

ARTICLE 8: FENCES, WALLS AND OBSTRUCTIONS TO VIEW

17-8-1. PURPOSE AND INTENT

1. Fences regulated by this Ordinance are considered a structure. The intent of this Ordinance is to regulate the location, character and maintenance of fences, retaining walls and similar structures to ensure compatible and harmonious relationships between abutting properties and the community at large, and to provide for safety and public welfare.

17-8-2. PERMIT REQUIRED

1. No person shall relocate, replace, construct or erect eight (8) linear feet or more of any fence at any location within the City without first obtaining the necessary building permit.
2. Every permit issued under the provisions of this article shall expire by limitation and become null and void if the authorized work is not commenced within 180 days from the date of permitting, or if the authorized work is not complete within 180 days. An extension may be granted for a specified amount of time upon request from the permittee. Only one extension may be granted for each fence permit issued.
3. No fence, trellis, pergola or arbor shall be erected without a building permit unless these structures are less than eight (8) feet wide and six (6) ft high. This includes connecting one or more sections of fence, trellis, pergola or arbor together. The Director may vary from this requirement at his or her discretion based on the standards in this Ordinance, to allow for aesthetic landscaping improvements or gateways. Please see figure 8-6 for an example.
4. Permits for temporary fences, for the purpose of protection or securing a site during construction, in conjunction with an active building permit for that property may be granted for a one-year renewable period. Such temporary fencing must be removed upon completion of construction and prior to the issuance of a certificate of occupancy.

17-8-3. APPLICATION FOR BUILDING PERMIT: SUBMITTAL AND APPROVAL PROCESS

1. Submittal Requirements. A dimensioned site plan accompanying a completed building permit application shall be submitted, showing the following items, but not limited to: location of any proposed or existing fences, fence gates, structures, lot lines, nearby streets, nearby pedestrian walkways, easements, retaining walls and landscaped areas. Elevations and/or a detailed description of all proposed fences shall be required along with height and material details illustrated. Staff may require additional information upon request.
2. Review. The application shall be reviewed for conformance with the performance standards provided in Section 17-8-10 of this Article. The applicant shall be notified as to the decision within three (3) business days of the application submittal for multi-family, office and commercial fencing and within one (1) working day for single-family and duplex residential fencing.

3. Action and Appeal. The Director of Community Planning and Development or his/her designee shall approve, approve with conditions, or deny the permit application. The applicant may appeal a denial of a fence application to the Lakewood Board of Adjustment. Such an appeal, accompanied by the necessary fee, must be filed in writing with the Secretary to the Board of Adjustment no later than fifteen (15) business days from the date of the decision. The fee for the appeal will be the same as collected for a major variance application as determined by the Lakewood City Council.

17-8-4. PERFORMANCE-BASED STANDARDS EXCEPTIONS

Performance Based-Standards (PBS) are a framework for residents, property owners, land planners and developers designed to encourage flexibility and creativity and to facilitate an efficient land development process. Performance Based Standards are also intended to ensure the effective integration of development or redevelopment projects with surrounding land uses and the community.

1. The Director of Community Planning and Development or his/her designee may grant an exception to the height, materials and location requirements for fences, walls or other structures regulated by this Article through the submittal of a written request for an exception, inclusive of an illustration of the proposed fence, outlining the reason for which the exception is warranted. All exceptions must be approved prior to building permit approval and issuance. An exception does not constitute a building permit. The Director or his/her designee may approve or conditionally approve the exception if all of the following Performance-Based Standards are met:
 - a. The fence, wall or structure height, location, design and landscaping are in scale and harmonious with the character of the neighborhood and respect the design, size and landscaping improvements located on adjacent properties.
 - b. Granting of the exception will not be detrimental to the public health, safety or welfare or materially injurious to other property or improvements in the neighborhood in which the property is located, and shall not limit visibility of pedestrians, bicyclists or motorists from street, alleys or driveways; and
 - c. Granting of the exception will not adversely affect or be inconsistent with the special area Plan, Comprehensive Plan, Neighborhood Plan and/or an Official Development Plan (if applicable).

A fee must be submitted with the exception request, the amount of which to be the same as is required for a minor variance application. This amount is determined by the Lakewood City Council. The applicant may appeal a denial of an exception to the Lakewood Board of Adjustment. Such an appeal must be filed in writing with the Secretary to the Board of Adjustment no later than fifteen (15) business days from the date of the decision. The fee collected as required in paragraph (d.) above may be credited toward the required fee for the appeal. The fee for an appeal will be determined by the Lakewood City Council.

