



**TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING**

A G E N D A

**Monday, July 15, 2019
6:00 PM**

ROLL CALL AND DETERMINATION OF A QUORUM:

APPROVAL OF THE MINUTES:

- [1.](#) April 15, 2019 Minutes

NEW BUSINESS:

- [2.](#) BG Planning & Zoning Code Revisions
3. Future Use Map

REPORT OF THE ZONING ADMINISTRATOR:

INFORMATIONAL ITEMS:

4. George Washington Regional Commission Meeting

ADJOURNMENT

**TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING**

MINUTES

**Monday, April 15, 2019
6:00 PM**

ROLL CALL AND DETERMINATION OF A QUORUM:

Roll Call

PRESENT

Chairman Jeff Voit
Vice Chairperson Valarie Coyle
Commissioner Armando Flores
Commissioner Arthur Wholey

Commissioner Wholey noted he had not been sworn in yet and as such would not be voting on any issues before the Commission tonight.

APPROVAL OF THE MINUTES:

1. March 18, 2019 Minutes

Motion made by Commissioner Flores, Seconded by Vice Chairperson Coyle to approve the March 18, 2019 minutes.

Voting Yea: Chairman Voit, Vice Chairperson Coyle, and Commissioner Flores
Abstaining: Commissioner Wholey

NEW BUSINESS:

2. Telephonic Participation Policy

Motion made by Vice Chairperson Coyle, Seconded by Commissioner Flores to approved a Telephonic Participation Policy for Commission meetings.

Voting Yea: Chairman Voit, Vice Chairperson Coyle and Commissioner Flores
Abstaining: Commissioner Wholey

REPORT OF THE ZONING ADMINISTRATOR:

A Notice of Violation was issued for 101 S Main Street. The issue has been addressed by the owner and the property is again in compliance with the Town's zoning ordinance.

UNFINISHED BUSINESS:

Comprehensive Town maps, demographics and business summaries were presented to the Commission for incorporation into the Comprehensive Plan update. The Commission discussed the need to update the future use map and requested the Town Manager to arrange a meeting with the

landowner in the 301 commercial corridor and the Economic Development Authority for its June meeting.

3. Comprehensive Plan Maps
4. Bowling Green Demographics
5. Bowling Green Business Summary

INFORMATIONAL ITEMS:

Ben Young is looking at a opening a taxidermy shop in Bowling Green. The Commission requested the Town Manger to invite Mr. Young to their May meeting to discuss what zoning district would be best suited for locating such a shop.

ADJOURNMENT

Motion made by Commissioner Flores, Seconded by Vice Chairperson Coyle to adjourn.

Voting Yea: Chairman Voit, Vice Chairperson Coyle and Commissioner Flores
Voting Abstaining: Commissioner Wholey

1 PLEASE NOTE: THIS DOCUMENT IS A DRAFT; NUMBERING HAS
2 NOT BEEN CORRECTED.

Formatted: Font: 14 pt, Font color: Blue

Formatted: Centered

3
4 Chapter 3.
5 LAND USE AND BUILDINGS

6
7 ARTICLE I. ZONING ORDINANCE

8
9
10 Division 1 ~~Purpose Enabling Provisions~~

11
12 ~~Section 3-100. Statutory authority.~~

13
14 ~~(a) Whereas, by act of the General Assembly of Virginia as provided in Code of Virginia, title 15.2,~~
15 ~~ch. 22, art. 7 (Code of Virginia, § 15.2-2280 et seq.), as amended, the governing body of any~~
16 ~~municipality may, by ordinance, classify the territory under its jurisdiction into districts of such~~
17 ~~number, shape and size as it may deem best suited to carry out the purposes of this article, and, in~~
18 ~~each district, it may regulate, restrict, permit, prohibit and determine the following:~~

19
20 ~~(1) The use of land, buildings, structures and other premises for agricultural, business, industrial,~~
21 ~~residential, floodplain and other specific uses.~~

22
23 ~~(2) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair,~~
24 ~~maintenance, razing or removal of structures.~~

25
26 ~~(3) The areas and dimensions of land, water and air space to be occupied by buildings, structures~~
27 ~~and uses and of courts, yards and other open spaces to be left unoccupied by uses and~~
28 ~~structures, including variations in the sizes of lots based on whether a public or community~~
29 ~~water supply or sewer system is available and used.~~

30
31 ~~(4) The excavation or mining of soils or other natural resources.~~
32 ~~(Code 2010, § 3-100)~~

33
34 ~~Section 3-1001. Legislative Adoption; purpose.~~

35
36 ~~The purpose of this chapter is to promote and protect the health, safety and general welfare of the~~
37 ~~people of the town. This chapter will implement the purpose and intent of the comprehensive plan~~
38 ~~of the town by encouraging the most desirable use of the land for residential, recreational,~~
39 ~~agricultural, forestry, commercial, industrial, conservation, public service, floodplain, drainage, and~~
40 ~~other purposes, and the most desirable density of population in the several parts of the town, and~~
41 ~~by encouraging the most appropriate use and occupancy of buildings, and by protecting and~~
42 ~~improving the quality of the waters within and adjacent to the town, and by promoting good civic~~
43 ~~design and arrangement. The provisions of this chapter provide reasonable standards with respect~~
44 ~~to the location, height, bulk, size of buildings, and other structures, yard areas, courts, off-street~~
45 ~~parking facilities and other open spaces, density of population, and the use of buildings,~~
46 ~~structures, and land for trade, industry, business, residence, or other purposes.~~

Formatted: Indent: Left: -0.01", Hanging:
0.01", Line spacing: Multiple 1.04 li, Font
Alignment: Auto

Formatted: Justified, Indent: First line: 0"

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91

~~(a) Therefore, be it ordained by the Town Council of Bowling Green, Virginia, for the purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of Code of Virginia, § 15.2-2280, as amended, that the following be adopted as the Zoning Ordinance of Bowling Green, Virginia, together with the accompanying map. This article has been designed:~~

~~(1) To provide for adequate light, air, convenience of access and safety from fire, flood and other dangers.~~

~~(2) To reduce or prevent congestion in the public streets.~~

~~(3) To facilitate the creation of a convenient, attractive and harmonious community.~~

~~(4) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.~~

~~(5) To protect against destruction of or encroachment upon historic areas.~~

~~(6) To protect against one or more of the following:~~

~~{a} Overcrowding of land.~~

~~{b} Undue density of population in relation to the community facilities existing or available.~~

~~{c} Obstruction of light and air.~~

~~{d} Danger and congestion in travel and transportation.~~

~~{e} Loss of life, health or property from fire, flood, panic or other dangers.~~

~~(7) To encourage economic development activities that provide desirable employment and enlarges the tax base.
(Code 2010, § 3-101)~~

Division 2. Definitions

~~**Section 3-103. Word usage.**~~

~~(a) For the purpose of this article, certain words and terms are defined as follows:~~

~~(1) Words used in the present tense include the future.~~

92 | ~~(2) — Words in the singular include the plural, and the plural includes the singular.~~
93 | ~~(Code 2010, § 3-103)~~

94 |
95 | **Section 3-1014. Definitions.**

96 |
97 | As used in this article, the following terms shall have the meanings indicated:

98 |
99 | ~~"Abattoir" means a commercial slaughterhouse.~~

100 |
101 | "Accessory Use or Building" means a detached (freestanding) subordinate use or building
102 | customarily incidental to and located upon the same lot occupied by the main use or building.
103 | Private swimming pools associated with single-family residential units only and able to contain more
104 | than two feet of water shall be considered an "accessory use."

105 |
106 | "Acreage" means a parcel of land, regardless of area, described by metes and bounds which is not a
107 | numbered lot on any recorded subdivision plat.

108 |
109 | "Administrator" means the official charged with the enforcement of the Zoning Ordinance. He may
110 | be any appointed or elected official who is, by formal resolution, designated to the position by the
111 | governing body. He may serve with or without compensation as determined by the governing body.

112 |
113 | "Agriculture" means the tilling of the soil, the raising of crops, horticulture, forestry, but not
114 | gardening, including the keeping of animals and fowl.

115 |
116 | "Alley" means a permanent public service way providing a secondary means of vehicular access to
117 | abutting property and not intended for general traffic circulation.

118 |
119 | "Alteration" means any change in the total floor area, use, adaptability or external appearance of any
120 | existing structure.

121 |
122 | "Animal Hospital or Clinic" means an establishment where treatment of animals is received and no
123 | activity is conducted outside the main building. Kennels are not included in this definition.

124 |
125 | | "Apartment House" means a building used or intended to be used as the residence of three or more
126 | families living independently of each other.

127 |
128 | | "Assisted Living Facility" means a facility providing a shelter and services which may include meals,
129 | housekeeping, temporary nursing care and personal care assistance where residents can maintain a
130 | semi-independent lifestyle and do not require more intensive nursing care such as that provided in a
131 | nursing home.

132 |
133 | "Automobile Graveyard" means any lot or place which is exposed to the weather upon which more
134 | than three motor vehicles of any kind incapable of being operated are placed, located or found.

135 |

136 "Basement" means a story having part but not more than 1/2 of its height below grade. A basement
137 shall be counted as a story for the purpose of height regulations.
138

139 "Bed and Breakfast Establishment" means a dwelling unit occupied by its owners or caretakers
140 where not more than six (6) rooms are occasionally rented out to travelers for compensation without
141 a provision for cooking in the room and offering at least one meal per day, which may but need not
142 be breakfast, to each person to whom overnight lodging is provided; a bed and breakfast
143 establishment shall be an accessory use to the primary residential use of the property.
144

145 "Board" means the Board of Zoning Appeals of the Town of Bowling Green.
146

147 "Building" means any structure having a roof supported by columns or walls for the housing or
148 enclosure of persons, animals or property of any kind.
149

150 "Building, Accessory" means a subordinate structure customarily incidental to and located on the
151 same lot occupied by the main structure. No such accessory building, except a guest house, shall be
152 used for living quarters.
153

154 "Building, Height of" means the vertical distance measured from the level of the curb or the
155 established curb grade opposite the middle of the front of the building to the highest point of the
156 roof if a flat roof, to the decline of a mansard roof or to the mean height level between the eaves
157 and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall
158 be measured from the average elevation of the ground surface along the front of the building.
159

160 "Building, Main" means the principal building or one of the principal buildings on a lot or the
161 building or one of the principal buildings housing the principal use on the lot.
162

163 "Cellar" means a portion of a building having more than 1/2 of its height below grade. Such space
164 shall not be counted as a story.
165

166 "Clinic" means an establishment where human patients who are not lodged overnight are admitted
167 for examination or treatment by physicians, dentists or other professionals licensed by the State
168 Board of Medicine.
169

170 "Commercial Vehicle" means any vehicle with a rated carrying capacity exceeding 1,500 pounds (3/4
171 ton), and any vehicle, regardless of capacity, which displays advertising lettered thereon or which is
172 licensed as a for-hire vehicle. For the purpose of this article, "commercial vehicles" shall not be
173 deemed to include any farm vehicle or equipment located on property used for agricultural purposes,
174 motor home, camping trailer, boat, boat trailer, horse trailer or similar recreational equipment
175 recognized as personal property and not for hire and/or any public or private vehicle used
176 exclusively for the transportation of persons to and from a school, place of religious worship or
177 activities related thereto and/or any vehicle owned by a public service corporation or similar utility
178 used for emergency response by an employee on a temporary basis.
179

180 "Commission" means the Planning Commission of Bowling Green, Virginia.

181
182 ~~"Dairy" means a commercial establishment for the manufacture or retail sale of dairy products.~~
183
184 "Day-Care Center" means a structure, including a private residence, which receives for care,
185 maintenance and supervision more than five children for fewer than 18 hours per day unattended by
186 a parent or legal guardian. Temporary seasonal religious schooling is exempt.
187
188 "District" means Districts as referred to in the Code of Virginia, § 15.2-2280.
189
190 "Dwelling" means any building which is designed for use for residential purposes, except hotels,
191 boardinghouses, lodging houses, tourist cabins, apartments, recreational vehicles and mobile homes.
192
193 "Dwelling, Multiple-Family" means a building arranged or designed to be occupied by more than
194 two families, said building having more than two dwelling units.
195
196 "Dwelling, Single-Family" means a building arranged or designed to be occupied by one family, the
197 structure having only one dwelling unit; excludes mobile home, as defined.
198
199 "Dwelling, Two-Family" means a building arranged or designed to be occupied by two families, the
200 structure having only two dwelling units.
201
202 "Dwelling Unit" means one or more rooms in a dwelling designed for living or sleeping purposes
203 and having one kitchen.
204
205 ~~"Dump Heap (Trash Pile)" means any area of 100 square feet or more lying within 1,000 feet of a~~
206 ~~public right of way, state highway, a residence, dairy barn or a food handling establishment where~~
207 ~~trash, garbage or other waste or scrap material is dumped or deposited without being covered by a~~
208 ~~sanitary fill.~~
209
210 "Easement" means a grant by property owners of the use of land for a specific purpose or purposes.
211
212 "Extended Stay Facility" means a place that uses a hotel/motel-style reservation system, but may
213 have some limited cooking facilities and permits guests to stay more than 29 consecutive days.
214
215
216 "Family" means one or more persons occupying a premises and living in a single-family unit, as
217 distinguished from an unrelated group occupying a boardinghouse, lodging house, tourist home or
218 hotel.
219
220 "Family Care Home", "Foster Home" or "Group Home" means a residential structure established to
221 serve mentally retarded or other developmentally disabled persons not related by blood or marriage.
222
223 "Frontage" means the minimum width of a lot measured from one side lot line to the other along a
224 straight line or curved line if appropriate on which no point shall be farther away from the street
225 upon which the lot fronts than the building setback line as defined and required herein.

226
227 "Garage, Private" means an accessory building designed or used for the storage of not more than
228 three automobiles owned and used by the occupants of the building to which it is accessory. On a
229 lot occupied by a multiple-unit dwelling, the "private garage" may be designed and used for the
230 storage of 1 1/2 times as many automobiles as there are dwelling units.

231
232 "Garage, Public" means a building or portion thereof, other than a private garage, designed or used
233 | for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.

234
235 "Garden Apartment" means a dwelling unit situated within a structure consisting of no more than
236 | three stories with access to the dwelling units provided by means of an interior hallway or foyer,
237 | each dwelling unit normally consisting of a portion of one floor of the structure.

238
239 "Gasoline Service Station" means any area of land, including structures thereon, or any building or
240 part thereof, that is used for the retail sale of gasoline or other motor vehicle fuel or accessories and
241 which may or may not include facilities for lubricating, washing or otherwise servicing motor
242 vehicles.

243
244 "Golf Course" means any golf course, publicly or privately owned, on which the game of golf is
245 played, including accessory uses and buildings customary thereto, but excluding golf driving ranges
246 as defined herein.

247
248 "Golf Driving Range" means a limited area on which golf players do not walk, but onto which they
249 drive golf balls from a central driving tee.

250
251 "Governing Body" means the Town Council of Bowling Green, Virginia.

252
253 ~~"Guest Room" means a room which is intended, arranged or designed to be occupied or which is~~
254 ~~occupied by one or more guests paying direct or indirect compensation therefore but in which no~~
255 ~~provision is made for cooking. The owner of the premises must reside in the structure.~~

256
257 "Home Garden" means a garden in a residential district for the production of vegetables, fruits and
258 flowers generally for use and/or consumption by the occupants of the premises.

259
260 "Home Occupation" means:

261
262 (a) Any occupation, profession, enterprise or activity conducted by one or more members of a
263 family on the premises, which is incidental and secondary to the use of the premises for dwelling,
264 provided that:

265
266 (1) Not more than the equivalent area of one quarter of one floor shall be used for such purpose;

267
268 (2) Such occupation shall not require external or internal alterations, or the use of machinery or
269 equipment not customary for domestic household purposes;

270

- 271 (3) No commodity is stored or sold, except such as are made on the premises or sold through
272 catalog sales for home delivery;
273
- 274 (4) There shall be no group instruction, assembly or activity, or no display that will indicate from
275 the exterior that the building is being utilized in part for any purpose other than that of a
276 dwelling;
277
- 278 (5) Not more than one person, other than the family, is employed.
279
- 280 (b) When within the above requirement, a home occupation includes, but is not limited to the
281 following:
282
- 283 (1) Art studio;
284
- 285 (2) Dressmaking;
286
- 287 (3) Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman,
288 real estate agent, insurance agent, or other similar occupation.
289
- 290 (4) Teaching, including musical instruction, limited to one or two pupils at a time.
291
- 292 (c) However, a home occupation shall not be interpreted to include the conduct of nursing
293 homes, convalescent homes, rest homes, restaurants, tea rooms, tourist homes, massage parlor or
294 similar establishments offering services to the general public.
295
- 296 "Homestay" means housing accommodations in a residence.
297
- 298 "Hospital" means an institution rendering medical, surgical, obstetrical or convalescent care,
299 including nursing homes, ~~and the like, homes for the aged and sanatoriums, but in all cases excluding~~
300 ~~institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.~~
301
- 302 ~~"Hospital, Special Care" means an institution rendering care primarily for mental or feeble-minded~~
303 ~~patients, epileptics, alcoholics or drug addicts.~~
304
- 305 "Hotel" means a building designed or occupied as ~~at the more or less~~ temporary abiding place for 29
306 days or less of 10 or more individuals, ~~who are, for compensation, lodged, with or without meals,~~
307 ~~and in which provision is not generally made for cooking in individual rooms or suites. Maybe~~
308 combine with motel
309
- 310 "Junkyard" means the use of any area of land lying within 100 feet of a public right-of-way, a state
311 highway or the use of more than 200 feet of land area in any location for the storage, keeping or
312 abandonment of junk, including scrap metals or other scrap materials.
313 The term "junkyard" shall include the term "automobile graveyard" as defined in ~~§ 33.1348 of the~~
314 ~~Annotated Code~~ Code of Virginia, § 33.2-804.
315

Formatted: Indent: Left: -0.01", Hanging: 0.01", Space After: 0.2 pt, Line spacing: Multiple 1.03 li

316 "Kennel" means a place prepared to house, board, breed, handle or otherwise keep or care for dogs
317 for sale or in return for compensation.
318
319 "Lot" means a parcel of land occupied or to be occupied by a main building or group of main
320 buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as
321 are required by this article and having frontage upon a street, either shown on a plat of record or
322 considered as a unit of property and described by metes and bounds.
323
324 "Lot, Corner" means a lot abutting on two or more streets at their intersection. Of the two sides of a
325 corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
326
327 "Lot, Depth of" means the average horizontal distance between the front and rear lot lines.
328 "Lot, Double-Frontage" means an interior lot having frontage on two streets.
329
330 "Lot, Interior" means any lot other than a corner lot.
331
332 "Lot of Record" means a lot which has been recorded in the Clerk's office of the Circuit Court of
333 Caroline County.
334 "Lot, Width of" means the average horizontal distance between side lot lines.
335
336 "Manufacture" and/or "Manufacturing" means the processing and/or converting of unfinished
337 materials or products, or either of them, into articles or substances of different character or for use
338 for a different purpose.
339
340 "Manufactured Home" means a structure, subject to federal regulations, which is transportable in
341 one or more sections; is eight body feet or more in width and 40 feet or more in length in the
342 traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is
343 designed to be used as a single-family dwelling, with or without a permanent foundation, when
344 connected to the required utilities; and includes the plumbing, heating, air-conditioning and electrical
345 systems contained in the structure.
346
347 "Mixed-Use Development" means a combination on one lot of two or more principal uses.
348
349 "Mobile Home", "Automobile Trailer" or "Tent" means any vehicle, tent or similar easily movable
350 or portable structure supported on wheels, jacks, skids or skirting or on any other type of foundation
351 and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
352
353 "Mobile Home Park" means any area designed to accommodate two or more mobile homes
354 intended for residential use where residence is in mobile homes exclusively.
355
356 "Nonconforming Lot" means an otherwise legally platted lot that does not conform to the
357 minimum area or width requirements of this article for the district in which it is located either at
358 the effective date of this article or as a result of subsequent amendments to the article.
359 "Nonconforming Structure" means an otherwise legal building or structure that does not conform to
360 the lot area, yard, height, lot coverage or other area regulations of this article or is designed or

361 intended for use that does not conform to the use regulations of this article for the district in which
362 it is located, either at the effective date of this article or as a result of subsequent amendments to the
363 article.

364 "Nonconforming Uses (Activity)" means the otherwise legal use of a building or structure or of a
365 tract of land that does not conform to the use regulations of this article for the district in which it is
366 located, either at the effective date of this article or as a result of subsequent amendments to the
367 article.
368

369
370 "Nursing Home" means a public or private residential facility providing a high level of long-
371 term personal or nursing care for persons (such as the aged or the chronically ill) who are
372 unable to care for themselves independently.
373

374 "Office" means a place in a building where a business is carried on
375 by people working at desks used for writing and for holding telephones and computers
376

377
378 "Off-Street Parking" means space provided for vehicular parking outside the dedicated street right-
379 of-way.
380

381 "Personal Services" an establishment primarily engaged in the provision of frequent or recurrent
382 needed services of a personal nature. (Examples include: photographic studios; mailing or
383 packing service, photocopy and blueprint services; hair, tanning, and personal care services;
384 psychics and mediums; martial arts schools; dance or music classes; taxidermists; and
385 mortuaries.)
386

387
388 "Professional Services" means a service requiring specialized knowledge and skill and usually
389 requiring a license, certification or registration.
390

391
392 "Public Water and Sewer Systems" means a water or sewer system owned and operated by a
393 municipality or county or owned and operated by a private individual or a corporation properly
394 licensed by the State Corporation Commission and subject to special regulations as herein set forth.
395

396 "Recreational Vehicle" means vehicular-type structure designed as temporary living accommodations
397 for recreation, camping and travel use. There are four basic types of "recreational vehicles": travel
398 trailers, motor homes, truck campers and camping trailers.
399

400 "Required Open Space" means any space required in any front, side or rear yard.
401

402 "Residential Treatment Facility" means a licensed facility housing residents and providing around
403 the clock care and treatment to the residents.
404

Formatted: Font: (Default) Times New Roman

Formatted: Font: Times New Roman, 12

Formatted: Font: Times New Roman, 12

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman, 12 pt, Not Bold

Formatted: Font: (Default) Times New Roman, Not Bold

Formatted: Font: (Default) Times New Roman, Not Bold

Formatted: Font: (Default) Times New Roman, Not Bold

Formatted: Font: (Default) Times New Roman, Not Bold

Formatted: Font: (Default) Times New Roman, Not Bold

Formatted: Font: (Default) Times New Roman, Not Bold

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

Formatted ...

405 "Restaurant" means any building in which, for compensation, food or beverages are dispensed for
406 consumption on the premises, ~~including, among other establishments, cafes, tearooms,~~
407 ~~confectionery shops or refreshment stands.~~
408
409 "Retail Stores ~~and Shops~~" means buildings for display and sale of merchandise at retail, ~~or for the~~
410 ~~rendering of personal services, but specifically exclusive of coal, wood and lumberyards, such as the~~
411 ~~following, which will serve as illustration: drugstore, newsstand, food store, candy shop, milk~~
412 ~~dispensary, dry goods and notions store, antique store and gift shop, hardware store, household~~
413 ~~appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and~~
414 ~~beauty shop.~~
415
416 "Sawmill, Temporary" means a portable sawmill located on a private property for the processing of
417 timber cut only from that property or from property immediately contiguous and adjacent thereto.
418
419 "Setback" means the minimum distance by which any building or structure must be separated from
420 the front lot line.
421
422 "Sign" means any display of any letters, words, numerals, figures, devices, emblems, pictures or any
423 parts or combinations thereof by any means whereby the same are made visible for the purpose of
424 making anything known, whether such display is made on, attached to or as a part of a structure,
425 surface or any other thing, including but not limited to the ground, any rock, tree or other natural
426 object, which display is visible beyond the boundaries of the parcel of land on which the same is
427 made. A display of less than one square foot in area is excluded from this definition. The types of
428 signs are defined as follows:
429
430 (a) "Business" means a business sign which directs attention to a product, commodity or service
431 available on the premises.
432
433 (b) "Home Occupation" means a sign directing attention to a product, commodity or service
434 available on the premises, but which product, commodity or service is clearly a secondary use of the
435 dwelling.
436
437 (c) "General Advertising" means a sign which directs attention to a product, commodity or
438 service available other than on the premises, generally throughout the country.
439
440 (d) "Location" means a sign which directs attention to the exact or approximate location of an
441 establishment from which the advertised product may be obtained.
442
443 (e) "Directional" means a sign (one end of which may be pointed or on which an arrow may be
444 painted) indicating the direction to which attention is called; giving the name of the firm, business or
445 service available.
446
447 "Sign Structure" includes the supports, uprights, bracings and/or framework of any structure, be it
448 single-faced, double-faced, V-type or otherwise, exhibiting a sign. "Sign, Temporary" means a sign

449 applying to a seasonal or other brief activity such as but not limited to summer camps, horse shows,
450 auctions or sale of land. "Temporary signs" shall conform in size and type to directional signs.

451
452 "Special Events Facility" means a facility used on an intermittent basis for invitation-only activities
453 including but not limited to weddings, receptions, picnics, barbecues, dances, parties, reunions, and
454 banquets where the general public is not invited.

455
456 "Store" - See "retail stores and shops."

457
458 "Story" means that portion of a building, other than a cellar, included between the surface of any
459 floor and the surface of the floor next above it or, if there is no floor above it, the space between the
460 floor and the ceiling next above it.

461
462 "Story, Half" means a space under a sloping roof, which has the line of intersection of roof decking
463 and wall face not more than three feet above the top floor level and in which space not more than
464 two-thirds (2/3) of the floor area is finished off for use.

465
466 "Street Line" means the dividing line between a street or road right-of-way and the contiguous
467 property.

468
469 "Street" or "Road" means a public thoroughfare which affords principal means of access to abutting
470 property.

471
472 "Structure" means anything constructed or erected, the use of which requires permanent location on
473 the ground or attachment to something having a permanent location on the ground. This includes,
474 among other things, dwellings, buildings, signs, etc.

475
476 "Taxidermy" means the art of preparing, stuffing, and mounting the skins of animals and
477 especially vertebrates.

Formatted: Font: (Default) Times New Roman

Formatted: Font: Times New Roman, 12

478
479
480 ~~"Tourist Court", "Auto Court", "Motel", "Cabins" or "Motor Lodge"~~ means one or more buildings
481 containing individual sleeping rooms, designed for or used temporarily by ~~automobile tourists or~~
482 transients ~~for 29 days or less~~, with garage or parking space provided on the premises. ~~Cooking~~
483 ~~facilities may be provided for each unit.~~

484
485 "Townhouse" means at least three and not more than six attached dwelling units forming a
486 continuous structure, each being separated by common or party walls of masonry construction void
487 of fenestration or means of ingress or egress from basement to roof, with individual exterior
488 entrances at grade for front and back, and with not more than three "Townhouses" or dwelling units
489 having the same front yard setback.

490
491 "Travel Trailer" means vehicular structure mounted on wheels which is designed as temporary living
492 accommodations for recreation, camping and travel use, can be easily towed by automobile or small
493 truck and does not require special highway moving permits.

494
495 "Use, Accessory" means a subordinate use, customarily incidental to and located upon the same lot
496 occupied by the main use.

497
498 "Variance" means a reasonable deviation from those provisions regulating the size or area of a lot or
499 parcel of land or the size, area, bulk or location of a building or structure when the strict application
500 of the article would result in unnecessary or unreasonable hardship to the property owner and such
501 need for a "variance" would not be shared generally by other properties, and provided that such
502 "variance" is not contrary to the intended spirit and purpose of the article and would result in
503 substantial justice being done. Such peculiar condition shall be related to the property and not be the
504 result of action of the applicant.

505
506 "Wayside Stand", "Roadside Stand" or "Wayside Market" means any structure or land used for the
507 sale of agricultural or horticultural produce, livestock or merchandise produced by the occupant or
508 his family on the property.

509
510 "Yard" means an open space on a lot other than a court, unoccupied and unobstructed from the
511 ground upward, except as otherwise provided herein.

512
513 (a) "Front" means an open space on the same lot as a building, such space located between the
514 front line of the building, exclusive of steps, and the front lot or street line and extending across the
515 full width of the lot.

516
517 (b) "Rear" means an open, unoccupied space on the same lot as a building, such space located
518 between the rear line of the building, exclusive of steps, and the rear line of the lot and extending
519 the full width of the lot.

520
521 (c) "Side" means an open, unoccupied space on the same lot as a building between the side line
522 of the building, exclusive of steps, and the side line of the lot and extending from the front yard line
523 to the rear yard line.

524 (Code 2010, § 3-104; Ord. No. 2013-002, 10-15-2013)

525

526 **Division 3. Districts**

527

528 **Section 3-106. Establishment of districts.**

529

530 (a) For the purpose of this article, the incorporated area of Bowling Green, Virginia, is hereby
531 divided into the following districts:

532

533 (1) Agricultural/Conservation/Historic Preservation District A-1

534

535 (2) Residential District R-1

536

537 (3) Residential District R-2

538

- 539 (4) Residential District R-3
- 540
- 541 (5) Planned Unit Development District PUD
- 542
- 543 (6) Business District B-1
- 544
- 545 (7) Business District B-2
- 546
- 547 (8) Industrial District M-1
- 548

549 | (9) Chesapeake Bay Preservation Overlay District CBPD
550 (Code 2010, § 3-106)

551 Division 4 Agricultural District A-1

552
553 **Section 3-108. Intent.**

554
555 The general intent of this district is to recognize the need for the protection of agricultural, forestry
556 | and open space areas while allowing certain uses that ~~are compatible, blend into the land.~~
557 (Code 2010, § 3-108)

558
559 **Section 3-109. Permitted uses.**

560
561 (a) In the Agricultural District A-1, structures to be erected or land to be used shall be for the
562 following uses:

- 563
- 564 (1) Single-family dwellings.
- 565
- 566 (2) Public utilities.
- 567
- 568 (3) Agriculture.
- 569
- 570 (4) Cemeteries.
- 571
- 572 (5) Conservation areas and parks.
- 573
- 574 (6) Country clubs and golf courses.
- 575
- 576 (7) Home occupations.
- 577
- 578 (8) Manufactured homes.
- 579
- 580 (9) Nurseries and greenhouses.
- 581
- 582 (10) Vineyards and wineries.
- 583 (Code 2010, § 3-109)

Formatted: Font: Garamond, 12 pt

584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626

Section 3-110. Permitted accessory uses. ~~(Reserved)~~

“Accessory use” A use of land or a use of a building or structure for purposes customarily incidental and clearly subordinate to the principal use of the lot on which it is located.

Section 3-111. Special uses.

(a) The following uses are permitted when authorized by the Town Council of Bowling Green after a recommendation from the Planning Commission:

- (1) Bed and Breakfast Establishment.
 - (2) Special Events Facility.
- (Code 2010, § 3-111)

Section 3-112. Specifications and Requirements.

- (a) Area. The minimum lot size shall be three acres.
- (b) Setback. Structures shall be located 35 feet from any street right-of-way which is 50 feet in width or greater. If the right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the center line of the street. This shall be known as the "setback line."
- (c) Frontage.
 - (1) Lots of five acres or more shall have a minimum lot width of 250 feet.
 - (2) Lots of three acres or more but less than five acres shall have a minimum lot width of 200 feet.
- (d) Yards.
 - (1) Side. The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.
 - (2) Rear. The minimum rear yard for each main structure shall be 35 feet. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet.
- (e) Height. Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

627 (1) The height limit for buildings may be increased to 45 feet and three stories, provided that the
628 two side yards for the building are increased to a minimum of 15 feet plus one foot for each
629 additional foot of the building's height above 35 feet.

630

631 (2) Chimneys, flag poles, flues, monuments, silos and water towers may be erected to a total
632 height of 60 feet from grade.

633

634 (3) No accessory building which is within 15 feet of a side or rear lot line shall be more than one
635 story in height. All accessory buildings other than barns shall be less than the main building in
636 height.

637

638 (f) Corner lots.

639

640 (1) Of the sides of a corner lot, the front shall be deemed to be the shorter of the two sides
641 fronting the street.

642

643 (2) No structure shall be located closer than 35 feet to a side street.

644 (Code 2010, § 3-112)

645

646

Division 5. Residential District R-1

647

Section 3-113. Intent.

648

649 This district is composed of certain quiet, low-density residential areas plus certain open areas where
650 similar residential development appears likely to occur. The regulations for this district are designed
651 to stabilize and protect the essential characteristics of the district, to promote and encourage a
652 suitable environment for family life and at the same time permit certain home occupations and/or
653 activities of a character unlikely to develop concentrations of traffic, noise, crowds of customers or
654 outdoor advertising. To these ends, development is limited to relatively low concentration, and
655 permitted uses are limited basically to single-unit dwellings providing homes for the residents plus
656 certain additional uses such as schools, parks, churches and certain public and private facilities that
657 do not detract from this low-intensity residential use. Manufactured homes as residences are
658 prohibited.

659 (Code 2010, § 3-113)

660

Section 3-114. Permitted uses.

661

662 (a) Only one main building and its accessory buildings may be erected on any lot or parcel of land in
663 the Residential District R-1. Structures to be erected or land to be used shall be for the following
664 uses:

665

666 (1) Single-family dwellings.

667

668 (2) Public and semipublic uses such as schools, churches, playgrounds and parks.

669

670

671

672 (3) Accessory buildings, as defined; however, garages or other accessory buildings, such as
673 carports, porches and stoops attached to the main building shall be considered part of the
674 main building. No portion of any accessory building, including roof, may be closer than three
675 feet to any side or rear property line, except that no portion of any swimming pool other than
676 the apron shall be located closer than 10 feet to any side or rear property line. No accessory
677 building shall be located in a front yard.

678

679 (4) Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities
680 necessary for the provision and maintenance of public utilities, including water and sewage
681 facilities.

682

683 (5) Off-street parking as required by Section 3-180 of this article.

684

685 (6) Parking of one commercial vehicle per dwelling unit subject to the following limitations:

686

687 [a] No garbage, truck, tractor and/or trailer of a tractor-trailer truck, dump truck with a gross
688 weight of 12,000 pounds or more, cement-mixer truck, wrecker with a net weight of 12,000 pounds
689 or more or similar such vehicles or equipment shall be parked on any public street in any residential
690 district.

691

692 [b] Any commercial vehicle parked in any residential district shall be owned and/or operated
693 only by the occupant of the dwelling unit at which it is parked.

694 (Code 2010, § 3-114)

695

696 **Section 3-115. Permitted accessory uses.**

697

698 (a) Uses which are customarily accessory and clearly incidental and subordinate to permitted
699 principal uses are permitted accessory uses, including:

700

701 (1) Home occupations.

702 (Code 2010, § 3-115)

703

704 **Section 3-116. Special uses.**

705

706 (a) The following uses are permitted when authorized by the Town Council of Bowling Green after
707 a recommendation from the Planning Commission:

708

709 (1) ~~Homestay~~ ~~Guest rooms.~~

710

711 (2) Family care homes.

712

713 (3) Two-family dwellings created by conversion of an existing single-family dwelling into a two-
714 family dwelling.

715

716 (4) Day-care center.

717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761

(5) Bed and Breakfast Establishment.

