

ORDINANCE NO. 16-\_\_\_\_\_

AN ORDINANCE AMENDING SECTION 201 (DEFINITIONS ENUMERATED) OF PART 2 (DEFINITIONS) OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS AND LAND USE TYPES AND CLASSIFICATIONS) AND SECTION 102 (GENERAL STANDARDS) OF PART 1 (GENERAL STANDARDS) OF ARTICLE 4 (SITE DEVELOPMENT STANDARDS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO FENCES AND ACCESSORY STRUCTURES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.2.201: Definitions Enumerated

\* \* \*

**ACCESSORY STRUCTURE:** A structure that is located on the same lot and detached and separate from the principal building. Accessory structures shall be incidental to the principal structure and devoted exclusively to an accessory use. **Examples of accessory structures may include, but are not limited to: garages, carports, sheds, storage buildings, play structures, gazebos, arbors, greenhouses, barns, saunas, and other similar buildings. Fences and walls that exceed six feet (6') in height are considered accessory structures.**

\* \* \*

**DETACHED:** Not attached and having no wall in common and separated by three feet (3') or more; structures that are connected by a covered, unenclosed breezeway shall be considered detached if the breezeway is less than 12 feet (12') in height or less than six feet (6') in width.

\* \* \*

**FENCE or WALL:** A structure made of wood, **brick, stone, stucco, concrete, wrought iron, chain link, plastic, composite, vinyl** or other **similar** material that provides screening or encloses an area, most often a front or back yard. **Walls include both freestanding walls and retaining walls.**

Section 2. Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.4.102: General Standards

\* \* \*

A. **Fences or Walls:** Except in a TND and HS overlay zone, fences or walls six feet (6') or under in height may be placed anywhere on the property except within established preservation areas. Fences within preservation areas are subject to development plan approval to establish appropriate locations. All fences must comply with the corner visibility regulations described in this section. Fences or walls over six feet (6') are considered accessory structures and must meet accessory structure setback **and height** requirements **identified in Section 7.3.105.A** ~~and receive a building permit for construction.~~ Fence height shall be measured from the top of the fence **including fence poles, posts, and finials** to the natural **finished** grade on both sides **of the fence**; ~~if the height on the two (2) sides varies then the higher of the two (2) measurements shall be used in determining the height of the fence. See article 3, part 9 of this chapter for fence heights in front yard setback areas in the TND zone. Alternate requirements for fencing may be included as a part of an FBZ regulating plan.~~

- 1. If the height of the two (2) sides varies, then the larger of the two (2) measurements shall be used in determining the height of the fence.**
- 2. If the fence is located within three feet (3') of the face of a retaining wall, the height of the fence is measured from the top of the fence to the finished grade at the bottom of the retaining wall.**
- 3. The finished grade of the fence area shall not be altered to artificially comply with these regulations.**

**4. An additional 12 inches (12") of height is permitted for fence posts, poles, and finials when spaced 8 feet (8') or more from each other.**

\* \* \*

Section 3. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2016.

**Finally passed:** \_\_\_\_\_  
Council President

**Mayor's Action:**

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

---

Council President

ATTEST:

---

City Clerk