17-8-5.MAINTENANCE

1. Fences, walls and structures regulated by this Article shall be maintained in a safe manner perpendicular to the ground. Should a fence or wall lean or sag more than 20° to either side, perpendicular to the ground, it shall be considered to be a nuisance or a hazard as defined in and regulated by the Lakewood Municipal Code and must be removed or repaired. See Figure 8-3.
2. Fences and walls no longer maintained in a safe manner and/or which create a hazard through neglect, lack of repair, manner of construction, method of placement, or otherwise, shall be repaired, replaced or removed by the property owner. Examples of lack of maintenance shall include, but are not limited to, protruding or exposed wire, missing and/or protruding pickets, sagging or leaning more than 20° to either side, extending into a traveled walkway or creating a hazard for a pedestrian or motor vehicle.

17-8-6.LEGAL NON-CONFORMING FENCES

1. A fence is legal non-conforming if at the time the fence was erected, a fence permit was issued and it complied with the fence regulations in effect at the time but no longer meets the requirements of the new regulations.
2. Termination of a Legal Non-Conforming Fence: A legal non-conforming fence may remain in its existing configuration unless it is determined to be a hazard or nuisance as outlined in 17-8-5 above. Further, a legal non-conforming fence must be brought into conformance or terminate and cease to exist if any one of the following conditions occur:
 - a. Whenever a legal non-conforming fence is damaged or destroyed more than sixty percent (60%) of its total replacement value or 60% of the fence is repaired or replaced, over a cumulative period of two (2) years.

17-8-7.VISION CLEARANCE AT CORNERS, RAIL LINE CROSSINGS AND DRIVEWAYS

1. Except as specifically permitted in this ordinance, no fence which is less than 50% open, wall, hedge or other structure or obstruction above a height of twenty four (24) inches shall be constructed, placed or maintained within the fifty-five (55) foot sight triangle of the intersection of the flow lines of two (2) streets or rail lines or at a street intersection.
2. Except as otherwise specifically permitted in this ordinance, no tree which has foliage lower than eight (8) feet shall be placed or maintained within the fifty-five (55) foot sight triangle of the intersection of the flow lines of two (2) streets or rail lines or at a street intersection.
3. The sight triangle referenced in paragraphs 1 and 2 above shall be measured from the flow line or, in the absence of curbs and gutters, as measured from the edge of asphalt.

4. A forty-two (42) inch fence that is a minimum of fifty (50) percent open is permitted as approved by the City of Lakewood Traffic Engineering Division. See Figure 8-4.
5. In the instance of a corner lot where it is permitted to have a solid fence along a non-primary front property line that coincides with an adjacent property's primary front yard, no fence will be permitted that creates a hazard for vehicles exiting that property or for pedestrians walking along a sidewalk or traveled walkway. Please see figure 8-4.

17-8-8. MEASUREMENTS.

1. All fences, wall and structure heights, except those described in section 17-8-7(1), shall be measured from the lowest finished grade at the location of the fence, wall or structure. The height of fences described in Section 17-8-7(1) shall be measured from the finished curb level or if no curb is present, the finished level of the asphalt.
2. A combination fence and retaining wall may be erected to a height of seventy-two (72) inches above the highest finished grade or ninety-six (96) inches above the lowest finished grade, at the location of the fence, except that at no time shall the fence portion exceed seventy-two (72) inches above the highest finished grade at any point. Please see figure 8-2. All retaining walls shall be in conformance with the standards set forth in Title 14.21.150 of the Lakewood Municipal Code.
3. For the purpose of this ordinance, a retaining wall must act as a support barrier between a natural drop or rise in the grade of the land on either side of the retaining wall. A retaining wall cannot be built for the purpose of elevating a fence to any height more than allowed.
4. Combination fences of lattice and other decorative materials may be used in conjunction with approved materials; however, at no time shall the combination exceed the height limitation for that zone district.

