

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

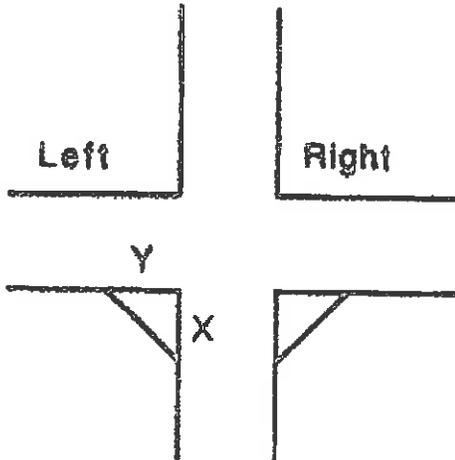
- (a) Intent. The intent of this Section is to ensure that walls and fences are attractive and in character with the neighborhood. Recognizing that fences are used to create privacy, the Town encourages privacy fences (six-foot and solid) be located close to the house and not alongside any rear property lines (which is where most Town utility easements are generally located). If a fence is placed on a utility easement or a right of way (ROW) and the fence needs to be removed for utility upgrades or repairs or ROW access, then the cost of replacing the fence shall be the property owner's expense.
- (b) General provisions.
- (1) Compatibility. Walls and fences shall be architecturally compatible with the style, materials and colors of the principal buildings on the same lot and block. If used along collector or arterial streets, ~~such~~ wall features shall be encouraged to be made visually interesting by integrating architectural elements such as brick, stucco, non-shiny decorative metal, ~~or~~ stone columns, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings or through similar techniques. Breaks in Aa fence or wall ~~may not~~ are encouraged for fencing consisting of a solid, unbroken expanse for more than fifty (50) feet, ~~for every seventy five (75) feet of length, or portion thereof which includes gates, changes in fence texture such as alternating planks inside and out, a change in the slat spacing, etc.~~ See Section 16-2-835 of this Article for examples. Fence support posts should be constructed inside the fence and should not be visible from the outside of the fence, and all exterior fences made of wood shall be finished with a clear seal, left in their natural state, ~~or painted, preferably white or using a soft color that blends into the natural landscape of northern Colorado.~~ Painting fences a strong, vivid color is discouraged. Decorative or ornamental fence support structures ~~may be visible if approved by the Community Development Director~~ materials such (as) wrought iron, non-shiny metal, black cut-out metal, vinyl, bamboo, and other typical fencing materials are allowed. .
- (2) Materials.
- a. Stone walls, or brick walls with a stone or cast stone cap, treated wood fences, decorative metal, cast iron fences, stucco walls and stone piers are encouraged. Solid walls and fences are permitted only in rear and side yards ~~if over 3 feet high. Retaining walls are permitted where required for landscaping and if over 3 feet high approved with a final drainage/structural engineering plan if required by the Building Official for architectural purposes.~~ Hedges may be used in the same manner and for the same purposes as a fence or wall. Refer to Section 16-2-835 of this Article for illustrations of fence styles that the Town is encouraging.
- b. Fences used in front yards ~~over 3 feet tall~~ and adjacent to public streets alongside and rear yards shall be at least fifty percent (50%) open. Allowable fences are split rail, wrought iron, picket or other standard residential fences of a similar nature ~~approved by the Building Inspector.~~
- c. Solid fences shall be constructed to meet the wind design criteria of the adopted Building Code, using a basic wind speed of ~~ninety-five (95)~~ miles per hour.
- ~~d.—Other materials may be incorporated in fences and walls as may be approved by the Town.???~~
- (3) Prohibited materials. Contemporary security fencing such as concertina or razor wire, barbed wire or electrically charged fences are prohibited unless specifically allowed by

the Board of Trustees. Chain-link fencing with or without slats shall not be ~~used discouraged~~, except as ~~administratively approved for~~ replacement, or extension of, existing chain-link fencing within the Town Subdivision on residential property in close proximity to existing chain-link fencing within the neighborhood or if painted and maintained with a black coating. ~~Chain-link fencing is prohibited in the Downtown area as per Subparagraph 16-2-721(d)(5)a.~~

- (4) Retaining walls. Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property. Any retaining wall greater than forty-eight (48) inches in height shall be engineered and allowed only with prior approval from the ~~Town~~ **Building Official**.
- (5) Height limitations. Fences or walls shall be:
 - a. No more than forty-two (42) inches high between the front ~~building~~ setback line and the front property line. Walls shall not be solid **over 3 feet high** except for retaining walls. For corner lots, fences higher than 42 inches high shall be set back 15 feet from the side property line. ~~front yard fence regulations shall apply to both street sides of the lot.~~
 - ~~b. No more than forty two (42) inches high if located on a side yard line in the front yard, except if required for demonstrated unique security purposes. Fences and walls shall not be solid, except for retaining walls.~~
 - c. No more than six (6) feet high for an opaque privacy fence located on a rear property line or on a side yard line in the rear yard.
 - d. No more than six (6) feet high for opaque privacy fences that are located directly adjacent to and integrated with the architecture of the house or connected to a courtyard.
 - e. No more than thirty (30) inches high when located within the site distance triangle, and fences or walls within this site distance triangle shall not be solid.

