Subject: When a Zoning Permit is required for modifications of existing Fences, Walls, or Retaining Walls on a **Landmarked Property.**

Overview and Summary of Clarification

In the 2024 Bundle of Text Amendments, revisions were made to the requirements for obtaining a Zoning Permit related to fences, walls, and retaining walls. The primary objective of these changes was to exempt most fences, walls, and retaining walls from certain height restrictions and to permit routine maintenance on existing permitted structures without requiring a Zoning Permit.

However, since the adoption of these changes, city staff have raised questions about what constitutes "regular maintenance and normal repairs" and when the replacement of a fence or wall would trigger a Zoning Permit review, especially for designated landmark properties.

This clarification outlines how DZC Section 12.4.1.2.E.2 will be administered, when a fence, wall, or retaining wall is located in a designated district for preservation or on the same zone lot as a structure designated for preservation (**landmark property):**

- All new fences, walls, and retaining walls require a Zoning Permit *and* a Certificate of Appropriateness.
- Existing fences and walls can only take advantage of the exception in DZC Section 12.4.1.2.E.2.c pertaining to regular maintenance, repairs, and replacement only if the fence or wall was previously permitted.
- Landmark properties cannot take advantage of the exception for a Zoning Permit in Section 12.4.1.2.E.2.c if the maintenance or replacement of the fence or wall changes the style of the fence or wall or is otherwise contrary to the approved Certificate of Appropriateness, even if it matches the materials, location, footprint, or height of the original permitted fence. Only like-for-like maintenance and replacements are allowed.
- Existing fences or walls that do not have a Zoning Permit and Certificate of Appropriateness on file must obtain a new Zoning Permit and Certificate of Appropriateness prior to any modification or alteration of the fence or wall under DZC Section 12.4.1.2.E.2.c. If the fence or wall does not meet the criteria necessary for the issuance of a Certificate of Appropriateness, the fence or wall may be ordered to be removed.
- DZC Section 12.4.1.2.E.2.c regarding regular maintenance and replacement ***is not applicable to retaining walls***; any modification to a retaining wall requires a zoning permit, even if a like-for-like replacement of the original design is proposed.

In summary, to qualify for the maintenance and replacement in DZC Section 12.4.1.2.E.2.c for landmark properties, all of the following must be met:

- A zoning permit is on file for the fence or wall.
- A Certificate of Appropriateness must be on file.
- Repair or replacement of the fence or wall must be like-for-like in materials, style, height, location, footprint and otherwise consistent with the approved permit and Certificate of Appropriateness on file.

If any of those elements do not exist, then a new zoning permit must be applied for, reviewed by the Landmark Commission (or their designee), and a Certificate of Appropriateness must be issued prior to approval of the zoning permit.

DZC Version

This clarification applies to the 2010 Denver Zoning Code – Restated in its entirety on February 25, 2025 as amended through February 20, 2026 and any subsequently issued zoning code revisions that otherwise do not change the language of the clarified code section.

Date of Clarification

May 21, 2026

Denver Zoning Code (DZC) Section(s) Clarified

Section 12.4.1.2.E – Zoning Permit Review

E. Fences, Walls, and Retaining Walls

1. General Rule: Zoning Permit Required
Unless otherwise specifically excepted, a zoning permit is required prior to construction of a new Fence, Wall, or Retaining Wall and prior to changes to an existing Fence, Wall, or Retaining Wall.

2. Exceptions in All Zone Districts
In all zone districts, a zoning permit is not required for the following:

a. New construction of a Retaining Wall that is 12 inches or less in height, or changes to the height or location of an existing Retaining Wall that is 12 inches or less in height, unless located on a Zone Lot that:

i. Contains a structure for preservation designated under D.R.M.C., Chapter 30 (Landmark Preservation); or
ii. Is located in a district for preservation designated under D.R.M.C., Chapter 30 (Landmark Preservation).

b. New construction of a Fence or Wall (not including a Retaining Wall) 4 feet or less in height, or changes to the location or footprint of a Fence or Wall that is 4 feet or less in height, unless located on a Zone Lot that:

i. Contains a structure for preservation designated under D.R.M.C., Chapter 30 (Landmark Preservation);
ii. Is located in a district for preservation designated under D.R.M.C., Chapter 30 (Landmark Preservation); or
iii. Abuts a Parkway designated under D.R.M.C., Chapter 49.

c. Regular maintenance and normal repairs to a permitted Fence or Wall, or replacement of all or a portion of a permitted Fence or Wall with like materials, which do not change the location or increase the footprint or height of the original permitted Fence or Wall.

