent and flagpole lighting shall be permitted to be directed upward as long as the light source is shielded and not visible from any adjacent property. Light fixtures installed under canopies, awnings, overhangs and the like shall be fully recessed.
- (4) Hours of Lighting Operation. All parking lot lighting fixtures and exterior building lights, except those required for security purposes, shall be extinguished within one (1) hour after the end of business hours and remain extinguished until one (1) hour prior to the beginning of business hours. If a portion of a parking lot is used after dark, only that portion shall be lighted.
- (5) Height Standards for Lighting.
  - a. Residential Zoning Districts. Light fixtures shall be mounted on concrete, fiberglass or painted metal poles no higher than sixteen (16) feet from the ground. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be between three (3) and four (4) feet high.
  - b. Nonresidential Zoning Districts. Light fixtures shall be mounted on concrete, fiberglass or painted metal poles no higher than twenty-five (25) feet from the ground, unless a greater height, not to exceed the maximum building height in the applicable zone district, is approved by the Planning Commission or Board of Trustees through a development application review process. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be between three (3) and four (4) feet high.
- (6) Exemption for Outdoor Recreational Uses. Because of their limited hours of operation and their unique requirements for nighttime visibility, ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses (both public and private), unless otherwise restricted by the Board of Trustees, shall be exempt from the general provisions of this Section. However, exterior

lighting for such uses shall be extinguished no later than 11:00 p.m. (Ord. 480 §2.19, 2003)

**Sec. 16-2-820. Sanitary sewer.**

All residential, commercial and industrial uses which have human occupancy shall have sanitary sewer. The sanitary sewer system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot upon which a structure is to be built. Sanitary sewer lines are to be of sufficient size and design to collect all sewage from all proposed or portable structures within the subdivision or development. On a case-by- case basis, the Board of Trustees may approve individual sewage disposal systems that comply with County Health Department standards. However no new addition, upgrade or major repair to an individual sewage disposal system will be permitted if the property is located within four hundred (400) feet of a municipal or sanitation district collection line, measured through existing sewer easements or utility rights-of-way, except where such connection is not feasible or has been denied by the Town or district. (Ord. 480 §2.21, 2003)

**Sec. 16-2-825. Potable water.**

All residential, commercial and industrial uses which have human occupancy shall have potable water served by the Town or appropriate water district. The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built. (Ord. 480 §2.22, 2003)

**Sec. 16-2-830. Fire hydrants.**

The subdivider shall install fire hydrants at street intersections and at other points as per the requirements of the District. Fire hydrants shall have national standards threads, two-and-one-half-inch outlets and four-and-one-half-inch or six-inch streamers. (Ord. 480 §2.23, 2003)

**Sec. 16-3-260. Accessory uses and accessory buildings in industrial districts.**

Land in any particular industrial district may be used in ways and purposes that are clearly incidental to the principal uses authorized in the district. Accessory uses and accessory buildings in industrial districts shall include:

- (1) Parking spaces and structures for the use of employees and customers and for the loading and parking of delivery vehicles.
- (2) Accessory buildings for the storage of supplies and materials used by employees.
- (3) Accessory buildings for the housing of guards, night watchmen or maintenance personnel. (Ord. 480 §3.4, 2003; Ord. 572, 2008)

**Sec. 16-3-430. I-1 Light Industrial District.**

- (a) Intent. This zoning district is intended to provide locations for a variety of light industrial uses, research and development offices and institutions.
- (b) Uses by Right. Uses by right in the I-1 District shall be as follows:
  - (1) Accessory uses and accessory buildings.
  - (2) Agricultural services establishments.
  - (3) All uses by right in the A District.
  - (4) Auto, recreational vehicle, boat and truck sales.
  - (5) Churches.
  - (6) Commercial recreational facilities.
  - (7) **Commercial storage facilities.**
  - (8) Community facilities.

