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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO ESTABLISH STANDARDS **TO ALLOW FOR THE USE OF ELECTRIFIED FENCES FOR SPECIFIED USES**, BY AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER B, ACCESSORY AND TEMPORARY USES; **ARTICLE 7 - LANDSCAPING**; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and,

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and,

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and,

WHEREAS, the ULDC establishes minimum standards for fences and walls, including limits on the use of materials that are potentially dangerous to persons or animals; and,

WHEREAS, Palm Beach County Sheriff Ric Bradshaw supports an amendment to the ULDC to allow electrified fencing for certain uses as an effective deterrent to crime; and,

WHEREAS, the BCC finds that allowing for use of electrified fencing as set forth in this Ordinance will serve as an effective deterrent to crime; and,

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and,

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and,

1 **WHEREAS**, the BCC has conducted public hearings to consider these amendments to
2 the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida
3 Statutes.

4
5 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
6 **PALM BEACH COUNTY, FLORIDA, as follows:**

7
8 **Section 1. Adoption**

9 The amendments set forth in Exhibit A, Electrified Fences, attached hereto and made a
10 part hereof, are hereby adopted.

11
12 **Section 2. Interpretation of Captions**

13 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
14 Ordinance are intended for the convenience of usage only and have no effect on interpretation.

15
16 **Section 3. Repeal of Laws in Conflict**

17 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
18 repealed to the extent of such conflict.

19
20 **Section 4. Severability**

21 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
22 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
23 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
24 Ordinance.

25
26 **Section 5. Savings Clause**

27 All development orders, permits, enforcement orders, ongoing enforcement actions, and
28 all other actions of the Board of County Commissioners, the Zoning Commission, the
29 Development Review Officer, Enforcement Boards, all other County decision-making and
30 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued
31 pursuant to the regulations and procedures established prior to the effective date of this
32 Ordinance shall remain in full force and effect.

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Section 6. Inclusion in the Unified Land Development Code

The provisions of this Ordinance shall be codified in the Unified Land Development Code and may be reorganized, renumbered or re-lettered to effectuate the codification of this Ordinance.

Section 7. Providing for an Effective Date

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the _____ day of _____, 20____.

SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Steven L. Abrams, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the _____ day of _____, 20____.

EXHIBIT A

ELECTRIFIED FENCES
SUMMARY OF AMENDMENTS
(Updated 6/6/13)

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

4 CHAPTER B ACCESSORY AND TEMPORARY USES

5 Section 1 Supplementary Regulations

6 A. Accessory Uses and Structures

7 2. Fences, Walls and Hedges

8 c. Dangerous Materials

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

13 ~~12)~~ Barbed Wire Exceptions

14

15 **2) Electrified Fences - Exceptions and Regulations**

16 The use of electrified fences is prohibited except in instances as detailed below. The
17 County recognizes that electrified fences may be necessary to secure certain non-
18 residential uses or structures. Therefore, the County allows the installation of
19 electrified fencing, subject to the following:

20 **a) Allowable Uses for Electrified Fences**

21 Electrified fences shall only be allowed for the following uses:

22 (1) Commercial uses, as follows:

- 23 (a) Auction, Outdoor;
- 24 (b) Auto Paint or Body Shop;
- 25 (c) Building Supplies;
- 26 (d) Contractor Storage Yard;
- 27 (e) Flea Market, Open;
- 28 (f) Landscape Service;
- 29 (g) Laundry Services;
- 30 (h) Parking Lot, Commercial;
- 31 (i) Repair and Maintenance, General;
- 32 (j) Self-Service Storage;
- 33 (k) Towing Service and Storage; and,
- 34 (l) Vehicle Sales and Rental;

35 (2) Public and Civic uses, as follows:

- 36 (a) Airport; and,
- 37 (b) Government Services.

38 (3) Recreation uses, as follows:

- 39 (a) Zoo; and,
- 40 (b) Marine Facility.

41 (4) All uses listed as Agricultural Uses in Table 4.A.3.A, Use Matrix.

42 (5) All uses listed as Utilities & Excavation uses in Table 4.A.3.A, Use Matrix.

43 (6) All uses listed as Industrial Uses in Table 4.A.3.A, Use Matrix.

44 (7) Accessory Outdoor Storage in accordance with Art. 5.B.1.A.3, Outdoor
45 Storage.

46 (8) Properties with a Conservation FLU designation, for the purposes of
47 protecting publicly owned natural areas.

48 (9) To secure permanent mechanical equipment except on individual residential
49 lots.

50 (10) The Zoning Director shall have the authority to allow the installation of
51 electrified fences for any uses pursuant to Art. 4.B, SUPPLEMENTARY USE
52 STANDARDS, when the applicant demonstrates a need to comply with
53 Federal, State or Local Government regulations. The Zoning Director may
54 require the applicant to perform mitigation in order to address compatibility
55 with adjacent properties or visibility from adjacent street right-of-way.

