



## CHERRY HILLS VILLAGE

### Residential Fence and Wall Requirements

\*Note: This document is not intended to be a comprehensive list of all applicable requirements. It is the applicant's responsibility to comply with all applicable requirements.

Community Development  
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**When is a permit required?**

All fences and walls constructed within the City of Cherry Hills Village require a permit. While the City's adopted building code is limited to the types of fences and walls that require a review by the building code, all fences and walls must meet the City's zoning requirements found in Section 16-3-120 of the Municipal Code.

**How to Submit:**

Fence and Wall permit submittals can be submitted online [here](#).  
Pre-payment for the building department plan review can be made [here](#).

**Submittal Requirements:**

Online Submittal:

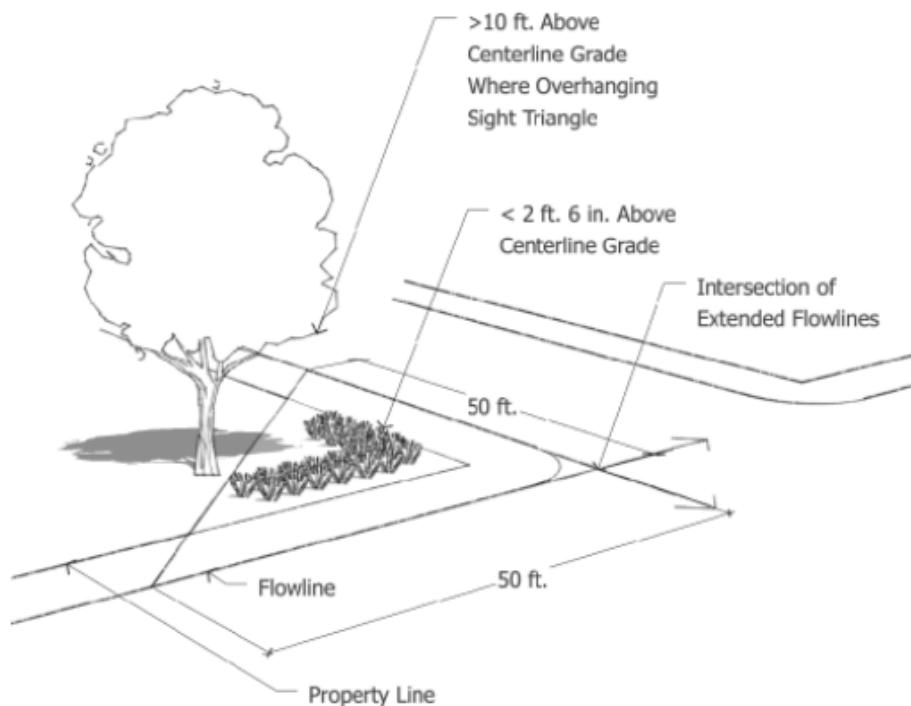
1. A scaled site plan:
  - a. Property boundaries based on an accurate survey.
  - b. The location of the fence or wall to be constructed along with all other site improvements.
  - c. The edge of all roadways adjacent to the property, if applicable.
  - d. Once-foot elevation contours in NAVD 88 datum with USGS elevation numbers if the fence or wall is proposed on or across a berm or other natural grade.
  - e. A landscape plan, if required for the fence location and type.
  - f. 50-foot sight triangles from the road edge if the property is on a corner lot.
  - g. The location of any special flood hazard areas (100-year floodplain) located on the property.
  - h. Scaled elevation drawings of the fence indicating the overall height, height above natural grade, and dimensions of all materials.
2. Approval letter from the South Metro Fire Rescue Authority for access gates.

\*The City or its consultants may request additional information, at their sole discretion, in order to determine compliance with applicable standards and/or requirements.

