

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER POND
COUNCIL BILL NO. 14
ORDINANCE NO. 1518
Series of 2012

**TITLE: AN ORDINANCE AMENDING SECTION 26-603 OF
CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS,
CONCERNING REGULATION OF SIGHT DISTANCE
TRIANGLES AND SWIMMING POOL FENCES**

WHEREAS, the City Council of the City of Wheat Ridge is authorized by the Home Rule Charter and the Colorado Constitution and statutes to enact and enforce ordinances for the preservation of the public health, safety and welfare; and

WHEREAS, in the exercise of that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws (the "Code") pertaining to zoning, land use, and development; and

WHEREAS, the Wheat Ridge City Council ("Council") has previously enacted regulations concerning the location and measurement of the sight distance triangle and clear zone; and

WHEREAS, the City has identified a need to update the vertical clear zone dimensions to align with national standards; and

WHEREAS, the City has further identified a need to standardize the method of measurement for sight distance triangles and the clear zone; and

WHEREAS, the zoning and building codes need to align as they relate to fencing and access for swimming pools and spas.

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

Section 1. Subsection 26-603.B of the Code, concerning sight distance triangle requirements, is hereby amended as follows:

B. Sight distance triangle requirement. Where property abuts the intersection of two streets; the intersection of an alley and a street; or the intersection of a driveway and a street, unobstructed view shall be provided and maintained at all times within the sight distance triangle and clear zone as described in this subsection.

- ~~1. No divisional fence, wall, hedge or landscaping, sign, structure, parked vehicle, or other obstruction to view in excess of forty two (42) inches high, except for permitted landscaping, signs, public utility poles, and approved decorative, open-type fences not in excess of six (6) feet in height, shall be established or~~

maintained within the triangular area bounded by the lot lines and a line connecting points on each lot line either twenty five (25) feet from the intersection of such lot lines for local and private streets or fifty five (55) feet from the intersection of such lot lines for collector or arterial streets. The height shall be limited to thirty six (36) inches at intersections where at least one (1) of the intersecting streets is an arterial or collector (Class 1 through 5 streets) and frontage roads. For corner lots bounded by public streets or private drives with vertical curves and where the application of the standard sight triangle regulations does not provide adequate sight clearance to protect the public safety, the city shall determine the necessary vertical height clearance and the sight triangle dimensions in order to ensure a safe sight distance.

2. The same height limitations shall apply to the intersection of driveways and public streets, except that the sight distance triangle may be reduced to fifteen (15) feet. Street trees required by section 26-502 and signs allowed by article VII may be permitted within the regulated sight distance triangle; provided that the area between thirty six (36) or forty two (42) inches, whichever is applicable, and eighty four (84) inches high is maintained free and clear of obstruction; and further provided that a sign pole does not exceed one (1) foot in diameter.
3. The sight distance requirement at the intersection of an alley with any street shall be fifteen (15) feet measured along the street right-of-way and fifteen (15) feet measured along the alleys. Fences, landscaping and other potential obstructions to view located within these sight distance triangles shall be limited in height to forty two (42) inches, unless the intersecting street is an arterial or collector (Class 1 through 5 streets), in which case the height shall be limited to thirty six (36) inches.
4. The vertical clearance distance for driveways shall be measured from the edge of the driveway or curb cut at the right-of-way line, and for street corners or alleys from the flowline, or if no curb exists, from edge of pavement. The following chart and drawing illustrate the minimum unobstructed sight triangles. See Figure 26-603.1.

	Maximum Height of Obstruction In Required Sight Triangles		
	Corner Lot	Driveway	Alley
Arterial or Collector	36"	36" all uses	36"
Local	42"	42", unless SF or duplex, then no requirement	42"

Figure 26-603.1

Sight Distance Triangles

1. Sight distance triangle. The sight distance triangle is the horizontal area at the intersection of two streets; a street and an alley; or a street and a driveway. Two sides of the triangle are measured from the corner intersection along the curb and gutter flow line, or if no curb exists, from the edge of pavement, for a distance specified below:
 - a. Streets, collector or arterial: 55 feet
 - b. Streets, local or private: 25 feet
 - c. Alleys: 15 feet
 - d. Driveways: 15 feet

The third side of the triangle is a line across the corner joining the other two sides. Where an intersection has rounded corners, the sides will be extended in a straight line to a point of intersection, as shown in Figure 26-603.1.

