

## ORDINANCE 643

### AN ORDINANCE AMENDING CHAPTER 16 ARTICLE 2, DIVISION 5, OF THE TOWN OF MILLIKEN LAND USE CODE REGARDING LANDSCAPING STANDARDS,

#### Section 1:

Whereas the Town of Milliken Land Use Code establishes rules and regulations for the design of landscapes, and

Whereas the said rules and regulations have been found to be costly to single and two-family home builders and buyers, and

Whereas the said rules and regulations have been found to be inappropriate based on the current goals for water conservation, and

Whereas it is the desire of the Town to specify water conservation requirements in landscape design and to be sensitive to new construction costs, and

Whereas the Town Board of Trustees of the Town of Milliken desires to amend Chapter 16, Article 2, Division 5 of the Town of Milliken Land Use Code,

#### **BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO:**

Chapter 16 of the Milliken Land Use Code, Article 2, Division 5, "Landscaping Standards" shall be amended as follows:

#### *Division 5 Landscaping Standards*

#### **Sec. 16-2-460. Landscaping Design Standards and Minimum Requirements for Single Family and Duplex Lots.**

(b) Small Lot Single-Family Residential (R-1 and R-2 Zoning Districts) Development Landscaping Standards.

(1) In addition to landscaping the right-of-way tree lawn and street trees, the developer or assigns shall provide:

a. Groundcover for the front yard setback of each home. There shall be a minimum of fifty percent (50%) live materials at maturity between the front of the house and the curb unless otherwise approved by the Town. Mulch may be considered live groundcover as associated with plantings as approved by the Town. For new home construction, irrigated front yard landscaping shall be installed within one year of issuance of a Certificate of Occupancy.

b. One (1) deciduous shade tree as described herein per lot, per street frontage in the front yard, and one (1) deciduous shade tree on the side yard for corner lots unless a street tree is already in place as required by this code, within one (1) year of issuance of a Certificate of Occupancy.

c. Where unfenced side or rear yards are adjacent to park sites, designated open space, or street, the side or rear yard shall be landscaped which may include sod and/or turf seeded. Required side

or rear yard landscaping shall be installed within one year of issuance of a Certificate of Occupancy.

d. Required irrigation systems shall be installed to meet the standards set forth in this Section.

(2) The homeowner:

a. Shall maintain the yard and landscaping within the adjacent road right-of-way in accordance with Town regulations.

(c) Large Lot Single-Family Residential (AE, E-1 and R-1E Zoning Districts) Development Landscaping Standards. Landscaping shall be designed to keep natural resource areas in their natural state as much as possible and should be in character with surrounding properties.

(1) The developer or assigns shall provide:

a. Site trees: A minimum of one (1) deciduous shade tree per lot per street frontage, in the front yard and on the side yard for corner lots.

b. Groundcover for the front yard setback of each home. The groundcover may be a combination of irrigated and native grasses and wildflowers as appropriate to the design of the individual home. There shall be a minimum of fifty percent (50%) live materials at maturity between the front of the house and the edge of the roadway unless approved by the Town.

(2) The homeowner:

a. Shall install the remainder of the yard and is encouraged to plant additional trees, shrubs and flowers using Xeriscape principles and the general provisions set forth in this Division.

b. Shall maintain the yard and landscaping within the adjacent road right-of-way, in accordance with Town regulations.

(d) All landscaping shall be installed to allow for clear sight distances for automobile, bicycle and pedestrian traffic. See Figure 2-19.

#### **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 along side and rear property lines.

(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. If used along collector or arterial streets, such features shall be made visually interesting by integrating architectural elements such as brick or stone columns, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings, or through similar techniques. A fence or wall may not consist of a solid, unbroken expanse for more than fifty (50) feet for every seventy-five (75) feet of length, or portion thereof. 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 its natural state, decorative or ornamental fence support structures maybe visible if approved by the Community Development Director.

(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. Retaining walls are permitted where required for landscaping and approved with a final drainage plan or 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 and adjacent to public streets along side 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, except as administratively approved for replacement, or extension of, existing chain link fencing within the town of Milliken Subdivision on residential property in close proximity to existing chain link fencing within the neighborhood. Chain link fencing is prohibited in the Downtown area as per section 16-2-721- (d) (5) a.

Sec. 16-2-490. Summary tables/matrixes of landscaping requirements.

**Landscaping Requirements Matrix**

Commercial, Industrial and Multi - Family Developments	Developer/Builder Single Family Homes and Subdivisions		Owner Built Single Family Homes
	Common Open Space Areas and Parks	Individual Lots	
Must landscape front, side and rear yards. Landscaping requirements include stamped irrigation systems, soil amendmets, and xeriscaping principles.	Same as for Commercial, Industrial and Multi Family Developments	Must landscape front, yards. Front yard must be irrigated turf or xeriscape with irrigation. Unfenced side and rear yard landscaping required adjacent to open space, parks, or street installed within one year of C.O. issuance.	Must landscape front yards. Front yard must be irrigated turf or xeriscape with irrigation. Side and rear yard options include: irrigated turf, hydro seed and xeriscaping with irrigation.
		Requirement of proof of backflow preventer and mechanical rain sensor on automatic sensors. Stamped irrigation system drawings are not required.	Requirement of proof of backflow preventer and mechanical rain sensor on automatic sensors. Stamped irrigation systems drawings are not required.

**Section 3:** Severability.


If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 4:** Effective Date

This Ordinance shall take effect upon adoption and publication, as provided by law.

INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED IN FULL BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, THIS 26th DAY OF January, 2011.

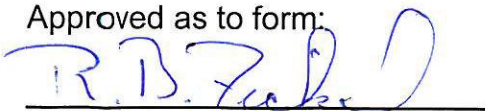
ATTEST:

  
Cheryl L. Powell, Town Co-Clerk

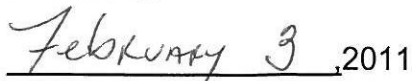
Town of Milliken:

  
L. Jane Lichtfuss, Mayor

Approved as to form:

  
R. B. Fickel II, Attorney

Published:

  
February 3, 2011