



Certified Recommendation

Raleigh Planning Commission

CR# 11753

Case Information: TC-20-16 Construction Safety Barrier Fencing

Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	Policy LU5.6 Buffering requirements; New development adjacent to existing parcels.... Buffers may include larger setbacks, landscaped or forested areas strips, transition zones, <u>fencing</u>... to avoid potential conflicts.
<i>Action Items</i>	None

Summary of Text Change

<i>Summary</i>	Amends 7.2.8 Walls and Fencing by adding 7.2.8.1 A and B Construction Safety Barrier Fencing, which requires that construction safety barrier fencing be installed along property lines to protect adjacent properties from negative impacts associated with the construction activity.
----------------	---

Summary of Impacts

<i>Impacts Identified</i>	Adoption of TC-15-16; will assist in protection of adjacent developed properties from the negative impacts associated with construction activities on a neighboring property.
---------------------------	---

Public Meetings

<i>Submitted</i>	<i>Committee</i>	<i>Planning Commission</i>
11-22-2016	Text Change	Forwarded with a recommendation of Approval with modification by addition of standard 1 in general standards section.

Attachments

1. Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Forwarded with a recommendation of approval as presented.
<i>Findings & Reasons</i>	To help in to protect existing owners of residential property from the impacts of adjacent land disturbance, demolition and construction activities.
<i>Motion and Vote</i>	Motion: Jeffreys Second: Schuster In favor: Braun, Fluhrer, Hicks, Jeffreys, Schuster, Swink, Terando and Tomasulo



Zoning Staff Report – TC-20-16, Construction Safety Barrier Fencing

Request

<i>Section Reference</i>	TC-20-16
<i>Basic Information</i>	Amends the UDO to require construction safety barrier fencing along adjacent properties to prevent negative impacts to adjoining owners.
<i>PC Recommendation Deadline</i>	Recommend Approval by City Council

Comprehensive Plan Guidance

<i>Applicable Policies</i>	Policy LU5.6 Buffering requirements; New development adjacent to existing parcels.... Buffers may include larger setbacks, landscaped or forested areas strips, transition zones, <u>fencing</u>... to avoid potential conflicts.
<i>Action Items</i>	None

Contact Information

<i>Staff Coordinator</i>	Gary D. Mitchell gary.mitchell@raleighnc.gov ; 919.996.2525
--------------------------	--

History/Overview

This text change is the result of petitions of citizens submitted to the Growth and Natural Resource Committee. There have been a number of incidents when construction on adjoining parcels has negatively impacted the neighboring parcels. Such impact(s) may include but are not limited to the following; disturbance of turf, gardens and landscaping along the boundaries of the property.

As a result staff was asked to draft a text amendment to address this issue. Attached is a draft of the proposed text. Staff placed this in Chapter 7, specifically by creating a new sub-category 7.2.8.1 A and B Construction Safety Barrier Fencing. This new text would be associated with any type of construction where the adjacent properties have been developed previously and the proposed construction involves trenching, excavating, and similar construction activities. The draft text is attached.

City Council Committee Action:

The Growth and Natural Resources Committee of City Council forwarded this to the Planning Commission with a favorable recommendation for further review and consideration.

Planning Commission Action:

The Planning Commission, at their November 22, 2016, meeting forwarded this text change to the Text Change Committee meeting scheduled for January 17, 2017. On January 24, 2017, the Text Change Committee of the Planning Commission forwarded this text change to the Planning Commission with a recommendation of approval. The Planning Commission forwarded this text change to City Council with a recommendation of approval on January 24, 2017.

Purpose and Need

This text amendment would help to protect neighboring properties from the impacts associated with construction on adjacent properties. There seem to have been several incidents where construction activities have trespassed onto adjoining, previously developed properties causing damage to the adjoining properties. The text amendment is an attempt to limit such instances in the future.

Alternatives Considered

By not adopting this text amendment this becomes a private matter between adjoining land owners and would not obligate the City address this issue (current practice).

Scoping of Impacts

Impacts will include closer monitoring of construction properties/activities and possibly more inspection/enforcement issues for City staff. This may, depending on the frequency and duration, have some budget impacts since it may require additional inspection(s) staff and/or staff time to ensure this ordinance requirement is enforced.

No action

By not adopting this text amendment this becomes a private matter between adjoining land owners and would not obligate the City address this issue (current practice).

**ORDINANCE NO. (2016)
TC-20-16 Construction Fencing**

AN ORDINANCE TO PART 10 OF THE CITY OF RALEIGH CITY CODE TO AMEND SECTION 7.2.8 OF THE RALEIGH UNIFIED DEVELOPMENT ORDINANCE (UDO) BY ADDING 7.2.8.1 A AND B TO REQUIRE CONSTRUCTION SAFETY BARRIER FENCING

WHEREAS, the intent of the Unified Development Ordinance for the City of Raleigh was to create more predictable development;

WHEREAS, the existing regulations in Chapter 7.2.8 addresses the criteria for fences and walls along property boundaries;

WHEREAS, the existing regulations in Chapter 7.2.8 does not address impacts of construction activities on adjacent properties;

WHEREAS, addressing the impacts of new construction on existing developed properties is something the City deems to be in the public interest;

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

Section 1. SECTION. 7.2.8 WALLS AND FENCES of the Raleigh Unified Development Ordinance, is hereby amended by is hereby amended by addition of SECTION 7.2.8.1 by inserting the following underlined/italic text:

Sec. 7.2.8.1. Walls and Fences

A. Applicability

In order to protect previously developed properties from potential negative impact(s) by new construction the following requirements apply to the location(s) where new construction has been permitted which involves trenching, excavation, utility, and any other type of construction. Such location(s) shall have bright orange construction safety/barrier fencing installed around the perimeter of the affected area.

B. General Standards

1. The construction safety barrier fencing shall be installed prior to the start of any land disturbing, demolition or construction activity on the property.
2. The minimum height of such fencing shall be no less than four (4) feet.
3. The fencing shall be placed one (1) foot off the property line of the property of which permit(s) have been issued, adjacent to the location(s) of the construction activity(s).
4. A sign shall be posted on the fence stating "Adjacent Property/No Trespassing", in both Spanish and English.
5. Construction safety barrier fencing is required when construction activity(s) is adjacent to any of the following residential zoning district(s) (R-1, R-2, R-3, R-4, R-6, R-10).
6. If necessary construction safety barrier fencing may be temporarily removed during the construction process provided it is replaced at the end of each day.
7. If silt fence is required along the property line there is no requirement for the construction safety barrier fencing to be installed.

8. The construction safety barrier fencing shall be maintained in proper condition and remain in place until the construction is completed and a Certificate of Occupancy (C/O) has been issued.

Section 3. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict. Notwithstanding any language in a zoning condition indicating administrative alternates are allowed, this ordinance hereby repeals such language.

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 text change has been reviewed by the Raleigh City Planning Commission.

Section 6. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

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

Section 8. 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 9. This ordinance is effective 5 days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION:

Prepared by the Department of City Planning