AN ORDINANCE TO AMEND 201(e) OF THE CITY
ZONING ORDINANCE PERTAINING TO FENCES IN
SIDE YARD SETBACKS

Section Amended: § 201(e)

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
BEACH, VIRGINIA:

That Section 201(e) of the City Zoning Ordinance is hereby amended and
reordained to read as follows:

ARTICLE 2. GENERAL REQUIREMENTS AND PROCEDURES APPLICABLE TO
ALL DISTRICTS

A. REGULATIONS RELATING TO LOTS, YARDS, HEIGHTS, OFF-STREET
PARKING AND OFF-STREET LOADING

Sec. 201. Yards.

(e) Requirements for Fences and Walls.

(1) Fences and walls shall not exceed a height of eight (8) feet. Walls and
fences may project into or enclose any part of any yard; provided,
however, that any fence or wall which projects into or encloses a required
front or side yard adjacent to a street shall not exceed a height of four (4)
feet except in the case of a through lot when a required front yard setback
is clearly and physically the rear of the dwelling, an eight-foot fence will be
allowed, and provided further that no fence or wall may be erected closer
than five (5) feet to any right-of-way line, and where it is closer than ten
(10) feet to any right-of-way line, it shall have installed between it and the
right-of-way line Category I landscaping.

(1a) Fences constructed of materials generally recognized on an industry-wide
basis as maintenance-free, such as vinyl, may be located on a right-of-
way line, provided that (i) Category I landscaping shall be installed
immediately inside the entire length of any such fence; (ii) the height of
any such fence shall not exceed the limits set forth in subsection (e)(1) above; and (iii) any such fence shall be no greater than fifty (50) percent opaque.

(1b) Fences or walls six feet or less in height, located on corner lots, may be erected in the required side yard setback, substantially parallel to the right-of-way line located adjacent to the side yard, in line with the closest corner of any nonconforming dwelling. The closest corner of the nonconforming dwelling shall not include fireplaces, bay windows or similar amenities. No such fence or wall may be erected closer than five (5) feet to any right-of-way line, and where it is closer than ten (10) feet to any right-of-way line, Category I landscaping shall be installed between the right-of-way line and the fence.

Adopted by the Council of the City of Virginia Beach, Virginia, on the 6th day of December, 2011.