

# CITY COUNCIL STUDY SESSION AGENDA



**MEDFORD**  
CITY COUNCIL

April 30, 2020  
6:00 P.M.  
Virtual Meeting

*Office of the Governor Executive Order No. 20-16 requires that the governing body of a public body (as defined by ORS 192.610(3) and (4) shall hold public meetings and hearings by telephone, video, or through some other electronic or virtual means whenever possible. To attend virtually click [HERE](#).*

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## 1. Electric Fence Ordinance

# MEMORANDUM

**To:** Mayor and City Council *for April 30, 2020 study session*  
**From:** Carla Angeli Paladino, Principal Planner  
**Date:** April 22, 2020  
**Subject:** Electrified Fence Regulations (DCA-19-010)

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## DIRECTION SOUGHT

Staff is seeking direction on the draft language for electrified fences and Council's preferred option on where these types of fences will be permitted and prohibited.

## PRESENTATION OUTLINE

- Presentation overview and information – Carla Angeli Paladino
- Discussion and Direction – Mayor and City Council

## BACKGROUND

Staff has been working with representatives from United Strategies (Greg Lemhouse) and Amarok Ultimate Perimeter Security (formerly Electric Guard Dog)(Michael Pate) since last summer discussing changes to the electric fence regulations found in Chapter 9 of the Municipal Code and referenced in Chapter 10. Amarok is interested in expanding the zoning districts where electric fences are permitted. The company has been approached by local Medford businesses to install this type of fencing and is finding limitations based on the existing code provisions.

The topic was discussed initially with the Planning Commission during a study session on August 26, 2019. The code amendment project was initiated by the Planning Commission on September 12, 2019, and staff added the project to its 2020 work tasks. The applicant paid for the code amendment on October 30, 2019. Draft code language has been developed to discuss with the Planning Commission and City Council. The Planning Commission will review the draft at the April 27, 2020, study session.

## **EXISTING CODE**

The details of the electric fence provisions are found in Sections 9.560 and 9.561 and referenced in Sections 10.732 and 10.938 of the Municipal Code. The existing language was adopted into Chapter 9 in 2015 (Ordinance No. 2015-88). The current provisions permit the following:

Section 9.561 Electric Fences:

- (1) Electric fences shall only be permitted around outdoor storage areas, including vehicle storage areas in the following zones: C-H (Heavy Commercial), I-L (Light Industrial), I-G (General Industrial), and I-H (Heavy Industrial), or where needed to control livestock.

## **PROPOSED CODE**

Planning staff in coordination with Fire-Safety staff has developed revised language to the Electric Fence sections of the code. The applicant and staff have reviewed and discussed various versions of the draft and are in agreement with 95% of the proposed text. The outstanding item for consideration relates to where these types of security fences are permitted and where they are prohibited. The draft includes three different options for consideration for these two specific sections in the code.

The updated permitted use section lists the types of uses that would allow for an electrified fence and the associated zoning district. The new prohibited section lists where such fences would not be allowed. Each option provides varying degrees of restriction with Option #1 being the most restrictive. This option limits electrified fences for permitted uses when the property is adjacent to residential zones, residential uses, and public parks amongst other restrictions. Option #2 is narrowly focused on prohibiting electrified fences in the Central Business overlay only. Option #3 adds the C-C zoning district as a permitted zone for the outdoor storage use, and removes the adjacency restriction from residential uses in commercial zones, and from the residential and public park zoning districts.

## **EVALUATION OF REQUEST**

The existing language permits electrified fences for outdoor storage uses, vehicle storage uses, and control of livestock within four of the City zoning districts. The proposal expands the list by adding five new uses, which are permitted in more of the commercial zoning districts. These uses were identified based on review of the applicant's website and their typical customers of this fencing. However, the balance to expanding upon the uses, is controlled by incorporating a list of prohibited areas. These identified areas take precedence over the use of electrified fences in order to preserve the character of residential, park, and

commercial locations and to ultimately limit the extent of this type of fencing throughout the city.

For example, where an industrial property is surrounded by other industrial properties, and the use on the site is on the permitted list, an electrified fence is permitted. On the other hand, a property may have the appropriate use and zoning, but is adjacent to a residentially zoned property or located within a special plan area. In this case, the electrified fence will not be permitted. Staff thinks this approach prioritizes the livability of neighborhoods and commercial areas over the allowance to install an electrified fence. The applicant thinks a property owner's right to protect his/her business with an electrified fence is a valid safety measure and that it helps make the surrounding properties safer from unwanted behavior. A balance to both of these objectives is being sought.

### **COUNCIL DIRECTION**

Does the Council have any proposed changes to the draft? What is the preferred option or combination of options related to permitted uses and prohibited areas the Council is interested in evaluating for adoption?

### **NEXT STEPS**

The project is scheduled for a Planning Commission hearing on May 14, 2020, and final adoption by City Council on June 18, 2020.

### **ATTACHMENTS**

- Draft code language
- Maps
  - Current permitted zoning districts
  - Option #1 - Prohibited with adjacency restrictions
  - Option #2 - Prohibited - CB overlay only
  - Option #3 - Prohibited - removes adjacency restrictions

(Deleted language is ~~struck through~~ and new language is red underlined)

### 9.560 Fences and Walls

Pursuant to and in conjunction with Medford Code Sections 10.731 – 10.733, the following shall be prohibited.