56 (11) An agreement to remove an electrified fence shall be executed prior to
57 issuance of a Building Permit. The agreement shall require removal of the
58 electrified fence if the use changes to other than an allowable uses listed
59 above.

60 **b) Standards**

61 Electrified fences shall be installed, operated or maintained in compliance with
62 the following:

63 **(1) Technical Standards**

Notes:

Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [**Relocated to:**].

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.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT A

ELECTRIFIED FENCES
SUMMARY OF AMENDMENTS
(Updated 6/6/13)

- 1 All electrified fences are subject to permitting and review by the Building
2 Division and shall be designed, installed, operated and maintained in a
3 manner not to be injurious to individuals.
- 4 **(2) Exterior Non Electrified Fence or Wall**
5 Electrified fences and gates shall be attached to the interior of, or completely
6 surrounded on the side facing the property exterior, by a non-electrified fence
7 or wall that meets the following requirements:
8 (a) Minimum of six feet in height;
9 (b) The separation between the exterior, non-electrified fence or wall and the
10 electrified fence shall be a minimum of four inches and a maximum of
11 eight inches;
12 (c) When adjacent to or within 50 feet of a parcel of land with a residential
13 FLU designation or use, the non-electrified fence shall include a solid
14 material that will screen the electric fence from view and prevent a
15 person from being able to penetrate the non-electrified fence; and
16 (d) Exterior fences such as chain link shall have openings no larger than two
17 and three-eighths inches.
- 18 **3) Public Warning Signage**
19 Provide and maintain signage, subject to prior review by the Building
20 Division, which satisfies the intent of the requirements contained in ISO-3864
21 or a current equivalent internationally accepted standard, and that such
22 signage be placed within ten feet of all corners, not more than 45 feet apart,
23 so as to be plainly visible. Exceptions to screening or landscaping
24 requirements may be permitted where necessary to ensure visibility of
25 signage.
- 26 **(4) Height**
27 The maximum height of an electrified fence and any attachments shall not
28 exceed the height of any required exterior non-electrified fence or wall, or
29 other required screening, by more than a maximum of two feet in height. Any
30 portion of an electrified fence that exceeds the height of the non-electrified
31 fence shall be limited to a maximum of two horizontally placed strands per
32 vertical foot, a maximum of 12.5 gauge in diameter, with attachments spaced
33 not less than 20 feet on center, excluding gates.
- 34 **(5) Location, Landscaping or Screening**
35 **(a) Within Required Setbacks**
36 Electrified fences shall not be permitted within any required setback or
37 within 50 feet from property lines, whichever is greater, unless the
38 perimeter landscape buffer is in compliance with Art. 7, Landscaping,
39 unless stated otherwise herein.
- 40 **(b) Within 50 Feet of Any Property Line**
41 Any electrified fence located within 50 feet of any property line (excluding
42 within a required perimeter buffer) and abutting a non-conforming
43 landscape buffer, shall be screened from view by landscaping, fences,
44 walls or buildings, excluding the top two feet.
- 45 **(c) Outdoor Storage**
46 The use of electrified fences in outdoor storage areas shall only be
47 permitted when in compliance with the following screening requirements,
48 excluding the top two feet:
49 (1)When located in non-residential districts, the screening requirements
50 of Art. 5.B.1.A.3, Outdoor Storage; and,
51 (2)When located in residential districts or for uses which allow outdoor
52 storage by definition or in another section, shall be screened from
53 view by landscaping, fences, walls or buildings.
- 54 **(d) Mechanical Equipment**
55 The use of electrified fences with mechanical equipment shall only be
56 permitted when in compliance with the screening requirements of Art.
57 5.B.1.A.19, Mechanical Equipment, excluding the top two feet.
- 58 **(6) Non-Conforming Dangerous Materials**
59 If a property has non-conforming dangerous materials in areas that will be
60 secured by the installation of electrified fences, the dangerous materials shall
61 be removed prior to electrification or the issuance of a certificate of
62 completion by the PBC Building Division for the electrified fence.
- 63 **(7) URAO, IRO, LCC, WCRAO and TDD Limitations**
64 **(a)** Electrified fences shall not be permitted in any URAO, IRO, LCC, or TDD
65 developments constructed with a required build to line or any other area
66 unless located behind buildings and in areas not accessible by the
67 public.

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EXHIBIT A

ELECTRIFIED FENCES
SUMMARY OF AMENDMENTS
(Updated 6/6/13)

(b) Electrified Fences within the WCRAO shall be prohibited in all Sub-areas except for the UI Sub-area.

Part 3. ULDC Art. 7.F.3.B, Location of Planting [Related to Walls and Fences in Buffers] (page 37 of 50), is hereby amended as follows:

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 3 Walls and Fences

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 R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. [Ord. 2007-013]

1. Exception

Electrified fencing in accordance with Art. 5.B.1.A.2.c.2), Electrified Fence – Exceptions and Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is adjacent to.

Part 4. ULDC Art. 7.F.3.E, Chain Link Fences [Related to Walls and Fences in Buffers] (page 37 of 50), is hereby amended as follows:

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 3 Walls and Fences

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

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

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