



## Jon E. Schmidt and Associates

Land Planning and Landscape Architecture

September 26, 2012

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**RE: Proposed Code Language for Electrified Fencing in the Palm Beach County (PBC) Unified Land Development Code (ULDC)**

Dear Mr. Hertz,

Below is the proposed code language to incorporate electrified fencing into the PBC ULDC for your review and comment. Note that there were uses that had provisions related to fencing that were left out of these revisions due to the nature of the use. Those uses were as follows:

- Aviculture, Hobby Breeder
- Day Care
- Kennel, Type I (Private)
- Kennel, Type II (Commercial)
- Type IV Kennel (Animal Shelter)
- Veterinary Clinic

***Article 1.1.2.F (related to Definitions and Acronyms)***

12. Fence - an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
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.
- ~~13-14.~~ Fenestration – windows, doors and openings in a building façade or wall allowing light and views between interior and exterior. [Ord. 2010-022]

**Article 3.B.14.G (related to Supplementary Standards in the Westgate Community Redevelopment Area Overlay [WCRAO])**

**Table 3.B.14.G - WCRAO Supplementary Standards by Sub-Area**

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
<b>Minimum Enclosed Living Area</b>							
Single Family Dwelling Unit	1,000 s.f.	1,000 s.f.	-	-	-	-	-
Accessory Dwelling	300 s.f.	300 s.f.	300 s.f.	-	-	-	-
<b>Fences and Walls:</b>							
Prohibited Materials (7)	Chain link, wire mesh, barbed wire, wood basket weave, or corrugated metal panels						
<b>Architectural Features:</b>							
Arcades and Galleries (1)	-	-	-	Required - Westgate Avenue	-	-	-
Minimum Building Depth	-	20'	20'	20'	30'	-	30'
Minimum 1 <sup>st</sup> Floor Height	-	-	-	12'	-	-	-
Minimum Number of Floors	-	-	-	2 (2)	-	-	-
<b>Windows and Doors:</b>							
Minimum Glazing of Frontage (3)	-	(3)	(3)	(3)	-	-	-
<b>Porches, Balconies and Entryways</b>							
Front Setback Maximum Encroachment (8)	8'	6'	6'	-	-	-	-
Min/Max Porch Depth (4)	6'/10'						
Min/Max Porch Length (4)	8'/50% of building facade						
Min/Max Balcony Depth	3'/3'						
Min/Max Balcony Length	6'/50% total of building facade						
<b>Parking:</b>							
Location of Surface Parking	-	Rear	Rear	Rear	-	-	-
Driveways (5)	-	Rear	Rear	Rear	-	-	-
<b>Location of Accessory Dwellings and Garages:</b>							
Detached	Location	Back of rear facade of primary structures.		-	-	-	-
	Setbacks	5' side or rear (6)		-	-	-	-
Attached	Location	Setback a min. of 20' from front facade		-	-	-	-
<b>Landscaping:</b>							
See <a href="#">Article 7, Landscaping</a> for provisions allowing for reduction in Perimeter and foundation planting requirements.							
Min. Pervious Surface Area	-	20%	20%	20%	-	-	-
<b>Key</b>							
-	Subject to the supplementary standards of the lot's zoning district						
<b>[Ord. 2006-004] [Ord. 2009-040]</b>							
<b>Notes:</b>							
1.	See Art. <a href="#">3.B.14.G.3.d, Arcades and Galleries</a> , <a href="#">Figure 3.B.14.G, WCRAO Arcade and Gallery Standards</a> . <b>[Ord. 2006-004]</b>						
2.	Required second floor shall meet minimum frontage and depth requirements. <b>[Ord. 2006-004]</b>						
3.	See <a href="#">Art. 3.B.14.G.3.c, Fenestration Details</a> - Windows and Doors. <b>[Ord. 2006-004]</b>						
4.	Excludes stoops. <b>[Ord. 2006-004]</b>						
5.	Access from the front or side may be permitted for lots with no rear street frontage. <b>[Ord. 2006-004]</b>						
6.	Minimum 20 foot setback shall be required for garages fronting on a street or alley. <b>[Ord. 2006-004]</b>						
7.	Chain link fences may be installed for the following: <b>[Ord. 2009-040]</b> Single-family residential use provided a continuous native hedge is planted along the exterior side of the fence and adequate room for maintenance is provided along the property lines adjacent to public R-O-W. The hedge shall be maintained at the same height as the chain link fence. Black or green vinyl coated chain link fence may be installed along remaining perimeter property lines not adjacent to a public R-O-W. <b>[Ord. 2009-040]</b> Nonresidential uses within the UI sub-area if the chain link fence is black or green vinyl coated. <b>Furthermore, a fence, electrified may be used in combination with a vinyl-coated chain link fence in the UI sub-area in accordance with Art. 5.B.1.A.3. [Ord. 2009-040]</b>						
8.	The maximum encroachment for porches, balconies, and entryways located in NC sub-area shall only apply to permitted residential or hotel uses. These ground floor improvements shall not conflict with the placement of street trees. <b>[Ord. 2011-001]</b>						



