



**TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING**

A G E N D A

**Monday, December 18, 2023
6:00 PM**

PLEDGE OF ALLEGIANCE:

ROLL CALL AND DETERMINATION OF A QUORUM:

PUBLIC COMMENT:

UNFINISHED BUSINESS:

- [1.](#) Fences
- [2.](#) Special Events

INFORMATIONAL ITEMS:

COMMISSION COMMENTS AND REPORTS:

ADJOURNMENT:

WORKSESSION:

**AN ORDINANCE OF THE TOWN OF BOWLING GREEN, VIRGINIA, REGULATING THE
CONSTRUCTION AND MAINTENANCE OF FENCES**

Section 1. Purpose

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

Section 2. Definitions

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

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

Section 3. Permits

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

Section 4. Height Restrictions and Setbacks

The height of a fence shall not exceed the following:

- In a front yard, four feet high with a setback of four feet from the edge of the road or sidewalk if present.
- In a side yard, four feet high with a setback of four feet from the edge of the road or sidewalk if present. No setback if adjacent to another parcel.
- In a rear yard, eight feet with a setback of four feet from the edge of the road or sidewalk if present. No setback required if adjacent to another parcel.
- Height restrictions do not apply to vegetative growth in side and rear yards.
- Upon determination of the Zoning Administrator, B-2 and M-1 parcels may have an extension to height requirements as defined in section 5.

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

Section 5. Materials

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

- Broken glass, tires, hubcaps, or other automotive parts
- Electric fences
- Barbed, concertina, or razor wire.
- Chain link and other wire fencing
- Any other material that could cause injury.

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

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

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

Section 6. Temporary Fencing

- Fences erected for the protection of plantings or to warn of a construction hazard or for similar purposes shall clearly be visible or marked with colored streamers or other such warning devices at four-foot intervals.
- Such fences shall comply with the setback requirements set forth in section 4.
- Temporary fences shall not remain in place after completion of the construction.
- Permits are not required for temporary fences.

Section 7. Sight Triangles

- No person shall erect, place, plant, or allow to grow any material in a sight triangle that would limit or obstruct the sight distance of motorists entering or leaving an intersection.
- The sight triangle shall be measured from the edge of pavement at the intersection to a point 10 feet along each curb or edge of pavement.
- The sight triangle shall be clear of all obstructions, including fences, tree branches, shrubs, and other vegetation higher than 3 feet or less than 8 feet.

Section 8. Maintenance

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

Section 9. Enforcement

The Town Zoning Administrator shall be responsible for enforcing this ordinance. Any property owner that violates this ordinance shall be subject to a fine of not more than \$500.

Work in Progress

The following would amend Town Code Chapter 6, replacing Article I and II.

Town Of Bowling Green Special Events Ordinance

Section 1 - Purpose

The purpose of this ordinance is to:

- Provide for the temporary use of land or buildings for special events in a manner consistent with its normal use and beneficial to the general welfare of the public;
- Protect nearby property owners, residents and businesses from special events which may be disruptive, unsafe, or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed use;
- Ensure the preservation of public convenience in the use of public streets and outdoor areas;
- Preserve public order and safety; and
- Provide that all costs associated with fulfilling the requirements of this section shall be the responsibility of the Applicant or landowner requesting the special event.

Section 2 - Definitions

The following words and terms when used in this article, shall have the meanings indicated below:

- (1) *Block party* means an outdoor party for residents of a block or neighborhood usually held in a closed-off local town street.
- (2) *Business License* means a permit issued by the town to allow a business to operate within town limits. The type of license, scope, application process, and fees may vary in relation to the category of business use.
- (3) *Manager* means the Town Manager or authorized agent of the Town Manager for the purposes of overseeing Special Events.
- (4) *Local street* means a vehicular traveled way that provides limited mobility and is the primary access to residential areas. Local streets are typically posted with 25 miles per hour speed limitations and represent the majority of streets within the town.
- (5) *Parade* means any march, walk, or procession consisting of people, animals, bicycles, vehicles, or a combination thereof, upon any street or sidewalk within the town and interferes with or is likely to interfere with the normal flow or regulation of pedestrian or vehicular traffic.
- (6) *Public assembly* means any meeting, demonstration, picket line, rally, or gathering of any kind that occupies any street or sidewalk within the town and interferes with or is likely to interfere with the normal flow or regulation of pedestrian or vehicular traffic.