- (9) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
  - (10) Entertainment facilities and theaters, seating capacity over one thousand (1,000).
  - (11) Establishments for the rental of tools, equipment and vehicles.
  - (12) Farming, ranching and gardening.
  - (13) Gasoline service stations, repair garages and car washes.
  - (14) Grazing and keeping of livestock.
  - (15) Lumberyards, not including those with outside storage areas.
  - (16) Manufacturing, assembly packaging or processing from previously prepared materials.
  - (17) Mini-storage facilities.
  - (18) Newspaper plants.
  - (19) Parking lots and parking garages.
  - (20) Police and fire stations and facilities.
  - (21) Print shops.
  - (22) Private recreational facilities.
  - (23) **Professional offices.**
  - (24) Research, experimental or testing laboratories.
  - (25) Small equipment repair facilities.
  - (26) Transportation headquarters, without repair and servicing facilities or capability.
  - (27) **Wholesale merchandise establishments.**
  - (28) Water treatment and wastewater treatment plants.
  - (29) Wireless telecommunications facilities (as permitted in Section 16-3-610 of this Article).
  - (30) Workshops and custom small industry uses.
  - (31) Utility service facilities.
- (c) Uses by Special Review. Uses by special review in the I-1 District shall be as follows:
- (1) One (1) or more uses by right in commercial districts that are not specifically permitted as uses by right in the industrial districts. 16-3-30
  - (2) Establishments for food and beverage processing.
  - (3) Establishments for the sale and repair of farm machinery and diesel trucks and buses.
  - (4) Public recreation facilities.
  - (5) Signs not meeting the requirements of Article VII of this Chapter.
  - (6) Utility service facilities with buildings and/or storage structures.
  - (7) Mini-storage facilities. (Ord. 480 §3.4, 2003; Ord. 659 §1, 2012)

**Sec. 16-3-440. I-2 Medium Industrial District.**

- (a) Intent. This zoning district is intended to provide a location for a variety of medium industrial uses, warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations.
- (b) Uses by Right. Uses by right in the I-2 District shall be as follows:
  - (1) Agricultural services establishments.
  - (2) All uses by right in the I-1 District.
  - (3) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
  - (4) Establishments for food and beverage processing.
  - (5) Establishments for the sale and repair of farm machinery and diesel trucks and buses.
  - (6) Farming, ranching and gardening.
  - (7) Grazing and keeping of livestock.
  - (8) Lumberyards and builders supply facilities (with outdoor storage).
  - (9) Machine shops.

- (10) Mini-storage facilities.
- (11) Outside storage facilities.
- (12) Railroad yards and stations.
- (13) Recycling facilities.
- (14) Transportation headquarters, with incidental repair and servicing facilities.
- (15) Utility service facilities with buildings and/or storage structures.
- (c) Uses by Special Review. Uses by special review in the I-2 District shall be as follows:
  - (1) Establishments for bulk storage of flammable liquids and gases.
  - (2) Radio towers over sixty (60) feet in height.
  - (3) Signs not meeting the requirements of Article VII of this Chapter. (Ord. 480 §3.4, 2003; Ord. 659 §1, 2012)

**Sec. 16-4-430. Site plan.**

- (a) Purpose. Site plan approval is needed for a building permit for all multi-family, commercial and industrial developments as well as parks, open space and trails. The only development a site plan is not needed for is a new single-family or duplex development. The site plan shows how the lot will be developed so that the Town can make sure that the site design will be in compliance with all Town regulations.
- (b) Site Plan Process.
  - (1) Step 1: Submit Site Plan Application.
    - a. Land Use Application Form.
    - b. Site Plan – Technical Criteria Form (from Workbook).
    - c. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Staff and notice and publication expenses. A deposit and fee agreement is necessary to cover costs for review of any other expert whom the Town may wish to employ. 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.
    - d. Site Plan Map. The site plan map shall be a minimum of eighteen (18) inches by twenty four (24) inches and shall provide the following information:
      - 1. Title of project.
      - 2. North arrow, scale (no greater than 1" = 50') and date of preparation.
      - 3. Vicinity map.
      - 4. Address of project.
      - 5. Legal description of property.
      - 6. Name, address and phone number of property owner.
      - 7. Name, address and phone number of person or firm responsible for plan.
      - 8. Lot size (square footage).
      - 9. Bearings and distances of all lot lines.
      - 10. Existing and proposed easements and rights-of-way.
      - 11. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
      - 12. Gathering areas for people.
      - 13. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
      - 14. Existing and proposed two-foot contours.
      - 15. Existing waterways on or adjacent to the site.
      - 16. Finished floor elevations for all structures.

17. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
  18. Existing structures and their use.
  19. Square footage of the proposed building and the footprint of the proposed building.
  20. Proposed structure height.
  21. For commercial and industrial uses, the type of activity and number of employees.
  22. For multi-family residential, the number of residential units and bedrooms per unit.
  23. Location of proposed signs and lights.
  24. Specifications for the signs and lights, including type, height and general conformance to the Code. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in foot-candles) of these fixtures across the site to all property boundaries.
  25. Proposed traffic controls and striping for parking areas (all lanes, driveways and parking spaces must be dimensioned).
  26. Trash disposal areas and enclosures including specifications for enclosures.
  27. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).
  28. Location and size of water and sewer lines to which the service connections will be or are made.
  29. Location and size of water meters.
  30. Location and size of backflow-prevention devices.
- e. Community Design Principles and Development Standards Description. Demonstrate in written or graphic form how the proposed structure is consistent with the community design principles and development standards found in Article II of this Chapter.
  - f. Certified Drainage Report. A certified drainage report, including an erosion control study and plan, as applicable, must be reviewed and approved by the appropriate sanitation district (if applicable) prior to submittal of the report to the Town as part of the site plan application.
  - g. Final Landscape Plan. Refer to Article II, Division 5 of this Chapter for the final landscape plan requirements.
  - h. Final Open Space and Ecological Characterization Plan. Refer to Article II, Division 5 of this Chapter for the final open space and ecological characterization plan requirements.
  - i. Exterior Elevations of Proposed Structures/Graphic Visual Aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials to be used in the structure. In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models and/or computer visualizations when the impacts of a proposal warrant such information.
  - j. Mineral, Oil and Gas Rights Documentation. Evidence that the applicant has contacted all mineral rights owners and all lessees of mineral, oil and gas rights associated with the site by certified mail and is working towards resolution. Included in the evidence must be the name of the current contact person, his or her phone number and mailing address and a description of the issues. 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.

Commercial and Industrial Density and Dimensional Standards								
Zones	I-1	I-2	I-3	MU-C-D	C-1	C-2	C-3	C-4
Minimum front yard setback (feet) <sup>1</sup>	30, or 50 if adjacent to a major arterial street	See I-1	See I-1	0	As provided in any applicable building code <sup>2</sup>	See C-1	See C-1	See C-1
Maximum front yard setback (feet)				15				
Minimum rear yard setback (feet)	As provided in any applicable building code <sup>2</sup>	See I-1	See I-1	0 <sup>4</sup>	As provided in any applicable building code <sup>2</sup>	See C-1	See C-1	See C-1
Required side yard setback (on-street) <sup>2</sup>	30, or 50 if the adjacent to a major arterial street <sup>3</sup>	See I-1	See I-1	—	As provided in any applicable building code <sup>2</sup>	See C-1	See C-1	See C-1

### COMPREHENSIVE PLAN GOALS IMPLEMENTED

The Framework Plan of the 2009 Comprehensive Plan Update designated this area for Business/Industrial in an effort to create greater economic vitality. The Frontier Commercial Center has stimulated economic growth in Milliken. There continues to be a demand for industrial lots. Thus, this proposed project supports the Comprehensive Plan.