**Article 4.B.1.A.7.b.1).b) (related to the screening of the Agricultural, Storage use)**

...  
**7. Agriculture, Storage**

The storage of equipment or products accessory or incidental to a principal agricultural use.

**a. General**

Storage of hazardous waste or regulated substances shall comply with local, state and federal regulations.

**b. Outdoor Storage**

Outdoor agricultural storage shall comply with the following standards: 1) Urban Service Area

**a) Setbacks**

Outdoor agricultural storage shall meet the principal use setbacks of the district in which it is located.

**b) Screening**

Outdoor agricultural storage shall be screened from view by a solid fence, wall or building. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3.

**Article 4.B.1.A.35.c (related to the screening of the Contractor Storage Yard use)**

**35. Contractor Storage Yard**

A lot used for the storage of construction material, equipment, or three or more commercial vehicles used by building trades and services, other than construction sites. [Ord. 2005-002]

**a. Construction Equipment**

Mechanical equipment principally used in construction activity. Such equipment shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle.

**b. Office Permitted**

An accessory office shall be permitted subject to Article 5.B, ACCESSORY AND TEMPORARY USES.

**c. Screening**

Outdoor storage shall be screened from view in accordance with Article 5.B, ACCESSORY AND TEMPORARY USES. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3. For a storage yard contiguous to property in a residential district, an opaque fence/wall a minimum of eight feet in height shall be installed along the inside edge of the required landscape buffer.

**d. Flex Space**

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix,



Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space.  
**[Ord. 2010-005]**

**e. Barbed Wire**

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. **[Ord. 2011-001]**

**Article 4.B.1.A.105.a.3) (related to the screening of the Recycling Plant use)**

**105. Recycling Plant**

A permanent facility designed and used for receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as chipping and mulching.

**a. Compatibility, Screening, Buffering**

To ensure compatibility with surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed. The standards shall be waived if any of the required landscape buffer is not visible from adjacent lots or streets.

**1) Lot Size**

The minimum lot size for recycling plants in all industrial districts shall be five acres. However, the minimum lot size or greater for the underlying district shall apply for recycling plants that operate completely in enclosed buildings.

**2) Setbacks**

Except for a freestanding office, no part of a recycling plant and its accessory ramps, on site circulation system, or storage areas shall be located within 50 feet of any property line.

**a) IL District**

If the facility is in an industrial district and is contiguous to land in an industrial district or IND FLU designation the setback shall be 25 feet from that contiguous property line.

**b) Civic and Residential Uses**

No part of a recycling plant, its accessory ramps, on site circulation system or storage areas shall be sited within 150 feet of a school, park, church, library or residential lot. In no case shall the setback be less than the requirement of the district.

