



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
ELECTRIFIED FENCE SUB-COMMITTEE**

AGENDA

**MONDAY, JANUARY 7, 2013
2300 NORTH JOG ROAD
VISTA CENTER, ROOM 1W-47
3:00PM-5:00PM**

A. CALL TO ORDER

1. Roll Call/Introductions
2. Amendments to the Agenda
3. Adoption of December 12, 2012 Meeting Summary (Exhibit A)

B. REVIEW OF PROPOSED CODE LANGUAGE (EXHIBIT B)

C. LDRAB MEETING

1. Wednesday, January 23, 2013

D. ADJOURN

EXHIBIT A

ELECTRIC FENCE SUBCOMMITTEE A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

SUMMARY OF THE DECEMBER 12, 2012 MEETING

On Wednesday, December 12, 2012, a LDRAB Subcommittee meeting was held at the Vista Center, Kenneth Rogers Hearing Room, VC-1W-47 at 2300 North Jog Road, West Palm Beach, Florida.

A. CALL TO ORDER

1. Roll Call

The meeting commenced at 3:40 p.m.

2. Introduction of Members, Staff and Interested Parties

LDRAB Subcommittee Member: Frank Gulisano, Barbara Katz, and Lori Vinikoor

Interested Parties: Lt. Bruce Hannan, Deputy Sheriff Karl Martin, Matthew Leger, Chris Barry, Cliff Hertz, Thuy Shutt and Cindy Gsell.

County Staff: Richard Gathright, Bryan Davis, William Cross, and Scott Rodriguez.

3. Election – Chair and Vice Chair (Optional)

Members of the Subcommittee did not elect a Chair/ Vice Chair and deferred to staff to lead discussion.

4. Amendments to the Agenda

N/A.

5. Motion to Adopt Agenda

Agenda was accepted by participants to use as is.

6. Adoption of November 26, 2012 Meeting Summary

Mr. Gulisano pointed out that the Call to Order time was incorrect in the Summary (3:40 p.m. instead of 3:00 p.m.). The Subcommittee accepted the summary with the change.

B. REVIEW OF PROPOSED AMENDMENTS

1. Status- Staff Issues

Mr. Cross summarized staff's initial concerns with the proposed amendment to members of the subcommittee. The primary concerns included aesthetics (ROW, residential setbacks and buffering) and safety. Mr. Cross commented that a majority of the safety issues have been resolved and staff would prefer to defer enforcement to the Building Division.

2. Other Suggested Items for Consideration

Mr. Cross summarized three scenario's 1) an existing site that may or may not have a conforming landscape buffer; not to change any landscaping requirements to address aesthetics and visibility, 2) have a previously approved project that meets all landscaping requirements but the product is not compatible with landscaping; could cause a maintenance issue, and 3) new development that affects landscaping.

3. Applicant Review of Proposed Language

Ms. Gsell gave a brief presentation of the product to benefit subcommittee members not present at the November 26, 2012 meeting. This included safety and aesthetics of the product. During the brief overview of the product, members of the subcommittee asked questions and provided comments:

Ms. Shutt asked what types of fences the product is compatible with. Ms. Gsell responded by saying that any type of fence is compatible. Ms. Shutt informed the subcommittee of the requirements of the Westgate CRA and its Board and the focus of redevelopment and mixed uses. Ms. Vinikoor inquired on the size of the power source. Ms. Gsell offered that some power sources were typically the size of a car battery. Mr. Cross reiterated concerns pertaining to the WCRAO form based code as relates to

EXHIBIT A

setbacks, visibility from the ROW, screening, and signage) of ROW frontages as it pertains to industrial or commercial neighborhoods. Ms. Vinikoor asked representatives of PBSO whether or not the product was an effective deterrent. Lt. Hannan and Deputy Sheriff Martin agreed that the product is a strong deterrent. Mr. Hertz discussed the disadvantages of screening in an urban development area and comparable environments in which sales (of products on display) would be impacted.

Mr. Cross advised that research identifying municipalities lifting prohibitions on electric fences were mostly for industrial districts. In these instances, the County has regulations in place that would facilitate the product adjacent to residential districts. Commercial districts present a different set of challenges such as landscaping, ROW, etc. Commercial and industrial districts could potentially introduce an electric fence in the public realm that County staff is not comfortable with.

Ms. Gsell offered an option to lower the fence to same allowable height as the gate and to ensure buffers (to mitigate the horizontal poles on the gate) as opposed to screening. This option was open for discussion by staff. Additional discussion ensued, with Ms. Vinikoor suggesting that the aesthetics of the gate might be improved through the use of decorative gates, such as aluminum or other similar. Mr. Cross expressed potential interest by key stakeholders of urban redevelopment proponents and their concerns. Ms. Katz reiterated public safety should be a primary concern.

