

## CHAPTER 16

### Land Use Code

#### Article I

#### General Provisions

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## ARTICLE I

### General Provisions

#### Sec. 16-1-10. Title.

This Chapter establishes the regulations and standards governing the use and development of land within the Town of Milliken. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. Also included are Town standards for site design, landscaping, parking and public infrastructure. (Ord. 480 §1.1, 2003)

#### Sec. 16-1-20. Short title.

This ordinance shall be known and may be cited as the *Milliken Land Use Code*. Within this ordinance the Milliken Land Use Code shall simply be referred to as *this Code*. (Ord. 480 §1.2, 2003)

#### Sec. 16-1-30. Authority.

(a) This Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.). Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, et seq., and Title 31, Article 23, et seq., C.R.S., as amended. Additional statutory authority may also exist for specific types of land use regulation.

(b) Whenever a section of the Colorado Revised Statutes that is referred to in this Code is later amended or superseded, this Code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section. (Ord. 480 §1.3, 2003)

#### Sec. 16-1-40. Jurisdiction.

(a) This Code shall be effective throughout the Town's corporate boundaries. The Town's planning jurisdiction includes all land within the Town of Milliken, and where applicable, the land within three (3) miles of the Town's boundaries with reference to a major street plan. For purposes of zoning and subdivision, this Code only applies to lands within the Town's corporate boundaries.

(b) A copy of a map showing the boundaries of the Town and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town offices. (Ord. 480 §1.4, 2003)

#### Sec. 16-1-50. Purpose.

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

- (1) Encourage the most appropriate use of land through the Town;
- (2) Encourage innovative, quality site design, architecture and landscaping;
- (3) Encourage new developments to relate to Milliken's historic development pattern;

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

**Sec. 16-1-60. Interpretation.**

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

**Sec. 16-1-70. Applicability of Article.**

(a) The provisions of this Code shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.

(b) Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

(c) Whenever both the provisions of this Code and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.

(d) This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for

compliance with the Comprehensive Plan and with adopted regulations, policies and other guidelines. (Ord. 480 §1.7, 2003)

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

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

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

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

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

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

**Sec. 16-1-100. Effective date.**

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

**Sec. 16-1-110. Fees.**

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. Fees shall be paid in full prior to recording final documents and the issuance of permits. The fee schedule will be adopted periodically by the Board of Trustees and is available from the Town Office. (Ord. 480 §1.11, 2003)

**Sec. 16-1-120. Severability.**

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

**Sec. 16-1-130. Computation of time.**

- (a) In computing a period of days, the first day is excluded and the last day is included.
- (b) If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
- (c) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month. (Ord. 480 §1.13, 2003)

**Sec. 16-1-140. Miscellaneous.**

- (a) As used in this Code, words used in the singular include the plural and words used in the plural include the singular.
- (b) The words "must," "shall" and "will" are mandatory; "may," "can," "should" and "might" are permissive. (Ord. 480 §1.14, 2003)

**Sec. 16-1-150. Definitions.**

Terms used in this Code are defined as follows:

*Accessory building* or *accessory structure* means a subordinate building or structure, the use of which is customarily incidental to that of the main building/structure or to the main use of the land, which is located on the same lot (or on a contiguous lot in the same ownership) with the main building, structure or use. *Accessory buildings* or *accessory structures* are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.

*Accessory dwelling* means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings.

*Accessory use* means a subordinate use, clearly incidental and related to the main structure, building or use of land, and located on the same lot (or on a contiguous lot in the same ownership) as that of the main structure, building or use.

*Adjacent* means meeting or touching at some point, or separated from a lot or parcel by one (1) of the following: a street, alley or other right-of-way, lake, stream or open space.

*Adjacent property owner* is an owner of record of any estate, right or interest in real property abutting and within three hundred (300) feet of the subject property.

*Adult-oriented use* means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to *specified sexual activities* or *specified anatomical areas* as the primary attraction to the premises, including but not limited to:

*Adult arcade* means any place to which the public is permitted or invited wherein coin-operated, slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

*Adult bookstore* or *adult video store* means a place where books, magazines, motion pictures, prints, photographs, periodicals, video or audio recordings, novelties and devices, or any of these things, which have, as their primary or dominant theme, matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas, are sold or offered for sale to adults and includes a place with only a portion or section of its area set aside for the display or sale of such material to adults; except that any place, otherwise included within this definition, that derives not more than ten percent (10%) of its gross income from the sale of such material shall be exempt from the provisions of this Section so long as such material is kept in a location where it is not visible and shall not be a self-service item for the customers of such place.

