

ORDINANCE NO. (2002) TC

AN ORDINANCE TO AMEND THE FENCE REGULATIONS OF THE CITY OF RALEIGH.

BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA; that

Section 1. Amend Raleigh City Code subsection 10-2085(b)(3) to insert between the words “street right-of-way” and “and” the language: “,other than thoroughfare rights-of-way which are regulated in subsections (4) and (5) below,”.

Section 2. Amend Raleigh City Code section 10-2085(b) to add two new subsections. Said new subsections shall read as follows:

- “(4) Except as otherwise regulated by subsection (5) below, all fences and walls constructed and replaced after application of this section* and located less than twenty (20) feet from *thoroughfare* rights-of-way *shall* either be less than forty-two (42) inches in height or situated at least fifteen (15) feet from any *thoroughfare* right-of-way and screened with evergreen planting materials, so that no more than one-fourth (1/4) of its surface area will be visible from the *thoroughfare* within three (3) years of *erection* of the fence or wall. Except as otherwise regulated by subsection (5) below, all fences and walls constructed and replaced after application of this section* that are more than forty-two (42) inches in height and located between twenty (20) and forty (40) feet from any *thoroughfare* right-of-way, *shall* be installed with planting materials, so that no more than one-third (1/3) of its surface area will be visible from the *thoroughfare* within three (3) years of *erection* of the fence or wall. Forty (40) per cent of this plant material *may* be deciduous.

- (5) After application of this section*, no fence or wall greater than forty-two (42) inches in height *shall be* constructed or replaced within any landscaped *street protective yard* required by any *Resource Management Zoning District*. In all other zoning districts, no fence or wall greater than forty-two (42) inches in height constructed or replaced after the application of this section * *shall* be situated closer than fifteen feet (15) feet to any *thoroughfare* right-of-way.

* **Editor’s note:** The regulations of this provision first became applicable on _____.”.

Section 3. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or

applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in 14-4 (a) or similar limitations.

Section 7. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 8. This ordinance shall become effective five days following its adoption.