**c) CC, CG, IG, IL Districts**

No additional setback beyond district setbacks shall apply to recycling plants that operate completely in enclosed buildings and are located in the CC, CG, IG, and IL districts.

**3) Screening and Fencing**

All storage areas shall be screened from view by on-site walls, fences, or buildings. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from street or



adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas, exceed 20 feet or the height of the principal building on the lot, whichever is greater. For an outdoor recycling plant contiguous to property in a residential district, an opaque fence/wall a minimum of eight feet in height shall be placed along the inside border of the required landscape buffer.

**Article 4.B.1.A.123.c (related to the screening of the Solid Waste Transfer Station use)**

**123. Solid Waste Transfer Station**

A facility where solid waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at a transfer station.

**a. Frontage**

The facility shall front on and access from an arterial or collector street.

**b. Setbacks**

All portions of a transfer station, including structures, ramps, parking and on site circulation areas, shall be setback a minimum of 25 feet from all property lines, lakes, canals, water management tracts, retention/detention areas, drainage swales, and other water bodies.

**c. Screening**

All storage areas shall be screened from view by walls, fences or buildings. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from streets or adjacent lots. In no event shall the height of solid waste stored outdoors exceed 25 feet.

**Article 4.B.1.A.131.d (related to the screening of the Truck Stop use)**

**131. Truck Stop**

A facility which provides fueling, parking, washing, repair and maintenance services, food service, overnight accommodations, and incidental retail sales for transient commercial vehicles.

**a. Frontage**

A minimum of 200 feet on an arterial street only.

**b. Lot Size**

1) Ten Acres or Less Shall be permitted as a Class A conditional use in the IL and IG districts. 2) Greater than Ten Acres Shall require approval as a MUPD or PIPD. The proposed site shall have an IND FLU designation.

**c. Setbacks**

Parking shall be setback a minimum of 200 feet from any existing residential use, district or FLU designation.

**d. Buffer**



Perimeter landscape buffers adjacent to an existing residential district, use or FLU designation shall include a six foot high berm topped by a six foot high opaque wall or fence. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3.

**Article 4.B.1.A.134.b & d.2).a) (related to the screening of the Utility, Minor use)**

**134. Utility, Minor**

Mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities. Typical uses include gas and water regulators, electrical distribution substations, chlorine injection and potable water booster pump stations; water reclamation treatment, storage and distribution facilities, membrane bioreactor plants, sewage lift stations, telephone exchange buildings, and communication substations. [Ord. 2006-004] [Ord. 2007-013]

**a. Floor Area**

**1) Residential Districts [Ord. 2004-040]**

A maximum of 3,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied accessory facilities. [Ord. 2007-013]

**2) Non-residential Districts**

A maximum of 10,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied accessory facilities. [Ord. 2004-040] [Ord. 2007-013]

3) A minor utility exceeding either standard above may be approved as a Class A Conditional Use or a Requested Use. [Ord. 2004-040]

**b. Buffer**

A minor utility shall be located and buffered to ensure compatibility with surrounding land uses. Increased setbacks, screening, and buffering around the utility may be required to ensure compatibility. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3. [Ord. 2004-040]

**c. Lift Station**

**1) New Subdivisions**

Facilities located in new subdivisions shall be subject to DRO approval concurrent with the subdivision approval.

**2) Streets**

Facilities located within streets or utility easements shall not be subject to DRO approval.