Mr. Cross expressed to the subcommittee that staff reviewed the applicant's proposed Code language and provided feedback regarding landscaping and buffer requirements. Mr. Barry and Mr. Hertz agreed that another meeting with staff to work out language was warranted to be discussed at the third subcommittee meeting.

C. NEXT MEETING AGENDA

Participants agreed that a third meeting was warranted. Ms. Vinikoor suggested that at the next meeting, technical examples of Code language are presented to the subcommittee. Participants agreed on January 7, 2013 as a date for the next subcommittee meeting. Mr. Gulisano suggested a change in start time from 3:30 p.m. to 3:00 p.m. to allow the subcommittee more time to review and discuss proposed language. The participants agreed.

D. ADJOURN

The meeting adjourned at 4:48 p.m.

EXHIBIT B
ELECTRIC FENCES
SUMMARY OF AMENDMENTS
(Updated 1/3/13)

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2 **Part 1. ULDC Art. 1.I.2.F [Related to Definitions] (59 of 119), is hereby amended as follows:**
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Reason for amendments: [Applicant] Amend the ULDC in accordance with BCC direction from the September 27, 2012 BCC Zoning Hearing. The Board directed staff to process a publicly initiated ULDC amendment to be submitted (Phase II) on behalf of Electric Guard Dog, to allow for the use of electric security fencing in certain situations.

Note: The applicant's proposed language, as resubmitted on December 20, 2012, is shown below in the left hand column in the normal ~~strikeout~~ or underline format. Staff recommendations are shown in the right hand column, with any alternate recommendations or changes shown in double ~~strike-out~~ or underline format.

4 **CHAPTER I**

5 **Section 2 Definitions**

6 **F. Terms defined herein or referenced in this Article shall have the following meanings:**
7

Applicant's Proposed Language:	Staff Recommendations:
<p>.... <u>13. Fence, Electrified — Any fence, barrier or enclosure partially or totally enclosing a building, field or yard, carrying any electrical pulse or charge through any part, section or element thereof.</u> [Renumber accordingly.]</p>	<p>13. Fence, Electrified — Any fence, barrier or enclosure partially or totally enclosing a building, field or yard, carrying any electrical pulse or charge through any part, section or element thereof. [Renumber accordingly.] N/A - Zoning does not recommend developing a definition.</p>

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EXHIBIT B
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SUMMARY OF AMENDMENTS
(Updated 1/3/13)

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Part 2. ULDC Art. 5.B.1.A.2.c, Dangerous Materials [Related to the Fences, Walls and Hedges] (page 9 of 92), is hereby amended as follows:

Reason for amendments: [Applicant] Amend the ULDC in accordance with BCC direction from the September 27, 2012 BCC Zoning Hearing. The Board directed staff to process a publicly initiated ULDC amendment to be submitted (Phase II) on behalf of Electric Guard Dog, to allow for the use of electric security fencing in certain situations.

Staff issues are summarized as follows:

1. Staff generally concurs with the potential viability of the proposed electrified fencing as a deterrent to crime in industrial areas with limited natural surveillance or in other areas subject to minimum standards to address concerns with appearance of blight.
2. Staff reviewed several ordinances from jurisdictions that permit electrified fencing, and noted that a significant number limit use to industrial districts or similar areas, several explicitly prohibit within residential districts.
3. Staff continues to have concerns that the use of electrified fencing in commercial or residential areas, where visible to residential uses or the public in general, has the appearance of slum and blight. The “perception” of environmental, crime or economic blight has historically been acknowledged as adverse to neighborhoods and communities, often hampering new investment or reducing quality of life.

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CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

2. Fences, Walls and Hedges

c. Dangerous Materials

~~4)~~ Fences or walls in any zoning district, shall not be electrified or contain any substance such as broken glass, spikes, nails, barbed wire, razors, or any other dangerous material designed to inflict discomfort, pain or injury to a person or animal, except as allowed below. **[Ord. 2010-005] [Ord. 2011-001]**

12) Barbed Wire Exceptions

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EXHIBIT B
ELECTRIC FENCES
SUMMARY OF AMENDMENTS
(Updated 1/3/13)