(6) Minor Event Facilities.
(Code 2010, § 3-116; Ord. No. O-2018-12, 3-1-2018)

Section 3-117. Specifications and Requirements.

(a) Area.

(1) For residential lots containing or intended to contain only a single-family dwelling served by public water and sewage disposal, the minimum lot area shall be 12,000 square feet.

(2) For residential lots containing or intended to contain only a single-family dwelling served by public water systems but having individual sewage disposal systems, the minimum lot area shall be 15,000 square feet. The Administrator may require a greater area if considered necessary by the Health Officer.

(3) For residential lots containing or intended to contain a single-family dwelling served by public sewage disposal systems but having individual water systems, the minimum lot area shall be 15,000 square feet. The Administrator may require a greater area if considered necessary by the Health Officer.

(4) For residential lots containing or intended to contain a single-family dwelling served by individual water and sewage systems, the minimum lot area shall be 20,000 square feet or more if considered necessary by the Health Officer.

(5) For residential lots containing or intended to contain a two-family dwelling served by public water and sewage disposal systems, the minimum lot area shall be 18,000 square feet.

(6) For residential lots containing or intended to contain a two-family dwelling served by public water systems but having individual sewage disposal systems, the minimum lot area shall be 22,000 square feet.

(7) For residential lots containing or intended to contain a two-family dwelling served by public sewage disposal systems but having individual water systems, the minimum lot area shall be 22,000 square feet.

(8) For residential lots containing or intended to contain a two-family dwelling served by individual water and sewage disposal systems, the minimum lot area shall be 26,000 square feet. (9) For permitted uses utilizing individual sewage disposal systems, the required area for such use shall be approved by the Health Officer. The Administrator shall require a greater area if considered necessary by the Health Officer.

(b) Setback.

762
763 (1) Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or
764 greater in width or 60 feet or more from the center of any street right-of-way less than 50 feet in
765 width. This shall be known as the "setback line."
766
767 (2) Permitted exceptions to Front Yard Requirements. When a residential structure is non-
768 conforming due to encroachment into the required Front Yard Setback, such structure may be
769 expanded or extended on either side or both sides provided that the following conditions are met:
770
771 [a] Such addition or extension shall not come any closer to the front property line or further
772 encroach into the front yard to any greater extent than the front corner of the existing structure on
773 the side proposed for the addition or extension; and
774
775 [b] All other requirements of the Zoning Ordinance for the zoning designation of the property,
776 including the side and rear yard setback requirements shall be met.
777
778 (c) Frontage. The minimum lot width at the setback line shall be 100 feet or more.
779
780 (d) Yards.
781
782 (1) Side. The minimum side yard for each main structure shall be 15 feet.
783
784 (2) Rear.
785
786 [a] Each main structure shall have a rear yard of 35 feet or more.
787
788 [b] Certain architectural features, those being sills, belt courses, bay windows, cornices, eaves, roof
789 overhangs, chimneys, entrance stairs and stoops, and similar architectural features of a building
790 may project into required yards by not more than five (5) feet. These provisions shall be
791 applied to all lots, conforming and non-conforming.
792
793 [c] Unenclosed additions on the rear of houses, those being un-walled, unenclosed additions
794 designed specifically and particularly for outdoor activities and attached to the rear of a
795 dwelling, may extend into a required rear yard area. Extension of such unenclosed addition
796 into a required rear yard may encroach up to a maximum of fifteen (15) feet. In no case shall
797 more than 25% of the required total area of a rear yard be covered by such encroachment.
798 Such extensions may include, but are not limited to decks, porches, patio or deck covers.
799 Screening is considered an enclosure and is therefore not permitted by this Section. In no case
800 may any such addition extend into a required front or side yard, except as otherwise provided
801 herein. These provisions shall be applied to all lots, conforming and non-conforming.
802
803 (e) Height. Buildings may be erected up to 35 feet in height, except that:
804

805 (1) The height limit for dwellings may be increased up to 45 feet and up to three stories,
806 provided that each side yard is 30 feet plus one foot or more of side yard for each additional foot of
807 building height over 35 feet.

808
809 (2) A public or semipublic building, such as a school, church or library, may be erected to a
810 height of 60 feet from grade, provided that required front, side and rear yards shall be increased one
811 foot for each foot in height over 35 feet.

812
813 (3) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television
814 antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the
815 building on which the walls rest.

816
817 (4) No accessory building which is within 20 feet of any party side or rear lot line shall be more
818 than one story in height. All accessory buildings shall be less than the main building in height.

819
820 (f) Corner lots.

821
822 (1) Of the sides of a corner lot, the front shall be deemed to be the shorter of the two sides
823 fronting on streets.

824
825 (2) The side yard on the side facing the side street shall be 35 feet or more for both main and
826 accessory buildings.

827
828 (3) For subdivisions platted after the enactment of this article, each corner lot shall have a
829 minimum width at the setback line of 125 feet or more.

830
831 (4) To reduce traffic hazards, landscaping of corner lots shall be limited to planting, fences or
832 other landscaping features of no more than three and a half feet in height within the space between
833 the setback line and the property line on the street corner side of the lot.

834 (Code 2010, § 3-117; Ord. No. O-2017-003, 8-3-2017)

835

836 **Division 6. Residential District R-2**

837

838 **Section 3-118. Intent.**

839

840 The R-2 District is composed of certain low to moderate concentrations of residential uses plus
841 certain open areas where similar development appears likely to occur. The regulations for this
842 district are designed to stabilize and protect the essential characteristics of the district; to promote
843 and encourage a quiet, suitable environment for family life; and, at the same time, to permit certain
844 home occupations and/or activities of a character unlikely to develop concentrations of traffic, truck
845 traffic, noise, crowds of customers, or outdoor advertising. The district is not completely residential,
846 as it includes public, semipublic, institutional and other related uses. However, it is basically
847 residential in character and, as such, shall not be spotted with commercial and/or industrial uses.
848 Manufactured homes as residences are prohibited.

849 (Code 2010, § 3-118)

850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893

Section 3-119. Permitted uses.

(a) In the Residential District R-2 any building to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Single-family dwellings converted into not more than two apartments, provided that the area requirements listed in Section 3-122(a) of this article are met.
- (4) Public and semipublic uses, such as schools, churches, playgrounds, parks and ~~homes~~ nursing hospitals.
- (5) Accessory buildings, as defined; however, garages or other accessory buildings, such as carports, porches and stoops attached to the main building shall be considered part of the main building. No portion of any accessory building, including roof, may be closer than three feet to any side or rear property line, except that no portion of any swimming pool other than the apron shall be located closer than 10 feet to any side or rear property line. No accessory building shall be located in a front yard.
- (6) Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.
- (7) Off-street parking as required by Section 3-180 of this article.
- (8) ~~Homestay~~ Guest rooms.
- (9) Parking of one commercial vehicle per dwelling unit subject to the following limitations:
 - [a] No garbage, truck, tractor and/or trailer of a tractor-trailer truck, dump truck with a gross weight of 12,000 pounds or more, cement-mixer truck, wrecker with a net weight of 12,000 pounds or more or similar such vehicles or equipment shall be parked on any public street in any residential district.
 - [b] Any commercial vehicle parked in any residential district shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.
(Code 2010, § 3-119)

Section 3-120. Permitted accessory uses.

894 (a) Uses which are customarily accessory and clearly incidental and subordinate to permitted
895 principal uses, including:

896
897 (1) Home occupations.
898 (Code 2010, § 3-120)

899
900 **Section 3-121. Special uses.**

901
902 (a) The following uses are permitted when authorized by the Town Council of Bowling Green after
903 a recommendation from the Planning Commission:

904
905 (1) ~~Corporate or public swimming pools and/or private clubs.~~

906
907 (2) Bed and Breakfast Establishment.

908
909 (3) Family care homes, foster homes or group homes.

910
911 (4) Day-care center.

912
913 (5) Minor Event Facilities.
914 (Code 2010, § 3-121; Ord. No. O-2018-002, 3-1-2018)

915
916 **Section 3-122. Specifications and Requirements.**

917
918 (a) Area.

919
920 (1) For residential lots containing or intended to contain only a single-family dwelling served by
921 public water and sewage disposal, the minimum lot area shall be 12,000 square feet.

922
923 (2) For residential lots containing or intended to contain only a single-family dwelling served by
924 public water systems but having individual sewage disposal systems, the minimum lot area shall be
925 15,000 square feet. The administrator may require a greater area if considered necessary by the
926 Health Officer.

927
928 (3) For residential lots containing or intended to contain only a single-family dwelling served by
929 public sewage disposal systems but having individual water systems, the minimum lot area shall be
930 15,000 square feet. The Administrator may require a greater area if considered necessary by the
931 Health Officer.

932
933 (4) For residential lots containing or intended to contain a single-family dwelling served by
934 individual water and sewage systems, the minimum lot area shall be 19,000 square feet or more if
935 considered necessary by the Health Officer.

936
937 (5) For residential lots containing or intended to contain a two-family dwelling served by public
938 water and sewage disposal systems, the minimum lot area shall be 18,000 square feet.

939
940 (6) For residential lots containing or intended to contain a two-family dwelling served by public
941 water systems but having individual sewage disposal systems, the minimum lot area shall be 22,000
942 square feet.
943
944 (7) For residential lots containing or intended to contain a two-family dwelling served by public
945 sewage disposal systems but having individual water systems, the minimum lot area shall be 22,000
946 square feet.
947
948 (8) For residential lots containing or intended to contain a two-family dwelling served by
949 individual water and sewage disposal systems, the minimum lot area shall be 26,000 square feet.
950
951 (9) For permitted uses utilizing individual sewage disposal systems, the required area for any
952 such use shall be approved by the Health Officer. The Administrator shall require a greater area if
953 considered necessary by the Health Officer.
954
955 (b) Setback.
956
957 (1) Buildings shall be located 30 feet or more from any street right-of-way which is 50 feet or
958 greater to width or 55 feet or more from the center line of any street right-of-way less than 50 feet in
959 width. This shall be known as the "setback line."
960
961 (2) Permitted exceptions to Front Yard Requirements. When a residential structure is non-
962 conforming due to encroachment into the required Front Yard Setback, such structure may be
963 expanded or extended on either side or both sides provided that the following conditions are met:
964
965 [a] Such addition or extension shall not come any closer to the front property line or further
966 encroach into the front yard to any greater extent than the front corner of the existing structure on
967 the side proposed for the addition or extension; and
968
969 [b] All other requirements of the Zoning Ordinance for the zoning designation of the property,
970 including the side and rear yard setback requirements shall be met.
971
972 (c) Frontage.
973
974 (1) For single-family dwellings, the minimum lot width at the setback line shall be 70 feet or
975 more.
976
977 (2) For two-family dwellings, the minimum lot width at the setback line shall be 80 feet or more.
978
979 (d) Yards.
980
981 (1) Side. The minimum side yard shall be 10 feet or more, and the total width of the two required
982 side yards shall be 20 feet or more.
983

- 984 (2) Rear. Each main building shall have a rear yard of 25 feet or more.
985 (e) Height. Buildings may be erected up to 35 feet in height except that:
986
987 (1) The height limit for dwellings may be increased up to 45 feet and up to three stories,
988 provided that there are two side yards, each of which is 10 feet or more, plus one foot or more of
989 side yard for each additional foot of building height over 35 feet.
990
991 (2) A public or semipublic building, such as a school, church, library or general hospital, may be
992 erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be
993 increased one foot for each foot in height over 35 feet.
994
995 (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles,
996 television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the
997 height of the building on which walls rest.
998
999 (4) No accessory building which is within 10 feet of any part lot line shall be more than one
1000 story in height. All accessory buildings shall be less than the main building in height.
1001
1002 (f) Corner lots.
1003
1004 (1) Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides
1005 fronting on streets.
1006
1007 (2) The side yard on the side facing the side street shall be 20 feet or more for both the main
1008 and accessory building.
1009
1010 (3) For subdivisions platted after the enactment of this article, each corner lot shall have a
1011 minimum width at the setback line of 100 feet or more.
1012
1013 (4) To reduce traffic hazards, landscaping of corner lots shall be limited to planting, fences or
1014 other landscaping features of no more than three feet and a half in height within the space between
1015 the setback line and the property line on the street corner side of the lot.
1016 (g) Townhouses and apartment buildings.
1017
1018 (1) The minimum lot requirement of 10,000 square feet shall be waived for the individual lots
1019 occupied by each Townhouse dwelling unit. However, in consonance with the concept of
1020 open area planning, the total lot area and usable open space per dwelling unit. Townhouse or
1021 apartment shall be not less than 6,000 square feet. Such usable open space shall be exclusive of
1022 areas devoted to streets, alleys and parking area and shall be adequately landscaped with shade
1023 trees and grass to provide a park, playground area or swimming pool for the development.
1024
1025 (2) Any freestanding, continuously walled or continuously roofed structure shall contain not more
1026 than six Townhouses or six apartments.
1027

- 1028 (3) Freestanding structures shall not be closer than 30 feet to each other or 15 feet to any property
1029 line.
1030 (4) Front and rear yard requirements shall conform to those of the R-3 District.
1031
1032 (5) The developer shall provide fencing and landscaping of a permanent nature which will
1033 adequately screen any Townhouse or apartment development from abutting R-1 and R-2
1034 District properties. The Town Planning Commission shall ensure that this provision is
1035 effectively met before the Zoning Administrator shall issue a certificate of zoning compliance.
1036
1037 (6) Off-street parking shall be provided by the developer in the amount of two parking spaces per
1038 dwelling unit.
1039
1040 (7) Townhouse and apartment developments shall be served by public water and sewage disposal
1041 systems.
1042

1043 (Code 2010, § 3-122; Ord. No. 2017-003, 8-3-2017)
1044

1045 **Division 7 Residential District R-3**

1046 **Section 3-123. Intent.**

1047
1048
1049 The R-3 District is composed of certain moderate to medium concentrations of residential uses plus
1050 certain open areas where similar development appears likely to occur. The standards for this district
1051 are designed to stabilize and protect the essential character of the area so designed and to promote
1052 and encourage, insofar as is compatible with the intensity of land use, a suitable environment for
1053 family life. Development is, therefore, limited to single and multifamily dwellings for both
1054 permanent and transient occupancy plus selected additional uses, such as schools, parks, churches
1055 and certain public facilities that serve the residents of the district. In the development and
1056 designation of a primarily multifamily district, it is intended that such be accomplished in
1057 consonance with the principles of open area planning, as specified hereinafter. Home occupations,
1058 as defined, are permitted. Manufactured homes as residences are prohibited.
1059

1060 In addition, this district is intended to provide specifically for facilities which provide assisted living
1061 for its residents. Such structure may or may not provide kitchen facilities, and provide services which
1062 are integral to the personal and therapeutic care of residents thereof, and which shall receive the
1063 appropriate State Licensure.

1064 (Code 2010, § 3-123; Ord. No. 2013-002, 10-15-2013)
1065

1066 **Section 3-124. Permitted uses.**

1067
1068 (a) In Residential District R-3, any building to be erected or land to be used shall be for one or more
1069 of the following uses:

- 1070
1071 (1) Single-family dwellings.
1072

- 1073 (2) Two-family dwellings (duplexes).
1074
1075 (3) Townhouses or Townhouse complexes.
1076
1077 (4) Apartment buildings or apartment complexes.
1078 (5) Public and semipublic uses such as schools, churches, playgrounds, parks or hospitals.
1079
1080 (6) Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities
1081 necessary for the provision and maintenance of public utilities, including water and sewage
1082 facilities.
1083
1084 (7) Off-street parking as required by Section 3-180 of this article.
1085
1086 (8) ~~Homestay~~ Guest rooms.
1087
1088 (9) Accessory buildings, as defined; however, garages or other accessory buildings, such as
1089 carports, porches and stoops attached to the main building shall be considered part of the
1090 main building. No portion of any accessory building, including roof, may be closer than three
1091 feet to any side or rear property line except that no portion of any swimming pool other than
1092 the apron shall be located closer than 10 feet to any side or rear property line. No accessory
1093 building shall be located in a front yard.
1094
1095 (10) Parking of one commercial vehicle per dwelling unit subject to the following limitations:
1096
1097 [a] No garbage, truck, tractor and/or trailer of a tractor-trailer truck, dump truck with a gross
1098 weight of 12,000 pounds or more, cement-mixer truck, wrecker with a net weight of 12,000 pounds
1099 or more or similar such vehicles or equipment shall be parked on any public street in any residential
1100 district.
1101
1102 [b] Any commercial vehicle parked in any residential district shall be owned and/or operated
1103 only by the occupant of the dwelling unit at which it is parked.
1104 (Code 2010, § 3-124)
1105
1106 **Section 3-125. Permitted accessory uses.**
1107
1108 (a) Uses which are customarily accessory and clearly incidental and subordinate to permitted
1109 principal uses, including:
1110
1111 (1) Home occupations.
1112 (Code 2010, § 3-125)
1113
1114 **Section 3-126. Special uses.**
1115
1116 (a) The following uses are permitted when authorized by the Town Council of Bowling Green after
1117 a recommendation from the Planning Commission:

- 1118
1119 (1) Swimming pools, private club, corporate or public.
1120
1121 (2) Family care homes, foster homes or group homes.
1122
1123 (3) Day-care center.
1124 (4) Bed and Breakfast Establishment.
1125 (Code 2010, § 3-126; Ord. No. O-2018-002, 3-1-2018)
1126

1127 **Section 3-127. Specifications and Requirements.**

1128
1129 (a) Area.

1130
1131 (1) For residential lots containing or intended to contain only a single-family dwelling served by
1132 public water and sewage disposal, the minimum lot area shall be 12,000 square feet.
1133

1134 (2) For residential lots containing or intended to contain only a single-family dwelling served by
1135 public water systems but having individual sewage disposal systems, the minimum lot area shall be
1136 15,000 square feet. The administrator may require a greater area if considered necessary by the
1137 Health Officer.
1138

1139 (3) For residential lots containing or intended to contain only a single-family dwelling served by
1140 public sewage disposal systems but having individual water systems, the minimum lot area shall be
1141 15,000 square feet. The Administrator may require a greater area if considered necessary by the
1142 Health Officer.
1143

1144 (4) For residential lots containing or intended to contain a single-family dwelling served by
1145 individual water and sewage systems, the minimum lot area shall be 19,000 square feet or more if
1146 considered necessary by the Health Officer.
1147

1148 (5) For residential lots containing or intended to contain a two-family dwelling served by public
1149 water and sewage disposal systems, the minimum lot area shall be 18,000 square feet.
1150

1151 (6) For residential lots containing or intended to contain a two-family dwelling served by public
1152 water systems but having individual sewage disposal systems, the minimum lot area shall be 22,000
1153 square feet.
1154

1155 (7) For residential lots containing or intended to contain a two-family dwelling served by public
1156 sewage disposal systems but having individual water systems, the minimum lot area shall be 22,000
1157 square feet.
1158

1159 (8) For residential lots containing or intended to contain a two-family dwelling served by
1160 individual water and sewage disposal systems, the minimum lot area shall be 26,000 square feet.
1161

1162 (9) For permitted uses utilizing individual sewage disposal systems, the required area for any
1163 such use shall be approved by the Health Officer. The Administrator shall require a greater area if
1164 considered necessary by the Health Officer.
1165
1166 (b) Setback.
1167
1168 (1) Buildings shall be located 30 feet or more from any street right-of-way which is 50 feet or
1169 greater in width or 55 feet or more from the center line of any street right-of-way less than 50 feet in
1170 width. This shall be known as the "setback line."
1171 (2) Permitted exceptions to Front Yard Requirements. When a residential structure is non-
1172 conforming due to encroachment into the required Front Yard Setback, such structure may be
1173 expanded or extended on either side or both sides provided that the following conditions are met:
1174
1175 [a] Such addition or extension shall not come any closer to the front property line or further
1176 encroach into the front yard to any greater extent than the front corner of the existing structure on
1177 the side proposed for the addition or extension; and
1178
1179 [b] All other requirements of the Zoning Ordinance for the zoning designation of the property,
1180 including the side and rear yard setback requirements shall be met.
1181
1182 (c) Frontage.
1183
1184 (1) For single-family dwellings, the minimum lot width at the setback line shall be 70 feet or
1185 more.
1186
1187 (2) For two-family dwellings, the minimum lot width at the setback line shall be 80 feet or more.
1188
1189 (d) Yards.
1190
1191 (1) Side. The minimum side yard shall be 10 feet or more, and the total width of the two required
1192 side yards shall be 20 feet or more.
1193
1194 (2) Rear. Each main building shall have a rear yard of 25 feet or more.
1195
1196 (e) Height. Buildings may be erected up to 35 feet in height except that:
1197
1198 (1) The height limit for dwellings may be increased up to 45 feet and up to three stories,
1199 provided that there are two side yards, each of which is 10 feet or more, plus one foot or more of
1200 side yard for each additional foot of building height over 35 feet.
1201
1202 (2) A public or semipublic building, such as a school, church, library or general hospital, may be
1203 erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be
1204 increased one foot for each foot in height over 35 feet.
1205

- 1206 (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles,
1207 television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the
1208 height of the building on which walls rest.
1209
- 1210 (4) No accessory building which is within 10 feet of any part lot line shall be more than one
1211 story in height. All accessory buildings shall be less than the main building in height.
1212
- 1213 (f) Corner lots.
1214
- 1215 (1) Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides
1216 fronting on streets.
- 1217 (2) The side yard on the side facing the side street shall be 20 feet or more for both the main
1218 and accessory building.
1219
- 1220 (3) For subdivisions platted after the enactment of this article, each corner lot shall have a
1221 minimum width at the setback line of 100 feet or more.
1222
- 1223 (4) To reduce traffic hazards, landscaping of corner lots shall be limited to planting, fences or
1224 other landscaping features of no more than three feet in height within the space between the setback
1225 line and the property line on the street corner side of the lot.
1226
- 1227 (g) Townhouses and apartment buildings.
1228
- 1229 (1) The minimum lot requirement of 10,000 square feet shall be waived for the individual lots
1230 occupied by each Townhouse dwelling unit. However, in consonance with the concept of
1231 open area planning, the total lot area and usable open space per dwelling unit, Townhouse or
1232 apartment shall be not less than 6,000 square feet. Such usable open space shall be exclusive of
1233 areas devoted to streets, alleys and parking area and shall be adequately landscaped with shade
1234 trees and grass to provide a park, playground area or swimming pool for the development.
1235
- 1236 (2) Any freestanding, continuously walled or continuously roofed structure shall contain not more
1237 than six townhouses or six apartments.
1238
- 1239 (3) Freestanding structures shall not be closer than 30 feet to each other or 15 feet to any property
1240 line.
1241
- 1242 (4) Front and rear yard requirements shall conform to those of the R-3 District.
1243
- 1244 (5) The developer shall provide fencing and landscaping of a permanent nature which will
1245 adequately screen any Townhouse or apartment development from abutting R-1 and R-2
1246 District properties. The Town Planning Commission shall ensure that this provision is
1247 effectively met before the Zoning Administrator shall issue a certificate of zoning compliance.
1248
- 1249 (6) Off-street parking shall be provided by the developer in the amount of two parking spaces per
1250 dwelling unit.

- 1251
1252 (7) Townhouse and apartment developments shall be served by public water and sewage disposal
1253 systems.
1254
1255 (h) Assisted Living Facilities
1256
1257 (1) The minimum lot size shall be 3 acres.
1258
1259 (2) The minimum lot frontage shall be 100 feet and the minimum front, side and rear yard shall be
1260 50 feet.
1261
1262 (3) The maximum building height shall be 60 feet.
1263
1264 (4) The maximum density shall be 30 units per acre.
1265 (5) Off Street parking requirements shall be 1 space for every 2 units.
1266
1267 (6) Additional handicapped parking shall be 1 for every 10 required parking spaces.
1268
1269 (7) No accessory structure shall be located closer than 10 feet to any property line and shall not be
1270 located in any front yard.
1271
1272 (8) Appropriate screening shall be provided when adjacent to any single or two family residences.
1273 Such screening may be provided on the adjacent property.
1274 (Code 2010, § 3-127; Ord. No. 2013-002, 10-15-2013)

1275
1276 **Division 8 Planned Unit Development (PUD)**
1277

1278 **Section 3-128. Intent.**
1279

1280 The PUD District is intended to permit a comprehensive planned cluster-type development
1281 under one ownership or control. This district plan shall show the location of improvements, permit
1282 a variety of housing accommodations in an orderly relationship to one another and allow the
1283 greatest amount of usable open spaces and the least disturbance to natural features. A planned unit
1284 development may include commercial facilities to the extent necessary to serve the needs of the
1285 particular PUD.

1286 (Code 2010, § 3-128)
1287

1288 **Section 3-129. Permitted uses.**
1289

1290 (a) In the Planned Unit Development District PUD, any building erected or land to be used shall be
1291 for the following uses:

- 1292
1293 (1) Single-family dwellings.
1294
1295 (2) Two-family dwellings.

- 1296
1297 | (3) Townhouses or ~~T~~ownhouse complexes.
1298
1299 (4) Apartment buildings or apartment complexes.
1300
1301 (5) Public and semipublic uses, such as schools, churches and libraries.
1302
1303 (6) Professional offices.
1304
1305 (7) Neighborhood commercial uses intended to serve the needs of the residents of the planned
1306 unit development. Not more than 5% of the gross area of the PUD project shall be devoted to
1307 commercial uses.
1308
1309 (8) Recreational uses, including club houses, golf courses, pools, tennis courts and similar
1310 recreational improvements and facilities.
1311
1312 (9) Accessory buildings as permitted by Section 3-114(a)(3) of this article.
1313 (10) Public utilities as prescribed in Section 3-114(a)(4) of this article.
1314
1315 (11) Off-street parking as prescribed in Section 3-180 of this article.
1316
1317 (12) Parking of one commercial vehicle per dwelling unit subject to the following limitations:
1318
1319 [a] No garbage, truck, tractor and/or trailer of a tractor-trailer truck, dump truck with a gross
1320 weight of 12,000 pounds or more, cement-mixer truck, wrecker with a net weight of 12,000 pounds
1321 or more or similar such vehicles or equipment shall be parked on any public street in any residential
1322 district.
1323
1324 [b] Any commercial vehicle parked in any residential district shall be owned and/or operated
1325 only by the occupant of the dwelling unit at which it is parked.
1326 (Code 2010, § 3-129)
1327

1328 **Section 3-130. Permitted accessory uses. (~~Reserved~~)**

1329
1330 "Accessory use" A use of land or a use of a building or structure for purposes customarily incidental and
1331 clearly subordinate to the principal use of the lot on which it is located.
1332

1333
1334 **Section 3-131. Special uses.**
1335

1336 (a) The following uses are permitted when authorized by the Town Council of Bowling Green after
1337 a recommendation from the Planning Commission:
1338

- 1339 (1) Day-care center.
1340

1341 (2) Minor Event Facilities.
1342 (Code 2010, § 3-131; Ord. No. O-2018-002, 3-1-2018)

1343
1344 **Section 3-132. Specifications and Requirements.**

1345
1346 (a) Area.

1347
1348 (1) The minimum permitted size for any PUD District shall be five contiguous acres.
1349 Additional land may be added to an existing PUD if it is adjacent (except for public roads) thereto
1350 and forms a logical addition to the existing PUD and is under the same ownership or control.

1351
1352 (2) The procedure for an addition shall be the same as if an original application were filed.

1353 (b) Density. The permitted density for dwelling units in a PUD District shall not be more than 10
1354 units per gross acre.

1355
1356 (c) Required open space.

1357
1358 (1) Open space shall comprise at least 50% of the total gross area of the PUD development.

1359
1360 (2) "Open space" shall be defined, for the purpose of this article, as any area not covered by
1361 buildings, parking structures or accessory structures (except recreational structures) and as land
1362 which is accessible and available to all occupants of dwelling units for whose use the space is
1363 intended. Said open space shall not include proposed street rights-of-way, open parking areas and
1364 driveways for dwellings, side yards between buildings nor yards located between buildings and
1365 parking lots.

1366
1367 (3) All open space, including public recreational facilities, shall be specifically included in the
1368 development schedule and be constructed and fully improved by the developer at a rate equivalent
1369 to or greater than the construction of residential structures.

1370
1371 (d) Management of open space.

1372
1373 (1) All open space shall be preserved for its intended purpose as expressed in the final site plan.

1374
1375 (2) The developer shall establish a nonprofit association, corporation, trust or foundation of all
1376 individuals or corporations owning residential property within the planned development to ensure
1377 the maintenance of open space.

1378
1379 (3) When the development is administered to open space through an association, nonprofit
1380 corporation, trust or foundation, said organization shall conform to the following requirements:

1381
1382 [a] The developer must establish the organization prior to the sale of any lots.

1383

- 1384 [b] Membership in the organization shall be mandatory for all residential property owners, present
1385 or future, within the planned community, and said organization shall not discriminate in its
1386 members or shareholders.
1387
- 1388 [c] The organization shall manage all open space and recreational and cultural facilities; shall
1389 provide for the maintenance, administration and operation of said land improvements and any
1390 other land within the planned community; and shall secure adequate liability insurance on the
1391 land.
1392
- 1393 [d] The organization shall conform to the Condominium Act, § 55-79.86 et seq. of the Annotated
1394 Code, as amended.
1395
- 1396 (e) Height. The maximum height of any building or structure in a PUD District shall be 35 feet,
1397 subject to the provisions of this article and subject to approval of the Town Council.
1398
- 1399 (f) Streets. Private streets shall not be permitted in a PUD development.
1400
- 1401 (g) Utilities. Within a PUD development, all utilities, including telephone cable and electrical
1402 systems, shall be installed underground. Appurtenances to these systems which require
1403 aboveground installations must be effectively screened and, thereby, may be exempted from
1404 this requirement.
1405
- 1406 (h) Site plans required. Before a zoning permit shall be issued or construction begun on any
1407 permitted use in this district, detailed site plans indicating compliance with the substantive
1408 provisions of Article I, Division 14 of this chapter shall be submitted to the Zoning
1409 Administrator for study. Modifications of the plans may be required.
1410 (Code 2010, § 3-132)

1411
1412 **Division 9 Business District B-1**
1413

1414 **Section 3-133. Intent.**
1415

1416 Generally, this district covers the central business district portion of the community and is intended
1417 for the conduct of general business to which the public requires direct and frequent access but
1418 which is not characterized either by constant heavy trucking, other than stocking and delivery of
1419 light retail goods, or by nuisance factors, other than those occasioned by incidental light and noise of
1420 congregation of people and passenger vehicles. This district includes such uses as retail stores,
1421 banks, theaters, business offices, newspaper offices and restaurants.
1422 (Code 2010, § 3-133)
1423

1424 **Section 3-134. Permitted uses.**
1425

1426 (a) In the Business District B-1, structures to be erected or land to be used shall be for one or more
1427 of the following uses:
1428

- 1429 (1) Government office buildings.
1430
- 1431 (2) Retail food stores.
1432
- 1433 (3) Banks and savings and loan offices.
1434
- 1435 (4) Restaurants.
1436
- 1437 (5) Dry cleaners.
1438
- 1439 (6) Jewelry stores.
1440
- 1441 (7) Coin-operated laundries.
1442
- 1443 (8) Wearing apparel stores.
1444
- 1445 (9) Drugstores.
1446
- 1447 (10) Barber and beauty shops.
1448
- 1449 (11) Home appliance sales and services.
1450
- 1451 (12) Hardware stores.
1452
- 1453 (13) Theaters and assembly halls.
1454
- 1455 (14) Offices.
1456
- 1457 (15) Libraries.
1458
- 1459 (16) Auto parts and accessories stores.
1460
- 1461 (17) Furniture stores.
1462
- 1463 (18) Department stores.
1464
- 1465 (19) Newspaper and printing houses.
1466
- 1467 (20) Florists and gift shops.
1468
- 1469 (21) Hotels, motels and inns.
1470
- 1471 (22) Alcoholic beverage control stores.
1472
- 1473 | (23) Clubs ~~and lodges~~.

- 1474
- 1475 (24) Funeral homes.
- 1476
- 1477 (25) Bakeries.
- 1478
- 1479 (26) Video sales and rental.
- 1480
- 1481 (27) Sporting goods shops.
- 1482
- 1483 (28) Pawn shops.
- 1484
- 1485 (29) Public and semipublic uses, including churches, schools, libraries, museums, parks and
- 1486 noncommercial recreational facilities.
- 1487
- 1488 (30) Public utilities transformer substations, transmission lines and towers and other facilities for
- 1489 the provision and maintenance of public utilities, including railroads (except railroad yards) and
- 1490 water and sewage installations.
- 1491
- 1492 (31) Off-street parking as required by Section 3-180 of this article; public and private off-street
- 1493 parking lots.
- 1494
- 1495 (32) ~~Retail Store. Stores for the sale and rental of goods at retail.~~
- 1496
- 1497 (33) Clinics.
- 1498
- 1499 ~~(33)~~ (34) Personal Services
- 1500 (Code 2010, § 3-134)
- 1501
- 1502 **Section 3-135. Permitted accessory uses. ~~(Reserved)~~**
- 1503
- 1504 "Accessory use" A use of land or a use of a building or structure for purposes customarily incidental and
- 1505 clearly subordinate to the principal use of the lot on which it is located.
- 1506
- 1507
- 1508 **Section 3-136. Special uses.**
- 1509
- 1510 (a) The following uses are permitted when authorized by the Town Council of Bowling Green after
- 1511 a recommendation, following a properly advertised public hearing, from the Planning Commission:
- 1512
- 1513 (1) Gasoline filling stations for the servicing of and making minor repairs to motor vehicles (when
- 1514 in a completely enclosed structure); public garages for storage and repair of motor vehicles
- 1515 (when in completely enclosed structure).
- 1516
- 1517 (2) Pet shops.
- 1518

Formatted: List Paragraph, No bullets or numbering

1519 (3) Public billiard parlors and pool rooms, bowling alleys, dance halls, amusement centers and
1520 similar forms of public amusement, only after a public hearing shall have been held by the
1521 Town Council on an application submitted to the body for such use. In approving any such
1522 application, the Town Council may establish such special requirements and regulations for the
1523 protection of adjacent property and the general public, set limits on the hours of operation and
1524 make requirements as the Town Council may deem necessary in the public interest. For
1525 purposes of this subsection, "billiard parlor and pool room" shall include any place of business
1526 with more than one billiard or pool table in which money, tokens or other consideration is
1527 exchanged for the right to use such tables for playing billiards, pool or similar games. For
1528 purposes of Section 3-136, "amusement center" shall mean any place of business with more
1529 than three amusement devices for which money, tokens or other consideration is exchanged
1530 for the right to use such devices. Amusement devices shall include video games, pool or
1531 billiards tables, foosball and all similar game devices, tables and equipment.

1532
1533 (4) Business and residential mixed-use development wherein dwelling units shall be a secondary
1534 use to the primary business use.

1535
1536 (5) Day-care center.
1537 (Code 2010, § 3-136)

1538
1539 **Section 3-137. Specifications and Requirements.**

1540
1541 (a) Area, frontage and yards.

1542
1543 (1) Area, frontage and yard regulations shall be as follows:

1544
1545 [a] None, except for off-street parking which shall be in accordance with the provisions contained
1546 herein.