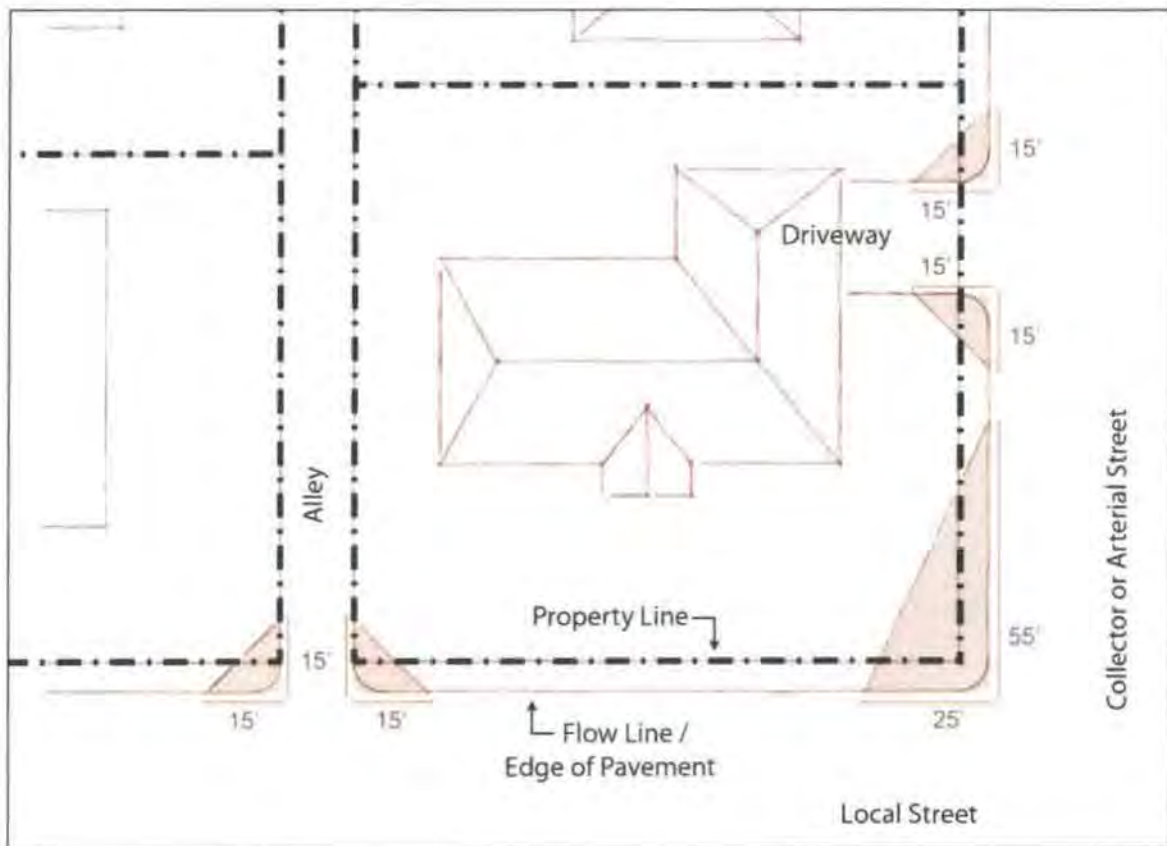


Figure 26-603.1 - Sight Distance Triangle

2. Vertical clear zone. The vertical clear zone is the area above a sight distance triangle in which obstructions shall be minimized to provide a clear view.
 - a. Height. The clear zone is measured vertically from the curb and gutter flow line, or if no curb exists, from the edge of pavement. If the intersection

includes a collector or arterial street, the clear zone is the area between a height of 36 and 96 inches. For all other intersections, the clear zone is between 42 and 96 inches. See Figure 26-603.2.

- b. Obstructions prohibited. The clear zone shall be free of obstructions, including but not limited to fences, walls, landscaping, signs, structures, tree canopies or parked vehicles.
- c. Exceptions. Certain obstructions may be approved by the director of public works (or his/her designee) to be located within the clear zone. These may include:
 - i. Approved decorative open type fences that are at least 80% open;
 - ii. Approved landscaping, such as street trees;
 - iii. Approved signs, such as pole signs with a diameter of less than 12 inches;
 - iv. Public utility poles;
 - v. Obstructions in the driveway sight triangle for single and two family homes on local streets.