### REVIEW CRITERIA

The Land Use Code allows professional offices and warehousing, and outside storage uses in the Medium Industrial District, I-2. The intent of the Medium Industrial District I-2 zone is to provide a location for a variety of medium industrial uses, commercial storage, professional offices, wholes merchandise, indoor and outdoor storage and wide range of other commercial and industrial uses.

Barbara Clinard from Boulder Scientific, LLC. the project manager and agent for the landowner Jerry Swofford with Swofford Properties is requesting a site plan review for the construction of a 7,837 square foot building to serve as the northern office for a concrete installation company with approximately 4 employees. The primary use will be for the storage of vehicles and concrete forms, along with a professional office. The building is located at 2705 Center Drive in the I-2, Medium Industrial Zone District in the Frontier Commercial Center in Milliken, Colorado. The parcel consists of 1.14+/- acres in size and is currently vacant.

The Code requires a site plan for a building permit for all commercial and industrial developments in Section 16-4-430 "Site plan". The site plan shows how the lot will be developed so that the Town can make sure that the site design will be compliance with all Town regulations. Staff has tried to include the relevant, primary code regulations that apply to this particular case.

The code acknowledges the Town has three distinctly different commercial/industrial types of development within its Planning Area: mixed use; business/industrial; and business commercial. The design considerations vary for each type, although many common design elements exist. The intent of the Industrial/Business Park architectural standards is to ensure that the quality of industrial/business park development enhances the overall well-being and image of the community.

After a pre-application meeting, the applicant submitted an application, which was routed to internal staff and outside agencies for comments. These entities were given 28 days for comment. During this time, the Town Engineer, Fire District, the Public Works Director, planning and building staff provided comments and proposed site plan revisions necessary to meet local, state and federal regulations and local design and construction standards.

The application materials contain a narrative on the first page of site plan submittal explaining how the application meets Article II "Community Design Principles and Development Standards". Renderings illustrate the architectural detail, lighting, and landscaping plans in color. Sorenson Engineering, Inc. provides a letter and drainage and grading plan showing how the site's drainage integrates with the surrounding properties.

The code's architectural standards require special architectural features and treatments on all four sides of a building. The design of all buildings shall employ textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, openings, changes in parapet heights and similar architectural features to avoid monolithic shapes and surfaces. Large, square box-like structures are not acceptable. Flat walls of 50 feet or greater in length need to be broken up visually with changes in color, graphical patterning, changes in texture, changes in material, projections, recesses, windows, horizontal/vertical breaks, and other similar techniques. No bright or intense colors can be used, except as building accent color.

Similarly, walls shall not have an uninterrupted length exceeding 50 feet. Pilasters, texture transitions, windows and stepping of the wall plane are required. Structures shall be sited to avoid a "wall" affect along public rights of way and along adjacent property lines.

The architecture of the building contains a mansard roof with flat stucco crème colored panels along with red brick and white doors. The building rendering shows breaks in the building façade with windows and door openings along with brick and a white accent trim. The applicant did not focus architecturally on the sides and the back of the building since the public will not see these walls. A white ribbed paneled perimeter 6 foot fence surrounds the property.

The code says that all sides of a building open to view by the public or private property shall display a similar level of quality and architectural interest. The sides of the building are broken up by a couple of windows and doors. The back of the building is a solid wall. These walls will not be seen by the public due to the perimeter fence. Only the roof will be visually seen in any detail.

The code says a fence or wall may not consist of a solid, unbroken expanse for more than 50 feet for every 75 feet of length or portion thereof. It also says that solid fences are only permitted in rear and side yards. When the applicant discussed the fencing with staff during the pre-application meeting, staff gave the applicant permission to build a 6 foot fence. The code Section 16-2-485 "Fences and Walls" allows for a chain-link fence in the Industrial (I) District so long as it is not higher than 6 feet anywhere on the premises. This implies that a 6 foot fence is allowed

in the front of the property. Other properties within the Frontier Commercial Park have chain link security fences with barbed wire on top around the perimeter of their lots.

