



TOWN OF BOWLING GREEN PLANNING COMMISSION MEETING

A G E N D A

Thursday, May 16, 2024
6:00 PM

PLEDGE OF ALLEGIANCE:

ROLL CALL AND DETERMINATION OF A QUORUM:

PUBLIC COMMENT:

APPROVAL OF THE MINUTES:

- [1.](#) Planning Commission September 21, 2023 Minutes
- [2.](#) Planning Commission November 16, 2023 Minutes
- [3.](#) Planning Commission December 18, 2023 Minutes
- [4.](#) Planning Commission February 15, 2024 Minutes
- [5.](#) Planning Commission March 21, 2024 Minutes
- [6.](#) Planning Commission April 18, 2024 Minutes

REPORT OF THE ZONING ADMINISTRATOR:

UNFINISHED BUSINESS:

7. Zoning Map Discussion: J.C. LaRiviere, Director of Community Development & Partnerships
- [8.](#) Fence Ordinance Discussion: J.C. LaRiviere, Director of Community Development & Partnerships

COMMISSION COMMENTS AND REPORTS:

ADJOURNMENT:

TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING
DRAFT MINUTES

Thursday, September 21, 2023

Pledge of Allegiance

ROLL CALL AND DETERMINATION OF A QUORUM:

Chairperson Gamble called the meeting to order and noted a quorum was present.

MEMBERS PRESENT:

Chairperson Tina Gamble
Vice-Chairperson Scott Seigmund
Lisa Gattie
Valarie Coyle
Jeff Voit, Ex-Officio

PUBLIC COMMENT:

None

NEW BUSINESS – Zoning Text Amendment Referral – Goodwill

A zoning permit application was filed by Ken Phillips of Goodwill Industries along with a request for an amendment to the Town’s zoning ordinance. It was referred to the Planning Commission by the Town Council requesting that the Planning Commission consider appropriate amendments to the Town’s zoning ordinance.

On the motion of Vice-Chair Seigmund, seconded by Mr. Voit, which carried a vote of 4-0, the Planning Commission motioned amendments to the Town’s zoning ordinance defining the use for a drop off/donation center for charitable organizations, and allowing for drop off/donation sites of clothing and related materials as defined in the proposed amendment to the Town’s zoning ordinance as outlined at the Planning Commission meeting on September 21, 2023 be recommended to the Town Council for a joint public hearing between the Council and Planning Commission at the earliest possible time.

REPORT OF ZONING ADMINISTRATOR:

Staff advised the Planning Commission that several issues concerning grass complaints have been taking care of along with the complaints concerning the continuous yard sale on S. Main Street. There have also been concerns with chickens and ducks being allowed in Town.

UNFINISHED BUSINESS:

Mr. Voit is to get with staff concerning an ordinance for fences.

COMMISSION COMMENTS:

Ms. Gattie has concerns with parking on Chase Street beside Gibson's Ice Cream. On-coming traffic has been blocked at times due to cars being parked on the street.

ADJOURNMENT:

On the motion of Ms. Gattie, seconded by Mr. Voit, which carried a vote of 4-0, the Planning Commission motioned to adjourn the September 21, 2023 Planning Commission Meeting.

**TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING
DRAFT MINUTES**

Thursday, November 16, 2023

PLEDGE OF ALLEGIANCE:

ROLL CALL AND DETERMINATION OF A QUORUM:

Chairperson Gambill called the meeting called to order and noted a quorum was present.

MEMBERS PRESENT:

Chairperson Tina Gambill
Vice-Chairperson Scott Seigmund
Lisa Gattie
Valarie Coyle
Jeff Voit, Ex-Officio

PUBLIC COMMENT:

None

ADJOURNMENT

A Motion was made by Mr. Voit, seconded by Ms. Gattie, which carried a vote of 4-0, the Planning Commission voted to adjourn the Planning Commission meeting.

WORKSESSION:

The work session began at 6:10 pm. which included discussions concerning fences and special events.

**TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING
DRAFT MINUTES**

Monday, December 18, 2023

PLEDGE OF ALLEGIANCE:

ROLL CALL AND DETERMINATION OF A QUORUM:

Chairperson Gambill called the meeting called to order and noted a quorum was present.

MEMBERS PRESENT:

Chairperson Tina Gambill
Vice-Chairperson Scott Seigmund
Lisa Gattie
Jeff Voit

PUBLIC COMMENT:

None

UNFINISHED BUSINESS

- **FENCES**

Changes to the fence ordinance were discussed by the Planning Commission.

On the motion of Vice-Chairperson Seigmund, seconded by Ms. Gattie, which carried a vote of 3-0, the Planning Commission motioned to move the fence ordinance to the next possible meeting after review by the Town Attorney and Town Manager and changes have been made.

- **SPECIAL EVENTS**

Changes were discussed by the Planning Commission concerning special events.

On the motion of Ms. Gattie, seconded by Vice-Chairperson Seigmund, which carried a vote of 3-0, the Planning Commission motioned to move the special events ordinance to the next possible meeting after review by the Town Attorney and Town Manager and changes have been made.

INFORMATIONAL ITEMS:

Chairperson Gamble asked if the 3rd Thursday at 6:00 pm still worked for everyone to attend the Planning Commission meetings. Everyone responded yes.

ADJOURNMENT

On the motion of Vice-Chairperson Seigmund, seconded by Ms. Gattie, which carried a vote of 3-0, the Planning Commission voted to adjourn the December 18, 2023 Planning Commission meeting.

**TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING
DRAFT MINUTES**

Thursday, February 15, 2024

PLEDGE OF ALLEGIANCE:

ROLL CALL AND DETERMINATION OF A QUORUM:

Chairperson Gambill called the meeting called to order and noted a quorum was present.

MEMBERS PRESENT:

Chairperson Tina Gambill
Vice-Chairperson Scott Seigmund
Lisa Gattie
Jeff Voit

PUBLIC COMMENT:

None

NEW BUSINESS:

• **ELECT CHAIR AND VICE-CHAIR OF PLANNING COMMISSION**

On the motion of Vice-Chairperson Seigmund, seconded by Ms. Gattie, which carried a vote of 3-0, the Planning Commission motioned to elect Ms. Gamble as the Chairperson of the Planning Commission for another one-year term.

On the motion of Ms. Gattie, seconded by Mr. Voit, which carried a vote of 3-0, the Planning Commission motioned to elect Mr. Seigmund as Vice-Chairperson of the Planning Commission for another 1-year term.

• **SPECIAL USE PERMIT APPLICATION REVIEWS**

Applications were submitted by properties on 205 N. Main Street and 132 E. Broaddus Avenue.

The property at 205 N. Main Street, Zone B1 falls under the mixed-use special use exception provided under B1 zoning regulations. The only additional requirement is that the residential use be secondary to the primary business use.

The property at 132 E. Broaddus Avenue falls under the two-family dwelling special use exception provided under R1 zoning regulations. The additional requirement is that the two-family dwelling must be created by conversion of an existing single-family dwelling, which it already does.

Mr. Jason Manns and Mrs. Krista Manns were present to answer any questions that the Planning Commission may have.

Staff will relay the Planning Commission comments to the Town Council at the public hearing for the applications.

- **PLANNING COMMISSION WORKPLAN**

Staff proposed the adoption of an annual workplan for the Planning Commission. The workplan listed items with dates for the Planning Commission to work off of during the year. One of the biggest concerns on the workplan is a new zoning map.

On the motion of Vice-Chairperson Seigmund, seconded by Ms. Gattie, which carried a vote of 3-0, the Planning Commission motioned to authorize staff to submit the workplan to Town Council for approval.

UNFINISHED BUSINESS:

- **FENCES DRAFT ORDINANCE**

The purpose of the ordinance is to regulate the construction and maintenance of fences in the Town of Bowling Green.

