

Ordinance 2016-06

AN ORDINANCE OF THE FRUITA CITY COUNCIL APPROVING AMENDMENTS TO SECTION 17.07.070.H, FENCES, OF THE FRUITA LAND USE CODE

WHEREAS, there is a need to amend Fruita's regulations regarding fences to address several concerns and to clarify requirements, and

WHEREAS, the Fruita Planning Commission held a public hearing on March 8, 2016, regarding proposed amendments to Chapter 7 of the Fruita Land Use Code, including Section 17.07.070.H regarding fence requirements, and

WHEREAS, a public hearing was held before the Fruita City Council on March 1, 2016, April 7, 2016, May 3, 2016, and June 7, 2016, regarding proposed amendments to fencing requirements in the Fruita Land Use Code.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA COLORADO AS FOLLOWS:

THAT Section 17.07.070.H of the Fruita Land Use Code is hereby amended to read as follows:

- H. Fences. The purpose of this Section is to ensure fences erected within the city do not impede traffic safety, do not conflict with applicable codes, and impose no deleterious effect on any neighborhood. A Planning Clearance shall be required before erecting, moving or altering a fence in the city. Fences shall conform to the following requirements:
1. No fence shall be erected in such location upon any lot or property in a manner constituting a traffic hazard because of obstruction of view. The City of Fruita Design Criteria and Construction Specifications Manual and the City of Fruita Land Use Code shall be used as the criteria for determining compliance. No fence shall be constructed to within four (4) feet of or prevent access to any fire hydrant, utility pedestal, vault, cabinet, or similar feature.
 2. Fences shall be constructed of durable materials, which may include but are not limited to, wire (e.g., chain link), vinyl-coated wire, wrought iron, wood, extruded plastic (e.g., from fence manufacturer), and other materials similar in appearance and durability. Unacceptable materials that are visible to the public include: glass, tires, razor wire, barbed wire and/or concertina wire, junk, and any material that presents a public health or safety hazard.

The prohibition on razor wire, barbed wire, concertina wire and similar wire fences does not apply to the Industrial (I) zone provided that there are no more than three (3) strands or one (1) coil of wire and the fence is

located at least five (5) feet from the public right-of-way. The wires are not counted in the height calculation. Electric and barbed wire fencing is allowed in zones which allow large animals (such as horses, cows and sheep) only when properly installed and necessary to contain large animals, and the fence must be located no closer than ten (10) feet to the public right-of-way.

3. There shall be no fence or wall erected which exceeds six (6) feet in height as measured from the natural grade except as permitted in subsection 6 below. Where the city has approved construction of a retaining wall, the height of the retaining wall shall not be included in the height of the fence. An increase of up to two (2) inches is allowed when spacing for drainage under a fence is needed.
4. Except as allowed for corner lots (subsection 5 below), fences in the required front yard setback shall not exceed thirty-six (36) inches in height; however, such fences may be increased to forty-eight (48) inches maximum height if the fence material is at a ratio of not less than half open space to half closed space for every square foot for that part of the fence extending above thirty-six (36) inches in height. Examples of fence types that would typically comply include: chain link, picket, split rail, and similar fences.
5. On corner lots, solid fences up to six (6) feet in height within a front yard setback may be permitted on one street frontage provided the fence conforms to the required clear sight triangle.
6. Fences in excess of six (6) feet shall comply with applicable building codes and all required setbacks for primary buildings, as applicable. Fences in Industrial (I) zones may exceed six (6) feet as provided for in subsection 2 above.
7. Fences in zones which permit a zero building setback must meet design standard requirements of Chapter 11 of this Title.
8. A gated fence across a driveway must be designed so that the longest vehicle using the driveway can completely clear the traveled way of the public street when the gate is closed.
9. Where a fence is proposed in conjunction with a development or change in use, the location, height, materials, and detailing of the fence may be subject to other requirements or limitations to ensure consistency with the purposes of this Title.
10. All fences shall be properly maintained by the owner so as to not become a public nuisance or hazard.

11. For properties fronting on major arterial roadways as identified in the Fruita Master Plan, the front property line along the roadway is permitted to be fenced as long as the fencing does not encroach into the clear sight triangle.
12. Any appeal of the City Manager's decision on a fence permit shall be made to the City Council as provided in Section 17.05.060 of this Title.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
7th DAY OF June, 2016.**

City of Fruita

ATTEST:

Lori Buck, Mayor

City Clerk