



# Certified Recommendation

Raleigh Planning Commission

CR# 11615

## Case Information: TC-3-15 / Fences & Walls in Easements

### Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	Not applicable
<i>Action Items</i>	Not applicable

### Summary of Text Change

<i>Summary</i>	<p>Amends Sections 7.2.4.D.2., 7.2.4.D.3 and 7.2.8.B. of the Part 10A Raleigh Unified Development Ordinance to allow fences and walls to be located in City of Raleigh Utility Easements with the approval of the Director of Public Utilities in accordance with Section 8-2012(d) of the Raleigh City Code and fences and walls to be located in required drainage easements at the discretion of the Public Works Director. This text change also corrects some minor wording problems in the UDO within these same sections.</p>
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### Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-3-15:</u></p> <ol style="list-style-type: none"> <li>1. The adoption of the text change would allow fences and walls to encroach into City of Raleigh utility easements if approved as an encroachment by the Raleigh Director of Public Utilities in accordance with Section 8-2012(d) of the Raleigh City Code.</li> <li>2. The adoption of the text change would allow fences and walls to encroach into required drainage easements at the discretion of the Public Works Director.</li> <li>3. The adoption of the text change would change the name of the Planning and Development Officer to Planning Director in these code sections to reflect upcoming City organizational changes.</li> </ol> <p><u>No Action:</u></p> <ol style="list-style-type: none"> <li>1. Fences and Walls wouldn't be allowed to encroach into any City of Raleigh utility easements or required drainage easements.</li> </ol>
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### Public Meetings

<i>Submitted</i>	<i>Committee</i>	<i>Planning Commission</i>
Feb. 3, 2015		3-10-15





## Zoning Staff Report – TC-3-15

### Fences and Walls in Drainage & Utility Easements

#### Request

<i>Section Reference</i>	<b>Part 10A §7.2.4.D.2. Wall Encroachments in Protective Yards</b> <b>Part 10A §7.2.4.D.3. Fence Encroachments in Protective Yards</b> <b>Part 10A §7.2.8.B. General Standards for Walls and Fences</b>
<i>Basic Information</i>	Amends the Part 10A Raleigh Unified Development to allow fences and walls to be located in City of Raleigh Utility Easements or required drainage easements with the approval of the Raleigh Director of Public Utilities in accordance with Section 8-2012(d) of the Raleigh City Code.
<i>PC Recommendation Deadline</i>	

#### Comprehensive Plan Guidance

<i>Applicable Policies</i>	Not applicable
<i>Action Items</i>	Not applicable

#### Contact Information

<i>Staff Coordinator</i>	Eric Hodge: <a href="mailto:eric.hodge@raleighnc.gov">eric.hodge@raleighnc.gov</a> ; 919.996.2639
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#### History/Overview

This text change was initiated by the City Council’s Public Works Committee and the Department of Public Utilities to address the allowance of fences and walls in City of Raleigh Utility easements and required drainage easements at the discretion of the Raleigh Director of Public Utilities in accordance with Section 8-2012(d) of the Raleigh City Code.

#### Purpose and Need

This text change would bring the UDO Use Regulations more into alignment with the Raleigh Department of Public Utilities regulations set forth in Section 8-2012(d) of the Raleigh City Code. The proposed changes would allow fences and walls to be approved as encroachments into City of Raleigh utility easements if found by the Director of Public Utilities in accordance with the Section 8-2012(d) of the Raleigh City Code. This text change would also allow the Public Works Director to approve encroachments into required drainage easements.

#### Alternatives Considered

None

## Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

None.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

The fence and wall encroachments into City of Raleigh utility easements allowed under Section 8-2012 of the Raleigh City Code would be prohibited by the Unified Development Ordinance. As a result, there would be misleading and contradictory information set forth within the City Code between these two sections. Fences and walls would not be allowed within any required drainage easement, regardless of impact.

## Impacts Summary

### Adoption of Proposed Text Change

The Director of Public Utilities will be able to approve fence and wall encroachments in City of Raleigh utility easements in accordance with Section 8-2012(d) of the Raleigh City Code. The Public Works Director would be able to approve fence and wall encroachments in required drainage easements.

### No action

No fences or walls will be allowed to encroach into City of Raleigh utility easements or required drainage easements.

