



**TOWN OF BOWLING GREEN
PLANNING COMMISSION WORK SESSION**

A G E N D A

**Monday, December 20, 2021
6:00 PM**

ROLL CALL AND DETERMINATION OF A QUORUM:

NEW BUSINESS:

1. Review of Zoning Ordinance - Site Plan Regulations

UNFINISHED BUSINESS:

2. Review of Comprehensive Plan

INFORMATIONAL ITEMS:

ADJOURNMENT



TOWN OF BOWLING GREEN PLANNING COMMISSION MEETING AGENDA ITEM REPORT

AGENDA ITEM: Site Plan Requirements

ITEM TYPE: Town Manager & Staff Comments

PURPOSE OF ITEM: Discussion Only

PRESENTER: Allyson Finchum, Town Manager

PHONE: (804) 633-6212

BACKGROUND / SUMMARY:

The Bowling Green Zoning Ordinance requires approval of site plans in certain circumstances. Finding a balance between overburdening the small business or property owner versus preventing negative impacts to public health, safety, and welfare is often difficult and should be evaluated to determine if the current and future needs of the Town are met.

ATTACHMENTS:

Ordinances

REQUESTED ACTION:

Review regulations for agreement of existing code or potential amendments.

Division 14 Site Plans

Section 3-168. Purpose.

The purpose of the site development plan is to facilitate the use of the most advantageous techniques in the development of land in the Town and to promote high standards and innovation in the layout, design, landscaping and construction of developments.

Section 3-169. When required.

(a) A site development plan is required and shall be submitted for uses in the following zoning districts:

- (1) Planned Unit Development PUD.
- (2) Business B-1.
- (3) Business B-2.
- (4) Industrial M-1.

Section 3-170. Requirements and Specifications.

(a) Information required.

(1) Every site plan submitted in accordance with this article shall contain the following information:

[a] The location of the tract by an insert map at a scale of not less than one inch equals 2,000 feet, indicating scale coordinates referred to in the United States Coast and Geodetic Survey state grid north and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, Town boundary and magisterial districts or other landmarks sufficient to clearly identify the location of the property.

[b] A boundary survey of the tract with an error of closure within the limit of one in 10,000 related to the true meridian and showing the location and type of boundary evidence. The survey may be related to the United States Coast and Geodetic Survey state grid north if the coordinates of two adjacent corners are shown.

[c] A certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.

[d] All existing and proposed streets and easements; their names, numbers and widths; existing and proposed utilities; watercourses and their names; and owners, zoning and present use of adjoining tracts.

[e] The location of wooded areas on the property and the location of trees and wooded areas that will be retained.

[f] The location, type and size of vehicular entrance to the area.

[g] The location, type, size and height of fencing, retaining walls and screen planting where required under the provisions of this article.

[h] All off-street parking, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with Section 3-180 of this article.

[i] The number of floors, floor area, height and location of each building and proposed general use for each building; if a multifamily residential building, the number, size and type of dwelling units.

[j] All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to the Town or other utility system.

[k] The contributing drainage area in acres and delineation of any floodplain limits.

[l] The location of any springs either within or draining to street rights-of-way and an indication of the proposed method of treatment.

[m] Provisions for the adequate disposition of natural and stormwater and grades of ditches, catch basins and pipes and connections to existing drainage system.

[n] Existing topography with a maximum of two foot contour intervals; where existing ground is on a slope of less than 2%, either one-foot contours or spot elevations where necessary but not more than 50 feet apart in both directions.

[o] Proposed finished grading by contours supplemented where necessary by spot elevations.

(2) All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to be closest to one hundredth (1/100) of a foot and all bearings in degrees, minutes and seconds to the nearest 10 seconds.

(b) Preparation; Submission.

(1) Site plans or any portion thereof involving engineering or land surveying shall be prepared and certified by an engineer or land surveyor duly authorized by the state to practice as such.

