



**TOWN OF MILLIKEN
PLANNING COMMISSION
AGENDA MEMORANDUM**

To: Acting Chair Bernhardt & Planning Commissioners From: Martha Perkins, Community Development Director Via: Kent Brown, Town Administrator		Public Meeting Date: August 3, 2016	
Agenda Item #	Action:	Discussion: x	Information:
Agenda Title: Review and Approval to Set Public Hearing for a Fences and Wall Text Amendment			
Attachments: Draft code changes amending Chapter 16 of the Milliken Municipal Code concerning fences and walls.			
Staff Recommendation: Staff recommends moving forward with an Ordinance to amend Chapter 16 of the Milliken Municipal Code concerning fences and walls.			

PURPOSE

To consider the proposed text changes for fences and walls amending Chapter 16 of the Milliken Municipal Code to simplify the text and make it easier to understand and administer.

BACKGROUND

After the last work session, staff attempted to take all of the Commission's comments and incorporate them into a proposed text amendment for fences and walls. If the Commission is fine with the changes then staff recommends moving forward with an ordinance for formal approval.

RECOMMENDATION

Staff recommends moving forward with the legal advertising of an ordinance amending Chapter 16 of the Milliken Municipal Code concerning fences and walls.

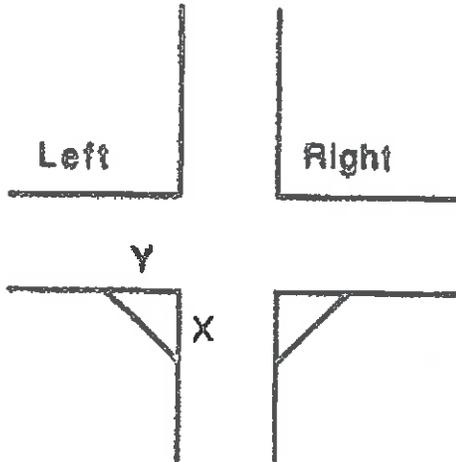
Sec. 16-2-485. - Fences and walls.

- (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 access or use as a ROW, then the cost of replacing the fence shall be at 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 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 consist of~~ 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 or left in their natural state. Decorative or ornamental fence support structures may be visible if approved by the Community Development Director.~~
- (2) Materials.
- a. Stone walls, or brick walls with a stone or cast stone cap, treated ~~or stained cedar or redwood~~ wood fences, decorative ~~non-shiny~~ metal, cast iron fences, stucco walls and stone piers are encouraged. ~~Solid walls and fences are permitted only in rear and side yards. Retaining walls are permitted where required for landscaping and approved with a final drainage plan for architectural purposes.~~ All exterior fences made of wood shall be finished with a clear seal, ~~stained~~, 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,~~ vinyl, cedar, redwood, and other typical fencing materials are allowed. 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 and less than 42 inches high. Allowable ~~front yard~~ fences are split rail, wrought iron, picket, ~~decorative~~, 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) (existing text)~~ 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 downtown~~ on residential property in close proximity to existing chain-link fencing within the neighborhood ~~or allowed with a black, green, or similar color vinyl 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 practices 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 ~~in the front yard~~. 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'	—



(take out drawing too)

- 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 vinyl 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. 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.~~

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- ~~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.~~

FENCES & SIGHT TRIANGLE

ZONING CODE REGULATIONS



The following information applies to **all fences, walls, hedges, and similar divisional structures** installed on private property in the City of Wheat Ridge. The following information is a summary of section 26-603 of the municipal code and may not address all situations.

Fences or divisional walls may be constructed on private property up to or on a property line. Please note that the City does not maintain lot line information; it is an owner's responsibility to locate property lines.

PLEASE NOTE: Even if a building permit is not required for your fence, wall, or hedge, it is the property owner's responsibility to install these improvements in accordance with city code. Please contact the Community Development Department to ensure your proposed fence, wall, or hedge conforms to the code.

Building Permits

A building permit is not generally required for residential fences up to 6 feet tall, but the fence must still meet zoning code requirements. If your fence or wall is in the floodplain, a permit *will* be required.

Permits are required for the following:

- Enclosing swimming pools
- Screening trash storage areas
- Where attached to commercial buildings
- For walls or retaining walls
- In a floodplain (requires floodplain and building permits)

Materials

Permitted material for fences and divisional walls include:

- Wood (e.g. pickets or split rail)
- Landscaped hedge
- Masonry wall
- Ornamental iron
- Chain link (up to 4 feet in a front yard)

Barbed wire fences are not generally permitted on residential or commercial properties. If barbed wire is proposed for the keeping of large animals, please contact the Community Development Department for additional regulations.

