

Fences



Facts to Know

INTRODUCTION:

This handout is intended to provide quick and easy-to-understand information for property owners and contractors who want to build a fence or wall in Commerce City. It does not include all of the regulations contained in the Land Development Code, but provides enough information to get a typical fence project through the permitting process.

Fencing standards are contained within Article VII of the Land Development Code (LDC), which was adopted by City Council in 2009, and applies to all new fences. Fences which legally existed prior to 2009 but do not conform with current standards are considered non-conforming structures and are not allowed to be altered, enlarged, replaced, or relocated unless they comply with the current standards.

In communities with Home Owners' Associations (HOAs), there may be specific fencing guidelines which must be met. Please check with the HOA in your community before submitting a building permit to the City for review.

For regulations pertaining to specific types of fences not covered here, please review Article VII of the LDC, available on the City's website at www.c3gov.com/LDC, or contact the Planner of the Day.

CITY REQUIREMENTS FOR A FENCE PERMIT:

The fencing standards determine the allowed fence height, setback, and style based on the use of the property, the location of the proposed fence, and the surrounding land uses. Therefore, it is essential to include the following information in your submittal to ensure a timely review of your permit application:

- **Fence Height and Style:** Height is measured from the top of the fence to the highest finished grade of the lot directly under the fence. Fence style is discussed further in the next section. Indicate the height and style of the proposed fence on the site plan as well as on any applicable pages in the submittal packet. If there will be more than one height or style, clearly show which sections of the fence will be which.
- **Fence Location:** The proposed location of the fence must be drawn on the site plan, along with distances from the fence to any property lines. Be sure to also include the location of any vehicular gates on the site plan.
- **Adjacent Land Uses:** Identify the use of land on each side of the property, including streets, parks, open space, adjacent homes, businesses, etc.

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Fence Styles

There are two basic fence styles allowed: screen style, open and style. Open style fences allow some visibility to the interior portion of the lot, while screen style fences provide an opaque surface and are designed to conceal the interior portion of a property from adjacent properties and the public right-of-way. Below are examples of these fence styles:

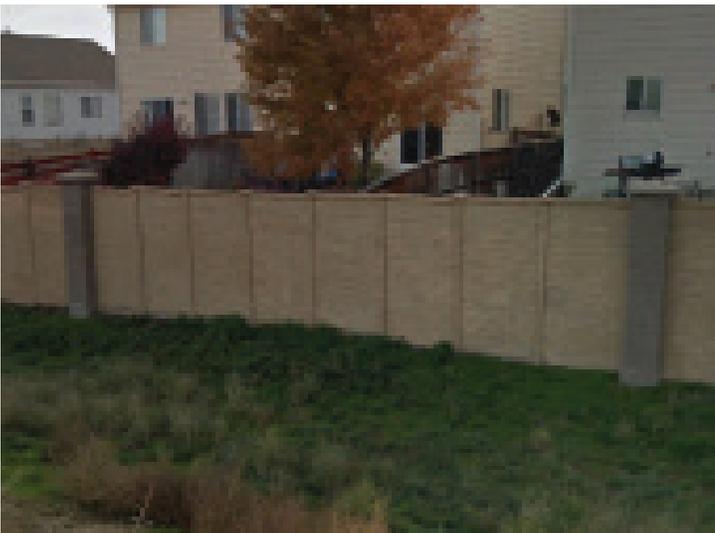
- **Screen Style:** Includes picket privacy fences, masonry walls, and other types of concealing fences.



← Wood Pickets



→ Vinyl Pickets



← Masonry Wall

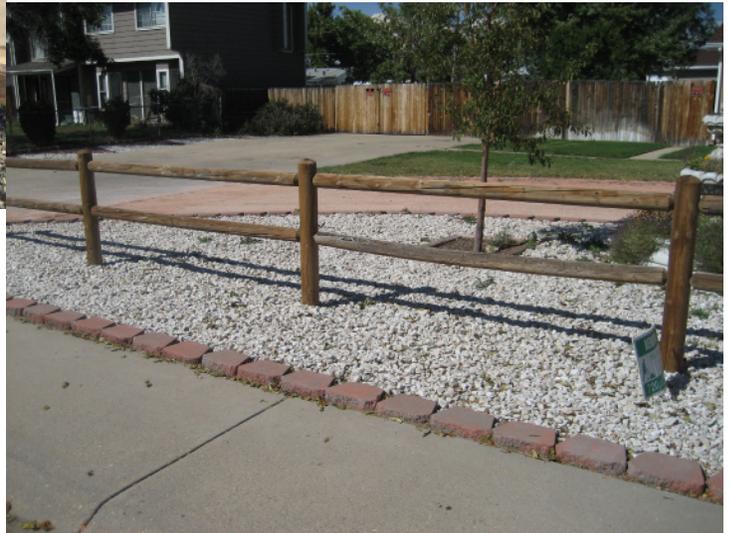
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- **Open Style:** Includes open rail, split rail, separated pickets, alternating pickets (shadowbox style), chain link, and wrought iron. For separated picket fences, the minimum spacing between pickets is 2 inches.