3. Exceptions in the I-A, I-B, and CMP-NWC Zone Districts Only
In the I-A, I-B, and CMP-NW Zone Districts, a zoning permit is not required for the following:

a. The addition of barbed wire or razor wire to the top of a permitted Fence or Wall or the addition of a non-lethal electrified Fence system combined with a permitted Fence or Wall, if approved by the Fire Department. See Section 10.5.5.1.E, Material Standards, for additional standards.

Key Code Sections and Definitions

The following are key terms and summaries of key code sections applicable to this zoning code clarification. Please refer to the Denver Zoning Code (DZC) and Denver Revised Municipal Code (DRMC) for a full reading of these code provisions. (If links no longer work, please visit www.denvergov.org/zoning for the Denver Zoning Code, and www.denvergov.org and search for “municipal code.”

Landmark Property or Landmark Properties. For this clarification, the term "landmark property or properties" are considered either a structure designated for preservation, or a property located in a designated district for preservation under Chapter 30 of the Denver Revised Municipal Code (DRMC).

DZC Section 12.4.1.2.E – Zoning Permit Review – Fences, Walls, and Retaining Walls

DRMC Section 30-6 – Procedure to authorize erection, construction, reconstruction, alterations to, or demolition of structures.

DRMC Section 30-6(3) sets for the requirement for Landmark Preservation Commission review and approval of permits associated with:

1. Alteration of, reconstruction of, or addition to the exterior of any structure which constitutes all or part of a designated structure on a landmark property.
2. Demolition of any structure which constitutes all or part of a designated landmark property
3. Construction of, erection of, or any addition to any structure on a designated landmark property.
4. Application for a zone lot amendment on a designated landmark property.

DRMC. Section 30-6(4) requires written approval of the proposed change on a landmarked property prior by the Landmark Preservation Commission (or their designated representative) to the issuance of a permit, including Zoning Permits.

DRMC Section 30-6(5) provides for the issuance of a "Certificate of Appropriateness (COA)" that shall be issued which stall state the approved work and any conditions to said approval.

DRMC Section 30-2(2) provides a definition of "alteration" which shall mean any act or process which changes one (1) or more of the features of a designated structure for preservation or district for preservation.

Analysis and Clarification

All Fences require a Zoning Permit unless exempted

DZC Section 12.4.1.2.E.1, the general rule for when zoning permits are required, requires a zoning permit for the construction of any new Fence, Wall, or Retaining Wall and prior to changes to an existing Fence, Wall, or Retaining wall.

Exemptions for Landmark Properties

DZC Section 12.4.1.2.E.2 outlines exceptions to zoning permit requirements for fences and walls.

The first two sections (12.4.1.2.E.2.a and b) explicitly state that these exemptions, which pertain to smaller height walls and fences, do not apply to landmark properties. However, the permitting requirements for maintenance and repairs of fences and walls on landmark properties are less clear.

Because DRMC Section 30-6 requires that all changes, modifications, alterations, and reconstruction requires Landmark Preservation Commission review and issuance of a Certificate of Appropriateness, any change or alteration of a fence or wall that changes the style of the fence or wall, or is otherwise inconsistent with the approved Certificate of Appropriateness, will be treated as a new fence or wall and must obtain a new zoning permit and landmark review, even if it otherwise doesn't change the location, height, or increase the footprint.

To qualify for the maintenance and replacement in DZC Section 12.4.1.2.E.2.c for landmarked properties, all of the following must be met:

- A zoning permit is on file for the fence or wall.
- A Certificate of Appropriateness must be on file.
- Repair or replacement of the fence or wall must be like-for-like in materials, style, height, location, footprint and otherwise consistent with the approved permit and Certificate of Appropriateness on file.

If any of those elements do not exist, then a new zoning permit must be applied for, reviewed by the Landmark Commission (or their designee), and a Certificate of Appropriateness must be issued prior to approval of the zoning permit.

Clarification

To qualify for the maintenance and replacement in DZC Section 12.4.1.2.E.2.c for landmark properties, all of the following must be met:

- A zoning permit is on file for the fence or wall.
- A Certificate of Appropriateness must be on file.
- Repair or replacement of the fence or wall must be like-for-like in materials, style, height, location, footprint and otherwise consistent with the approved permit and Certificate of Appropriateness on file.

If any of those elements do not exist, then a new zoning permit must be applied for, reviewed by the Landmark Commission (or their designee), and a Certificate of Appropriateness must be issued prior to approval of the zoning permit.

Implementation and Standard Procedures

- This clarification shall be posted on the City's website and shared with all zoning review and inspection teams.
- All changes to existing fences, walls, or retaining walls for landmark properties or within landmark districts shall be referred to the Landmark Preservation Team to review to determine if a Certificate of Appropriateness is on file and be reviewed against the Certificate.
- If a Certificate of Appropriateness is not on file or the proposed changes are otherwise inconstant with the approved design, a new zoning permit is required.