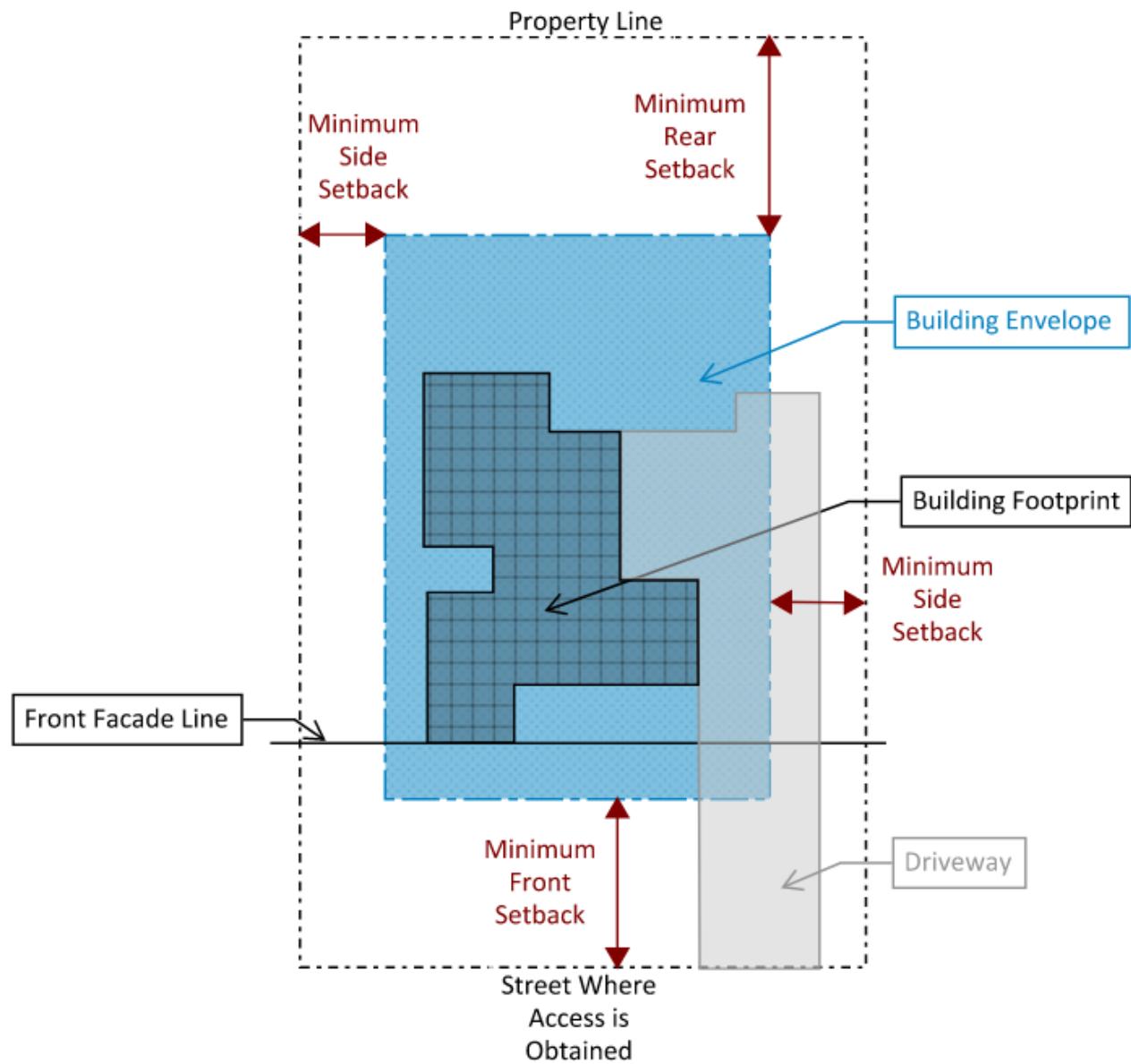
**Permit Fees and Timelines:**

1. Fence and wall permits that require the review of either the Building Code and/or the South Metro Fire Rescue Authority (fences and walls over 6-feet or with a gate) may take **up to 10 business days for each review cycle**.
2. Fence and wall permits that do not require the review of either the Building Code and/or the South Metro Fire Rescue (fences and walls less than 6-feet and without a gate) may take **up to 10 business days for each review cycle**.
3. Fees:
  - a. Building Review Fee: \$170/hour with 2-hour minimum (\$340)
  - b. Building Permit Fee: 1% of the job valuation with a \$20 minimum
  - c. Use Tax Paid to Arapahoe County: 1/8<sup>th</sup> of the building permit fee