For Questions

Please contact the Community Development Department for specific regulations or to ensure that your proposed fence, wall, or hedge conforms to the code:

City of Wheat Ridge Community Development Department
7500 W. 29th Avenue · Wheat Ridge, CO · 80033
Phone: 303-235-2846 · www.ci.wheatridge.co.us

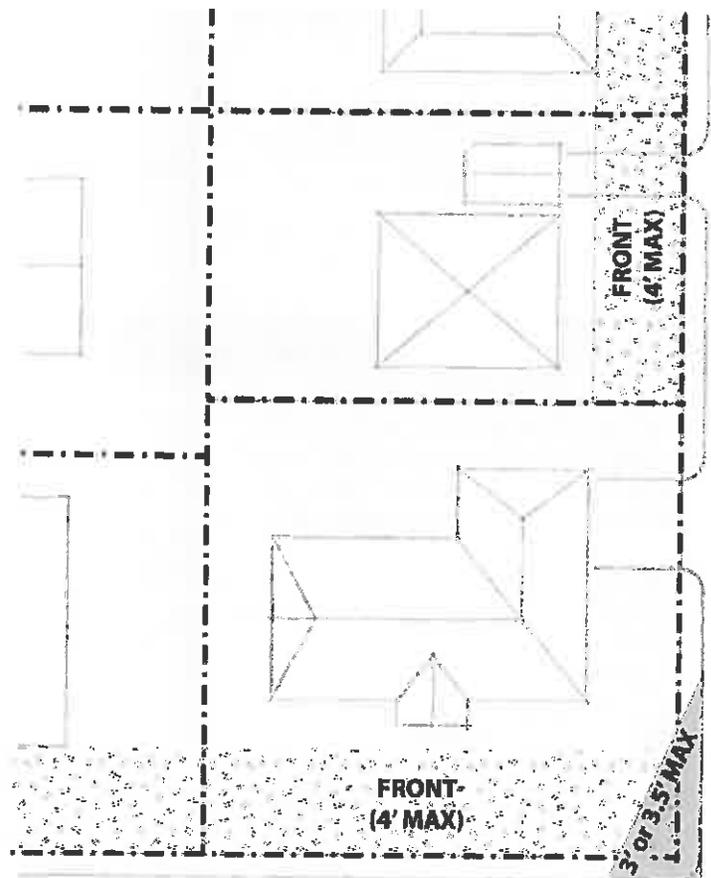
Height Limits

Maximum height depends on the proposed location of a fence, wall, or hedge. Height is generally limited to:

- 4 feet in a front yard
- 6 feet in a side or rear yard
- 3 or 3 ½ feet in a sight distance triangle

Some exceptions are permitted for decorative, open-type fences (such as wrought iron) and for posts or column caps.

The image below illustrates height limits for fences on a typical residential block. The width of a front yard is different in each zone district. Please contact the Community Development Department for help determining your zoning, the location of your "front yard," and the location of any sight triangle that may affect your property.



-  Sight distance triangle, max height 3 or 3 ½ feet
-  Front yard, max height 4 feet
-  Side or rear yard, max height 6 feet

A **sight distance triangle** is the area at the intersection of two streets, the intersection of a driveway and a street, or the intersection of an alley and a street. In this triangular area, a clear zone must be maintained to minimize obstructions to view. This can affect the permitted height and location for improvements such as fences, buildings, landscaping, or signs.

The following information is a summary of section 26-603.B of the municipal code and may not address all situations. Please contact the Community Development Department for specific regulations or to confirm how a sight triangle may affect your property.