- (1) ~~Electric-Electrified~~ fencing, except as regulated by Section 9.561;

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### 9.561 ~~Electric~~ Electrified Fences

It shall be unlawful for any person to install, maintain or operate an ~~electric~~ electrified fence in violation of this section. The construction and use of ~~electric~~ electrified fences shall be allowed in the city only as provided in this section, and sections 10.731 through 10.735, subject to the following standards:

#### Definition:

Electrified Fence – Any fence, barrier or enclosure partially or totally enclosing a building, field or yard, carrying any electrical pulse or charge through any part, section or element thereof.

#### Option #1 for permitted/prohibited language

(1) ~~Permitted. Electric fences shall only be permitted around outdoor storage areas, including vehicle storage areas in the following zones: C-H, I-L, I-G, and I-H, or where needed to control livestock. Electrified fences are allowed in conjunction with the following uses and identified zoning districts:~~

- a. Heavy Construction Equipment Rental and Leasing (SIC 7353); (C-C, C-H, I-L, I-G, I-H)
- b. Auto Dismantlers and Metal Recyclers (SIC 5093); (C-H, I-L, I-G, I-H)
- c. Trucking Establishments (SIC 421); (C-H, I-L, I-G, I-H)
- d. Towing Companies (SIC 7549); (C-C, C-R, C-H, I-L, I-G, I-H)
- e. Outdoor storage areas (SIC 4226); (C-H, I-L, I-G, I-H)
- f. Auto Repair, Services, and Garages (SIC 752, 753, 754); (C-C, C-R, C-H, I-L, I-G, I-H)
  - i. (SIC 751); (C-C, C-R, C-H, I-L)
- g. Where needed to control livestock, regardless of zoning

(2) Prohibited. Electrified fences are prohibited in the following locations:

- a. Central Business overlay district;
- b. Liberty Park Plan Area;
- c. Southeast (S-E) Plan Area;
- d. When adjacent to residential dwelling units built in any Commercial zoning district;

- e. The Neighborhood Commercial (C-N) and Service-Commercial/Professional (C-S/P) zoning districts;
- f. Single Family and Multi-Family zones (SFR-00 through SFR-10, MFR-15, MFR-20, and MFR-30) or when adjacent to these zones;
- g. In the Public Parks (P-1) zoning district or when adjacent to this zone.

**Option #2 for permitted/prohibited language**

(1) Permitted. Electric fences shall only be permitted around outdoor storage areas, including vehicle storage areas in the following zones: C-H, I-L, I-G, and I-H, or where needed to control livestock. Electrified fences are allowed in conjunction with the following uses:

- a. Heavy Construction Equipment Rental and Leasing (SIC 7353); (C-C, C-H, I-L, I-G, I-H)
- b. Auto Dismantlers and Metal Recyclers (SIC 5093); (C-H, I-L, I-G, I-H)
- c. Trucking Establishments (SIC 421); (C-H, I-L, I-G, I-H)
- d. Towing Companies (SIC 7549); (C-C, C-R, C-H, I-L, I-G, I-H)
- e. Outdoor storage areas (SIC 4226); (C-H, I-L, I-G, I-H)
- f. Auto Repair, Services, and Garages (SIC 752, 753, 754); (C-C, C-R, C-H, I-L, I-G, I-H)
  - i. \_\_\_\_\_ (SIC 751); (C-C, C-R, C-H, I-L)
- g. Where needed to control livestock, regardless of zoning

(2) Prohibited. Electrified fences are prohibited in the following locations:

- a. Central Business overlay district

**Option #3 for permitted/prohibited language**

(1) Permitted. Electric fences shall only be permitted around outdoor storage areas, including vehicle storage areas in the following zones: C-H, I-L, I-G, and I-H, or where needed to control livestock. Electrified fences are allowed in conjunction with the following uses:

- a. Heavy Construction Equipment Rental and Leasing (SIC 7353); (C-C, C-H, I-L, I-G, I-H)
- b. Auto Dismantlers and Metal Recyclers (SIC 5093); (C-H, I-L, I-G, I-H)
- c. Trucking Establishments (SIC 421); (C-H, I-L, I-G, I-H)
- d. Towing Companies (SIC 7549); (C-C, C-R, C-H, I-L, I-G, I-H)
- e. Outdoor storage areas (SIC 4226); (C-C, C-H, I-L, I-G, I-H)
- f. Auto Repair, Services, and Garages (SIC 752, 753, 754); (C-C, C-R, C-H, I-L, I-G, I-H)
  - i. \_\_\_\_\_ (SIC 751); (C-C, C-R, C-H, I-L)
- g. Where needed to control livestock, regardless of zoning

(2) Prohibited. Electrified fences are prohibited in the following locations:

- a. Central Business overlay district;
- b. Liberty Park Plan Area;
- c. Southeast (S-E) Plan Area;

- d. The Neighborhood Commercial (C-N) and Service-Commercial/Professional (C-S/P) zoning districts;
- e. Single Family and Multi-Family zones (SFR-00 through SFR-10, MFR-15, MFR-20, and MFR-30);
- f. In the Public Parks (P-1) zoning district.

(32) Permits Required. ~~Electric- Electrified~~ fences shall only be installed under a permit issued by the Building Safety Department, and if an alarm is included, shall also have a Burglar Alarm permit issued under Medford Municipal Code 8.605 through 8.695. Prior to initially energizing an electrified fence, the property owner or owner's agent shall contact the Fire Department to ensure fire officials inspect the premise for compliance and the location is added to the Fire Department's electrified fence registration list.

(43) Electrification. The electric charge produced by the fence upon contact shall be non-lethal, and shall not exceed the energizer characteristics set forth in the International Electro technical Commission (IEC) Standard No. 60335-2-76, 2002-2018 edition. All electrical components shall bear the label of a testing agency recognized by the State of Oregon Department of Consumer and Business Services, Building Codes Division. The electrified fence shall be installed and used in accordance with the Oregon Electrical Specialty Code and Oregon Structural Specialty Code, the listing, and the manufacturer's installation instructions.