1547
1548 (b) Height. Buildings may be erected up to 50 feet in height from grade.

1549
1550 (c) Setback. Buildings or portions of buildings, including porches, shall be located behind the
1551 street right-of-way line. No porch in existence at the time of the adoption of this article which
1552 is between the street right-of-way line and the center line of the street can be enclosed or
1553 otherwise altered for any use. Porches may be kept in repair and in a safe condition.

1554
1555 (d) Site plan required. Before a zoning permit shall be issued or construction begun on any
1556 permitted use in this district, detailed site plans indicating compliance with the substantive
1557 provisions of Article I, Division 14 of this chapter shall be submitted to the Zoning
1558 Administrator for study. Modifications of the plans may be required.

1559 (Code 2010, § 3-137)

1560
1561 **Division 10 Business District B-2**

1562
1563 **Section 3-138. Intent.**

1564
1565 This district covers that portion of the community intended for the conduct of a variety of
1566 businesses, including shopping centers, to which the public requires direct and frequent access and is
1567 characterized by constant heavy traffic and by noise from the congestion of people and passenger
1568 vehicles. This includes such uses as retail stores, banks, drive-in facilities, restaurants, garages,
1569 gasoline service stations and wholesaling activities located mostly on primary arteries but outside the
1570 central business district.
1571 (Code 2010, § 3-138)

1572
1573 **Section 3-139. Permitted uses.**

1574
1575 (a) In the Business District B-2, structures to be erected or land to be used shall be for one or more
1576 of the following uses:

- 1577
1578 (1) Retail food stores.
1579
1580 (2) Dry cleaners.
1581
1582 (3) Coin-operated laundries.
1583
1584 (4) Wearing apparel stores.
1585
1586 (5) Barber and beauty shops.
1587
1588 (6) Auto and home appliance services.
1589
1590 (7) Theaters and assembly halls.
1591
1592 (8) Hotels, motels and inns.
1593
1594 (9) Office buildings.
1595
1596 (10) Drive-in restaurants and food sales.
1597
1598 (11) Department stores.
1599
1600 (12) Medical clinics.
1601
1602 (13) Clubs and lodges.
1603
1604 (14) Auto sales with service, including auto accessories.
1605
1606 (15) Furniture stores.
1607
1608 (16) Restaurants.

- 1609
1610 (17) Shopping centers containing uses permitted in this district.
1611
1612 (18) Banks and savings and loan offices.
1613
1614 (19) Funeral homes.
1615
1616 (20) Jewelry stores.
1617
1618 (21) Home appliance sales and service.
1619
1620 (22) Hardware stores.
1621
1622 (23) Florists and gift shops.
1623
1624 (24) Alcoholic beverage control stores.
1625
1626 (25) Bakeries.
1627
1628 (26) Car washes.
1629
1630 (27) Sporting goods.
1631
1632 (28) Pawn shops.
1633
1634 (29) Public and semipublic uses, including churches, schools libraries, museums, parks and
1635 noncommercial recreational facilities.
1636
1637 (30) Off-street parking as required by Section 3-180 of this article; public and private off-street
1638 parking lots.
1639
1640 (31) Public utilities transformer substations, transmission lines and towers and other facilities for
1641 the provision and maintenance of public utilities, including railroads (except railroad yards) and
1642 sewage installations.
1643
1644 (32) Video sales or rental.
1645
1646 (33) Stores for the sale and rental of goods at retail.
1647
1648 (34) Ministorage.
1649
1650 (35) Convenience stores, including the sale of motor fuels.
1651
1652 (36) Drug and variety stores.
1653

- 1654 (37) Antique stores.
1655
1656 (38) Hospitals.
1657
1658 (39) Printing shops.
1659 (40) General stores.
1660 (Code 2010, § 2-139)
1661

1662 **Section 3-140. Permitted accessory uses. ~~(Reserved)~~**
1663

1664 “Accessory use” A use of land or a use of a building or structure for purposes customarily incidental and
1665 clearly subordinate to the principal use of the lot on which it is located.
1666
1667

1668 **Section 3-141. Special uses.**
1669

1670 (a) The following uses are permitted when authorized by the Town Council of Bowling Green after
1671 a recommendation from the Planning Commission:
1672

- 1673 (1) Lumber and building supply, with storage under cover.
1674
1675 (2) Plumbing and electrical supply, with storage under cover.
1676
1677 (3) Wholesale and processing not objectionable because of dirt, noise or odors.
1678
1679 (4) Machinery sales and service.
1680
1681 (5) Service stations and garages, with major repair and storage under cover.
1682
1683 (6) Public billiard parlors and pool rooms, bowling alleys, dance halls and similar forms of public
1684 amusement, only after a public hearing shall have been held by the governing body on an
1685 application submitted to the body for such use. In approving any such application, the
1686 governing body may establish such special requirements and regulations for the protection of
1687 adjacent property, set the hours of operation and make requirements as they may deem
1688 necessary in the public interest.
1689
1690 (7) Animal hospital clinic or pet shop.
1691
1692 (8) Day-care center.
1693 (Code 2010, § 3-141)
1694

1695 **Section 3-142. Specifications and Requirements.**
1696

- 1697 (a) Area, frontage and yards.
1698

- 1699 (1) Area, frontage and yard regulations shall be as follows:
1700
1701 [a] None, except for off-street parking, which shall be in accordance with the provisions contained
1702 herein.
1703
1704 (b) Height. Buildings may be erected up to 50 feet in height from grade.
1705
1706 (c) Setback. Buildings or portions of buildings, including porches, shall be located not less than 50
1707 feet behind the street right-of-way line. This shall be known as the "setback line."
1708 (d) Site plan required. Before a zoning permit shall be issued or construction begun on any
1709 permitted use in this district, detailed site plans indicating compliance with the substantive
1710 provisions of Article I, Division 14 of this chapter shall be submitted to the Zoning
1711 Administrator for study. Modifications of the plans may be required.
1712 (Code 2010, § 3-142)
1713

1714 **Division 11 Industrial District M-1**
1715

1716 **Section 3-143. Intent.**
1717

1718 The primary purpose of this district is to permit certain industries, which do not detract from
1719 residential desirability, to locate in an area adjacent to residential uses. The limitations on or
1720 provisions relating to height of building, horsepower, heating, flammable liquids or explosives,
1721 controlling emission of fumes, odors and/or noise, landscaping and the number of persons
1722 employed are imposed to protect and foster adjacent residential desirability while permitting
1723 industries to locate near a labor supply. No junkyards or automobile graveyards shall be permitted.
1724 Residences in existence at the time of adoption of this article shall be treated as a conforming use.
1725 (Code 2010, § 3-143)
1726

1727 **Section 3-144. Permitted uses.**
1728

- 1729 (a) In the Industrial District M-1, any building to be erected or land to be used shall be for one or
1730 more of the following uses:
1731
1732 (1) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs;
1733 also the manufacture of small parts, such as coils, condensers, transformers and crystal
1734 holders.
1735
1736 (2) Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and
1737 fender work; truck repairing or overhauling; tire retreading or recapping; or battery
1738 manufacture.
1739
1740 (3) Blacksmith shop; welding or machine shop, excluding punch presses exceeding forty-ton rated
1741 capacity and drop hammers; or farm implement sales and service.
1742
1743 (4) Laboratories, pharmaceutical and medical.

- 1744
- 1745 (5) Manufacture, compounding, processing, packaging or treatment of such products as bakery
- 1746 goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet
- 1747 soap, toiletries and food products.
- 1748
- 1749 (6) Manufacture, compounding, assembling or treatment of articles of merchandise from the
- 1750 following previously prepared materials; bone, cellophane, canvas, cloth, cork, feathers, felt,
- 1751 fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious materials or stones,
- 1752 shell, straw, textiles, tobacco, wood, yarn and paint.
- 1753
- 1754 (7) Manufacture of pottery and figurines or other similar ceramic products, using only previously
- 1755 pulverized clay and kilns fired only by electricity or gas.
- 1756
- 1757 (8) Manufacture of musical instruments, toys, novelties and rubber and metal stamps.
- 1758 (9) Building material sales yards.
- 1759
- 1760 (10) Coal and wood yards and lumberyards.
- 1761
- 1762 (11) Contractors' equipment storage yard or plant or rental of equipment commonly used by
- 1763 contractors.
- 1764
- 1765 (12) ~~Cotton spinning mills.~~
- 1766
- 1767 (13) Draying, freighting or trucking yard or terminal.
- 1768
- 1769 (14) Boat building.
- 1770
- 1771 (15) Stone works.
- 1772
- 1773 (16) Veterinary or dog or cat hospitals and kennels.
- 1774
- 1775 (17) Wholesale businesses and storage warehouses.
- 1776
- 1777 (18) Public utility booster or relay stations, transformer substations, transmission lines and towers
- 1778 and other facilities for the provision and maintenance of public utilities, including railroads and
- 1779 facilities and water and sewage installations.
- 1780 (Code 2010, § 3-144)

1781

1782 **Section 3-145. Permitted accessory uses. ~~(Reserved)~~**

1783

1784 "Accessory use" A use of land or a use of a building or structure for purposes customarily incidental and

1785 clearly subordinate to the principal use of the lot on which it is located.

1786

1787

1788 **Section 3-146. Special uses.**

1789
1790 (a) The following uses are permitted when authorized by the Town Council of Bowling Green after
1791 a recommendation from the Planning Commission:

1792
1793 (1) Day-care center.
1794 (Code 2010, § 3-146)

1795
1796 **Section 3-147. Specifications and Requirements.**

1797
1798 (a) Site plan required; fencing and landscaping, action on application.

1799
1800 (1) Before a building permit shall be issued or construction commenced on any permitted use in
1801 this district or a use permit issued for a new use, site plans, in sufficient detail to show the
1802 operations and processes and indicating compliance with the substantive provisions of Article I,
1803 Division 14 shall be submitted to the Zoning Administrator for study. Modifications of the plans
1804 may be required.

1805
1806 (2) Permitted uses shall be conducted wholly within a completely enclosed building or within an
1807 area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or an
1808 evergreen hedge between six and 10 feet in height. Public utilities requiring natural air circulation or
1809 other technical consideration necessary for proper operation may be exempt from this provision.
1810 This exception does not include the storing of any materials.

1811
1812 (3) To reduce traffic hazards, landscaping of corner lots shall be limited to plantings, fences or
1813 other landscape features of no more than three feet in height within the space between the setback
1814 line and the property line on the street corner of the lot.

1815
1816 (4) Permitted uses in this district shall provide fencing and landscaping of a permanent nature
1817 which will adequately screen industrial areas from abutting residential (R-1, R-2 and R-3) properties.
1818 The Planning Commission will ensure that this provision is met before a certificate of zoning
1819 compliance is issued.

1820
1821 (5) Automobile graveyards and junkyards in existence at the time of the adoption of this article
1822 are to be considered as nonconforming uses. They shall be allowed up to three years after adoption
1823 of this article in which to completely screen, on any open side, the operation or use by a masonry
1824 wall, a uniformly painted solid board fence or an evergreen hedge between six and 10 feet in height.

1825
1826 (6) The Administrator shall act on any application received within 20 days after receiving the
1827 application. Failure on the part of the Administrator to act on the application within the established
1828 time limit shall be deemed to constitute approval of the application.

1829
1830 (b) Yards.

1831
1832 (1) Side. None, except that wherever a building is built upon a lot adjacent to a residential district
1833 boundary there shall be provided a side yard of 10 feet or more on the side of the building adjacent

1834 to the district boundary line, and, on corner lots, the side yard which faces on a street shall be 20 feet
1835 or more.

1836
1837 (c) Height. Buildings may be erected up to a height of 50 feet. For buildings over 50 feet in
1838 height, approval shall be obtained from the Administrator. Chimneys, flues, cooling towers,
1839 flagpoles, radio or communication towers or their accessory facilities not normally occupied by
1840 workmen are excluded. Parapet walls are permitted up to four feet above the limited height of the
1841 building on which the walls rest.

1842
1843 (d) Lot coverage. Buildings or groups of buildings with their accessory buildings may cover up
1844 to 70% of the area of the lot.

1845
1846 (e) Setback. Buildings shall be located 15 feet or more from any street right-of-way which is 50
1847 feet or greater in width or 35 feet or more from the center line of any street right-of-way which is
1848 less than 50 feet in width. This shall be known as the "setback line." (Code 2010, § 3-147)

1849

1850 **Division 12. Chesapeake Bay Preservation Area**

1851
1852 **This is being reviewed by the appropriate state agency for updates.**

1853
1854 **Section 3-148. Title.**

1855
1856 **This article shall be known and referenced as the "Chesapeake Bay Preservation Area Ordinance" of**
1857 **the Town of Bowling Green.**
1858 **(Code 2010, § 3-148)**

1859
1860 **Section 3-149. Purpose and intent; statutory authority.**

1861
1862 **(a) This article is enacted to implement the requirements of Code of Virginia, title 62.1, ch. 3.1,**
1863 **art. 2.5 (Code of Virginia, § 62.1-44.15:67 et seq.) (the Chesapeake Bay Preservation Act). The intent**
1864 **of the Town Council and the purpose of this article is to protect existing high-quality state waters;**
1865 **restore all other state waters to a condition or quality that will permit all reasonable public uses and**
1866 **will support the propagation and growth of all aquatic life, including game fish, which might**
1867 **reasonably be expected to inhabit them; safeguard the clean waters of the commonwealth from**
1868 **pollution; prevent any increase in pollution; reduce existing pollution; and promote water resource**
1869 **conservation in order to provide for the health, safety and welfare of the present and future citizens**
1870 **of Bowling Green.**

1871
1872 **(b) It is the purpose and intent of this article to regulate development, redevelopment and uses**
1873 **consistent with the Bowling Green Chesapeake Bay Preservation Overlay District regulations.**

1874
1875 **(c) This article is enacted under the authority of Code of Virginia, title 62.1, ch. 3.1, art. 2.5**
1876 **(Code of Virginia, § 62.1-44.15:67 et seq.) (the Chesapeake Bay Preservation Act) and Code of**
1877 **Virginia, § 15.2-2283. Code of Virginia, § 15.2-2283, states that zoning ordinances may "also**

Formatted: Font color: Background 1, Highlight

Formatted: Font color: Background 1

Formatted: Font: Bold, Font color: Background 1

Formatted: Font color: Background 1, Highlight

1878 include reasonable provisions, not inconsistent with applicable state water quality standards, to
1879 protect surface water and groundwater as defined in § 62.1-
1880 255."
1881 (Code 2010, § 3-149)

1882
1883 **Section 3-150. Definitions.**

1884
1885 The following words and terms used in this article have the following meanings, unless the context
1886 clearly indicates otherwise. Words and terms not defined in this article but defined in the Bowling
1887 Green Zoning Ordinance shall be given the meanings set forth therein.

1888
1889 "Agricultural Lands" means those lands used for the planting and harvesting of crops or plant
1890 growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry
1891 and/or livestock.

1892
1893 "Best Management Practices" or "BMP's" means a practice, or a combination of practices, that is
1894 determined by a state or designated area-wide planning agency to be the most effective, practical
1895 means of preventing or reducing the amount of pollution generated by nonpoint sources to a level
1896 compatible with water quality goals.

1897
1898 "Buffer Area" means an area of natural or established vegetation managed to protect other
1899 components of a Resource Protection Area and state waters from significant degradation due to land
1900 disturbances.

1901
1902 "Chesapeake Bay Preservation Area" or "CBPA" means any land designated by the Bowling
1903 Green Town Council pursuant to Part III of 9 VAC 10-20 et seq. (Chesapeake Bay
1904 Preservation Area Designation and Management Regulations), and Code of Virginia, § 62.1-44.15:72.
1905 A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource
1906 Management Area.

1907
1908 "Construction Footprint" means the area of all impervious surfaces, including but not limited to
1909 buildings, roads and drives, parking areas and sidewalks and the area necessary for construction of
1910 such improvements.

1911
1912 "Development" means the construction or substantial alteration of residential, commercial,
1913 industrial, institutional, recreation, transportation or utility facilities or structures.

1914
1915 "Diameter at Breast Height" or "DBH" means the diameter of a tree measured outside the bark at a
1916 point 4.5 feet above ground.

1917
1918 "Dripline" means a vertical projection to the ground surface from the furthest lateral extent of a
1919 tree's leaf canopy.

1920
1921 "Floodplain" means all lands that would be inundated by flood as a result of a storm event of a one-
1922 hundred-year interval.

Formatted: Font color: Background 1

Formatted: Highlight

Formatted: Font color: Background 1,
Highlight

1923
1924 "Highly Erodible Soils" means soils (excluding vegetation) with an erodibility index (EI) from sheet
1925 and rill erosion equal to or greater than eight. The "erodibility index" for any soil is defined as the
1926 product of the formula $RKLS/T$, where K is the soil susceptibility to water erosion in the surface
1927 layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is
1928 the soil loss tolerance.

1929
1930 "Highly Permeable Soils" means soils with a given potential to transmit water through the soil
1931 profile. Highly permeable soils are identified as any soil having a permeability equal to or greater
1932 than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches
1933 (permeability groups "rapid" and "very rapid") as found in the National Soils Handbook of
1934 November 1996 in the Field Office Technical Guide of the United States Department of Agriculture
1935 Soil Conservation Service (now the USDA Natural Resource Conservation Service).

1936
1937 "Impervious Cover" means a surface composed of any material that significantly impedes or
1938 prevents natural infiltration of water into the soil. Impervious surfaces include but are not limited to:
1939 roofs, buildings, streets, parking areas and any concrete, asphalt or compacted gravel surface.

1940
1941 "Infill" means utilization of vacant land in previously developed areas.

1942
1943 "Nonpoint Source Pollution" means pollution consisting of constituents such as sediment, nutrients
1944 and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban
1945 land development and use.

1946
1947 "Nontidal Wetlands" means those wetlands other than tidal wetlands that are inundated or saturated
1948 by surface or ground water at a frequency and duration sufficient to support, and that under normal
1949 circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil
1950 conditions, as defined by the United States Environmental Protection Agency pursuant to Section
1951 404 of the Federal Clean Water Act, in 33 CFR 328.3b.

1952
1953 "Noxious Weeds" means weeds that are difficult to control effectively, such as Johnson Grass,
1954 Kudzu and multiflora rose.

1955
1956 "Plan of Development" means the process for site plan or subdivision plat review to ensure
1957 compliance with Code of Virginia, § 62.1-44.15:74 and this article, prior to any clearing or grading of
1958 a site or the issuance of a building permit.

1959
1960 "Public Road" means a publicly owned road designed and constructed in accordance with water
1961 quality protection criteria at least as stringent as requirements applicable to the Virginia Department
1962 of Transportation, including regulations promulgated pursuant to the
1963 Erosion and Sediment Control Law (Code of Virginia, § 62.1-44.15:51 et seq.) and the Virginia
1964 Stormwater Management Act (Code of Virginia, § 62.1-44.15:24 et seq.). This definition includes
1965 those roads where VDOT exercises direct supervision over the design or construction activities, or
1966 both, and cases where secondary roads are constructed or maintained, or both, by a local
1967 government in accordance with the standards of the local government.

1968
1969 "Redevelopment" means the process of developing land that is or has been previously developed.
1970
1971 "Resource Management Area" or "RMA" means that component of the Chesapeake Bay
1972 Preservation Area that is not classified as the Resource Protection Area. RMA's include land types
1973 that, if improperly used or developed, have the potential for causing significant water quality
1974 degradation or for diminishing the functional value of the Resource Protection Area.
1975
1976 "Resource Protection Area" or "RPA" means that component of the Chesapeake Bay Preservation
1977 Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water
1978 quality value due to the ecological and biological processes they perform or are sensitive to impacts
1979 which may result in significant degradation to the quality of state waters.
1980
1981 "Silvicultural Activities" means forest management activities, including but not limited to the
1982 harvesting of timber, the construction of roads and trails for forest management purposes, and the
1983 preparation of property for reforestation, that are conducted in accordance with the silvicultural best
1984 management practices developed and enforced by the State Forester pursuant to Code of Virginia, §
1985 10.1-1105 and are located on property defined as real estate devoted to forest use under Code of
1986 Virginia, § 58.1-3230.
1987
1988 "Substantial Alteration" means expansion or modification of a building or development which
1989 would result in a disturbance of land area of 2,500 square feet or more within the Resource
1990 Management Area.
1991
1992 "Tidal Shore" or "Shore" means land contiguous to a tidal body of water between the mean low
1993 water level and the mean high water level.
1994
1995 "Tidal Wetlands" means vegetated and nonvegetated wetlands as defined in Code of Virginia, § 28.2-
1996 1300.
1997
1998 "Water-Dependent Facility" means a development of land that cannot exist outside of the Resource
1999 Protection Area and must be located on the shoreline by reason of the intrinsic nature of its
2000 operation. These facilities include but are not limited to ports; the intake and outfall structures of
2001 power plants, water treatment plants, sewage treatment plants and storm sewers; marinas and other
2002 boat docking structures; beaches and other public water-oriented recreation areas; and fisheries or
2003 other marine resources facilities.
2004
2005 "Wetlands" means tidal and nontidal wetlands.
2006 (Code 2010, § 3-150)
2007
2008
2009 Section 3-150. Definitions. In the definition of Chesapeake Bay Preservation Area, delete the
2010 reference to repealed Part III of 9 VAC 10-20 et seq. (Chesapeake Bay Preservation Area
2011 Designation and Management Regulations).
2012

Formatted: Font color: Background 1

Formatted: Highlight

2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057

Section 3-151. Chesapeake Bay Preservation Area boundaries.

(a) The Chesapeake Bay Preservation Area Map shows the general location of CBPA's and should be consulted by persons contemplating activities within Bowling Green prior to engaging in a regulated activity.

(b) During the plan of development process the developer/owner must ensure that:

(1) A reliable, site-specific evaluation is conducted to determine whether water bodies on or adjacent to the development site have perennial flow; and

(2) Resource Protection Area boundaries are adjusted, as necessary, on the site, based on this evaluation of the site, subject to approval by the Zoning Administrator. (Code 2010, § 3-151)

Section 3-152. Administrative responsibility.

The administration of this article shall be in accordance with Article I, Division 14 of the Bowling Green Zoning Ordinance, the Bowling Green Subdivision Ordinance, the Ordinance regulating Sewage and Sewage Disposal in Bowling Green or the Caroline County Ordinance for Sewage and Sewage Disposal, as appropriate, and Chapter 3, Article III, Erosion and Sediment Control, of the Code of the Town of Bowling Green. Unless otherwise stated in this article, the review and approval of development, redevelopment and uses governed by this article shall be conducted by the Zoning Administrator of Bowling Green. (Code 2010, § 3-152)

Section 3-153. Applicability.

(a) The Chesapeake Bay Preservation Area Ordinance shall apply to all lands identified as CBPA's as designated by the Bowling Green Town Council and as shown generally on the Chesapeake Bay Preservation Area Map. The Chesapeake Bay Preservation Area Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this article. All of the performance standards in Section 3-159 will apply Town-wide.

(1) The Resource Protection Area includes nontidal wetlands connected by surface flow and contiguous to water bodies with perennial flow and a one-hundred-foot buffer area located adjacent to and landward of the components listed above and along both sides of any water body with perennial flow.

(2) The Resource Management Area is composed of an area 100 feet in width surrounding Resource Protection Areas, which is deemed necessary to protect the quality of state waters. (Code 2010, § 3-153)

Section 3-154. Use regulations.

Formatted: Font color: Background 1, Highlight

2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100
2101
2102

Permitted uses, special permit uses, accessory uses and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein. (Code 2010, § 3-154)

Formatted: Highlight
Formatted: Font color: Background 1, Highlight

Section 3-155. Lot size.

Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient area to accommodate an intended development, in accordance with the performance standards in Section 3-159(b)(3) and (6). (Code 2010, § 3-155)

Section 3-156. Required conditions.

(a) All development and redevelopment within a Chesapeake Bay Preservation Area resulting in 2,500 square feet or more of land disturbance shall be subject to a Plan of Development Process, including the approval of a site plan in accordance with the provisions of the Zoning Ordinance or a subdivision plat in accordance with the Subdivision Ordinance.

(b) Development in RPA's may be allowed only if it is water-dependent; constitutes redevelopment; is a new use established pursuant to Section 3-159(c)(2); is a road or driveway crossing satisfying the condition set forth in Section 3-156(b)(3); or is a flood control or stormwater management facility satisfying the conditions set forth in Section 3-156(b)(4).

(1) A new or expanded water-dependent facility may be allowed, provided that the following criteria are met:

(a) It does not conflict with the Comprehensive Plan;

(b) It complies with the performance criteria set forth in Section 3-159 of this article;

(c) Any nonwater-dependent component is located outside of the RPA; and

(d) Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.

(2) Redevelopment on isolated redevelopment sites outside of locally designated Intensely Developed Area sites shall be permitted only if there is no increase in the amount of impervious cover and no further encroachment within the RPA and it shall conform to the stormwater management requirements outlined under Section 3-159(b)(9) and (10) of this article.

(3) Roads and driveways not exempt under Section 3-163 and which, therefore, must comply with the provisions of this article may be constructed in or across RPAs if each of the following conditions are met:

2103 [a] The Zoning Administrator makes a finding that there are no reasonable alternatives to
2104 aligning the road or drive in or across the RPA;

2105
2106 [b] The alignment and design of the road or driveway are optimized, consistent with other
2107 applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on
2108 water quality;

2109
2110 [c] The design and construction of the road or driveway satisfy all applicable criteria of this
2111 article;

2112 [d] The Zoning Administrator reviews the plan for the road or driveway proposed in or across
2113 the RPA in coordination with the plan of development requirements as required under Section 3-
2114 161 or subdivision plan.

2115
2116 (4) Flood control and storm water management facilities that drain or treat water from multiple
2117 development projects or from a significant portion of a watershed may be allowed in Resource
2118 Protection Areas, provided that:

2119
2120 [a] The Town of Bowling Green has conclusively established that location of the facility within
2121 the RPA is the optimum location;

2122
2123 [b] The size of the facility is the minimum necessary to provide necessary flood control,
2124 stormwater treatment, or both;

2125
2126 [c] The facility must be consistent with a storm water management program that has been
2127 approved by the Chesapeake Bay Local Assistance Board as a Phase I modification to the local
2128 government's program;

2129
2130 [d] All applicable permits for construction in state or federal waters must be obtained from the
2131 appropriate state and federal agencies, such as the U.S. Army Corps of Engineers, the Virginia
2132 Department of Environmental Quality, and the Virginia Marine
2133 Resources Commission;

2134
2135 [e] Approval must be received from the Town of Bowling Green prior to construction;

2136
2137 [f] Routine maintenance is allowed to be performed on such facilities to assure that they continue
2138 to function as designed; and

2139
2140 [g] It is not the intent of this subsection to allow a best management practice that collects and
2141 treats runoff from only an individual lot or some portion of the lot to be located within a RPA.

2142
2143 (c) A Water Quality Impact Assessment shall be required for all proposed land disturbance,
2144 development, or redevelopment within RPA's and any proposed land disturbance, development, or
2145 redevelopment within RMA's when required by the Zoning Administrator because of the unique
2146 characteristics of the site or intensity of development, in accordance with the provisions of the
2147 handout, Water Quality Impact Assessment for Chesapeake Bay Preservation Areas.

2148 (Code 2010, § 3-156)

2149

2150 **Section 3-157. Conflict with other regulations.**

2151

2152 In any case where the requirements of this article conflict with any other provision of this chapter,
2153 other Town ordinances or existing state or federal regulations, whichever imposes the more
2154 stringent restrictions, shall apply.

2155 (Code 2010, § 3-157)

2156

2157 **Section 3-158. Interpretation of Resource Protection Area boundaries.**

2158

2159 (a) Delineation by the applicant. The site-specific boundaries of the Resource Protection Area
2160 shall be determined by the applicant through the performance of an environmental site assessment,
2161 subject to approval by the Zoning Administrator and in accordance with the Plan of Development
2162 or Water Quality Impact Assessment Process for Chesapeake Bay Preservation Areas. The
2163 Chesapeake Bay Preservation Area Map shall be used as a guide to the general location of Resource
2164 Protection Areas.

2165

2166 (b) Delineation by the Zoning Administrator. The Zoning Administrator, when requested by an
2167 applicant wishing to construct a single-family residence, may waive the requirement for an
2168 environmental site assessment and perform the delineation. The Zoning Administrator may use
2169 hydrology, soils, plant species and other data and consult other appropriate resources as needed to
2170 perform the delineation.

2171

2172 (c) Where conflict arises over delineation. Where the applicant has provided a sitespecific
2173 delineation of the RPA, the Zoning Administrator may verify the accuracy of the boundary
2174 delineation. In determining the site-specific RPA boundary, the Zoning Administrator may render
2175 adjustments to the applicant's boundary delineation, in accordance with the Plan of Development
2176 Process for Chesapeake Bay Preservation Areas. In the event that the adjusted boundary delineation
2177 is contested by the applicant, the applicant may seek relief, in accordance with the provisions of the
2178 Plan of Development Process for Chesapeake Bay Preservation Areas.

2179 (Code 2010, § 3-158)

2180

2181 **Section 3-159. Performance standards.**

2182

2183 (a) Purpose and intent. The performance standards establish the means to minimize erosion and
2184 sedimentation potential, reduce land application of nutrients and toxics and maximize rainwater
2185 infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in
2186 place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions
2187 without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious
2188 cover enhances rainwater infiltration and effectively reduces stormwater runoff potential. The
2189 purpose and intent of these requirements are also to implement the following objectives: prevent a
2190 net increase in nonpoint source pollution from new development; achieve a ten-percent reduction in
2191 nonpoint source pollution from redevelopment; and achieve a forty-percent reduction in nonpoint
2192 source pollution from agricultural uses.

2193
2194 (b) General performance standards for development and redevelopment throughout the Town
2195 of Bowling Green, including Chesapeake Bay Preservation Areas.
2196
2197 (1) Land disturbance shall be limited to the area necessary to provide for the proposed use or
2198 development.
2199
2200 (a) In accordance with Section 3-168 of the Town of Bowling Green Zoning Ordinance, the
2201 limits of land disturbance, including clearing or grading, shall be strictly defined by the construction
2202 footprint. The Zoning Administrator shall review and approve the construction footprint through
2203 the Plan of Development process. These limits shall be clearly shown on submitted plans and
2204 physically marked on the development site.
2205
2206 (b) The construction footprint shall not exceed the limits for such as designated by the zoning
2207 district of the lot or parcel.
2208
2209 (2) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the
2210 use or development proposed and in accordance with Chapter 3, Article III, Erosion and Sediment
2211 Control, of the Code of the Town of Bowling Green.
2212
2213 (a) Existing trees over two inches diameter at breast height (DBH) shall be preserved outside
2214 the approved construction footprint. Diseased trees or trees weakened by age, storm, fire, or other
2215 injury may be removed, when approved by the Zoning Administrator. Other woody vegetation on
2216 site shall also be preserved outside the approved construction footprint.
2217
2218 (b) Site clearing for construction activities shall be allowed as approved by the Zoning
2219 Administrator through the Plan of Development Review process.
2220
2221 (c) Prior to clearing and grading, suitable protective barriers, like safety fencing, shall be erected
2222 5 feet outside the dripline of any tree or stand of trees to be preserved. Protective barriers shall
2223 remain so erected throughout all phases of construction. The storage of equipment, materials,
2224 debris, or fill shall not be allowed within the area protected by the barrier.
2225
2226 (3) Land development shall minimize amount of impervious surface to promote infiltration of
2227 stormwater into the ground consistent with the use or development proposed.
2228
2229 (a) Grid and modular pavements may be used for any required parking area, alley or other low-
2230 traffic driveway, unless otherwise approved by the Zoning Administrator.
2231
2232 (b) Parking space size may be 162 square feet. Parking space width may be nine feet; parking
2233 space length may be 18 feet. Two-way drives may be a minimum of 22 feet in width.
2234
2235 (c) Impervious coverage on any lot shall be limited to the lot coverage permitted under the
2236 zoning district requirements of said lot or parcel as noted on the approval plan of development site
2237 plan.

2238
2239 [d] Where the best management practices utilized require regular or periodic maintenance in
2240 order to continue their functions, such maintenance shall be ensured by the local government
2241 through a maintenance agreement with the owner or developer or some other mechanism that
2242 achieves an equivalent objective.
2243

2244 (4) Notwithstanding any other provisions of this article or exceptions or exemptions thereto,
2245 any land-disturbing activity exceeding 2,500 square feet, including construction of all single-family
2246 houses, septic tanks and drainfields, shall comply with the requirements of Chapter 3, Article III,
2247 Erosion and Sediment Control, of the Code of the Town of Bowling Green.
2248

2249 (5) All on-site sewage disposal systems not requiring a VPDES permit shall be pumped out at
2250 least once every five years, in accordance with the provisions of the Caroline County Ordinance for
2251 Sewage and Sewage Disposal. Alternatives for pumpout are also permitted, including the installation
2252 of a plastic filter in the outflow pipe from the septic tank as long as the filter satisfies the standards
2253 established in the Sewage Handling and Disposal Regulations under 12 VAC 5-610 as administered
2254 by the Virginia Department of Health, or owners of on-site treatment systems may submit, every
2255 five years, documentation certified by a sewage handler permitted by the Virginia Department of
2256 Health that the septic system has been inspected and is functioning properly and does not need to
2257 be pumped out.
2258

2259 (6) A reserve sewage disposal site with a capacity at least equal to that of the primary sewage
2260 disposal site shall be provided, in accordance with the Caroline County Ordinance for Sewage and
2261 Sewage Disposal. This requirement shall not apply to any lot or parcel recorded prior to October 1,
2262 1989, if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site,
2263 as determined by the local Health Department. Building or construction of any impervious surface
2264 shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system
2265 which operates under a permit issued by the State Water Control Board, until the structure is served
2266 by public sewer. As an alternate, alternating drainfields may be installed in lieu of the one-hundred-
2267 percent reserve drainfield, provided that the following conditions are met:
2268

2269 [a] Each of the two alternating drainfields shall have, at a minimum, an area of not less than 50%
2270 of the area that would otherwise be required if a single primary drain field were constructed.
2271

2272 [b] An area equaling 50% of the area that would otherwise be required for the primary drain field
2273 site must be reserved for subsurface absorption systems that use a flow diversion device, in
2274 order to provide for future replacement or repair to meet the requirements for a disposal
2275 system and that expansion of the primary system will require an expansion of this reserve area.
2276

2277 [c] The two alternating drain fields shall be connected by a diversion valve that has been approved
2278 by the Caroline County Health Department, is located in the pipe between the septic tank and
2279 the distribution boxes and is used to alternate the direction of the effluent flow to one drain
2280 field or the other at a time.
2281

2282 [d] Such diversion valves shall not be used for sand mounds, low-pressure distribution systems,
2283 repair situations when the installation of a valve is not feasible or any other approved systems

2284 for which the use of the valve would adversely affect the design of the system as determined
2285 by the Caroline Health Department

2286

2287 (e) The diversion valve shall be a three-port, two-way valve of approved materials.

2288

2289 (f) There shall be a conduit from the top of the valve to the ground surface with an appropriate
2290 cover to be level with or above the ground surface.

