



PLANNING COMMISSION WORK SESSION

Wednesday, September 3, 2025 at 5:30 PM

MEETING LOCATION

1201 Broad Street, Meeting House, Milliken, CO 80543

Zoom Meeting Details

To Join via Zoom

<https://us02web.zoom.us/j/81739492268?pwd=EiiT6RARBtra8QDwXS5ITw6N0uRmtZ.1>

Meeting ID: 817 3949 2268

Passcode: 266394

One tap mobile

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1. Discussion Topics

a. ADU Ordinance

ACCOMMODATION NOTICE

The Town of Milliken complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the Town of Milliken. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the Town of Milliken, please contact the Town Clerk, Caree Rinebarger at (970) 660-5045 within 3 to 5 days before the scheduled meeting date in order to allow the Town to better accommodate your request.

NOTE

Headings in this agenda are for organizational purposes only. The board of trustees may take formal action on any matter reasonably related to any item listed under any section of this agenda. *Town of Marble v. Darien*, 181 P.3d 1148 (Colo. 2008); *Benson v. McCormick*, 578 P.2d 651 (1978).

Contact: Caree Rinebarger, Town Clerk (CRinebarger@town.milliken.co.us | 970-587-4331)

Agendas will be published a minimum of 24-hours in advance of the meeting start time.



TOWN OF MILLIKEN

ORDINANCE NO. 2025-###

AN ORDINANCE OF THE TOWN OF MILLIKEN, COLORADO, AMENDING CHAPTER 16 OF THE MILLIKEN MUNICIPAL CODE REGARDING ACCESSORY DWELLINGS

WHEREAS, the Town of Milliken, Colorado (“Town”) is a municipal corporation duly organized and existing under the constitution and laws of the State of Colorado; and

WHEREAS, the Board of Trustees (“Board”) of the Town has the power to adopt and amend zoning regulations pursuant to title 31, article 23, part 3, of the Colorado Revised Statutes and the general ordinance powers conferred by section 31-15-103 thereof; and

WHEREAS, the Town has adopted zoning regulations codified in Chapter 16 of the Milliken Municipal Code (“Code”) that, in relevant part, establishes uses by right and conditional uses in each zoning district; and

WHEREAS, in the 2024 legislative session, the Colorado General Assembly enacted House Bill 2024-1152 (“HB24-1152”) concerning increasing the number of accessory dwelling units in municipalities with a population of 1,000 or more and that are within the area of metropolitan planning organization (each a “subject jurisdiction”); and

WHEREAS, the Town of Milliken has a population greater than 1,000 and is a member of, and located within, the North Front Range Metropolitan Planning Organization (NFRMPO) and thus is a subject jurisdiction; and

WHEREAS, HB24-1152 requires a subject jurisdiction, on or after June 30, 2025, to allow, subject to an administrative approval process, one accessory dwelling unit as an accessory use to a single-unit detached dwelling in any part of the subject jurisdiction where the subject jurisdiction allows single-unit detached dwellings; and

WHEREAS, HB24-1152 also prohibits, on or after June 30, 2025, subject jurisdictions from enacting or enforcing certain local laws or otherwise acting in certain ways that would restrict the construction or conversion of an accessory dwelling unit; and

WHEREAS, Town staff has proposed amendments to the Milliken Land Use Code to implement regulations for the approval, construction, conversion, expansion, and improvement of accessory dwellings in accordance with the requirements of HB24-1152; and

WHEREAS, the Planning Commission held a public hearing and reviewed the proposed amendments regarding accessory dwelling units at its meeting on (INSERT DATE), and recommended approval of the proposed amendments; and

WHEREAS, on (INSERT DATE), the Town Board held a duly noticed public hearing to consider the proposed amendments and reviewed the amendments regarding accessory dwelling units; and

WHEREAS, the Town Board desires to amend Chapter 16 of the Milliken Municipal Code to implement regulations for the approval, construction, conversion, expansion, and improvement of accessory dwellings in accordance with the requirements of HB24-1 152; and

WHEREAS, the Board finds that the text amendment meets the criteria of section 16-6-310(b)(3) of the Code for text amendments to the Milliken Land Use Code;

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

Section 1. Subsection 16-2-60(b)(1) of the Milliken Municipal Code (“Code”) is amended to read in its entirety as follows:

(1) Uses by Right.