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Applicant's Proposed Language:	Staff Recommendations:
<p>3) Fence, Electric Exceptions and Regulations <u>The use of electrified fencing is prohibited except in instances as detailed below. The County recognizes that electrified fencing may be necessary to secure certain uses. Therefore, the County allows the installation of electrified fencing that meets the standards below.</u></p>	<p>3) Electrified Fence Exceptions and Regulations <u>The use of electrified fencing is prohibited except in instances as detailed below. The County recognizes that electrified fences may be necessary to secure certain non-residential uses or structures. Therefore, the County allows the installation of electrified fencing that meets the standards below, subject to the following:</u></p>
<p>a) Allowable Uses/Properties for Fence, Electric <u>Electrified fencing shall only be allowed for the following uses and/or properties:</u></p> <ul style="list-style-type: none"> (1) <u>Agriculture, Storage;</u> (2) <u>Communication Tower;</u> (3) <u>Communication Cell Sites on Wheels;</u> (4) <u>Contractor Storage Yard;</u> (5) <u>Recycling Plant;</u> (6) <u>Solid Waste Transfer Station;</u> (7) <u>Truck Stop;</u> (8) <u>Utility, Minor;</u> (9) <u>Vehicle Sales and Rental;</u> (10) <u>Water or Treatment Plant;</u> (11) <u>Properties with a Conservation FLU designation, for the purposes of protecting publicly owned natural areas; and</u> (12) <u>To secure a Permanent Generator.</u> 	<p>a) Applicability Allowable Uses/Properties for Fence, Electric <u>Electrified fences fencing shall only be allowed for the following uses; and/or properties:</u></p> <ul style="list-style-type: none"> (1) <u>Agriculture, Storage;</u> (2) <u>Communication Tower;</u> (3) <u>Communication Cell Sites on Wheels;</u> (4) <u>Contractor Storage Yard;</u> (5) <u>Recycling Plant;</u> (6) <u>Solid Waste Transfer Station;</u> (7) <u>Truck Stop;</u> (8) <u>Utility, Minor;</u> (9) <u>Vehicle Sales and Rental;</u> (10) <u>Water or Treatment Plant;</u> (11) <u>Properties with a Conservation FLU designation, for the purposes of protecting publicly owned natural areas; and</u> (12) <u>To secure a Permanent Generator.</u>

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N/A	<u>(13)The Zoning Director shall have the authority to allow the installation of electrified fences for any uses pursuant to Art. 4.B, SUPPLEMENTARY USE STANDARDS, when the applicant demonstrates a need to comply with Federal, State or Local Government regulations. The Zoning Director may require the applicant to perform mitigation in order to address compatibility with adjacent properties or visibility from adjacent street right-of-way.</u>
N/A	<u>(14)Electrified fences shall not be permitted in any URAO, IRO, LCC, WCRAO, or TMD development constructed with a required build to line, unless located behind buildings and in areas not generally accessible by the public.</u> [Pending further discussion and verification from Westgate Community Redevelopment Agency (WCRA) staff and Board.]
<p style="text-align: center;"><u>b) Regulations</u> <u>No electrified fencing shall be installed, operated or maintained except as provided in this subsection.</u></p>	<p style="text-align: center;"><u>b) Standards Regulations</u> <u>Electrified No electrified fencing shall be installed, operated or maintained in compliance with the following: except as provided in this subsection.</u></p>
<p style="text-align: center;"><u>(1) Technical Standards</u></p> <p><u>(a) Electrified fencing shall be constructed, maintained and operated in conformance with the specifications set forth in International Electrotechnical Commission Standard 60335-2-76.</u></p> <p><u>(b) The electrified charge produced by the fencing upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76.</u></p>	<p style="text-align: center;"><u>(1) Technical Standards</u></p> <p><u>(a) Electrified fences fencing shall be certified by a national testing agency acceptable to the Palm Beach County Building Official constructed, maintained and operated in conformance with the specifications set forth in International Electrotechnical Commission Standard 60335-2-76.</u></p> <p><u>(b) The electrified charge produced by the fencing upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, or other similar national testing agency approval requirements.</u></p> <p>PENDING – Need to discuss further with PBC Building Official</p>