2291

2292 (g) The valve shall not be located in driveways, recreational courts, parking lots, or beneath sheds
2293 and other structures.

2294

2295 (h) The valve shall be used to alternate the drain fields every 12 months.

2296

2297 (i) The Town of Bowling Green shall notify owners annually of the requirement to switch the
2298 valve to the opposite drain field.

2299

2300 (7) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all
2301 wetlands permits required by federal, state and local laws and regulations shall be obtained and
2302 evidence of such submitted to the Zoning Administrator, in accordance with the Plan of
2303 Development Process.

2304

2305 (8) Land upon which agricultural activities are being conducted shall have a soil and water
2306 quality conservation plan undergo a soil and water quality conservation assessment.
2307 Such plan shall be based upon the Field Office Technical Guide of the United States Department of
2308 Agriculture Soil Conservation Service and accomplish water quality protection consistent with this
2309 article. Such a plan shall be approved by the local Soil and Water Conservation District. Such
2310 assessments shall evaluate the effectiveness of existing practices pertaining to soil erosion and
2311 sediment control, nutrient management and management of pesticides, and, where necessary, results
2312 in a plan that outlines additional practices needed to ensure that water quality protection is
2313 accomplished consistent with this article.

2314 (9) For any use or development, stormwater runoff shall be controlled by the use of best
2315 management practices consistent with water quality protection provisions of the Virginia
2316 Stormwater Management Regulations (9 VAC 25-870). For development, the post-development
2317 nonpoint source pollution runoff load shall not exceed the predevelopment load, based on the
2318 calculated average land cover condition of Caroline County based on Virginia's Chesapeake Bay
2319 watershed default value as calculated by the Chesapeake Bay Local Assistance Department.

2320

2321 (10) For redevelopment sites, the nonpoint source pollution load shall be reduced by at least
2322 10%. The Zoning Administrator may waive or modify this requirement for redevelopment sites that
2323 originally incorporated best management practices for stormwater runoff quality control, provided
2324 that the following provisions are satisfied:

2325

2326 (a) In no case may the post-development nonpoint source pollution runoff load exceed the
2327 predevelopment load.

2328

2329 [b] Runoff pollution loads must have been calculated and the BMP's selected for the expressed
2330 purpose of controlling nonpoint source pollution.

2331
2332 [c] If best management practices are structural, evidence shall be provided that facilities are
2333 currently in good working order and performing at the design levels of service. The Zoning
2334 Administrator may require a review of both the original structural design and maintenance plans to
2335 verify this provision. Maintenance agreements are required to ensure compliance with this article.

2336
2337 (11) For redevelopment, both the pre- and post-development loadings shall be calculated by the
2338 same procedures. However, where the design data is available, the original post-development
2339 nonpoint source pollution loadings can be substituted for the existing development loadings.

2340
2341 (c) Buffer area requirements. To minimize the adverse effects of human activities on the other
2342 components of Resource Protection Areas, state waters and aquatic life, a onehundred-foot buffer
2343 area of vegetation that is effective in retarding runoff, preventing erosion and filtering nonpoint
2344 pollution from runoff shall be retained if present and established where it does not exist. The buffer
2345 area shall be located adjacent to and landward of other RPA components and along both sides of
2346 any water body with perennial flow. The full buffer area shall be designated as the landward
2347 component of the RPA, in accordance with Section 3-153 (Applicability) and Section 3-161 (Plan of
2348 development process for Chesapeake Bay Preservation Areas) of this article. The one-hundred-foot
2349 buffer area shall be deemed to achieve a seventy-five-percent reduction of sediments and a forty-
2350 percent reduction of nutrients. The buffer area shall be maintained to meet the following additional
2351 performance standards:

2352
2353 (1) In order to maintain the functional value of the buffer area, indigenous vegetation may be
2354 removed, subject to approval by the Zoning Administrator, only to provide for reasonable sight
2355 lines, access paths, general woodlot management and best management practices, including those
2356 that prevent the upland erosion and concentrated flows of stormwater, as follows:

2357
2358 [a] Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided
2359 that, where removed, they shall be replaced with other vegetation that is equally effective in
2360 retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff.

2361
2362 [b] Any path shall be constructed and surfaced so as to effectively control erosion.

2363
2364 [c] Dead, diseased or dying trees or shrubbery may be removed and thinning of trees may be
2365 allowed, subject to the approval of the Zoning Administrator pursuant to sound horticultural
2366 practice.

2367
2368 [d] For shoreline control projects, trees and woody vegetation may be removed, necessary control
2369 techniques employed and appropriate vegetation established to protect or stabilize the
2370 shoreline in accordance with the best available technical advice and applicable permit
2371 conditions or requirements.

2372

2373 (2) When the application of the buffer area would result in the loss of a buildable area on a lot or
2374 parcel recorded prior to October 1, 1989, the Zoning Administrator may authorize encroachment
2375 into the buffer area in accordance with Section 3-161 (Plan of development process for Chesapeake
2376 Bay Preservation Areas) and the following criteria: [a] Encroachment into the buffer areas shall be
2377 the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary
2378 utilities;

2379
2380 [b] Where practicable, a vegetated area that will maximize water quality protection, mitigate the
2381 effects of the buffer encroachment, and is equal to the area of encroachment into the buffer
2382 area shall be established elsewhere on the lot or parcel; and

2383
2384 [c] The encroachment may not extend into the seaward 50 feet of the buffer area.

2385
2386 (3) On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows
2387 of surface water from breaching the buffer area and appropriate measures may be taken to prevent
2388 noxious weeds from invading the buffer area.

2389
2390 [a] Agricultural activities may encroach into the buffer area as follows:

2391
2392 [1] Agricultural activities may encroach into the landward 50 feet of the one-hundred-foot wide
2393 buffer area when at least one agricultural best management practice, which, in the opinion of the
2394 local Soil and Water Conservation District Board, addresses the more predominant water quality
2395 issue on the adjacent land, erosion control or nutrient management, is being implemented on the
2396 adjacent land, provided that the combination of the undisturbed buffer area and the best
2397 management practice achieves water quality protection, pollutant removal, and water resource
2398 conservation at least the equivalent of the one-hundred-foot wide buffer area. If nutrient
2399 management is identified as the predominant water quality issue, a nutrient management plan,
2400 including soil test, must be developed consistent with the Virginia Nutrient Management Training
2401 and Certification
2402 Regulations (4 VAC 50-85 et seq.) administered by the Virginia Department of Conservation and
2403 Recreation Soil and Water Conservation Board.

2404
2405 [2] Agricultural activities may encroach within the landward 75 feet of the onehundred-foot
2406 wide buffer area when agricultural best management practices which address erosion control,
2407 nutrient management, and pest chemical control are being implemented on the adjacent land. The
2408 erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred
2409 to as "T", as defined in the National Soil Survey Handbook of November 1996 in the Field Office
2410 Technical Guide of the U.S. Department of Agriculture National Resource Conservation Service. A
2411 nutrient management plan, including soil test, must be developed consistent with the Virginia
2412 Nutrient Management Training and Certification Regulations (4 VAC 50-85 et seq.) administered by
2413 the Virginia Department of Conservation Soil and Water Conservation Board. In conjunction with
2414 the remaining buffer area, this collection of best management practices shall be presumed to achieve
2415 water quality protection at least the equivalent of that provided by the one-hundred-foot wide buffer
2416 area.

2417

2418 [3] The buffer area is not required to be designated adjacent to agricultural drainage ditches if
2419 the adjacent agricultural land has in place at least one best management practices as considered by
2420 the local Soil and Water Conservation District to address the more predominant water quality issue
2421 on the adjacent land, either erosion control or nutrient management.

2422

2423 [b] The buffer area is not required for agricultural drainage ditches if the adjacent agricultural
2424 land has in place best management practices in accordance with a conservation plan approved by
2425 the local Soil and Water Conservation District.

2426

2427 [c] When agricultural or silvicultural uses within the buffer area cease, and the lands are
2428 proposed to be conveyed to other uses, the full one-hundred-foot wide buffer area shall be
2429 reestablished. In reestablishing the buffer, management measures shall be undertaken to provide
2430 woody vegetation that assures the buffer functions are maintained or established. (Code 2010, § 3-
2431 159)

2432

2433 **Section 3-160. Water quality impact assessment.**

2434

2435 (a) Purpose and intent. The purpose of the water quality impact assessment is to identify the
2436 impacts of proposed development on water quality and lands within RPA's; ensure that, where
2437 development does take place within RPA's, it will be located on those portions of a site and in a
2438 manner that will be least disruptive to the natural functions of RPA's; protect individuals from
2439 investing funds for improvements proposed for location on lands unsuited for such development
2440 because of high groundwater, erosion or vulnerability to flood and storm damage; provide for
2441 administrative relief from the terms of this article when warranted and in accordance with the
2442 requirements contained herein; and specify mitigation which will address water quality protection.

2443

2444 (b) Water quality impact assessment required. A water quality impact assessment is required for
2445 any proposed land disturbance, development or redevelopment within a RPA and for any other
2446 development or redevelopment in CBPA's that may warrant such assessment because of the unique
2447 characteristics of the site or intensity of the proposed use, development or redevelopment. There
2448 shall be two levels of water quality impact assessments: a minor assessment and a major assessment.
2449 A minor water quality impact assessment pertains only to development within CBPA's which causes
2450 no more than 5,000 square feet of land disturbance. A major water quality impact assessment shall
2451 be required for any development which exceeds 5,000 square feet of land disturbance within CBPA's
2452 and is located in an RMA. The elements to be included in a minor water quality impact assessment
2453 and a major water quality impact assessment are described in the handout, Water Quality Impact
2454 Assessment for Chesapeake Bay Preservation Areas, which can be obtained from the office of the
2455 Zoning Administrator.
2456 (Code 2010, § 3-160)

2457

2458 **Section 3-161. Plan of Development Process for Chesapeake Bay Preservation Areas.**

2459

2460 Any development or redevelopment within CBPA's exceeding 2,500 square feet of land disturbance
2461 shall be accomplished through a Plan of Development Process prior to any clearing or grading of
2462 the site or the issuance of any building permit, to assure compliance with all applicable requirements
2463 of this article. The requirements for a Plan of Development Process are described in the handout,

2464 Plan of Development Process for Chesapeake Bay Preservation Areas, which can be obtained from
2465 the office of the Zoning Administrator.
2466 (Code 2010, § 3-161)

2467
2468 **Section 3-162. Nonconforming use and noncomplying structures.**

2469
2470 (a) The lawful use of a building or structure which existed on August 4, 1994, and which is not in
2471 conformity with the provisions of the Chesapeake Bay Preservation Area Ordinance may be
2472 continued in accordance with Section 3-165 of this article.

2473
2474 (b) No change or expansion of use shall be allowed, with the exception that:

2475
2476 (1) The Zoning Administrator may grant a nonconforming use and noncomplying structures waiver
2477 for principal structures on legal nonconforming lots or parcels to provide for remodeling and
2478 alterations or additions to such nonconforming structures, provided that:

2479
2480 (a) There will be no increase in nonpoint source pollution load.

2481
2482 (b) Any development or land disturbance exceeding an area of 2,500 square feet complies with all
2483 erosion and sediment control requirements of this article.

2484
2485 (2) An application for a nonconforming use and noncomplying structures waiver shall be made to
2486 and upon forms furnished by the Zoning Administrator and shall include, for the purpose of proper
2487 enforcement of this article, the following information:

2488
2489 (a) The name and address of the applicant and property owner.

2490
2491 (b) A legal description of the property and type of proposed use and development.

2492
2493 (c) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions
2494 relative to the lot lines, and boundary of the Resource Protection Area.

2495
2496 (d) Location and description of any existing private water supply or sewage system.

2497
2498 (3) A nonconforming use and noncomplying structure waiver shall become null and void 12
2499 months from the date issued if no substantial work has commenced.

2500
2501 (4) An application for the expansion of a nonconforming structure may be approved by the
2502 Zoning Administrator through an administrative review process, provided that the following
2503 findings are made:

2504
2505 (a) The request for the waiver is the minimum necessary to afford relief;

2506
2507 (b) Granting the waiver will not confer upon the applicant any specific privileges that are denied
2508 by this article to other property owners in similar situations;

- 2509
2510 [c] The waiver is in harmony with the purpose and intent of this article and does not result in
2511 water quality degradation;
- 2512
2513 [d] The waiver is not based on conditions or circumstances that are self-created or selfimposed;
- 2514
2515 [e] Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver
2516 from causing a degradation of water quality;
- 2517
2518 [f] Other findings, as appropriate and required by the Town of Bowling Green, are met; and
- 2519
2520 [g] In no case shall this provision apply to accessory structures.
2521 (Code 2010, § 3-162)

2522
2523 **Section 3-163. Exemptions.**

2524
2525 (a) Exemptions for utilities, railroads and public roads. Construction, installation, operation and
2526 maintenance of electric, natural gas, fiber optic, and telephone transmission lines, railroads and
2527 public roads and their appurtenant structures in accordance with regulations promulgated pursuant
2528 to the Erosion and Sediment Control Law (Code of Virginia, § 62.1-44.15:51 et seq.) and
2529 Stormwater Management Act (Code of Virginia, § 62.1-44.15:24 et seq.), an erosion and sediment
2530 control plan and a stormwater management plan approved by the Virginia Department of
2531 Conservation and Recreation Environmental Quality, or local water quality protection criteria at
2532 least as stringent as the above stated requirement are deemed to comply with this article. The
2533 exemption of public roads is further conditioned on the following:

2534
2535 (1) The road alignment and design has been optimized, consistent with all applicable requirements,
2536 to prevent or otherwise minimize the encroachment in the Resource Protection Area and to
2537 minimize the adverse effects on water quality.

2538
2539 (b) Exemptions for local utilities and other service lines. Construction, installation, and maintenance
2540 of water, sewer, natural gas, underground telecommunications and cable television lines owned,
2541 permitted, or both, by the Town of Bowling Green or regional service authority shall be exempt
2542 from the overlay district, provided that:

2543
2544 (1) To the degree possible, the location of such utilities and facilities should be outside RPA's.

2545
2546 (2) No more land shall be disturbed than is necessary to provide for the proposed utility
2547 installation;

2548
2549 (3) All construction, installation and maintenance of such utilities and facilities shall be in
2550 compliance with all applicable state and federal requirements and permits and designed and
2551 conducted in a manner that protects water quality; and

2552

2553 (4) Any land disturbance exceeding an area of 2,500 square feet complies with all Caroline
2554 County erosion and sediment control requirements.

2555

2556 (c) Exemptions for silvicultural activities. Silvicultural activities are exempt from the
2557 requirements of this article, provided that silvicultural operations adhere to water quality protection
2558 procedures prescribed by the Virginia Department of Forestry in its Virginia's Forestry Best
2559 Management Practices for Water Quality.

2560

2561 (d) Exemptions in Resource Protection Areas. The following land disturbances in Resource
2562 Protection Areas may be exempted from the overlay district: water wells; passive recreation facilities
2563 such as boardwalks, trails and pathways; and historic preservation and archaeological activities,
2564 provided that it is demonstrated to the satisfaction of the Zoning Administrator that:

2565

2566 (1) Any required permits, except those to which this exemption specifically applies, shall have
2567 been issued;

2568

2569 (2) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water
2570 quality;

2571

2572 (3) The intended use does not conflict with nearby planned or approved uses; and

2573

2574 (4) Any land disturbance exceeding an area of 2,500 square feet shall comply with all requirements
2575 of Chapter 3, Article III, Erosion and Sediment Control, of the Code of the Town of Bowling
2576 Green.
2577 (Code 2010, § 3-163)

2578

2579 **Section 3-164. Exceptions.**

2580

2581 (a) A request for an exception to the requirements of Sections 3-156 and 3-3-159(c) of this
2582 article shall be made in writing to the Planning Commission. It shall identify the impacts of the
2583 proposed exception on water quality and on lands within the Resource Protection Area through the
2584 performance of a water quality impact assessment which complies with the provisions of Section 3-
2585 156(c).

2586

2587 (b) The Town of Bowling Green shall notify the affected public of any such exception requests
2588 and shall consider these requests in a public hearing in accordance with Code of Virginia, § 15.2-
2589 2204, except that only one hearing shall be required.

2590

2591 (c) The Planning Commission shall review the request for an exception and the water quality
2592 impact assessment and may grant the exception with such conditions and safeguards as deemed
2593 necessary to further the purpose and intent of this article if the Planning Commission finds that:

2594

2595 (1) Granting the exception will not confer upon the applicant any special privileges that are denied
2596 by this article to other property owners in the overlay district;

2597

2598 (2) The exception request is not based upon conditions or circumstances that are self-created or
2599 self-imposed, nor does the request arise from conditions or circumstances either permitted or
2600 nonconforming that are related to adjacent parcels;

2601
2602 (3) The exception request is the minimum necessary to afford relief;

2603
2604 (4) The exception request will be in harmony with the purpose and intent of the overlay district,
2605 not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of
2606 substantial detriment to water quality; and

2607
2608 (5) Reasonable and appropriate conditions are imposed which will prevent the exception request
2609 from causing a degradation of water quality.

2610
2611 (d) If the Planning Commission cannot make the required findings or refuses to grant the
2612 exception, the Planning Commission shall return the request for an exception together with the
2613 water quality impact assessment and the written findings and rationale for the decision to the
2614 applicant.

2615
2616 (e) A request for an exception to the requirements of provisions of this article other than
2617 Sections 3-156 and 3-159(c) shall be made in writing to the Zoning Administrator. The Zoning
2618 Administrator may grant these exceptions, provided that:

2619
2620 (1) Exceptions to the requirements are the minimum necessary to afford relief; and

2621
2622 (2) Reasonable and appropriate conditions are placed upon any exception that is granted, as
2623 necessary, so that the purpose and intent of this Article is preserved.

2624
2625 (f) Exceptions to the provisions of Section 3-159(b) may be granted by the Zoning
2626 Administrator provided that the findings noted in Section 3-164(c)(1) through (5) are made.
2627 (Code 2010, § 3-164)

2628
2629 **Section 3-164a Fees. [This has been moved to a fee schedule.]**

2630
2631 The following fee schedule shall apply for all reviews in Chesapeake Bay areas
2632 (Ord. No. 2016-003, § 3-164a, 10-6-2016)

2633
2634
2635
2636
2637
2638
2639
2640
2641
2642

Division 13 Nonconforming Uses

Section 3-165. Continuation.

~~(a) — If, at the time of enactment of this article, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this article, such manner of use or purpose may be continued as herein provided.~~

Formatted: Highlight

Formatted: Font color: Background 1, Highlight

Formatted: Font color: Background 1

Formatted: Highlight

Formatted: Highlight

2643
2644 ~~(b)(a)~~ If any change in title of possession or renewal of a lease of any such lot or structure occurs,
2645 the use may be continued.

2646
2647 ~~(e)(b)~~ If any nonconforming use (structure or activity) is discontinued for a period exceeding two
2648 years, ~~after the enactment of this article,~~ it shall then conform to the requirements of this article.

2649
2650 ~~(c)~~ Whenever a nonconforming structure, lot or activity has been changed to a more limited
2651 nonconforming use, such use may only be changed to an even more limited use.

2652
2653 ~~(d)~~ Temporary seasonal nonconforming uses that have been in continual operation for a period
2654 of two years or more prior to the effective date of this article are excluded.

2655
2656 ~~(f) — Permits previously issued. The construction or use of a nonconforming building or land area~~
2657 ~~for which a permit was issued legally prior to the adoption of this article may proceed, provided that~~
2658 ~~such building is completed within one year or such use of land established within 30 days after the~~
2659 ~~effective date of this article.~~

2660 ~~(e)~~ Changes in districts. Whenever the boundaries of a district are changed, any uses of land or
2661 buildings which become nonconforming as a result of such change shall become subject to the
2662 provisions of this article.
2663 (Code 2010, § 3-165)

2664
2665 **Section 3-166. Extension or enlargement.**

2666
2667 (a) An existing nonconforming structure may be enlarged or expanded so long as the
2668 enlargement or expansion does not make the structure any more nonconforming.

2669
2670 (b) A nonconforming activity may be extended throughout any part of a structure which was
2671 arranged or designed for such activity at the time of enactment of this article.

2672
2673 (c) Nonconforming lots. Any lot of record at the time of the adoption of this article which is
2674 less in area or width than the minimum required by this article may be used when the requirements
2675 of the Board of Zoning Appeals regarding setbacks, side and rear yards are met. (Code 2010, § 3-
2676 162)

2677
2678 **Section 3-167. Restoration or replacement.**

2679
2680 (a) If a nonconforming activity is destroyed or damaged in any manner to the extent that the
2681 cost of restoration to its condition before the occurrence shall exceed 50% of the cost of
2682 reconstructing the entire activity or structure, it shall be restored only if such use complies with the
2683 requirements of this article.

2684
2685 (b) If a nonconforming structure is destroyed or damaged in any manner to the extent that the
2686 cost of restoration to its condition before the occurrence shall exceed 75% of the cost of

2687 reconstructing the entire structure, it shall be restored only if it complies with the requirements of
2688 this article.

2689
2690 (c) When a conforming structure devoted to a nonconforming activity is damaged less than
2691 50% of the cost of reconstructing the entire structure, or where a nonconforming structure is
2692 damaged less than 75% of the cost of reconstructing, the entire structure either may be repaired or
2693 restored, provided that any such repair or restoration is started within 12 months and completed
2694 within 18 months from the date of partial destruction.

2695
2696 (d) The cost of land or any factors other than the cost of the structure are excluded in the
2697 determination of cost of restoration for any structure or activity devoted to a nonconforming use.
2698 (Code 2010, § 3-167)

2699 **Division 14. Site Plans**

2700 **Section 3-168. Purpose.**

2701
2702 The purpose of the site development plan is to facilitate the use of the most advantageous
2703 techniques in the development of land in the Town and to promote high standards and innovation
2704 ~~PNT="12656."~~ in the layout, design, landscaping and construction of developments.
2705
2706 (Code 2010, § 3-168)

2707 **Section 3-169. When required.**

2708
2709
2710
2711 (a) A site development plan is required and shall be submitted for uses in the following zoning
2712 districts:

2713 (1) Planned Unit Development PUD.

2714 (2) Business B-1.

2715 (3) Business B-2.

2716 (4) Industrial M-1.

2717 ~~(4)~~
2718 (Code 2010, § 3-169)

2719 **Section 3-170. Requirements and Specifications.**

2720 (a) Information required.

2721 (1) Every site plan submitted in accordance with this article shall contain the following information:

- 2732 [a] The location of the tract by an insert map at a scale of not less than one inch equals
2733 2,000 feet, indicating scale coordinates referred to in the United States Coast and Geodetic Survey
2734 state grid north and such information as the names and numbers of adjoining roads, streams and
2735 bodies of water, railroads, subdivisions, Town boundary and magisterial districts or other landmarks
2736 sufficient to clearly identify the location of the property.
2737
- 2738 [b] A boundary survey of the tract with an error of closure within the limit of one in 10,000
2739 related to the true meridian and showing the location and type of boundary evidence. The
2740 survey may be related to the United States Coast and Geodetic Survey state grid north if the
2741 coordinates of two adjacent corners are shown.
2742
- 2743 [c] A certificate signed by the surveyor or engineer setting forth the source of title of the owner of
2744 the tract and the place of record of the last instrument in the chain of title.
2745
- 2746 [d] All existing and proposed streets and easements; their names, numbers and widths; existing
2747 and proposed utilities; watercourses and their names; and owners, zoning and present use of
2748 adjoining tracts.
2749
- 2750 [e] The location of wooded areas on the property and the location of trees and wooded areas that
2751 will be retained.
2752
- 2753 [f] The location, type and size of vehicular entrance to the area.
2754
- 2755 [g] The location, type, size and height of fencing, retaining walls and screen planting where
2756 required under the provisions of this article.
2757
- 2758 [h] All off-street parking, loading spaces and walkways, indicating type of surfacing, size, angle of
2759 stalls, width of aisles and a specific schedule showing the number of parking spaces provided
2760 and the number required in accordance with Section 3-180 of this article.
- 2761 [i] The number of floors, floor area, height and location of each building and proposed general
2762 use for each building; if a multifamily residential building, the number, size and type of
2763 dwelling units.
2764
- 2765 [j] All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and
2766 grades and where connection is to be made to the Town or other utility system.
2767
- 2768 [k] The contributing drainage area in acres and delineation of any floodplain limits.
2769
- 2770 [l] The location of any springs either within or draining to street rights-of-way and an indication
2771 of the proposed method of treatment.
2772
- 2773 [m] Provisions for the adequate disposition of natural and stormwater and grades of ditches, catch
2774 basins and pipes and connections to existing drainage system.
2775

2776 [n] Existing topography with a maximum of two foot contour intervals; where existing ground is
2777 on a slope of less than 2%, either one-foot contours or spot elevations where necessary but
2778 not more than 50 feet apart in both directions.

2779

2780 [o] Proposed finished grading by contours supplemented where necessary by spot elevations.

2781

2782 (2) All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to be
2783 closest to one hundredth (1/100) of a foot and all bearings in degrees, minutes and seconds to the
2784 nearest 10 seconds.

2785

2786 (b) Preparation; Submission.

2787

2788 (1) Site plans or any portion thereof involving engineering or land surveying shall be prepared
2789 and certified by an engineer or land surveyor duly authorized by the state to practice as such.

2790

2791 (2) Site plans shall be prepared to a scale of one inch equals 50 feet or larger; the sheet or sheets
2792 shall be twenty-four by thirty-six (24 x 36) inches. A site plan may be prepared in one or more sheets
2793 to show clearly the information required by this article and to facilitate the review and approval of
2794 the plan. If prepared in more than one sheet, match lines shall clearly indicate where the several
2795 sheets join. Every site plan shall show the name and address of the owner or developer, magisterial
2796 district, county, state, North point, date and scale of the drawing and number of sheets. In addition,
2797 it shall reserve the blank space, three inches wide and five inches high for the use of approving
2798 authority.

2799

2800 (3) Seven clearly legible blue or black-line copies of the site plan shall be submitted to the
2801 Zoning Administrator. The site plan shall be accompanied by the appropriate site plan fee, as set
2802 forth in Section 3-196 of this article.

2803 (c) Processing.

2804

2805 (1) Initial processing of site plans shall be through the Zoning Administrator, who is responsible
2806 for checking the site plan for general completeness and compliance with such administrative
2807 requirements as may be established. The Administrator shall submit copies of the site plan to
2808 reviewing departments, agencies and officials, as deemed necessary. He shall see that all reviews are
2809 completed on time and that action is taken by the approving authority on the site plan within 60
2810 days, except under abnormal circumstances, from the receipt thereof.

2811

2812 (2) All site plans which are appropriately submitted and conform to standards and requirements
2813 set forth in this article shall be approved or rejected by the Planning Commission after having been
2814 reviewed by the Administrator. If the site plan is denied approval, the Administrator, in notifying the
2815 applicant of the decision, shall set forth in detail the reasons for the denial, which shall be limited to
2816 any defect in form or required information, any violation of any provision or standard of this article
2817 or any other ordinance or the inadequacy of any utility and shall state any changes which would
2818 make the site plan acceptable.

2819

2820 (d) Required improvements.

- 2821
2822 (1) All site plans shall contain the following improvements:
2823
2824 [a] Designation of pedestrian walkways so that patrons may walk on the same from store to store
2825 or building to building within the site and to adjacent sites.
2826
2827 [b] The construction of all curbs, gutters and sidewalks and the construction of all roads widening
2828 to the width as specified on the street and highway plan for Bowling Green.
2829
2830 [c] The dedication of all rights-of-way to their width as designated on the street and highway plan
2831 for Bowling Green.
2832
2833 [d] Construction of vehicular travel lanes or driveways not less than 22 feet in width which will
2834 permit vehicular travel on the site and to and from adjacent parking areas and adjacent
2835 property.
2836
2837 [e] Connection, wherever possible, of all walkways and driveways, with similar facilities on
2838 adjacent property.
2839
2840 [f] Screening, fences, walls, curbs, and gutters as are required by the provisions of this article,
2841 other ordinances of the Town, or by the regulations of the Virginia Department of
2842 Transportation.
2843
2844 [g] Location and dimensions of proposed recreation, open space and required improvements,
2845 including details of disposition.
2846
2847 [h] Location, design, height, size and orientation of proposed signs and outdoor lighting systems.
2848 [i] Easements or rights-of-way for all facilities to be publicly maintained. Such easement shall be
2849 clearly designed for the purpose intended and recorded before approval of the site plan.
2850
2851 [j] Curbs and gutters for driveways that provide vehicular travel to and from adjacent parking
2852 areas to adjacent property for the purpose of separating the same from parking areas and
2853 walkways.
2854
2855 [k] Provisions for the adequate control of erosion sedimentation indicating proposed temporary
2856 and permanent control practices and measures which shall be implemented during all phases
2857 of clearing, grading and construction.
2858
2859 [l] Adequate no parking signs along such streets, highways or driveways to prohibit parking on
2860 such as required by the Town Council. Also the location of no through-street signs where
2861 required on cul-de-sac streets or temporary cul-de-sac streets.
2862
2863 [m] Adequate drainage system for the disposition of storm-and natural waters, including provision
2864 of ends, if curb and gutter, for erosion control.
2865

2866 [n] Provision for open spaces, including details of disposition.
2867
2868 (2) Upon satisfactory completion of all off-site and on-site improvements the developer shall take
2869 the necessary steps to have said improvements accepted by the Town of Bowling Green for
2870 maintenance.
2871
2872 (e) Bond. Prior to approval of any site plan, there shall be executed by the owner or developer and
2873 submitted with the site plan an agreement to construct such required physical improvements
2874 as are located within public rights-of-way or easements or as are connected to any public
2875 facility in form and substance as approved by the Town, together with a bond with surety or
2876 condition acceptable to the Town, and approved by the Town Attorney, in the amount of the
2877 estimated cost of the required physical improvements as determined by the Administrator,
2878 which time may be extended by the Town Council upon written application by the owner or
2879 developer, signed by all parties, including sureties, to the original agreement. The adequacy,
2880 conditions and acceptability of any bond hereunder shall be determined by the Town Council.
2881
2882 (f) Expiration; extension.
2883
2884 (1) Approval of a site plan submitted under the provisions of this article shall expire one year
2885 after the date of such approval unless building permits have been obtained for construction in
2886 accordance therewith.
2887
2888 (2) A single one year extension may be given upon written request by the applicant to the
2889 Administrator made within 90 days before the expiration of the approved site plan. The
2890 Administrator shall acknowledge the request and shall make a decision regarding the requested
2891 extension within 60 days after receipt of the request.
2892
2893 (g) Revisions and waivers. Any site plan may be revised in the same manner as originally
2894 approved, and any requirement of this article may be waived by the Town Council in specific cases
2895 where such requirements are found to be unreasonable in such cases and where such waiver will not
2896 be detrimental to the purpose of this article.
2897
2898 (h) Permit to be in conformity with plan. No certificate or permit shall be issued for any
2899 structure in any area covered by the site plan that is required under the provisions of this article
2900 except in conformity with such site plan which has been duly approved.
2901
2902 (i) Construction standards; inspections; notification; supervision; certification of approval.
2903
2904 (1) Unless specifically provided in this article, the construction standards for all off-site
2905 improvements and on-site improvements required by this article shall conform to the Town and
2906 state design and construction standards.
2907
2908 (2) Inspections during installation of all improvements shall be made by the department, agency
2909 or official charged with this responsibility, with results reported to the Zoning Administrator in
2910 order to certify compliance with the approved site plan.

2911
2912 (3) The owner shall notify the Administrator, in writing, three days prior to the beginning of all
2913 street or storm sewer work shown to be constructed on the site plan.

2914
2915 (4) The owner shall provide adequate supervision on the site during the installation of all
2916 required improvements and have a responsible superintendent or foreman, together with one set of
2917 approved plans, profiles and specifications, available at the site at all times when work is being
2918 performed.

2919
2920 (5) Upon satisfactory completion of the installation of the required improvements, the owner
2921 shall receive a certification of approval from the Administrator on the improvements upon the
2922 application for such certificate. Such certificate of approval will authorize the release of any bond
2923 which may have been furnished for the guaranty of satisfactory installation of such improvements or
2924 parts thereof.

2925
2926 [p] - Depiction of resource Protection Area (RPA) and Resource Management Area (RMA)
2927 boundaries

2928
2929 [q] - Delineation of buildable areas on each lot, based on performance criteria, front and side
2930 yard setbacks, and any other relevant easements or limitations regarding lot coverage
2931 (Code 2010, § 3-170; Ord. No. O-2016-003, 10-6-2016)

2932
2933 ~~Section 3-171. Appeals.~~

2934
2935 ~~Any person aggrieved of any decision of the Administrator may, within 10 days of such decision,~~
2936 ~~appeal to and have a determination made by the Planning Commission. Any applicant or adjoining~~
2937 ~~property owner who is aggrieved of the decision of the Planning Commission may, within 10 days of~~
2938 ~~such decision, appeal to and have a determination made by Town Council. Further appeal can be~~
2939 ~~made to the Board of Zoning Appeals in accordance with Article I, Division 17 of this chapter.~~
2940 ~~(Code 2010, § 3-171)~~

2941
2942
2943
2944 **Section 3-172. Violations and penalties.**

2945 Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of
2946 the provisions of this article or permits any such violation or fails to comply with any of the
2947 requirements hereof shall ~~pay a civil penalty as follows: be guilty of a misdemeanor and, upon~~
2948 ~~conviction thereof, shall be subject to punishment as provided by Article I, Division 18 of this~~
2949 ~~chapter.~~
2950 ~~(Code 2010, § 3-172)~~

2951 1. The penalty for once violation shall be \$200.

2952 2. The penalty for each additional summons shall be \$500.

2953 Each day during which a violation is found to have existed shall constitute a separate offense.
2954 Specified violations arising from the same operative set of facts shall not be charged more frequently

Formatted: Indent: Left: -0.01", Hanging: 0.01", Space After: 0.2 pt, Line spacing: Multiple 1.03 li

Formatted: Indent: Left: 0"

2955 than once in any ten (10) day period, and a series of specified violations arising from the same
2956 operative set of facts shall not result in civil penalties which exceed a total of \$5,000.
2957 The zoning administrator or his deputy may issue a civil summons as provided by law for a
2958 scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an
2959 appearance in person or in writing by mail to the treasurer of prior to the date fixed for trial in court.
2960 Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty
2961 established for the offense charged. Such persons shall be informed of their right to stand trial and
2962 that a signature to an admission of liability will have the same force and effect as a judgment of
2963 court.

Formatted: Font: Garamond, 12 pt

Formatted: Font: Garamond

2964 If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit
2965 liability, the violation shall be tried in the general district court in the same manner and with the
2966 same right of appeal as provided for by law. It shall be the burden of the Town to show the liability
2967 of the violator by a preponderance of the evidence. If the violation remains uncorrected at the time
2968 of the admission of liability or finding of liability, the court may order the violator to abate or
2969 remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by
2970 the court for good cause shown, any such violator shall abate or remedy the violation within a
2971 period of time as determined by the court, but not later than six months of the date of admission of
2972 liability or finding of liability. Each day during which the violation continues after the court-ordered
2973 abatement period has ended shall constitute a separate offense.