17-8-9. PLACEMENT OF FENCE

1. No portion of a fence shall extend beyond the property line of the fenced property into the public right-of-way unless a Public Right-of-Way Permit has been obtained. It may be necessary to obtain a License Agreement prior to erecting a fence in the public right-of-way.
2. Fences must be set back and/or lowered in height, as deemed appropriate by the City of Lakewood Traffic Engineering Department applying the criteria of this Article, so that operators of motor vehicles or pedestrians exiting an adjoining property shall have reasonably unobstructed visibility of the street and sidewalk. See 17-8-7(2) above and figure 8-4.
3. All fences and walls shall be set back a minimum of two (2) feet from the back edge of the traveled walkway or back of sidewalk, whichever is greater in order to allow for safe passage by persons on a sidewalk or traveled walkway adjacent to the fence. This setback requirement includes fence support systems such as posts, pillars and columns.

4. All fence locations on through-lots, as defined in Article 2 of this Ordinance, shall be reviewed on a case-by-case basis by the Director or his/her designee and such fences shall meet the requirements established in 17-8-9 (1), (2) and (3).
5. See Figures 8-4 and 8-5 for an illustration of the regulations related to the placement of fences and walls.

17-8-10. PERFORMANCE STANDARDS

1. GENERAL REQUIREMENTS

- a. Fences shall be installed so that the finished side faces a public way or public space. All post and structural members, not decorative in nature, shall be on the side facing the fence owner's property.
- b. Fencing shall be installed vertical to the ground and the top finish of the fence shall be uniform in height. Fences shall follow the contour of the ground as far as practical. Adjustments for grade shall occur at the bottom of the fence to every extent possible.
- c. Gates adjacent to sidewalks, alleys and public rights-of-way shall open inward to the private property.
- d. An improved driving/parking surface is required prior to the construction of any gate which will serve as vehicular access.
- e. No fencing shall be erected so as to restrict access by emergency equipment to any building.

2. MATERIALS

- a. Approved materials for fence construction include, but are not limited to: commercial quality wood, brick, masonry, metal, stone, wrought iron, manufactured vinyl or PVC fence material or any other material approved by the Director of Community Planning and Development in advance of receiving a building permit. All material used in wood fences shall be either naturally rot resistant (such as cedar), or pressure treated for rot resistance, or shall be coated thoroughly with paint or protective coating within 30 days of installation.
- b. Prohibited fence materials shall include, but are not limited to: aluminum siding, automobile or truck parts, smooth face concrete masonry units/blocks, cloth or plastic tarps, scrap wood or any other material not customarily sold for fencing in the Denver Metropolitan area or specifically prohibited by the Director of Community Planning and Development. The insertion of plastic slats into chain link fencing is not considered solid fencing. Plastic or temporary construction fence may not be used as a permanent fence material.

3. STANDARDS FOR RESIDENTIAL PROPERTIES

Intent: To enhance and preserve the residential integrity of all residential properties and to enhance the public health, safety and welfare by regulating such matters as sight obstruction for vehicular and pedestrian traffic. Residential standards shall apply to all properties utilized for residential purposes, regardless of the zoning of the property.

- a. All fences in the front yard shall be a maximum of 42 inches high and 50% open. Fences in the rear yards, side yards and non-primary front yards may be solid and shall not exceed 72 inches in height. Fence/retaining wall combination regulations shall also apply. See Figure 8-2.
- b. All solid fencing or wall sections along a public or private street frontage totaling more than 200 feet in length shall include architectural features, such as a masonry, brick or a wood-framed column, every 50 feet. The distance between said features shall be a minimum of 8 feet. Approved columns may exceed the height of the fence by one foot but must meet all setback requirements.
- c. All fences shall be subject to a site plan review as described in Section 17-8-3.
- d. Placement of fences shall not obstruct recognized view corridors as identified in the Lakewood Comprehensive Plan and sight triangles.
- e. Proposed fencing should be designed to adequately relate in scale to adjacent neighborhoods and the street frontages.
- f. Fence design, materials, elements and features should contribute to and harmonize with the qualities of the adjacent properties.

4. STANDARDS FOR COMMERCIAL AND INDUSTRIAL PROPERTIES

Intent: The intent is to provide aesthetically pleasing fences for commercial properties, to buffer commercial uses from adjacent residential uses, to provide for adequate streetscape softening and to enhance the public health, safety and welfare by regulating such matters as sight obstruction for vehicular and pedestrian traffic.

