



LDC AMENDMENT- ELECTRIFIED FENCES

Following additional staff discussion with the electrified fence industry and City departments, staff proposes to modify the proposed ordinance as follows:

1. Fencing in Parramore District
 - Proposed ordinance: prohibits security (barbed wire and electrified) fencing
 - Amendment to proposed ordinance: prohibits only electrified fencing, allowing barbed wire fencing with Zoning Official's Determination
2. Fencing adjacent to street
 - Proposed ordinance: prohibits electrified fencing between the building and the street on sites with a front or street-side yard adjacent to a Major Thoroughfare
 - Amendment to proposed ordinance: prohibition remains in place, but adds an allowance for such fences to undergo review of a Special Exception, with Municipal Planning Board and City Council review
3. Zoning Official Determination (ZOD) review
 - Proposed ordinance: requires ZOD review for all electrified fencing, whether or not it complies with the new standards
 - Amendment to proposed ordinance: requires ZOD only for fencing requesting a "special exception" as outlined in the ordinance
4. Separation between electrified and regular fencing
 - Proposed ordinance: requires a non-electrified fence to surround an electrified fence with a min. separation of 3 in. between the fences
 - Amendment to proposed ordinance: the separation shall be a minimum 6 in. and maximum 12 in.
5. Public Safety review
 - Proposed ordinance: requires fire chief review of electrified fencing's onsite emergency deactivation system
 - Amendment to proposed ordinance: requires review of the above by the fire chief and police chief



LDC AMENDMENT— ELECTRIFIED FENCES

<p>Applicant</p> <p>City Staff</p> <p>Project Planner</p> <p>Karl Wielecki, AICP City Planning Division</p>	<p>Description of the Request</p> <p>City Staff proposes an amendment to the Land Development Code regarding Electrified Fences, expressly permitting them and providing a clear and consistent permitting process.</p> <p>Current Code</p> <p>Section 58.930, Orlando City Code, prohibits “electrically charged” fences within office and residential zoning districts. Otherwise, the Land Development Code is silent on electrified fences, implying that they are allowed by-right within non-office and non-residential zoning districts. But because most Orlando zoning districts allow office or residential uses (including the industrial districts which allow office uses), electrified fences are virtually banned City-wide.</p> <p>In addition, City permitting staff and the City Fire Marshall have historically interpreted the City’s Fire Prevention Code to prohibit electrified fences. This interpretation is not based on an express prohibition of the fences but instead on language generally prohibiting barriers to safe ingress and egress for first responders and individuals fleeing a fire or other emergency.</p> <p>Staff Recommendation</p> <p>Staff and representatives from the electrified fence industry met and spoke on several occasions. Staff considered many options for clarifying the current code – from wholly banning electrified fences to allowing them by-right in many industrial and commercial zoning districts. After carefully balancing competing interests and negotiating with industry representatives staff proposes and recommends approval of an ordinance that:</p> <ol style="list-style-type: none"> 1. Clearly defines a “security fence,” which includes a barbed wire and electrified fence 2. Prohibits security fences in: <ol style="list-style-type: none"> A. Parramore Heritage overlay B. All zoning districts, except for: <ol style="list-style-type: none"> i. Industrial zoning districts 	<ol style="list-style-type: none"> ii. Industrial uses in the High Intensity Airport Support district iii. Planned developments (PDs) with underlying industrial zoning iv. PDs with an industrial use in an underlying ASD-HI district v. Nonconforming industrial uses <ol style="list-style-type: none"> 3. Allows security fences by special exception in: <ol style="list-style-type: none"> A. Public use district B. Industrial uses in the Medium Intensity Airport Support district 4. Prohibits electrified fences: <ol style="list-style-type: none"> A. within 50 ft. of a residential district, unless approved by special exception through MPB. B. between 51 ft. and 150 ft. of a residential district, unless approved by administrative special exception. C. within 50 ft. of O.B.T. and Narcoossee Rd., unless approved by administrative special exception. D. Between the building facade and an adjacent Major Thoroughfare on sites with a front or street-side yard along a Major Thoroughfare 5. Electrified fences: <ol style="list-style-type: none"> A. may not exceed 8 ft. in height. B. must be posted with warning signs. C. must provide an onsite emergency deactivation device. D. must be surrounded by a non-electrified fence at least 3 in. away and 2 ft. shorter than the electrified fence. E. Max. power source: 12-volt battery 6. Requires zoning official approval of all electrified fences. <p>Public Comments</p> <p>Since this proposed code change is not property-specific, the City did not mail public notices. Staff did post this item on the City’s Bulletin Board, the City’s web site, and placed a classified ad in the Orlando Sentinel. As of the date of this staff report, staff has received no public comments.</p>
<p>Updated: February 9, 2015</p>		

EXISTING FENCE CODE

The existing code concerning barbed wire fencing is as follows:

Sec. 58.930. Barbed Wire and Similar Material.

Office and Residential Districts. No barbed wire or electrically charged fence shall be erected in any location on any building site in residential or office districts. In addition, walls and fences erected in any office or residential district shall not contain any substance such as broken glass, spikes, nails, barbs, or similar materials designed to inflict pain or injury to any person or animal.

Commercial and Industrial Districts. Barbed wire only may be incorporated into or as an extension of the height of permitted walls and fences as approved by the Zoning Official, provided that such extension shall not exceed 18 inches above the permitted height.

Public Safety. In no event shall barbed wire be placed so as to project outward over any sidewalk, street, or other public way, or over property of an adjacent owner in those districts where the use of barbed wire is permitted.

PROPOSED CODE AMENDMENT

The City Attorney's Office has proposed the following code amendment:

Sec. 58.930. Security fences.