The applicant decided on a 6 foot fence, but asked staff if they couldn't upgrade the chain-link fencing requirement and make it more visually pleasing. Staff agreed that this would be nice. The applicant submitted a white ribbed paneled fence with posts. The ribbing with panels, trim, and posts adds texture to the fence, so that it is not just one blank solid wall. The fences under the "design vocabulary" section of the code shows a solid white sideways paneled fence along a walkway. Thus, staff believes the fence meets the intent of the code. In addition, the fence will be much more aesthetically pleasing than the chain link barbed wire perimeter fencing found on other properties within the Frontier Commercial Center.

The fence will have two access points from the south and through the north of the site for emergency response equipment and personnel. The site dimension plan, sheet C2.0 shows the 48 foot gate and 26 foot rolling gate on the front of the property and two 20 foot gates on the back of the property, which will be specifically designed and accessible by local emergency response personnel at all times. Specific design for these gates will be submitted with the building permit application for emergency personnel to review. These gates provide several breaks in the wall fronting the street. These gates will be open during the regular hours of operation providing aesthetically pleasing depth to the property while screening the industrial uses from the public's view.

Landscaping also exists to break up the visual impact of the perimeter fence. Giant Sacation Grass, Summer Wine Ninebark, and Double Knockout Rose will be planted in front of the fence as shown in the elevation drawing L2. River rock and cobble stone will be used to cover the rest of the ground in front of the property in conjunction with the dry creek bed. Inside the fence river rock, mulch, cobble stone, native grass, ornamental trees, deciduous shade trees, evergreen trees, and shrubs will be used to landscape the grounds. These plantings provide color, some shade and beauty throughout the year. Ornamental trees include Spring Snow Crabapple and Deborah Maple for a pop of color and shade for parking. In addition, evergreen green trees include Bosnian Pine, Baby Blue Eyes Spruce, and Black Hills Spruce. The shrubs include Burning Bush, Purple Butterfly Bush, in addition to the Ninebark and Rose. Finally, additional plantings include Happy Returns Daylily, Feather Reed Grass, and the Giant Sacation Grass. All of the tree and shrub plantings meet the code's minimum planting sizes. The plantings cover much more than the code minimum requirement of 15% of the total lot size area.

All of the plant material shall be guaranteed by the contractor for one year after final acceptance. All of the planting will be irrigated with a drip irrigation system, with the exception of the native grass. The Code requires regular *maintenance schedule* including, but not be limited to, checking, adjusting and repairing irrigation equipment, resetting the automatic controller, aerating and dethatching turf areas (only if needed), replenishing mulch, fertilizing, pruning and weeding landscaped areas. All drainage facilities shall be owned and maintained by the landowner or occupant unless otherwise approved by the Town.

No irrigation plan was provided, other than a note that the landscaping will be drip irrigated. The Town would like some assurance from the property owner that the landscaping and drainage facilities shall be maintained on a regular basis.

The trash enclosure sits behind the building. The dumpster material will be constructed of durable materials, which harmonize with the building's architectural design and colors. Final plans for the trash enclosure will be submitted with the building permit application.

Canister lights on the front of the building wall direct the light downward softening the building's appearance without creating glare on adjacent properties or lighting up the sky. The quality of site lighting is limited for energy conservation and prevents the off-site visual impact.

The building signage will consist of lettering and a company logo on the glass of the front door entry. This sign will not be illuminated.

In addition, the proposed building meets all the setbacks. The front yard setback as required by the Code is 50 feet and the proposed building is set back 98 feet from the front property line. The rest of the setbacks are zero according to the 2012 International Zoning Code. The plans have been reviewed by the Big Thompson Platte River Beeline Ditch.