- a. Please see figure 8-1 for commercial fence setbacks and height restrictions.
- b. All solid fencing or wall sections along a public or private street totaling more than 200 feet in length shall include architectural features, such as a masonry, brick or wood framed column, every 50 feet. The distance between said architectural features shall be a minimum of 8 feet. Approved columns may exceed the allowable height of the fence by one foot but must meet all setback requirements.

- c. All fences shall be subject to a site plan review as described in Section 17-8-3.
- d. Placement of fences shall not obstruct recognized view corridors as identified in the Lakewood Comprehensive Plan and sight triangles.
- e. Solid fencing or buffering (as explained in Article 15 of this Ordinance) is required between commercial or industrial properties and adjacent residential uses and/or residential zoning classifications. The insertion of plastic slats into chain link fences is not considered solid fencing. Refer to approved materials above.
- f. Proposed fencing should be designed to adequately relate in scale to adjacent neighborhoods, properties and the street frontages.
- g. Fence design, materials, elements and features should contribute to and harmonize with the qualities of the adjacent properties.
- h. Fences and walls, when applicable, should be constructed using the same or similar materials as the main building.
- i. Landscaping in accordance with Article 15 of this Ordinance shall be used in conjunction with front yard fencing to soften, screen and enhance the property to avoid the encroachment of the proposed use on abutting land uses.

17-8-11. ENFORCEMENT

This Article may be enforced by the following methods at the discretion of the Director:

1. The issuance of municipal court summons;
2. The issuance of a notice of abatement as set forth in Chapter 9.80 of the Lakewood Municipal Code, including the notice provisions and time frames set forth therein;
3. Notice of violation by the Director and appeal therefrom as set forth in the Lakewood Zoning Ordinance Article 17-4-1, *et.seq.*
4. Filing of a civil complaint in Jefferson County District Court.

Whenever a violation of this Article exists, no remedy provided for herein shall be exclusive.

Figure 8-1
Commercial and Industrial Fence Standards (must also refer to performance standards)

Note: For Residential Fence Standards Refer to the Individual Zone Districts (Section 17-5-1)

ZONE DISTRICT	PERMITTED LOCATION	TYPE OF FENCE PERMITTED	MAXIMUM HEIGHT	MINIMUM SETBACK	ADDITIONAL REQUIREMENTS/COMMENTS
OF, 1C through 5C Office / Commercial	Side and rear yards, non-primary front yards	Open, solid	72"	property line	<p>All non-primary front yard fences must be a minimum of two (2) feet from back of side walk or traveled walkway</p> <p>Solid fences in the non-primary front yard must be accompanied by landscaping in accordance with Article 15 to soften its impact to the public right-of-way.</p>
	Front yard	Open, solid (at the discretion of the Director)	72"	Property line	<p>All front yard fences must be a minimum of two (2) feet from back of sidewalk or traveled walkway</p> <p>Solid fences in the front yard must be accompanied by landscaping in accordance with Article 15 to soften its impact to the public right-of-way.</p>
	Gates	Same as fence	Same as fence	Gates must be setback at a minimum 20' from flowline of the street or back of curb in order to meet vehicle stacking requirements (see Article 9)	Gates must swing inward on to private property or slide sideways so as not to create a traffic hazard.

IN Industrial	Side and rear yards	Solid	84"	property line	
		Barbed Wire	84", but may not be located below 72"	property line	
	Front yard, non-primary front	Open, solid (at the discretion of the Director)	84"	Property line	<p>All front yard and non-primary front yard fences must be a minimum of two (2) feet from back of side walk or traveled walkway.</p> <p>Solid fences in the front yard must be accompanied by landscaping in accordance with Article 15 to soften its impact to the public right-of-way.</p>
	gates	Same as fence	Same as fence	Gates must be setback at a minimum 20' from flowline of the street or back of curb in order to meet vehicle stacking requirements (see Article 9)	Gates must swing inward on to private property or slide sideways so as not to create a traffic hazard.