- a. Accessory buildings and structures 720 square feet or under per acre or 25% lot coverage, whichever is less.
- b. Accessory dwelling unit in accordance with Section 16-4-700 and as defined in Section 16-8-200 when associated with a use by right.
- c. Agriculture
- d. Agriculture including farming, ranching, and gardening.
- e. Animal boarding including daycare.
- f. Animal clinics and veterinary facilities with boarding on parcels or lots over ten (10) acres.
- g. Animal clinics and veterinary facilities without boarding.
- h. Bed and breakfast.
- i. Campgrounds and RV Parks on parcels or lots over ten (10) acres and with approval of a site plan.
- j. Cemeteries.
- k. Home occupations in accordance with Section 16-4-210.
- l. Horse riding stables and grazing.
- m. Horse arenas.
- n. Outdoor storage of farm related products and workable equipment

- o. Parks and open space.
- p. Public and private recreational facilities, within a structure or outside.
- q. Public and private schools
- r. Public buildings including police and fire stations or government facilities, and civic facilities.
- s. Single-family detached dwelling.
- t. Solar energy systems – accessory.
- u. Stable and barns.
- v. Wireless communication facility – ATS in right-of-way.
- w. Wireless communication facility – eligible facilities.

Section 2. Subsection 16-2-70(b)(1) of the Milliken Municipal Code (“Code”) is amended to read in its entirety as follows:

(1) Uses by Right.

- a. Accessory buildings and structures not exceeding 25% lot coverage, only one may exceed 720 square feet.
- b. Accessory dwelling unit in accordance with Section 16-4-700 and as defined in Section 16-8-200 when associated with a use by right.
- c. Agriculture including farming, ranching, and gardening.
- d. Bed and breakfast.
- e. Home occupations in accordance with section 16-4-210.
- f. Horse riding stable and grazing.
- g. Parks and open space.
- h. Public and private schools.
- i. Public buildings, including police and fire stations or government facilities, and civic facilities.
- j. Single-family detached dwelling.
- k. Solar energy systems -accessory.
- l. Utility facilities – minor.

- m. Wireless communication facility -ATS in ROW.
- n. Wireless communication facility – eligible facilities.

Section 3. Subsection 16-2-70(b)(2) of the Milliken Municipal Code (“Code”) is amended to read in its entirety as follows:

(2) Conditional Uses.

- a. Accessory uses that are customarily incidental to the permitted principal use
- b. Animal boarding including daycare.
- c. Childcare centers.
- d. Gas, oil, and other hydrocarbon well drilling and production (subject to state and local regulations).
- e. Group homes, as defined in Section 31-23-303, C.R.S.
- f. Place of worship.
- g. Solar energy systems – small.
- h. Utility facilities – major.
- i. Vocational/technical schools and colleges.
- j. Uses not listed as either uses by right or conditional uses that are similar to and compatible with the intent of the Agricultural Estates District.

Section 4. Subsection 16-2-80(b)(1) of the Milliken Municipal Code (“Code”) is amended to read in its entirety as follows:

(1) Uses by Right.

- a. Accessory dwelling unit in accordance with Section 16-4-700 and as defined in Section 16-8-200 when associated with a use by right.
- b. Agriculture
- c. Campgrounds and RV Parks not located in the mapped floodway.
- d. Holding ponds and other structures for flood control, water storage and/or retention for potable or non-potable use, and watershed protection.
- e. Parks and open space.
- f. Recreational fields, trails, picnic shelters and like outdoor amenities, not including permanent buildings or structures that require a foundation.

- g. Single-family dwelling
- h. Solar energy systems – accessory.
- i. Utility facilities – minor.
- j. Wireless communication facilities – ATS in the right-of-way.
- k. Wireless communication facilities – eligible facilities.