(2) Site plans shall be prepared to a scale of one inch equals 50 feet or larger; the sheet or sheets shall be twenty-four by thirty-six (24 x 36) inches. A site plan may be prepared in one or more sheets to show clearly the information required by this article and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall clearly indicate where the several sheets join. Every site plan shall show the name and address of the owner or developer, magisterial district, county, state, North point, date and scale of the drawing and number of sheets. In addition, it shall reserve the blank space, three inches wide and five inches high for the use of approving authority.

(3) Seven clearly legible blue or black-line copies of the site plan shall be submitted to the Zoning Administrator. The site plan shall be accompanied by the appropriate site plan fee, as set forth in Section 3-196 of this article.

(c) Processing.

(1) Initial processing of site plans shall be through the Zoning Administrator, who is responsible for checking the site plan for general completeness and compliance with such administrative requirements as may be established. The Administrator shall submit copies of the site plan to reviewing departments, agencies and officials, as deemed necessary. He shall see that all reviews are completed on time and that action is taken by the approving authority on the site plan within 60 days, except under abnormal circumstances, from the receipt thereof.

(2) All site plans which are appropriately submitted and conform to standards and requirements set forth in this article shall be approved or rejected by the Planning Commission after having been reviewed by the Administrator. If the site plan is denied approval, the Administrator, in notifying the applicant of the decision, shall set forth in detail the reasons for the denial, which shall be limited to any defect in form or required information, any violation of any provision or standard of this article or any other ordinance or the inadequacy of any utility and shall state any changes which would make the site plan acceptable.

(d) Required improvements.

(1) All site plans shall contain the following improvements:

[a] Designation of pedestrian walkways so that patrons may walk on the same from store to store or building to building within the site and to adjacent sites.

[b] The construction of all curbs, gutters and sidewalks and the construction of all roads widening to the width as specified on the street and highway plan for Bowling Green.

[c] The dedication of all rights-of-way to their width as designated on the street and highway plan for Bowling Green.

[d] Construction of vehicular travel lanes or driveways not less than 22 feet in width which will permit vehicular travel on the site and to and from adjacent parking areas and adjacent property.

[e] Connection, wherever possible, of all walkways and driveways, with similar facilities on adjacent property.

[f] Screening, fences, walls, curbs, and gutters as are required by the provisions of this article, other ordinances of the Town, or by the regulations of the Virginia Department of Transportation.

[g] Location and dimensions of proposed recreation, open space and required improvements, including details of disposition.

[h] Location, design, height, size and orientation of proposed signs and outdoor lighting systems.

[i] Easements or rights-of-way for all facilities to be publicly maintained. Such easement shall be clearly designed for the purpose intended and recorded before approval of the site plan.

[j] Curbs and gutters for driveways that provide vehicular travel to and from adjacent parking areas to adjacent property for the purpose of separating the same from parking areas and walkways.

[k] Provisions for the adequate control of erosion sedimentation indicating proposed temporary and permanent control practices and measures which shall be implemented during all phases of clearing, grading and construction.

[l] Adequate no parking signs along such streets, highways or driveways to prohibit parking on such as required by the Town Council. Also the location of no through-street signs where required on cul-de-sac streets or temporary cul-de-sac streets.

[m] Adequate drainage system for the disposition of storm-and natural waters, including provision of ends, if curb and gutter, for erosion control.

[n] Provision for open spaces, including details of disposition.

(2) Upon satisfactory completion of all off-site and on-site improvements the developer shall take the necessary steps to have said improvements accepted by the Town of Bowling Green for maintenance.

(e) Bond. Prior to approval of any site plan, there shall be executed by the owner or developer and submitted with the site plan an agreement to construct such required physical improvements as are located within public rights-of-way or easements or as are connected to any public facility in form and substance as approved by the Town, together with a bond with surety or condition acceptable to the Town in the amount of the estimated cost of the required physical improvements as determined by the Administrator, which time may be extended by the Town Council upon written application by the owner or developer, signed by all parties, including sureties, to the original agreement. The adequacy, conditions and acceptability of any bond hereunder shall be determined by the Town Council.