On the motion of Vice-Chairperson Seigmund, seconded by Ms. Gattie, which carried a vote of 3-0, the Planning Commission motioned to move the ordinance for public hearing at the March 2024 Planning Commission meeting.

ADJOURNMENT

On the motion of Ms. Gattie, seconded by Vice-Chairperson Seigmund, which carried a vote of 3-0, the Planning Commission voted to adjourn the February 15, 2024 Planning Commission meeting.

**TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING
DRAFT MINUTES**

Thursday, March 21, 2024

PLEDGE OF ALLEGIANCE:

ROLL CALL AND DETERMINATION OF A QUORUM:

Chairperson Gambill called the meeting called to order and noted a quorum was present.

MEMBERS PRESENT:

Chairperson Tina Gambill
Lisa Gattie
Matt Benjamin
Jeff Voit

MEMBER NOT PRESENT:

Vice-Chairperson Scott Seigmund

PUBLIC COMMENT:

None

On the motion of Ms. Gattie, seconded by Mr. Voit, which carried a vote of 3-0, the Planning Commission motioned to move the work session to the end of the meeting.

PUBLIC HEARING:

- **FENCE ORDINANCE**

No comments concerning the fence ordinance

- **ZONING APPLICATION-USE NOT CURRENTLY PROVIDED FOR-TATTOO PARLOR-100 S MAIN**

-Mr. Michael Hirsch, resident, was present to support the tattoo parlor.

-Mrs. Susan Hirsch, resident, was present to support the tattoo parlor.

-Ms. Emily Swenk, resident, was present to support the tattoo parlor.

-Mr. Jeremiah Hirsch, owner of business, was present to speak about his business. He will be providing tattoo and piercing services. Hours of operation are Monday-Saturday 12-8pm and Sunday 1-6 pm. Mr. Hirsch stated they are a family business, and he has parlors in Fredericksburg as well.

NEW BUSINESS:

- **FENCE ORDINANCE**

The Planning Commission was asked by Town Council to create a draft ordinance to regulate the construction and maintenance of fences within the Town of Bowling Green. Staff would like the Planning Commission to provide a favorable recommendation to Council on the proposed ordinance.

On the motion of Ms. Gattie, seconded by Mr. Voit, which carried a vote of 3-0, the Planning Commission motioned to move the fence ordinance to Town Council for their review and adoption with the added clause allowing the attachment to a neighbor's fence.

- **ZONING APPLICATION-USE NOT CURRENTLY PROVIDED FOR-TATTOO PARLOR-100 S MAIN**

Mr. Jeremiah Hirsch submitted a zoning application for 100 South Main Street for a use not currently provided for under current B1 zoning regulations. The use would be for a tattoo parlor. Staff recommends that the Planning Commission utilize the factors provided for consideration of a special use permit as guidelines in analyzing this zoning application. Staff would like for the Planning Commission to provide a favorable recommendation to Town Council

On the motion of Mr. Benjamin, seconded by Mr. Voit, which carried a vote of 3-1, the Planning Commission motioned to move the zoning application for 100 South Main Street to Town Council for a public hearing to add as a special use in the B1 zoning regulations.

- **ADOPTION OF PC ANNUAL WORKPLAN**

Staff is asking for approval to adopt the Planning Commission workplan.

On the motion of Ms. Gattie, seconded by Mr. Benjamin, which carried a vote of 3-0, the Planning Commission motioned to adopt the Planning Commission annual workplan.

ADJOURNMENT

On the motion of Ms. Gattie, seconded by Mr. Benjamin, which carried a vote of 3-0, the Planning Commission voted to adjourn the March 21, 2024 Planning Commission meeting.

WORKSESSION:

The Capital improvement plan was discussed by the Town Manager. Plans concerning the playground updates, and new police equipment were discussed. The planning Commission would like more attention given to the playground as they feel it is unsafe.

The Community Development Director discussed creating a new zoning map. One map has been found, but there is no date as to when it was created. Three options were discussed with the Planning Commission on how to create a new map. The Planning Commission like the GIS option, which staff will look into.