Section 5. Subsection 16-2-100(b)(1) of the Milliken Municipal Code (“Code”) is amended to read in its entirety as follows:

(1) Uses by Right.

- a. Accessory buildings and structures not exceeding 25% lot coverage, only one may exceed 720 square feet.
- b. Accessory dwelling unit in accordance with Section 16-4-700 and as defined in Section 16-8-200 when associated with a use by right.
- c. Agriculture - farming, ranching, and gardening.
- d. Home occupations in accordance with Section 16-4-210.
- e. Horse riding stable and grazing.
- f. Parks and open space.
- g. Public and private schools.
- h. Public buildings, including police and fire stations or government facilities, and civic facilities.
- i. Single-family detached dwellings.
- j. Solar energy systems – accessory.
- k. Solar energy systems – small.
- l. Sporting courts, tennis courts, swimming pools and other similar structures provided they are located in the rear yard of the lot.
- m. Utility facilities – minor.
- n. Wireless communication facility - ATS in right-of-way.
- o. Wireless communication facility - eligible facilities.

Section 6. Subsection 16-2-100(b)(2) of the Milliken Municipal Code (“Code”) is amended to read

in its entirety as follows:

(2) Conditional Uses.

- a. Adult care, day care centers, and senior centers.
- b. Agriculture - other rural land uses associated with agricultural operations.
- c. Animal boarding including daycare.
- d. Any permanent accessory structure that exceeds seven hundred twenty (720) square feet per acre of land.
- e. Bed and breakfast.
- f. Childcare centers.
- g. Gas, oil, and other hydrocarbon well drilling and production (subject to state and local regulations).
- h. Group home as defined in Section 31-23-303, C.R.S.
- i. Places of worship.
- j. Public or private recreational facilities, within a building or outside.
- k. RV Parks
- l. Solar energy systems – large.
- m. Utility facilities – major.
- n. Vocational/technical schools and colleges.

Section 7. Subsection 16-2-110(b)(1) of the Milliken Municipal Code (“Code”) is amended to read in its entirety as follows:

(1) Uses by Right.

- a. Accessory buildings and structures not exceeding 40% lot coverage, only one may exceed 720 square feet.
- b. Accessory dwelling unit in accordance with Section 16-4-700 and as defined in Section 16-8-200 when associated with a use by right.
- c. Home occupations in accordance with Section 16-4-210.
- d. Parks and open space.
- e. Public and private schools.

- f. Public buildings, including police and fire stations or government facilities, and civic facilities.
- g. Single-family detached dwelling.
- h. Solar energy systems – accessory.
- i. Sporting courts, tennis courts, swimming pools and other similar structures provided they are located in the rear yard of the lot.
- j. Uses that are compatible or customarily incidental to any of the permitted principal uses and are located on the same lot.
- k. Utility facilities – minor.
- l. Wireless communication facility - ATS in right-of-way.
- m. Wireless communication facility - eligible facilities.

Section 8. Subsection 16-2-110(b)(2) of the Milliken Municipal Code (“Code”) is amended to read in its entirety as follows:

(2) Conditional Uses.

- a. Adult care, day care centers, and senior centers.
- b. Any permanent accessory structure that exceeds 720 square feet.
- c. Bed and breakfast.
- d. Childcare centers.
- e. Gas, oil, and other hydrocarbon well drilling and production (subject to state and local regulations).
- f. Group home as defined in Section 31-23-303, C.R.S.
- g. Place of worship.
- h. Public and private recreational facilities, with a structure or outside.
- i. Public buildings, including police and fire stations or facilities, and civic facilities.
- j. Solar energy system – small.
- k. Utility facilities – major.
- l. Utility facilities – minor.
- m. Vocational/technical schools and colleges.

- n. Uses not listed as either uses by right or conditional uses that are similar to and compatible with the Single-Family Residential District.

Section 9. Subsection 16-2-120(b)(1) of the Milliken Municipal Code (“Code”) is amended to read in its entirety as follows:

(1) Uses by Right.