*Adult cabaret* means a nightclub, bar, restaurant or similar business which regularly features:

1. Persons who appear in a state of nudity;
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
3. Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

*Adult motel* means a hotel, motel or similar business which offers private rooms to the public and provides patrons with live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

*Adult motion picture theater* means a business where films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

*Adult photo studio* means any establishment that, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas.

*Adult theater* means a theater, concert hall, auditorium or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

*Peep booth* means a viewing room, other than a private room, of less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.

*Private room* means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.

*Sexual encounter establishment* means a business or commercial establishment which, as one (1) of its primary business purposes, offers for any form of consideration a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one (1) or more of the persons exposes any specified anatomical area.

*Sexually oriented business* means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
3. The addition of any sexually oriented business to any other existing sexually oriented business;
4. The relocation of any sexually oriented business; or
5. The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.

*Specified anatomical areas* means:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point above the top of the areola.
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

*Specified sexual activities* means acts, simulated acts, exhibitions, representation, depictions or descriptions of:

1. Human genitals in a state of sexual stimulation or arousal.

2. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

3. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.

4. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.

5. Flagellation, mutilation or torture for purposes of sexual arousal, gratification or abuse.

*Stage* means a raised floor or platform at least three (3) feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six (36) square feet in area.

*Affordable housing project* means a development project in which: (1) at least seventy-five percent (75%) of the gross acreage to be developed under the plan is to be developed as residential dwelling units or mobile home park spaces; (2) at least ten percent (10%) of said dwelling units or spaces (the *affordable housing units*) are to be available for rent or purchase on the terms described in the definitions of *affordable housing unit for rent* or *affordable housing unit for sale* (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of the initial phase of the project and (a) prior to the construction of the market rate units or (b) on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4) the units will be required by binding legal instrument acceptable to the Town of Milliken and duly recorded with the Weld County Clerk and Recorder, to be occupied by and affordable to low-income households for at least twenty (20) years.

*Affordable housing unit for rent* shall mean a dwelling unit which is available for rent on terms that would be affordable to households earning eighty percent (80%) or less of the median income of Town of Milliken residents, as adjusted for family size, and paying less than thirty percent (30%) of their gross income for housing, including rent and utilities. The unit must be occupied by and be affordable to such low-income households for a period of at least twenty (20) years or permanently.

*Affordable housing unit for sale* shall mean a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty percent (80%) or less of the median income of Town of Milliken residents, as adjusted for family size and paying less than thirty-eight percent (38%) of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees. The unit must be occupied by and affordable to such low-income households for a period of at least twenty (20) years or permanently.

*Agricultural activity* shall mean farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise.

*Agricultural land* means land that is being used for agricultural activities.

*Agricultural service establishment* means a business primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis; includes plant nurseries and greenhouses.

*Alley* means a minor or secondary way that is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

*Alteration* means any change, addition or modification in construction, occupancy or use.

*Animal boarding* shall mean the operation of an establishment in which domesticated animals are housed, groomed, bred, boarded, trained or sold.

*Animal unit* is a term and number to establish an equivalency for various species of livestock. The number of livestock allowed by right is dependent upon bulk requirements of the Agricultural or Agricultural Estate Districts. Livestock in excess of the bulk requirements for the Agricultural District shall require a use by special review permit for a livestock confinement operation. All livestock shall have the following animal unit equivalents and bulk requirements:

<i>Animal</i>	<i>Animal Unit Equivalents</i>	<i>Number of Animals</i>	<i>Maximum Number per Acre(A Zone)</i>
Cow	1	1	4
Horse	1	1	4
Mule	1	1	4
Burro	1	1	4
Ostrich	1	1	4
Swine	.2	5	20
Llama	.1	10	40
Sheep	.1	10	40
Goat	.1	10	40
Poultry	.02	50	200
Rabbit	.02	50	200

<i>Animal</i>	<i>Animal Unit Equivalents</i>	<i>Number of Animals</i>	<i>Maximum Number Per Lot (AE Zone)</i>
Cow	1	1	2
Horse	1	1	2
Swine	1	1	2
Llama	1	1	2
Mule	1	1	2
Burro	1	1	2
Ostrich	1	1	2
Sheep	.25	4	8
Goat	.5	2	2
Poultry	.04	25	25
Rabbit	.04	25	25

*Applicant* is the owner of land, the owner's authorized representative or the optionee of the land, as well as mineral owners and lessees.

*Appurtenances* are the visible, functional or ornamental objects accessory to and part of a building.

*Aquifer recharge area* means an area where water is absorbed into a natural aquifer adding to the zone of saturation.

*Arcade* is a series of arches supported on piers or columns.

*Area of lot* means the total horizontal area within the lot lines of a lot.

*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.

*Awning* means a roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.