(43.1) The energizer for ~~electric-electrified~~ fences ~~must-shall~~ be driven by a commercial storage battery or batteries not to exceed 12 volts DC. The storage battery(ies) may be charged either by a solar panel, or a commercial trickle charger, or a combination of both. AC current shall not be used to energize any electrified fence.

(54) Fence Details. Electrified fences shall be constructed in the following manner:

(5.1) Maximum Height. Electrified fences shall not exceed 10 feet in height.

(5.2) Perimeter Fence. No electrified fence shall be installed or used unless it is completely surrounded by a non-electrified perimeter fence in order to separate the electrified fence from the abutting property line and right-of-way. The non-electrified perimeter fence shall be installed under the regulations and height limitations in Medford Municipal Code 10.731 through 10.735. The minimum height of the non-electrified perimeter fence shall be six feet. The electrified and non-electrified perimeter fence shall be separated by more than 10 inches. When abutting a residential property or residential use, the non-electrified fence or wall shall be of solid construction and the minimum height shall be eight feet.

(5.3) Setbacks. Electrified fences shall not be located in the front yard setback, required landscaping, or bufferyard requirements as set forth in Chapter 10. No electrified fence shall be installed within 24 inches of a property line.

~~No electric fence shall be installed or used unless it is separated from the abutting property or right-of-way by a non-electric fence or wall. When abutting a residential property, the non-electric fence or wall shall be of solid construction.~~

~~(4.1) The non-electric fence shall be installed under the regulations and height limitations in Medford Municipal Code 10.731 through 10.735.~~

~~(4.2) The non-electric fence shall be a height equal to, or greater than the highest level of electrification, but in no case less than 6 feet in height. Electric fences shall not exceed the height of the legally permitted non-electric surrounding fence. Electric fences shall not be located in the front yard setback.~~

~~(4.3) A separation shall be maintained between the electric fence and a surrounding non-electric fence or wall, adequate to allow maintenance of landscaping, but no less than 12 inches, and no electric fence shall be installed within 24 inches of a property line.~~

~~(4.4) When an electric fence is installed within a required buffer yard as defined in Medford Municipal Code 10.790, the non-electric fence shall be shall be constructed of a material and design that is sight-obstructing, and compatible with adjacent uses, per the standards of that section. The installation of the electric fence shall not interfere with or cause the removal of the required buffer yard plantings.~~

(65) Warning Signs. Electric-~~Electrified~~ fences shall be clearly identified with warning signs in English and in Spanish that read: "Warning-Electric Fence" ~~or an equivalent, together with a pictorial warning,~~ and include the international symbol for an electrical hazard at intervals ~~of not to exceed forty~~ thirty feet. The warning signs shall be mounted on both sides of the electrified fence. The signs shall be reflective with a minimum two-inch letter height, minimum stroke of one-half inch and with a contrasting background.

(76) Emergency Access. Fire ~~D~~epartment access shall be provided in accordance with the Fire Code and the Oregon Structural Specialty Code. When a vehicle gate opens automatically, it shall open using a sensing device approved by the Fire Department. The vehicle gate shall provide a means for the Fire Department to egress through the gate. Power to the electrified fence, excluding gate opening controls, shall be deactivated upon automatic Fire Department access through the gate. In addition, an approved Knox key box or approved equivalent shall be provided at an exterior location for any keyed locks or keyed gates for immediate emergency access necessary for life-saving or fire-fighting purposes. An approved method to manually disconnect electrical power to all portions of the fence and gates, such as a "Knox Remote Shunt Control Station", shall be provided at an exterior location. The method and location of both the key box and the electrical

disconnect shall be approved by the ~~Medford Fire Marshal~~ Fire Code Official.

(8) Hours of Operation. An electrified fence shall only be energized during the hours when the general public does not have legal access to the protected property, unless when used to control livestock.

(9) Surveillance. Electrified fences shall be part of a functioning security system and monitored 24 hours a day.

(107) Compliance. Failure to maintain an ~~electric~~ electrified fence in conformance with the standards set forth in this section shall result in the fence being declared a public nuisance subject to abatement under Medford Municipal Code 5.530.

[Added, Sec. 2, Ord. No. 2015-88, Sept. 3, 2015.]