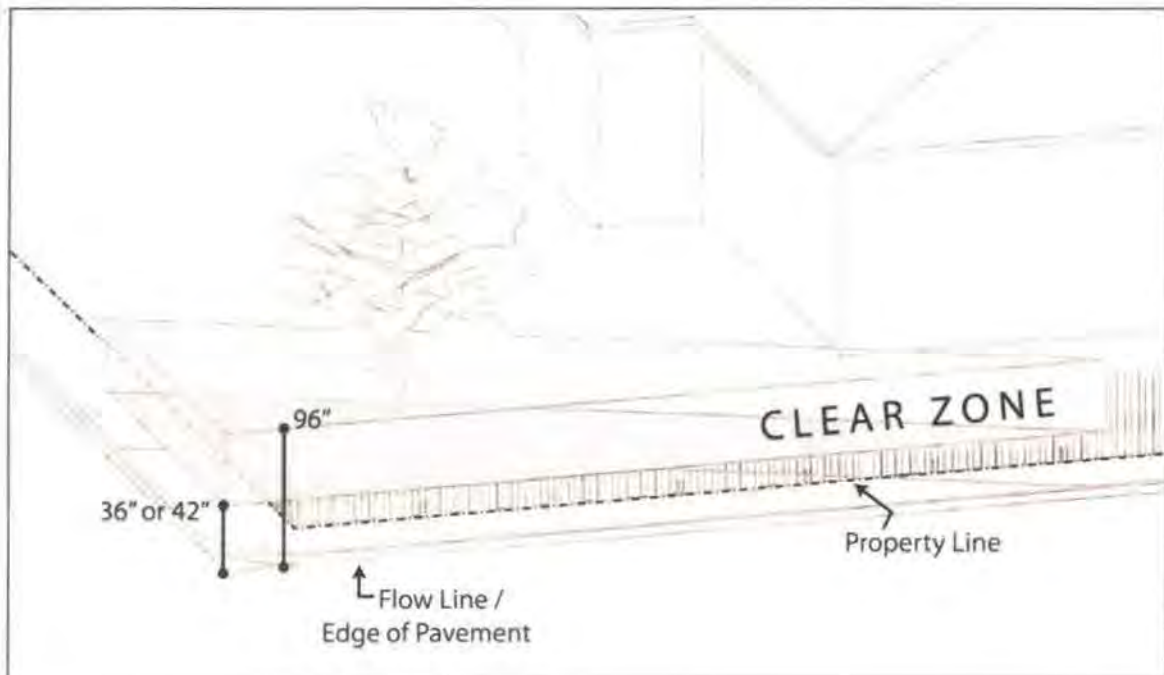


Figure 26-603.2 - Clear Zone

- 5- 3. Signalized intersections. At signalized intersections, where both streets are either collectors and/or arterials, the required sight distances shall be governed by the standards set forth in the most current edition of the policy on geometric

design of highways and streets, published by the American Association of State Highway and Transportation Officials (AASHTO).

- 6- 4. Authority of the director of public works. For other signalized intersections involving local streets, the director of public works (or his/her designee) is authorized to permit modifications to the sight triangle requirements for special circumstances in accordance with the standards set forth in the most current edition of the policy on geometric design of highways and streets, published by the American Association of State Highway and Transportation Officials (AASHTO).

For corner lots bounded by public streets or private drives with vertical curves and where the application of the standard sight triangle regulations does not provide adequate sight clearance to protect the public safety, the director of public works (or his/her designee) shall determine the necessary vertical height clearance and the sight triangle dimensions in order to ensure a safe sight distance.

Section 2. Subsection 26-603.G.2 of the Code, concerning swimming pool fences, is hereby amended as follows:

2. For all swimming pools, hot tubs, spas, and similar aquatic facilities (including in- and above-ground), required fences and barriers shall conform to the requirements of the International Residential or Building Code, as applicable. Swimming pools shall be enclosed by a six-foot fence, with all gates being self-locking and closed and kept locked when the pool is not in use. In situations where the six-foot fence requirement exceeds other fence height requirements, except for sight distance requirements, the higher requirement shall control.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.


Section 4. Severability; Conflicting Ordinances Repealed If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 13th day of August, 2012, ordered it published with Public Hearing and consideration on final passage set for **Monday, August 27, 2012, at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.


READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 27th day of August, 2012.

SIGNED by the Mayor on this 28th day of August, 2012.




Jerry DiTullio, Mayor

ATTEST:



Janelle Shaver, City Clerk



Approved as to Form


Gerald Dahl, City Attorney

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