*Awning sign* means a wall sign that is painted, stitched, sewn or stained onto the exterior of an awning.

*Banners and pennants* means devices constructed of fabric or plastic, anchored on both ends, and used as a means to identify or call attention to a business or product for a limited period of time.

*Bar or tavern* means an establishment providing or dispensing fermented malt beverages and/or malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary; includes nightclubs and lounges.

*Beacon, revolving* means a rotating source of light.

*Bed and breakfast* shall mean an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.

*Bikeway* means a path designed for use by bicyclists, which may be used by pedestrians.

*Billboard* means a structure for the display of advertisements in public places or alongside highways.

*Blank wall* shall mean an exterior building wall with no openings and a single material and uniform texture on a single plane.

*Block* means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

*Block Diversity Plan* is a plan provided by an applicant that demonstrates that an adequate mix of housing models and styles are offered within a neighborhood and within each block face. The intent is to ensure that diverse and quality design elements are integrated into the character of residential homes and streets. A Block Diversity Plan shall be required for the following:

a. Single-family detached and duplex housing; and

b. Multi-family stacked units, including condominiums and apartments. The submittal requirements for the Block Diversity Plan are specified in Section 16-2-520, Residential Architecture (Single-Family Detached and Duplex Dwellings) of this Code; and Section 16-2-605, (Multi-Family Stacked Units, including Condominiums and Apartments) of this Code.

*Block face* means one (1) side of a street between two (2) consecutive intersections. For example, a *block face* can be one (1) side of a city block.

*Board of Trustees (Board)* means the governing board of the Town of Milliken.

*Boarding and rooming house* shall mean a building or portion of which is used to accommodate, for compensation, five (5) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building, under tenancies of at least one-week duration, and not including hotels, motels and lodges. The word *compensation* shall include compensation in money, services or other things of value.

*Building* means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, including fences, which is governed by the following characteristics:

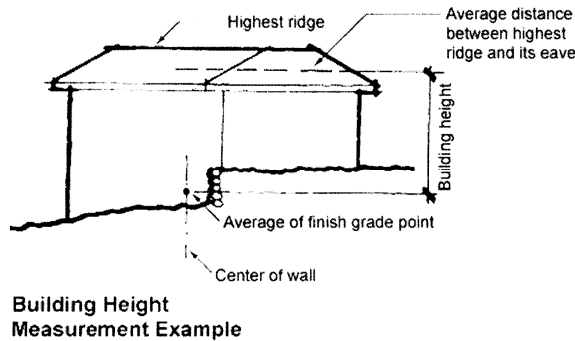
a. Is permanently affixed to the land; and

b. Has one (1) or more floors and a roof.

*Building code* means and includes any law, ordinance or code which is in force in the Town and which pertains to the design and construction of buildings and other structures, including swimming pools or to any components thereof, such as cooling and heating, plumbing, electricity and the like.

*Building frontage* means the horizontal, linear dimension of that side of a building which abuts a street, a parking area, a mall or other circulation area open to the public and has either a main window display or a public entrance to the building.

*Building height* means the vertical distance above median grade, as defined below, and the highest point of the coping of a flat roof, or to the deck line of a mansard roof, to the average height of the highest gables of a pitched or hipped roof, or to the top of the smokestack of an industrial building. The measurements may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of any exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above median grade.



**Figure 1-1**

*Caliper* means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

*Canopy sign* means a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

*Cash-in-lieu* (also known as *fee-in-lieu*) means that the applicant, at the determination of the Board of Trustees, may pay the Town of Milliken money instead of land dedication in those cases where the dedication of land is not the preferred alternative. The payment shall comply with the following requirements unless otherwise provided for by this Code.

a. Payment shall be based on the market value, to be determined after completion of the platting process, of the entire property as it is valued after platting.

b. The value of the land is based upon an appraisal by a competent, independent appraiser selected by the Town of Milliken and the applicant, or upon value negotiated between the Town of Milliken and applicant. The suitability of the land to be dedicated for public purposes and the credit to be given toward the land dedication requirement is at the Town's sole option and discretion.

c. Combination of dedication and cash-in-lieu:

1. The applicant, at the option of the Board of Trustees, may meet the dedication requirements through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is not desired.

2. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.

*Cemetery* means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.

*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.

*Child care center* means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated education purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children and those facilities which give twenty-four-hour per day care for dependent and neglected children, but specifically excludes any family care home as defined in this Code. *Child care centers* are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades so long as the school system is not also providing extended day services.

*Clerestory* means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.

*Clinic* means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

*Clubs and lodges* means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or churches.