(f) Expiration; extension.

(1) Approval of a site plan submitted under the provisions of this article shall expire one year after the date of such approval unless building permits have been obtained for construction in accordance therewith.

(2) A single one year extension may be given upon written request by the applicant to the Administrator made within 90 days before the expiration of the approved site plan. The Administrator shall acknowledge the request and shall make a decision regarding the requested extension within 60 days after receipt of the request.

(g) Revisions and waivers. Any site plan may be revised in the same manner as originally approved, and any requirement of this article may be waived by the Town Council in specific cases where such requirements are found to be unreasonable in such cases and where such waiver will not be detrimental to the purpose of this article.

- (h) Permit to be in conformity with plan. No certificate or permit shall be issued for any structure in any area covered by the site plan that is required under the provisions of this article except in conformity with such site plan which has been duly approved.
- (i) Construction standards; inspections; notification; supervision; certification of approval.
- (1) Unless specifically provided in this article, the construction standards for all off-site improvements and on-site improvements required by this article shall conform to the Town and state design and construction standards.
 - (2) Inspections during installation of all improvements shall be made by the department, agency or official charged with this responsibility, with results reported to the Zoning Administrator in order to certify compliance with the approved site plan.
 - (3) The owner shall notify the Administrator, in writing, three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.
 - (4) The owner shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman, together with one set of approved plans, profiles and specifications, available at the site at all times when work is being performed.
 - (5) Upon satisfactory completion of the installation of the required improvements, the owner shall receive a certification of approval from the Administrator on the improvements upon the application for such certificate. Such certificate of approval will authorize the release of any bond which may have been furnished for the guaranty of satisfactory installation of such improvements or parts thereof.

Section 3-171. Appeals.

Any person aggrieved of any decision of the Administrator may, within 10 days of such decision, appeal to and have a determination made by the Planning Commission. Any applicant or adjoining property owner who is aggrieved of the decision of the Planning Commission may, within 10 days of such decision, appeal to and have a determination made by Town Council. Further appeal can be made to the Board of Zoning Appeals in accordance with Article I, Division 17 of this chapter.

Section 3-172. Violations and penalties.

Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this article or permits any such violation or fails to comply with any of the requirements hereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by Article I, Division 18 of this chapter.

Division 15 Special Provisions.

Section 3-173. Zoning permits.

- (a) Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the Administrator.
- (b) The Commission may request a review of the zoning permit approved by the Administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.
- (c) Each application for a zoning permit shall be accompanied by the appropriate fee, as set forth in Section 3-196, and two copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land. Any other information which the Administrator may deem necessary for consideration of the application

may be required. If the proposed building or use is in conformity with the provisions of this article, a permit shall be issued to the applicant by the Administrator. One copy of the drawing shall be returned to the applicant with the permit.

(d) Where permits have been issued prior to the adoption of this article, any change may be made in the plans, size of structure, or designated use of a building, if mutually agreed upon by the Zoning Administrator and the permit holder.

Section 3-174. Certificate of zoning compliance.

Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a certificate of zoning compliance has been issued by the Administrator. Such a permit shall state that the building or the proposed use, or the use of the land, complies with the provisions of this article. Activation of Town water and sewers shall be withheld until compliance is assured. A similar certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use. A certificate of zoning compliance, either for the whole or a part of a building, shall be applied for simultaneously with the application for a zoning permit. The zoning compliance certificate shall be issued within 10 days after the erection or structural alteration of such building or part has conformed to the provisions of this article.

Section 3-175. Conditional zoning.

(a) The purpose of conditional zoning is to provide a more flexible and adaptable zoning method in instances where competing and incompatible uses conflict and traditional zoning methods and procedures are inadequate. Through conditional zoning, a zoning reclassification may be allowed, subject to certain conditions that are voluntarily proffered by the zoning applicant. Such conditions are for the protection of the Town and are not generally applicable to land similarly zoned.