Sight Distance Table

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



- f. In the Industrial (I) District, a chain-link fence is permitted so long as it is not higher than six (6) feet anywhere on the premises, and the visibility at the intersection shall be in accordance with site triangle regulations. Additional landscaping must be installed to minimize the visual impact of the chain-link fence.
- g. Fences around a recreation court (e.g., tennis, squash racket, squash tennis or badminton) or around a publicly owned recreation area may be a black, green, brown or similar colored chain-link and exceed six (6) feet in height if the fence is at least fifty percent (50%) open.
- (6) Maintenance. Fencing shall be maintained in an acceptable appearance. Missing and broken segments of fence shall be repaired in a timely manner. Dilapidated, unsightly or dangerous fences shall be removed or repaired when so ordered by the **Building Inspector Code Enforcement Officer**. Hedges shall be maintained in a healthy condition, trimmed and pruned as appropriate for the plant type. Dead plant material in hedges shall be removed or replaced as appropriate when so ordered by the **Building Inspector Code Enforcement Officer**. Hedges shall not encroach upon sidewalks or street rights-of-way. The Town may repair and/or replace fencing or plants and bill the owner if the owner does not make repairs as ordered by the **Building Inspector Code Enforcement Officer**.
- (7) Ornamental gates associated with fences will be allowed subject to approval by the Town.
- (c) Warranty period. The warranty period for perimeter fences along arterial and collector streets shall be two (2) years. Provision for compliance shall be as outlined in the warranty section of the subdivision improvement agreement.
- ~~(d) Additional fencing requirements for the downtown area.~~
 - ~~(1) Security or privacy fencing, not exceeding six (6) feet in height, located on the rear one-third (?) of the property and not visible from Broad Street, may be permitted if the use of the enclosed area and the design of the fence meets the intent of the downtown commercial standards. Chain-link fences shall not be allowed. Decorative fencing that is fifty percent (50%) open is encouraged.~~
 - ~~(2) All exterior fences which are made of wood shall be finished with a clear seal or left in the natural color of the wood. Painted fences shall not be permitted.~~

- ~~(3) Fence support posts shall be constructed inside the fence and shall not be visible from the outside of the fence. Decorative or ornamental fence support structures may be visible if approved by the Community Development Director.~~
 - ~~(4) Fencing shall be maintained in good repair and, when needed, shall be replaced with fencing that is equal to or better than the original fencing.~~
 - ~~(5) The use of materials not customarily used for fencing shall not be permitted.~~
- ~~(Ord. 480 §2.16, 2003; Ord. 607 §1, 2009; Ord. 643 §1, 2011)~~

Division 7 - Commercial and Industrial Architecture

Sec. 16-2-710. - Intent.

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

(Ord. 480 §2.18, 2003)

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

Sec. 16-2-721. - Downtown commercial standards.

- ~~(5) Fencing. (I don't think this adds anything to what is already allowed –think this section ought to be removed.)~~
 - ~~a. Security or privacy fencing, not exceeding six (6) feet in height, located on the rear one-third (?) and around the perimeter of the rear of the property and not visible from Broad Street, may be permitted if the use of the enclosed area and the design of the fence meets the intent of the downtown commercial standards. Outside storage in the enclosed area is allowed as it may pertain to the use of the building.~~

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~~Chain link fences shall not be allowed unless they are a black color. Decorative fencing that is at least fifty percent (50%) open is encouraged.~~

- ~~b. Fencing in the side or front yards shall be limited to forty-two (42) inches 3 feet in height and shall be at least fifty percent (50%) open.~~
- ~~e. All exterior fences which are made of wood shall be finished with a neutral stain and clear seal or left in the natural color of the wood. Painted fences shall not may be permitted if they are painted white or a color that blends into the natural landscape.~~
- ~~d. Fence support posts shall be constructed inside the fence and shall not be visible from the outside of the fence unless. Ddecorative or ornamental fence support structures maybe visible if approved by the Community Development Director.~~
- ~~e. Fencing shall be maintained in good repair and, when in substantial disrepair, shall be replaced with fencing that is in compliance with this Section.~~
- ~~f. The use of materials not customarily used for fencing shall not be permitted.~~