



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Planning Director's Office

(301) 952-3588
www.mncppc.org

July 10, 2019

MEMORANDUM

TO: The Honorable Dannielle M. Glaros, Chair, Planning, Housing and Economic Committee (PHED)

VIA: Andree Checkley, Planning Director, Planning Department *AC*

FROM: Rana Hightower, Intergovernmental Affairs Coordinator, Planning Department *RH*

SUBJECT: CB-34-2019 Planning Department Staff Comments and Recommendation

Section 27-217 (Referral to Planning Board.) of the Zoning Ordinance requires the Planning Board to provide comments and a recommendation on proposed legislation within five (5) days of receipt of a referral for comments from the Clerk of the County Council. The Planning Board is not scheduled to meet until Thursday, July 18, 2019. The attached memorandum discusses the Planning Department's staff comments and recommendation. The Planning Board will review the proposed legislation during their Thursday, July 18, 2019 meeting.

Thank you for the opportunity to provide comments.

Please feel free to contact Rana Hightower at 301-952-3588 if you have any additional questions or comments.



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July 9, 2019

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Andree Green Checkley, Planning Director, Planning Department *AGC*
Derick Berlage, Acting Deputy Planning Director, Planning Department *DB*

FROM: Rana Hightower, Intergovernmental Affairs Coordinator *REN*

SUBJECT: **CB-34-2019**

Purpose: CB-34-2019 provides additional regulations for fences and walls in industrial zones.

Policy Analysis: The bill amends Section 27-456, a section of the ordinance that establishes regulations for fences and walls in the industrial zones. Existing law prohibits fences greater than six feet in height in any required yard (setback area), with some exceptions. The bill would permit electric fences more than six (6) feet in height, but no more than ten (10) feet high in any yard (setback area), provided the electric fence is located on the interior side of a non-electrical fence that is at least six (6) feet high.

There are five (5) industrial zones in the current Zoning Ordinance. Those zones beginning from the least intense to the most intense are as follows: Planned Industrial/ Employment Park (I-3), Limited Intensity Industrial (I-4), Urban Light Industrial (U-L-I), Light Industrial (I-1) and the Heavy Industrial (I-2). The bill allows electric fences as described in all five (5) zones.

Staff is concerned that the bill does not define the term "electric fence." The voltage in an electric fence can vary from a voltage that causes mere discomfort to a voltage that is lethal. Staff recommends that the Department of Permitting, Inspections and enforcement (DPIE) be consulted regarding this safety issue and requirements of the building and electrical codes. The bill's requirement that electric fences be behind a non-electric fence appears designed to improve safety, but staff does not know whether this requirement is adequately safe.

Staff also recommends a different overall approach to this issue. Rather than create a right to erect electric fences in all industrial zones, staff recommends that a property owner having a provable need for such a fence obtain approval from the Board of Appeals. This is the approach taken in the new Zoning Ordinance. The text of the bill could be amended by incorporating Section 27-6610 from the adopted Zoning Ordinance, which requires the Board of Appeals to consider both the property owner's need for heightened security and the impact on adjacent lands.

New Zoning Ordinance: Fences and walls in nonresidential zones are generally permitted to have a maximum height of four (4) feet if in the front yard, build-to zone, and on a corner lot side yard in front of the principal building. A maximum height of six (6) feet is permitted within any other required yard or on the corner side yard behind the front plane of the principal building. Certain use-specific standard or special exception standard requirements, service and loading area screening, community gardens, or urban agriculture uses may allow fences and walls as tall as eight (8) feet but this exemption is linked to uses rather than zones.

Above-ground fences that carry electrical current are prohibited in general except for use in enclosing livestock in the Rural and Agricultural base zones and the RE and RR Zones.

Regulations pertaining to fences and walls can be modified with the approval of a security exemption plan, which may allow taller fences and walls, the use of barbed wire and/or razor wire atop a fence or wall, or electric fencing. The security exemption plan is submitted to the Planning Director and approved by the Board of Appeals, with findings for need for safety or security and a demonstration of no significant adverse impact on security, function, appearance, or value of adjacent lands or the surrounding areas as a whole.

Impacted Property: A total of five thousand four hundred forty-four (5,444) properties are zoned industrial in Prince George's County. Five thousand two hundred thirty-four (5,234) properties are wholly zoned industrial and two hundred ten (210) properties are split zoned industrial with another zone.

Recommendations: Support with amendments.

Proposed Amendment(s): Staff would like to recommend that the County Council delete the proposed language and replace with the newly adopted Zoning Ordinance language requiring Board of Appeals approval of a security exemption plan for taller fences and walls and the use of barbed wire, and/or electric wire atop fences and walls.

Staff recommends that the Planning Board vote to support CB-34-2019 with the above-mentioned amendment.