
TEXT AMENDMENT TA-19-05

TO: City of Pueblo Planning and Zoning Commission
FROM: Kelly Grisham, Senior Planner
THROUGH: Steven Meier, Director of Planning and Community Development
DATE: July 10, 2019
SUBJECT: An Ordinance amending Section 17-4-22 of Title XVII of the Pueblo Municipal Code relating to fences, walls and hedges.

Background:

The purpose of this text amendment is to regulate the installation of fences, walls, hedges and any similar screening methods to minimize the impacts that result from fence location and height, without limiting the intended function of fences, walls and hedges

1. General regulations:
 - a. Provides what is included in the requirements of the regulations.
 - b. States that the responsibility of locating the property lines is solely with the property owner. The Planning and Public Works Departments can help with identifying property lines; however, the responsibility will still lie with the property owner. The only true way to accurately identify the property lines is to find the property pins or higher a surveyor to find or set the property pins.
 - c. The general requirements also limit the encroachment of hedges into the public right-of-way and allow that hedges can be used in the same manner or purpose as a fence or wall.
2. Fence Location:
 - a. This Section defines the location that fences may be placed upon the property. This includes setbacks from property lines for solid fences that are over seven (7) feet tall, requirements for gates, and setbacks from fire hydrants.
3. Maximum Height:
 - a. The Section regarding the maximum height defines how fence height is measured and provides maximum height limits for fences based on the use of the property.
 - b. In addition, this Section provides the Administrative Official the ability to allow taller fences based on proven need for heightened security.
 - c. Several diagrams are provided in this Section to demonstrate the location of the primary front yard, secondary front yard, rear and side yards as they relate to the fences, walls and hedges.

4. Materials:
 - a. The materials section provides the standards for materials that are permitted and not permitted as well as architectural features required for long expanses of fences.
5. Security Fencing:
 - a. This Section provides standards for security fencing, where permitted, height allowed, and provisions for electrically charged fences.
6. Screening:
 - a. This Section provides standards for fencing that is used for screening purposes and reflects the provisions contained in the Industrial Performance Standards, Section 17-4-49 of the PMC.
7. Temporary fences:
 - a. This Section provides standards for the instances temporary fencing is permitted and the maximum amount of time that temporary fencing is allowed.
8. Variances:
 - a. This Section provides clarification to the allowances for variances that the Zoning Board of Appeals is permitted to grant.
9. Maintenance:
 - a. This Section allows the Administrative Official to order a fence to be removed when it is dilapidated, dangerous or those causing traffic sight hazards.

Attachments:

- A. Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XVII OF THE PUEBLO MUNICIPAL CODE RELATING TO FENCES, WALLS, AND HEDGES

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 17-4-22 of the Pueblo Municipal Code is hereby modified to read as follows:

Sec. 17-4-22. - Fences, walls and hedges.

[Except as prohibited in Chapter 3 of Title XV of this Code, fences, walls and hedges may be permitted in any required yard, or along the edge of any yards.] **The purpose of this Section is to regulate the installation of fences, walls, hedges, and any similar screening methods to minimize the impacts that result from fence location and height, without limiting the intended function of fences, walls, and hedges.**

- (a) All new fences, walls, hedges, or similar screening shall be subject to the requirements of this Section.**
- (b) Identification of property lines. It shall be the responsibility of the property owner to locate all property lines. No fence, hedge, or wall may extend into any street, alley, or other right-of-way.**
- (c) Hedges. Hedges may be used in the same manner and for the same purpose as a fence or wall. Hedges shall not encroach upon a sidewalk, street, or other right-of-way.**
- (d) Fence Location. Except as prohibited by easement, agreement, dedication, or this Code, including Section 15-3-2 hereof, fences and walls shall meet the following placement requirements:**
 - (1) Fences and walls that are seven (7) feet tall or less, or those that are open weave or slat type with at least 50% of the fence open, may be placed in any required yard or along the edge of any yard.**
 - (2) Fences and walls that are over seven (7) feet tall and solid, with less than 50% of the fence open, shall meet the minimum required setbacks for accessory structures according to Section 17-4-23 of this Code.**
 - (3) Vehicular gates must be set back a minimum of twenty (20) feet from the flowline of the street or from the back of the nearest parallel curb. This requirement may be waived or modified by the City Traffic Engineer in**

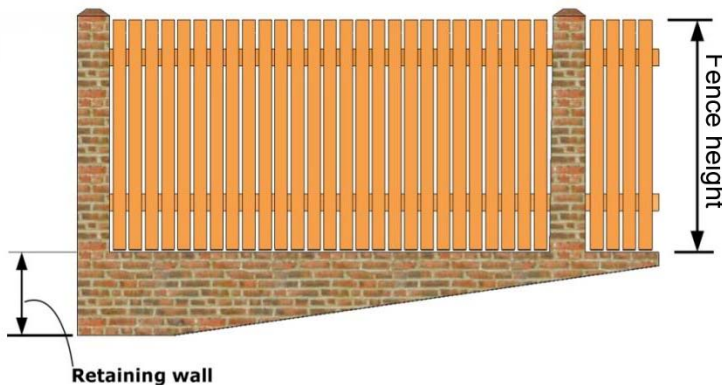
cases where the additional setback is unnecessary due to electronic gates, anticipated minimal impact to the surrounding traffic and neighborhood, or anticipated use of the property.

