

## **SECTION 12-800 FENCE REGULATIONS**

### **12-801 GENERAL PROVISIONS**

- A. No person, firm or corporation shall erect, construct, enlarge, alter or move any fence in the County without first obtaining a fence permit from the PWD Building Division, pursuant to this Section.
- B. No fence permit shall be issued by the PWD Building Division unless the applicant for such permit demonstrates compliance with the provisions of this Section.
- C. Fees for fence permits issued pursuant to this Section shall be set by the Board of County Commissioners to cover the costs of inspections and administration of this Section, and may be amended as necessary by the Board. Fees shall be paid by the applicant prior to the issuance of the fence permit.
- D. The purpose of this Section is to promote the health, safety and welfare of the public, to protect the economic and aesthetic value of Arapahoe County, and to prevent traffic hazards and the creation of nuisances. The intent of this Section is to regulate only those fences of whatever class, which are physically located or intended to serve as a boundary between adjoining properties or as a barrier or enclosure of greater than fifteen percent (15%) of the area of a particular zone lot.

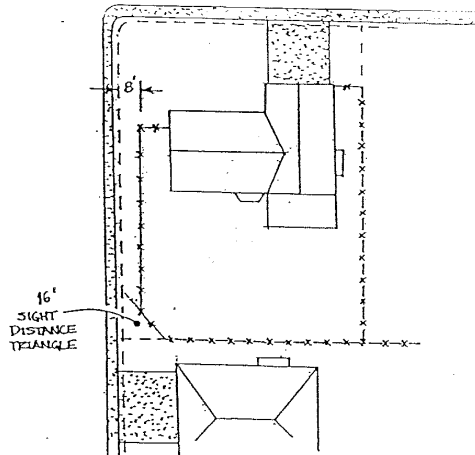
### **12-802 CLASSES OF FENCES AND WALLS**

- A. **Class 1 - MASONRY.** Any fence or wall composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block, pre-cast concrete units or tile or similar building units or materials or combination of these materials laid up unit by unit and set in mortar, or pre-cast and set in place.
- B. **Class 2 - ORNAMENTAL IRON.** Any wrought iron or metal fence, of primarily open design, consisting of straight or curved metal bars or pieces, including metal vertical picket fences.
- C. **Class 3 - CHAIN LINK.** A fence of primarily open design consisting of an interlocking pattern of wire or metal of at least 1/8" in diameter supported by vertical and/or horizontal bars or posts of at least one and one half inches (1 1/2") in diameter.
- D. **Class 4 - WOOD PICKET.** A fence that is more than fifty percent (50%) open, as viewed from outside the fence, and is constructed with wooden supports and fence materials. This type of fence includes fences with vertical pieces of wood, with or without pointed ends, as the primary fencing material (i.e., "picket fence"), as well as fences with horizontal wooden bars or rails as the primary fencing material (i.e., "split rail fence").
- E. **Class 5 - SOLID.** A fence that is less than fifty percent (50%) open as viewed from outside the fence.
- F. **Class 6 - HEDGE.** A wall consisting of living bushes, trees, plants or plant materials, but not including grass or weeds.

### **12-803 REQUIREMENTS OF FENCES**

- A. These requirements apply to all fences in unincorporated Arapahoe County enclosing any lot or greater than fifteen percent (15%) of a lot in any zone district.

- B. Except as otherwise provided in this Section, fences erected in front of any building on a zone lot shall not exceed three feet (3') in height.
- C. Side and rear yard fences may be of any class, as defined in Section 12-802 herein, but shall not exceed a height of six (6') feet excluding hedges; provided that a side yard fence shall not extend past the lot's front building line or the adjacent neighbor's front building line, whichever is closest to the rear lot line, unless a sixteen foot (16') minimum sight distance triangle is provided and that the fence is a minimum setback of eight foot (8') from the side (corner) property line as illustrated below:



- D. Except as otherwise provided in the Definitions Section, side and rear yard fences may be of any class, as defined in Section 12-802 but shall not exceed a height of six feet (6') excluding hedges; provided that a side yard fence shall not extend past the lot's front building line or the adjacent neighbor's front building line, whichever is closest to the lot's rear lot line.
- E. Except as otherwise provided in this Section, rear yards and side yards siding onto a major collector or arterial street may have a masonry wall not exceeding eight feet (8') in height under the following conditions:
  - 1. The wall must not be located within the public right-of-way and easements that are dedicated to Arapahoe County;
  - 2. The wall must be designed by a structural engineer licensed in Colorado for all applicable loads. The wall must be built in conformance to the wall construction plans approved by the Building Division;
  - 3. The same height, design, colors and materials must be used for the entire frontage of the subdivision.
- F. No barbed wire or electrically charged fence shall be erected or maintained, except on land zoned A-E, A-1, A-2, R-A, MU (if stables are a legal use), B-3, B-4, I-1 or I-2, and/or in conjunction with a jail or correctional facility. On land zoned B-3, B-4, I-1 or I-2, the fence must be of chain link construction, and the barbed or electrically charged portion of the fence must be at least six feet six inches (6'6") above the finished grade outside the fence. Any electrically charged fence in any zone district shall be clearly and conspicuously posted to warn those outside the fence that it is electrically charged, and shall be maintained by its owner.

- G. On corner lots, no fence or retaining wall shall be erected or maintained which obstructs the vision of automobile traffic on the adjacent streets or driveways.
- H. Retaining walls exceeding a height of four feet (4') from the finished grade on the low side of the wall shall be designed by a licensed structural engineer, and plans submitted for a fence permit shall show the seal of such engineer. Retaining walls within 30' sight triangles can not exceed three feet (3') in height.
- I. Every fence in the County, including but not limited to those fences for which no permits are required, shall be maintained in good structural condition at all times. The PWD Director, or his designees, or the Zoning Administrator, or his designee, shall inspect and have the authority to order the repair or removal of a fence which constitutes a nuisance or hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which shall constitute a hazard or zoning violation for any other reason.
- J. Fences on land zoned A-1, A-2 or A-E are excluded from the requirements of this Section, except for Sections 12-803.D and 12-803.G as long as such land is used for agricultural purposes and proper maintenance is exercised by its owner.
- K. Fences in B-3, B-4, I-1 or I-2 districts may be up to eight feet (8') tall, provided that the fence must be of Class 3 construction.
- L. Fences surrounding tennis courts may be up to twelve feet (12') tall.
- M. When the provisions of this Section conflict with the special fence provisions for particular uses found in other Sections of these Regulations, such special provisions shall control.
- N. Sound barrier walls, when constructed adjacent to major arterial roadways, shall be designed in accordance with CDOT.