Formatted: Font: Garamond

Formatted: Font: Garamond

2974 No provision shall be construed to allow the imposition of civil penalties (i) for activities related to
2975 land development or (ii) for violation of any provision of a local zoning ordinance relating to the
2976 posting of signs on public property or public rights-of-way.

2977
2978 **Division 15 Special Provisions.**

2979
2980 **Section 3-173. Zoning permits.**

2981
2982 (a) Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning
2983 permit has been obtained from the Zoning Administrator.

2984
2985 ~~(b) — The Commission may request a review of the zoning permit approved by the Administrator~~
2986 ~~in order to determine if the contemplated use is in accordance with the district in which the~~
2987 ~~construction lies.~~

2988
2989 (b) Each application for a zoning permit shall be accompanied by the appropriate fee, as set
2990 forth in the Town's Fee Schedule ~~Section 3-196~~, and two copies of a scale drawing. The drawing
2991 shall show the size and shape of the parcel of land on which the proposed building is to be
2992 constructed, the nature of the proposed use of the building or land and the location of such building
2993 or use with respect to the property lines of said parcel of land and to the right-of-way of any street
2994 or highway adjoining said parcel of land. Any other information which the Zoning Administrator
2995 may deem necessary for consideration of the application may also be required. Likewise, the Zoning
2996 Administrator may waive information that is deemed unnecessary for the issuance of a zoning
2997 permit. If the proposed building or use is in conformity with the provisions of this article, a permit

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

2998 shall be issued to the applicant by the Zoning Administrator. One copy of the drawing shall be
2999 returned to the applicant with the permit.

Formatted: Highlight

3000
3001 (e)

Formatted: List Paragraph, No bullets or numbering

3002
3003 ~~(d) — Where permits have been issued prior to the adoption of this article, any change may be~~
3004 ~~made in the plans, size of structure, or designated use of a building, if mutually agreed upon by the~~
3005 ~~Zoning Administrator and the permit holder.~~

Formatted: Highlight

3006 (Code 2010, § 3-173)

3007

3008 .

3009

3010

3011 Section 3-174. Certificate of zoning compliance.

3012

3013 Land may be used or occupied and buildings structurally altered or erected may be used or changed
3014 in use only after a certificate of zoning compliance has been issued by the Administrator. Such a
3015 permit shall state that the building or the proposed use, or the use of the land, complies with the
3016 provisions of this article. Activation of Town water and sewers shall be withheld until compliance is
3017 assured. A similar certificate shall be issued for the purpose of maintaining, renewing, changing or
3018 extending a nonconforming use. A certificate of zoning compliance, either for the whole or a part of
3019 a building, shall be applied for simultaneously with the application for a zoning permit. The zoning
3020 compliance certificate shall be issued within 10 days after the erection or structural alteration of such
3021 building or part has conformed to the provisions of this article.

3022 (Code 2010, § 3-174)

3023

3024 Section 3-175. Conditional zoning.

3025 (a) The purpose of conditional zoning is to provide a more flexible and adaptable zoning
3026 method in instances where competing and incompatible uses conflict and traditional zoning
3027 methods and procedures are inadequate. Through conditional zoning, a zoning reclassification may
3028 be allowed, subject to certain conditions that are voluntarily proffered by the zoning applicant. Such
3029 conditions are for the protection of the Town and are not generally applicable to land similarly
3030 zoned.

3031

3032 (b) The owner of property subject to a rezoning request may, at the time of filing a rezoning
3033 application and prior to a public hearing before the Bowling Green Town Council, submit with the
3034 request conditional zoning proffers as deemed appropriate. The Town Council, with the
3035 recommendations of the Bowling Green Planning Commission, may approve these reasonable
3036 conditions, provided that the following criteria are met:

3037

3038 (1) The rezoning itself must give rise for the need for the conditions.

3039

3040 (2) All conditions shall have a reasonable relation to the rezoning.

3041

3042 (3) No conditions shall include a cash contribution to the Town.

3043
3044 (4) No conditions shall require mandatory dedication of real or personal property for open space,
3045 parks, schools, fire departments or other public facilities not otherwise authorized by law.
3046
3047 (5) No conditions shall include payment for or construction of off-site improvements except
3048 those authorized by law.
3049
3050 (6) No condition shall be proffered that is not related to the physical operation of the property.
3051
3052 (7) All conditions shall be in conformity with the Bowling Green Comprehensive Plan.
3053
3054 (8) The provisions of conditional zoning shall not be used for the purpose of discrimination in
3055 housing.
3056 ~~(9)~~ No condition may require a homeowner's association in accordance with state law.
3057
3058 (c) Compliance with approved conditional zoning shall be vested with the Administrator who
3059 shall administer and enforce conditions attached to a rezoning or amendment to a
3060 Zoning Map, including;
3061
3062 (1) Ordering, in writing, compliance with such conditions.
3063
3064 (2) The bringing of legal action to ensure compliance.
3065
3066 (3) Requiring a guaranty or contract for the construction of physical improvements required by
3067 the conditions.
3068
3069 (4) Denying issuance of certificates of zoning compliance as well as use, occupancy or building
3070 permits when failure to meet all conditions occurs.
3071
3072 (d) Records of conditional zoning shall be maintained as follows:
3073 (1) The Zoning Map shall show by an appropriate symbol the existence of conditions attached
3074 to the zoning on the map.
3075
3076 (2) The Administrator shall keep in the zoning office for public inspection a conditional zoning
3077 index. The index shall provide ready access to the ordinance creating such conditions, in addition to
3078 the regulations provided for in a particular zoning district or zone.
3079
3080 (e) Any person aggrieved by the Administrator's decision or actions under Section 3175(c) may
3081 petition the governing body for the review of such decision.
3082
3083 (f) No amendment or variation of conditions under Section 3-175(b) shall be made until after a
3084 public hearing is held before the Bowling Green Town Council in accordance with Code of Virginia,
3085 § 15.2-2204.
3086 (Code 2010, § 3-175)
3087 **State law reference**—Conditional zoning, Code of Virginia, § 15.2-2207 et seq.

3088
3089
3090
3091
3092
3093
3094
3095
3096
3097
3098
3099
3100
3101
3102
3103
3104
3105
3106
3107
3108
3109
3110
3111
3112
3113
3114
3115
3116
3117
3118
3119
3120
3121
3122
3123
3124
3125
3126
3127
3128
3129
3130
3131
3132

Section 3-176. Special use permit.

(a) ~~The~~Where designated by this article, the location of certain uses shall require the prior approval of the Bowling Green Town Council following a recommendation from the Planning Commission. In addition to a zoning permit, such uses shall require a special use permit.

(1) The Bowling Green Town Council must find that the use will not be detrimental to the character and development of adjacent properties and will be consistent with the purpose and intent of the provision of the Code of the Town of Bowling Green and the Bowling Green Comprehensive Plan.

(2) The Bowling Green Town Council shall designate conditions and restrictions in the granting of special use permits to assure the use will be compatible with the neighborhood in which it is to be located and will meet the general standards contained herein; or where that cannot be accomplished, to deny the use as not in accordance with adopted plans and policies or as being incompatible with existing uses or development by right in the area.

(3) The burden of proof lies with the applicant to demonstrate that the proposed special use is consistent with the purpose and intent of the applicable zoning district and satisfies the general standards and any additional specific conditions which may be applicable.

(b) All special use permits shall satisfy the following general standards:

(1) The use shall be in accordance with the purposes of the zoning regulations contained in the Code of the Town of Bowling Green and the Bowling Green Comprehensive Plan.

(2) The use shall not adversely affect the character and established pattern of development of the area in which it wishes to locate, shall be in harmony with the uses permitted by right under a zoning permit in the zoning district, and shall not adversely affect the use of neighboring properties.

(3) The use shall not adversely affect the health or safety or welfare or injurious to property and improvements in the neighborhood or adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.

(4) The use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or building(s) or impair the value thereof. Adequate utilities, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.

(5) The use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on roads serving the site.

3133
3134
3135
3136
3137
3138
3139
3140
3141
3142
3143
3144
3145
3146
3147
3148
3149
3150
3151
3152
3153
3154
3155
3156
3157
3158
3159
3160
3161
3162
3163
3164
3165
3166
3167
3168
3169
3170
3171
3172
3173
3174
3175
3176

(c) The fee for a special use permit shall be as set forth in Section 3-196 of this article.
(Code 2010, § 3-176)

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

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.

3177 (8) The building(s) so used shall maintain the character and appearance specified by the zoning
3178 requirements of the parcel.

3179
3180 (d) Minor Event Facility

3181
3182 (1) A Minor Event Facility shall be defined as a location which is being offered for hire to
3183 anyone for use to conduct any type of private event not open to the public at which no more than
3184 forty (40) people will be in attendance. Capacity of the facility shall not exceed Building and Fire
3185 Code Requirements.

3186
3187 (2) No event conducted at a Minor Event Facility shall be open to the public. Such events are
3188 specifically for invited guests only.

3189
3190 (3) All applicable licenses shall be obtained and publically displayed onsite for activities
3191 conducted on the site.

3192
3193 (4) In order to provide the Town Council and Planning Commission with adequate information
3194 to evaluate each proposal, and to indicate that the proposed Minor Event Facility will have minimal
3195 impact on any adjoining residential property, there shall be submitted with each application, at a
3196 minimum, information concerning hours of operation, character and duration of typical events,
3197 parking requirements for the facility, frequency of potential events, adequacy of proposed restroom
3198 facilities, how trash will be stored and collected, and such other information as the Council and
3199 Planning Commission may deem necessary for appropriate review of each application.

3200
3201 (5) Special Use Permits issued for Minor Event Facilities shall meet all requirements of Town
3202 Code Section 3-176.

3203
3204 (6) A Generalized Development Plan shall be required showing existing and proposed physical
3205 facilities and structures on the property and associated properties in sufficient detail to show how
3206 requirements of the Zoning Ordinance will be met. As part of the Generalized Development Plan,
3207 the applicant shall present a parking layout and plan that shows that the needs of the Event Facility
3208 will be met without adversely affecting the surrounding residential area.

3209
3210 ~~(7) On the one year anniversary of the issuance of the original special use permit the Town~~
3211 ~~Council shall review the permit for modification, continuance or termination.~~
3212 ~~That Chapter 3, "Land Use & Buildings," Division 5, "Residential District R-1," Section 3116(a)~~
3213 ~~shall be amended to read in its entirety as follows: (Code 2010, § 3-177; Ord. No. O-2018-002, 3-~~
3214 ~~4-2018)~~

3215
3216 **Section 3-178. Uses not provided for.**

3217
3218 ~~If, in any district established under this article, a use is not specifically permitted and an application is~~
3219 ~~made by a property owner to the Administrator for such use, the Administrator shall refer the~~
3220 ~~application to the Planning Commission, which shall make its recommendations to the Town~~
3221 ~~Council within 30 days. If the Town Council approves, this article shall be amended to list the use as~~

3222 ~~a permitted use or special use in that district, as the case may be. Both the Planning Commission and~~
3223 ~~Town Council shall hold public hearings in connection with such application in accordance with~~
3224 ~~Section 3-183 of this Code. The fee for this procedure shall be that set forth in Section 3-196 for~~
3225 ~~amendments (uses not stated).~~
3226 ~~(Code 2010, § 3-178)~~

3227
3228 **Section 3-179. Widening of streets and highways.**

3229 ~~Whenever there shall be plans in existence, approved by either the Virginia Department of~~
3230 ~~Transportation or by the governing body, for the widening of any street or highway within Bowling~~
3231 ~~Green, the Commission may recommend additional front yard setbacks for any new construction or~~
3232 ~~for any structures altered or remodeled adjacent to the future planned right-of-way for such~~
3233 ~~proposed street or highway widening.~~
3234 ~~(Code 2010, § 3-179)~~

3235
3236
3237 **Section 3-180. Off-street parking.**

3238
3239 (a) Except as herein provided, there shall be provided at the time of erection of any main building
3240 or use or at the time any main building or use is enlarged, minimum offstreet parking space with
3241 adequate provision for entrance and exit by standard-sized automobiles. An area nine feet by 18 feet
3242 shall be deemed parking space for one vehicle. All parking spaces and access driveways shall be
3243 covered with an all-weather surface and shall be graded and drained to dispose of surface water.
3244 However, no surface water from any parking area shall be permitted to drain onto adjoining
3245 property.

3246
3247 (1) Parking spaces shall be provided as follows:

- 3248
- 3249 [a] In all residential districts, there shall be provided, either in a private garage or on the lot, space
3250 for the parking of one automobile for each dwelling unit added in the case of the enlargement
3251 of an existing building.
 - 3252
 - 3253 [b] Bed and Breakfast Establishments shall provide a parking space on the lot for each
3254 accommodation for vehicular parking in addition to parking spaces required by the owner(s)
3255 and/or caretaker(s).
 - 3256
 - 3257 [c] For church, high school, college and university auditoriums and for theaters, general
3258 auditoriums, stadiums and other similar places of assembly, at least one parking space for every
3259 five fixed seats provided in said building.
 - 3260 [d] For hospitals, at least one parking space for each two beds' capacity, including infants' cribs
3261 and children's bed.
 - 3262
 - 3263 [e] For medical and dental clinics, at least 10 parking spaces. Three additional parking spaces shall
3264 be furnished for each doctor or dentist having offices in such clinic in excess of three doctors
3265 or dentists.
 - 3266

Formatted: Indent: Left: -0.01", Hanging: 0.01", Space After: 0.2 pt, Line spacing: Multiple 1.04 li

Formatted: Indent: Left: -0.01", Line spacing: Multiple 1.04 li

- 3267 | [f] For ~~tourist courts and~~ motels, at least one parking space for each individual sleeping or living
3268 unit; for hotels and apartment hotels, at least one parking space for each two sleeping rooms,
3269 up to and including the first 20 sleeping rooms, and one parking space for each three sleeping
3270 rooms over 20.
3271
- 3272 [g] For mortuaries and liquor stores, at least 30 parking spaces.
3273
- 3274 [h] For retail stores selling directly to the public, one parking space for each 200 square feet of
3275 retail floor space in the building.
3276
- 3277 [i] Any other commercial building hereafter erected, converted or structurally altered shall
3278 provide one parking space for each 200 square feet of business floor space in the building. Any
3279 establishment hereafter erected that serves meals, lunches or drinks to patrons, either in their
3280 cars or in the building, shall provide one parking space for each 200 square feet of business
3281 floor space in the buildings, provided that there shall be at least one parking space for each
3282 serving unit. In restaurants, a serving unit shall be two stools, one booth or one table. For
3283 dance halls and recreational areas, one parking space for each 200 square feet of floor area.
3284 Two or more establishments may provide necessary parking spaces on a single parcel of land.
3285
- 3286 (2) Parking space as required in the foregoing shall be on the same lot with the main building,
3287 except that, in the case of buildings other than dwellings, spaces may be located as far away as 600
3288 feet.
3289
- 3290 (3) County and municipal parking areas. Every parcel of land hereafter used as a public parking
3291 area shall be surfaced with gravel, asphalt or concrete. It shall have appropriate bumper guards
3292 where needed as determined by the Administrator. Any lights used to illuminate said parking areas
3293 shall be so arranged as to reflect the light away from adjoining premises in any residential district.
3294
- 3295 (4) Required parking spaces shall be maintained in connection with the buildings which they are
3296 to serve and in the manner indicated by the minimum requirements of off-street parking and space
3297 regulations. Substitution of equivalent spaces in conformity with the off-street parking regulations
3298 may be allowed by the Board of Zoning Appeals.
3299
- 3300 (5) Space shall be provided for the loading and unloading of trucks and commercial vehicles
3301 serving commercial buildings.
3302
- 3303 (6) Unless separated from a public highway by a substantial fence or barrier at least 36 inches in
3304 height or with substantial landscaping approved by the Planning Commission, off-street parking
3305 spaces shall be located at a distance not less than 15 feet from any public highway right-of-way.
3306 (7) Businesses with buildings or uses adjacent to or near on-street parking may use such parking
3307 to meet the requirements for parking spaces, provided that it can be shown that adequate parking
3308 exists to accommodate the business or use taking into account other nearby businesses or uses.
3309 (Code 2010, § 3-180)
3310

3311 | **Section 3-181. ~~Restrictions adjacent to airports.~~**

3312
3313 ~~(a) — Establishment of approach zones. The Commission shall determine whether there exist~~
3314 ~~within the Town of Bowling Green any areas which would be involved under the Civil Aeronautics~~
3315 ~~Administration's Virginia Aviation Board's Criteria for Determining Obstruction to Air Navigation.~~
3316 ~~If there are, they shall be marked on a copy of a Zoning Map in the office of the Administrator. It~~
3317 ~~shall be available to the public for examination.~~

3318
3319 ~~(b) The Administrator shall prepare such height and other regulations governing the~~
3320 ~~construction of buildings within such areas. They are to be consistent with the Civil Aeronautics~~
3321 ~~Administration's recommendations. Following approval by the governing body, the Administrator~~
3322 ~~shall enforce these regulations.~~

3323
3324 ~~(c) — Places of public assembly, such as schools, hospitals, apartment houses, theaters and~~
3325 ~~assembly halls, shall not be erected or otherwise located in any area which would be classified as an~~
3326 ~~"approach zone." This zone includes an area of 11,000 feet from the end of any runway. (Code~~
3327 ~~2010, § 3-181)~~

3328
3329
3330

3331 **Section 3-182. Annexed area.**

3332

3333 | Any area annexed by the Town of Bowling Green ~~after the effective date of this article~~ shall
3334 immediately upon the effective date of such annexation be automatically classified at an R-1 District
3335 until a zoning plan for said area has been adopted by the Town Council. The Planning Commission
3336 shall prepare and present a zoning plan of the annexed area, within six months, to the Town
3337 Council.

3338 (Code 2010, § 3-183)

3339

3340 **Section 3-183. Public hearings.**

3341

3342 (a) No amendment may be made to this article, including amendments to the Zoning Map by
3343 the rezoning of any parcel or parcels of land, and no amendment shall be made to the
3344 Comprehensive Plan unless and until public hearings on the proposed amendment are held by the
3345 Planning Commission and the Town Council following notice as required by § 15.2-2204 of the
3346 Code of Virginia 1950, as amended. The Planning Commission and Town Council may hold a
3347 combined public hearing on any such proposed amendment.

3348

3349 (b) No application for a special use permit or changes in conditions on property conditionally
3350 zoned shall be granted by the Town Council unless and until the Town Council shall first hold a
3351 public hearing on such application following notice as required by
3352 § 15.2-2204 of said Code of Virginia. The Planning Commission may make recommendations on
3353 such applications and may appear as a party at any public hearing thereon but shall not conduct its
3354 own public hearing.

3355 (c) No variance shall be granted or appeal decided by the Board of Zoning Appeals unless and
3356 until the Board of Zoning Appeals shall first hold a public hearing thereon following notice as

Formatted: Indent: Left: -0.01", Hanging:
0.01", Space After: 0.2 pt, Line spacing:
Multiple 1.04 li

3357 required by § 15.2-2204 of said Code of Virginia. The Planning Commission may make
3358 recommendations and appear as a party at any public hearing thereon but shall not conduct its own
3359 public hearing.
3360 (Code 2010, § 3-183)

3361

3362

Division 16. Signs

3363

Section 3-185. Purpose.

3365

3366 These regulations balance the need to protect the public safety and welfare by regulating the size,
3367 color, illumination, movement, materials, location, height, and condition of all signs. The regulations
3368 for signs have the following specific objectives:

3369

- 3370 a) To ensure that signs are designed, constructed, installed and maintained according to
3371 minimum standards to safeguard life, health, property, and public welfare;
3372
3373 b) To allow for adequate and effective signs whose dimensional characteristics further the
3374 interests of public safety and the needs of the motorist, where signs are viewed from a street or
3375 roadway;
3376
3377 c) To create a regular and impartial process for businesses and/or persons seeking to erect signs;
3378
3379 d) To reduce sign or advertising distractions and obstructions that may contribute to traffic
3380 accidents and reduce hazards;
3381
3382 e) To protect and enhance economic viability of Town of Bowling Green.
3383 (Ord. No. 2018-007, § 3-185, 7-5-2018)

3384

3385

Section 3-186. Definitions.

3387

3388 The following words and terms when used in this article shall have the following meanings unless
3389 the context clearly indicates otherwise:

3390

3391 A-Frame sign means a two-faced sign with supports that are connected at the top and separated at
3392 the base, forming an "A" shape not more than four feet high. No A-frame sign shall be permitted to
3393 exceed two feet in width and three feet in height. Each side must be at least one inch in thickness.
3394 Also referred to as "sandwich board" signs; aFrame signs are considered portable signs.

3395

3396 Advertising means any words, symbols, colors or designs used to call attention to a commercial
3397 product, service, or activity.

3398

3399 Animated sign means a sign or part of a sign that is designed to rotate, move or appear to rotate or
3400 move and is sometimes referred to as a "moving sign."

3401

3402 Attention getting device means a device placed upon or attached to any land, structure, building or
3403 vehicle to promote or advertise the sale of goods, wares, merchandise, events or services. The device
3404 includes pennants, banners, banner signs, streamers, vertical flag, teardrop flag, bow flag, banner
3405 blade, feather flag, balloons, inflatable devices, and any similar device not specifically mentioned
3406 here of any configuration when displayed outside and includes any animated display.
3407

3408 Awning sign means a sign placed directly on the surface of an awning.
3409

3410 Billboard means a sign used as an outdoor display for the purpose of advertising or promoting a
3411 business, service, activity, interest or product which is not located, offered for sale or otherwise
3412 related to the use of the premises on which such sign is situated.
3413

3414 Banner means a temporary sign of flexible material designed to be installed with attachments at each
3415 of four corners or a temporary sign of flexible material affixed to a framework or flat surface.
3416

3417 Building frontage means the length of the main wall of a building which physically encloses usable
3418 interior space and which is the architecturally designed wall that contains the main entrance for use
3419 by the general public. Building frontage shall be measured at a height of ten feet above grade.
3420

3421 Canopy sign means a sign attached to a canopy. (A canopy is a detachable, roof-like cover,
3422 supported from the ground, or deck, floor or walls of a building, for protection from sun and
3423 weather.)
3424

3425 Changeable copy or electronic sign means a sign or part of a sign that is designed so that characters,
3426 letters or illustrations can be changed or rearranged without altering the face or surface of the sign.
3427

3428 Comprehensive sign plan means a plan for the signage of a property that includes multiple tenants
3429 or owners with shared parking or other facilities.
3430

3431 Flag means a piece of cloth or similar material, typically oblong or square, attachable by one edge to
3432 a pole or rope and used as a symbol or decoration and includes pennants.
3433

3434 Feather Flag Sign means a vertically oriented banner attached to a single pole allowing the fabric to
3435 hang loose at one or two of the four corners.
3436

3437 Flashing sign means a sign that includes lights that flash, blink, or turn on and off intermittently.
3438

3439 Freestanding sign means any non-portable sign supported by a fence, retaining wall, or by upright
3440 structural members or braces on or in the ground and not attached to a building.
3441

3442 Ground mounted sign means a sign that is supported by structures or supports in or upon the
3443 ground and independent of any support from any building or wall.
3444

3445 Height means the maximum vertical distance from the base of the sign at normal grade to the top of
3446 the highest attached component of the sign. Normal grade shall be construed to be the lower of:

3447
3448 (1) Existing grade prior to construction; or
3449
3450 (2) The newly established grade after construction, exclusive of any filling, berming, mounding or
3451 excavating primarily for the purpose of mounting or elevating the sign.
3452
3453 Holiday Displays mean displays erected on a seasonal basis in observance of religious, national, or
3454 state holidays which are not intended to be permanent in nature and which contain no advertising
3455 material.
3456
3457 Illegal sign means any sign erected without a required permit or which otherwise does not comply
3458 with any provisions of this article.
3459
3460 Illuminated sign means a sign that is backlit, internally lighted, or indirectly lighted, but does not
3461 include a neon sign.
3462
3463 Marquee means a permanent structure projecting beyond a building wall at an entrance to a building
3464 or extending along and projecting beyond the building's wall and generally designed and constructed
3465 to provide protection against the weather.
3466
3467 Marquee sign means a sign attached to and made a part of a marquee or any similar projections from
3468 a building, with changeable, fixed or both types of lettering in use.
3469
3470 Minor sign means a wall or freestanding sign not exceeding one square foot in area, not exceeding
3471 four feet in height, and not illuminated.
3472
3473 Monument sign means a sign affixed to a structure built on grade in which the sign and the structure
3474 are an integral part of one another; not a pole sign.
3475
3476 Mural means a picture on an exterior surface of a structure.
3477
3478 Neon sign means a sign containing exposed tubes filled with light-emitting gas.
3479
3480 Nonconforming sign means any sign which was lawfully erected in compliance with applicable
3481 regulations of Town of Bowling Green and maintained prior to the adoption of this article and
3482 which fails to conform to current standards and restrictions of this article.
3483
3484 Off-premises sign means a sign that directs attention to a business, product, service or activity
3485 conducted, sold or offered at a location other than the premises on which the sign is erected.
3486
3487 Pole sign means a sign that is mounted on one or more freestanding poles.
3488
3489 Portable sign means any temporary sign not affixed to a building, structure, vehicle or the ground. It
3490 does not include a flag or banner.
3491

3492 Projecting sign means any sign, other than a wall, awning or marquee sign, affixed to a building and
 3493 supported only by the wall on which it is mounted.
 3494

3495 Roof sign means a sign erected or constructed, in whole or in part, upon or above the highest point
 3496 of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.
 3497

3498 Sign means any device (writing, letter work or numeral, pictorial presentation, illustration or
 3499 decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device,
 3500 figure or character) visible to and designed to communicate information to persons in a public area.
 3501

3502 Sign face means the portion of a sign structure bearing the message.
 3503

3504 Sign structure means any structure bearing a sign face.
 3505

3506 Sign alteration means any change in size or shape, which changes appearance of a sign, or a change
 3507 in position, location, construction or supporting structure of a sign, except that a copy change on a
 3508 sign is not an alteration. A change in corporate logo is not considered a sign alteration.
 3509

3510 Sign, illegal means any sign placed without proper approval or permits as required by this article at
 3511 the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time
 3512 limits of any permit.
 3513

3514 Temporary sign means any sign intended to be displayed for a limited period and a sign constructed
 3515 of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to
 3516 provide a durable substrate or, if made of some other material, is neither permanently installed in the
 3517 ground nor permanently affixed to a building or structure which is permanently installed in the
 3518 ground.
 3519

3520 Vehicle or trailer sign means any sign attached to or displayed on a vehicle, if the vehicle or trailer is
 3521 used for the primary purpose of advertising a business establishment, product, service or activity.
 3522 Any such vehicle or trailer shall, without limitation, be considered to be used for the primary
 3523 purpose of advertising if it fails to display current license plates, inspection sticker, or municipal
 3524 decal, if the vehicle is inoperable, if evidence of paid-todate local taxes cannot be made available, or
 3525 if the sign alters the standard design of such vehicle or trailer.
 3526

3527 Wall Sign means any sign attached to a wall or painted on or against a flat vertical surface of a
 3528 structure.
 3529

3530 Window sign means a sign affixed to the interior or exterior of a window or door, or within one (1)
 3531 foot of the interior of the window or door, visible primarily from the outside of the building.
 3532
 3533

<i>Freestanding Sign</i>	<i>Temporary Sign</i>	<i>Wall Sign</i>
Billboard/Outdoor advertising sign	Banner	Awning sign

Monument sign	Flag sign	Canopy sign
Pole sign	Inflatable sign	Marquee sign
Ground sign	Pennant	Projecting sign
Public service message board 2 (when freestanding)	Feather sign	Public service message board 2 (when fastened to wall)
	Portable sign (including Aframe signs)	Permanent window sign
	Yard sign	
	Temporary window sign	

3534
3535
3536
3537
3538
3539
3540
3541
3542
3543
3544
3545
3546
3547
3548
3549
3550
3551
3552
3553
3554
3555
3556
3557
3558
3559
3560
3561
3562
3563
3564
3565

(Ord. No. 2018-007, § 3-186, 7-5-2018)

Section 3-187. Permit required.

- (a) In general. A sign permit is required prior to the display and erection of any sign, except as provided in section 3-188 of this article.
- (b) Application for permit.
 - (1) An application for a sign permit shall be filed with the Zoning Administrator or designee on forms furnished by the town. The applicant shall provide sufficient information for the town to determine if the proposed sign is permitted by this article and any other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.
 - (2) The Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within twenty business days after receipt. Any application that complies with all provisions of this article, the building code, and other applicable laws, regulations, and ordinances shall be approved.
 - (3) If the application is rejected, the town shall identify the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of this article, building code, or other applicable law, regulation, or ordinance.
- (c) Permit fee. Fees for sign permits shall be in accordance with the schedule of fees for zoning permits as adopted by Town Council.
- (d) Duration and revocation of permit. If a sign is not installed within six months following the issuance of a sign permit (or within thirty days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed thirty days,

3566 unless another time is provided in the zoning ordinance. The town may revoke a sign permit under
3567 any of the following circumstances:

3568

3569 (1) The town determines that information in the application was materially false or misleading;

3570

3571 (2) The sign as installed does not conform to the sign permit application; or

3572

3573 (3) The sign violates this article, building code, or other applicable law, regulation, or ordinance.

3574 (Ord. No. 2018-007, § 3-187, 7-5-2018)

3575

3576 **Section 3-188. Permit not required.**

3577

3578 A sign permit is not required for:

3579

3580 (1) Signs erected by a governmental body or required by law.

3581

3582 (2) Flags up to 16 square feet in size not containing any commercial advertising; provided, that no
3583 freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a
3584 service drive, travel lane or adjoining street.

3585

3586 (3) The changing of messages on marquees and the repair of an existing permitted sign, except
3587 that repair of a nonconforming sign must comply with section 3-193.

3588

3589 (4) Temporary signs as follows:

3590

3591 a. One (1) sign, no more than twelve (12) square feet in area, located on property where a
3592 building permit is active.

3593

3594 b. On any property for sale or rent, not more than one sign with a total area of up to twelve
3595 square feet and a maximum height of six feet when the sign abuts a road with a speed limit of
3596 twenty-five miles per hour or less, and when the sign abuts a road with a speed limit greater than
3597 twenty-five miles per hour not more than one sign with a total area of up to thirty two square feet
3598 and a maximum height of eight feet.

3599

3600 c. Official notices or advertisements posted or displayed by or under the direction of any
3601 public or court officer in the performance of his official or directed duties; provided that all such
3602 signs shall be removed within ten (10) days after their purpose has been accomplished.

3603

3604 d. On residential property, one or more temporary signs with a total area of no more than
3605 twelve square feet, and which are removed within ninety days after being erected.

3606

3607 e. On residential property, window signs, provided that the total extent of window signs do not
3608 obstruct more than twenty-five percent of the total area of all windows on each building façade.

3609

- 3610 (5) Not more than two minor signs per parcel. Additional minor signs are permitted in certain
3611 zoning districts with a permit.
3612
- 3613 (6) A-frame signs more than fifty feet from the nearest public right of way.
3614
- 3615 (7) Pavement markings. Any sign applied directly and entirely to and flush with an asphalt,
3616 concrete, or similar paved surface.
3617
- 3618 (8) A permanent window sign, provided that the aggregate area of all window signs on each
3619 window or door does not exceed twenty-five percent of the total area of the window or door.
3620 (Ord. No. 2018-007, § 3-188, 7-5-2018)
3621
3622
3623

3624 **Section 3-189. Prohibited signs.**

3625
3626 The following signs are prohibited:
3627

3628 (a) General prohibitions.

- 3629
- 3630 (1) Signs that violate any law of the Commonwealth relating to outdoor advertising.
3631
- 3632 (2) Signs attached to natural vegetation.
3633
- 3634 (3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other
3635 sign displayed by a public authority. Any such sign is subject to immediate removal and
3636 disposal by an authorized city official as a nuisance.
3637
- 3638 (4) Vehicle or trailer signs.
3639
- 3640 (5) Freestanding signs more than twenty-five feet in height.
3641
- 3642 (6) Signs hanging from supports, except against the face of a building.
3643
- 3644 (7) Billboards
3645
- 3646 (8) Moving signs and electronic message signs on residential properties in all residential districts.
3647 (9) Any sign displayed without complying with all applicable regulations of this article.
3648
- 3649 (10) Any sign that is not expressly permitted by this article.

3650 (b) Prohibitions based on materials.