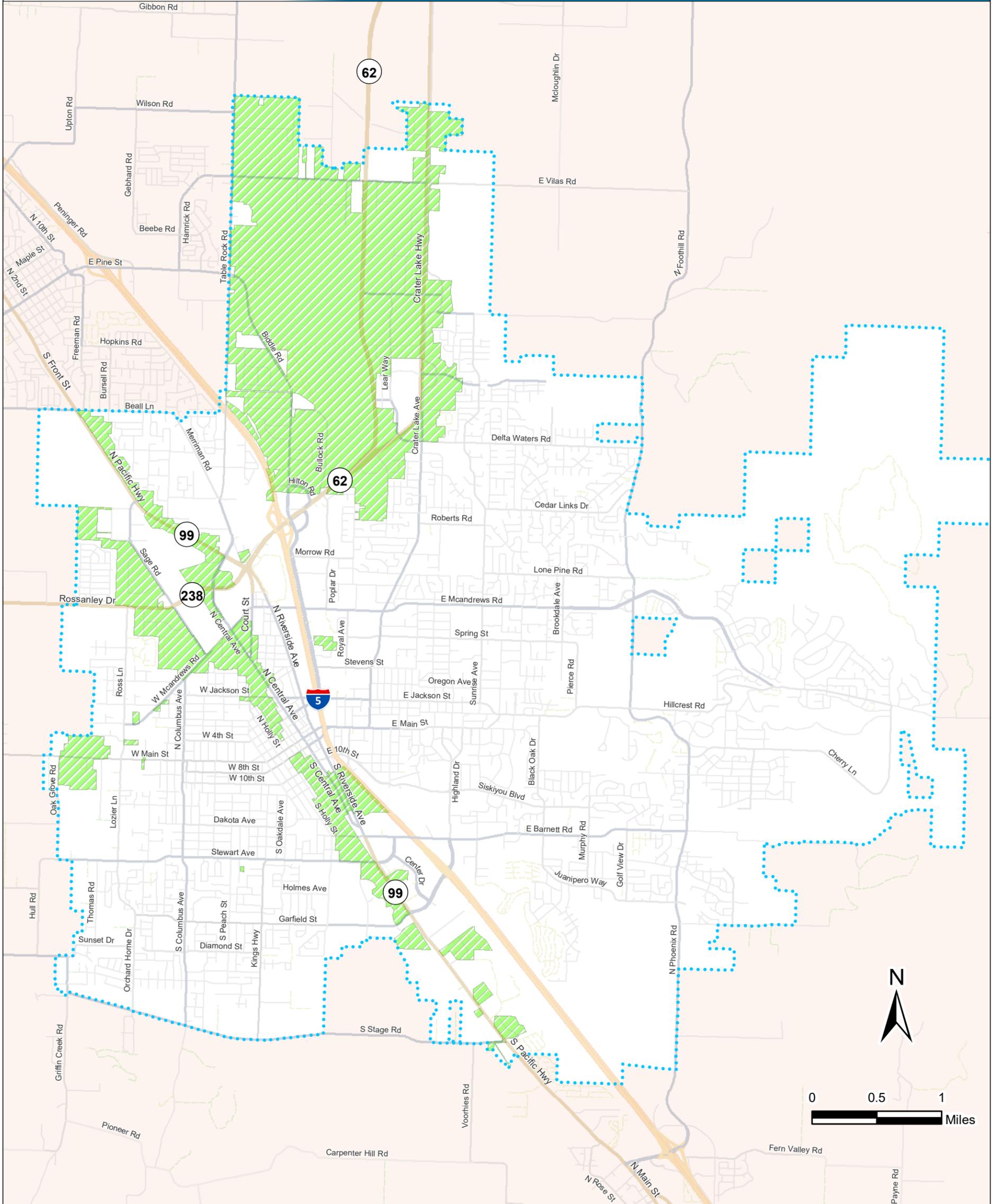
## Chapter 10 Adjustments

### 10.732 Fencing of Lots.

(4) All fencing shall comply with Sections 9.560 (Fences and Walls) and 9.561 (Electrified Fences), ~~Hazardous Fences Prohibited~~, of the City Code.

### 10.839 Marijuana-Related Businesses

(4) The ~~hazardous fence and wall~~ provisions in Sections 9.560 (Fences and Walls) and 9.561 (Electrified Fences) apply.