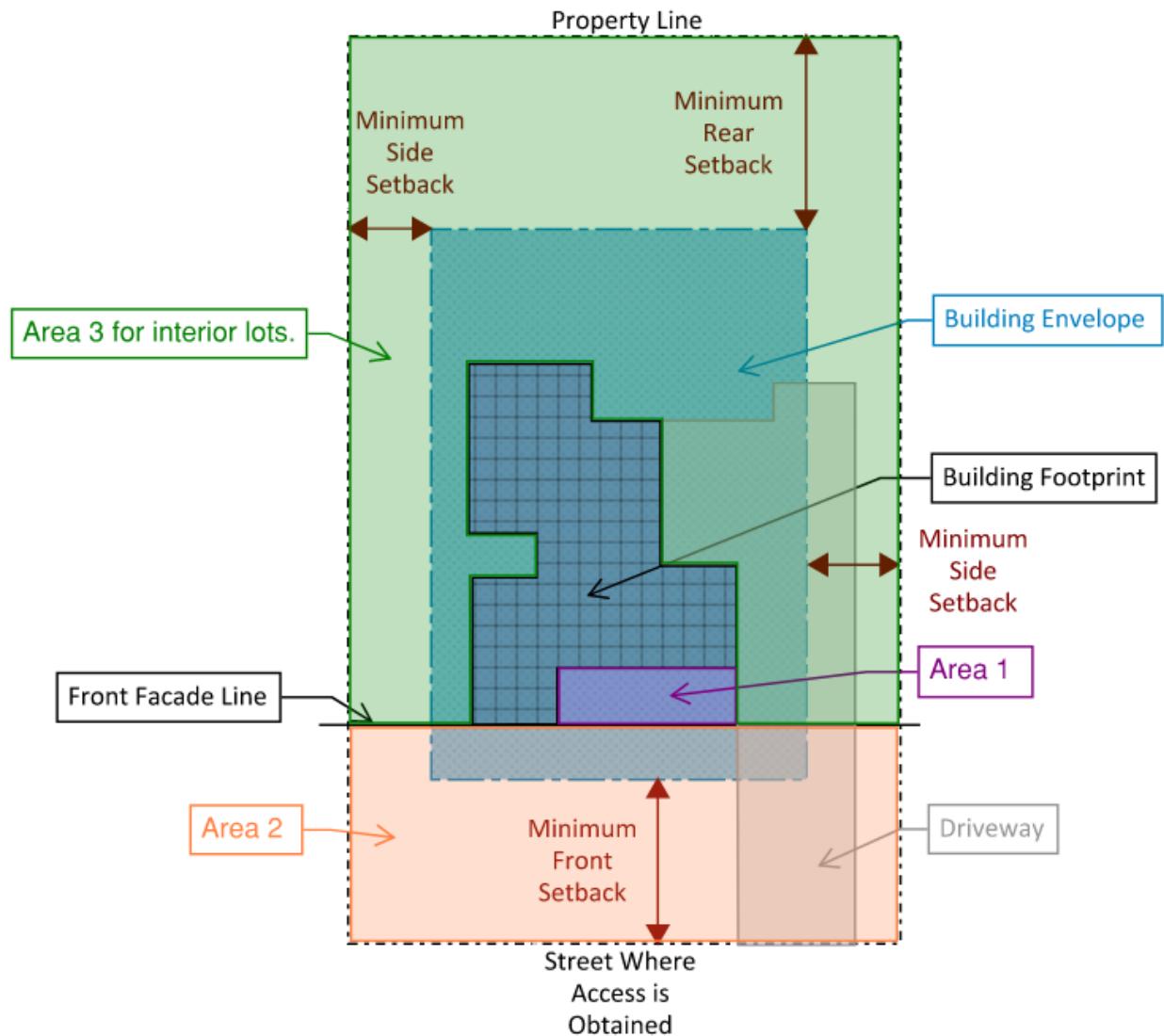
**Sight Distance Triangle:**



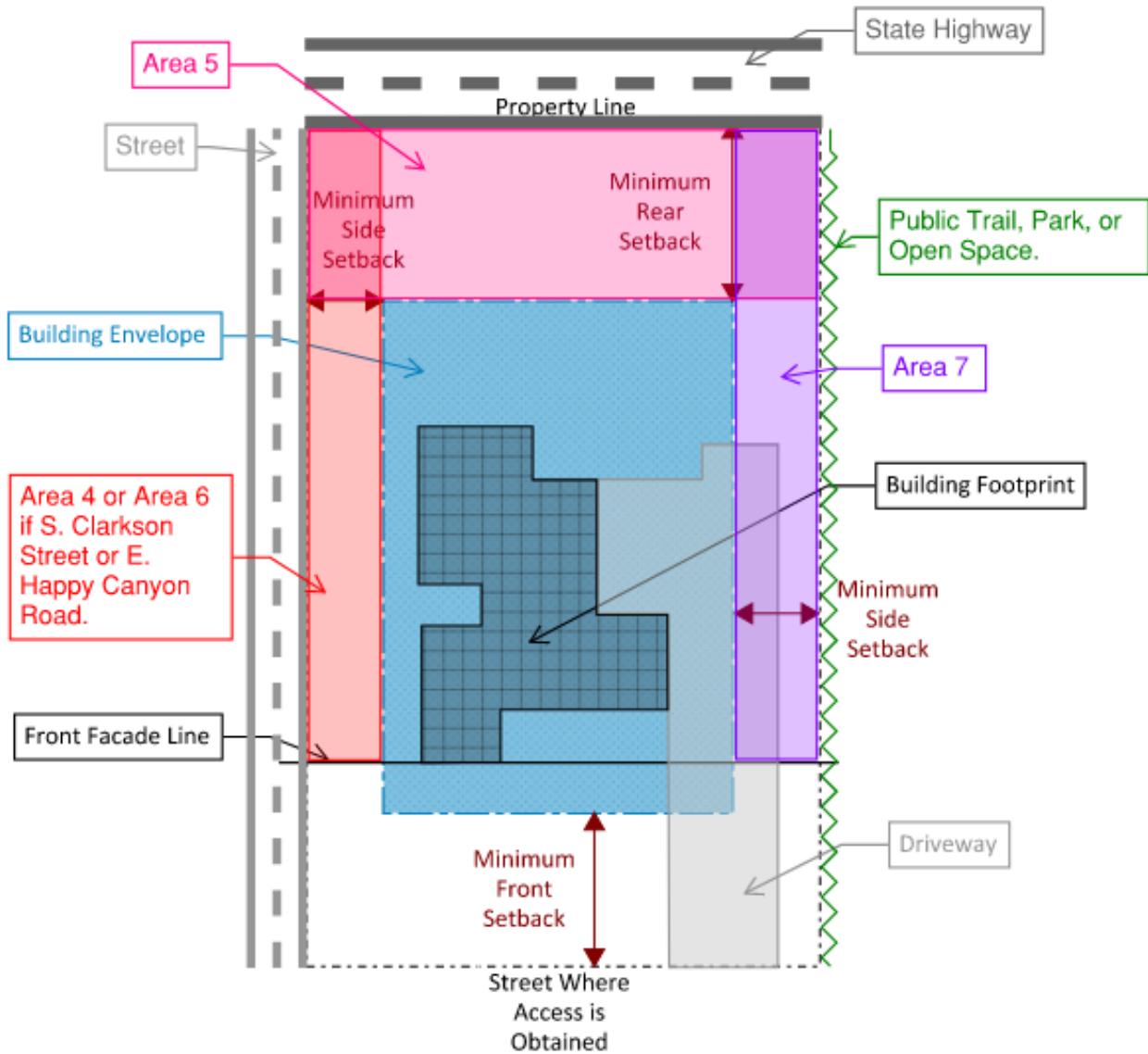
**General Illustration of Terms:**



## Areas 1, 2, and 3 Illustration of Terms:



**Areas 4, 5, 6, and 7 Illustration of Terms:**



## Residential Fence and Wall Requirements

### Fence and Wall Height and Opacity: Residential Lots (Table 16-3-120)

#### Area 1: Within the Building Envelope and Behind the Front Façade Line

	R-1	R-2	R-3	R-3A	R-4	R-5
Maximum Height				6-feet		
Maximum Opacity				100%		

#### Area 2: Between the Front Lot Line and the Front Façade Line; Unless in Areas 5 or 6<sup>1</sup>

	R-1	R-2	R-3	R-3A	R-4	R-5
Maximum Height			4-feet		Not Allowed	
Maximum Opacity			50%		Not Allowed	

