

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2019 Legislative Session

Reference No.: CB-034-2019

Draft No.: 2

Committee: PLANNING, HOUSING, AND ECONOMIC DEVELOPMENT

Date: 07/19/2019

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Glaros, Davis, Dernoga, Hawkins, and Ivey)

The Planning, Housing, and Economic Development Committee Director summarized the purpose of the legislation and informed the committee as to comments received on referral. This legislation amends the County Zoning Ordinance concerning fences and walls to allow electric fences more than six feet high to be located within a setback area if the electric fence is located on the interior side of a non-electrical fence that is six feet high. The Director informed the Committee of a Proposed Draft-2 (DR-2) prepared at the bill sponsor's request to address referral comments.

Council Member Ivey, the bill's sponsor, informed the Committee that CB-34-2019 is intended to provide additional security feature on industrial properties by allowing a 10-foot fence inside a 6-foot fence which is already allowed and, therefore, does not cause a hazard.

The Office of Law reviewed CB-34-2019 and determined that it is in proper legislative form with no legal impediments to its enactment. By memorandum dated July 10, 2019 to the PHED Chair, Rana Hightower, Intergovernmental Affairs Coordinator for the M-NCPPC Planning Department provided Planning Department staff's comments and recommendation. Ms. Hightower indicated that the Planning Board was scheduled to review the proposed legislation during their Thursday, July 18, 2019 meeting. The Planning staff recommended 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.

The Zoning Hearing Examiner submitted comments as follows:

“ (1) Pursuant to the industrial zone regulations of the Zoning Ordinance, fences of this height may not be allowed on corner lots under the following circumstances:

Sec. 27-466. - Corner lot obstructions.

On a corner lot, no building or other visual obstruction (except a post or column) between two (2) and ten (10) feet high above the curb line shall be located within the triangle formed

by the intersection of the street lines and points on the street lines five (5) feet from the intersection. (See Figure 43.)

I would, therefore, recommend that the language on p. 2, lines 18-21, be amended to require that any fence erected on a corner lot satisfy the provisions of Section 27-466.

(2) Finally, for safety purposes, I would also suggest that the new language be amended to require that signs be posted along the fence advising that it is an electrified fence. I believe that this requirement may exist in another part of the Code enacted or adopted by the County Council, but in an abundance of caution it should be inserted herein as well.”

Proposed DR-2 contained amendments as follows:

(e) Electric security fences more than six (6) feet high, but no more than ten (10) feet high, may be located in any required yard and shall not be required to meet the setback requirements for main buildings set forth in (a) above, if the electric security fence is located on the interior side of a non-electrical fence that is at least six (6) feet high. Any fence erected on a corner lot shall satisfy the provisions of Section 27-466. A voltage and shock hazard sign shall be attached to the electric security fence at intervals along the fence not exceeding thirty (30) feet. Any electric security fence exceeding twelve (12) volts shall require a variance from the Board of Appeals.

The Committee voted favorable on Proposed DR-2 with additional amendments to change “Board of Appeals” to “Chief Electrical Inspector or designee pursuant to Subtitle 9” and to insert a new sentence at the end of subsection (e) as follows: Notwithstanding the above, an electrical security fence more than six (6) feet high, but not more than ten (10) feet high erected on any portion of a property which adjoins residentially or commercially zoned land shall require a variance from the Board of Appeals.