(b) The owner of property subject to a rezoning request may, at the time of filing a rezoning application and prior to a public hearing before the Bowling Green Town Council, submit with the request conditional zoning proffers as deemed appropriate. The Town Council, with the recommendations of the Bowling Green Planning Commission, may approve these reasonable conditions, provided that the following criteria are met:

- (1) The rezoning itself must give rise for the need for the conditions.
- (2) All conditions shall have a reasonable relation to the rezoning.
- (3) No conditions shall include a cash contribution to the Town.
- (4) No conditions shall require mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise authorized by law.
- (5) No conditions shall include payment for or construction of off-site improvements except those authorized by law.
- (6) No condition shall be proffered that is not related to the physical operation of the property.
- (7) All conditions shall be in conformity with the Bowling Green Comprehensive Plan.
- (8) The provisions of conditional zoning shall not be used for the purpose of discrimination in housing.

(c) Compliance with approved conditional zoning shall be vested with the Administrator who shall administer and enforce conditions attached to a rezoning or amendment to a Zoning Map, including;

- (1) Ordering, in writing, compliance with such conditions.
- (2) The bringing of legal action to ensure compliance.
- (3) Requiring a guaranty or contract for the construction of physical improvements required by the conditions.
- (4) Denying issuance of certificates of zoning compliance as well as use, occupancy or building permits when failure to meet all conditions occurs.

(d) Records of conditional zoning shall be maintained as follows:

ORDINANCE NO. O-2016-003

An Ordinance to amend the Town Code of Bowling Green concerning Chesapeake Bay requirements as follows:

Amend Section 3-170 (a)(1) to add that the following information is to be required on all Site Plans as applicable:

Add [p] – Depiction of resource Protection Area (RPA) and Resource Management Area (RMA) boundaries

Add [q] – Delineation of buildable areas on each lot, based on performance criteria, front and side yard setbacks, and any other relevant easements or limitations regarding lot coverage

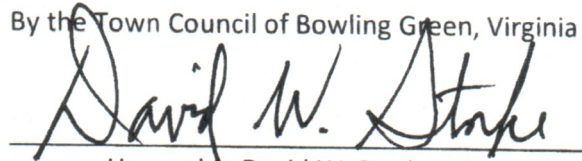
Amend Section 3-225 (d) to add the following requirements to be shown on Subdivision Plats:

- (24) Depiction of Resource Protection Areas and Resource Management Areas as applicable
- (25) Notation indicating requirement to retain an undisturbed and vegetated 100-foot wide buffer area in an RPA
- (26) Notation indicating the requirement for pump-out of on-site sewage treatment systems
- (27) Notation indicating requirement for 100% reserve drainfield sites for on-site sewage treatment systems
- (28) Notation indicating that permitted development in the RPA is limited to water-dependent facilities or redevelopment, including the 100-foot wide vegetated buffer

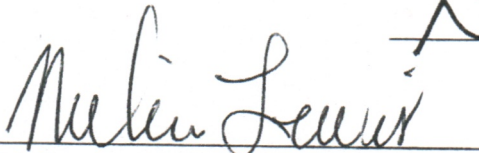
Add Section 3-164a Fees – The following fee schedule shall apply for all reviews in Chesapeake Bay areas

Adopted this 6th day of October, 2016

By the Town Council of Bowling Green, Virginia



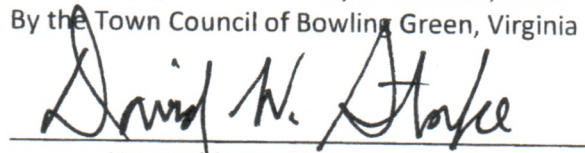
Honorable David W. Storke, Mayor



Melissa Lewis, Clerk of the Council

Adopted this 6th day of October, 2016

By the Town Council of Bowling Green, Virginia



Honorable David W. Storke, Mayor

Section 3-177. Special use permits; additional standards and requirements.

(a) Home occupation permit.