ANY DISTRICT					
Public Utility Installations	Front, side and rear yards	Open, Solid	84"		All front yard and non-primary front yard fences must be a minimum of two (2) feet from back of side walk or traveled walkway
		Barbed Wire	84", but may not be located below 72"		
Recreational Facilities (such as tennis courts, basketball courts)	Side and rear yards	Open	120"	15' from property line	
Swimming Pools Hot Tubs and/or Ponds	Front, side and rear yards				Any person owning land in the City of Lakewood on which there is situated a swimming pool, hot tub or pond, either above ground, semi-sunk or full depth recess, being eighteen (18) inches or more in depth at any point, shall erect and maintain thereon an adequate fence sufficient to make such body of water inaccessible to small children. Such fence, including gates therein, must be not less than forty-two (42) inches above the underlying ground. All gates must be self-latching with latches placed forty-two (42) inches in height. Space between the pool and the interior of the fence shall be a minimum of five (5) feet.

<p>Noise Control Walls and Fences</p>	<p>Rear yards and non-primary front yards adjacent to arterial streets;</p> <p>Any yard adjacent to frontage roads on US 6 and US 285</p>	<p>Solid masonry of wood with pickets on both sides of the horizontal boards and the pickets must be a minimum of 3/4 inch thick and must be staggered from the opposite pickets.</p>	<p>Eight feet</p>		<p>Solid fences and walls may be erected to a height of eight feet when so positioned as to separate a property from an arterial street or a frontage road adjacent to the US 6 and US 285 Highways as designated in the City of Lakewood Major Street Plan. The Director of Community Planning and Development shall consider the aesthetic, visual, and noise reduction characteristics of the fence and wall.</p>
---------------------------------------	---	---	-------------------	--	--