*Cluster development* means a residential subdivision in which the dwelling units are clustered on up to twenty-five percent (25%) of the site, with at least seventy-five percent (75%) of the property preserved as open space in a designated conservation area that is protected by a permanent conservation easement or other legal instrument.

*Commercial mineral deposit* means an area in which minerals are located in sufficient concentrations in veins, deposits, bodies, beds, seams, fields, pools or otherwise as to be capable of economic recovery; the term includes but is not limited to any area in which there has been significant

mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining; the phrase also includes a *commercial mineral deposit* as defined in Section 34-1-302, C.R.S.

*Commercial mineral extraction, processes and sales* means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.

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

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

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

*Community facility* means a facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole, such as churches, museums, libraries, concert halls and similar establishments serving a public or quasi-public purpose, but excluding schools as defined herein.

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

*Comprehensive Plan* means the Town of Milliken Comprehensive Plan.

*Compressed gravel* means gravel that has ninety-five percent (95%) compaction at standard proctor densities at two percent (2%) optimum moisture content.

*Condominium* means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

*Connecting walkway* means:

- a. Any street sidewalk; or
- b. Any walkway that directly connects a building entrance to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places and transit stops, without requiring

pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.

*Conservation easement* means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space or historical importance. See also Section 38-30.5-102, C.R.S. (NOTE: For a conservation easement to create tax benefits for the donor at the federal or state level, it must meet either or both of the Internal Revenue Service or State of Colorado definitions).

*Container* (also known as cargo or shipping container) means a truck trailer body that can be detached from the chassis for loading into a vessel, a rail car or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid or equipped with interior devices. A standard container may be twenty (20) feet, forty (40) feet, forty-five (45) feet, forty-eight (48) feet or fifty-three (53) feet in length, eight (8) feet or eight (8) feet six (6) inches in width, and eight (8) feet six (6) inches or nine (9) feet six (6) inches in height.

*Convenience retail store* means a retail store containing less than five thousand (5,000) square feet of gross floor area that sells everyday goods and services, which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.

*Cornice* means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.

*Covenants* means a private written agreement outlining regulations specific to a development. As private restrictions, the Town of Milliken does not enforce them. In the event of conflict between the covenants and this Code, this Code controls.

*Critical plant communities* means vegetation that is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.

*Crosswalk* means a pathway marked off for pedestrians to cross a street.

*Cul-de-sac* means a local street with only one (1) outlet and having the other end for the reversal of traffic movement.

*Cultural assets* means buildings, locations and other features considered historically or socially significant to the community.

*Dedicated land* means land transferred to the Town of Milliken by platting, title, deed or other legal method approved by the Town Attorney.

*Dedication* means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights, and an acceptance of the dedicated property by the appropriate public agency.

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

calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].

*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 of access, easements, covenants concerning development of land, or other rights in land.

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

*Developmental disability* means a disability that is manifested before the person reaches twenty-two (22) years of age; constitutes a substantial handicap to the affected individual; and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a mentally retarded person.

*Dormer* means a projecting structure built out from a sloping roof, usually housing a vertical window or vent.

*Downtown* means the original business district of the Town of Milliken, defined as that area located between Alice Avenue and Kathleen Avenue, one and one-half (1½) blocks either side of Colorado Highway 60.

*Drive aisles* means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.

*Drive-in use* means an establishment which, by design, physical facilities, service or packaging procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

*Driveway* means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

*Dwelling* means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, town home dwellings and multi-family dwellings.

*Dwelling, multi-family* means a dwelling containing three (3) or more dwelling units, not including hotels, motels, lodges, fraternity houses and sorority houses and similar group accommodations, with or without accessory use facilities limited to an office for the building manager, laundry area and recreation facilities.

*Dwelling, single-family* means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.

*Dwelling, single-family attached* means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

*Dwelling, single-family detached* means a detached principal building, other than a mobile home, designed for and used as a single dwelling unit by one (1) family.

*Dwelling, town home* means an attached single-family dwelling in a building that contains two (2) or more dwellings, each of which is individually owned along with the land area that constitutes the lot on which the town home dwelling is located.

*Dwelling, two-family* means a building occupied by two (2) families living independently of each other.

*Dwelling unit* means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building and served by no more than one (1) gas meter and one (1) electric meter.

*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.

*Eave* means the overhanging lower edge of a roof.

*Elevation* means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression.

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

*Entertainment facilities and theaters* means a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances, including convention facilities and other such private or public facilities and structures.

*Environmentally sensitive areas* mean aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridgelines.

*Exotic animal* means an animal not found for sale in the majority of pet stores; may include wild, dangerous, endangered and other nondomestic animals.