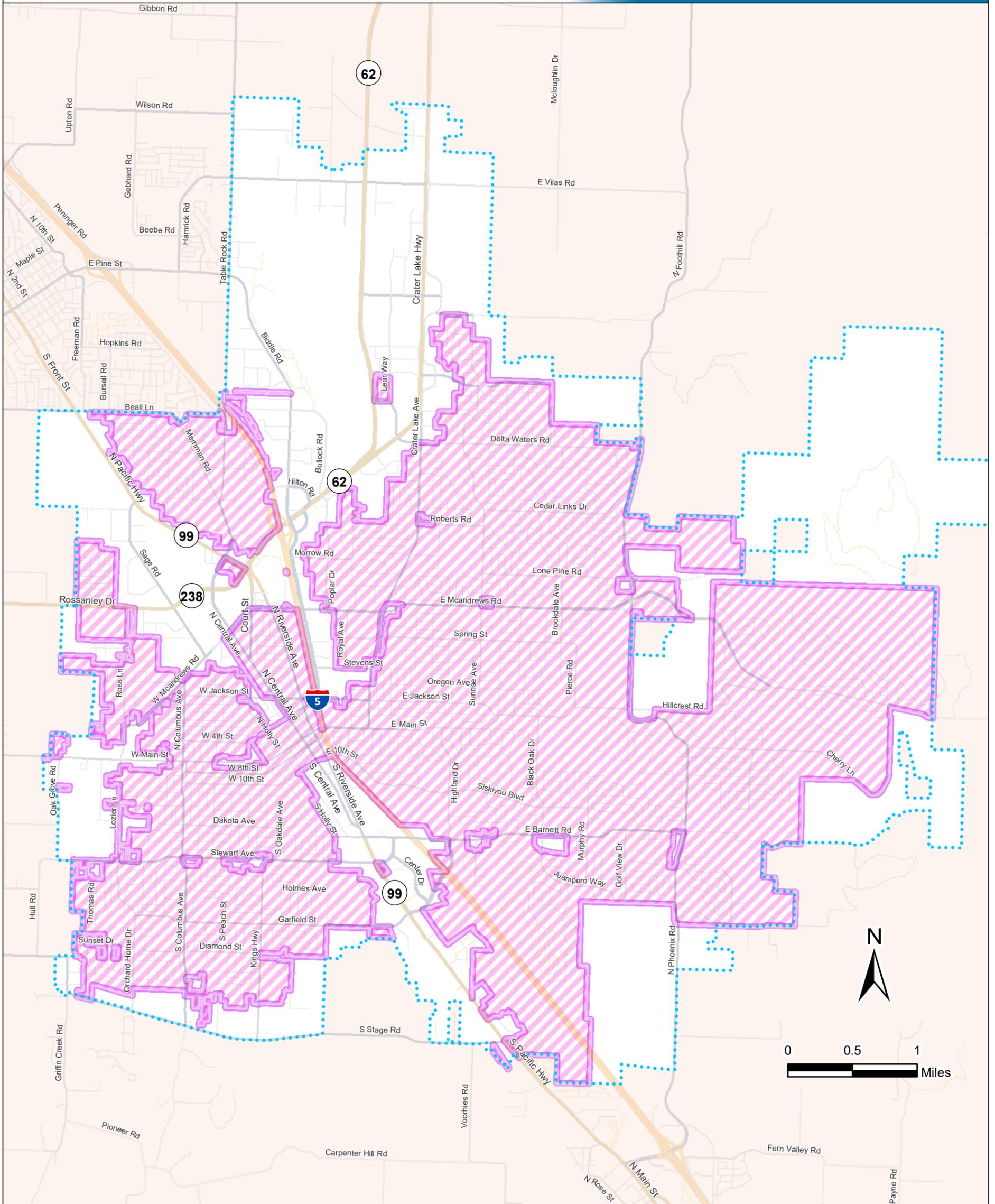


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-  Electrified Fences Currently Permitted Area\*
  -  Urban Growth Boundary



Date: 4/21/2020

\*Electrified fences currently permitted Zoning Districts: C-H, I-L, I-H and I-G



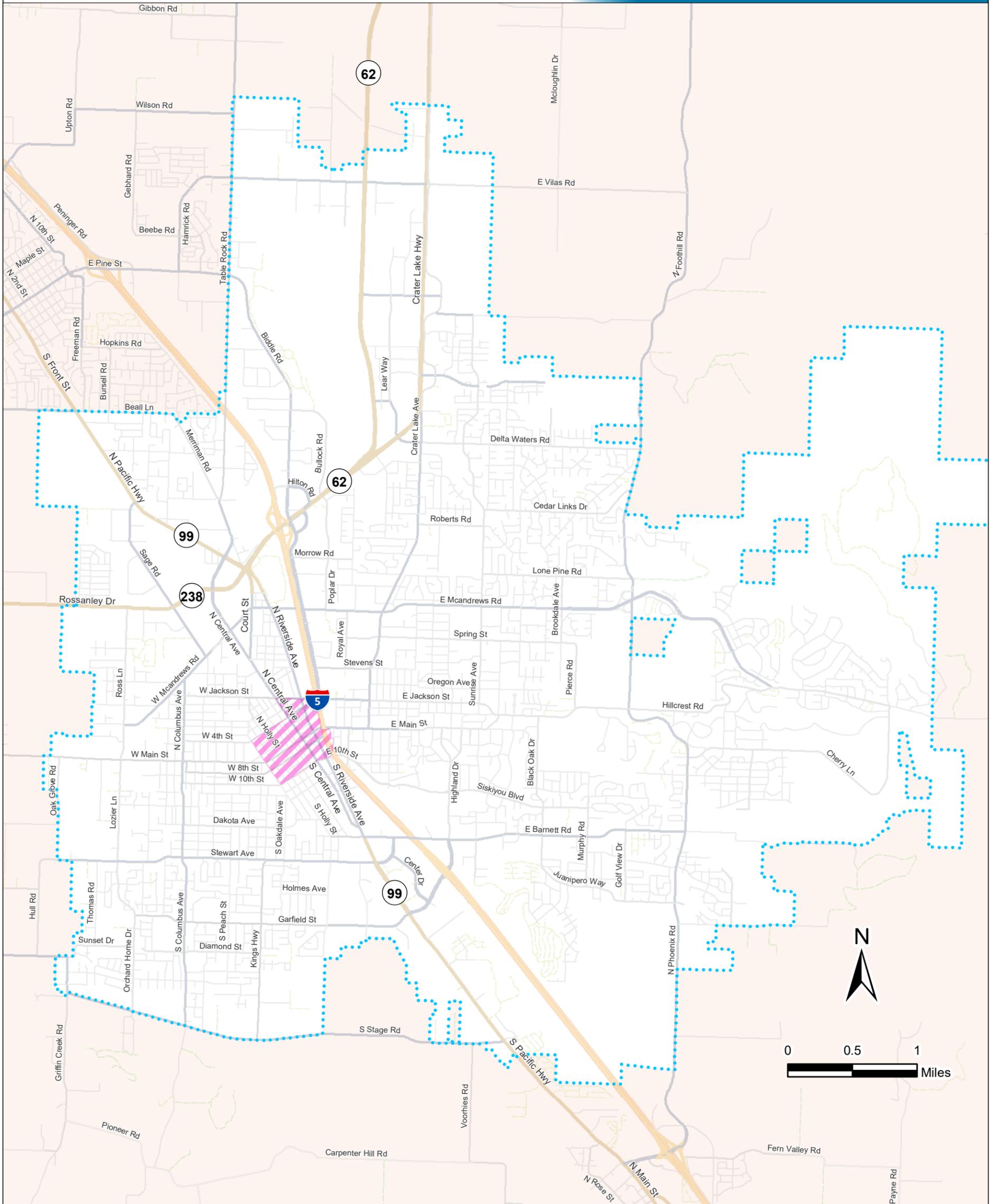
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-  \*Option 1 Prohibited Area
  -  \*Option 1 Prohibited - Adjacent Areas
  -  Urban Growth Boundary

\*Option 1 Prohibited. Electrified fences are prohibited in the following locations:

- a. Central Business overlay district;
- b. Liberty Park Plan Area;
- c. Southeast (S-E) Plan Area;
- d. When adjacent to residential dwelling units built in any Commercial zoning district;
- e. The Neighborhood Commercial (C-N) and Service-Commercial/Professional (C-S/P) zoning districts;
- f. Single Family and Multi-Family zones (SFR-00 through SFR-10, MFR-15, MFR-20, and MFR-30) or when adjacent to these zones;
- g. In the Public Parks (P-1) zoning district or when adjacent to this zone.



