

# COUNTY OF YORK

## MEMORANDUM

**DATE:** January 30, 2026 (BOS Mtg. 2/17/26)  
**TO:** York County Board of Supervisors  
**FROM:** Mark L. Bellamy, Jr., County Administrator   
**SUBJECT:** Supplement to Application No. ZT-215-25, Theft-Deterrent Wire

### **BACKGROUND**

On January 20, 2026, the Board of Supervisors held a public hearing to consider amendments to the Zoning Ordinance that would add a definition for theft-deterrent wire, clarify when such wire may be used in residential districts, and establish performance standards for its use in commercial and industrial districts. The proposed amendments were detailed in a memorandum dated January 5, 2026, which was provided to the Board prior to the January 20 meeting.

At the January public hearing, the Board continued the item to the February 17, 2026, meeting to allow staff to provide additional clarification regarding theft-deterrent wire requirements in residential districts. Findings and proposed revisions are discussed below.

### **DISCUSSION**

#### ***Performance standards for garden and landscaping fencing***

Proposed amendments to Section 24.1-271, *Accessory uses permitted in conjunction with residential uses*, are intended to clarify that theft-deterrent wire is not an appropriate residential fencing material. Absent explicit ordinance language, the County lacks clear enforcement authority to prevent unsafe or incompatible fencing installations. Most surrounding localities address this issue by prohibiting theft-deterrent wire in residential districts while allowing agricultural fencing as protected under state law.

During a work session held on November 24, 2025, with the Planning Commission's Ordinance Amendment Subcommittee, concerns were raised regarding how the proposed ordinance addressed residential uses. Specifically, because the definition of theft-deterrent wire includes the presence of an electrical charge, the Subcommittee expressed concern that the ordinance could inadvertently prohibit low-energy electric fencing commonly used to protect gardens or landscaping from pests such as deer, rabbits, and other wildlife. As a result, the Subcommittee recommended to allow limited electrical fencing for gardening and landscaping purposes in residential districts.

At the January 20, 2026, Board meeting, members of the Board similarly expressed concern that additional clarification was needed regarding performance standards applicable to residential uses. In particular, the Board identified the absence of explicit prohibitions on certain types of theft-deterrent wire, such as barbed wire, concertina wire,

and razor wire. The Board also raised concerns regarding fence height and perimeter limits to prevent disproportionately tall fencing, such as six (6) feet in height, for small garden areas in higher-density residential districts, and to ensure fencing is limited to the immediate area requiring protection. These clarifications are intended to prevent perimeter security fencing in front yards being justified as garden protection. The paragraphs below address these concerns and reduce the potential for conflict with property owners.

A follow-up work session was held on January 27, 2026, with the Planning Commission's Ordinance Amendment Subcommittee to refine the proposed standards. As revised, subsection (j)(9) explicitly prohibits razor wire and concertina wire in residential districts. These materials are sharp, coiled, and designed for high-security human deterrence, and are not appropriate for residential use. All other theft-deterrent wire is also prohibited in residential districts, except as expressly allowed under subsections (j)(9)(a) and (j)(9)(b).

Subsection (j)(9)(a) provides an exception consistent with Virginia Code § 55.1-2804, allowing fencing used for the confinement of domesticated livestock as protected under state law (see attachments for additional information).

Subsections (j)(9)(b)(1)–(7) clarify the standards for animal deterrent fencing used for gardening and landscaping protection. Subsection (1) establishes the intended level of security by specifying that such fencing must be “low-energy, non-lethal, and intended solely to deter wildlife or pests and is not designed or configured to prevent human entry.” By distinguishing wildlife deterrence from human exclusion, this provision enhances safety and minimizes impacts on adjacent properties.

Subsection (2) identifies acceptable fencing materials, including smooth wire, polywire, or tape. Subsection (3) sets height limitations, establishing a maximum height of four (4) feet, except in Resource Conservation (RC) and Rural Residential (RR) districts, where fencing may be up to six (6) feet in height. This distinction reflects the greater prevalence of deer and similar wildlife in more rural areas, which may require taller fencing for effective deterrence.



Subsection (4) regulates fencing location by limiting placement to the rear yard, except in RC and RR districts, where fencing may be located in the front, side, or rear yard. This flexibility accounts for the larger lot sizes and lower residential densities typical of rural areas. Subsections (5) and (6) further limit the scope of fencing by requiring installation immediately adjacent to the garden or landscaped area, no more than two (2) feet from the outer edge, and enclosing an area not exceeding one thousand (1,000) square feet.

Finally, subsection (7) requires removal of the fencing when it is no longer needed, helping to prevent visual impacts on neighboring properties.

### **COUNTY ADMINISTRATOR RECOMMENDATION**

The revised amendment provides clearer guidance regarding when theft-deterrent wire may be used in residential districts and establishes appropriate performance standards for its limited use in gardening and landscaping applications. Public safety, visual impacts, and security concerns were considered, and regulations from surrounding localities were reviewed. Input from the Planning Commission's Ordinance Amendment Subcommittee has also been incorporated. Therefore, due to the considerations and conclusions noted herein, I recommend the Board of Supervisors approve this revised application, subject to the conditions set forth in proposed Ordinance No. O26-2(R).

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#### Attachments:

- Memorandum to the Board of Supervisors dated January 5, 2026
- Referenced Virginia Code § 55.1-2804
- Proposed Ordinance No. 26-2(R)