

ORDINANCE NO. 803

AN ORDINANCE OF THE TOWN OF MILLIKEN, COLORADO, AMENDING PORTIONS OF THE MUNICIPAL CODE REGARDING SETBACK EXCEPTIONS

WHEREAS, the Board of Trustees (“Board”) of the Town of Milliken (“Town”) has been made aware of instances where small sheds have been placed within setbacks on private property without attachment to any permanent foundation;

WHEREAS, the Board wishes to avoid spending Town resources prosecuting setback violations related to small sheds under certain circumstances;

WHEREAS, Town staff has indicated that section 16-2-50(a)(3)d should be revised to refer to the Milliken Design Criteria and Construction Specifications; and

WHEREAS, the Town of Milliken desires to amend Chapter 16, Article 2, Section 50, of the Milliken Municipal Code to address the foregoing items, including amending the Municipal Code to avoid prohibiting placement of small sheds within setbacks on private property under certain circumstances;

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

Section 1. Section 16-2-50(a)(3) of the Milliken Municipal Code is amended to read in its entirety as follows:

(3) Setback Exceptions. Permanent features and structures allowed within required setbacks shall include:

- a. Cornices, canopies, eaves, or similar architectural features may extend from the building into a required yard not more than three (3) feet. Porches at ground level may extend into a required rear yard not more than six (6) feet, excluding roof overhangs, but not beyond the property line;
- b. Steps or ramps to the principal entrance and necessary landings, provided that they do not extend more than six (6) feet into the required setback and not beyond the property line;
- c. Landscaping;
- d. Driveways, sidewalks, signs, retaining walls and fences are allowed in required front, side, and rear yards, subject to compliance with all other regulations of this Chapter and the Milliken Design Criteria and Construction Specifications;
- e. Utility service lines to a structure and utility lines, wires and associated structures within a utility easement;

- f. Fire escapes, provided that they do not extend more than six (6) feet into the required setback;
- g. Parking slabs, tennis courts and swimming pools may be extended into required rear yards and interior side yards up to five (5) feet of the required rear or side lot lines;
- h. Decks and patios attached to the primary structure, not covered by roofs, may extend into required front yards up to five (5) feet and into required rear yards up to ten (10) feet from the rear property line; and
- i. One-Story detached accessory buildings and structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet and the roof height does not exceed 10 feet above grade measured from a point directly outside the exterior walls of the structure where not secured to a permanent foundation.

Section 2. Effective Date. This ordinance shall take effect thirty days after publication as provided by law.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 11 DAY OF January, 2023.

TOWN OF MILLIKEN



By: Elizabeth Austin, Mayor

ATTEST:



Caree Rinebarger, Town Clerk