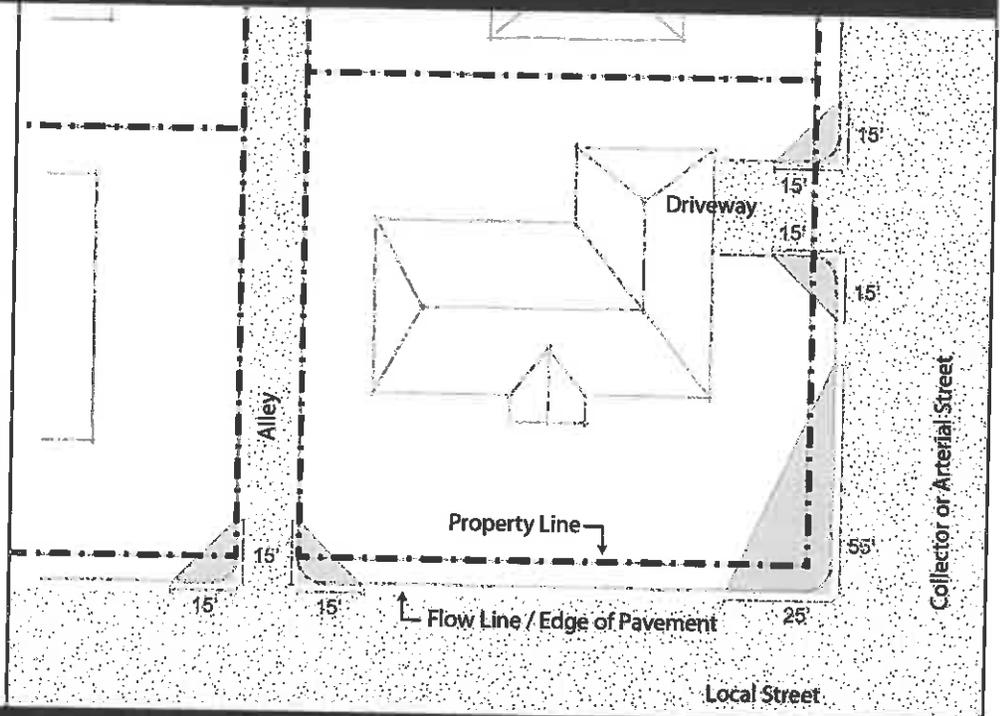
Sight Distance Triangle

The sight triangle is measured along the curb and gutter flow line (at the base of the curb). If no curb exists, measure along the edge of pavement.

For **corner lots**, the size of the sight triangle is based on the type of street involved: **55 feet** for arterial or collector streets and **25 feet** for local or private streets.

For **alleys or driveways**, both legs of the triangle are **15 feet**.

Driveways for single- and two-family homes on local streets are exempt from sight triangle requirements.

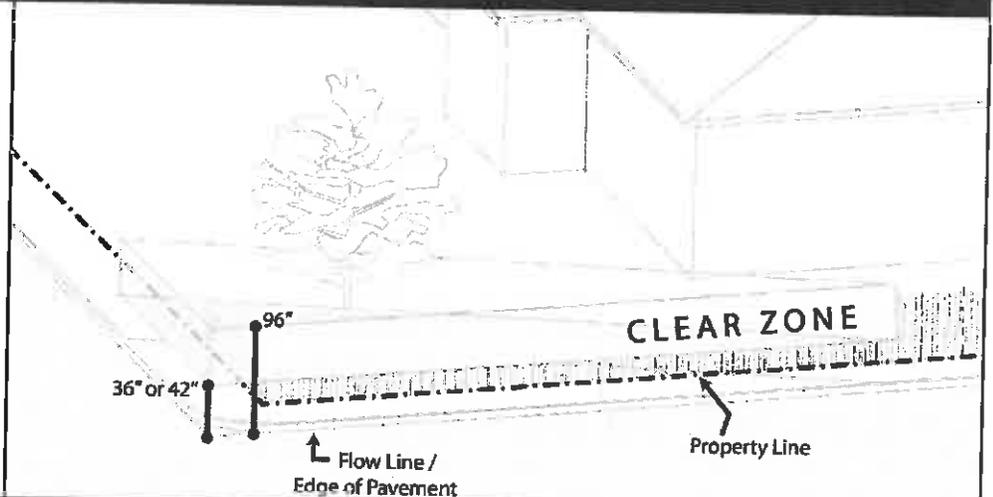


Clear Zone

The vertical clear zone is the area above the sight triangle that needs to be free of obstructions. This can affect the height of fences, landscaping, and tree limbs.

The **lower limit** depends on the classification of the adjacent streets. For sight triangles that include a collector or arterial street the lower limit of the clear zone is 36 inches. In other instances, the lower limit is 42 inches.

The **upper limit** is 96 inches or 8 feet.



For Questions

Please contact the Community Development Department to determine which regulations apply to your property. Staff can review your site plan and determine the classification of streets that are to your property.

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