



Legislation Text

File #: 20-0134, Version: 1

Ordinance To Amend And Re-Enact Chapter 1, Article II Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled, "Regulations Applicable to Many or All Zoning Districts" By Amending Section 1-18 Entitled "Fence and Wall Regulations"

Background Statement:

This amendment is in response to additional authority granted localities by House Bill 549 (2020) and Senate Bill 340 (2020), which amended section 15.2-901 of the Code of Virginia. As of July 1st, 2020, the City of Hampton is granted additional powers to regulate overgrown shrubs, trees, and other such vegetation.

This amendment is primarily a technical amendment being brought forward as part of adoption of a separate City Code amendment pertaining to enforcement of overgrown vegetation. Changes in this amendment include clarification around hedges that act as a fence, allowing fences in residential setbacks, compliance with vision clearance on corner lots, prohibiting locating a fence in a City easement without approval, and clarification that fences are considered impervious area.

This application is being brought forward in conjunction with a Zoning Ordinance Amendment (Item #20-0194) which adds a definition for fence and natural fence and, as part of adoption of a separate City Code amendment pertaining to enforcement of overgrown vegetation, which would remove duplicative zoning regulations. This application is also being brought forward in conjunction with a City Code Amendment (Item #20-0192). By regulating overgrown vegetation through the City Code rather than the Zoning Ordinance, the City has more flexibility in enforcement mechanisms and can act more quickly.

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 Council of the City of Hampton, Virginia that Section 1-18 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

Chapter 1 - GENERAL PROVISIONS

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ARTICLE II. - REGULATIONS APPLICABLE TO MANY OF ALL ZONING DISTRICTS

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Sec. 1-18. - Fence and wall regulations

1. In any R, MD, or RT district, a fence, screen, wall, natural fence, hedge or thick growth of shrubs or trees shall be permitted and shall not be subject to any residential setback requirements 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 natural fence 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.
2. In the BB-1, BB-2, BB-3, BB-4 and BB-5 districts, the following shall apply:
 - a. In a front yard, the minimum height shall be twenty-four (24) inches and the maximum height shall be forty-two (42) inches. Pillars, posts, and gateways may be taller. The height of walls, fences, natural fences, and hedges may be required to be shorter by other sections of city code for the purposes of increased visibility and safety, such as at street intersections, in such cases, the safety provisions take precedent.
 - b. In a rear or side yard, the minimum height shall be thirty-six (36) inches and the maximum height shall be six (6) feet.
 - c. In a rear yard on single-family lots adjacent to a rear alley, the minimum setback is five (5) feet.
 - d. Permitted material and design shall be the following;
 - i. Wood: picket fences with corner posts.
 - ii. Wrought iron: vertical, five-eighths-inch minimum dimension, four-inch to six-inch spacing
 - iii. Brick
 - iv. Stone
 - v. Natural fences
3. A fence, screen, wall, natural fence, hedge, or thick growth of shrubs or trees may be located in any zoning district on vacant property owned by the City of Hampton or a political subdivision of the commonwealth.
4. A fence, screen, wall, natural fence, hedge, or thick growth of shrubs or trees shall comply with Section 1-17, Vision clearance of corner lots.
5. No fence, screen, wall, natural fence, hedge, or thick growth of shrubs or trees shall project or encroach into a City right-of-way or easement without the written permission of the City of Hampton or an approved encroachment agreement pursuant to Chapter 34 of the City Code, as amended.

6. A fence, screen, or wall is considered impervious area for purposes of Chapter 9, Article II, Chesapeake Bay Preservation Overlay.

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