**d. Electric Distribution Substations**

For the purposes of this section, shall be defined in accordance with F.S. 163.3208, as an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one of more distribution lines less than 69 kilowatts in size. An



electrical distribution substation shall comply with the following: **[Ord. 2007-013]**

**1) Exemptions**

Electrical substations are exempt from the floor area limitations. **[Ord. 2007-013]**

**2) Landscape Buffering in Residential Areas**

Where located in and adjacent to parcels with residential uses or a FLU designation landscape buffering shall be upgraded as follows: **[Ord. 2007-013]**

a) An eight-foot wall or fence shall be installed around the substation where equipment or structures are setback less than 50 feet. Landscaping materials shall be native. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3. **[Ord. 2007-013]**

b) An open green space shall be maintained between required perimeter buffers and security fencing, equipment or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are setback between 50 and 100 feet. Required green spaces shall be planted with double the amount of interior trees and shrubs required by Table 7.C.3, Minimum Tier Requirements, in addition to normal interior landscaping requirements. **[Ord. 2007-013]**

**Article 4.B.1.A.135.c.3) (related to the screening of the Vehicle Sales and Rental use in the Light Industrial [IL] Zoning District)**

**135.Vehicle Sales and Rental**

An establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental.

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**c. District and Overlay Limitations**

**1) CC, CG IL, and MUPD Districts**

**a) Truck and Trailer Rental**

Truck and trailer rental, limited to a maximum of five vehicles per lot, shall be permitted as an accessory use to an auto service station or convenience store with gas sales subject to DRO approval. Truck and trailer rental exceeding five vehicles shall be permitted subject to requested or Class B conditional use approval. Designated storage spaces for each truck or trailer shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences or landscaping. Fencing may include a fence, electric in



accordance with Art. 5.B.1.A.3. No truck or trailer shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.

**2) CG and MUPD Districts**

A vehicle sales and rental facility consisting of an indoor vehicle showroom only shall be allowed subject to DRO approval and the following criteria.

**a) Floor Area**

A maximum of 30,000 square feet and 15 display vehicles.

**b) New Vehicles**

Display shall be limited to new vehicles only.

**c) Test Drives**

Test drives shall not be permitted from the indoor vehicle showroom or on-site.

**d) Parking**

Vehicles for sale or lease shall not be parked or displayed outside of the showroom. Trucks used to transport vehicles to and from the showroom shall not be parked in required loading spaces and shall not be stored on-site.

**e) Vehicle Operations**

Display vehicles shall not operate engines during store hours. Engines shall only be permitted to operate during the transport of vehicle into or out of the showroom.

**f) Maintenance and Repair**

Maintenance, repair, painting or detailing shall not occur on-site.

**3) IL District**

In the district vehicle sales and rental uses shall be limited to the following:

**a) Accessory Use**

In the IL districts limited vehicle sales may be permitted as an accessory use to general repair and maintenance facilities, subject to DRO approval. The vehicle sales use shall be limited to a maximum of five vehicles per lot. Designated storage spaces for each vehicle shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of walls, fences or landscaping. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3. No vehicle shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.

**(1) Display**

Vehicles on display shall be located within 100 feet of a repair bay.

**Article 4.B.1.a.139 (related to the screening of the Water or Treatment Plant use)**



### **139. Water or Treatment Plant**

A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

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#### **1) Buffer**

Perimeter landscape buffers shall have a minimum width of 25 feet or be equal to the setback requirements if less than 25 feet. [Ord. 2007-013].

#### **2) Trees**

A single row of trees shall be planted all landscape buffers at a ratio of one 14 foot tall tree for each 25 linear feet. [Ord. 2007-013]

#### **3) Screening**

Screening consisting of a hedge, berm, or fence which will present a visual screen at least six feet in height within one year of installation shall be provided around the perimeter of the site. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3. [Ord. 2007-013]

### **Article 4.C.4.E.1 (related to the screening of the Communication Tower use)**

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#### **E. Perimeter Buffering**

##### **1. Fence/Wall**

A fence or wall, a minimum of eight feet in height measured from finished grade, shall be constructed around the base of each communication tower and accessory equipment structure, and around each guy anchor. Access to the communication tower shall be through a locked gate. Barbed wire along the top of the fence or wall may be used in any zoning district to preclude unauthorized tower access- and fencing may include a fence, electric in accordance with Art. 5.B.1.A.3.