- a. Accessory buildings and structures not exceeding 40% total lot coverage, only one may exceed 720 square feet.
- b. Accessory dwelling unit in accordance with Section 16-4-700 and as defined in Section 16-8-200 when associated with a use by right.
- c. Bed and breakfast.
- d. Home occupations in accordance with Section 16-4-210.
- e. Parks and open space.
- f. Public and private schools.
- g. Public buildings, including police and fire stations or government facilities, and civic facilities.
- h. Single-family detached dwellings.
- i. Solar energy systems - accessory.
- j. Two-family attached dwelling units
- k. Vocational/technical schools and colleges.
- l. Wireless communication facility - ATS in right-of-way.
- m. Wireless communication facility - eligible facilities.

Section 10. Subsection 16-2-120(b)(2) of the Milliken Municipal Code (“Code”) is amended to read in its entirety as follows:

(2) Conditional Uses.

- a. Adult care, day care centers, and senior centers.
- b. Childcare centers.
- c. Cultural and educational facilities within a structure or outside.
- d. Gas, oil, and other hydrocarbon well drilling and production (subject to state and local regulations).

- e. Group home as defined by Section 31-23-303, C.R.S.
- f. Medical and dental office and medical clinics.
- g. Place of worship.
- h. Public and private recreation facilities, within a structure or outside. Sporting courts, tennis courts, swimming pools and other similar structures provided they are located in the rear yard of the lot.
- i. Solar energy systems - small.
- j. Utilities facilities - major.
- k. Uses not listed as either uses by right or conditional uses that are similar to other uses in the district, and that are compatible with the intent of the One and Two-Unit Residential District.

Section 11. Subsection 16-2-140(b)(1) of the Milliken Municipal Code (“Code”) is amended to read in its entirety as follows:

(1) Uses by Right.

- a. Uses by Right in the R-M District are those that are authorized under a mobile home community license issued pursuant to the ordinances of the Town. The R-M District classification shall be assigned to all lands within the Town that are presently licensed.
- b. Accessory buildings or structures 720 square feet or under per acre or 40% lot coverage, whichever is less.
- c. Accessory dwelling unit in accordance with Section 16-4-700 and as defined in Section 16-8-200 when associated with a use by right.
- d. Accessory structures less than two hundred (200) gross square feet shall not be deemed an accessory structure within the meaning of this Article. All structures, regardless of size, must meet the dimensional requirements specified for this zone district and submit a plot plan for approval. Each manufactured home space is allowed one storage structure that shall be a minimum of one hundred and twenty (120) square feet for each manufactured home space.
- e. Mobile homes, subject to Sec. 16-3-470. - Factory built, manufactured, and mobile homes standards
- f. Parks and open space.
- g. Single family detached dwelling.
- h. Solar energy systems – accessory.

- i. Wireless communication facility - ATS in right-of-way. Wireless communication facility - eligible facilities.

Section 12. Subsection 16-2-150(b)(1) of the Milliken Municipal Code (“Code”) is amended to read in its entirety as follows:

a. Residential and Residential Related Uses

1. Accessory buildings and structures 720 square feet or under per acre or 40% of lot coverage, whichever is less.
2. Accessory dwelling unit in accordance with Section 16-4-700 and as defined in Section 16-8-200 when associated with a use by right.
3. Adult day care, day care centers, and senior centers.
4. Bed and breakfast.
5. Home occupations in accordance with Section 16-4-210.
6. Live/work residences.
7. Single-family and multi-family dwellings.
8. Two-family dwellings.
9. Single-family detached dwellings.
10. Solar energy systems - accessory.
11. Wireless communication facility - ATS in right-of-way.
12. Wireless communication facility - eligible facilities.

Section 13. Add the following as a new Division 7 to Article IV of Chapter 16 of the Milliken Municipal Code:

Division 7 - Accessory Dwelling Units

Sec. 16-4-700. - Accessory dwellings.

