



### Legislation Details (With Text)

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**Type:** Zoning Ordinance - Text      **Status:** Passed  
**File created:** 4/20/2018      **In control:** City Council Legislative Session  
**On agenda:** 5/9/2018      **Final action:** 5/9/2018  
**Title:** Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia by Amending Section 1-18 Entitled "Fence and Wall regulations" Pertaining to Fence Height Regulations in Residential, Multi-family, and Residential-Transition Districts and Certain Use Exclusions

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Redline, 2. Presentation, 3. Resolution

Date	Ver.	Action By	Action	Result
5/9/2018	1	City Council Legislative Session	approved	Pass

Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia by Amending Section 1-18 Entitled "Fence and Wall regulations" Pertaining to Fence Height Regulations in Residential, Multi-family, and Residential-Transition Districts and Certain Use Exclusions

**Background Statement:**

Current fence and wall height regulations in the Zoning Ordinance restrict the height of fences, screens, walls, hedges, or thick growths of shrubs or trees to six (6) feet in the side or rear yards and four (4) feet in the front yard in all of the Residential, Multi-Family, and Residential-Transition Districts. While this restriction is suitable for most uses allowed in our residential districts, there are a few uses that are allowed in these districts that would benefit from a greater front yard height maximum: commercial communication tower, utility infrastructure/structure to house a government function, and utility building/substation. While these uses are not "residential," by their nature they may be necessary in a residential area in order to provide a service or utility. A greater maximum height would help ensure greater security of the use and safety for citizens, as some of these uses may be dangerous if tampered with either purposefully or accidentally. For example, the commercial communication tower approved at 1821 Cemetery Lane is located in a residential district and will house significant powerful electrical equipment. Under the current regulations, the fence height is limited to four (4') feet in the front, making it easy for someone to enter the compound. If someone were to enter this area unauthorized, the individual could injure themselves or cause interruptions and impacts to communications from the tower. Some elements of the equipment, being made of various metals, may also be attractive for stealing.

Commercial communication towers require a use permit, and utility building/substation both require some sort of Planning Commission approval or action, so there will still be an opportunity for the Commission to review the proposed plan for any concerns, including related to the fence. Utility infrastructure/structure to house a government function is a by-right use, but tends to be city sanctioned or sponsored, and it is likely the City has already provided input to make sure the proposal aligns with City policies.

If approved, this amendment would increase the maximum allowable height for a fence in the front yard from four (4) feet to six (6) feet for commercial communication towers, utility infrastructure/structures to house a government function, and utility buildings/substations in all R, MD, and RT districts.

**Recommendations:**

Staff Recommendation: Approve

Planning Commission Recommendation: Approve

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

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia that Section 1-18 (1) of Chapter 1 of the Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

Sec. 1-18. - Fence and wall regulations.

(1) In any R, MD, or RT district, a fence, screen, or wall, or a hedge or thick growth of shrubs or trees may be located and maintained in required yards provided that the height of any such permitted feature not exceed six (6) feet in side or rear yards, and four (4) feet in front yards, or such lesser height as may be prescribed by law. This provision shall not be interpreted to prohibit the erection of an open-mesh type fence enclosing any school or playground site, or landscape features such as trees, shrubs, flowers, or plants, provided they do not produce a hedge effect contrary to the provisions of this section. The use of electrified fences is prohibited except as set forth in section 24-40 of the Hampton City Code.

(a) The following uses shall be permitted a feature height of six (6) feet in front yards, provided all other requirements of the zoning ordinance are met:

- (i) communication tower, commercial
- (ii) utility infrastructure/structure to house a government function
- (iii) utility building/substation

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