The Planning Commission Bylaws were discussed. Some of the changes that were discussed are as follows:

1. Can 4-1-2 Rule on all procedural questions subject to a reversal by a two-thirds majority vote of the members present be changed to say “just majority”?
2. 6-1 If a regular meeting is cancelled can it state that it will be held on the next meeting date instead of the following Monday?
3. 6-2 When a request for a special meeting is made to the Bowling Green Zoning Administrator who shall be responsible for notice of such meeting by mail to all members be changed to “electronic mail” to all members?

**TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING
DRAFT MINUTES**

Thursday, April 18, 2023

PLEDGE OF ALLEGIANCE:

ROLL CALL AND DETERMINATION OF A QUORUM:

Chairperson Gambill called the meeting called to order and noted a quorum was present.

MEMBERS PRESENT:

Chairperson Tina Gambill
Lisa Gattie
Jeff Voit

MEMBER NOT PRESENT:

Vice-Chairperson Scott Seigmund
Matt Benjamin

PUBLIC COMMENT:

None

UNFINISHED BUSINESS:

- **ADOPTION OF BYLAWS**

The Community Development & Project Director briefly went over the Bylaws with the Planning Commission.

On the motion of Ms. Gattie, seconded by Mr. Voit, which carried a vote of 2-0, the Planning Commission motioned to adopt the Town of Bowling Green's Planning Commission Bylaws.

- **ZONING MAP DEVELOPMENT DISCUSSION**

The Community Development & Project Director discussed the next steps for the zoning map as well as estimated pricing. Prices could be between \$5,000-\$12,000.

On the motion of Mr. Voit, seconded by Ms. Gattie, which carried a vote of 2-0, the Planning Commission motioned for staff to recommend Town Council pursue an option for the Town of Bowling Green's GIS zoning map.

COMMISSION COMMENTS AND REPORTS:

Discussions were made by the Planning Commission concerning special events. The Community Development & Project Director suggested having a special event permit instead of an ordinance.

ADJOURNMENT

On the motion of Ms. Gattie, seconded by Mr. Voit, which carried a vote of 2-0, the Planning Commission motioned to adjourn the April 18, 2023 meeting.

TOWN of BOWLING GREEN
ORDINANCE No. _____

Resolution to amend the Town zoning ordinance establishing standards related to the height, location, materials and maintenance of fences

WHEREAS, Section 15.2-2286 of the Code of Virginia, as amended, provides that the local zoning ordinance may include, among other things, reasonable regulations and provisions for the amendment of regulations or district maps from time to time; and

WHEREAS, in accordance with Section 15.2-2286 of the Code of Virginia, whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated by the governing body; and

WHEREAS, Town Council previously directed to Planning Commission to prepare and make recommendations on ordinance to regulate the construction and maintenance of fences within the Town; and

WHEREAS, after a duly noticed public hearing, the Planning Commission unanimously recommended the proposed ordinance for adoption by the Town Council at the March 21st, 2024, meeting of the Commission; and

WHEREAS, at its regular meeting on May 2, 2024, Council conducted a duly noticed public hearing on the proposed ordinance as required by state law and Town Code.

NOW THEREFORE, BE IT ORDAINED BY THE BOWLING GREEN TOWN COUNCIL:

That the Town Council hereby declares it to be of public necessity, convenience, general welfare and good zoning practices of the Town to adopt this amendment of Chapter 3, Article I,

of the Zoning Ordinance of the Town Code, establishing standards related to the height, location, materials and maintenance of fences as follows:

**ORDINANCE OF THE TOWN OF BOWLING GREEN, VIRGINIA, REGULATING
THE HEIGHT, LOCATION, MATERIALS AND MAINTENANCE OF FENCES**

Chapter 3: Land Use and Buildings, Article 1 Zoning Ordinance, Division 15 Special Provisions, Section 3-184 Fences

Section 3- 184 Fences

a. Purpose

The purpose of this ordinance is to regulate the height, location, construction and maintenance of fences in the town. This ordinance is intended to protect the safety of the public, promote the aesthetic quality of the town, and preserve property values.

