

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
 2 **ORLANDO, FLORIDA, RELATING TO SECURITY FENCES;**
 3 **AMENDING SECTION 58.930, ORLANDO CITY CODE, TO**
 4 **DEFINE SECURITY FENCES, TO PROHIBIT SECURITY**
 5 **FENCES IN CERTAIN LOCATIONS, TO PROVIDE SPECIAL**
 6 **REGULATIONS FOR ELECTRIFIED FENCES, AND TO**
 7 **PROVIDE OTHER REGULATIONS FOR SECURITY FENCES;**
 8 **PROVIDING FOR SEVERABILITY, CODIFICATION,**
 9 **CORRECTION OF SCRIVENER'S ERRORS, AND AN**
 10 **EFFECTIVE DATE.**

11 **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the City of
 12 Orlando, Florida (the "City"), adopt or amend and enforce land development regulations
 13 that are consistent with and implement the City's adopted comprehensive plan; and
 14

15 **WHEREAS**, section 163.3203(3), Florida Statutes, encourages the use of
 16 innovative land development regulations and requires that all land development
 17 regulations be combined into a single land development code for the City; and
 18

19 **WHEREAS**, from time to time, amendments and revisions to the City's adopted
 20 comprehensive plan (the "Growth Management Plan"), progress in the field of planning
 21 and zoning, or changes to state law make it necessary or desirable to amend the land
 22 development regulations of the City; and
 23

24 **WHEREAS**, at its regularly scheduled meeting of February 17, 2015, the
 25 Municipal Planning Board recommended to the City Council of the City of Orlando,
 26 Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent
 27 with the applicable provisions of the City's adopted Growth Management Plan, are in the
 28 best interest of the public health, safety, and welfare, are in harmony with the purpose
 29 and intent of the Land Development Code of the City of Orlando, Florida (the "Land
 30 Development Code"), will not result in disorderly and illogical development patterns, and
 31 will not result in incompatible land uses; and
 32

33 **WHEREAS**, the Orlando City Council hereby finds and determines that this
 34 ordinance is consistent with the applicable provisions of the City's adopted Growth
 35 Management Plan, is in the best interest of the public health, safety, and welfare, is in
 36 harmony with the purpose and intent of the City's Land Development Code, will not
 37 result in disorderly and illogical development patterns, and will not result in incompatible
 38 land uses; and
 39

40 **WHEREAS**, the Orlando City Council hereby finds and declares that this
 41 ordinance is in the best interest of the public health, safety, and welfare; and
 42

43 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
 44 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
 45

SECTION 1. SEC. 58.930, AMENDED. Section 58.930, Code of the City of Orlando, Florida, is hereby amended 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.~~

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 incorporating broken glass or razor-wire are prohibited throughout the City except for jails and prisons. Security fences of all types are permitted on the aviation use areas of the Orlando International Airport and the Orlando Executive Airport.

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 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) Electrified fences are prohibited in the Parramore Heritage zoning overlay district without regard for the underlying zoning district.

(e) 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 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.

(f) Nothing in this part shall be interpreted as exempting an electrified fence from any other applicable local, state, or federal regulation.

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

(h) All electrified fences must be completely surrounded by a non-electrified fence. The surrounding non-electrified fence must be 2 feet shorter than the electrified

fence and must be made of a material that effectively prevents passersby from inadvertently coming into contact with the electrified fence. The surrounding non-electrified fence must be separated from the electrified fence by at least 3 inches, except at gates where the separation may be less than 3 inches, and except where the minimum 3-inch separation is inadequate to prevent the surrounding non-electrified fence from sagging, bowing, or bending into contact with the electrified fence. In this case, where the surrounding non-electrified fence is a chain-linked fence or other similar construction, and where such a fence is capable, based on the characteristics of its construction, of sagging, bowing, or bending into contact with the electrified fence, the permitting official may require separation of greater than 3 inches to the extent necessary to prevent inadvertent contact between the surrounding fence and the electrified fence. Property owners with an electrified fence must maintain the surrounding fence and the electrified fence in a manner that prevents sagging, bowing, or bending of the surrounding fence that could result in contact with the electrified fence. The purpose of this part is to protect innocent passersby and children from inadvertently coming into contact with the electrified fence.

(i) 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.

(j) 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.

(k) 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 and the police chief.

SECTION 2. CODIFICATION. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 3. SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 4. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect

other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2015.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, the _____ day of _____, 2015.

DONE, THE SECOND READING, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2015.

BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

THIS ORDINANCE DRAFTED BY AND
APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

City Attorney

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