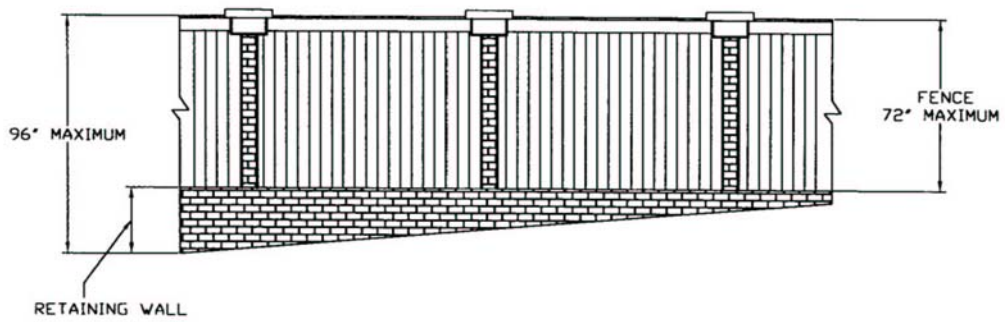


FIGURE 8-2.
COMBINATION OF RETAINING WALL AND FENCE
 NOT TO SCALE

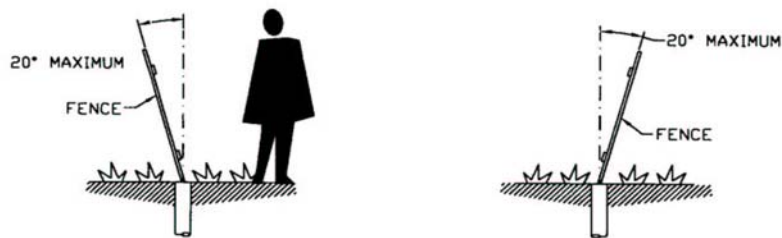
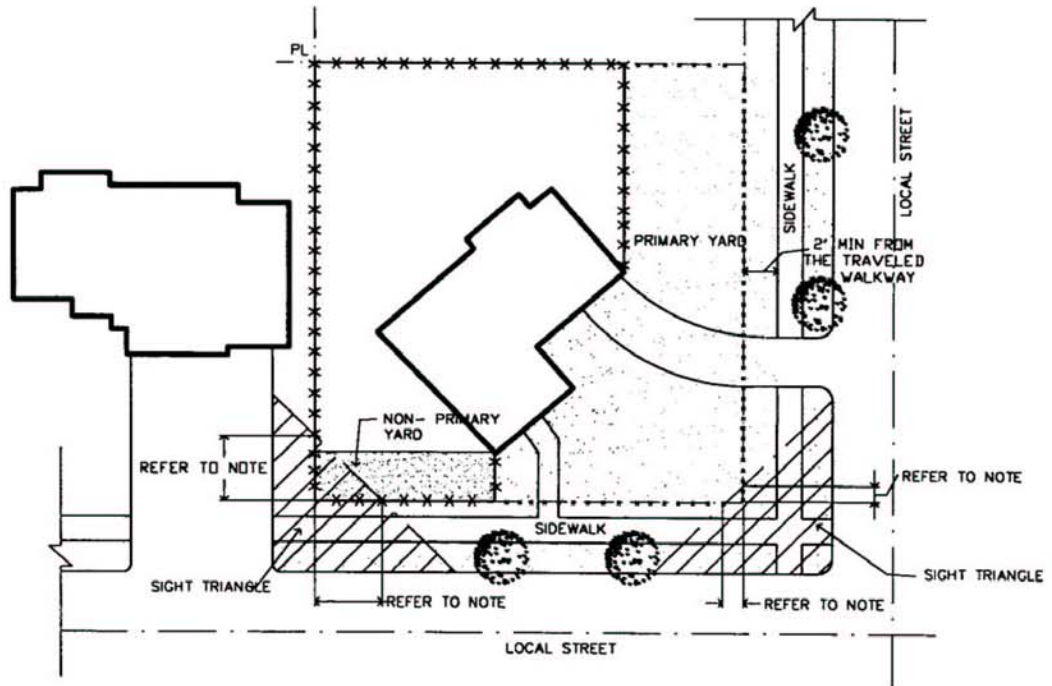
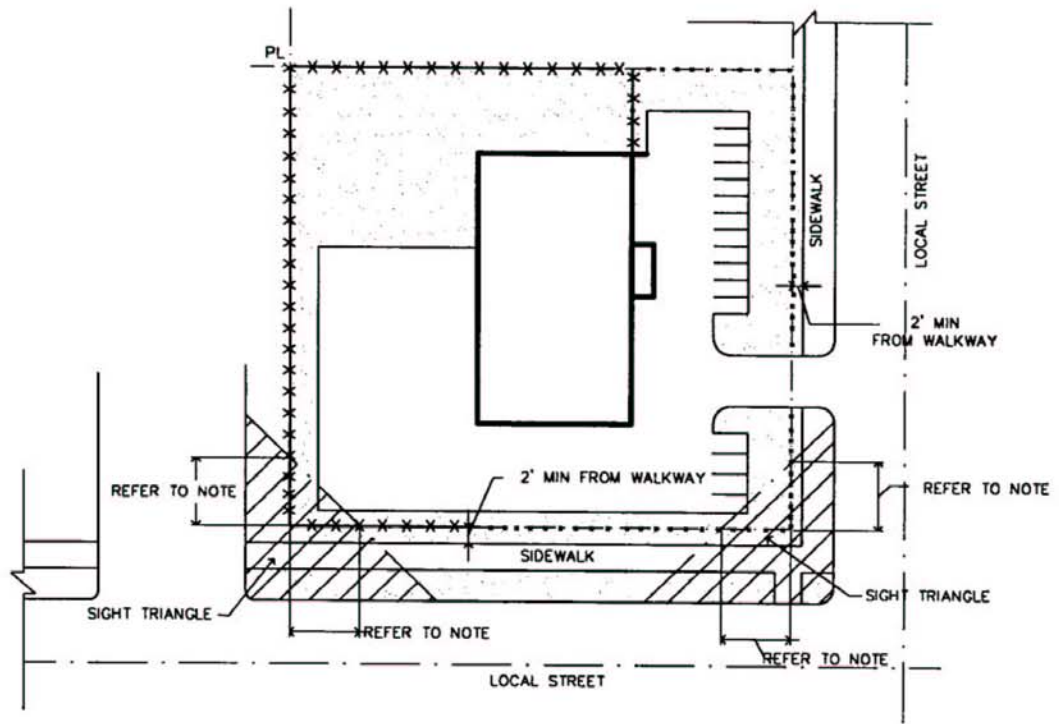


FIGURE 8-3.
THIS FENCE REQUIRES REPAIR OR REPLACEMENT
 NOT TO SCALE



NOTE:
 TYPE, STYLE AND HEIGHT OF THE FENCE IN THIS
 AREA IS SUBJECT TO REVIEW BY THE LAKEWOOD
 TRAFFIC ENGINEERING DIVISION
 X-X-X-X-X 72" (6') TALL SOLID TYPE FENCE
 ----- 42" OPEN TYPE FENCE

FIGURE 8-4.
PERMITTED FENCE LOCATION FOR
 RESIDENTIAL PROPERTIES



NOTE:

TYPE, STYLE AND HEIGHT OF THE FENCE IN THIS AREA IS SUBJECT TO REVIEW BY THE LAKEWOOD TRAFFIC ENGINEERING DIVISION

X-X-X-X-X 72" TALL OPEN/SOLID FENCE

----- 72" OPEN TYPE FENCE IS ALLOWED, SOLID FENCE MAY BE ALLOWED SUBJECT TO REVIEW

FIGURE B-5.
PERMITTED FENCE LOCATION FOR
 COMMERCIAL PROPERTIES

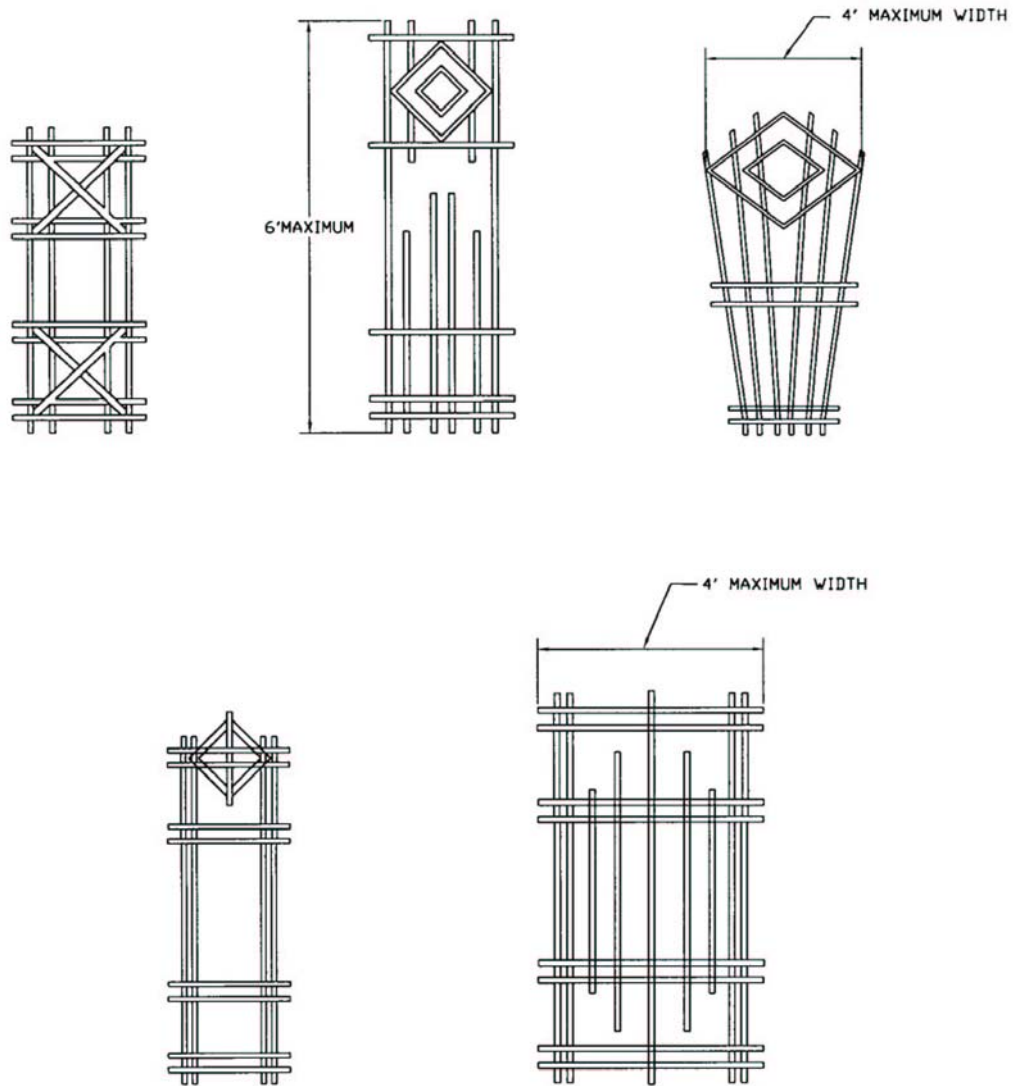


FIGURE 8-6.
LATTICES EXEMPT FROM PERMITTING PROCESS AS
 DESCRIBED UNDER ORDINANCE 17-8-2(3)