

1 **Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia by**
2 **Amending Section 1-18 Entitled, "Fence and Wall Regulations" Pertaining to Fences and Natural**
3 **Fences**

4
5 **WHEREAS**, the public necessity, convenience, general welfare and good zoning practice so require;

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7 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Section 1-18 of the Zoning Ordinance
8 of the City of Hampton, Virginia, be amended and re-enacted as follows:

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10 **Chapter 1 – GENERAL PROVISIONS**

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13 **ARTICLE II. – REGULATIONS APPLICABLE TO MANY OF ALL ZONING DISTRICTS**

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15 **Sec. 1-18. – Fence and wall regulations**

- 16 1. In any R, MD, or RT district, a fence, screen, ~~or wall~~, *natural fence*, ~~or a hedge or thick growth~~
17 of shrubs or trees *shall be permitted and shall not be subject to any residential setback*
18 *requirements* provided that the height of any such permitted feature not exceed six (6) feet in
19 side or rear yards, and four (4) feet in front yards, or such lesser height as may be prescribed
20 by law. This provision shall not be interpreted to prohibit the erection of an open-mesh type
21 fence enclosing any school or playground site, or landscape features such as trees, shrubs,
22 flowers, or plants, provided they do not produce a *natural fence* ~~hedge effect~~ contrary to the
23 provisions of this section. The use of electrified fences is prohibited except as set forth in
24 section 24-40 of the Hampton City Code.
- 25 a. The following uses shall be permitted a feature height of six (6) feet in front yards,
26 provided all other requirements of the zoning ordinance are met:
- 27 i. Communication tower, commercial;
- 28 ii. Utility infrastructure/structure to house a government function;
- 29 iii. Utility building/substation.
- 30 2. In the BB-1, BB-2, BB-3, BB-4 and BB-5 districts, the following shall apply:
- 31 a. In a front yard, the minimum height shall be twenty-four (24) inches and the maximum
32 height shall be forty-two (42) inches. Pillars, posts, and gateways may be taller. The
33 height of walls, fences, *natural fences*, and hedges may be required to be shorter by
34 other sections of city code for the purposes of increased visibility and safety, such as
35 at street intersections, in such cases, the safety provisions take precedent.
- 36 b. In a rear or side yard, the minimum height shall be thirty-six (36) inches and the
37 maximum height shall be six (6) feet.
- 38 c. In a rear yard on single-family lots adjacent to a rear alley, the minimum setback is five
39 (5) feet.
- 40 d. Permitted material and design shall be the following;
- 41 i. Wood: picket fences with corner posts.
- 42 ii. Wrought iron: vertical, five-eighths-inch minimum dimension, four-inch to six-
43 inch spacing
- 44 iii. Brick
- 45 iv. Stone
- 46 v. *Natural fences*
- 47 3. A fence, screen, wall, *natural fence*, hedge, or thick growth of shrubs or trees may be located
48 in any zoning district on vacant property owned by the City of Hampton or a political subdivision
49 of the commonwealth.
- 50 4. *A fence, screen, wall, natural fence, hedge, or thick growth of shrubs or trees shall comply with*
51 *Section 1-17, Vision clearance of corner lots.*

- 52 5. *No fence, screen, wall, natural fence, hedge, or thick growth of shrubs or trees shall project or*
53 *encroach into a City right-of-way or easement without the written permission of the City of Hampton*
54 *or an approved encroachment agreement pursuant to Chapter 34 of the City Code, as amended.*
- 55 6. *A fence, screen, or wall is considered impervious area for purposes of Chapter 9, Article II,*
56 *Chesapeake Bay Preservation Overlay.*
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