(1) In addition to a business license as set forth in Chapter 7, Article VII, a home occupation must obtain a home occupation permit before operations may begin. These permits shall list any and all of the conditions as the Town Council deems necessary to execute the intent of this article. The fee for a home occupation permit shall be as set forth in Section 3-196 of this article.

(b) Bed and Breakfast Establishments.

(1) Off-street parking for the use shall be in accordance with the Code of the Town of Bowling Green, shall not be located in any required front yard, and shall be effectively screened.

(2) The building(s) so used shall maintain the character and appearance specified by the zoning requirements of the parcel.

(c) Special Events Facility.

(1) A Special Events Notification Form shall be submitted for each event involving 50 or more invited guests to serve as notification to the Town of Bowling Green as to the type, size, noise signature, and duration of the event.

(2) The Special Events Facility must be located on a minimum of a two (2) acre site.

(3) All applicable licenses shall be obtained and publicly displayed onsite for activities conducted on the site.

(4) Capacity of the Special Events Facility shall meet all Building and Fire Code requirements.

(5) Temporary event structures shall comply with Town and County Code requirements.

(6) An off-street parking area shall be provided to accommodate vehicular parking for all invited guests.

(7) The special events facility shall operate so as to limit the impact on any adjoining residential and commercial properties.

(8) The building(s) so used shall maintain the character and appearance specified by the zoning requirements of the parcel.

Section 3-178. Uses not provided for.

If, in any district established under this article, a use is not specifically permitted and an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the Planning Commission, which shall make its recommendations to the Town Council within 30 days. If the Town Council approves, this article shall be amended to list the use as a permitted use or special use in that district, as the case may be. Both the Planning Commission and Town Council shall hold public hearings in connection with such application in accordance with Section 3-183 of this Code. The fee for this procedure shall be that set forth in Section 3-196 for amendments (uses not stated).

Section 3-179. Widening of streets and highways.

Whenever there shall be plans in existence, approved by either the Virginia Department of Transportation or by the governing body, for the widening of any street or highway within Bowling Green, the Commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way for such proposed street or highway widening.

Section 3-180. Off-street parking.

(a) Except as herein provided, there shall be provided at the time of erection of any main building or use or at the time any main building or use is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard-sized automobiles. An area nine feet by 18 feet shall be deemed parking space for one vehicle. All parking spaces and access driveways shall be

covered with an all-weather surface and shall be graded and drained to dispose of surface water. However, no surface water from any parking area shall be permitted to drain onto adjoining property.

(1) Parking spaces shall be provided as follows:

[a] In all residential districts, there shall be provided, either in a private garage or on the lot, space for the parking of one automobile for each dwelling unit added in the case of the enlargement of an existing building.

[b] Bed and Breakfast Establishments shall provide a parking space on the lot for each accommodation for vehicular parking in addition to parking spaces required by the owner(s) and/or caretaker(s).

[c] For church, high school, college and university auditoriums and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space for every five fixed seats provided in said building.

[d] For hospitals, at least one parking space for each two beds' capacity, including infants' cribs and children's bed.

[e] For medical and dental clinics, at least 10 parking spaces. Three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.

[f] For tourist courts and motels, at least one parking space for each individual sleeping or living unit; for hotels and apartment hotels, at least one parking space for each two sleeping rooms, up to and including the first 20 sleeping rooms, and one parking space for each three sleeping rooms over 20.

[g] For mortuaries and liquor stores, at least 30 parking spaces.

[h] For retail stores selling directly to the public, one parking space for each 200 square feet of retail floor space in the building.

[i] Any other commercial building hereafter erected, converted or structurally altered shall provide one parking space for each 200 square feet of business floor space in the building. Any establishment hereafter erected that serves meals, lunches or drinks to patrons, either in their cars or in the building, shall provide one parking space for each 200 square feet of business floor space in the buildings, provided that there shall be at least one parking space for each serving unit. In restaurants, a serving unit shall be two stools, one booth or one table. For dance halls and recreational areas, one parking space for each 200 square feet of floor area.