- 3651 (1) Signs painted directly on a building, except where expressly permitted by this article.
3652
3653

- 3654 (2) Animated signs where the message content does not change more often than once every seven
3655 seconds.
3656
- 3657 (3) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of
3658 changing degrees of intensity, except where such signs are expressly permitted within this
3659 article.
3660
- 3661 (4) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales
3662 areas, rooflines, doors, windows or wall edges of any building, except for temporary
3663 decorations not to exceed a total of three months per calendar year.
3664
- 3665 (5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
3666
- 3667 (6) Signs that emit sound.
3668
- 3669 (7) Any electronic sign that is generated by a series of moving images, such as an LED, digital
3670 display, or other video technology, whether displayed on a building, vehicle, or mobile unit.
3671
- 3672 (8) Strings of flags visible from, and within fifty feet of, any public right-of-way.
3673
- 3674 (9) Pole signs less than six feet in height.
3675
- 3676 (c) Prohibitions based on location.
3677
- 3678 (1) Off-premises signs, unless specifically permitted by this article.
3679
- 3680 (2) Signs erected on public land other than those approved by an authorized town official in
3681 writing, required by law without such approval, or permitted under Virginia Code § 24.2-
3682 310(E). Any sign not so authorized is subject to immediate removal and disposal by any
3683 authorized official. Removal of the sign under this provision does not preclude prosecution of
3684 the person responsible for the sign.
3685
- 3686 (3) Signs on the roof surface or extending above the roofline of a building or its parapet wall.
3687
- 3688 (4) Neon signs, except in windows.
3689
- 3690 (5) Any sign located in the vision triangle formed by any two intersecting streets, as regulated by
3691 the provisions of section 5-433.
3692
- 3693 (6) Window signs whose aggregate area on a window or door exceeds twenty-five percent of the
3694 total area of the window or door.
3695 (Ord. No. 2018-007, § 3-189, 7-5-2018)
3696

3697 **Section 3-190. Measurements of sign area and height.**
3698

- 3699 (a) Supports, uprights or structure on which any sign is supported shall not be included in
3700 determining the sign area unless such supports, uprights or structure are designed in such a
3701 way as to form an integral background of the display; except, however, when a sign is placed
3702 on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose
3703 other than to support the sign, the entire area of such structure shall not be computed. In such
3704 cases, the sign area shall be computed in accordance with the preceding provisions.
3705
- 3706 (b) In instances where there are multiple tenants or users on a property or in a building, allowable
3707 sign area for all parties shall not exceed the maximum sign area computed as if there were a
3708 single tenant or user.
3709
- 3710 (c) Sign area.
3711
- 3712 (1) Sign area is calculated under the following principles:
3713
- 3714 a. With signs that are regular polygons or circles, the area can be calculated by the mathematical
3715 formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is
3716 calculated using all that area within a maximum of three abutting or overlapping rectangles that
3717 enclose the sign face.
3718
- 3719 b. The permitted area of a double-faced sign shall be considered to be the area on one side
3720 only. If one face contains a larger sign area than the other, the larger face shall be used in calculating
3721 the sign area. A double-faced sign must have an internal angle between its two faces of no more
3722 than 45 degrees.
3723
- 3724 c. For projecting signs with a thickness of four inches or more, the sign area also includes the
3725 area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.
3726
- 3727 (2) The supports, uprights or structure on which any sign is supported shall not be included in
3728 determining the sign area unless such supports, uprights or structure area are designed in such a
3729 manner as to form an integral background of the display.
3730
- 3731 (d) Maximum height. The maximum height for any sign shall be twenty-five feet unless otherwise
3732 specified within this article.
3733 (Ord. No. 2018-007, § 3-190, 7-5-2018)
3734

3735 **Section 3-191. Maintenance and removal.**
3736

- 3737 (a) All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide
3738 Building Code.
3739
- 3740 (b) All signs and components shall be maintained in good repair and in a safe, neat and clean
3741 condition.
3742

- 3743 (c) The building official may cause to have removed or repaired immediately without written
3744 notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise
3745 unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is
3746 necessary to render a sign safe, the cost of such emergency removal or repair shall be at the
3747 expense of the owner.
3748
- 3749 (d) The owner of any advertising sign, other than a permitted off-premises sign, located on
3750 commercial property where the use or business has ceased operating shall, within sixty days of
3751 the cessation of use or business operation, replace the sign face with a blank face until such
3752 time as a use or business has resumed operating on the property.
3753
- 3754 (e) Sign condition, safety hazard, nuisance abatement, and abandonment.
3755
- 3756 (1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of
3757 repair shall be put in a safe and good state of repair within thirty days of a written notice to the
3758 owner and permit holder.
3759
- 3760 (2) Any sign which constitutes a nuisance may be abated by the town under the requirements of
3761 Code of Virginia, §§ 15.2-900, 15.2-906, and/or 15.2-1115.
3762 (Ord. No. 2018-007, § 3-191, 7-5-2018)
3763

3764
3765
3766

3767 **Section 3-192. General requirements.**
3768

- 3769 (a) Placement. Except as otherwise permitted, all freestanding signs shall be set back from any
3770 street right-of-way at least half the height of the sign.
3771
- 3772 (b) Illumination. All permitted signs may be backlit, internally lighted, or indirectly lighted,
3773 unless such lighting is specifically prohibited in this article.
3774
- 3775 (1) In the case of indirect lighting, the source shall be so shielded that it illuminates only the face
3776 of the sign. However, shingle signs shall be indirectly illuminated or have shielded direct lighting,
3777 unless otherwise prohibited within this article. Indirect lighting shall consist of full cut-off or
3778 directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be
3779 substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width
3780 shall not be wider than that needed to light the sign.
3781
- 3782 (2) No sign shall be permitted to have an illumination spread of more than .05 foot candle at the
3783 lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential
3784 dwelling unit. In no event shall the illumination of any sign resulting from any internal or external
3785 artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-
3786 cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall

3787 have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward
3788 light scatter and protect the dark night sky.
3789

3790 (c) Changeable copy or electronic signs and electronic signs must meet the following standards:
3791

3792 (1) Design. The electronic sign must be contained within, or as part of, a monument sign;
3793

3794 (2) Setback from residential. The leading edge of the electronic sign must be a minimum distance
3795 of one-hundred feet from any abutting residential district boundary;
3796

3797 (3) Setback from other electronic changeable copy or electronic graphic display.
3798 Electronic signs must be separated from other electronic signs by at least 35 feet;
3799

3800 (4) Orientation. When located within one-hundred and fifty feet of a residentially-used lot in a
3801 residential district, any part of the electronic sign must be oriented so that no portion of the
3802 sign face is visible from an existing or permitted principal structure on that lot;
3803

3804 (5) Duration.

3805 a. Any portion of the electronic changeable copy sign message must have a minimum duration
3806 of four seconds and must be a static display;
3807

3808 b. Any portion of the electronic graphic display sign image must have a minimum duration of
3809 twenty minutes and must be a static display;
3810

3811 c. No portion of the electronic sign message or image may flash, scroll, twirl, change color,
3812 fade in or out or in any manner imitate movement;
3813

3814 (6) Color. The message or display must use a single color.
3815

3816 (7) All electronic signs must be equipped with an automatic dimmer that controls the intensity of
3817 the light source. The intensity of light allowed for all illuminated signs shall be eighty-five
3818 percent by day and fifty percent at night;
3819

3820 (8) All electronic message signs must be turned off at the close of business;
3821

3822 (9) Limited text. The text of the sign must be limited to ten words to allow passing motorists to
3823 read the entire copy with minimal distraction; and
3824

3825 (10) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in
3826 association with a changeable copy or electronic sign.
3827

3828 (d) Landscaping. All non-temporary ground-mounted or monument signs shall be installed with a
3829 minimum surround of three feet of regularly maintained floral and shrubbery landscaping in every
3830 direction.
3831 (Ord. No. 2018-007, § 3-192, 7-5-2018)

3832
3833
3834
3835
3836
3837
3838
3839
3840
3841
3842
3843
3844
3845
3846
3847
3848
3849
3850
3851
3852
3853
3854
3855
3856
3857
3858
3859
3860
3861
3862
3863
3864
3865
3866
3867
3868
3869
3870
3871
3872
3873
3874
3875
3876

Section 3-193. Nonconforming signs.

- (a) Signs lawfully existing on the effective date of this article or prior ordinances, which do not conform to the provisions of this article, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
- (b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- (c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
- (e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty percent of its area may be restored within two years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- (f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- (g) A nonconforming sign structure shall be subject to the removal provisions of section 3-191. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.
(Ord. No. 2018-007, § 3-193, 7-5-2018)

3877 **Section 3-194. Non-commercial signs.**

3878

3879 (a) Substitution. Wherever this article permits a sign with commercial content, noncommercial
3880 content is also permitted subject to the same requirements of size, color, illumination, movement,
3881 materials, location, height and construction.

3882

3883 (b) Off-site Signs for Noncommercial Use of Limited Duration. With a permit, a
3884 noncommercial use may erect up to three off-site signs on properties with the consent of the
3885 persons in charge of such properties. Each sign shall be no more than sixteen square feet in area and
3886 eight feet in height. The area of the sign counts against the maximum sign area permitted on that lot.
3887 No more than one permitted temporary sign may be displayed per lot. Display of signs shall be
3888 limited to thirty days at a time. Each organization shall be limited to the display of such signs no
3889 more than four times within any calendar year.

3890

Table 1. Permanent Signage

Signs Permitted in Residential Districts					
Zoning District	Land Use	Wall Signs	Freestanding Signs	Accessory Building/Structure Signs	Ground Signs
R-1, R-2, R-3, Residential Uses in PDU Districts	Single-Family, Two-Family, Semi-Detached Dwelling and Townhouse	Maximum area (per sign face): 2 sq. ft.	Maximum area (per sign face): 2 sq. ft. Maximum height: 4 ft.	Not Permitted	Not Permitted
		Maximum number: 1 per dwelling unit	Maximum number: 1 per dwelling unit Minimum distance from property line: 6 ft.		
	Multi-Family, Uses not otherwise noted	Maximum area (per sign face): 5 sq. ft.	Maximum area (per sign face): 32 sq. ft.	Not Permitted	Maximum area (per sign face): 9 sq. ft.
		Maximum area (total of all signs): 32 sq. ft. Maximum number; 1 per 50 ft. of building frontage	Maximum number: <100 ft. lot frontage: 0 >100 ft. lot frontage: 1 Minimum distance from right-of-way line: 5 ft.		Maximum height: 2.5 ft. Maximum number: Located at a vehicular entrance to the site: 1 per entrance Located elsewhere on the lot: No maximum

Commented [BT1]: ATTN EDITOR: These tables were OCR'd so they need to be proofed against the original.

Table 1. Permanent Signage

Signs Permitted in Commercial Districts					
Zoning District	Land Use	Wall Signs	Freestanding Signs	Accessory Building/Structure Signs	Ground Signs

B-1, B-2, Commercial Uses in PDU Districts	Any Use	Maximum area (total of all signs facing a public street):	Maximum area (per sign face):		
		<32 ft. building frontage: 32 sq. ft.	<100 ft. lot frontage: 0 sq. ft.		Maximum area (per sign face): 9 sq. ft.
		>32 ft. building frontage: 1 sq. ft. per linear ft. of building frontage	100—200 ft. lot frontage: 32 sq. ft.		
			>200 ft. lot frontage: 75 sq. ft.		
			Maximum height: 12 ft. or 16 ft. if set back 20 ft. from public right-of-way		Maximum height: 2.5 ft.
			Maximum number:	Maximum area (total of all signs): Y_1 sq. ft. per linear ft. of frontage	Maximum number:
			<100 ft. lot frontage: 0		Located at a vehicular entrance to the site: 1 per
			100—200 ft. lot frontage: 1		Located elsewhere on the lot: No maximum
			>200 ft. lot frontage: 1 plus 1 for each additional 200 ft. lot		

			Minimum distance from right of-way line: 5 ft.		
			Shopping centers with >40,000 sq. ft. of building area may have 1 additional sign located at the entrance to the center with a maximum area of 50 sq. ft. and a maximum height of 12 ft. or 16 ft. if set back 20 ft. from the public right- of-way		

Table 1. Permanent Signage

Signs Permitted in Industrial Districts

Zoning District	Land Use	Wall Signs	Freestanding Signs	Accessory Building/Structure Signs	Ground Signs
M-1	Any Use	Maximum area (total of all signs facing a public	Maximum area (per sign face):		
		<32 ft. building frontage: 32 sq. ft.	<100 ft. lot frontage: 0 sq. ft.		Maximum area (per sign face): 9 sq. ft.
		>32 ft. building frontage: 1 sq. ft. per linear foot of frontage	100—200 ft. lot frontage: 32 sq. ft.		
			>200 ft. lot frontage: 75 sq. ft.		
				Maximum area	
			Maximum height: 12 ft.	(total of all signs): % sq.ft.	Maximum height: 2.5 ft.

			Maximum number:	ft. of frontage	Maximum number:
			<100 ft. lot frontage: 0		Located at a vehicular entrance to the site: 1 per entrance
			100—400 ft. lot frontage: 1		Located elsewhere on the lot: No maximum
			>400 ft. lot frontage: 1 plus f		
			each additional 400 ft. lot frontage		
			Minimum distance from right-of-way line: 5 ft.		

Table 2 Temporary Signage

Signs Permitted in Residential Districts

Zoning District	Land Use	Yard Signs	Banners	Flag Signs	A-Frame Signs	Duration Limitations	Other Limitations
R-1, R-2, R-3, Residential Uses in PDU Districts	Single Family, Two-Family, Semi-Detached Dwelling and Townhouse	Maximum area: 24 sq. ft. (total of all signs) 12 sq. ft. (any one sign)	Maximum area (per banner): 8 sq. ft.	Maximum area (total of all flags): 24 sq. ft. Minimum height (wall mounted):	Maximum Number: 1 per zoning lot	Up to 4 times per year for events at the residence to be displayed only during daylight	

				8 ft.		hours of the event	
		Maximum number: No limit	Maximum number: 1 per dwelling unit	Maximum height (ground): Equal to distance from nearest property line Maximum number: No limit			
MultiFamily, Uses not otherwise noted	Maximum area: 48 sq. ft.	Maximum area (per banner): 32 sq. ft.	Maximum area (total of all signs): 24 sq.ft. Minimum height (wall mounted): 8 ft.	Maximum Number: 1 per zoning lot	Yard and Banner signs: 6 times per year per sign, limited to 20 days each	A-Frame signs shall be located within 10 feet of pedestrian entrance	
		Maximum number: No limit	Maximum number: 1 per street frontage	Maximum height (ground): Equal to distance from nearest property line Maximum number: No limit		A-Frame signs: must be removed while business is closed and during severe weather	

						events	
--	--	--	--	--	--	--------	--

(Ord. No. 2018-007, § 3-194, 7-5-2018)

Division 17 Appeals

Section 3-188. Board of Zoning Appeals established; membership.

~~(a)~~ This Board consisting of ~~three~~*five or seven* members shall be appointed by the Circuit Court of Caroline County. Members of the Board may receive such compensation as may be authorized by the Town Council. ~~Members shall be removable for cause upon written charges and after a public hearing.~~ Appointments for vacancies occurring otherwise than by expiration of term shall be in all cases for the unexpired term.

Formatted: Font: Italic

~~(b)~~ The term of office shall be for five years, ~~except that the original appointments shall be made for such terms that the term of at least one member shall expire each year.~~

~~(c)~~ ~~Members may be removed for cause by the Circuit Court upon written charges and after a public hearing.~~

~~(c)~~ Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.

~~(d)~~ The Board shall choose annually its own Chairman and, in his absence, an Acting Chairman.
(Code 2010, § 3-188)

Section 3-189. Rules and regulations; meetings; minutes; quorum.

(a) The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

(b) The meetings of the Board shall be held at the call of its Chairman and at such times as the Board may determine.

(c) The Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

- (d) All meetings of the Board shall be open to the public.
- (e) The Board shall keep minutes of its proceedings, showing the vote of each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- (f) A quorum shall be a majority of the members.
- (g) A favorable vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.
(Code 2010, § 2-189)

~~(e)~~
~~Section 3-196 of this article.~~

~~or permitted by such person, firm or corporation and shall be punishable as herein provided.~~
(Code 2010, § 3-193)

Division 19 Amendments.

Section 3-194. Procedure for amendment.

(a) The regulations, restrictions and boundaries established in this article may, from time to time, be amended, supplemented, changed, modified or repealed by a majority of the votes of the governing body, provided that:

(1) The Planning Commission shall hold at least one public hearing on such proposed amendment after notice as required by Code of Virginia § 15.2-2204, as amended, and may make appropriate changes in the proposed amendment to the governing body, together with its recommendations and appropriate explanatory materials. Such public hearing may be held jointly with the governing body at its public hearing.

(2) Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by Code of Virginia § 15.2-2204, as amended, after which the governing body may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing notice. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the Zoning Ordinance. Action shall be taken by the governing body only after a report has been received from the Planning Commission, unless a period of 60 days has elapsed after date of referral to the Commission, after which time it may be assumed that the Commission has approved the change or amendment.

(b) Individual property owners may petition the governing body to have their property rezoned by submitting to the Zoning Administrator their request, in writing, accompanied by payment of the appropriate fee, as set forth in Section 3-196 of this article. After a proper public hearing, the

Planning Commission shall make its recommendation to the Bowling Green Town Council, which shall act on the applicant's request.
(Code 2010, § 3-194)

Division 20. Administration and Interpretation.

Section 3-195. Enforcement.

This article shall be enforced by the Zoning Administrator who shall be appointed by the Town Manager governing body. ~~The Administrator shall serve at the pleasure of that body.~~
~~Compensation, as such, shall be fixed by resolution of the governing body.~~
(Code 2010, § 3-195)

Section 3-196. Fees.

Formatted: Highlight

~~There are hereby imposed the following fees for the indicated zoning related services, which fees shall be payable to the Treasurer of the Town of Bowling Green upon application for the requested action:~~

<i>Service</i>	<i>Fee</i>
Zoning permits:	
All Construction Except as Noted	\$75.00
Accessory Structure less than 100 sq ft	\$50.00
Zoning Certification Letter	\$100.00
Roofing and Remodeling	\$50.00
Comprehensive Plan Amendment	\$750.00
Rezoning permits:	
Residential (R)	\$750.00 plus \$35.00 per acre or part thereof
Business (B)	\$1000.00 plus \$50.00 per acre or part thereof
Industrial (M)	\$1000.00 plus \$50.00 per

	acre or part thereof
Planned unit development	\$2500.00 plus \$50.00 per acre or part thereof
Special use permit/special exception	\$750.00
Zoning Text Amendments	\$500.00
Text Prepared by Staff	\$750.00
Variance	\$600.00
Administrative Appeal	\$600.00
Sign permit:	
30 square feet or less	\$50.00
Over 30 square feet	\$75.00
Home Occupation Permit:	
Initial	\$50.00
Annual Renewal	\$20.00
Site plan:	
Commercial or Industrial	
Major Site Plan	\$1250.00 plus \$35.00 per acre or part thereof
Minor site plan	\$500.00
Planned unit development	\$1250.00, plus \$35.00 per acre or part thereof
Other	\$1250.00, plus \$35.00 per acre or part thereof
Site Plan Revision Review	½ of Required Fee
Subdivision Review Fees:	
Concept Plan	\$100.00
Preliminary Plat	\$500.00 plus \$35.00 per lot
Final Plat	\$500.00 plus \$35.00 per lot
Boundary Line Adjustment (per Adjustment)	\$100.00
Revised, Vacated, or Amended Plat	\$100.00
Request for Waiver or Variance	\$300.00
Copies of:	

Zoning Ordinance	\$8.00
Subdivision Ordinance	\$6.00
Comprehensive Plan	\$15.00
Code Book	\$175.00
(Code 2010, § 3-196)	

~~**Section 3-197. Effect on permits granted prior to adoption.**~~

~~Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this article. However, such construction must commence within 30 days after this article becomes effective. If construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this article for the district in which the operation is located.~~

~~(Code 2010, § 3-197)~~

Section 3-198. Interpretation of district boundaries.

(a) Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys or railroad main tracks, such center line or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.
- (2) Where a district boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the center line of low water or at the limit or jurisdiction of the Town of Bowling Green.
- (3) If no distance, angle, curvature description or other means is given to determine a boundary line accurately, the same shall be determined by the use of the scale shown on said Zoning Map, and, in case of dispute in the use thereof, the determination of the County Surveyor or his deputy shall be final.

(Code 2010, § 3-198)

~~Section 3-199. Certified copy.~~

~~A certified copy of the foregoing Zoning Ordinance of the Town of Bowling Green, Virginia, shall be filed in the office of the Zoning Administrator of Bowling Green and in the office of the Clerk of the Circuit Court of Caroline County.
(Code 2010, § 3-199)~~

~~Section 3-199. Certified copy. Delete as obsolete.~~

Article II Subdivision of Land

Section 3-200. Purpose.

(a) The purpose of this article is to establish subdivision standards and procedures for the Town of Bowling Green, Virginia. These regulations are part of a long-range general plan to guide and facilitate the orderly, beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, but not in limitation, the purpose of these standards and procedures is to provide for:

- (1) The coordination and beneficial design of streets.
- (2) Adequate open spaces for traffic, recreation, light and air.
- (3) A distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, comfort, prosperity and general welfare.
- (4) Assurance, insofar as possible, for purchasers of lots that they are buying a commodity that is suitable for their development and use.
- (5) Adequate public services in a healthy, safe, efficient and assured manner.

(Code 2010, § 3-200)

Section 3-201. Title.

This article shall be known, referred to and cited as the "Subdivision Ordinance of the Town of Bowling Green, Virginia."

(Code 2010, § 3-201)

Section 3-202. Statutory authority.

This article is authorized by Code of Virginia, title 15.2, ch. 22, art. 6 (Code of Virginia, § 15.2-2240 et seq.).

(Code 2010, § 3-202)

Section 3-203. Applicability.

This article applies to the subdivision, as herein defined, of any land within the corporate limits of the Town of Bowling Green, Virginia.

(Code 2010, § 3-203)

Section 3-204. Interpretation; conflict with other provisions.

(a) The standards and procedures contained herein are declared to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare.

(b) This article is not intended to interfere with, abrogate or annul any easement, covenant or restriction or any other agreement between parties; provided, however, that where this article imposes a greater restriction upon the use of buildings or land or imposes additional standards or requires additional improvements or larger open spaces than are imposed or required by other resolutions, ordinances, rules or regulations or by easements, covenants or agreements, the provisions of this article shall govern.

(c) Anything in this article to the contrary notwithstanding, where there is or appears to be conflict between the provisions of this article and the Zoning Ordinance, the provisions of the Zoning Ordinance shall govern.

(Code 2010, § 3-204)

Section 3-205. Definitions and word usage.

(a) For the purpose of this article, certain words and terms used herein shall be interpreted and defined as follows. Words used in the present tense include the future tense, the singular includes the plural, and the plural, the singular, unless the natural construction of the word indicates otherwise. The word "lot" includes the words "plot" and "parcel"; ~~the word "shall" is mandatory and not advisory~~; and the word "approve" shall be considered to be followed by the words "or disapproved." Any reference to this article includes all ordinances amending or supplementing the same, and all distances and areas refer to measurements in a horizontal plane.

(b) As used in this article, the following terms shall have the meanings indicated:

"Agent" means the representative of the governing body who has been appointed to serve as the agent of the Council in administering this article.

"Alley" means a permanent service way providing secondary means of access to abutting properties.

"BLA" means Boundary line adjustment.

"Board" means the Board of Zoning Appeals of the Town of Bowling Green, Virginia.

"Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

"Building Setback Line" means a line showing the minimum distance by which any structure, exclusive of steps, must be separated from the front line or front boundary line of a lot.

"Clerk" means the Clerk of the Circuit Court having jurisdiction in the Town of Bowling Green, Virginia.

"Commission" means the Planning Commission of the Town of Bowling Green, Virginia.

"Corner Lot" - See "lot, corner."

~~"Council" means the Town Council of Bowling Green, Virginia.~~

~~"County" means Caroline County, Virginia.~~

"Easement" means a grant, running with the land, by a property owner of the use of land for a specific purpose.

"Engineer" means an engineer certified by the Commonwealth of Virginia.

"Frontage" means the shortest distance between the side lines of any lot measured along a line coinciding with, tangent to or meeting at one point the street upon which the lot fronts.

"Health Official" means the Health Director serving the Town of Bowling Green, Virginia, or his deputy.

"Highway Engineer" means the resident engineer serving the Town of Bowling Green, Virginia, of the Department of Highways and Transportation of Virginia or his designated deputy.

"Lot" means a numbered and recorded portion of a subdivision intended for transfer of ownership or for the building of a single building and its accessory buildings.

"Lot, Corner" means a lot abutting upon two or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

"Lot, Depth of" means the mean horizontal distance between the front and rear lot lines.

"Lot, Double Frontage" means an interior lot having frontage on two streets.

"Lot, Interior" means a lot other than a corner lot.

"Lot of Record" means a lot which has been recorded in the office of the Clerk of the appropriate court.

"Lot, Width of" means the mean horizontal distance between the side lot lines.

~~"Person" means an individual, a partnership or a corporation or any other legal entity by whatever term customarily known.~~

"Plat" includes the terms "map," "plan," "plot," "replot"; a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

~~"Public Works Director" means the Public Works Director of Bowling Green, Virginia.~~

"Recordation" means the term "to record," verb transitive, or the term "record" when used as a verb shall mean the filing for recordation. The actual receipt by the Clerk of the Circuit Court of Caroline County, Virginia, or one of his duly authorized deputies of the item or writing to be recorded and payment of all fees and/or taxes due or to be collected by the office of such Clerk for recordation, and issuance by such clerk or duly authorized deputy of a receipt for the fees and/or taxes collected incident to the receipt of such item or writing for recordation.

~~"State" means the Commonwealth of Virginia.~~

"Street" means the publicly owned, principal means of access to any lot in a subdivision. The term "street" shall include road, lane, drive, place, avenue, highway, boulevard or any other thoroughfare used for a similar purpose.

"Street, Local" means a street that is used primarily as a means of public access to abutting properties expected to carry low to medium volumes of traffic.

"Street, Primary" means a street that carries or is expected to carry a volume of through traffic exceeding 400 vehicles per day.

"Street Width" means the total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.

"Subdivider" means an individual, individuals, corporation or partnership owning any tract or parcel of land to be subdivided.

"Subdivision" means any division, subdivision, or resubdivision of a lot, tract, or parcel of land into two or more parts or lots of any size for the purpose of transferring ownership of any part or for the purpose of building development on any part.

"Subdivision, Major" means all subdivisions not classified as minor subdivision, including but not limited to subdivisions of three or more lots, or any size subdivisions requiring a new street or extension of public water and/or sanitary sewer or any other public improvements.

"Subdivision, Minor" means any subdivision containing not more than two lots not involving any new street or road construction or the extension of public facilities or the creation of any public improvements, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Zoning Map, Zoning Ordinance, or these regulations. A minor subdivision shall also include boundary line adjustments(s) between adjacent property owners where no new building lots are created.

"Surveyor" means a land surveyor certified by the Commonwealth of Virginia.

~~"Town" means the Town of Bowling Green, Virginia.~~

~~"Town Clerk" means the Town Clerk of Bowling Green, Virginia.~~

~~"Town Manager" means the Town Manager of Bowling Green, Virginia.~~

~~"Town Treasurer" means the Town Treasurer of Bowling Green, Virginia.~~

~~"Zoning Ordinance" means the Zoning Ordinance of the Town of Bowling Green, Virginia.
(Code 2010, § 3-205)~~

Section 3-206. Administrative agent.

The ~~Zoning Administrator~~ ~~Commission~~ is hereby designated the agent of the Council and is authorized and directed to administer this article. ~~The Town Manager and Clerk to the Council will assist the Commission in an administrative capacity and in receiving plats for review.~~
(Code 2010, § 3-206)

Section 3-207. Powers and duties of agent.

(a) The agent and its assistants shall perform their duties with regard to subdivisions and subdividing in accordance with this article and the Code of Virginia.

(1) Agent shall establish regulations. In addition to the requirements herein contained for the plotting of subdivisions, the agent shall establish such administrative rules and procedures as it deems necessary to administer this article properly.

(2) Agent shall obtain opinions. In the performance of its duties, the agent shall call for recommendations, either oral or written, from other departments of the Town, county, or state government or any relevant regulatory agency in considering details of any submitted plat.

(3) Agent may waive requirements. Anything in this article to the contrary notwithstanding, for minor subdivisions, the agent, on request of the subdivider, may waive any requirement of the article, if:

[a] A plat of survey of such subdivision deemed adequate by the agent shall have been prepared in form suitable for recordation and is hereafter recorded with the deed of subdivision;

[b] A right-of-way for ingress and egress to and from each part of such subdivision is granted by the subdivider if a public highway does not abut each part;

[c] Each part of such subdivision not served by a central sewerage system is suitable for the installation of an on-site sewerage system acceptable to the Health Official; and

[d] The intent of this article will not be circumvented by such subdivision or by the cumulative effect of a series of such subdivisions.

(Code 2010, § 3-207)

Section 3-208. Preparation and recording of plat.

(a) From and after the effective date of this article, any owner or proprietor of any tract of land within the area to which this article applies who subdivides the same as herein provided shall cause a plat of such subdivision to be made in accordance with the regulations set forth in this article and in the Code of Virginia, and a copy of said plat shall be recorded in the office of the Clerk.

(b) No final subdivision plat shall be recorded unless and until it shall have been submitted to and approved by the Council, as herein provided.

(Code 2010, § 3-208)

Section 3-209. Transfer of land.

No parcel of land in a subdivision, as herein defined, created after the effective date of this article shall be transferred, sold or offered for sale until a final plat has been approved and recorded as provided for in this article.

(Code 2010, § 3-209)

Section 3-210. Issuance of permits.

No official of the Town or the county shall issue any zoning permit, building permit, or occupancy permit for any structure on any land subdivided as herein defined after the effective date of this article until a final plat has been approved and recorded as provided in this article.

(Code 2010, § 3-210)

Section 3-211. Modifications and exceptions.

(a) The requirements of this article will ordinarily be observed.

(b) Where the Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modification, exception

and waiver of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the modification, exception or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Board shall not approve modifications, exceptions and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the modification, exception or waiver of conditions shall not be detrimental to the public safety, health or welfare, or injurious to other property;
- (2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- (4) The relief sought shall not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, except that those documents may be amended in the manner prescribed by law.
(Code 2010, § 3-211)

Section 3-212. Zoning requirements.

The creation of a subdivision shall in no way exempt the land included within it from the provisions of the Zoning Ordinance.
(Code 2010, § 3-212)

Section 3-213. Violations and penalties.

- (a) It shall constitute a violation of this article for any person or agent to disobey, neglect or refuse to comply with or resist the enforcement of any of its provisions.
- (b) Any violation of this article shall be punishable as provided in Chapter 1, Article I, Section 1-110 of the Code of the Town of Bowling Green.

(c) Any person who knowingly and intentionally makes any false statement relating to a material fact for the purpose of complying with the requirements of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the statutes of the Commonwealth of Virginia existing at the time for misdemeanor violations.

(d) All departments, officials and public employees of the Town vested with the duty or authority to issue permits or licenses shall conform to the provisions of this article. Any such permit or license if issued in conflict with the provisions of this article shall be null and void.

(e) Where there has been a violation of this article, the Town may, notwithstanding the imposition of any fine in accordance with this section, seek equitable relief to enjoin any violation in any court of competent jurisdiction.
(Code 2010, § 3-213)

~~Section 3-214. Appeals.~~

~~Any person aggrieved by any interpretation, administration or enforcement of this article by the agent may appeal to the Council. The Council may override the action of the agent.
(Code 2010, § 3-214)~~

Section 3-215. Fees.

~~(a) To compensate the Town for costs incurred for administration, examining plats, making investigations, advertising, travel and other work incidental to the approval of plats, the following fees are payable to the Town Treasurer for deposit in the general fund:~~

~~(1) Upon submission of the preliminary plat, a fee of \$500, plus \$35 per lot.~~

~~(2) Upon submission of the final plat, a fee of \$500, plus \$35 per lot.~~

~~(3) Upon submission of a boundary line adjustment, a fee of \$100 per adjustment.~~

Formatted: Highlight

~~(4) Revised, vacated or amended plats shall be accompanied by a fee of \$100, and each request for a waiver or variance from the requirements of this article shall be accompanied by a fee of \$100.~~

~~(Code 2010, § 3-215)~~

Section 3-216. Vacating plat and boundary line adjustment (BLA).

(a) Vacating a plat. Any recorded plat or portion thereof, or any interest in streets, alleys, easements for public rights of passage, or easements for drainage, granted to the Council as a condition of the approval of a site plan, may be vacated according to the provisions of Code of Virginia, §§ 15.2-2270--15.2-2278, as amended. The Zoning Administrator is hereby designated to act as the agent on behalf of the Council to consent to such vacations and to sign recordable instruments in writing to indicate such consent. (b) Boundary line adjustment. Notwithstanding the provisions of this article, when the boundary lines of any legal lot or parcel of record are proposed to be relocated, vacated or otherwise altered without creation of any additional lot or parcel, three plats at a scale of 30 feet to one inch shall be submitted, and the following provisions shall apply:

(1) The Zoning Administrator shall waive the requirements of this article and approve such boundary line adjustment (BLA) as evidenced by his signature on a plat thereof so long as the following conditions have been met:

[a] Involve no more than two lots, consistent with the definition of a "minor subdivision."

[b] Such BLA shall not involve the relocation or alteration of streets, alleys, easements for public passage or other public areas, and no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

[c] Such BLA shall be clearly depicted upon an otherwise valid plat of boundary line adjustment which shall be executed, acknowledged and recorded by the owner or owners of such land as provided in Code of Virginia, §§ 15.2-2264 and 15.2-2275, as amended.

[d] Such BLA shall not result in any new violation of the area or other dimensional requirements of the Zoning Ordinance; provided, however, that any existing violation of minimum yard requirements or any existing nonconformity in any nonconforming lot (as defined

in the Zoning Ordinance) shall be permitted to continue so long as such yard violation or nonconformity is not enlarged, expanded or extended.

[e] With respect to each lot or parcel resulting from any such BLA, the applicant shall satisfy one of the following two requirements or a combination of both, as determined by the Zoning Administrator:

[1] Submit documentation to demonstrate that such parcel has an approved source of water and the capability of providing sanitary sewage service; or

[2] Place a conspicuous note upon the plat, in substantially the following form:

{a} The Caroline County Health Department has not approved this lot for water supply or sewage disposal. A certification from the Caroline County Health Department that such lots meet the requirements concerning water supply, sewage disposal and well testing shall be required prior to any new construction in accordance with the provisions of the Zoning Ordinance. This boundary line adjustment shall not result in any off-site subsurface disposal field (e.g., drainfield).

{b} Unless the titles to all parcels affected by the BLA are vested identically in the same person or entity or the same combination of persons and/or entities, a deed shall be filed with the plat which makes clear that no additional lot or parcel shall be created by the BLA.

(2) For the purposes of the Zoning Ordinance and this article, the lots or parcels resulting from any such boundary line adjustment approved hereunder shall be considered as coming into existence as of the date of recordation in the office of the Clerk of the boundary line adjustment plat.

(3) The Zoning Administrator shall take action to approve or deny any boundary line adjustment plat filed hereunder within 30 business days (excluding time that elapses awaiting applicant's response to the Zoning Administrator's comments and requirements) after such plat has been officially submitted.

(4) Any boundary line adjustment plat approved hereunder shall be recorded by the applicant in the office of the Clerk within six months of the date of final approval, or it is void.
(Code 2010, § 3-216)

Section 3-217. Dedication of land to Town.

(a) The subdivider shall dedicate to the Town of Bowling Green all land required for streets and alleys as provided for in this article.

(b) Where the size of the subdivision warrants, the subdivider may dedicate to the Town of Bowling Green such reasonable amount of land for parking lots, parks and playgrounds as determined necessary to protect the safety, fire and traffic hazards considered and general public welfare of the area. The size, location and character of land dedicated or reserved, if any, shall be determined by the agent after:

- (1) Consultation with the subdivider;
- (2) Consideration of the purpose of this article;
- (3) Consideration of any related objective approved by the Council; and
- (4) Consideration of the Comprehensive Plan.
(Code 2010, § 3-217)

Section 3-218. Amendments.

Any regulation or provision of this article may be amended from time to time by the Council in accordance with Code of Virginia, §§ 15.2-2251, 15.2-2252 and 15.2-2253, as amended. (Code 2010, § 3-218)

Section 3-219. Suitability of land.

(a) Land encumbered by any of the following characteristics may be deemed as being generally unsuitable for subdivision:

- (1) Land subject to periodic flooding, such as wetlands (as defined by the Code of Virginia, title 28.2, ch. 13 (Code of Virginia, §§ 28.2-1300 et seq.)) or floodplains.

(2) Land having physical characteristics, such as poor drainage, excessive slope, etc., the subdivision of which would increase danger to health, life or property or aggravate erosion or flood hazard.

(b) The subdivision of any land which falls under Section 3-219(a) above may be allowed, provided that:

(1) Sufficient land is provided in each lot to provide a building site free from flood or other danger.

(2) The developer installs land preservation improvements as required by the agent to prevent increased danger to health, life or property and to render the land safe and otherwise acceptable for development.

(c) In connection with this section, the subdivider may be required to furnish topographical maps, elevations, flood profiles and other relevant data as necessary.

(Code 2010, § 3-219)

Section 3-220. Streets.

(a) Streets shall connect with existing streets and shall provide access to adjoining subdivisions as required by the agent.

(b) Streets shall intersect at as near right angles as practical. Offsets or jogs shall be avoided. No street shall intersect another street at an angle of less than 80°.

(c) Where it is deemed desirable or necessary to provide access to adjacent tracts as presently subdivided, proposed streets in the subdivision shall be extended to the boundary lines with such adjacent tracts. Temporary turnarounds shall be provided at the ends of such streets by means of temporary easements or otherwise.

