

ORDINANCE 15-08

**AN ORDINANCE AMENDING CHAPTER 16,
BLUE RIVER MUNICIPAL CODE, AS IT
RELATES TO FENCES.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN
OF BLUE RIVER, COLORADO:**

Section 1. Repeal. Section 16-5-30 of Article V, Chapter 16, Blue River Municipal Code, is amended by the repeal of Paragraph (2).

Section 1. Repeal. Section 16-5-30 of Article V, Chapter 16, Blue River Municipal Code, is amended by the repeal of Paragraph (2).

Section 2. Amendment. Chapter 16, Blue River Municipal Code, is amended by the addition of an Article XIV to read as follows:

ARTICLE XIV

Section 16-14-1. Permit Required.

(a) Permit Required: No fence or enclosure of any kind shall be permitted without issuance of a Fencing Permit. It shall be unlawful to erect or construct any fence or enclosure within the Town of Blue River without having first received a permit to do so.

(b) Permit Application Procedures: Animal Control Fences or enclosures may be permitted pursuant to the application procedure set forth as follows:

(1) A written application for a permit to construct a fence or other enclosure shall be submitted to the Planning and Zoning Commission.

(2) The application shall contain the name and address of the applicant, a description of the type of fence or enclosure to be erected, a site plan showing the location of the proposed fence or enclosure and a description or sample of the materials to be used for such fence enclosure.

(3) Upon receipt of the application, the Planning and Zoning Commission shall conduct a public hearing pursuant to Section 16-2-60 of this Chapter and shall grant or deny the application for the erection of a fence or enclosure. Any approval of an application shall be conditioned upon the applicant signing a fence permit agreement agreeing to all regulations set forth herein.

Section 16-14-2. General Guidelines.

(a) Purpose: The purpose of a fence or enclosure shall be to restrain animals with the applicable Planning and Zoning Review Fee.

(b) Style: Aesthetically, the fence or enclosure shall be of a style that will complement the architecture of the neighborhood and generally blend with the natural surroundings as much as possible. Fences or enclosures shall be constructed of natural materials. The typical chain link or wire fence will not be approved. Anodized, colored or dull wire shall be used only as secondary materials and must be concealed by the primary material.

(c) Location: Fences or enclosures shall be erected away from property lines and town roads outside building setbacks and attached to the premises so to be as unobtrusive as possible. The fence must blend with the home and surroundings and be adjacent to or attached to the home.

(d) Height and Design: Fences or enclosures shall not enclose more than four hundred (400) square feet, and no fence shall be more than thirty five feet (35') on any side. Fences and enclosures shall not be more than five feet (5') high. Such fences and enclosures should have an open, low mass look, such as the look of a split rail fence.

Section 16-14-3. Violations and Penalties.

(a) Failure to follow above regulations will result in revocation of said permit.

(b) It shall be unlawful for any person to violate any of the provisions of this chapter and any person violating the provision of this chapter shall be guilty of a misdemeanor and, upon conviction, such person shall be punished as provided in Article IV of this Code.

(c) In addition to all other remedies or penalties provided herein, the Municipal Judge may require any person violating this chapter to remove, at his or her own expense, any fence or enclosure violating this Article. Failure to remove the fence or enclosure in accordance with an order of the Court shall be a further violation of this Article.

INTRODUCED AND ORDERED PUBLISHED the 21st day of July 2015, and a public hearing hereon shall be held on August 18, 2015, at the Blue River Town Hall, 0110 Whispering Pines Circle, Blue River, Colorado.

Mayor

ATTEST:

Town Clerk

ADOPTED AND ORDERED PUBLISHED the 18th day of August, 2015.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Published in the Summit County Journal August 28, 2015.

Town of Blue River

Planning & Zoning Application

Fencing

Reference: Blue River, Colorado, Town Code, Town of Blue River, Colorado

16-2-50: **Permit Requirement** – (a) It is unlawful to erect, construct, reconstruct, alter, move or change the use of any building or other structure or improvement within the Town without obtaining a building permit from the Building Official, and such permit shall not be issued until the plans of and for the proposed erection, placement, construction, excavation, importation, reconstruction, alteration, moving or use fully conforms to the zoning regulations then in effect and unless plans are submitted to the Building Official and approved by the Planning & Zoning Commission.

- 1) Approvals granted by the Planning and Zoning Commission and not requiring a building permit, including fences shall be issued by the Building Official upon payment of a fee of twenty-five dollars (\$25.00) and shall be valid for a period of one hundred eighty (180) days unless extended by the Building Official for good cause shown

Fencing Guidelines:

- A. Purpose of a Fence: The purpose of a fence or enclosure is to restrain animals.
- B. Style: Aesthetically, the fence or enclosure should be of a style that will complement the architecture of the neighborhood and generally blend with the natural surroundings as much as possible. Fences or enclosures shall be constructed of natural materials. The typical galvanized chain link or wire fence will not be approved. Anodized or colored wire or chain link shall be used only as secondary materials and must be concealed by the primary material.
- C. Location: Fences or enclosures shall be erected away from property lines and town roads and be located on the premises to be as unobtrusive as possible. They must meet all setbacks for the property. They must blend with the home and surroundings and be adjacent to or attached to the home.
- D. Height and Design: Fences or enclosures shall not enclose more than five hundred (400) square feet, and no fence shall be more than thirty five feet (35') on any side. Fences and enclosures shall not be more than five feet (5') high. Such fences and enclosures should have an open, low mass look, such as the look of a split rail fence.

Material/color samples are required. There are no variances allowed pertaining to fences. Any change or addition to the fence will result in fines or revocation of permit.

There is adopted by the Town for the purpose of identifying, describing and providing guidelines to the Planning and Zoning Commission concerning architecture and design of new and renovated buildings within the Town, that certain document known as the Architectural and Design Control Guidelines, three (3) copies of which have been and are now on file in the office of the Town Clerk and available for inspection during regular business hours.

Legal Description:

Lot: _____ Subdivision: _____

Street Address: _____

Applicant Name: _____ Phone Number: _____

Mailing Address: _____

Documents required for this submittal: For fences – Survey, plot plan & description verifying fence to be in accordance with Fence Ordinance.

Description of project and materials/colors to be used:

I have read the above and agree to comply:

Applicant Signature

Date

Planning & Zoning Commission Review Required: (\$50)

Signed-P/Z Chair

Date

() Approved

() Denied