b. Definitions

For the purposes of this ordinance, the following terms shall have the following meanings:

- (i) "Fence" means an enclosed barrier consisting of vegetation, wood, stone, or metal intended to prevent ingress or egress. For purposes of this section, the term "fence" shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- (ii) "Sight triangle" means a triangular area of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- (iii) "Intersection" means the area where two or more roads meet or cross, including driveways.
- (iv) "Hedge" means a row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

c. Permits

No person shall construct a fence without first obtaining a permit from the Zoning Administrator. The applicant shall submit design specifications and a plot plan showing the lot with setbacks indicating placement of the fence with dimensions clearly shown on the plan.

d. Height Restrictions and Setbacks

The height of a fence shall not exceed the following:

- (i) In a front yard, four feet high with a setback of four feet from the edge of the road or sidewalk if present.
- (ii) In a side yard, four feet high with a setback of four feet from the edge of the road or sidewalk if present. No setback if adjacent to another parcel.
- (iii) In a rear yard, eight feet with a setback of four feet from the edge of the road or sidewalk if present. No setback required if adjacent to another parcel.

Height restrictions do not apply to vegetative growth in side and rear yards.

Upon determination of the Zoning Administrator, B-2 and M-1 parcels may have an extension to height requirements as defined in section 5.

All parts of the fence must be within the owner's property.

e. Materials

Fences shall be constructed of materials that are durable and that will not create a hazard to the public. Front yard fences shall be open face and not solid. The following materials are prohibited:

- (i) Broken glass, tires, hubcaps, or other automotive parts.
- (ii) Electric fences.
- (iii) Barbed, concertina, or razor wire.
- (iv) Chain link and other wire fencing.
- (v) Any other material that could cause injury.

Vegetative growth may be used in the construction of a fence provided all other provisions of this ordinance are followed.

Upon determination of the Zoning Administrator, parcels zoned B-2 or M-1 may have the following apply:

- (vi) Chain link fencing of a height not more than 8 feet.
- (vii) Barbed, concertina, razor, or electric wire fencing erected above an 8 foot fence to a total height not more than 12 feet.

f. Temporary Fencing

Fences erected for the protection of plantings or to warn of a construction hazard or for similar purposes shall clearly be visible or marked with colored streamers or other such warning devices at four-foot intervals.

Such fences shall comply with the setback requirements set forth in section 4.

Temporary fences shall not remain in place after completion of the construction. Permits are not required for temporary fences.

g. Sight Triangles

No person shall erect, place, plant, or allow to grow any material in a sight triangle that would limit or obstruct the sight distance of motorists entering or leaving an intersection.

The sight triangle shall be measured from the edge of pavement at the intersection to a point 10 feet along each curb or edge of pavement.

The sight triangle shall be clear of all obstructions, including fences, tree branches, shrubs, and other vegetation higher than 3 feet or less than 8 feet.

h. Maintenance

Fences shall be maintained in a good state of repair and free of debris. Upon the determination of the Zoning Administrator, any fence that is in disrepair or that is a hazard to the public shall be removed by the property owner. If after notice of a violation the property owner has not taken corrective action, the Town may have the fence removed at the owner’s expense.

i. Attachment to Neighboring Fences

Should a fence be directly on the property line, the neighboring property owner may construct a fence that attaches to the existing fence by right. To exercise this right, the requesting property owner shall present the Town with either a notarized letter signed by the neighboring property owner or a boundary survey demonstrating that the existing fence is on the property line.

j. Enforcement

The Town Zoning Administrator shall be responsible for enforcing this ordinance. Any property owner that violates this ordinance shall be subject to penalties as provided by this Chapter and state law.

This Ordinance was approved this ___ day of _____, 2024, by the Town Council of the Town of Bowling Green, Virginia.

By: _____
Hon. Mark Gaines, Mayor
Attest:

Patricia Chenault, Clerk to the Council