↑ Open Rail

↓ Split Rails



↑ Separated Wood Pickets

↓ Alternating Wood Pickets (Shadowbox)



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↑ Chain Link

↓ Wrought Iron



- **Combination:** A fence which combines elements of both open and screen styles may be allowed and considered open style where a masonry base, not exceeding 2 feet in height, has a decorative metal material built on top of that base.



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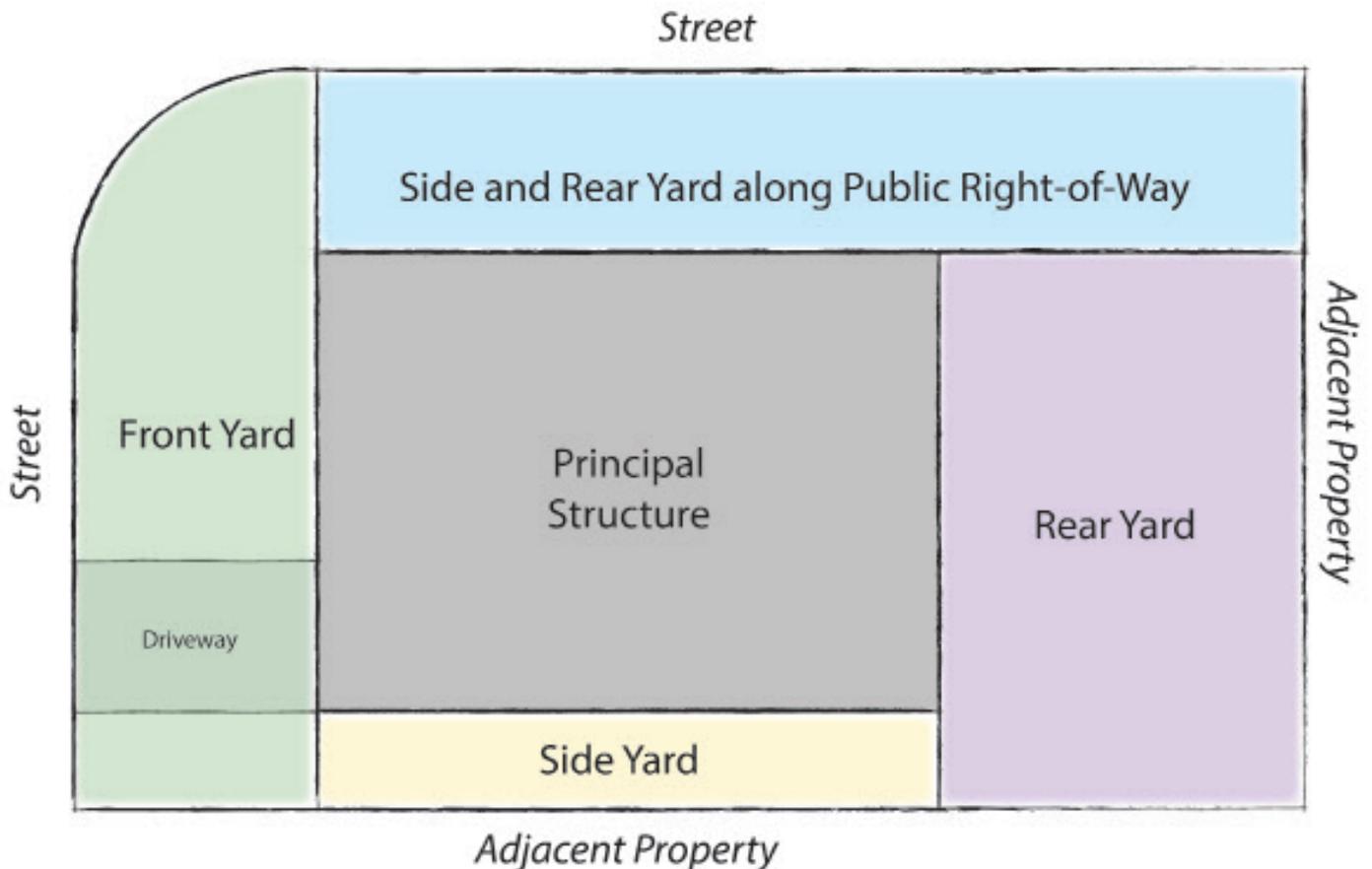
Materials