*Factory Built Home* means a home that:

- a. Is partially or entirely manufactured in a factory;
- b. Is installed on an engineered foundation;
- c. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq., as amended and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by Federal law, or which has been certified by the State as being in compliance with the requirements of the International/Uniform Building Code, as adopted by the State and as is enforced and administered by the Colorado Division of Housing.

*Family* means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
- b. Any unrelated group of persons consisting of:
  1. Not more than three (3) persons; or
  2. Not more than two (2) unrelated adults and their children, if any; or
  3. Not more than eight (8) developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

For purposes of this definition, a bona fide employee of the family who resides in the dwelling unit and whose live-in status is required by the nature of his or her employment shall be deemed a member of the family, but this exception shall allow only one (1) employee per dwelling unit.

*Family child care home* means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen (18) years who are not related to the head of such home. *Family child care home* may include infant-toddler child care homes, large child care homes, experienced provider child care homes, and such other types of family child care homes designated by rules of the State Department of Social Services pursuant to Section 26-6-106 (2) (p), C.R.S.

*Farming* means the cultivation of land, including gardening, ranching and the raising of livestock, or the raising of livestock only.

*Feedlot* means any tract of land or structure, pen or corral, wherein cattle, horses, sheep, goats, emus, ostriches or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

*FEMA* means Federal Emergency Management Agency.

*FHA* means Federal Housing Administration.

*Financial services* means banks, savings and loans, finance companies, credit unions and similar establishments.

*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.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

*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 (½) of all storage and display areas for durable goods.

*Floor Area Ratio (FAR)* means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.

*Flow lines* is used with reference to streets and means the curb lines, or if no curbs have been installed, the natural water-flow lines at the outside edge of the traveled portion of the street.

*Footprint*, also called *ground level footprint*, means the outline of the total area that is covered by a building's perimeter at ground level.

*Foster care home* means a facility that is certified by the County Department of Social Services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care.

*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.

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

*Funeral home* means a building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies, and includes mortuaries.

*Gable* means the triangular portion of wall enclosing the end of a pitched roof from cornice or eaves to ridge.

*Gasoline station* means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold.

*Geologic hazards* mean unstable or potentially unstable slopes, undermining, faulting, landslides, rock falls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

*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, median* means the mathematical mean between the grade, defined above, and the highest point of elevation of the finished surface of the ground, pavement or sidewalk within the area between the building and a line five (5) feet from the building.

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

*Grocery store* means a retail establishment that primarily sells food, as well as other convenience and household goods. The term *grocery store* is synonymous with *supermarket*.

*Gross square footage (GSF)* means the total floor area designed for occupancy and use, including basements, mezzanines, stairways and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

*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.

*Group home, developmentally disabled* means a group home, licensed by the State, for the exclusive use of not more than eight (8) developmentally disabled persons and the appropriate staff.

*Group home, elderly* means an owner-occupied or nonprofit group home for the exclusive use of not more than eight (8) persons sixty (60) years of age or older and the appropriate staff.

a. *Nonprofit group home* means a group home for the aged that is owned and operated by a person or organization as provided by Section 31-23-303, C.R.S.

b. *Owner-occupied group home* means a group home for the aged that is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.

*Group home, mentally ill* means a group home, licensed by the State, for the exclusive use of not more than eight (8) mentally ill persons and the appropriate staff.

*Health club* means a facility that provides physical fitness services and/or equipment to its members.

*Hip roof* means a roof having sloping ends and slides meeting at an inclined projecting angle.

*Historic district* means an area related by historical events or themes by visual continuity or character, or by some other special feature that helps give it a unique historical identity. Such area may be designated a historic district by local, state or federal government and given official status and protection.

*Historic site* means a structure or place of historical significance. Such structure or place may be designated a historic site by local, state or federal government and given official status and protection.

*Home occupation* means a business use of the house that is conducted inside the premises of the house or garage, does not change the basic residential character of the neighborhood and is subordinate to the residential use of the dwelling unit.

*Homeowners association* means the association set up to enforce the covenants and maintain all common areas and buildings for a development. Also known as *Owners Association*.

*Horticulture* means the growing of fruits, vegetables, herbs, flowers or ornamental plants.

*Hospital* means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training and central services facilities and staff offices.

*Hotel/motel/lodging establishment* means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.

*Human scale (pedestrian scale)* means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

*Identification sign* means a sign intended to identify a development or a specific lot by name, address and/or the name of the occupant, property owner or manager.

*Illumination, internal* means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

*Industrial, heavy* means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. *Heavy industrial* also means those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work

processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments and transport terminals (truck terminals, public works yard, container storage).

*Industrial, light* means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, *light industrial* means uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like.

*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.

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

*Inter-neighborhood connections* mean connections (such as trails and roads) between neighborhoods.