Date: 4/21/2020



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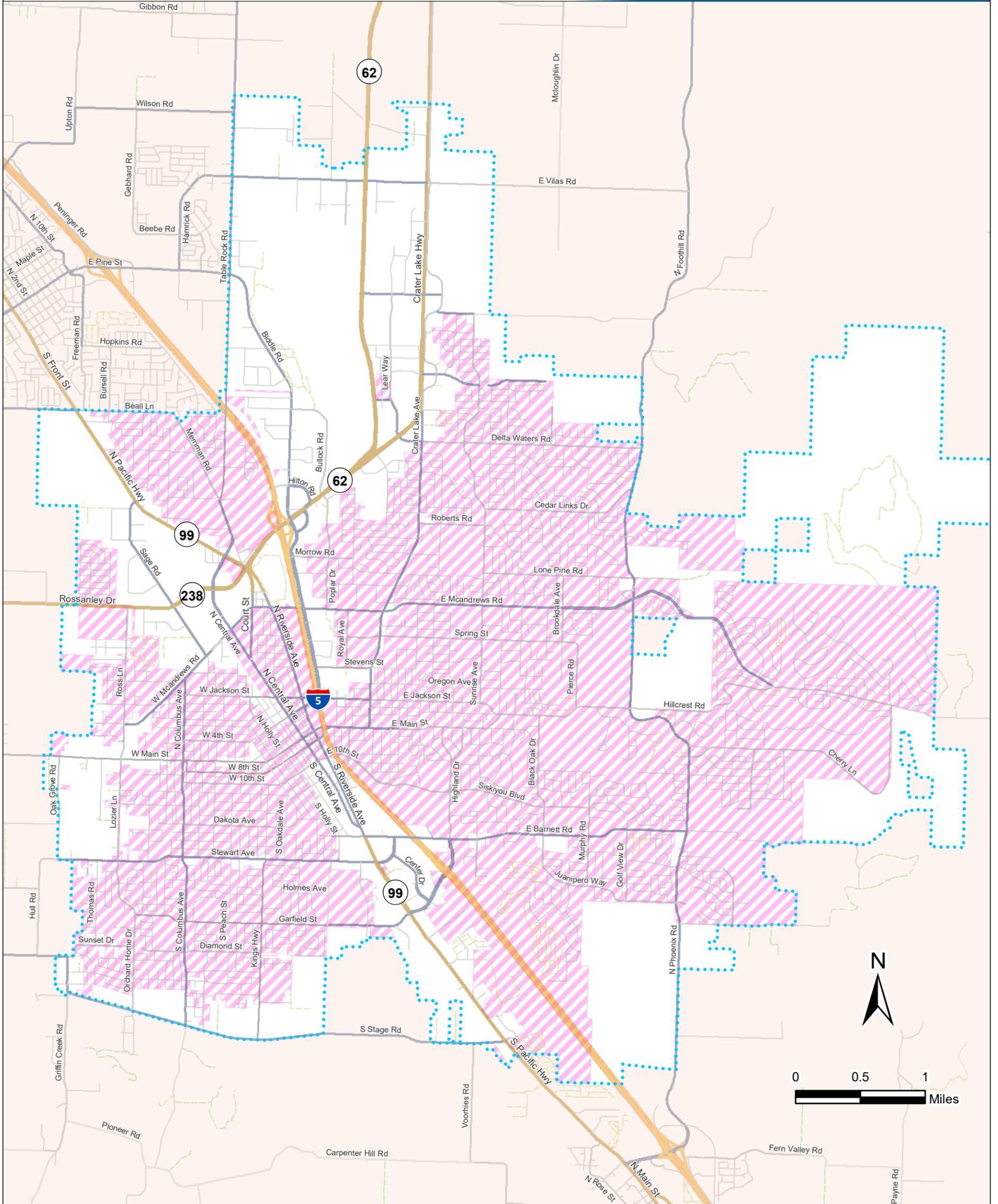
 Option 2 Prohibited Area\*

 Urban Growth Boundary



Date: 4/21/2020

\*Option 2 Prohibited. Electrified fences are prohibited in the following locations:  
a. Central Business overlay district



LEGEND

 \*Option 3 Prohibited Area

 Urban Growth Boundary



Date: 4/21/2020

\*Option 3 Prohibited. Electrified fences are prohibited in the following locations:

- a. Central Business overlay district;
- b. Liberty Park Plan Area;
- c. Southeast (S-E) Plan Area;
- d. The Neighborhood Commercial (C-N) and Service-Commercial/Professional (C-S/P) zoning districts;
- e. Single Family and Multi-Family zones (SFR-00 through SFR-10, MFR-15, MFR-20, and MFR-30)
- f. In the Public Parks (P-1) zoning district.