Fence materials shall consist of wood, brick, stone, masonry, stucco over concrete, vinyl, wrought iron, aluminum, fiberglass, composite, or chain link. Decorative materials such as tile or glass block may be incorporated into the fence design.

Prohibited fencing materials include sheet plastic, sheet metal, plywood, inserts or slats in chain link, fabric screens on chain link, and razor wire.

Fence Locations

Fences may be constructed in front, side, and rear yards of properties. The standards for fences vary depending on the proposed location on the property, and if it is adjacent to a street or other public right-of-way, or to a park or open space.



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Fence and Wall Standards

The specific fence and wall standards are determined first by the use of the property, and then by the location on the property. Note that the land use is not always the same as the zoning. The table below shows the maximum height, setback minimum, and style of fence allowed by yard location within each of the broad land use categories:

	AGRICULTURAL	RESIDENTIAL	COMMERCIAL & MIXED USE	INDUSTRIAL	PUBLIC/ INSTITUTIONAL
Front Yard					
Height Maximum	42 inches	42 inches	42 inches	6 feet	6 feet
Setback Minimum	0	30 inches	10 feet	20 feet	10 feet
Style	Open	Open	Open or Screen	Open or Screen	Open or Screen
Side Yard					
Height Maximum	6 feet	6 feet	6 feet	8 feet	8 feet
Setback Minimum	0	0	0	0	0
Style	Open or Screen	Open or Screen	Open or Screen	Open or Screen	Open or Screen
Rear Yard					
Height Maximum	6 feet	6 feet	8 feet	8 feet	8 feet
Setback Minimum	0	0	0	0	0
Style	Open or Screen	Open or Screen	Open or Screen	Open or Screen	Open or Screen
Side or Rear Yard Along Public Right-of-Way					
Height Maximum	5 feet	5 feet if screen style, 6 feet if open style	6 feet	6 feet	8 feet
Setback Minimum	0	30 inches	10 feet	20 Feet	20 Feet
Style	Open	Open	Open or Screen	Open or Screen	Open or Screen
Along a Public or Private Open Space or Park (May be reduced with approval of city engineer)					
Height Maximum	5 feet	48 inches	6 feet	8 feet	8 feet
Setback Minimum	0	0	0	0	0
Style	Open	Open	Open or Screen as determined by the director	Open or Screen as determined by the director	Open or Screen as determined by the director

Gate Standards

Gates installed as part of the fence must be hinged to open into private property. Gates located across a driveway must be set back from the public right-of-way as shown in the table below:

LAND USE	AGRICULTURAL	RESIDENTIAL	COMMERCIAL & MIXED USE	INDUSTRIAL	PUBLIC/ INSTITUTIONAL
Minimum length of driveway or drive aisle between gate and public right-of-way					
Gate Setback	20 feet	20 feet	50 feet	50 feet	50 feet

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Examples

The following examples visually demonstrate the minimum required setbacks, as well as the maximum allowed height and the allowed style of fence. There are examples for both corner lots and interior lots for residential, commercial, and industrial properties.