A "security fence" is a fence or wall with a special defensive feature designed primarily to protect property from theft, vandalism, trespass, or other criminal activity. Barbed-wire and electrified fences are security fences for purposes of this part. A chain-link fence, by itself, is not a "security fence" for the purposes of this section, but is a "security fence" when combined with barbed wire or other special defensive features. "Special defensive features" include any less-than-lethal security feature such as, without limitation, broken glass, spikes, nails, barbs, or similar material designed to inflict pain or injury to any person or animal.

Security fences in general. Security fences are prohibited in all underlying zoning districts except as otherwise provided in this section. Security fences are also prohibited in the Parramore Heritage zoning overlay district without regard for the underlying zoning district. Security fences incorporating broken glass or razor-wire are prohibited throughout the City except for jails and prisons.

Industrial and Certain High Intensity Airport Support District Uses. Security fences are permitted in all industrial zoning districts and for industrial uses within the High Intensity Airport Support District. They are also permitted in planned development districts with an industrial underlying zoning district and for industrial uses within planned development districts with an underlying High Intensity Airport Support District.

Public Use District and Certain Medium Intensity Airport Support District Uses. Security fences may be permitted by special exception in the Public Use District and for industrial uses in the Medium Intensity Airport Support District. For purposes of this part, applications for a special exception shall be reviewed and approved, approved with conditions, or denied, by zoning official letter of determination. In reviewing an application for special exception, the zoning official shall apply the standards of review provided for review of conditional use permits as provided at section 65.285 of this code. If the zoning official approves the request for a special exception, he or she may impose one or more of the

PROPOSED CODE, CONT'D

conditions of development provided by section 65.284 of this code. Conditions of development must be reasonably calculated to mitigate identifiable land use impacts of the security fence. Violations of development conditions constitute a violation of this section.

Nonconforming industrial uses. Security fences are permitted for legally existing but nonconforming industrial uses. The purpose of this part is to allow security fences for industrial uses that were established legally but have become a nonconforming use by virtue of a subsequent zoning map or zoning text amendment.

Special regulations for electrified fences. Notwithstanding anything in this code to the contrary, electrified fences are subject to the following special regulations:

a. Electrified fences are prohibited within 50 feet of a residential zoning district or a planned development district with underlying residential zoning unless approved by special exception. For purposes of this part, applications for a special exception shall be reviewed and approved, approved with conditions, or denied, by zoning official letter of determination. The official letter of determination is then subject to review and recommendation by the Municipal Planning Board and final action by Council. In reviewing an application for special exception, the zoning official, the Municipal Planning Board, and Council shall apply the standards of review provided for review of conditional use permits as provided at section 65.285 of this code. If the request for a special exception is approved, the Council may impose one or more of the conditions of development provided by section 65.284 of this code. Conditions of development must be reasonably calculated to mitigate identifiable land use impacts of the security fence. Violations of development conditions constitute a violation of this section.

b. Electrified fences are prohibited between 51 feet and 150 feet of a residential zoning district or a planned development district with underlying residential zoning unless approved by special exception. For purposes of this part, applications for a special exception shall be reviewed and approved, approved with conditions, or denied, by zoning official letter of determination. In reviewing an application for special exception, the zoning official shall apply the standards of review provided for review of conditional use permits as provided at section 65.285 of this code. If the zoning official approves the request for a special exception, he or she may impose one or more of the conditions of development provided by section 65.284 of this code. Conditions of development must be reasonably calculated to mitigate identifiable land use impacts of the security fence. Violations of development conditions constitute a violation of this section.

c. Electrified fences are prohibited within 50 feet of the right-of-way of Narcoossee Road and Orange Blossom Trail unless approved by special exception. For purposes of this part, applications for a special exception shall be reviewed and approved, approved with conditions, or denied, by zoning official letter of determination. In reviewing an application for special exception, the zoning official shall apply the standards of review provided for review of conditional use permits as provided at section 65.285 of this code. If the zoning official approves the request for a special exception, he or she may impose one or more of the conditions of development provided by section 65.284 of this code. Conditions of development must be reasonably calculated to mitigate identifiable land use impacts of the security fence. Violations of development conditions constitute a violation of this section.

d. For sites with a front or street-side yard adjacent to a roadway segment identified in the City's Major Thoroughfare Plan, electrified fences are prohibited between the façade (and a line running perpendicular from the end of the façade to the property line) of the principal structure and the respective adjacent Major Thoroughfare.

PROPOSED CODE, CONT'D

e. Each electrified fence must be approved by zoning official letter of determination. In reviewing an application for a letter of determination, the zoning official shall review the proposal for compliance with this section and other applicable provisions of the Land Development Code. Nothing in this part shall be interpreted as exempting an electrified fence from any other applicable local, state, or federal regulation.

f. The primary power source of the electric charge delivered to the electrified fence must be a 12-volt battery.

g. All electrified fences must be completely surrounded by a non-electrified fence. The surrounding non-electrified fence must be separated from the electrified fence by at least 3 inches and must be 2 feet shorter than the electrified fence.

h. Electrified fences may not exceed 8 feet in height, but the zoning official may approve a modification of this standard in accordance with Part 2F, Chapter 65, of this code.

i. Electrified fences must be posted with warning signs. The warning signs must be at least 8.5" by 11" in size and posted at least every 60 lineal feet along the perimeter of the fence. The signs must be posted between 3 feet and 6 feet above the ground and face outward and inward from the site. Each sign must display, in clear, legible typeface, the words "DANGER ELECTRIFIED FENCE" or "WARNING ELECTRIC FENCE," or a functionally similar warning approved by the zoning official. Signs must be printed in English and Spanish.

j. Electrified fence systems must provide and maintain an onsite emergency de-activation device accessible to public first responders. The system must be approved by the fire chief.