(4) Fences, walls, and hedges may not hinder or obstruct access to, or encroach within a three (3) foot radius, or further if required by the International Fire Code, of any fire hydrant.

(5) Gates adjacent to sidewalks, alleys, or public rights-of-way shall open inward to the private property.

(6) Fences shall be constructed to orient any exposed structural framework away from the street and public rights-of-way.

(e) Maximum height. The maximum height of the fence or wall, as measured from the highest side of the natural grade adjacent to the fence, shall comply with the requirements listed below:



(1) Fences and walls located on one-family and two-family residential properties shall not exceed the following height requirements:

a) All fences in the primary front yard shall not exceed four (4) feet in height if the fence is at least fifty-percent (50%) open, or three (3) feet in height if the fence is less than fifty-percent (50%) open;

b) All fences in the rear yard, side yard and non-primary front yard shall not exceed seven (7) feet in height.

(2) Fences, walls, and hedges located on or adjacent to multi-family and commercial properties shall comply with the following height requirements:

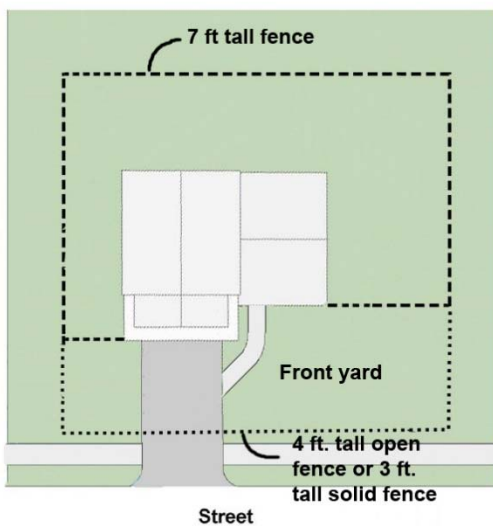
a) All fences in the primary front yard shall not exceed seven (7) feet in height if the fence is at least fifty-percent (50%) open, or forty-two (42) inches in height if the fence is less than fifty-percent (50%) open;

b) All fences in the rear yard, side yard and non-primary front yard, shall not exceed seven (7) feet in height;

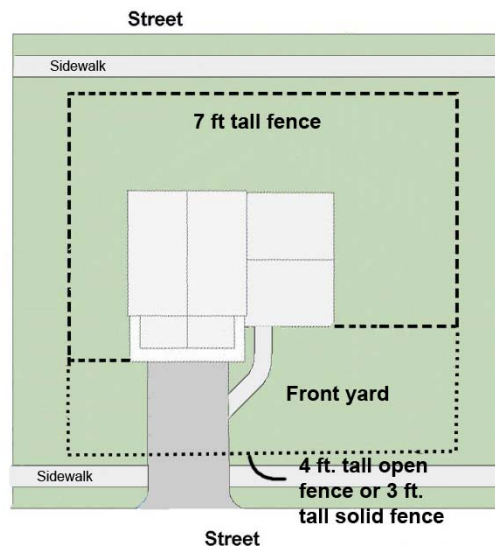
c) Fences in the front yard for multi-family or commercial uses may exceed fifty-percent (50%) solid at the discretion of the Administrative Official.

(3) Fences, walls, and hedges located upon or adjacent to industrial properties shall not exceed seven (7) feet in height.

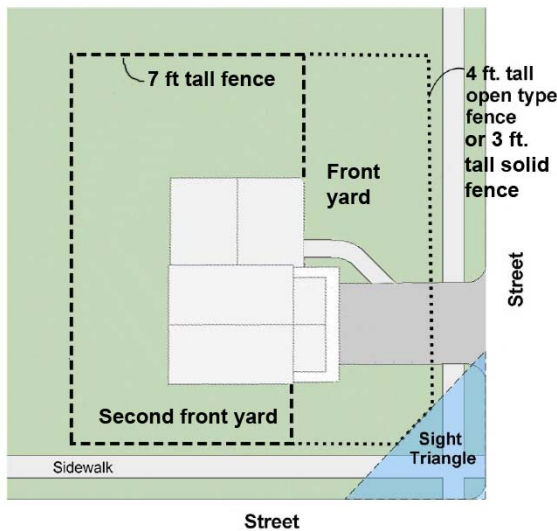
(4) Fences may exceed the height requirements listed above at the discretion of the Administrative Official for proven need for heightened security or to separate residential uses abutting commercial, industrial, or other conflicting uses.