Two or more establishments may provide necessary parking spaces on a single parcel of land.

(2) Parking space as required in the foregoing shall be on the same lot with the main building, except that, in the case of buildings other than dwellings, spaces may be located as far away as 600 feet.

(3) County and municipal parking areas. Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, asphalt or concrete. It shall have appropriate bumper guards where needed as determined by the Administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in any residential district.

(4) Required parking spaces shall be maintained in connection with the buildings which they are to serve and in the manner indicated by the minimum requirements of off-street parking and space regulations. Substitution of equivalent spaces in conformity with the off-street parking regulations may be allowed by the Board of Zoning Appeals.

(5) Space shall be provided for the loading and unloading of trucks and commercial vehicles serving commercial buildings.

- (6) Unless separated from a public highway by a substantial fence or barrier at least 36 inches in height or with substantial landscaping approved by the Planning Commission, off-street parking spaces shall be located at a distance not less than 15 feet from any public highway right-of-way.
- (7) Businesses with buildings or uses adjacent to or near on-street parking may use such parking to meet the requirements for parking spaces, provided that it can be shown that adequate parking exists to accommodate the business or use taking into account other nearby businesses or uses.

Section 3-181. Restrictions adjacent to airports.

- (a) Establishment of approach zones. The Commission shall determine whether there exist within the Town of Bowling Green any areas which would be involved under the Civil Aeronautics Administration's Criteria for Determining Obstruction to Air Navigation. If there are, they shall be marked on a copy of a Zoning Map in the office of the Administrator. It shall be available to the public for examination.
- (b) The Administrator shall prepare such height and other regulations governing the construction of buildings within such areas. They are to be consistent with the Civil Aeronautics Administration's recommendations. Following approval by the governing body, the Administrator shall enforce these regulations.
- (c) Places of public assembly, such as schools, hospitals, apartment houses, theaters and assembly halls, shall not be erected or otherwise located in any area which would be classified as an "approach zone." This zone includes an area of 11,000 feet from the end of any runway.

Section 3-182. Annexed area.

Any area annexed by the Town of Bowling Green after the effective date of this article shall immediately upon the effective date of such annexation be automatically classified at an R-1 District until a zoning plan for said area has been adopted by the Town Council. The Planning Commission shall prepare and present a zoning plan of the annexed area, within six months, to the Town Council.

Section 3-183. Public hearings.

- (a) No amendment may be made to this article, including amendments to the Zoning Map by the rezoning of any parcel or parcels of land, and no amendment shall be made to the Comprehensive Plan unless and until public hearings on the proposed amendment are held by the Planning Commission and the Town Council following notice as required by § 15.2-2204 of the Code of Virginia 1950, as amended. The Planning Commission and Town Council may hold a combined public hearing on any such proposed amendment.
- (b) No application for a special use permit or changes in conditions on property conditionally zoned shall be granted by the Town Council unless and until the Town Council shall first hold a public hearing on such application following notice as required by § 15.2-2204 of said Code of Virginia. The Planning Commission may make recommendations on such applications and may appear as a party at any public hearing thereon but shall not conduct its own public hearing.
- (c) No variance shall be granted or appeal decided by the Board of Zoning Appeals unless and until the Board of Zoning Appeals shall first hold a public hearing thereon following notice as required by § 15.2-2204 of said Code of Virginia. The Planning Commission may make recommendations and appear as a party at any public hearing thereon but shall not conduct its own public hearing.

Division 16 Signs

Section 3-185. Area of sign.

The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but



**TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING
AGENDA ITEM REPORT**

AGENDA ITEM: Review of Comprehensive Plan
ITEM TYPE: Presentation
PURPOSE OF ITEM: Discussion Only
PRESENTER: Lisa Gattie, Planning Commission Chair

BACKGROUND / SUMMARY:

Editing has occurred on capitalization, spelling, general grammatical errors, consistency of fonts with type and size, and updating of the table of contents.

ATTACHMENTS:

None

REQUESTED ACTION:

Continue review.