*Intra-neighborhood connections* mean connections (such as trails and roads) within the same neighborhood.

*Irrigation ditch or canal* means a channel designed to transport irrigation water.

*Junk* means manmade goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished, dismantled or which are so worn or deteriorated or in such a condition as to be unusable; salvage materials, scrap metal, scrap material, waste, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials; discarded motor vehicles, machinery parts and tires; and other items commonly considered to be junk.

*Junkyard* means a place where junk is bought, sold, exchanged, shredded, baled, packed, assembled, stored or handled, including automobile wrecking yards. *Junkyard* shall not include a recycling facility.

*Kennel* means any building, structure or open space devoted in its entirety or in substantial part to the raising, boarding or harboring of adult dogs that are kept primarily for sale or commercial endeavor.

*Landowner* means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests, and also each and every person who has the right to occupy all or a portion of a lot or all or a portion of a structure on a lot, under a lease or a tenancy. The word *landowner* is used in this Chapter synonymously with *owner* and *property owner*.

*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.

*Lane* means a private street; or a portion of a roadway delineated for a single line of vehicles; or a secondary means of access to the abutting lots and not intended for general traffic circulation.

*Laundry and dry-cleaning retail outlet* means a laundry or dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.

*Lighting, indirect* when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face that reflects from the sign face only or from the sign face and sign copy.

*Livestock* means domestic animals kept or raised for use, pleasure and/or profit.

*Livestock processing facility* means feedlots, stockyards, slaughterhouses, rendering plants, packing plants and tanneries.

*Long-term care facility* means any of the following:

a. *Convalescent center* means a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.

b. *Intermediate health care facility* means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four-hour-per-day nursing services are required.

c. *Nursing care facility* means a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour-per-day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide twenty-four-hour-per-day nursing services under the direction of a registered professional nurse employed full time.

*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 depth* means the average distance between the front lot line and the rear lot line.

*Lot, double frontage* means a lot which fronts on one (1) public street and backs on another.

*Lot, flag* means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

*Lot line, front* means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

*Lot line, rear* means the line opposite the front lot line.

*Lot line, side* means any lot lines other than the front lot line or rear lot line.

*Lot, reverse corner* means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

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

*Lot width* means the distance parallel to the front lot line, measured at the front building setback line. *Lot width on a curving front lot line* means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

*Machine shop* means a workshop where power-driven tools are used for making, finishing or repairing machines or machine parts.

*Manufactured home* means any preconstructed building or combination of preconstructed building units that:

- a. Include electrical, mechanical or plumbing services that are fabricated, formed or assembled at a location other than the site of the completed home;
- b. Is designed for residential occupancy in either a temporary or permanent location;
- c. Is constructed in compliance with the Federal Act, factory built residential requirements or mobile home standards;
- d. Does not have motor power; and
- e. Is not licensed as a recreational vehicle.

*Manufactured housing development* means a subdivision designed and intended to provide individual lots for manufactured homes.

*Manufacturing* means a business that makes products by hand or by machinery.

*Medical and dental offices and clinics* means an establishment operated by one (1) or more duly licensed members of the human health care professions, including but not limited to physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for examination and/or treatment.

*Medical marijuana dispensary (MMD)* means facilities offering for sale, wholesale or retail, marijuana for medically authorized purposes and other medical marijuana related businesses, as generally permitted by Section 18-18-406.3, C.R.S., and §14 of Article XVIII of the Colorado Constitution.

*Mini-storage warehouse* means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage or personal goods, materials and equipment. No rentable unit shall have a gross floor area greater than three hundred sixty (360) square feet, and all of which are intended for rental primarily for personal, family or household purposes.

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

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

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

*Mobile home* means a detached housing unit that does not meet the definition of single-family dwelling and which has all of the following characteristics:

- a. Is designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities and which has plumbing and electrical connections provided for attachment to outside systems;
- b. Is designed to be transported after fabrication on its own wheels, on a flatbed or other trailer or on detachable wheels;
- c. Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports or jacks, underpinned, connections to utilities and the like;
- d. Exceeds eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers;

e. Is without motive power; and

f. Is built on a chassis which is designed to be installed on temporary foundations, attached to the ground with tie down straps and attached to natural or propane gas distribution piping, electrical distribution wiring and plumbing waste sewer lines on a mobile home pad specifically designed with such attachment points and falling within either classification in Subparagraphs 1. or 2. below. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances or mobility are removed and regardless of the nature of the foundation provided. Travel and camping trailers or other forms of self-powered recreational vehicles shall not be construed to be mobile homes. Mobile homes shall be classified into one (1) of the two (2) following classifications:

1. Pre-1976 mobile home: Mobile Home manufactured prior to 1976 which have permanently affixed state of Colorado inspection certification plate.

