


**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: May 19, 2009

TO: Board of Supervisors

FROM: Jeffrey A. Harvey 
Director of Planning and Zoning

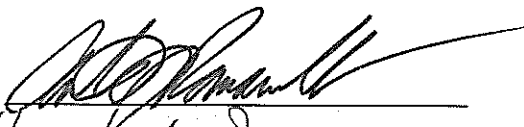
ISSUE: Refer to the Planning Commission an Amendment to the Zoning Ordinance Regarding Section 28-39, Special Regulations, (a) "Fences, walls and hedges"

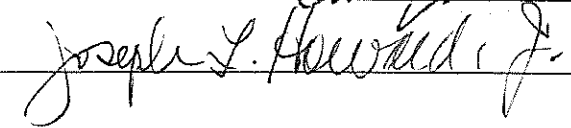
STAFF RECOMMENDATION: Approval

BUDGET IMPACT: N/A

ATTACHMENTS: (4)

- [1] Background Report [4] Reso/Ord/Proc # R09-226
- [2] Letter dtd 4/8/09 [] Reso/Ord/Proc #
- [3] Proposed Ordinance O09-32 [] Reso/Ord/Proc #

REVIEW: [X] County Administrator's Office 

[X] Legal 

- [X] **Consent Agenda** [] **Other Business** [] **Public Hearing**
- [] **Discussion Item** [] **Presentation** [] **Unfinished Business**
- [] **New Business**

PRESENTATION BY: Jeffrey A. Harvey
Director of Planning and Zoning

ELECTION DISTRICT: N/A

BACKGROUND REPORT

At a Meeting on March 24, 2009, the Board of Zoning Appeals brought to the members' attention that the Stafford County Zoning Ordinance does not address the "street facing side yard" height requirement for fences, walls and hedges on residentially developed corner lots. Property owners are not aware there is a height restriction along the side street without listing a requirement for the "street facing side yard" in the ordinance. Fences, walls and hedges and similar features of corner lots shall not impair clear sight distance for the intersection.

On April 8, 2009, Robert C. Gibbons, Chairman, Board of Zoning Appeals, wrote a letter to Chairman Schwartz requesting an amendment to add "street facing side yard" within the requirements of Stafford County Code, Section 28-39, "Special Regulations", (a) "Fences, walls and hedges" to avoid further confusion.

BOARD OF SUPERVISORS

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COUNTY ADMINISTRATOR
ANTHONY J. ROMANELLO, ICMA-CM

April 8, 2009

Honorable George H. Schwartz, Chairman
Stafford County Board of Supervisors
1300 Courthouse Road
P.O. Box 339
Stafford, VA 22555-0339

Subject: *Stafford County Zoning Ordinance, Section 28-39, Special Regulations,
(a) "Fences, walls and hedges"*

Dear Mr. Schwartz:

At the March Board of Zoning Appeals meeting it was brought to our attention that the Stafford County Zoning Ordinance does not address the "street facing side yard" height requirement for fences, walls and hedges on a residentially developed corner lot. When referring to Section 28-38 "Performance Regulations", (b) "Corner Lots", residential corner lots shall be considered to have one front where front shall be determined to be the shortest street facing side. All other street facing sides shall have a yard of 25 feet or the minimum front yard requirement, whichever is less.

Section 28-39, "Special Regulations", (a) "Fences, walls and hedges", does not address a "street facing side yard", as listed above in Section 28-38, "Performance Regulations", (b) "Corner Lots", only front, side and rear yard. Therefore, the Board of Zoning Appeals is requesting an amendment to add "street facing side yard" within the requirements of Section 28-39, "Special Regulations", (a) "Fences, walls and hedges" to avoid confusion.

Thank you for your support of this amendment.