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<p><u>(2) Protection and Warning Notifications</u></p> <p>(a) <u>Electrified fencing shall be completely surrounded on the side facing the property exterior by non-electrified fencing or a wall that meets the following requirements:</u></p> <p>(i) <u>The non-electrified fencing or wall shall not be less than two (2) feet in height than the electrified fencing;</u></p> <p>(ii) <u>The non-electrified fencing or wall shall be a minimum of four (4) inches and a maximum of eight (8) inches to the exterior of the electrified fencing; and</u></p> <p>(iii) <u>When adjacent to a residential district or use the non-electrified fencing shall include a solid material that would prevent a person from being able to penetrate the non-electrified fencing.</u></p> <p>(b) <u>Electric fences shall be clearly identified with warning signs that read "Warning - Electric Fence" or similar terms and which are posted at intervals of not less than 60 feet with at least one sign on each exterior perimeter side of the fence.</u></p>	<p><u>(2) Exterior Non Electrified Fence or Wall Protection and Warning Notifications</u></p> <p>(a) Electrified fences fencing shall be completely surrounded on the side facing the property exterior by a non-electrified fence fencing or a wall that meets the following requirements:</p> <p>(i) Minimum of six feet in height The non electrified fencing or wall shall not be less than two (2) feet in height than the electrified fencing;</p> <p>[Relocated to maximum height of electric fence below.]</p> <p>(ii) The separation between the exterior non-electrified fence fencing or wall and the electrified fence shall be a minimum of four (4) inches and a maximum of eight (8) inches to the exterior of the electrified fencing; and</p> <p>(iii) When adjacent to or within 50 feet of a parcel of land with a residential FLU designation residential district or use, the non-electrified fencing shall include a solid material that would will screen the electric fence from view and prevent a person from being able to penetrate the non-electrified fencing.</p> <p>[Term "screen" relocated and consolidated from proposed language #5]</p> <p>d) Exterior fences such as chain link shall have openings no larger than two and three-eighths inches.</p> <p>(b) Electric fences shall be clearly identified with warning signs that read "Warning - Electric Fence" or similar terms and which are posted at intervals of not less than 60 feet with at least one sign on each exterior perimeter side of the fence.</p>
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<p>N/A</p>	<p>(3) Public Warning Signage <u>Electric fences shall be clearly identified with warning signs that read "Warning— Electric Fence" or similar terms and which are posted at intervals of not less than 60 feet with at least one sign on each exterior perimeter side of the non-electrified fence or wall.</u></p>
<p>(3) Height <u>(a) Electrified fencing shall be no more than two (2) feet in height taller than the non-electrified fencing or wall which it is adjacent to.</u> <u>(b) Electrified fencing shall be allowed to exceed the maximum height requirements of Art. 5.B.1.A.2.f if the electrified fencing is adjacent to a legal non-conforming non-electrified fencing or wall.</u> <u>(c) Where electrified fencing is located on gates within the required front setback the height of the electrified fencing shall not be allowed to exceed the height of the existing gate.</u></p>	<p>(4) Height <u>The maximum height of an electrified fence and any attachments shall be as follows:</u> <u>(a) Where located adjacent to residential shall not exceed the maximum height of Art. 5.B.1.A.2.e, Residential Districts, or Art. 5.B.1.A.2.f, Nonresidential Districts. [See (c) below.]</u> <u>(ab) All other electrified fences Electrified fencing shall be no more than two (2) feet in height taller than the non-electrified fencing or wall which it is adjacent to.</u> <u>(b) Electrified fencing shall be allowed to exceed the maximum height requirements of Art. 5.B.1.A.2.f if the electrified fencing is adjacent to a legal non-conforming non-electrified fencing or wall.</u> <u>(c) Where electrified fencing is located on gates within the required front setback the height of the electrified fencing shall not be allowed to exceed the height of the existing gate.</u></p> <p>[Superseded by Zoning limitation outlined in (a) above.]</p>