2. 1976 or later mobile home: Manufactured housing built on a chassis with label attached certifying compliance with the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. § 5401 et seq., as amended (commonly referred to as the "HUD Code").

*Model home* means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a *model home*.

*Model plans* means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement and building massing (form and structure).

*Modified grid pattern* means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints and peripheral open space areas.

*Mullion* means a slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects; or also, a vertical member between the lights of a window.

*Municipality* means an incorporated city or town.

*Muntin* means a rabbeted member for holding the edges of windowpanes within a sash.

*Natural areas* means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five (25) acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter ( $\frac{1}{4}$ ) acre in size.

*Neighborhood* means a geographical area, the focus of which are residential uses, but also may include a mixture of activities that people need to live. A *neighborhood* may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.

*Neighborhood commercial center* means a shopping center that contains businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter-mile radius).

*Nightclub* means a bar or tavern containing more than one hundred (100) square feet of dance floor area.

*Nonconforming building* means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.

*Nonconforming use* means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

*Off-street parking area* means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a *recreational vehicle, boat or truck storage* use, storage areas for landscaping and other bulk items or public streets and rights-of-way.

*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.

*Oil or gas well* means a well, the principal production of which at the mouth of the well is oil or gas.

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

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

*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.

*Outlot* means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association.

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

*Parapet* means a low, protective wall at the edge of a terrace, balcony or roof, especially that part of an exterior wall, firewall or party wall that rises above the roof.

*Parcel* means a tract or plot of land.

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

*Parking garage* means an off-street parking area within a building.

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

*Pedestrian scale (human scale)* means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

*Pergola* is a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work, over which climbing plants are trained to grow.

*Permanent monument* means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

*Personal and business service shops* means shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment services or mailing and copy shops.

*Phase* means a portion of property that is being platted and engineered for development at the same time.

*Pilaster* means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.

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

*Planned unit development (PUD)* means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

*Planning Area Boundary* means the area surrounding the Town of Milliken that the Town of Milliken will consider annexing and developing. The Planning Area Boundary is delineated on the *Land Use Map* in the Town of Milliken Comprehensive Plan.

*Plant nursery and greenhouse* means any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.

*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.

*Political sign* means a sign relating to a public election.

*Prime farmland* means land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides and labor and without intolerable soil erosion, as determined by the Secretary of Agriculture. *Prime farmland* includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.

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

*Private property rights* means the rights a property owner within the Town of Milliken to use his or her property within the legal parameters set forth in this Code, and subject to applicable state, federal and constitutional law. Nothing herein guarantees any private property rights to develop in a particular manner except pursuant to a valid vested right.

*Private school* means a school that is established, conducted and primarily supported by a nongovernmental agency.

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

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

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

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

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

*Public open space* means an open space area conveyed or otherwise dedicated to the municipality, state or county or other public body for recreational or conservation uses. *Public open spaces* are to be unencumbered by oil and gas wells, their appurtenances or other hazards to the public.

*Public safety sign* means a sign required or specifically authorized for a public purpose and which shall not be limited as to the type, number, sign or height.

*Public school* means a free, tax-supported school that is controlled and operated by the Johnstown-Milliken School District RE-5J.

*Public use* means uses which are owned by and operated for the public by the Town, County, state or federal governments or by school districts.

*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.

*Quasi-public* means having the nature or characteristics of being public, but owned by a private or not-for-profit entity.

*Radio tower* means a structure for sending and/or receiving radio, TV or sound impulses over the air.

*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.

*Real estate sign* means a sign on a property offered for sale, rent or lease.

*Recreational facilities:* The following classes of recreational facilities have these meanings:

a. *Commercial recreational facilities* includes bowling alleys, health spas, swimming pools, tennis courts, miniature golf facilities and the like, operated on a commercial basis for use by the paying public.

b. *Private recreational facilities* includes golf courses, tennis courts, swimming pools, country clubs or recreational facilities for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the only users of them;

c. *Public recreational facilities* means public parks, zoos, swimming pools, golf courses and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation which falls within the definition of the word *public* as defined above.

*Recreational vehicle (RV)* means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle:

a. *Camping trailer or tent trailer* means a folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels and designed for travel and recreation.

b. *Motorized camper, motor home, recreational conversion van or bus* means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.

c. *Pick-up camper* means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.

d. *Tent* means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.

e. *Travel trailer* means a towed vehicle designed as a temporary dwelling for travel and recreation.

f. *Travel trailer, self-contained* means a trailer that can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

*Recreational vehicle park* means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.