### **Article 4.C.8.E (related to the fencing of the Communication Cell Sites on Wheels [COWs] use)**

#### **Section 8 Communication Cell Sites on Wheels (COWs)**

COWs shall comply with the following supplementary use standards. COWs means a temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck.

##### **A. States of Emergency**

The requirements of this Section may be waived in the case of a declared state of emergency, as provided by law.

##### **B. Special Permit**

A Special Permit must be obtained from the Zoning Division prior to the placement of the facility.

##### **C. Use limitations**

COWs shall be permitted only in association with recognized large-scale special events with a minimum projected daily attendance of 30,000 or greater. The



Zoning Director may consider allowing COWs for events with projected attendance of less than 30,000 people. The applicant shall provide documentation that the existing communication facilities cannot accommodate the increase in usage. [Ord. 2011-016]

**D. Time Limitations**

The Special Permit shall be valid for seven days, including installation and removal.

**1. Time Extensions**

The Special Permit may be extended up to an additional ten days by the Zoning Director based upon individual circumstances and demonstration of need by the applicant.

**E. Fencing**

The COW shall be enclosed by a temporary fence a minimum of six feet in height, or other barrier approved by the Zoning Division. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3.

**Article 5.B.1.A.2 (related to the Fences, Walls and Hedges)**

**2. Fences, Walls and Hedges**

**a. Height**

The height of a fence or wall shall be measured in accordance with Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS. Hedges may be planted and maintained along or adjacent to a lot line to a height not exceeding eight feet in the required side (to the required front setback) and rear yards and not exceeding a height of four feet in the required front yards. The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge.

**b. Appearance**

The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance.

**c. Dangerous Materials**

1) 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]

**2) Barbed Wire Exceptions**

The use of barbed wire is prohibited. However, the County recognizes that barbed wire may be necessary to secure certain uses such as public utilities, prisons, bona-fide agriculture, public-owned natural areas, commercial or industrial uses that have outdoor storage areas. Therefore, the County allows the installation of barbed wire as part of the top of the fence or wall for specific uses pursuant to Art. 4.B, SUPPLEMENTARY USE STANDARDS or for situations stated below. The barbed wire shall not exceed 20 percent of the overall permitted height of the fence or wall. Bonafide agricultural uses, prisons, and other uses as authorized by the Zoning Director pursuant to provisions, Art. 5.B.1.A.2.c.2).c) below, shall be permitted to exceed



the 20 percent provision. The calculation of the overall height of a fence or wall is inclusive of any barbed wire: **[Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]**

- a) Properties with a Conservation FLU designation, for the purposes of protecting publicly owned natural areas; **[Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]**
- b) Properties where the owner can document a valid Development Permit; and **[Ord. 2010-005] [Ord. 2011-001]**
- c) The Zoning Director shall have the authority to allow the installation of barbed wire 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. In support of the barbed wire installation, 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. **[Ord. 2010-005] [Ord. 2011-001]**

### **3) Fence, Electric Exceptions and Regulations**<sup>1</sup>

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 such as, but not limited to, commercial or industrial uses that have outdoor storage areas. Therefore, the County allows the installation of electrified fencing behind a fence or wall for specific uses pursuant to Art. 4.B, SUPPLEMENTARY USE STANDARDS or for situations stated below. The fence, electric shall not exceed a height of two (2) feet above the overall height of an existing fence or wall or the permitted height of a fence or wall. Bonafide agricultural uses, prisons, and other uses as authorized by the Zoning Director pursuant to provisions, Art. 5.B.1.A.2.c.3).a) through c) below shall be permitted to exceed the two (2) feet allowance described above.

- a) Properties with a Conservation FLU designation, for the purposes of protecting publicly owned natural areas;
- b) Properties where the owner can document a valid Development Permit for the fence, electric; and
- c) The Zoning Director shall have the authority to allow the installation of electrified fencing 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. In support of the electrified fencing installation, 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.

