

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 19-037

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 4 OF THE LAND DEVELOPMENT CODE TO LIMIT THE USE OF BARBED WIRE, RAZOR WIRE AND ELECTRICAL FENCES IN COMMERCIAL ZONING DISTRICTS; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

WHEREAS, it has been determined that amendments are necessary to update the regulations contained within the Land Development Code; and

WHEREAS, the City Commission, upon recommendation by the Planning and Zoning Board, wishes to adopt the amendments to the Land Development Code set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA:

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The amendments to the Land Development Code set forth in Attachment "A," attached hereto and made a part hereof, are hereby adopted.

SECTION 3. The City Commission does hereby expressly find that the provisions of this ordinance are in conformity with the Comprehensive Plan of the

City of Lakeland adopted by Ordinance 5188, and that all procedures for the enactment of this ordinance have been complied with.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 6. This ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 18th day of November, A.D. 2019.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
INTERIM CITY ATTORNEY

ATTACHMENT "A"

4.4 FENCES AND WALLS

4.4.1 GENERAL

- a. For purposes of this section, fences and walls shall mean free-standing fences and walls that are not structural elements of a building.
- b. Fences and walls, whether required or optional, shall be constructed of the following types of materials.
 1. Chain link or ornamental wire manufactured for fences with uniformly spaced metal or wood posts; or
 2. Ornamental wrought iron, aluminum, or plastics manufactured for fences; or
 3. Treated or finished wood or wood units of uniform size; or
 4. Brick, stone, split block, stucco on concrete block or other finished precast masonry units of uniform size; or
 5. Finished poured concrete.
- c. The Director of Community Development may approve other fence or wall materials on a particular site if he finds that the proposed materials would provide equal or greater protection, would result in equivalent impacts on the general appearance of near or adjacent property, and do not violate the intent of the code.
- d. ~~Barbed Wire, Razor Wire, and Electric Fencing No barbed wire, razor wire or electrified fence shall be allowed in any residential district.~~
 1. Residential Zoning Districts: The use of barbed wire, razor wire and electrified fencing shall be prohibited in all residential zoning districts or the portion of any PUDs zoned for residential uses.
 2. Office (O-1, O-2, O-3), Commercial (C-1, C-2, C-3, C-4, C-5, C-6, C-7), and Light Industrial (I-1) Zoning Districts: Electrified fencing may be used for security purposes within all office, commercial, and light industrial zoning districts or the portion of any PUDs zoned for office, commercial and/or I-1 uses. Use of such fencing shall be limited to interior side and rear yards. The use of barbed wire fencing in such zoning districts may be considered through the variance process, subject to the same

locational standards as electrified fencing, when the applicant can demonstrate a significant security need such that denial of use of the fencing material would result in an unnecessary hardship. In applying the variance criteria, the Zoning Board of Adjustment and Appeals shall consider the visual impact of such fencing when viewed from any adjacent streets or rights of way and may require landscaping or other mitigation measures as conditions of approval. The use of razor wire fencing in all office, commercial and light industrial zoning districts, or the portion of any PUDs zoned for office, commercial and/or I-1 uses, shall be prohibited.

3. Medium (I-2) and Heavy (I-3) Industrial Zoning Districts: Barbed wire, razor wire or electrified fence may be used for security purposes within I-2 and I-3 zoning districts or the portion of any PUDs zoned for medium and/or heavy industrial uses. The use of razor wire fencing, however, shall be limited to interior side and rear yards.
4. Utility and Essential Services Facilities: Notwithstanding the above provisions, the use of barbed wire or electrified fencing may be used for security purposes for Utility and Essential Services Facilities (All Levels) within any zoning district.



Planning & Zoning Board Recommendation

Date:	November 4, 2019	Reviewer:	Joshua Cheney
Project No:	LDC19-004	Applicant:	City of Lakeland
P&Z Hearing:	August 20, 2019	P&Z Final Decision:	September 17, 2019
Request:	Changes to Article 4 (General Site Development Standards) to limit the use of barbed wire, razor wire, and electrical fences in commercial zoning districts.		

1.0 Background

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances and to address unintended consequences of existing standards. The proposed changes to Article 4 (General Site Development Standards) limit the use of barbed wire, razor wire, and electrical fences in commercial zoning districts. The recommended changes are included as Attachment “A.”

1.2 Attachments

Attachment A: Proposed Changes to Section 4.4 (Fences and Walls)

2.0 Discussion

Historically, the Land Development Code has allowed barbed wire, razor wire and electrified fencing without any restrictions outside of residential zoning districts. Most zoning codes limit such fencing to industrial zoning districts and limit or outright prohibit the use in all other zoning districts. As a result of the current standards, there are numerous examples of commercial properties located along highly visible commercial corridors and at or near the City’s gateways where such fencing can be found within front, rear and street side yards. When allowed without any restrictions, the use of such fencing in front and street side can give the perception of blighted commercial corridors that are crime-ridden and unsafe.

The proposed changes will apply to Office, Commercial, and Light Industrial-Limited Commercial zoning districts. Within such districts, electrified fencing will still be permitted, but will be limited to interior side and rear yard areas. Barbed wire fencing will only be permitted through the variance process, subject to the same location restrictions as electric fences, when the applicant can demonstrate a significant need for the security that such fencing provides and that a denial would result in an unnecessary hardship. Razor wire, however, will be prohibited.

Within I-2 and I-3 zoning districts, barbed wire, razor wire and electric fences will still be permitted. Staff, however, recommends that the use of razor wire be limited to side and rear yards and only when abutting another non-residential zoning district.

Lastly, staff recommends an exemption for Utility and Essential Services Facilities, such as electric substations, water treatment facilities, power generation, and waste collection facilities, to allow for the use of barbed wire fencing or electrified fencing for security purposes within any zoning district.

3.0 Recommendation

3.1 Community and Economic Development Staff

The Community and Economic Development Department and the Board reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

3.2 The Planning & Zoning Board

This recommendation was approved by a 6 – 0 vote of the Board.

The Community and Economic Development Department reviewed this request and recommended the proposed changes to the LDC.

Recommendation

It is recommended that the proposed changes to the LDC, as described in Attachment “A,” be approved.

ATTACHMENT "A"

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- c. The Director of Community Development may approve other fence or wall materials on a particular site if he finds that the proposed materials would provide equal or greater protection, would result in equivalent impacts on the general appearance of near or adjacent property, and do not violate the intent of the code.
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4. Utility and Essential Services Facilities: Notwithstanding the above provisions, the use of barbed wire or electrified fencing may be used for security purposes for Utility and Essential Services Facilities (All Levels) within any zoning district.