*Recreational vehicle site* means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent or other individual camping unit on a temporary basis.

*Recycling facility* means a building used for the collection and/or processing of recyclable material. *Processing* shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a *warehouse*.

*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.

*Restaurant, drive-through* means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

*Restaurant, fast food* means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics.

- a. Food and beverages are usually served in paper, plastic or other disposable containers;
- b. The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, or for carry-out; and
- c. Drive-through facilities are allowed, subject to review of traffic patterns, vehicle stacking areas and entrance and exit locations.

*Restaurant, standard* means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:

- a. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- b. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

*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.

*Roof, gable* means a roof sloping downward in two (2) parts from a central ridge, so as to form a gable at each end.

*Roof, hip* means a roof having sloping ends and sides meeting at an inclined projecting angle.

*Rural road* means a street designed following the rural local cross-section as described in Article II, Division 3 of this Chapter.

*Sanitary facilities* means toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.

*Sanitary waste station* means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.

*School* means and includes any one (1) or more of the following categories: a public school, community college, junior college, college or university; but the word *school* does not include dance schools, business schools, trade schools or driving schools.

*Searchlight* means an apparatus used to project a beam of light.

*Senior citizen* means a person fifty-five (55) years of age or older.

*Service building* means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.

*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.

*Shopping center* means a group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.

*Sidewalk* means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

*Sight distance triangle* means the area at the four (4) corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows:

a. At the intersection of any two (2) streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two (2) sides.

b. At the intersection of a driveway or private access and a street, a triangle measuring fifteen (15) feet in length along the edge of the driveway and along the curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two (2) sides.

*Sign area* means the entire face of a sign, including the advertising surface and any framing, trim or molding but not including the supporting structure.

*Sign face* means the area of the sign on which the message is placed.

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

*Significant wildlife habitat and migration corridors* are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source ([www.ndis.nrel.colostate.edu](http://www.ndis.nrel.colostate.edu)) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

*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.

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

*Small equipment repair facility* means establishments for the repair and restoration of small equipment and appliances such as radios and television sets, business office machines and electrical appliances.

*Split garages* means having at least two (2) separate garages that are oriented in different directions.

*Street* means a public way other than an alley that is capable of use by motor vehicles and which affords the principal means of access to abutting property.

*Street furniture* means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.

*Streetscape* means the distinguishing character of a particular street within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street, including landscaping, sidewalks, medians, lighting, street furniture and signage.

*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.

*Subsidence* means a local mass movement that involves the downward settling or sinking of the solid Earth's surface. *Subsidence* may be due to natural geologic processes or man's activity such as coal mining.

*Supermarket* means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not less than twenty-five thousand one (25,001) square feet.

*Swing-in garage* means a garage that is oriented so that the garage doors are perpendicular to the street.

*Tandem garage* means a garage that allows for the parking of one (1) car in front of another.

*Tandem parking* means parking two (2) cars in a driveway or parking space so that one (1) car is right in front of the other and the front car cannot move until the back car is moved.

*Temporary use* means a prospective use intended for limited duration, is to be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.

*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.

*Tourist facility* means an establishment set up to primarily provide local tourist information to visitors.

*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.

*Tree lawn* means a strip of landscaping within the right-of-way, generally between the roadways and an adjacent sidewalk.

*Trip* means a single or one-way vehicle movement to or from a property or study area. *Trips* can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

*Truck stop* means an establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A *truck stop* may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.

*Undermining* means land that has been mined under the surface of the ground.

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

*USGS datum* means United States Geological Survey basis of elevations.

*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.

*Vested property right* means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, pursuant to Article V of this Chapter.

*Veterinary hospital* means any facility that is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases.

*Veterinary facilities, small animal clinic* means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

*Walkable* means a distance of one-quarter ( $\frac{1}{4}$ ) mile or within a five-to-ten-minute walk.

*Walkway* means:

a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.

b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

*Wall sign* means a sign that is attached parallel to and extending less than twenty (20) inches from the wall of a building; includes awning signs and canopy signs as defined herein.

*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.

*Window sign* means a sign or graphics that are applied directly to a window, or any sign hanging within twelve (12) inches of the interior surface of a window and which is visible from the exterior of the building.

*Wireless telecommunication equipment* means any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. *Wireless telecommunication equipment* also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

*Wireless telecommunication facility* means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

*Wireless telecommunication services* means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, personal communication services or cellular telephones.

*Workshop and custom small industry* means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects, or other similar uses.

*Yard* means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

*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, private* means that portion of the open area on a lot extending open and unobstructed that is owned by the homeowner of a single-family detached town home or two-family dwelling unit.

*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*.

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