- (a) Intent. The regulations in this section are intended to address the construction, conversion, expansion, or improvement of accessory dwellings within the Town and to ensure all accessory dwellings are constructed, converted, expanded or improved, and occupied, in compliance with the Town's adopted life safety codes and building regulations, including but not limited to, building, fire, utility, or stormwater codes.
- (b) Administrative approval required. To ensure compliance with the regulations in this section, an application and administrative approval shall be required to construct, convert, expand, or improve any accessory dwelling within the Town. For purposes

of this section, "improve" or "improvements" means any alteration, repair, addition, expansion, reconstruction, replacement, renovation, or any work in or upon a building or structure for which a building permit is required pursuant to the Town's adopted building regulations.

- (c) Application requirements; fees. Applications for the construction, conversion, expansion, or improvement of any accessory dwelling shall be made in writing and shall include all information, documents, and plans necessary for the Town to determine whether the accessory dwelling complies with the standards set forth in this section. The applicant shall pay all application and review fees established by resolution of the Town Board.
- (d) Town Staff review and decision. When the Town Staff has determined the application for the construction, conversion, expansion, or improvement of an accessory dwelling to be complete, the Town Staff shall review the application to determine if the application complies with the standards set forth in this section, and shall approve, approve with conditions, or deny the application. Upon the Town Staffs approval of the application, any building permits required for the accessory dwelling shall be issued to the applicant.
- (e) Standards. The following standards apply to all accessory dwellings for which construction, conversion, expansion, or improvements commences on or after the effective date of this ordinance.
 - (1) There shall be no more than one (1) accessory dwelling on a residential lot.
 - (2) No portion of a lot on which an accessory dwelling is located may be subdivided from, or legally described differently than, the lot containing the principal residential unit.
 - (3) No portion of a structure containing an accessory dwelling may have ownership different from the ownership of the principal dwelling unit.
 - (4) The accessory dwelling shall be affixed to an engineered permanent foundation.
 - (5) An internal or attached accessory dwelling shall be separated from the principal dwelling by a firewall meeting building and fire codes.
 - (6) Accessory dwelling utilities shall be connected through the principal residential dwelling. Additional water dedication or water or sanitary sewer tap upsize may be required to account for increase in demand beyond the expectation of the original dedication or capacity of the original tap.
 - (7) Prior to the issuance of any building permit for an accessory dwelling, the applicant shall furnish to the Community Development Department a statement from the Water/Wastewater Department and/or water and wastewater providers confirming capability to service the property upon the construction of the proposed accessory dwelling. If the property is served by a well or onsite

wastewater treatment system, the applicant shall furnish information sufficient for the Town to determine that such facilities are adequate to service the accessory dwelling. For additional information please refer to Chapter 13 of the Milliken Municipal Code.

- (8) The accessory dwelling shall comply with any applicable residential design standard.
 - (9) For purposes of calculating residential density, each accessory dwelling shall count as one-half (1/2) dwelling unit.
 - (10) The size of an accessory dwelling unit shall be no larger than the size of the principal dwelling unit on the same lot as the accessory dwelling unit.
- (f) As used in this section 16-4-700, “administrative approval” means approval through an “administrative approval process” as that phrase is defined in section 16-8-200 as such provision may from time to time be amended.

Section 14. The definition of "Accessory Dwelling Unit" in Section 16-8-200 of the Milliken Municipal Code is hereby amended to read in its entirety as follows:

Accessory dwelling unit or *ADU* means an internal, attached, or detached dwelling that provides complete independent living facilities for one or more individuals; is located on the same lot as a proposed or existing primary residence; and includes facilities for living, sleeping, eating, cooking, and sanitation. An ADU may also be known as an “accessory apartment,” “secondary suite,” or “mother-in-law apartment.”

Section 15. Effective Date. Unless otherwise specified herein, this ordinance shall take effect thirty days after publication as provided by law.

INTRODUCED, READ, PASSED, AND ADOPTED THIS _____ DAY OF _____ 2025.

TOWN OF MILLIKEN

By: Elizabeth Austin, Mayor

ATTEST:

Caree Rinebarger, Town Clerk