

ORDINANCE NO: 45,176

AN ORDINANCE TO AMEND AND REORDAIN SECTIONS 13-3, 13-6.3, AND 19-1 OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, IN ORDER TO REMOVE THE REQUIREMENT OF OBTAINING A ZONING CERTIFICATE PRIOR TO THE CONSTRUCTION OF A CONFORMING FENCE OR WALL LOCATED IN A FRONT YARD, SIDE YARD, OR REAR YARD AND TO MAKE OTHER CLARIFICATIONS REGARDING FENCES AND WALLS.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That section 13-3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Zoning certificate required," is hereby amended and reordained so as to create an exemption from the requirement of obtaining a zoning certificate prior to the construction of a fence or wall that conforms to the limitations of the applicable zoning district when located in a front yard, side yard, or rear yard. The text shall read as set forth in "Exhibit A," attached hereto.

Section 2:- That section 13-6.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Fences and walls," is hereby amended and reordained so as to clarify the requirements for a fence or wall located in a front yard or corner side yard. The text shall read as set forth in "Exhibit B," attached hereto.

Section 3:- That section 19-1 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Zoning certificate requires expressly permit exemptions," is hereby amended and reordained so as to incorporate the exemption from the requirement of obtaining a zoning certificate prior to the construction of certain conforming fences or walls. The text shall read as set forth in "Exhibit C," attached hereto.

Section 4:- That this ordinance shall be in effect

from the date of its adoption.

ATTACHMENTS:

Exhibit A (1 page)

Exhibit B (1 page)

Exhibit C (1 page)

ADOPTED JULY 9, 2013

Exhibit A

13-3 Zoning certificate required.

- 13-3.1 *General provision.* No accessory use or structure shall be established or constructed, unless exempted below, until a zoning certificate evidencing compliance of the proposed use or structure with the provisions of this chapter and all other applicable regulations of this ordinance has first been issued in accordance with Article IV, Chapter 19.
- 13-3.2 *Exemption.* Except in any historic (HC or HO) district, fences and walls constructed in a front yard in accordance with the limitations set forth in section 13-6.3(a), below, or in a side yard or rear yard in accordance with the limitations set forth in section 13-6.3(b), below, shall be exempt from the requirement of obtaining a zoning certificate.

Exhibit B

13-6.3 *Fences and walls.*

(a) *Located in front yard.*

- (1) Height limited to four (4) feet.
- (2) Any portion higher than two and one half (2.5) feet shall be constructed in a manner that leaves open 50 percent (50%) or more of the surface area, excluding posts and piers.

(b) *Located in side or rear yard.*

- (1) Height limited to six (6) feet in all HC districts and residential districts R-1 through R-10, but where the fence or wall runs along a property line which abuts a nonresidential district, height limited to eight (8) feet.
- (2) Height limited to eight (8) feet in all other districts.

(c) *Located in corner side yard*

- (1) Height limited to six (6) feet.
- (2) Any portion higher than two and one half (2.5) feet shall be constructed in a manner that leaves open 50 percent (50%) or more of the surface area, excluding posts and piers.

Exhibit C

19-1 Zoning certificate required.

After the effective date of this ordinance, except where a specific exemption under section 13-3 applies or as expressly provided otherwise in this ordinance, no land shall be occupied or used and no building, structure or sign shall be located, constructed, reconstructed, enlarged or structurally altered, nor work commenced upon the same, nor occupied or used in whole or part for any purpose until the zoning administrator has issued a zoning certificate stating that the building and use comply with the provisions of this ordinance for such use. No change of use shall be made in any building or part thereof, now or hereafter located, constructed, reconstructed, enlarged or structurally altered, without a zoning certificate issued by the zoning administrator. No zoning certificate shall be issued to make a change unless the changes are determined by the zoning administrator to be in conformity with the provisions of this ordinance.