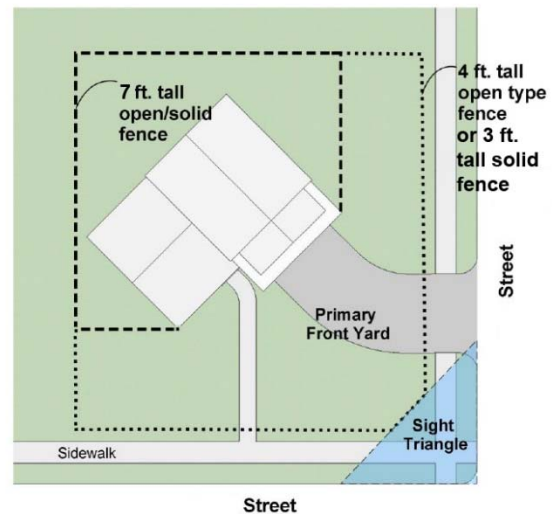
Interior Lot



Thru Lot



Corner Lot



Corner Lot – Alt Orientation

(f) Materials. The following standards shall apply to all permanent fences and walls:

- (1) Permitted materials for fence construction include, but are not limited to, commercially available fencing or wall materials including wood pickets, wrought iron, wire, chain link, or block.**
- (2) Prohibited fence materials shall include, but are not limited to, aluminum siding, vehicle parts, cloth or plastic tarps, scrap wood, scrap lumber, plywood, snow fencing, tree branches, tree trunks, sheet metal, railroad ties, plastic or fiberglass sheets, or any other material not customarily sold for permanent fencing.**
- (3) Temporary fencing materials, such as plastic or snow fence, may not be used as permanent fencing material.**
- (4) Solid fencing or wall sections visible from a street and totaling more than one hundred (100) linear feet in non-residential districts or two hundred (200) linear feet in residential zone districts, shall include architectural features located every fifty (50) to seventy-five (75) feet in length, with the features located at the corners of the adjoining property where possible. Architectural features may include columns, insets, or landscape pockets.**

(g) Security Fencing. No barbed wire, razor edge, electrically charged fence, or other fencing for security purposes shall be permitted, except as follows:

- (1) Only permitted in or adjacent to industrially zoned properties.**
- (2) Not permitted in non-industrially zoned properties.**
- (3) Maximum height of barbed wire or razor edge is twelve (12) inches above a fence or wall.**
- (4) The barbed wire or razor edge fence may not extend above the right-of-way and cannot exceed a 45-degree angle.**
- (5) Electrically charged fences are only permitted for containment of livestock in agricultural zone districts and must be used on the inside of permanent fencing. All electrically charged fences must provide appropriate signage that identifies the fence as being electrically charged.**
- (6) Electrically charged fences are limited to low impedance, commercially available fences using an interrupted flow of current.**
- (7) Low voltage “invisible fences” used to contain domestic pets are permitted.**

(h) Screening. The following requirements shall apply to the materials used as required screening:

(1) In industrial zones, chain link fencing, with or without screening attachments, is not an acceptable screening mechanism along primary facades. Chain link fencing with screening attachments may be used for screening or security purposes along secondary facades, as long as the fence is set back from the right-of-way and is not visually obtrusive.

(2) In non-industrial zones, chain link fencing, with or without screening attachments, is not an acceptable screening mechanism.

(i) Temporary fencing. Temporary fencing, installed to protect a site, may be used only in conjunction with active construction, site cleanup, special events or similar type of activities. Temporary fencing is permitted for a maximum of six (6) months during construction or reconstruction of a fence.

(j) Variances. The Zoning Board of Appeals is permitted to approve variances to this Section when the standards do not appear reasonable for a particular property or case.

(k) Dilapidated, dangerous fences or walls, or fences or walls causing traffic sight hazards, shall be removed when so ordered by the Administrative Official.

SECTION 2.

The officers and staff of the City are directed and authorized to perform any and all acts consistent with the intent of the Ordinance to effectuate the policies and procedures described herein.

SECTION 3.

This Ordinance shall become effective thirty (30) days after the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

Approved on _____.

Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

- Council did not act to override the Mayor's veto.
- Ordinance re-adopted on a vote of _____, on _____
- Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

Acting City Clerk