

ORDINANCE NO. 612

**AN ORDINANCE AMENDING CHAPTER 16 ARTICLE 3, OF THE TOWN OF MILLIKEN
LAND USE CODE ADDING THE C-5 SPECIAL BUSINESS DISTRICT**

Section 1:

WHEREAS, the Town of Milliken Land Use Code establishes rules and regulations for businesses within a Zone District; and,

WHEREAS, these rules and regulations have been found to be inappropriate, inadequate and ineffective relative to the location of special "adult-oriented" types of businesses; and,

WHEREAS, adult-oriented business characteristically have secondary impacts on the community and the neighboring properties; and

WHEREAS, it is the desire of the Town to allow the operation of these businesses in areas of the Town which are zoned or may be zoned for these types of businesses; and,

WHEREAS, the Town Board of Trustees desires to amend Chapter 16, Article 3, of the *Town of Milliken Land Use Code*,

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

Section 2: Chapter 16 of the *Town of Milliken Land Use Code*, Article 3, shall be amended with the addition of the following:

Sec. 16-3-425. C-5 Special Business District

- (a) *Intent.* This is a special business zoning district intended to establish and preserve areas for "adult-oriented" types of businesses within the Town of Milliken.
- (b) *Uses by Special Review.* Uses by special review in the C-5 District shall include:
 - 1. Establishments which are operated for and open to the public in which persons who are engaged in sexually related activities and/or who are partially nude or appear nude and/or products offered for sale as a substantial portion of the business (10% of gross sales or 10% of gross floor area) are for the purpose of providing sexually related entertainment to the patrons.
 - 2. Facilities offering for sale, wholesale or retail, marijuana for medically authorized purposes as generally permitted by *Colorado Revised Statutes* §18-18-406.3 and §14 of Article XVIII of the Colorado Constitution.
- (c) *Implementation.* At such time as a petition requesting the C-5 zoning is submitted to the Town for processing, the Planning Commission shall recommend and the Board of Trustees shall review, revise and adopt as appropriate, regulations which are not

tantamount to a complete prohibition of such operations. Such regulations may include the following:

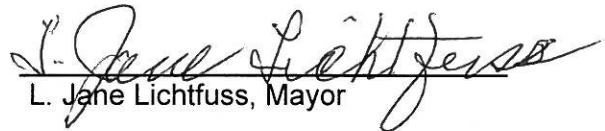
1. Minimum age requirements for admittance to, management and employees of such establishments;
2. Limitations on the hours during which such establishments may be open for business;
3. Restrictions on the location of such establishments with regard to schools, churches and residential areas; and,
4. Regulations which ensure the health and safety of the employees and customers of the business.

Section 3: Emergency Clause – Effective Date

This Ordinance shall take effect upon adoption by a majority of the Board of Trustees, based upon the Board of Trustee's findings that the health, safety and welfare of the citizens of the Town of Milliken and secondary impacts of these adult oriented businesses to the community necessitate the immediate implementation of this ordinance.

Introduced, read, adopted, approved, signed and ordered published in full by the Board of Trustees of the Town of Milliken this 18th day of November 2009.

Town of Milliken:

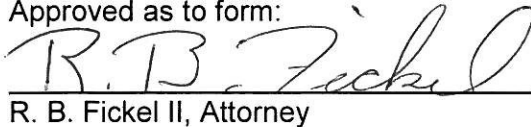

L. Jane Lichtfuss, Mayor

ATTEST:


Betty Rangel, Town Co-Clerk

Published: 1-14, 200~~9~~¹⁰

Approved as to form:


R. B. Fickel II, Attorney