#### **d) Regulations**

No electric fence shall be installed, operated or maintained except as provided in this subsection.

- (1) Electric fences shall be constructed, maintained and operated in conformance with the specifications set forth in International Electrotechnical Commission Standard 60335-2-76.



- (2) The electric charge produced by the fence 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.
- (3) Electric fences shall be completely surrounded on the side facing the property exterior by a non-electrified fence or wall that is not less than six feet in height and at least four inches from the electric fence. When adjacent to a residential district or use the non-electrified fence shall include a solid material that would prevent a person from being able to penetrate the non-electrified fence.
- (4) 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 50 feet with at least one sign on each exterior perimeter side of the fence.
- (5) No electric fence 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.
- (6) 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.

**d. Sight Distance**

Walls and fences shall comply with Article 11.E.9.E, Minimum Safe Sight Distance and Corner Clips at Intersection.

**e. Residential Districts**

The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:

- 1) Within required front setback:
  - a) four feet, or **[Ord. 2005-041]**
  - b) six feet for property owned by PBC for preservation or conservation purposes. **[Ord. 2005-041]**
- 2) Within required side, side street, and rear setback: six feet.

**f. Nonresidential Districts**

The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:

- 1) Within the required front setback: six feet.
- 2) Within the required side, side street, and rear setback: eight feet.

**g. Attachments**

Gates, gateposts, decorative features, and lights attached to a fence or wall in the front setback shall not exceed three feet in any horizontal distance or two feet in height above the fence or wall. Decorative features and lights shall be spaced a minimum of eight feet apart.

**h. Exceptions**

- 1) Fences and walls up to eight feet in height shall be permitted within a street buffer adjacent to a golf course.
- 2) Fences around tennis courts may exceed six feet in height, subject to the setback requirements in Table 5.B.1.A, Tennis Court Setbacks.
- 3) The ZC and BCC may require increased heights in order to ensure adequate screening and buffering between incompatible uses.



- 4) DRO may approve increased fence heights and modify allowable locations for fences with and without barbed wire for minor utilities, water and wastewater treatment plants. **[Ord. 2007-013]**

<sup>1</sup>See *City of Richmond, Virginia Code of Ordinances Section 14-12.*

**Article 5.B.1.A.3 (related to the Outdoor Storage regulations)**

**3. Outdoor Storage**

Outdoor storage of merchandise, inventory, equipment, refuse, or similar material in all nonresidential districts shall be subject to the following standards.

**a. General**

Outdoor storage may only be allowed when incidental to the use located on the premises.

**b. Location**

Outdoor storage areas shall not be located in any of the required setbacks.

**c. Nonresidential Districts, Except Industrial**

Outdoor storage areas shall be completely screened from view by landscaping, fences, walls, or buildings. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3.

**d. Industrial Districts**

Outdoor storage areas shall be completely screened from view from all streets and adjacent residential districts by landscaping, fences, walls, or buildings up to a height of 12 feet. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3.

**e. Exceptions**

The following uses or material are exempt from this Section:

- 1) Storage and sales of landscape plant material.
- 2) Storage of material used for road construction on a lot directly adjacent to the roadway under construction.
- 3) Uses which allow outdoor storage by definition or in another Section.

**Article 5.B.1.A.18.b.1).b) (related to the screening of generators)**

**18. Permanent Generators**

**a. Applicability**

**1) Permitted Use**

Use of permanent generators shall be permitted during periods of electrical power outages in utility systems maintained by the utility service provider or when the BCC declares a state of emergency. **[Ord. 2006-004] [Ord. 2007-013]**

**2) Type II and III CLF, Club Houses and Nursing or Convalescent Facility**

A permanent emergency generator shall be required for all Type II and III CLFs, Nursing or Convalescent Facilities, and PDD or TDD clubhouses 20,000 square feet, or greater. **[Ord. 2006-004] [Ord. 2007-013]**