- Residential Properties:**



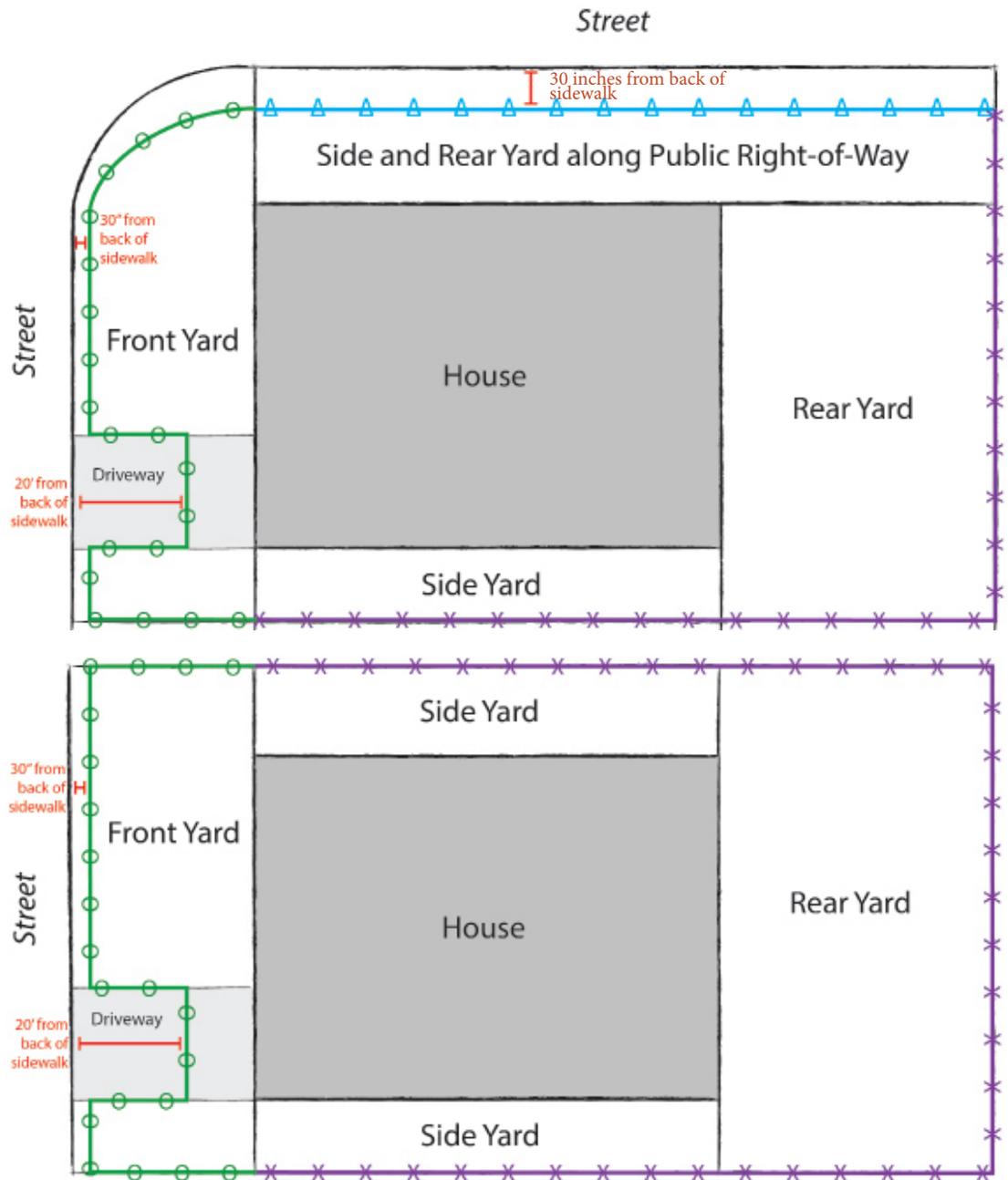
Front Yard:
 Height: 42 inches
 Setback: 30 inches
 Style: Open



Side/Rear Yard (along Public Right-of-Way):
 Height: 5 feet if screen style, 6 feet if open style
 Setback: 30 inches



Side/Rear Yard:
 Height: 6 feet
 Setback: N/A
 Style: Open or Screen



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- Commercial Properties:



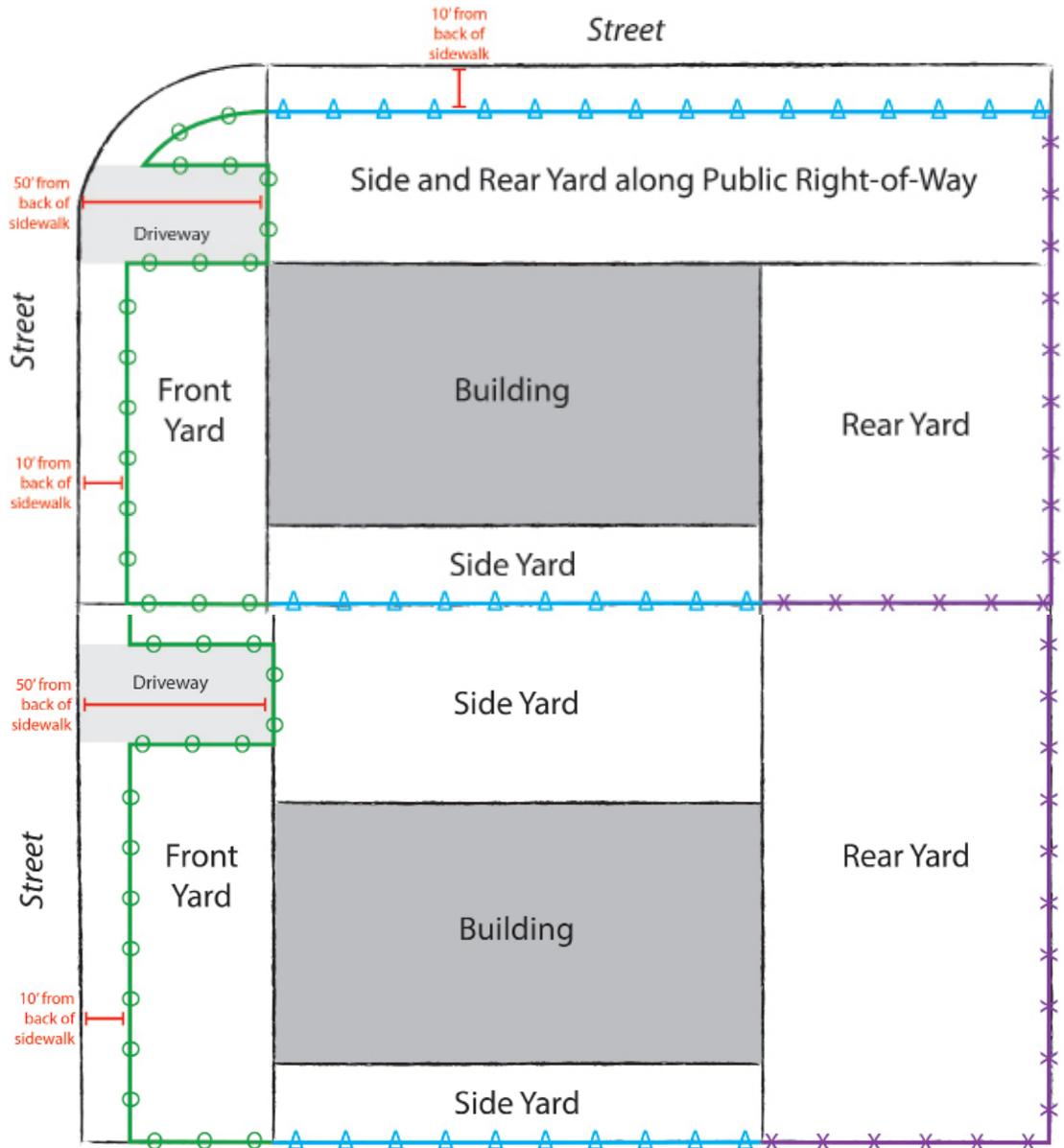
Front Yard:
 Height: 42 inches
 Setback: 10 feet
 Style: Open or Screen



Side/Rear Yard (along Public Right-of-Way):
 Height: 6 feet
 Setback: 10 feet
 Style: Open or Screen



Rear Yard:
 Height: 8 feet
 Setback: N/A
 Style: Open or Screen



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- Industrial Properties:



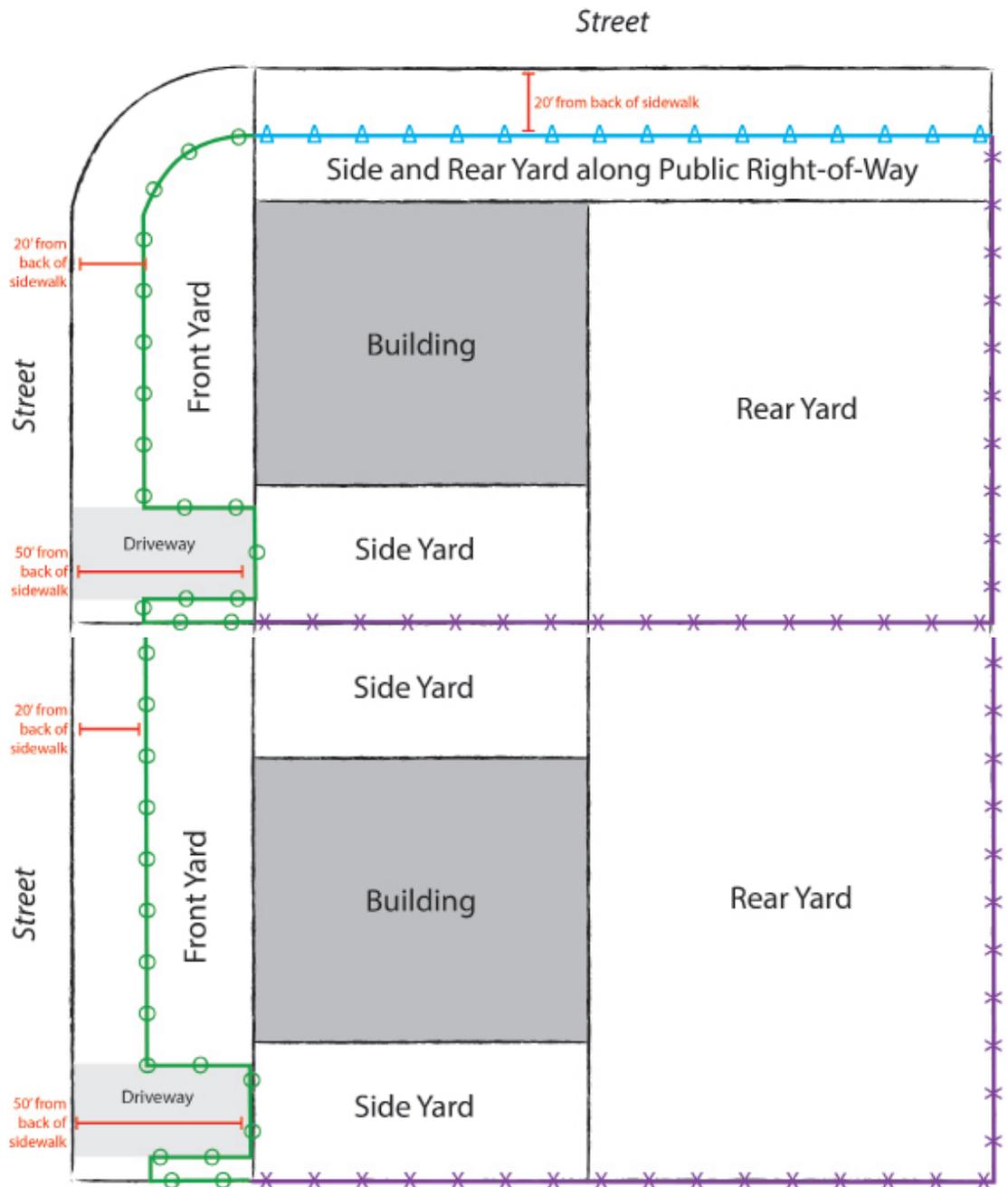
Front Yard:
 Height: 6 feet
 Setback: 20 feet
 Style: Open or Screen



Side/Rear Yard (along
 Public Right-of-Way):
 Height: 6 feet
 Setback: 20 feet
 Style: Open or Screen



Side/Rear Yard:
 Height: 8 feet
 Setback: N/A
 Style: Open or Screen



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Retaining Walls

Retaining walls are used to compensate for a change in grade on a property. They may be used to level a yard, or artificially filled to use as planting beds. Retaining walls under 4 feet in height do not require a building permit, but must meet all applicable standards found in the table of Fence and Wall Standards, including height and setback requirements. Retaining walls over 4 feet in height require a building permit and also must meet all applicable standards.

Summary

To help ensure that your fence permit is reviewed in a timely manner, please be sure that the proposed fence height, setback, and style meet the standards shown in the previous table, and that your permit application includes a detailed site plan showing all existing and proposed fence and gate locations, as well as distances from property lines to proposed fence and gate.

Incomplete or non-conforming applications will lengthen the review process, and may be returned without review.

For questions about fences and walls, or to discuss additional regulations found in the Land Development Code, please contact the Planner of the Day by email at cdplanner@c3gov.com, by telephone at 303-227-8777, or in person at the Community Development Department office at the Commerce City Civic Center.

Sources for Additional Information

- Fence Submittal Requirements
- Land Development Code Article VII
- Planner of the Day: 303-227-8777 or cdplanner@c3gov.com