#### Area 3: Within the Rear Setback or Interior Side Setbacks; Unless in Areas 4, 5, 6 or 7<sup>1</sup>

	R-1	R-2	R-3	R-3A	R-4	R-5
Maximum Height				6-feet		
Maximum Opacity	50%			100%		

#### Area 4: Within the Street Side Setback or Rear Setback Adjacent to a Street; Unless in Areas 5 or 6<sup>1</sup>

	R-1	R-2	R-3	R-3A	R-4	R-5
Maximum Height				6-feet		
Maximum Opacity				Based on Fence Height and Orientation		
				Generally Parallel to a Public Street		
Height is less than 4-feet			60%		100%	100%
Height is over 4-feet			25%		50% <sup>2</sup>	50% <sup>2</sup>
				Generally Perpendicular to a Public Street <sup>3</sup>		
	50%				100%	

#### Area 5: Within Any Setback from a Lot Line Shared with a State Highway

	R-1	R-2	R-3	R-3A	R-4	R-5
Maximum Height				8-feet		
Maximum Opacity <sup>4</sup>				100%		

#### Area 6: Within Any Setback from a Lot Line Shared with S. Clarkson Street or E. Happy Canyon Road

	R-1	R-2	R-3	R-3A	R-4	R-5
Maximum Height				6-feet		
Maximum Opacity <sup>4</sup>				100%		

#### Area 7: Within Any Setback from a Lot Line Adjacent to a Public Trail, Park, or Open Space; Unless in Area 2<sup>1</sup>

	R-1	R-2	R-3	R-3A	R-4	R-5
Maximum Height				6-feet		
Maximum Opacity				40%		

#### Table Notes:

<sup>1</sup>If the fence or wall is also located within one of the specified areas, then the standards for that area apply.

<sup>2</sup>Opacity may be increased up to 100% if the setback and the landscaping requirements of subsection (b)(2) below are met.

<sup>3</sup>E.g. a connection from a fence within Area 4 that is parallel to a street to a fence within Area 1 or 3

<sup>4</sup>Subject to the requirements of subsection (b)(2) below.

**16-3-120(b)(2):**

Setback and Landscaping Requirements in Residential Zoning Districts. **Fences that are subject to this subsection shall:**

- a. Be set back not less 4-feet from right-of-way lines, with the area between the fence or garden wall and the street planted with not less than 2 trees or evergreen shrubs per 100 linear feet; or
- b. Be set back less than 4-feet (including 0-feet), but with regular offsets of not less than 4-feet, running for distances of not less than 15-feet nor more than 25-feet, such that not less than 25% of the length of the fence along each right-of-way line is offset and with the street-side area of each offset planted with at least 2 trees or evergreen shrubs; or
- c. Be designed and constructed to meet 2 of the following 3 criteria:
  - i. A setback of 25-feet from the edge of pavement of the adjacent paved street or 40-feet from the centerline of the adjacent unpaved street.
  - ii. A landscaped area between the street and the fence is provided with trees planted at a density of 1 tree for every 20-linear feet to 30-linear feet of fence as determined by the Director given the type and planting size proposed. Compliance with this criterion may include use of City right-of-way. If the use of the right-of-way is approved by the City Manager, the trees are subject to an ongoing maintenance agreement acceptable to the City.
  - iii. A landscaped area between the street and the fence is provided and planted such that at least 25% of the face of the fence is screened from view from the street within 3 growing seasons. Compliance with this standard shall not involve use of City right-of-way.