**a) Exemptions**

- (1) Developments that have a BCC or DRO approved plan that graphically indicates a clubhouse(s) shall be exempt from the generator requirement except for projects that exceed 75 percent or more of the assessed value as stated below. **[Ord. 2007-013]**
- (2) Renovations or additions that do not exceed 75 percent or more of the Improvement Value may be exempt from these requirements. **[Ord. 2007-013]** **[Ord. 2011-016]**
- (3) A PDD or TDD clubhouse located in the Coastal High Hazard Area as defined by the Plan, shall be exempt from this requirement. **[Ord. 2007-013]**
- (4) A PDD or TDD that has one or more clubhouses with a generator meeting the requirements of this Section, shall be exempt for any other remaining clubhouses within the development. **[Ord. 2007-013]**

**b. Standards**

**1) General**

The following standards shall apply to all permanently installed generators. **[Ord. 2006-004]**

**a) Maximum Permissible Sound Level**

Refer to Art. 5.E.4.B.2, and Table 5.E.4.B Maximum Sound Levels. **[Ord. 2006-004]**

**b) Screening**

Generators that are not located within, or completely screened by a building, shall be screened from view when adjacent to or visible from a public R-O-W or parcels with a conservation or residential FLU or use. Screening may include the use of fences, walls or hedges, or a combination thereof. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3. **[Ord. 2006-004]**

**c) Maintenance Cycle**

Generators may be operated for exercising purposes one time per week, excluding Sundays, for a period not exceeding 30 minutes between the hours of 10:00 a.m. to 5:00 p.m. **[Ord. 2006-004]**

**d) Location and Setbacks**

Generators shall meet the district setback requirements for principal structures, but shall not be located between the front or side street façade of a building and a R-O-W or in an easement, unless: **[Ord. 2006-004]** **[Ord. 2007-001]**

- (1) Encroachment is limited to ten percent of setback; **[Ord. 2007-001]**
- (2) Where applicable, the applicant indicates that a HOA has been notified of the application for building permit; **[Ord. 2007-001]**
- (3) The generator shall be screened from view from any public rights-of-way or adjacent property lines by an opaque fence/wall. Fencing may include a fence, electric in accordance with Art. 5.B.1.A.3.; and **[Ord. 2007-001]**



- (4) If this criteria cannot be met, the applicant may apply for a Type IB variance, pursuant to Article 2.D.3.G.2. **[Ord. 2007-001]**

**Article 7.F.3 (related to walls and fences in perimeter buffers)**

**Section 3 Walls and Fences**

If a wall or fence is used, the following shall apply: **[Ord. 2007-001] [Ord. 2007-013]**

**A. Location of Wall or Fence**

It is recommended that walls and fences collocated in a buffer with a berm be located at the top of berm. Walls and fences with a continuous footer shall be setback a minimum of ten feet from the edge of the property line. Fences may be permitted adjacent to a property line only when used in compatibility buffers. **[Ord. 2007-001] [Ord. 2007-013]**

**B. Location of Planting**

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

**C. Conflict with Easements**

If the placement of the wall or fence conflicts with an easement, the wall or fence shall not encroach upon the easement unless consistent with Article 3.D, PROPERTY DEVELOPMENT REGULATIONS (PDRs). **[Ord. 2007-013]**

**D. Architectural Treatment**

If a wall is used in a compatibility or incompatibility buffer, both sides of a wall shall be given a finished architectural treatment that is compatible and harmonious with adjacent development. **[Ord. 2007-013]**

**E. Chain Link Fences**

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

1. Exception

A fence, electric in accordance with Art. 5.B.1.A.3 shall not be required to be vinyl coated.

Please let me know if you have any questions or comments.

Sincerely,



Christopher P. Barry, AICP, Planner

cc: Cindy Gsell, Director, Business Development, Sentry Security d/b/a Electric Guard Dog, via email