(d) When lots in a subdivision abut on one side of a public right-of-way, the subdivider shall be required to dedicate enough land so that the distance as measured from the center line of the right-of-way to the subdivision property line shall be 1/2 of the standard width of the right-of-

way. The standard width of the right-of-way shall be based on the standards of the Virginia Department of Highways and Transportation and the Comprehensive Plan of the Town of Bowling Green, Virginia. The subdivider shall not be responsible for grading or surfacing any such right-of-way required above.

(e) Half-streets along the boundary of land proposed for subdivision shall not be permitted.

(f) Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names, irrespective of the use of the suffix "street," "avenue," "boulevard," "drive," "way," "place," "lane" or "court." Street names shall be indicated on the preliminary and final plats and shall be approved by the Council. Names of existing streets shall not be changed except by approval of the governing body.

(g) Streets shall have a minimum right-of-way of 50 feet and may be wider if required by future traffic counts or the Comprehensive Plan of the Town of Bowling Green, Virginia. Alleys, when allowed, shall have a minimum width of 20 feet.

(h) All streets and their drainage facilities shall be designed in compliance with the requirements of the Virginia Department of Highways and Transportation and the Town of Bowling Green, Virginia.

(Code 2010, § 3-220)

Section 3-221. Lots.

(a) The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography and conform to the requirements of this article. Lots shall not contain peculiarly shaped elongations or other odd configurations which do not conform to a standard square, rectangular or trapezoidal design in order to provide required square footage of area, minimum lot width at the building line or required highway access.

(b) Excessive lot depth in relation to lot width shall be avoided. A ratio of depth to width of 2:1 shall be considered a desirable maximum.

- (c) Each lot shall abut on a street dedicated by the subdivision plat or on an existing publicly dedicated street.
- (d) Corner lots shall have the width required by the Zoning Ordinance.
- (e) Side lines of lots shall be approximately at right angles or radial to the right-of-way line.
- (f) All remnants of lots below minimum size left over after subdividing of a tract shall be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.
- (g) Where the land covered by a subdivision includes two or more parcels in separate ownership and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Said deed is to be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record the same, and they both shall then be recorded together.
- (h) In the case of lots for commercial, industrial or other nonresidential use, the lot area, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with the requirements of any existing zoning, the Comprehensive Plan for the Town of Bowling Green, or other applicable ordinance and shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(Code 2010, § 3-221)

Section 3-222. Blocks.

- (a) Generally, the maximum length of blocks shall be 1,200 feet, and the minimum length of blocks upon which lots have frontage shall be 500 feet.
- (b) Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case a single tier of lots of minimum depth may be approved.

(c) Where a proposed subdivision will adjoin a major road, it may be required for the greater dimension of the block to front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

(Code 2010, § 3-222)

Section 3-223. Easements.

Easements shall be provided by the subdivider for utilities and shall comply with the provisions of The Town of Bowling Green Design Standards for Water and Sewer Facilities, Volumes I and II as amended by the Town of Bowling Green, Virginia.

(Code 2010, § 2-223)

Section 3-224. Required improvements.

(a) The subdivider is required to make the improvements provided for in this section. All improvements shall be installed at the cost of the developer. No subdivider shall commence the construction of any required improvement without obtaining written approval from the Council.

(1) Monuments.

[a] Identifying monuments shall be placed on the right-of-way line at all street intersections, at all points where the street line intersects the exterior boundaries of the subdivision, at all points of curvature in each street and at all lot corners and subdivision boundaries. Monuments shall be composed of reinforced concrete, iron pins, pipes or rods.

[b] All concrete monuments shall be composed of reinforced concrete, four inches in diameter or square, three feet long, with a flat top, and shall have no more than four inches or less than one inch above finished grade.

[c] All monuments composed of iron pins, pipes or rods shall be not less than 1/2 inch in diameter and 18 inches long and be driven so as to be flush with the finished grade. When rock is encountered, a hole four inches deep in the rock shall be drilled and a steel rod 1/2 inch in diameter cemented in place whose top shall be flush with the finished grade line.

[d] Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by this section and the Virginia Department of Transportation regulations are clearly visible for inspection and use. Such monuments shall be inspected by the Public Works Director before any improvements are accepted by the Town. The Commission may require a spot check of plat accuracy based on monument placement before recordation.

(2) Streets.

[a] All streets shall be constructed in compliance with the state Subdivision Street Design Guide (24 VAC 30-91-160) requirements of the Virginia Department of Highways and Transportation and the Town of Bowling Green, Virginia.

[b] Curbs, gutters and sidewalks shall be required in all subdivisions either having three or more dwelling units or which tie into existing streets having curbs, gutters and sidewalks. In addition, all sidewalks constructed shall be handicap accessible with ramps of exposed aggregate in accordance with ADA standards.

[c] Sidewalks shall be required as follows and shall be constructed in accordance with the state Subdivision Street Design Guide (24 VAC 30-91-160) as required for acceptance by the state and shall be located adjacent to the street right-of-way in a manner so as to maximize safety and convenience:

[1] Subdivisions located in the Town.

[2] All subdivisions involving multifamily or attached dwellings.

[3] Along all streets in residential subdivisions where curb and gutters are provided.

[4] Sidewalks shall be required by the Zoning Administrator, in the case of a minor subdivision, or the Council where necessary to continue another sidewalk or pedestrian walkway on an existing street, to link areas within a proposed subdivision or to other areas of planned significant development or to link subdivisions to schools and/or recreational areas.

[5] Sidewalks are not eligible for Town maintenance.

(3) Drainage.

[a] A drainage system shall be provided for by means of curbs and gutters, culverts, ditches, catch basins and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from and across all streets and adjoining property. Such drainage system shall be in compliance with regulations of the Virginia Department of Highways and Transportation and the Town of Bowling Green.

[b] All detention facilities over four feet in depth, as measured from the bottom of the pond to the top of the bank, or with a bank slope greater than 1.5 to 1 shall be enclosed with a minimum four-foot-high chain-link fence, with a fifteen-foot wide access gate. This fencing shall be designed in accordance with the Virginia Department of Highways and Transportation road and bridge standards, installed and maintained to allow the free flow of runoff and sediment into the facility. Fencing may be waived by the Zoning Administrator in areas zoned other than residential where the pond is more than 500 feet from a residential district or single or multifamily residence. The Zoning Administrator may also require fencing in areas otherwise not warranting, but where the general welfare of the public is better served by fencing such facilities. The maintenance of all stormwater detention facilities shall be the responsibility of the subdivision's property owners' association.

(4) Street identification signs. The subdivider shall provide and install street identification signs approved by the Council at all street intersections.

(5) Location of utility structures. Except as provided below, transmission, distribution and customer service utility facilities carrying or used in connection with electric power, street lights, telephone, cable television, petroleum, gas, water, and sewer shall be placed below the surface of the ground in all subdivisions. All installations shall be in accordance with applicable codes. Exceptions are as follows:

[a] Equipment such as electric distribution transformers, switch gear, meter pedestals, telephone pedestals, meters, service connections, bulk feeder and accepted utility practices for underground distribution;

[b] Temporary overhead facilities required for construction purposes;

[c] High tension transmission lines, 33,000 volts or more; and

[d] Repair or replacement of existing overhead facilities.

(6) Water service.

[a] Where public water is available, the service shall be extended to all lots within the subdivision by the subdivider or developer. Where this is not possible, the subdivider or developer shall be encouraged to provide a central water supply system. If neither of the above is possible, the subdivider or developer may propose individual wells. No subdivision or development shall be approved without an acceptable water supply plan which provides water service to each lot and a system design that allows integration into the Town's central water supply system.

[b] In all subdivisions being serviced by a central water supply system, an acceptable system of fire hydrants shall be installed and operational prior to the start of any building construction.

(7) Sewerage service. Where public sewerage facilities are available, the service shall be extended by the subdivider or developer to all lots, and individual septic tanks shall not be permitted. Where such tap-on is not possible, the subdivider or developer shall provide a central sewerage system. If neither of the above is possible and the subdivider proposes individual septic tanks, then the subdivider shall provide sufficient technical information to allow the determination that each and every lot is suitable for an individual septic tank. Upon determination by the appropriate official that a lot is unsuitable for an individual septic tank, then such fact shall be so noted on the final plat in the lot so affected.

(8) Street lights. The Council shall require that street lights be installed, at the developer's expense, in order to promote the general health, safety and welfare and to enhance general subdivision quality and aesthetic character. Street lights should be of scale and character befitting the overall development plan. The following specific requirements apply:

[a] Street lights shall be installed along all sidewalks.

[b] Street lights shall be a colonial and/or historical design.

[c] Street lights shall be located not less than 24 inches or not more than 48 inches from the back side of the curb.

- [d] A minimum twenty-four-inch grass strip shall be maintained between the backside of the curb and the street light.
- [e] The minimum height of the street light shall not be less than 12 feet above finished grade.
- [f] The maximum height of the street light shall not be more than 15 feet above finished grade.
- [g] Street lights shall be spaced in accordance with acceptable engineering practices.
- [h] Street lights are not eligible for Town maintenance.
(Code 2010, § 3-224)

Section 3-225. Preliminary plat.

- (a) Preliminary questionnaire and conference. Before the preparation of a preliminary plat, a subdivider shall be required to complete and submit a preapplication questionnaire regarding the proposed subdivision and confer with the agent relative to the details contained in this article, the Town's Comprehensive Plan and other applicable plans and ordinances. The purpose of such a questionnaire and conference is to assure that the applicant is made fully aware of all the requirements and interpretations of existing plans and ordinances plus any amendments which are pending at the time of the subdivision plan or plat preparation.
- (b) Purpose. Any person proposing a subdivision of land under this article shall submit to the agent a preliminary plat showing the general design and layout of the area proposed to be subdivided. The purpose of this requirement is to enable the subdivider to ascertain whether or not his preliminary plat generally conforms to the requirements of this article and the Zoning Ordinance.
- (c) Submission. Fifteen copies of a preliminary layout at a scale of 50 feet to the inch, or a scale determined by the Zoning Administrator, as a preliminary plat shall be submitted by the subdivider to the agent. The agent shall promptly deliver copies thereof to other Town, county, or state officials as required, retaining the other copies for use by the agent.
- (d) Requirements. The preliminary plat shall include the following information:

- (1) The date of the plat and the name of the person preparing the same.
- (2) The scale.
- (3) The number of sheets comprising the plat.
- (4) The North meridian, designated "true" or "magnetic," and the direction oriented to the top of the sheet, and each sheet comprising the plat shall be so oriented and prepared in accordance with the Virginia Coordinate Grid System.
- (5) The name and signature of all owners of property to be subdivided.
- (6) The name of the subdivision. The name shall not duplicate nor too closely approximate that of any existing subdivision in the Town of Bowling Green, Virginia, or Caroline County, Virginia. To the maximum extent possible, the name shall not duplicate nor too closely approximate that of any existing subdivision in adjoining counties so that emergency services from adjoining counties rendered across the Caroline County boundary line will not be impaired.
- (7) The sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.
- (8) The names of all adjoining property owners and the location of their common boundaries.
- (9) All pertinent natural and historical features and landmarks.
- (10) The boundary lines of the proposed subdivision and of any larger tract of which the subdivision forms a part, shown on a reduced scale insert.
- (11) All adjoining roads and streets with their numbers and/or names.
- (12) The boundary lines and total acreage of the proposed subdivision and the acreage remaining in the original tract, if any. In case only a part of a tract of land is proposed for subdivision, the agent shall require the preliminary plat to show a proposed future subdivision of such

remaining acreage or a part thereof to make certain that proper orientation of future streets may be developed with the platted streets.

- (13) The location of existing buildings within the subdivision and within 200 feet thereof.
- (14) The location and description of all existing and proposed monuments and easements.
- (15) Contour lines, at not more than five-foot intervals.
- (16) The proposed locations, widths and names of all streets.
- (17) The approximate location, number, dimension, size and the proposed use of all lots and other areas, including watercourses, marshes, impoundments, lakes and those areas to be used for parking, recreation, commercial purposes or for public or governmental use, and existing utility installation.
- (18) Proposed lot numbers and block letters.
- (19) If the proposed subdivision consists of land acquired from more than one source of title, the outlines of the several tracts shall be included on the preliminary plat by broken lines, and identification of such respective tracts shall be shown on the preliminary plat.
- (20) All parcels of land dedicated for public use.
- (21) A blank space reserved for the written approval of such plat by the agent.
- (22) Such other information as required by the agent.
- (23) The location of Resource Protection Area boundary, as specified in Section 3-151, including any additional required buffer areas.
- (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 waterdependent facilities or redevelopment, including the 100-foot wide vegetated buffer
- (c) Items to accompany preliminary plat. Items as described below shall accompany the preliminary plat at the time it is submitted to the agent or, in any event, not later than 12 days thereafter:
- (1) Street and drainage plans. Three sets of detailed street and drainage plans showing:
 - [a] All existing, platted and proposed streets and their names, numbers and widths, existing utility or other easements, public areas and parking spaces, culverts, drains and watercourses and their names and other pertinent data.
 - [b] The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well defined open stream which is considered natural drainage.
 - [c] A cross section showing the proposed street connection, depth and type of base, type of surface, etc.
 - [d] A profile or contour map showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith.
 - [e] A location map tying the subdivision into the Town's or county's present road system, either by aerial photographs or topographic maps of the United States Department of the Interior.

[f] The alignment and grade of all proposed utilities to be placed underground within the street right-of-way, to be shown on the street plans.

[g] The course, distances and curve data of all present and proposed streets and alleys within and abutting the subdivision.

(2) To eliminate the necessity of many separate documents, plans and sketches, the subdivider may incorporate into a single document, plan and sketch, in support of the preliminary plan or plat, all or any part of the additional information required herein, provided that the sheet sizes specified are adhered to.

(3) A statement by the subdivider as to whether or not he proposes to dedicate or reserve land, other than for streets, for public use or for the common use of future property owners in the subdivision and, if so, a statement giving an outline of the maintenance and other terms proposed and acreage involved.

(4) A statement summarizing proposed restrictive covenants and reservations.

(5) A check payable to the Town Treasurer to cover the required fees.

(f) Public hearing. The agent shall not make any decision on the preliminary plat of any proposed subdivision that contains three or more lots until it shall have first held a public hearing to consider such plat. The agent shall cause notice of such hearing to be published for two successive weeks in a newspaper published or having general circulation in the Town of Bowling Green, Virginia, giving the date, time and place of the hearing and a brief identification thereof. All hearings held pursuant to this section shall be open to the public, and all interested persons may appear and state their views.

(g) Action by agency. Within 60 days after submission to the agent of the preliminary plat and the items that are required to accompany such plat by the provisions of this article, the agent shall approve the preliminary plat if it finds that the plat has been properly drawn, that it is accompanied by the aforesaid items in proper form and that the proposed subdivision conforms to the requirements and purposes of this article. Otherwise, the Commission shall disapprove the same, stating its reasons for such disapproval, or, if only minor changes are required for approval,

conditional approval may be given by writing such requirements on the plat or by placing a reference upon it to an accompanying statement, or an extended time may be given the subdivider for submission of revised plans.

(h) Disposition of preliminary plat after agent action. One copy of the preliminary plat with the action of the agent noted thereon shall thereupon be returned to the subdivider, and an annotated copy shall be kept by the agent for comparison with future plats submitted by the subdivider.

(i) Guaranty. Approval by the agent of the preliminary plat does not constitute a guaranty of approval of the final plat.

(j) Time limit for filing final plat. The subdivider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with this article. Failure to do so shall make preliminary approval null and void. The agency may, on written request by the subdivider, grant an extension of this time limit.

(Code 2010, § 2-225; Ord. No. O-2016-003, 10-6-2016)

Section 3-225. Preliminary plat. Conform subsection (j) to Code of Virginia, § 15.2-2260(F). (Please review carefully.)

Formatted: Highlight

Section 3-226. Final plat.

(a) Submission. After approval of the preliminary plat by the agent, the subdivider shall submit to the agent 15 copies of the final plat drawn in accordance with Section 3-226(b) of this section. Said copies shall be photographic copies of original tracings and shall be of semipermanent quality.

(b) Final requirements. The final plat shall adhere to the following requirements:

(1) The final plat shall be prepared by a surveyor or civil engineer, who shall endorse upon such plat a certificate signed by him setting forth the source of title of the land subdivided and the place of record of the last instrument in the chain of title.

- (2) The final plat shall be substantially in accordance with the preliminary plat, together with any changes or additions required by the agent as a condition for its approval, except that the final plat may include all or any part of the area covered by the preliminary plat.
- (3) The final plat shall be legibly and accurately drawn upon sheets having a size of 18 by 24 inches. The plat shall be drawn at a scale of one inch equals 50 feet or a scale determined by the Zoning Administrator. If the subdivision is shown on more than one sheet, the sheet number, total number of sheets and subdivision name shall be shown on each sheet, and match lines shall clearly indicate where the several sheets join.
- (4) It shall also show the following details:
 - [a] A boundary survey.
 - [b] The location and dimensions of all street lines of all streets, both within and adjoining the subdivision; the names and widths of all streets; and the boundaries of all easements, school sites, parks or other public areas.
 - [c] All dimensions shown in feet and decimals of a foot to the closest 1/100 of a foot, and all bearings and degrees, minutes and seconds, to the nearest 10 seconds.
 - [d] Curve data showing radius, delta and arc, either at the curve or in a curve data table.
 - [e] The location and bearing of all property lines intersecting the subdivision perimeter boundary.
 - [f] The number of each lot and the letter of each block.
 - [g] The location of all monuments, both concrete and iron pins, pipes, or rods.
- (5) If any land or water areas are being dedicated or reserved for streets, alleys, parking space or for other public use, or for the common use of future property owners of the subdivision, the final plat shall so state and indicate which land and water areas are affected.

(6) The final plat shall have appended to it an unexecuted copy of a proposed certificate of owner's consent to subdivision suitable for recording, containing a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the owners, proprietors, trustees and lien holders thereof, as applicable, and setting forth in full all restrictive covenants, reservations and dedications applicable to the proposed subdivision.

(7) The final plat shall provide on the first sheet space for the surveyor's certificate as to title, the surveyor's certificate as to monuments, all restrictive covenants or references thereto and space for approval of the Council.

(c) Documents to accompany final plats. When delivered to the agent, all final plats shall be accompanied by the following:

(1) Security for performance.

[a] A subdivider shall furnish to the governing body a certified check, cash escrow or performance bond in the amount of the estimated costs for construction within the subdivision of all streets, curbs, gutters, sidewalks, bicycle trails, drainage or sewerage systems, waterlines as part of a public system or other improvements. Such certified check, cash escrow or performance bond shall be posted upon such terms and conditions as the Commission shall require, except that the Commission shall require in all cases that such certified check, cash escrow or performance bond be posted on condition that such facilities are to be completed on or before a date certain in a manner satisfactory to the Commission acting on behalf of the governing body and that such certified check, cash escrow or performance bond be available to the governing body and not expire until the satisfactory completion of the facilities, regardless of whether the target date for completion shall have passed. On any performance bond, surety may be required satisfactory to the Commission as agent for the governing body, which surety shall be obligated for the life of the bond or, in the event the suretyship expires before proper completion of construction, such surety shall be automatically renewable or shall provide for such notice by surety to the governing body at least 60 days prior to termination of the suretyship.

[b] In the event the governing body has accepted the dedication of a road or street for public use and such road or street, due to factors other than its quality of construction, is not acceptable into the state highway system, then the governing body may require the subdivider or developer of the subdivision wherein such road or street is located to post with the governing body a

maintenance and indemnifying bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the maintenance of such road or street until such time as it is acceptable into the state highway system. Maintenance of such road or street shall be deemed to mean maintenance of the streets, curbs, gutters, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water, or debris, so as to keep such road reasonably open for public usage.

[c] Any certified check, cash escrow or performance bond or other performance guarantee provided for under this section shall be released in whole or part within 30 days after such receipt of written notice by the subdivider or developer of completion of all or part of any facilities required to be constructed unless the governing body notifies such subdivider or developer in writing of any specified defects or deficiencies in construction and suggested corrected measures prior to the expiration of said thirty-day period; provided, however, that the governing body shall not be required to release such certified check, cash escrow or performance bond or other performance guarantee in an amount in excess of 90% of the actual cost of construction for which the bond, etc., was taken until such facilities have been completed and accepted by the governing body or appropriate state agency.

[d] The subdivider shall maintain his certified check, cash escrow or performance bond until all improvements are completed in a manner satisfactory to the governing body and, if necessary, shall renew or reinstate the same from time to time as may be required by the governing body until satisfactory completion. In the event a subdivider sells or conveys the land subdivided or proposed for subdivision, or in the event a subdivision is to be developed by a person or entity other than the subdivider, the foregoing provisions of this article shall be applicable to such successor in interest to the subdivider or to such developer to the same extent that said provisions are applicable to the subdivider.

[e] Failure by any subdivider, developer, or successor in interest to a subdivider to obtain and maintain such certified check, cash escrow, performance bond, or other performance guarantee as provided for in this article shall be punishable in the same manner as provided for in Chapter 1, Article I, Section 1-110 of the Code of the Town of Bowling Green.

(2) A check payable to the Town Treasurer to cover all required fees.

- (3) An unexecuted copy of the proposed deed of dedication, accompanied by a certificate signed by the subdivider and duly acknowledged before some officer authorized to take acknowledgments of deeds to the effect that this is a true copy of the proposed deed of dedication which will be presented for recordation. Said copy shall:
- [a] Contain a correct description of the land subdivided and state that said subdivision is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.
 - [b] Contain language such that when the deed is recorded it shall operate to transfer in fee simple to the Town of Bowling Green, Virginia, such portion of the platted premises as is on such plat set apart for streets, alleys, easements or other public use and to create a public right of passage over the same.
 - [c] Contain all protective or restrictive covenants, including those referred to in Section 3-226 (b)(7) hereof.
- (4) An erosion and sedimentation control plan approved by the appropriate agent in accordance with the Chapter 3, Article III, Erosion and Sediment Control, of the Code of the Town of Bowling Green.
- (d) Action by agent. Within 30 days after any final plat and the accompanying documents required by this article shall have been received by the agent, the agent shall determine whether they comply with the provisions of this article. When the aforesaid determination has been made, the agent shall make a recommendation to the Council to approve or disapprove the final plat. The Council will make final determination of approval or disapproval.
 - (e) Disposition of plat after final action.
- (1) Following approval, three copies of the final plat measuring 18 by 24 inches shall be returned to the subdivider. One copy of the full-size final plat shall be submitted to the Clerk for filing in the subdivision plat book. One copy of the full-size plat shall be delivered to the Town Treasurer, and one copy thereof, with the accompanying documents, shall be retained in the files of the agent. Any surety bond to be posted by the subdivider pursuant to the requirements of this

article shall be delivered to, and approved by, the agent. The cash bond or check, if any, shall be delivered to the Town Treasurer.

(2) Following disapproval of a plat, all copies of the plat and accompanying documents shall be returned to the subdivider. The Council shall notify him in writing of the reasons for disapproval.

(3) A final plat shall become null and void if it is not recorded in the office of the Clerk within 90 days from the date of approval by the agent.

(4) Recordation of the final plat of a subdivision shall not be deemed to be the acceptance by the Town of any street or road or other public place shown on the plat for maintenance, repair or operation thereof.

(5) Upon recordation of the approved final plat, the subdivider shall file a copy thereof in the office of the Town Clerk.
(Code 2010, § 3-226)

Section 3-226. Final plat. Conform subsection (c)(3) to Code of Virginia, § 15.2-2231(A)(8).

Formatted: Highlight

Sec. 3-227. Minor Subdivision.

A Minor Subdivision is a subdivision containing not more than two (2) lots not having any new street or road construction, or the extension of public facilities, or the creation of any public improvements and not in conflict with any provision or portion of the Comprehensive Plan, Official Zoning Map, Zoning Ordinance, or these regulations. A Minor Subdivision shall also include Boundary Line Adjustment(s) between adjacent property owners where no new building lots are created. Review and approval of a Minor subdivision shall be in accordance with the following Section of these regulations.

The Town Manager shall be the Agent for the review and approval of Minor Subdivision Plats. The Town Manager is hereby given the authority to review and approve and sign a Minor Subdivision Plat which is suitable for recording with the Clerk of the Circuit of Caroline County. A survey plat of the original parcel, also known as the parent property, and showing the

newly created lot must be submitted to the Town Manager and approved by the Manager prior to recording such plat. Seven (7) copies of a Final Plat drawn in accordance with items listed below must be submitted and need be the only submission that is presented to the Town Manager for review and approval. Such plat shall be either blue line or black line print and shall be of an appropriate scale as determined by the Town Manager.
(Ord. No. 12-01-11, 1-5-2012)

Article III Erosion and Sediment Control

Formatted: Font color: Background 1, Highlight

Section 3-300. Title, purpose, and authority.

(a) This article shall be known as the "Erosion and Sediment Control Ordinance of the Town of Bowling Green." The purpose of this article is to prevent degradation of properties, stream channels, waters and other natural resources of the Town of Bowling Green by establishing requirements for the control of soil erosion, sediment deposition and nonagricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

(b) This article is authorized by the Erosion and Sediment Control Law (Code of Virginia, § 62.1-44.15:51 et seq.)
(Code 2010, § 3-300)

Section 3-301. Definitions.

As used in this article, unless the context requires a different meaning, the following terms shall have the meanings indicated:

"Administrator" - The Bowling Green Town Manager and/or his designated agent.

"Agent" - An employee of the Town of Bowling Green, who has been designated by the Administrator for inspection, plan review, and program administration of this article.

"Agreement in lieu of a plan" - A contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-

family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

"Applicant" - Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

"Board" - The Virginia Soil and Water Conservation Board.

"Certified Inspector" - An employee or agent of the program authority who:

- (1) Holds a certificate of competence from the Board in the area of project inspection; or
- (2) Is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

"Certified Plan Reviewer" - An employee or agent of the program authority who:

- (1) Holds a certificate of competence from the Board in the area of plan review;
- (2) Is enrolled in the Virginia Soil and Water Conservation (VSWC) Board's training program for plan review and successfully completes such program within one year after enrollment; or
- (3) Is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Code of Virginia, title 54.1, ch.1, art. 1 (Code of Virginia, § 54.1-400 et seq).

"Certified Program Administrator" - An employee or designated agent of the Town of Bowling Green who:

- (1) Holds a certificate of competence from the Virginia Soil and Water Conservation (VSWC) Board in the area of program administration; or

(2) Is enrolled in the Virginia Soil and Water Conservation (VSWC) Board's training program for program administration and successfully completes such program within one year after enrollment.

"Chesapeake Bay Preservation Area" or "CBPA" - Any land designated by the Town Council of the Town of Bowling Green pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 179-02-01, and Code of Virginia § 62.1-44.15:74.

"Clearing" - Any activity which removes the vegetative ground cover, including, but not limited to, root mat removal and/or topsoil removal.

"County" - The County of Caroline, Virginia.

"Department" - The Department of Conservation and Recreation Environmental Quality.

"Development" - A tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

"Director" - The Director of the Department.

"District" or "Soil and Water Conservation District" - The Hanover-Caroline Soil and Water Conservation District.

"Erosion and Sediment Control Plan" or "Plan" - A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

"Erosion Impact Area" - An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square

feet or less used for residential purposes (or to shorelines where the erosion results from wave action or other coastal processes).

"Excavating" - Any digging, scooping or other methods of removing earth materials.

"Filling" - Any depositing or stockpiling of earth materials.

"Grading" - Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

"Land-Disturbing Activity" - Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk, provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for landdisturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Surface or deep mining;
- (6) Exploration or drilling for oil and gas, including the well site, roads, feeder lines, and off-site disposal areas;
- (7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes,

ponds not required to comply with the Dam Safety Act (Code of Virginia, § 10.1-604 et seq.), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Code of Virginia, title 10.1, ch. 11 (Code of Virginia, § 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in Code of Virginia, § 10.1-1163(B);

- (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (9) Disturbed land areas of less than 2,500 square feet in size;
- (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (11) Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article; and
- (12) Emergency work to protect life, limb or property, and emergency repairs; provided that if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

"Land-Disturbing Permit" - A permit issued by the program authority for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth in this article.

"Local Erosion and Sediment Control Program" or "Local Control Program" - An outline of the various methods employed by the Town of Bowling Green to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may

include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

"Owner" - The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

"Permittee" - The person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

"Person" - Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

"Plan-Approving Authority" - The Town Manager of the Town of Bowling Green.

"Program Authority" - The Town Council of the Town of Bowling Green.

"Resource Management Area" or "RMA" - That component of the Chesapeake Bay Preservation Area that is not classified as a resource protection area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the resource protection area.

"Resource Protection Area" or "RPA" - That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

"Responsible Land Disturber" - An individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who:

(1) Holds a responsible land disturber certificate of competence;

- (2) Holds a current certificate of competence from the Board in the areas of combined administration, program administration, inspection, or plan review;
- (3) Holds a current contractor certificate of competence for erosion and sediment control; or
- (4) Is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

"Single-Family Residence" - A noncommercial dwelling that is occupied exclusively by one family.

"State Erosion and Sediment Control Program" or "State Program" - The program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia, § 10.1-560 et seq., including regulations designed to minimize erosion and sedimentation.

"State Waters" - All waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdictions.

"Transporting" - Any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

"Wetlands" - Those areas that are inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

(Code 2010, § 3-301)

Formatted: Font color: Background 1

Section 3-301. Definitions. In the definition of Chesapeake Bay Preservation Area, delete the reference to repealed (with no apparent successor Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 179-02-01.

Formatted: Highlight

Section 3-302. Local erosion and sediment control program.

Formatted: Font color: Background 1, Highlight

(a) Pursuant to Code of Virginia, § 62.1-44.15:54, the Town of Bowling Green hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the Board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to:

- (1) The Virginia Erosion and Sediment Control Regulations;
- (2) The Virginia Stormwater Management Handbook; and
- (3) The Virginia Erosion and Sediment Control Handbook, as amended.

(b) Before adopting or revising any regulation under this article, including any regulation that is more stringent than the state program, as provided by Code of Virginia § 10.1-570, the Town of Bowling Green shall give proper notice as required by law.

(c) Pursuant to Code of Virginia, § 62.1-44.15:53, an erosion and sediment control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Town's erosion and sediment control program shall contain a certified program administrator, a certified plan reviewer, and certified inspector, who may be the same person.

(d) The Town Council of the Town of Bowling Green hereby designates the Town Manager as the plan-approving authority.

(e) The program and regulations provided for in this article shall be made available for public inspection at the business office of the Town of Bowling Green.
(Code 2010, § 3-302)

Section 3-303. Submission and approval of plans; contents of plans.

(a) Submission and approval. Except as provided herein, no person may engage in any land-disturbing activity until he has submitted an erosion and sediment control plan for the land-disturbing activity to the Town of Bowling Green and such plan has been approved by the plan-approving authority.

(1) Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.

(2) The standards contained within the Virginia Erosion and Sediment Control Regulations, the Virginia Erosion and Sediment Control Handbook and the Virginia Stormwater Management Handbook and the Chesapeake Bay Local Assistance Manual are to be used by the applicant when making a submittal under the provisions of this article and in the preparation of an erosion and sediment control plan.

(3) A completed plan shall be acted upon by the plan-approving authority within 45 days from receipt thereof. The plan-approving authority shall either approve the plan in writing or disapprove the plan in writing and give specific reasons for its disapproval. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

(4) The plan-approving authority shall approve a completed plan, if it is determined that the plan meets the requirements of the Board's regulations, and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this article. In addition, as a prerequisite to approval of the plan, the person responsible for carrying out the plan shall provide the name of a responsible land disturber, who will be in charge of and responsible for carrying out the land-disturbing activity, in accordance with the approved plan.

(5) When a Plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the Plan.

(6) An approved plan may be changed by the plan-approving authority when:

[a] An inspection reveals that the plan is inadequate to satisfy applicable regulations; or

[b] The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article and state law, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.

(7) In order to prevent further erosion, the Town of Bowling Green may require approval of a plan for any land identified as an erosion impact area.

(8) The preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

(9) Utilities and railroad companies.

[a] Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the Town Council for review and written comments. The specifications shall apply to:

[1] Construction, installation or maintenance of electric, natural gas and telephone utility lines, and pipelines; and

[2] Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

[b] Individual approval of separate projects in Section 3-303.(a)(9)(a)[1] and [2] is not necessary when Board-approved specifications are followed; however, projects included in Section 3-303.(a)(9)(a)[1] and [2] must comply with the Town Council-approved specifications. Projects not included in Section 3-303.(a)(9)(a)[1] and [2] shall comply with the requirements of the Town of Bowling Green erosion and sediment control program.

(10) State agency projects are exempt from the provisions of this article, except as provided for in the Code of Virginia, § 10.1-564.

(b) Contents of plans. The erosion and sediment control plan shall detail the methods and techniques to be utilized in the control of erosion, sedimentation and storm water. The erosion and sediment control plan shall contain the following components:

(1) The name, address and phone number of the person preparing the plan and a statement that the plan was prepared by a licensed professional engineer, architect, certified landscape architect, or land surveyor registered in the state.

(2) The name, address, and phone number of the applicant.

(3) The name, address and phone number of the landowner of record.

(4) The name, address and phone number of the person who holds a certificate of competence, as provided for by the Code of Virginia § 10.1-563, who will be in charge of and responsible for carrying out the land-disturbing activity.

(5) The location of the site, including, but not limited to, road number, Tax Map reference and lot number.

(6) A site plan or map which conforms to any plan of development or subdivision plat.

(7) The location of all buffers required by this Code or the Code of Virginia, including, but not limited to, all buffers designated as resource protection area buffers pursuant to the Zoning Ordinance of the Town of Bowling Green or any other buffer imposed or required pursuant to any other section of the Zoning Ordinance of the Town of Bowling Green. The plan also shall contain a certification that prior to any land-disturbing activity:

[a] All buffer areas and wetlands shall be conspicuously flagged or otherwise identified and not disturbed unless authorized by law; and

[b] The applicant shall notify the Administrator upon completion of flagging and before any land-disturbing activities commence.

- (8) Measures to control erosion and sediment.
- (9) Measures to control and manage stormwater.
- (10) A comprehensive drainage plan.
- (11) Evidence that no more land than is necessary to provide for the desired use or development shall be disturbed.
- (12) A statement by the permittee that all erosion and sediment control measures shall be maintained and that the permittee will inspect the erosion and sediment control measures at least once in every two-week period and within 48 hours following rain-storm events during construction to ensure continued compliance with the approved plan. Records of self-inspection shall be maintained on the site and be available for review by Town and its agents.
- (13) A statement by the permittee acknowledging that the U.S. Army Corps of Engineers may have additional jurisdiction over wetlands not regulated by the Town.
- (14) A statement by the permittee acknowledging that a National Pollutant Discharge Elimination System permit application, if required, has been made for land-disturbing activities of five acres or greater.
- (15) A statement incorporating by reference the minimum standards (Section 4-5-40) of the erosion and sediment control regulations of the Virginia Division of Soil and Water Conservation state water control board (VR625-02-00) (9 VAC 25-840).
- (16) Environmental site assessment information consisting of:
 - (a) Base flood hazard areas (one-hundred-year floodplain).
 - (b) Location of all tidal and nontidal wetlands, as defined in 9 VAC 10-20-40.
 - (c) Location of all tidal shores, as defined in 9 VAC 10-20-40.