**April 30, 2020**  
6:00 P.M.  
Virtual Meeting

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A virtual City Council Study Session was called to order at 6:00 p.m. on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Kay Brooks, Tim D'Alessandro, Dick Gordon, Alex Poythress (left at 6:34 p.m.), Eric Stark (left at 6:34 p.m.), Kevin Stine (left at 6:34 p.m.), Michael Zarosinski; City Manager Brian Sjothun, Deputy City Manager Kelly Madding, City Attorney Rick Whitlock, Deputy City Attorney Eric Mitton, Deputy City Recorder Winnie Shepard

Electric Fence Ordinance

Principal Planner Carla Paladino presented a PowerPoint regarding a proposed Code amendment for electric fences. (PowerPoint attached.)

Proposed changes include:

- Name change from "electric fence" to "electrified fence."
- Adding a definition.
- Permits will be required through the building department. The fire department will conduct an inspection and retain the address and contact information on file.
- Electrified fences shall have a non-lethal charge, comply with building code requirements, follow all Code and manufacturer instructions and be battery powered.

Fence specifics:

- Maximum height of 10 feet.
- A six foot perimeter fence must surround the electrified fence.
- Property must comply with landscaping requirements and fencing standards.
- Warning signage posted in both English and Spanish.
- Property owner/manager must provide access emergency personnel.
- Cannot be active when the building is accessible to the public, must be part of a surveillance system and monitored 24 hours a day.

Ms. Paladino reviewed the current Code language and outlined the requests from the applicants.

Councilmember Gordon requested input from the Police Department regarding the need of electrified fences within city limits.

Applicant Greg Lemhouse had requested the fence as a security measure to prevent crime. Creating a barrier will make it more difficult to access a property.

Applicant Michael Pate advised that the system runs on a 12 volt battery. The signage and shock are both crime deterrents. The surveillance system can determine the breach within a 10-foot radius. The system is considered a verified alarm, preventing unnecessary police dispatch for non-criminal activity and would be installed in high-crime areas. He outlined the aesthetics of the fences, noting they are not overly obvious, the signage is clear and electrified fences are required to have an audible sound. He requested Council approve option 3.

The distance between the perimeter fence and the electrified fence is typically 4 or 5 inches. The perimeter fence may have 4-5 strands on top to prevent a person from climbing over. A person is criminally trespassing if they are able to touch the electrified fence. A person cannot inadvertently make contact.

At Council's request, staff will provide specifics of a "solid fence" in the proposed Code.

\* Councilmembers Poythress, Stine and Stark left the meeting.

Mayor clarified that Council preferred option 3. There were no objections.

The meeting adjourned at 6:40 p.m.



Winnie Shepard, CMC  
Deputy City Recorder



**Electric Fence Amendment (DCA-19-010)**

City Council Study Session  
April 29, 2020  
Carla Angeli Paladino




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**Direction**

- Are there any recommended changes to the draft text overall?
- What is the preferred option for where electric fences are permitted and/or prohibited?




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**Presentation Outline**

- Background
- Proposal Summarized
- Options Reviewed
- PC Recommendations
- Council Direction/Discussion





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**Background**



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**Amendment Request**

- Citizen initiated amendment
- Amarok (Electric Guard Dog) seeking code changes
- PC discussed last August & initiated the amendment in September
- PC discussed the proposal on Monday



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**Proposal Summarized**



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### Code Changes Proposed

- Modify Title
- Definition Added
- Permits Required
- Electrification



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### Code Changes Proposed

- Fence Details
- Location of Fences
- Fencing standard when adjacent to residential zone or use
- Text Correction



Force Contracting Services



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### Code Changes Proposed

- Warning Signs Required
- Emergency Access
- Hours of Operation
- Surveillance



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**Existing Regulations**

Fences are permitted around outdoor storage areas, including vehicle storage in:

- Heavy Commercial (C-H)
- Light Industrial (I-L)
- General Industrial (I-G), and
- Heavy Industrial (I-H) zones

And where needed to control livestock




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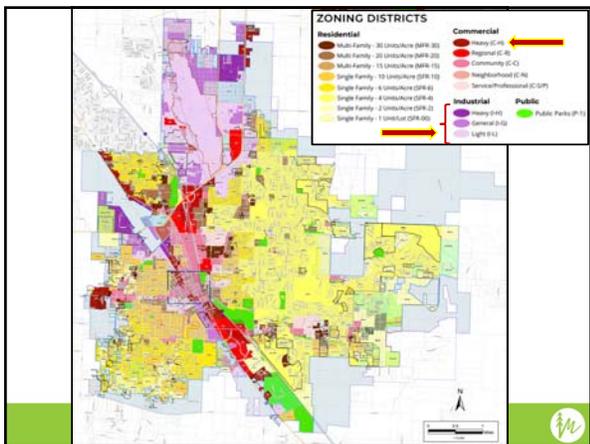
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**OPTIONS 1 & 2**  
**Permitted Uses Expanded**

Existing Uses Retained	New Uses Added
Outdoor Storage areas	Heavy Construction Equip. Rental & Leasing
Control of Livestock	Auto Dismantlers and Metal Recyclers
	Trucking Establishments
	Towing Companies
	Auto Repair, Services, and Garages

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### OPTION 3 Zones Expanded

- Simplify language
- Allow fencing in the following zones:
  - Community Commercial (C-C)
  - Heavy Commercial (C-H)
  - 3 Industrial Zones (I-L, I-G, and I-H)
  - And where needed to control livestock
- Allow businesses to decide on fencing regardless of use