The parking requirements can met, provided there is parking for a bike too. Bicycle parking is required in Section 16-2-240. All of parking is on the site behind the perimeter fence. Loading areas shall not front any street or public right-of-way. The I-2 Industrial Zone requires .75 spaces per employee. The building will be used by 4 employees, so 3 parking spaces are required. The building will have 4 bays, so the parking shown on the site plan directly in front of the building will be for loading or temporary parking. Thus, five parking spaces exist with one additional handicap parking space. Handicap parking is required to meet the American with Disabilities Act (ADA) and one handicap parking space meets these requirements.

The driveway and parking is shown on the plans as asphalt and concrete. After talking with the applicant, all of the driveway and parking will be 6" concrete. The Town engineer is requesting curb and gutter details, an anticipated traffic generation letter, and a few other grading and utility changes. The applicant is working directly with the Town engineer to address these concerns.

The Fire Marshall wants to ensure that a fire hydrant exists on the north side of Center Drive within 150 feet of the Fire District's connection on the building. The Fire Marshal will need the fire sprinkler and fire alarm plans to be submitted with the building permit. A building permit is required prior to the start of any construction. Engineered plans are required for the structure, plumbing, mechanical, and electrical systems.

The existing underground and overhead public and private utilities as indicated on the plans are according to the best information available to the engineer; thus, the contractor shall be responsible for calling all utility companies (public and private) prior to any construction to verify exact utility locations.

The proposed application appears to meet the Code's requirements. Many of the outstanding issues can be addressed with the building permit submittal, review, and approval process. The Town staff requests that the applicant add the surveyor's certificate to the plat before it is recorded in the County Clerk's office.

Staff recommends site plan approval with a letter or some other assurance from the property owner that the landscaping and drainage facilities shall be maintained on a regular schedule.

The Commission may approve, deny, or approve the site plan with conditions. It may also forward the application to the Town Board of Trustees if necessary.

## FINDINGS OF FACT

1. Barbara Clinard from Boulder Scientific, LLC., the project manager and agent for the landowner Jerry Swofford with Swofford Properties, is requesting a site plan review for the construction of a 7,837 square foot building to serve as the northern office for a concrete installation company with approximately 4 employees in the I-2, Medium Industrial Zone District for property located at 2705 Center Drive in Milliken, Colorado.
2. The parcel is 1.138+/- acres in size and is currently vacant in the Frontier Commercial Center.
3. The site will be used as the northern office for a concrete installation company with approximately 4 employees.
4. The primary use will be for the storage of vehicles and concrete forms, along with a professional office, which is allowed by right in the Medium Industrial District, I-2.
5. The I-2 Medium Industrial District is intended to provide a location for a variety of medium industrial uses, warehousing and distributing, indoor and outdoor storage and wide range of commercial and industrial operations.
6. The approval of the site plan does not relieve the developer and property owner from otherwise complying with all applicable regulatory requirements of the Town, state, and federal governments.
7. The site plan application should add architectural interest to Frontier Commercial Center's industrial/commercial park with the proposed building's mansard roof and flat stucco crème colored panel walls. The front building façade includes red brick trim and white doors to provide visual interest to the building.
8. The sides of the building are broken up by a couple of windows and doors. The back of the building is a solid wall. These walls will not be seen by the public due to the perimeter fence.
9. A white ribbed paneled perimeter 6 foot fence is proposed. The proposed fence ribbing with its panels, trim, and posts adds texture to the fence, so that it is not just one blank solid wall.
10. One of the fences shown in the "design vocabulary" section of the code shows a solid white sideways paneled fence along a walkway. Thus, staff believes the proposed white fence meets the intent of the code. In addition, the fence should be more aesthetically pleasing than the chain link barbed wire perimeter fencing found on other properties within the Frontier Commercial Center.
11. The Code Section 16-2-485 "Fences and Walls" allows for a chain-link fence in the Industrial (I) District so long as it is not higher than 6 feet anywhere on the premises. This implies that a 6 foot fence is allowed in the front of the property.
12. The fence will have two access points from the south and through the north of the site for emergency response equipment and personnel. Specific design for these gates will be submitted with the building permit application for emergency personnel's review.
13. The proposed landscaping exceeds the code's minimum requirements. All of the tree and shrub plantings meet the code's minimum planting sizes. The plantings cover much more than the code minimum requirement of 15% of the total lot area. Ornamental trees include Spring Snow Crabapple and Deborah Maple for a pop of color and add shade for parking. Evergreen green trees include Bosnian Pine, Baby Blue Eyes Spruce, and Black Hills Spruce. Shrubs include Burning Bush, Purple Butterfly Bush, Summer Wine Ninebark, and Double Knockout Rose. Finally, additional ground cover and plantings consist of river rock, mulch, cobble stone, native grass, daylilies, Feather Reed Grass, and ornamental grasses.
14. No irrigation plan was provided, other than a note that the landscaping will be drip irrigated.
15. The Town would like some assurance from the property owner that the landscaping and drainage facilities shall be maintained on a regular schedule.