[d] Location of all tributary and nontributary streams, as defined in 9 VAC 10-20-40.
Commented [RM3]:

[e] Location of boundaries of all areas designated as RPAs pursuant to Section 3-158 of the Town of Bowling Green Zoning Ordinance.

[f] Soils delineation.

(17) A statement that, prior to any land-disturbing activity, all wetlands shall be conspicuously flagged or otherwise identified, and that the applicant shall notify the Administrator upon completion of flagging and before any land-disturbing activities commence.

(18) Evidence that applicable U.S. Army Corps of Engineers and state permits necessary for activities in state waters and wetlands or appropriate waivers of jurisdiction have been obtained.

(19) Evidence that a water quality impact assessment, as required by Section 3-160 of the Town of Bowling Green Zoning Ordinance has been performed for any proposed development within an RPA, including any buffer area modification or reduction, and for any development in an RMA which, due to the unique characteristics of the site or intensity of the proposed development, is considered to be environmentally sensitive land.

(20) Calculations or other evidence showing:

[a] Nonpoint source pollution loads of phosphorus and sediments to receiving surface waters during and after development will not be increased because of new development or redevelopment of any site currently served by water quality BMPs.

[b] Nonpoint source pollution loads of phosphorus and sediments to receiving surface waters during and after development will be reduced by 10% for redevelopment of any site not currently served by water quality BMPs.

[c] The development will comply with the performance standard for nonpoint source pollution loads to receiving surface waters, as demonstrated by a stormwater management plan, which must contain the following:

- [1] Location and design of all planned stormwater control devices.
- [2] Procedures for implementing nonstructural stormwater control practices and techniques.
- [3] Predevelopment and postdevelopment nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations.
- [4] For facilities, verification of structural soundness, including a professional engineer or Class IIIIB surveyor certification.
- [5] A long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance.

(Code 2010, § 3-303)

Section 3-303. Submission and approval of plans; contents of plans. In subsection (b)(16), the successor VAC provisions cannot be located. Please advise as to desired changes.

Section 3-304. Permits; fees; security for performance.

(a) As provided by law, agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(b) No person may engage in any land-disturbing activity until he has acquired a landdisturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this article, and the required fees have been paid and any required bond posted. In addition as a prerequisite to engaging in the land-disturbing activities shown on the approved plan,

the person responsible for carrying out the plan shall provide to the program authority the name of a responsible land disturber, who will be in charge of and responsible for carrying out the land-disturbing activity, in accordance with the approved plan. Failure to provide the name of a responsible land disturber prior to engaging in land-disturbing activities may result in revocation of plan approval and the responsible land disturber shall be subject to the penalties provided in this article. A responsible land disturber shall not be required for agreements in lieu of a plan. However, if a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall be required to provide the name of a responsible land disturber to the program authority. Failure to provide the name of a responsible land disturber shall be a violation of this article.

(c) All required fees shall be paid to the Town of Bowling Green Treasurer at the time of submission of the erosion and sediment control plan.

(d) No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(e) All applicants for permits shall provide to the Town of Bowling Green a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Town Attorney, to ensure that measures could be taken by the Town of Bowling Green at the applicant's expense should the applicant fail, after proper notice, within the time specified, to initiate or maintain appropriate conservation measures required of him as a result of his land-disturbing activity.

(1) The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation, which shall not exceed 25% of the cost of the conservation action. Should it be necessary for the Town of Bowling Green to take such conservation action, the Town of Bowling Green may collect from the applicant any costs in excess of the amount of the surety held.

(2) Within 60 days of adequate stabilization, as determined by the Administrator in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

(f) These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.
(Code 2010, § 3-304)

Section 3-305. Monitoring, reports, and inspections.

(a) The Town of Bowling Green shall require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

(b) The Administrator shall periodically inspect the land-disturbing activity in accordance with 4 VAC 50-30-60 of the Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

(1) If the Administrator determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

(2) The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this article and shall be subject to the penalties provided herein.

(c) Upon determination of a violation of this article, the Administrator may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

- (1) If land-disturbing activities have commenced without an approved plan, the Administrator may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.
- (2) Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this article. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.
- (3) The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Caroline County.
- (4) If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the Town of Bowling Green.
- (5) The owner may appeal the issuance of an order to the Circuit Court of Caroline County.
- (6) Any person violating or failing, neglecting or refusing to obey an order issued by the Administrator may be compelled in a proceeding instituted in the Circuit Court of Caroline County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

(7) Nothing in this section shall prevent the Administrator from taking any other action authorized by law. (Code 2010, § 3-305)

Section 3-306. Penalties, injunctions, and other legal actions.

(a) Any person who violates any provision of this article shall, upon a finding of the General District Court of Caroline County, be assessed a civil penalty. The civil penalty for any one violation shall be \$100, except that the civil penalty for commencement of land disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.

(b) The Administrator or the owner of property which has sustained damage or which is in imminent danger of being damaged may apply to the Circuit Court of Caroline County to enjoin a violation or a threatened violation of this article, without the necessity of showing that an adequate remedy at law does not exist. However, an owner of property shall not apply for injunctive relief unless:

(1) He has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property; and

(2) Neither the person who has violated the local program nor the program authority has taken corrective action within 15 days to eliminate the conditions which have caused, or created the probability of causing, damage to his property.

(c) Any person who violates any provision of this article may be liable to the Town of Bowling Green in a civil action for damages.

(d) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the

Town of Bowling Green. Any civil penalties assessed by a court shall be paid into the treasury of the Town of Bowling Green, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(e) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this article, the Town of Bowling Green may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Section 3-306(d). Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Section 3-306(d).

(f) Compliance with the provisions of this article shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.
(Code 2010, § 3-306)

~~Section 3-307. Appeals and judicial review.
Final decisions of the Administrator or the plan-approving authority under this article shall be subject to review by the Circuit Court of Caroline County, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.
(Code 2010, § 3-307)~~

Formatted: Highlight

Article IV Building Construction

Section 3-400. Prevailing Standard.

The Uniform Statewide Building Code is the prevailing standard for building construction in the Town ~~and the Town adopts parts I, II and III.~~ (Code 2010, § 3-400)

Article V Numbering of Buildings

Article V. Numbering of Buildings

These provisions overlap and conflict with Code §§ 5-420--5-422. Please advise as to which ordinance prevails. (Code §§ 5-420 and 3-501 are in direct conflict).

Formatted: Highlight

Section 3-500. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Building" means any structure having a roof supported by walls, constructed specifically for human occupancy.

"Front" or "Frontage" means that side of a lot or parcel of land which abuts the street; or that side of a building containing the main doorway which faces the property boundary abutting the street.

"Officially Named Street" means only those streets whose names have been approved or accepted by the Town Council and identified by the standard and authorized street signs.

"Property Owner" or "Owner" means any person or persons, natural or corporate, who are vested with fee simple title or a life estate or who are responsible for the care, maintenance, upkeep or payment of all taxes, levies or charges against the realty.

"Street" means any officially named, numbered or dedicated public right-of-way or thoroughfare utilized for vehicular traffic within the corporate limits of the Town.
(Code 2010, § 3-500)

Section 3-501. Numbering plan.

(a) Geographical center. The intersection of Main Street, Chase Street and Milford Street shall be considered the geographical center of the Town.

(1) Streets running generally in the east/west direction which traverse Main Street shall bear the prefix "East" or "West," as applicable, and buildings fronting on such streets shall be numbered from the point of transversal, beginning with the number 100 in both easterly and westerly directions.

(2) Streets running generally in the north/south direction which transverse Milford or Chase Streets shall bear the prefix "North" or "South," as applicable, and buildings fronting thereon will be numbered from the point of transversal, beginning with the number 100 in both the northerly and southerly directions.

(b) Primary thoroughfares. For the purpose of this article, Main Street, Milford Street and Chase Street shall be considered as primary thoroughfares. On streets intersecting primary thoroughfares, buildings will be numbered, beginning with the number 100, at the point of intersection.

(c) Buildings on streets. Buildings which do not transverse or intersect with primary thoroughfares shall be numbered, beginning with the number 100, from the intersection as designated by the Town Council.

(d) Vacant lots. Numbers will be designated for vacant lots which have been established as such by deed or by a certified surveyor. These numbers will be maintained in the office of the Town Clerk and assigned as buildings are constructed.

(e) Odd and even numbers. On streets running generally in a north/south direction, odd numbers shall be assigned to buildings on the east side of the street; even numbers on the west side. On streets running generally in an east/west direction, odd numbers shall be assigned to buildings on the north side; even numbers on the south side.

(Code 2010, § 3-501)

Section 3-502. Assignment of numbers.

(a) Single-family dwellings shall each be assigned a number.

(b) Multifamily dwellings.

(1) Single-family dwellings which have been converted into or are being used as multifamily dwellings or multiple commercial establishments shall be assigned only one number.

(2) Apartment buildings or duplexes, constructed originally as multifamily dwellings, shall be assigned a number for each main entrance fronting the street on which it is located.

- (c) Commercial establishments, business or professional offices shall be assigned separate numbers, notwithstanding the fact that several of each may be situated within the same building, provided that each has a separate entrance fronting the street on which the building is located.
- (d) Public, fraternal and community buildings shall be assigned numbers.
- (e) Churches and church buildings fronting on streets shall be assigned numbers; however, the provisions of Sections 3-505 and 3-506 shall not apply.
- (f) Buildings outside the Town limits, as described in this section, but fronting on officially named streets, may be assigned numbers; however, the provisions of Sections 3-505 and 3-506 shall not apply.
(Code 2010, § 3-502)

Section 3-503. Size, type and location of numbers; exceptions.

- (a) Numerals used by property owners for structures as described herein shall not be less than three inches in height and shall be made of durable material.
- (b) Location of numerals. Numerals shall be placed on the building, establishment or office, in the immediate proximity of the doorway fronting the street and clearly visible from the street. Commercial establishments and offices having glass fronts or glass doors may use decal-type or hand-lettered numerals placed on the glass of the main doorway or on glass immediately adjacent to or above the main doorway. Property owners' assigned numbers for buildings whose doors are not readily visible from the street shall use an additional set of the numbers placed on or near the street on a gatepost, lamppost, driveway pillar or some similar object.
- (c) Exceptions. Where it is impractical to comply strictly with the provisions of this section, numbers shall be assigned and located as directed by the Town Council.
(Code 2010, § 3-503)

Section 3-504. Maintenance of map and records.

(a) It shall be the responsibility of the Town Clerk to maintain in his office in current status at all times:

- (1) A map of the Town showing all lots and buildings which are subject to the assignment of numbers as provided in this article.
- (2) A list of the owners of such lots and buildings.
- (3) A list of the numbers assigned to such lots and buildings.

Section 3-505. Responsibility to affix and maintain numbers.

(a) It shall be the responsibility of each person owning or being in charge of real estate which is within the Town to keep himself informed as to the number or numbers assigned to each building or structure on such real estate and to maintain thereon the number or numbers assigned thereto pursuant to the provisions of this article.

(b) Within 10 days following the completion of a new building or of an addition to a building, and before the occupation or use thereof, the owner or person in charge thereof shall ascertain from the Town Clerk the correct number or numbers assigned thereto and affix to and thereafter maintain on such new building or new addition the proper number or numbers assigned thereto, as provided in this article.

(Code 2010, § 2-305)

Section 3-506. Violations and penalties.

Any owner of a building which is located in the Town who fails to comply with the provisions of Section 3-505 shall be subject to a fine not to exceed \$10 for each offense.

Each additional day of violation shall constitute a separate offense.

(Code 2010, § 2-306)

Article VI. Stormwater Management

Section 3-600. PURPOSE AND AUTHORITY.

Formatted: Font color: Background 1, Highlight

(a) The purpose of this Ordinance is to ensure the general health, safety, and welfare of the citizens of the Town of Bowling Green, Virginia and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from land disturbing activities causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.

(b) This Ordinance is adopted pursuant to the Stormwater Management Act (Code of Virginia, § 62.1-44.15:24 et seq.)

(c) All approved stormwater management plans shall be binding on all current and subsequent property owners of land to which the approved stormwater management plan pertains. (Ord. No. O-2014-006, 6-26-2014)

Section 3-601. DEFINITIONS.

In addition to the definitions set forth in 4 VAC 50-60-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this Ordinance have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

"Administrator" means the Town Manager of the Town of Bowling Green who is authorized to delegate duties and responsibilities set forth in this Ordinance to qualified technical personnel, plan examiners, inspectors, and other employees or third-parties.

"Agreement in lieu of a stormwater management plan" means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a singlefamily residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

"Applicant" means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

"Best management practice" or "BMP" means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

"Chesapeake Bay Preservation Act Land-Disturbing Activity" means a land-disturbing activity including clearing, grading, or excavation that results in a land-disturbance equal to or greater than 2,500 square feet and less than one acre in all areas of the Town designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC-10-20-10 et seq., as amended.

"Common plan of development or sale" means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

"Control measure" means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

"Clean Water Act" or "CWA" means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

"Council" means the Town Council of the Town of Bowling Green.

"Department" or "DEQ" means the Virginia Department of Environmental Quality.

"Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or nonsilvicultural purposes.

"General permit" means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in Part XIV (4VAC50-60-1100 et seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in Section 3602 (b) of this Ordinance.

"Minor modification" means an amendment to an existing permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor permit modification or amendment does not substantially alter permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

"Operator" means the owner or operator of any facility or activity subject to regulation under this Ordinance.

"Permittee" means the person to whom a Stormwater Management Permit is issued.

"Person" means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.

"Regulations" means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 4 VAC 50-60, as amended.

"Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity.

"State" means the Commonwealth of Virginia.

"State Board" or "SWCB" means the State Water Control Board.

"State Water Control Law" means Code of Virginia, title 62.1, ch. 3.1 (Code of Virginia, § 62.1-44.2 et seq.).

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater Management Permit" or "VSMP Authority Permit" means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a landdisturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of General permit coverage has been provided by the Department, where required.

"Stormwater management plan" means a document or compilation of documents containing materials meeting the requirements of Section 3-605 of this Ordinance.

"Stormwater Pollution Prevention Plan" or "SWPPP" means a document or compilation of documents meeting the requirements of Section 3-604 of this Ordinance, and which include at minimum, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

"Subdivision" means the same as defined in Chapter 3, Article II, Section 3-205, [Subdivision of Land] of the Code of the Town of Bowling Green.

"Total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

"Town" means the Town of Bowling Green.

"Virginia Stormwater Management Act" or "Act" means Code of Virginia, title 62.1, ch. 3.1, art. 2.3 (Code of Virginia, § 62.1-44.15:24 et seq.)

"Virginia Stormwater BMP Clearinghouse website" means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

"Virginia Stormwater Management Program," "VSMP," or "Stormwater Management Program" means the program established by the Town to manage the quality and quantity of runoff resulting from land-disturbing activities in accordance with state law, and which has been approved by the SWCB.

"Virginia Stormwater Management Program authority" or "VSMP authority" means the Town of Bowling Green.
(Ord. No. O-2014-006, 6-26-2014)

Section 3-601. DEFINITIONS. The definition of Chesapeake Bay Preservation Act Land-Disturbing Activity contains a reference to repealed 9 VAC-10-20-10 et seq. Please advise as to desired changes.

Section 3-602. STORMWATER PERMIT REQUIREMENT; EXEMPTIONS.

(a) Except as provided herein, no person may engage in any land-disturbing activity until a Stormwater Management Permit has been issued by the Administrator in accordance with the provisions of this Ordinance.

(b) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:

(1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Code of Virginia title 45.1;

(2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Code of Virginia, title 10.1, ch. 11 (Code of Virginia, §

10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in Code of Virginia, § 10.1-1163(B);

- (3) Single-family residences separately built and disturbing less than 2,500 square feet and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
- (4) Land disturbing activities that disturb less than 2,500 square feet of land area, and which are not part of a larger common plan of development or sale that is one acre or greater of disturbance;
- (5) Discharges to a sanitary sewer or a combined sewer system;
- (6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
- (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and
- (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the requirements of Section 3-607 of this Ordinance is required within 30 days of commencing the land-disturbing activity.
- (9) Neither a registration statement nor payment of the Department's portion of the statewide permit fee established pursuant to the Section establishing the statewide fee schedule shall be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale.

(Ord. No. O-2014-006, 6-26-2014)

Section 3-603. STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SUBMISSION AND APPROVAL OF PLANS; PROHIBITIONS.

(a) Pursuant to Code of Virginia, § 62.1-44.15:27, the Town of Bowling Green hereby establishes a Stormwater Management Program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for such programs promulgated by the State Board for the purposes set out in Section 3-600 of this Ordinance. The Council hereby designates the Town Manager of the Town of Bowling Green as the Administrator of the Stormwater Management Program. The program and regulations provided for in this Ordinance shall be made available for public inspection at the Administrator's office.

(b) No stormwater management permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:

(1) A permit application that includes a General permit registration statement which, among other things, certifies that a Stormwater Pollution Prevention Plan (SWPPP) has been prepared in accordance with state law;

(2) An erosion and sediment control plan or an agreement in lieu of a plan, approved in accordance with the Bowling Green Sediment and Erosion Control ordinance, and;

(3) A stormwater management plan that meets the requirements of Section 3-605 of this Ordinance.

(c) Notwithstanding any other provision of this Section, an Applicant seeking to conduct a Chesapeake Bay Preservation Act Land-Disturbing Activity shall not be required to provide the permit application set forth in Section 3-603(b)(1), nor provide evidence of General Permit coverage, which coverage is not required for such activities. Except as otherwise required in this subsection, the Applicant shall not be required to comply with the requirements of Section 3-604 [SWPPP].

(d) No stormwater management permit shall be issued until evidence of General permit coverage is obtained from DEQ, where required.

(e) No stormwater management permit shall be issued until the fees required to be paid pursuant to Section 3-614, are received, and a performance bond required pursuant to Section 3-615 of this Ordinance has been received.

(f) No stormwater management permit shall be issued unless and until the stormwater management permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved stormwater management plan.

(g) No grading, building or other local permit shall be issued for a property unless a stormwater management permit has been issued by the Administrator, and the Applicant provides a certification that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit conditions. A person shall not conduct any land-disturbing activity until he has submitted a permit application to the VSMP authority that includes a State VSMP permit registration statement, if such statement is required, and, after July 1, 2014, a stormwater management plan or an executed agreement in lieu of a stormwater management plan, and has obtained VSMP authority approval to begin land disturbance. After July 1, 2014, a VSMP authority shall be required to obtain evidence of state VSMP permit coverage where it is required prior to providing approval to begin land disturbance.

(h) As a condition of permit approval, two (2) copies of a construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator upon completion of construction. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan. Construction record drawings may not be required for stormwater management facilities for which maintenance agreements are not required pursuant to Section 3-609 (b).
(Ord. No. O-2014-006, 6-26-2014)

Section 3-604. STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

(a) The Stormwater Pollution Prevention Plan (SWPPP) that is required to be prepared before a registration statement for General permit coverage may be submitted to DEQ for approval (as referenced in Section 3-603(b)(1)) shall include the content specified by Section 4VAC50-60-54 2

VAC 25-870-54, and any other applicable regulations including, but not limited to i) a stormwater management plan that meets the requirements of this Ordinance, ii) a County-approved Erosion and Sediment Control plan, and iii) a pollution prevention plan that meets the requirements of 4 VAC 50-60-56 9 VAC 25-870-56.

(b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP. The SWPPP shall also be amended by the operator, if an inspection reveals that the SWPPP is inadequate to satisfy applicable regulations

(c) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site.

(d) Construction activities that are part of a common plan of development and disturb less than one acre may utilize a SWPPP template provided by DEQ and need not provide a separate stormwater management plan if one has been prepared and implemented for the larger development project, to the extent permitted by state law.
(Ord. No. O-2014-006, 6-26-2014)

Section 3-605. STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN.

(a) The Stormwater Management Plan, required in Section 3-603(b)(3) of this Ordinance, must include the following information:

- (1) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
- (2) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and post-development drainage areas;

- (3) A narrative that includes a description of current site conditions and final site conditions, except that the Town may allow the information that addresses the current and final site conditions to be provided and documented during the review process;
- (4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
- (5) Information on the proposed stormwater management facilities, including:
 - (i) The type of facilities;
 - (ii) Location, including geographic coordinates;
 - (iii) Acres treated; and
 - (iv) The surface waters or karst features, if present, into which the facility will discharge.
- (6) Hydrologic and hydraulic computations, including runoff characteristics;
- (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of Section 3-607 of this Ordinance.
- (8) A map (or maps) of the site that depicts the topography of the site and includes:
 - (i) All contributing drainage areas;
 - (ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
 - (iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
 - (iv) Current land use including existing structures, roads, and locations of known utilities and easements;

(v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;

(vi) The limits of clearing and grading, and the proposed drainage patterns on the site;

(vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and

(viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.

(b) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 3-607 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by Code of Virginia, § 62.1-44.15:35.

(c) Elements of a stormwater management plan that include activities regulated under Code of Virginia, title 54.1, ch. 4 (Code of Virginia, § 54.1-400 et seq.) shall be appropriately scaled and signed by a professional registered in the Commonwealth of Virginia pursuant to Code of Virginia, title 54.1, ch. 4, art. 1 (Code of Virginia, § 54.1-400 et seq.) (Ord. No. O-2014-006, 6-26-2014)

Section 3-606. REVIEW OF STORMWATER MANAGEMENT PLANS.

(a) The Administrator shall review stormwater management plans and shall approve or disapprove such plans as follows:

(1) The Administrator shall determine the completeness of a plan in accordance with Section 3-605 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.

(2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness

is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.

(3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.

(4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.

(5) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.

(b) Approved stormwater management plans may be modified as follows:

(1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.

(2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.

(c) The Administrator shall require the submission of two (2) copies of construction record drawing for permanent stormwater management facilities once construction is completed. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 3-609

(b).
(Ord. No. O-2014-006, 6-26-2014)

Section 3-607. TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES.

(a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the Town hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, which shall apply to all land-disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Subsection (b) of this Section. (b) Notwithstanding the foregoing, any land-disturbing activity proposed to occur pursuant to i) a plan of development proffered as part of a conditional rezoning and approved by the Town Council; ii) any other plan of development or site plan approved by the Town, including any plan approved pursuant to a rezoning request, a variance request, or a request for a special use permit; iii) an approved final subdivision plat or iv) an approved preliminary plat where the applicant has diligently pursued final plat approval within a reasonable period of time under the circumstances in accordance with Code of Virginia, § 15.2-2307 was approved by the Town prior to July 1, 2012, and for which no coverage under the general permit has been issued prior to July 1, 2014, shall be considered grandfathered and shall not be subject to the technical criteria of Part II B [of the Regulations], but shall be subject to the technical criteria of Part II C [of the Regulations] for those areas that were included in the approval, provided that the Administrator, finds that the following criteria apply:

(1) The plat includes conceptual drawing(s) sufficient to provide for the specified stormwater management facilities required at the time of approval;

(2) The resulting land-disturbing activity will be compliant with the requirements of Part II C [of the Regulations]; and

(3) In the event that the approved plat is subsequently modified or amended in a manner such that there is no increase over the previously approved plat in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and such that there is no increase over the previously approved plat or plan in the volume or rate of runoff, the grandfathering shall continue as before.

(c) For local, state, and federal projects for which there has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Virginia Department of Conservation and Recreation Environmental Quality has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by the Town and shall be subject to the technical requirements of Part II C of the Regulations for those areas that were included in the approval.

(d) For land-disturbing activities grandfathered under Sections (b) or (c) of this Section, construction must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical requirements of Subsection (a) above.

(e) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements Part IIC of the Regulations, as adopted by the Town in Subsection (b) of this Section.
(Ord. No. O-2014-006, 6-26-2014)

Section 3-607. TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES. Please review subsection (a), as it adopts now nonexistent regulations and advise as required changes. Similarly, subsections (b), (b)(2) and (c) reference nonexistent regulations. Please advise as to required changes.

Section 3-608. EXCEPTIONS TO TECHNICAL CRITERIA.

(a) In approving a Stormwater Management Plan as set forth in Sec. 3-603 of this Ordinance, the Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided the Administrator finds the following:

- (1) The exception is the minimum necessary to afford relief;
- (2) Reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved;
- (3) Granting the exception will not confer any special privileges that are denied in other similar circumstances, and;
- (4) The exception request is not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.

(b) Exceptions to the requirement that the land-disturbing activity obtain a required stormwater management permit shall not be given by the Administrator, nor shall the

Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director of DEQ.

(c) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 4VAC50-60-69 have been considered and found not available.

(d) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at the operator's discretion.
(Ord. No. O-2014-006, 6-26-2014)

Section 3-608. EXCEPTIONS TO TECHNICAL CRITERIA. Please review subsection (a), as it references now nonexistent regulations and advise as required changes.

Section 3-609. LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES.

(a) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:

- (1) Be submitted to the Administrator and the Town Attorney for review and approval prior to the approval of the stormwater management plan;
- (2) Recite that they are intended to "run with the land";
- (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
- (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and

(5) Be enforceable by all appropriate governmental parties.

(b) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.

(c) If a recorded instrument is not required pursuant to Subsection 3-609 (b), the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator.

(Ord. No. O-2014-006, 6-26-2014)

Section 3-610. MONITORING AND INSPECTIONS.

(a) The Administrator, or his designated agent, shall inspect the land-disturbing activity during construction for:

- (1) Compliance with the approved erosion and sediment control plan;
- (2) Compliance with the approved stormwater management plan;
- (3) Development, updating, and implementation of a pollution prevention plan; and
- (4) Development and implementation of any additional control measures necessary to address any TMDL.

(b) The Administrator may require monitoring and reports from the permittee to ensure compliance with the Stormwater Management Permit and to determine whether the measures required in the permit provide effective stormwater management.

(c) The Administrator, or his designee may, at reasonable times and under reasonable circumstances, enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.

(d) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.

(e) In accordance with Code of Virginia, § 62.1-44.15:38, the Administrator may require every stormwater management permit applicant or permittee, or any such person subject to stormwater management permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of such person's discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.

(f) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted pursuant to the adopted and State Board approved inspection program, and shall occur, at minimum at least once every five years except as may otherwise be provided for in Section 3-609. The Town may utilize the inspection reports of the Owner if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Code of Virginia, title 54.1, ch. 4, art. 1 (Code of Virginia, § 54.1-400 et seq.); a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor; or a person who holds an appropriate certificate of competence from the State Board.

(g) If the Administrator determines that there is a failure to comply with the conditions of a Stormwater Management Permit, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by registered or certified mail to the address specified in the permit application, or by delivery at the site of the development activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with

subsection (b) of this Section by the Administrator, or the permit may be revoked. The Administrator may pursue enforcement in accordance with Section 3-613 of this Ordinance.

(1) If a permittee fails to comply with a notice issued in accordance with subsection (g) above, within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed. Such orders shall be issued in accordance with the Town's local enforcement procedures, and shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Town.

(2) If the Administrator determines that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order.

(3) If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute an injunctive proceeding in accordance with Section 3613, in addition to any other administrative and/or judicial proceedings initiated.
(Ord. No. O-2014-006, 6-26-2014)

Section 3-611. HEARINGS

(a) Any permit applicant or permittee aggrieved by any action of the Town taken without a formal hearing, or by inaction of the Town, may demand in writing a formal hearing by the Council, or such other local appeals board as may be established by law, provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.

(b) The hearings held under this Section shall be conducted by the Council at a regular or special meeting of the Council or by at least one member of the Council designated by the Mayor to conduct such hearings on behalf of the Council, or by the local appeals body, at any other time and place authorized.

(c) A verbatim record and/or a recording of the proceedings of such hearings shall be taken and filed with the Council or the local appeals body. Depositions may be taken and read as in actions at law.

(d) The Council or its designated member, or the local appeals body, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

(Ord. No. O-2014-006, 6-26-2014)

~~Extract all environmental provisions and send to Reese~~

~~Section 3-612. APPEALS.~~

~~Any permit applicant or permittee who is aggrieved by a permit or enforcement decision of the Town, is entitled to judicial review thereof, provided an appeal is filed within 30 days from the date of the decision being appealed.~~

~~Appeals of decisions rendered by the Town shall include an opportunity for judicial review in the Circuit Court of Caroline County. Unless otherwise provided by law, the Circuit Court shall conduct such review in accordance with the standards established in Code of Virginia, § 2.2-402, as amended, and the decisions of the Circuit Court shall be subject to review by the Court of Appeals, as in other cases under this portion of the Town Code.~~

~~(Ord. No. O-2014-006, 6-26-2014)~~

~~Section 3-613. ENFORCEMENT.~~

(a) Any person who violates any provision of this Ordinance or who fails, neglects or refuses to comply with any order of the Town shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.

(b) Violations for which a penalty may be imposed under this subsection shall include but not be limited to the following:

- (1) Failing to have a general permit registration;
- (2) Failing to prepare a SWPPP;
- (3) Having an incomplete SWPPP;
- (4) Not having a SWPPP available for review as required by law;
- (5) Failing to have an approved erosion and sediment control plan;
- (6) Failing to install stormwater BMPs or erosion and sediment controls as required by this Ordinance and/or state law;
- (7) Having stormwater BMPs or erosion and sediment controls improperly installed or maintained;
- (8) Operational deficiencies;
- (9) Failure to conduct required inspections, or having incomplete, improper, or missed inspections.

(c) The Town may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate circuit court. In imposing a civil penalty pursuant to this subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.

(1) With the consent of any person who has violated or failed, neglected or refused to obey any provision of this Ordinance, any condition of a permit or state permit, any regulation or order

of the Town, the Town may provide, in an order issued against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in this section. Such civil charges shall be instead of any appropriate civil penalty that could be imposed under this section.

(2) Any civil charges collected shall be paid to the locality or state treasury as appropriate pursuant to subsection (d) of this Section.

(d) Any civil penalties assessed by a court as a result of a summons issued by the Town shall be paid into the treasury of the Town to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.

(Ord. No. O-2014-006, 6-26-2014)

Formatted: Font color: Background 1

Article VII. Air Pollution and Open Burning

Section 3-700. Purpose.

The Town Council enacts this article in order to promote the health, safety and general welfare of the Town. (Code 2010, § 3-700)

Section 3-701. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Air Pollution" means the emission into the atmosphere of substances of such character, in such quantities and of such duration as are or may tend to be injurious to human, plant or animal life or to property or to interfere unreasonably with the comfortable enjoyment of life or property or with the conduct of business. The sources of air pollution emissions shall include, but not be limited to, stacks, chimneys, openings, buildings, structures, open fires, vehicles, processes or any other source of any smoke, dust, fumes, gases, vapors, toxic odors or radioactive substances and waste.

Nuisance" means environmental conditions, intermittent or continuous, produced or correctable by human agency, prejudicial to the reasonable enjoyment of health, comfort or safety by any individual or causing injury or damage to persons, property or the conduct of business.

"Open Fire" means a fire not contained within a combustion unit so designed as to prevent the excessive emission of smoke, soot, cinders, noxious acids, fumes and gases.
(Code 2010, § 3-701)

Section 3-702. Prohibited acts.

It shall be unlawful for any person to cause or allow to escape into the open air such quantities of cinders, dust, fly ash, soot, acid or other fumes, dirt or other materials or obnoxious gases in such place or manner as to constitute a nuisance to any other person or damage to any other property.
(Code 2010, § 3-702)

Section 3-703. Open burning.

A person shall not cause or allow open burning in streets, alleys and public places. Open burning on private property shall be permitted as provided for in Sections 3-704 through 3-709.
(Code 2010, § 3-703)

Section 3-704. Allowable burning.

Open burning shall be allowed without prior notification to the Fire Department for recreational fires, highway safety flares, smudge pots and similar occupational needs.
(Code 2010, § 3-704)

Section 3-705. Notification required.

Open burning shall be allowed, after notifying the Fire Department, for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, heating for warmth of outworkers, preparation of gardens, disposal of yard waste and bonfires. Notification shall be made before the fire is set and shall include the purpose of the proposed burning, the nature and quantities of material to be burned, the date when such burning will take place and the location of the burning site.

(Code 2010, § 3-705)

Section 3-706. Location requirements.

The location for any open burning shall be not less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. Fires in approved containers shall be permitted to be not less than 15 feet from any structure. (Code 2010, § 3-706)

Section 3-707. Open burning restrictions.

Open burning shall not be used for waste disposal purposes, other than yard waste, shall be of the minimum size for the intended purpose, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

(Code 2010, § 3-707)

Section 3-708. Open burning attendance.

Any open burning shall be constantly attended until the fire is extinguished. Fire extinguishing equipment shall be available for immediate use.

(Code 2010, § 3-708)

Section 3-709. Open burning prohibited.

The Mayor or Town Manager may prohibit open burning when atmospheric conditions or local circumstances make such fires hazardous to persons or property and may order the extinguishment of any open burning which creates or adds to a hazardous or nuisance situation.

(Code 2010, § 3-709)

Section 3-710. Violations and penalties.

Any person, firm or corporation committing an offense against any provision of this article shall, upon conviction thereof, be punishable as provided in Chapter 1, Article I, Section 1-110 of the Code of the Town of Bowling Green.

(Code 2010, § 3-710)

~~Article VIII Smoking in Public Buildings~~

~~Article VIII. Smoking in Public Buildings~~

~~Even though this ordinance does not contain the mandatory provisions required by Code of Virginia, § 15.2-2829, it is assumed that it is grandfathered pursuant to Code of Virginia, § 15.2-2828.~~

~~Section 3-800. In general.~~

~~The purpose of this article is to adopt regulations controlling and regulating smoking in public places in the Town and to direct and authorize the Town manager to develop and implement smoking policies and procedures for Town-owned and controlled buildings and work areas. (Code 2010, § 3-802)~~

~~Section 3-801. Authority; definitions.~~

~~The authority for this article is found in the Virginia Indoor Clean Air Act, § 15.2-2820 et seq and all definitions therein shall apply. (Code 2010, § 3-801)~~

~~Section 3-802. Smoking prohibited.~~

~~It is unlawful for any person to smoke in any permitted in any Town-owned and controlled buildings, vehicles, facilities, or parks. (Code 2010, § 3-802)~~

~~Section 3-803. Town-owned and controlled buildings and work places.~~

~~(a) The Town manager may develop and implement policies and procedures governing no smoking in Town-owned and controlled buildings or work areas not open to the general public in the normal course of business, except by invitation. The Town manager shall enforce these policies and procedures through administrative methods.~~

- ~~(c) — Any person who continues to smoke in such area after being asked to refrain from smoking may be subject to the civil penalty.~~
- ~~(d) — In all cases, the civil penalty shall be payable to the Town.~~
- ~~(e) — Violation of this section shall result in a civil penalty of twenty five dollars (\$25.00) against the violator. Any aggrieved person, including the Town, may seek to impose the civil penalty by civil action, which shall be paid to the Town.~~
- ~~(f) — Any law enforcement officer may issue a summons regarding a violation of this article.
(Code 2010, § 3-803)~~

|