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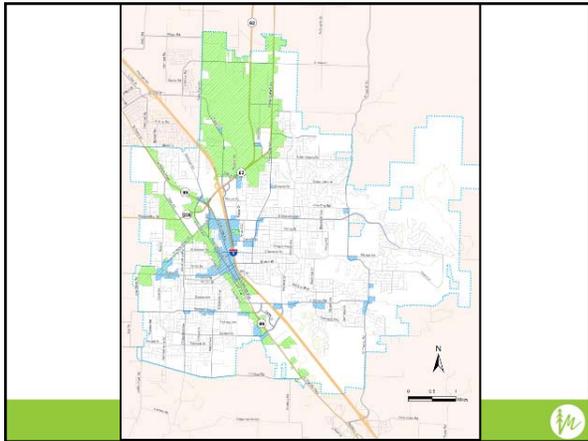
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**Prohibited Options**



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### OPTION 1

- Central Business overlay district
- Liberty Park Plan Area
- Southeast Plan Area
- **When adjacent** to residential in Commercial zones
- Neighborhood Commercial & Service-Commercial Professional
- SFR and MFR zones and **when adjacent**
- Public Parks zone or **when adjacent**



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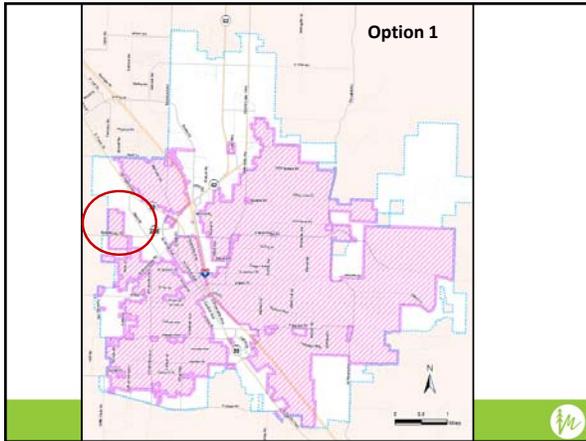
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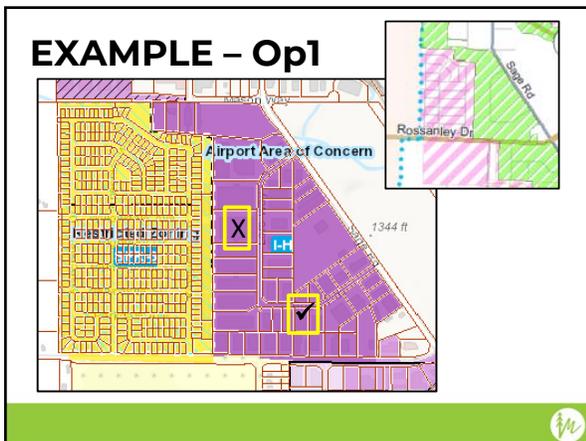
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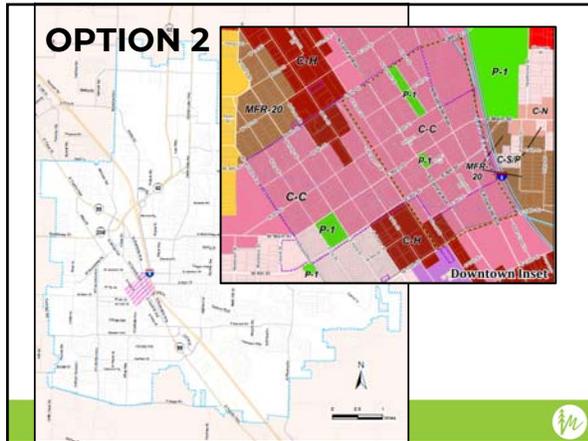
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**OPTION 3**

- Central Business overlay district
- Liberty Park Plan Area
- Southeast Plan Area
- ~~When adjacent to residential in Commercial zones~~
- Neighborhood Commercial & Service-Commercial Professional
- SFR and MFR zones ~~and when adjacent~~
- Public Parks zone ~~or when adjacent~~

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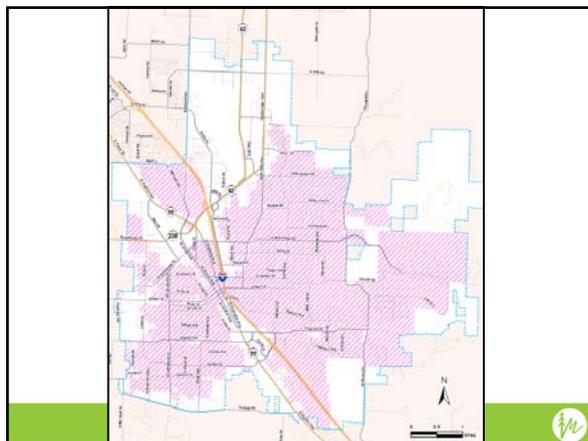
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### EXAMPLE - Op3



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## Planning Commission Recommendations



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### PC COMMENTS

- 4 in favor of Option #3
- 1 in favor of Option #2
- 2 not in support of expanding into C-C zone



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**Council Direction & Discussion**



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**Next Steps**

- PC Hearing: May 14, 2020
- CC Hearing: June 18, 2020



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**Direction**

- Are there any recommended changes to the draft text?
- What is the preferred option for where electric fences are permitted and prohibited?



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**OPTIONS SUMMARIZED**

PERMITTED	PROHIBITED
#1 Expand uses and Zones	#1 Prohibit in Plan Areas, Certain Zones and When Adjacent
#2 Expand uses and Zones	#2 Prohibit in C-B overlay only
#3 No Use restrictions; Permit in C-C, C-H, I-L, I-G, and I-H	#3 Prohibit in Plan Areas & Certain Zones

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