16. The trash enclosure will sit behind the building and be constructed of durable materials that harmonize with the building's architectural design and colors. Final plans for the trash enclosure will be submitted with the building permit application.
17. Canister lights on the front of the building wall direct the light downward softening the building's appearance without creating glare on adjacent properties or lighting up the sky.
18. The building signage will consist of lettering and a company logo on the glass of the front door entry. This sign will not be illuminated.
19. The proposed building meets all the setbacks. The front yard setback as required by the Code is 50 feet and the proposed building is set back 98 feet from the front property line. The rest of the setbacks are zero according to the 2012 International Zoning Code.
20. The proposed site plan has been reviewed by the Big Thompson Platte River Beeline Ditch.
21. The building will be used by 4 employees, so 3 parking spaces are required. Five parking spaces exist with one additional handicap parking space. All of parking is on the site behind the perimeter fence. The parking requirements can be met, provided there is location for a bike to be parked too. Bicycle parking is required in Section 16-2-240.
22. The driveway and parking is shown on the plans as asphalt and concrete. After talking with the applicant, all of the driveway and parking will be 6" concrete.
23. The Town engineer is requesting curb and gutter details, an anticipated traffic generation letter, and a few other grading and utility changes. The applicant is working directly with the Town engineer to address these concerns, which can be reviewed and approved with the building permit submittal and approval process.
24. The Fire Marshall wants to ensure that a fire hydrant exists on the north side of Center Drive within 150 feet of the Fire District's connection on the building. The Fire Marshal will need the fire sprinkler and fire alarm plans to be submitted with the building permit.
25. A building permit is required prior to the start of any construction. Engineered plans are required for the structure, plumbing, mechanical, and electrical systems.
26. The existing underground and overhead public and private utilities as indicated are according to the best information available to the engineer; thus, the contractor shall be responsible for calling all utility companies (public and private) prior to any construction to verify exact utility locations.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission approve the site plan application with provided the property owner provides a letter or some other assurance that all landscaping and drainage facilities will be maintained on a regular schedule.

### **PLANNING AND ZONING COMMISSION APPROVAL**

\_\_\_\_\_The Planning & Zoning Commission 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** the request for a commercial site plan for a use allowed by right, which includes the storage of concrete forms, vehicles and an professional office, in the I-2, Medium Industrial Zone District for property located at 2705 Center Drive in Milliken, Colorado with a letter or some other assurance from the property owner that the landscaping and drainage facilities shall be maintained on a regular schedule;

or:

\_\_\_\_\_The Planning & Zoning Commission 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 the request for a commercial site plan for a use allowed by right, which includes the storage of concrete forms, vehicles and an professional office, in the I-2, Medium Industrial Zone District for property located at 2705 Center Drive in Milliken, Colorado.