**16-3-120(b)(3):**

**Exceptions for Gates in Residential Zoning Districts.**

- a. Front Yard Gates. Up to 2 gates that provide ingress and egress from a street right-of-way to a front yard (including driveway gates) may exceed the otherwise applicable height limitations for a fence or garden wall by up to 4 feet, provided that:
  - i. The gates are, individually, not more than 18 feet in width; and
  - ii. The gates have an opacity of not more than 25%.
- b. Driveway gates must be located such that a minimum driveway area of 9-feet wide by 18-feet deep is provided in front of and perpendicular to the gates. This is measured from the street right-of-way line, front lot line, or back edge of the sidewalk, whichever provides more setback from the flowline of the street. For a property with a driveway located on a cul-de-sac or dead-end street, the Director may allow a reduction in the required setback if the Director finds that the reduction will not have an impact on public safety.
- c. One other gate that provides for ingress and egress to each yard other than a front yard may exceed the otherwise applicable height limitations for a fence or garden wall by up to 2-feet, provided that the gate is not more than 4-feet in width.

**16-3-120(c):**

**Recreational Enclosures.**

**Note:** Recreational structures enclosed by walls or fencing on more than 2 sides are considered an accessory structure (except for pool fencing).

- (1) Fenced enclosures surrounding recreational facilities (except swimming pools) on residential lots (e.g., tennis courts, volleyball courts, etc.) may be up to 10-feet in height, provided that their opacity does not exceed 25%. For the purposes of this subsection, wind screens are not counted in the evaluation of opacity.
- (2) Swimming pools shall comply with Section 305, *Barrier Requirements*, 2018 International Swimming Pool and Spa Code. Variances to this requirement shall not be allowed.

**16-3-120(e):**

**Fence and Retaining Wall Combinations.**

- (1) Fences and garden/perimeter walls may be constructed on, or in combination with, retaining walls, as follows:
  - a. On residential property, fences and garden/perimeter walls must comply with the requirements of Table 16-3-120 (above) with height measured from the side of the retaining wall with the higher grade.
- (2) In cases where guardrails are required by the applicable building code, fences and garden/perimeter walls shall also comply with the building code standards that apply to guardrails. If the building code standards conflict with the standards of this subsection, the building code standards shall control.

**Sec. 16-3-130. - Retaining walls.**

(b). Minimum Setbacks.

- (1) Where the exposed side of a retaining wall faces a public right-of-way or adjoining property, the retaining wall shall be set back a minimum distance from the lot line of:  $4/3 \times [\text{height of retaining wall}]$ .
- (2) For tiered retaining walls, the height used to determine the minimum setback shall be the tallest point of the combined height of all tiers, and the setback shall be measured from the closest point of the tiered retaining wall to the affected lot line.

(c). Maximum Height. The height of a retaining wall shall be measured from natural grade or finished grade, whichever is more restrictive.

- (1) For retaining walls that are located within a building envelope for a building or accessory building, the maximum height of the retaining wall shall be the same as the maximum building or accessory building height (as applicable) that is allowed within the building envelope within which the retaining wall is located.
- (2) For retaining walls located outside of a building envelope, the maximum height of the retaining wall (including the combined height of tiered retaining walls) is six (6) feet.

(d). Design. Retaining walls must be tiered if they are more than six (6) feet in height, measured from finished grade, and no individual tier shall exceed six (6) feet in height, as measured from finished

## Residential Fence and Wall Requirements

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grade or the top of the wall upon which it is tiered. Tiers shall be set back from each other a horizontal distance of one (1) foot per two (2) feet of height of the higher tier.

### **16-9-15:**

(a). Generally.

- (1) The height of fences and garden walls is calculated by measuring the vertical distance between the natural grade, or from the grade of an approved overlot grading plan, to the top of the fence.
- (2) Where fences are constructed upon berms, the height of such fences shall be measured as the sum of the height of the fence and the berm.

(b). Exceptions. Neither a column nor a light fixture attached to a column shall be included within the calculation of the height of a fence so long as the height of the column, or combination of the height of the column and the light fixture, is not more than 2-feet greater than the otherwise applicable height limitations and the columns that exceed the height limitations are spaced at least 6-feet apart.

**FENCE HEIGHT ILLUSTRATION**