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<p>(4) Landscaping</p> <p>(a) Developed Properties</p> <p>(i) Within Buffers With Existing Fencing/Wall</p> <p>(1) If the electrified fencing is proposed within a buffer that has existing fencing or wall there shall be no additional landscaping requirements.</p> <p>(ii) Within Buffers Without Existing Fencing/Wall</p> <p>(1) If the electrified fencing is proposed within a buffer that has no existing fencing or wall the landscaping shall comply with Article 7, Landscaping, except that no hedging or shrubs shall be required on the interior of the non-electrified fencing/wall or the electrified fencing.</p> <p>(b) New Construction</p> <p>(i) Electrified fencing proposed within a buffer for new construction shall comply with Article 7, Landscaping, except that no hedging or shrubs shall be required on the interior of the non-electrified fencing/wall or the electrified fencing.</p>	<p>(54) Location and Landscaping</p> <p>Electrified fences shall not be permitted within front or side street setbacks. Electrified fences may be located within side or rear setbacks only when the landscape buffer is in compliance with Art. 7, Landscaping.</p> <p>(a) Developed Properties</p> <p>(i) Within Buffers With Existing Fencing/Wall</p> <p>(1) If the electrified fencing is proposed within a buffer that has existing fencing or wall there shall be no additional landscaping requirements.</p> <p>[Projects with nonconforming landscape buffers, fences or walls may utilize the variance process.]</p> <p>(ii) Within Buffers Without Existing Fencing/Wall</p> <p>(1) If the electrified fencing is proposed within a buffer that has no existing fencing or wall the shall comply with Article 7, Landscaping, except that no hedging or shrubs shall be required on the interior of the non-electrified fencing/wall or the electrified fencing.</p> <p>(b) New Construction</p> <p>(i) Electrified fencing proposed within a buffer for new construction shall comply with Article 7, Landscaping, except that no hedging or shrubs shall be required on the interior of the non-electrified fencing/wall or the electrified fencing.</p> <p>[Proposed hedge language already addressed in Part 3 under Art. 7.F.3.B, Location of Planting.]</p>
<p>(5) Screening</p> <p>(a) When adjacent to a residential district or use the non-electrified fencing shall include a solid opaque material up to the height of the non-electrified fencing for screening purposes.</p>	<p>(5) Screening</p> <p>(a) When adjacent to a residential district or use the non-electrified fencing shall include a solid opaque material up to the height of the non-electrified fencing for screening purposes.</p> <p>[Consolidated with standards for Exterior Non-Electrified Fence or Wall in #2 above]</p>

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SUMMARY OF AMENDMENTS
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<p><u>(6) Permitting</u> <u>(a) No electrified fencing shall be installed until after receiving a permit from the PBC Building Division confirming that the plans for the fence meet the requirements of this subsection.</u></p>	<p><u>(6) Permitting</u> <u>(a) No electrified fencing shall be installed until after receiving a permit from the PBC Building Division confirming that the plans for the fence meet the requirements of this subsection.</u> [Redundant.]</p>
<p><u>(7) Non-Conforming Barbed Wire</u> <u>(a) If a property has legal non-conforming barbed wire the barbed wire shall be removed prior to the issuance of a certificate of completion by the PBC Building Division for the electrified fencing.</u></p>	<p><u>(7) Non-Conforming Barbed Wire</u> <u>(a) If a property has legal non-conforming barbed wire the barbed wire shall be removed prior to the issuance of a certificate of completion by the PBC Building Division for the electrified fencing.</u></p>
<p><u>(8) Exemption</u> <u>(a) This subsection does not apply to professionally designed electrified devices installed near or under ground level for the purposes of keeping household pets on property.</u></p>	<p><u>(8) Exemption</u> <u>(a) This subsection does not apply to professionally designed electrified devices installed near or under ground level for the purposes of keeping household pets on property.</u> [Zoning does not consider this to be a fence]</p>
<p>N/A</p>	<p><u>(7) Hours of Operation</u> <u>Electrified fencing shall be deactivated during any business or other hours of operation.</u></p>

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SUMMARY OF AMENDMENTS
(Updated 1/3/13)

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2 Part 3. ULDC Art. 7.F.3.B, Location of Planting [Related to Walls and Fences in Buffers] (page
3 37 of 50), is hereby amended as follows:
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Reason for amendments: [Applicant] Staff advised the applicant that existing location of planting requirements may adversely affect the operation of electrified fencing due to issues with access for plant and tree maintenance, or potential for shrubs or tree branches to inadvertently short out or set off alarm.

5 CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

6 Section 3 Walls and Fences

7 B. Location of Planting

8 A minimum of 75 percent of required trees shall be located between the exterior of the wall or
9 fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility
10 buffer and located along the property line. Shrubs or hedges shall be installed on both sides of
11 the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a
12 compatibility buffer and located along the property line. [Ord. 2007-013]

13 1. Exception

14 Electrified fencing in accordance with Art. 5.B.1.A.2.c.3), Electrified Fences Exceptions and
15 Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified
16 fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is
17 adjacent to.
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20 Part 4 ULDC Art. 7.F.3.E, Chain Link Fences [Related to Walls and Fences in Buffers] (page 37
21 of 50), is hereby amended as follows:
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Reason for amendments: [Applicant]

23 CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

24 Section 3 Walls and Fences

25 E. Chain Link Fences

26 Vinyl coated chain link fences are permitted only if used in the R-O-W buffer, installed behind an
27 opaque six foot high hedge or approved by the BCC, or ZC. [Ord. 2007-001] [Ord. 2007-013]

28 1. Exception

29 An electrified fence in accordance with Art. 5.B.1.A.2.c.3), Electrified Fences Exceptions and
30 Regulations, shall not be required to be vinyl coated.
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