Sincerely,

Robert C. Gibbons, Chairman
Stafford County Board of Zoning Appeals

RCG: RTH: ah

CC: BZA Members
Rachel T. Hudson, Zoning Administrator
Jeffrey Harvey, Director of Planning and Zoning

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the day of _____, 2009:

MEMBERS:

George H. Schwartz, Chairman
Harry E. Crisp II, Vice Chairman
M.S. "Joe" Brito
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE:

On motion of _____, seconded by _____, which carried by a vote of _____, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-39, SPECIAL REGULATIONS, (a) FENCES, WALLS AND HEDGES

WHEREAS, the Zoning Ordinance provides height regulations for fences, walls and hedges in specific zoning districts; and

WHEREAS, the Zoning Ordinance does not provide height regulations for fences, walls and hedges on residential corner lots for street facing side yard; and

WHEREAS, the Board of Zoning Appeals requests an amendment to include street facing side yard within Section 28-39, Special Regulations, (a) Fences, Walls and Hedges; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the _____ day of _____, 2009 that Section 28-39, Special Regulations (a) Fences, Walls and Hedges is hereby ordained as follows, with all other portions remaining the same:

Sec. 28-39. Special regulations.

(a) *Fences, walls and hedges.*

Agricultural district (A-1). Fences, walls, and hedges shall not exceed eight (8) feet in height along any rear or side yard within the required setbacks, nor shall they exceed five (5) feet in height along any front yard, street facing side, or within that portion of the side yard in front of the front setback line.

Rural and residential districts (A-2, R-1, R-2, R-3 and R-4). Fences, walls, and hedges shall not exceed eight (8) feet in height within any side or rear yard nor four (4) feet in height within any front yard, street facing side, or within that portion of the side yard in front of the front setback line. In no event shall barbed wire, razor wire, or any other similar contrivance be used in residential districts.

Commercial districts (B-1, B-2, B-3, RC and SC). Fences, walls, and hedges shall not exceed eight (8) feet in height within any side or rear yard nor four (4) feet in height within any front yard or within that portion of the side yard in front of the front setback line. The use of barbed wire, razor wire, or any other similar contrivance shall not be allowed in commercial districts except when incorporated into a fence at a height of not less than seven (7) feet from the nearest adjacent grade and located on arms which do not protrude onto or over any adjoining property.

Industrial districts (M-1 and M-2). Fences, walls, and hedges shall not exceed eight (8) feet in height within any front, side or rear yard. The use of barbed wire, razor wire, or any other similar contrivance shall not be allowed in industrial districts except when incorporated into a fence at a height of not less than seven (7) feet from the nearest adjacent grade and located on arms which do not protrude onto or over any adjoining property.

Planned development districts (PD-1 and PD-2). Fences, walls and hedges must conform to the criteria for fences for the type of zoning district (residential or commercial) in which the fence, wall, or hedge is located in the planned development district.

In no event shall any fence, wall or hedge obstruct the clear sight line for vehicular traffic at entrances onto public roads.

BE IT FURTHER ORDAINED that this ordinance shall become effective on

_____.

AJR:JAH: rth

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 19th day of May, 2009:

MEMBERS:

George H. Schwartz, Chairman
Harry E. Crisp II, Vice Chairman
M. S. "Joe" Brito
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO REFER AN AMENDMENT TO THE ZONING ORDINANCE TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE, SECTION 28-39, SPECIAL REGULATIONS, (a) "FENCES, WALLS AND HEDGES"

WHEREAS, the Zoning Ordinance provides height regulations for fences, walls and hedges in specific zoning districts; and

WHEREAS, the Zoning Ordinance does not provide height regulations for fences, walls and hedges on residential corner lots for street facing side yard; and

WHEREAS, the Board of Zoning Appeals requests an amendment to include street facing side yard within Section 28-39, Special Regulations, (a) Fences, Walls and Hedges; and

WHEREAS, public necessity, convenience, general welfare and good zoning practices requires the adoption of the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of May, 2009, that the amendment to the Zoning Ordinance by proposed Ordinance O09-32 be and it hereby is referred to the Planning Commission for its consideration.

AJR:JAH:ach