**ORDINANCE NO. (2015) 432 TC 367  
TC-3-15**

**AN ORDINANCE TO ALLOW FENCES TO BE LOCATED  
IN CITY OF RALEIGH UTILITY EASEMENTS AT THE  
DISCRETION OF THE PUBLIC UTILITIES DIRECTOR  
OR IN A REQUIRED DRAINAGE EASEMENT AT THE  
DISCRETION OF THE PUBLIC WORKS DIRECTOR**

***NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:***

**Section 1.** Section 7.2.4.D.2. of Part 10A of the Unified Development Ordinance, related to wall encroachments, is hereby amended by insertion of the following underlined provisions and deleting the language shown with a strike-through:

**2. Walls**

Walls in a protective yard must meet the following:

- a. Walls must be closed and not exceed a maximum height of 8 feet.
- b. Walls shall be compatible with the principle building in terms of texture, quality, material and color.
- c. Walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; architectural block; split-faced block; stucco over standard concrete masonry blocks; or glass block in a structurally safe and attractive condition.
- d. No walls containing more than 50% exposed standard concrete masonry blocks are permitted, whether painted or not.
- e. Alternative wall materials may be approved by the Planning ~~and Development Officer~~ Director.
- f. No wall can be located within any ~~required drainage or utility easement or similar City of Raleigh easement or within any tree conservation area.~~
- g. No wall can be located within any City of Raleigh utility easement without prior written approval of the Director of Public Utilities.
- h. No wall can be located within any required drainage easement without prior written approval of the Public Works Director.

**Cross reference:** The Director of Public Utilities may approve structures within City of Raleigh utility easements, §8-2012 (d)

**Section 2.** Section 7.2.4.D.3. of Part 10A of the Unified Development Ordinance, related to fence encroachments, is hereby amended by insertion of the following underlined provisions and deleting the language shown with a strike-through:

### 3. Fences

Fences in a protective yard must meet the following:

- a. Fences must be closed and not exceed a maximum height of eight feet.
- b. Fences must be constructed of wood, composite fencing or PVC vinyl with the finished face located towards the adjacent property.
- c. Alternative fence materials may be approved by the Planning ~~and Development Officer~~ Director.
- d. No fence can be located within any ~~required drainage or utility easement or similar City of Raleigh easement or within any tree conservation area.~~
- e. No fence can be located within any City of Raleigh utility easement without prior written approval of the Director of Public Utilities.
- f. No fence can be located within any required drainage easement without prior written approval of the Public Works Director.

**Cross reference:** The Director of Public Utilities may approve structures within City of Raleigh utility easements, §8-2012 (d)

**Section 3.** Section 7.2.8.B. of Part 10A of the Unified Development Ordinance, related to walls and fences is hereby amended by insertion of the following underlined provisions and deleting the language shown with a strike-through:

#### B. General Standards

1. Fences and walls must be constructed of high quality materials including 1 or a combination of the following: decorative blocks; brick; stone; cast-stone; architectural block; split-faced block; stucco over standard concrete masonry blocks; glass block; wood; wrought iron; composite fencing; wire; PVC vinyl; aluminum; metal or other material approved by the Planning ~~and Development Officer~~ Director.
2. No wall or fence can be located within any ~~required drainage or utility easement or similar City of Raleigh easement tree conservation area.~~
3. No wall or fence can be located within any City of Raleigh utility easement without prior written approval of the Director of Public Utilities.
4. No wall or fence can be located within any required drainage easement without prior written approval of the Public Works Director.

- ~~3.~~ 5. Barbed wire or concertina wire may be allowed in accordance with Sec. 13-3011.
- ~~4.~~ 6. Except in an IH district, chain-link fences are not allowed in any front or side street setback.
- ~~5.~~ 7. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections or a change in material.
- ~~6.~~ 8. Except in an IH district, a wall or fence not more than 6 and one half feet in height may be located in a front or side street setback, provided the opacity of the wall or fence above 4 feet in height does not exceeds 50%.
- ~~7.~~ 9. A wall or fence may not exceed 8 feet in height in a side or rear setback unless it is located adjacent to a street, in which case it may be no more than 6 and one half feet in height, provided the opacity of the wall or fence above 4 feet in height does not exceed 50%.

**Cross reference:** The Director of Public Utilities may approve structures within City of Raleigh utility easements, §8-2012 (d)

**Section 4.** All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

**Section 5.** 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 6.** This text change has been reviewed by the Raleigh City Planning Commission.

**Section 7.** This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

**Section 8.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 9.** 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 N.C.G.S. §14-4(a) or similar limitations.

**Section 10.** This ordinance is effective 5 days after adoption.

**ADOPTED:** April 21, 2015

**EFFECTIVE:** April 26, 2015

**DISTRIBUTION:** Planning – Bowers, Crane, Hodge  
City Attorney – Botvinick, Hargrove-Bailey  
Department Heads  
Transcription Svcs – Taylor

*Prepared by the Planning and Development Department*