- (7) *Race* means an organized competitive event consisting of people, bicycles, or other vehicular devices, or a combination thereof, upon any street, sidewalk, or lot within the town.
- (8) *Sidewalk* means any area in the town dedicated to the public use for purposes of pedestrian traffic.
- (9) *Special event* means a sports event, pageant, celebration, historical reenactment, entertainment, exhibition, parade, fair, festival, race, block party, market, or similar activity that is not a demonstration, engaged in by one or more persons, the conduct of which is reasonably likely to attract a crowd or onlookers.
- (10) *Spontaneous event* means a First Amendment expressive event that is occasioned by breaking news or affairs coming into public knowledge less than forty-eight (48) hours prior to the event.
- (11) *Street* means any public roadway or portions thereof in the town dedicated to the public use for purposes of vehicular traffic, including any shoulder, right-of-way, median strip, or footpath thereof.
- (12) *Traffic control plan* means a plan showing the method of providing traffic control through and around the special event venue showing the placement of all necessary temporary traffic and parking control devices and/or changes in traffic signal operations.
- (13) *Labor, equipment and services (LES)* means the cost of Town employees' total hours as well as any Town equipment and resources provided in support of a special event. LES costs are separate from permit fees.
- (14) *Vendor* means any person, firm, association, corporation, limited liability company, or other legal entity that provides goods or services.. The term "vendor" includes, but is not limited to, contractors, suppliers, consultants, and service providers.
- (15) *Gathering* means a social gathering of individuals that does not include the setup of any equipment.

Section 3 - Permit Required

(a) Except as otherwise provided in this section, it shall be unlawful for any person, group, or organization to conduct or participate in any special event on any street, shared use path, sidewalk, commercially zoned parcels, or town-owned or leased public parking lot in the town or in any other non-town park public venue, for which a permit has not been issued in accordance with the provisions of this article.

(b) Exceptions. No permit shall be required for:

- (1) Any gathering consisting of no more than fifty (50) persons and which takes place on any sidewalk or other public right-of-way that is not used for the movement of motor vehicle traffic, does not require traffic control measures, does not have monetary exchange, and does not create a public safety hazard;
- (2) Spontaneous events;
- (3) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of school authorities;

- (4) The United States military forces, and the military forces of the state acting in their official capacity;
- (5) The police and fire departments of the state, town, and of any other locality rendering aid;
- (6) Any governmental agency acting within the scope of its functions or in the course of a ceremonial function; and
- (7) Wedding or funeral processions.
- (8) Churches and non-profit organizations conducting events on their own property.
- (9) Activity already defined and approved within the scope of a parcel's Special Use Permit.

(c) Notwithstanding the above exceptions, picketing before or about the residence or dwelling place of any individual is prohibited.

Town Of Bowling Green Special Events Ordinance Flowchart

<p>Is the activity one of the following?</p> <ol style="list-style-type: none"> 1. Festival, 2. Carnival or Circus, 3. Concert, 4. Parade, 5. Performance, 6. Tournament, 7. Race on public streets, 8. Neighborhood block party on public streets, 9. Demonstration, or 10. Sale of Goods or Services. 	<p>No</p> <p>→ →</p>	<p>Not a Special Event</p>
<p>↓ Yes ↓</p>		
<p>Is the activity one of the following exclusions?</p> <ol style="list-style-type: none"> 1. Funeral process supervised by a licensed mortuary, 2. Farm and Community market governed under Town Code Ordinance, 3. Performance on a private commercial patio, 4. A food truck on private property when no activity is occurring on the property other than the food truck and principal use of the property, 5. Yard sales conducted on residentially-occupied property or HOA-owned property, 6. Neighborhood block party on property owned by an HOA, 7. An Identified Activity produced and sponsored by an Institutional Use that (a) is conducted on property occupied by the Institutional Use, (b) has no vendors, and (c) is not located on property owned by the Town, or 8. Any other activity as defined in section 3.b of this ordinance 	<p>Yes</p> <p>→ →</p>	<p>Not a Special Event</p>
<p>↓ No ↓</p>		
<p>Is any part of the activity on land owned by the Town of Bowling Green?</p>	<p>→ Yes →</p>	<p>Does this activity include vendors selling goods or services?</p>
<p>↓ No ↓</p>	<p style="text-align: right;">↙</p> <p style="text-align: center;">Yes</p> <p style="text-align: left;">↘</p> <p>This is a Special Event</p>	<p>↓</p> <p>No</p> <p>↓</p> <p>Not a Special Event</p>
<p>Is the activity:</p> <ol style="list-style-type: none"> 1. Outside at one or more locations, 2. Enclosed with more than 50 people anticipated to attend over the duration of the activity, or 3. Allowing vendors selling goods, services, or other monetary exchange, or 4. An activity that requires payment to attend, participate, or enter. 	<p>No</p> <p>→ →</p>	<p>Not a Special Event</p>
<p>↓ Yes ↓</p> <p>This is a Special Event</p>		

Section 4 - Application Fee

- (a) There shall be paid by the applicant or sponsor at the time of the application, a non-refundable fee of one hundred dollars (\$100) for each event to cover the administrative costs of processing the permit.
- (b) No application shall be considered complete until the required fee is paid in full and processed.
- (c) Activities defined in the flow chart above as not being a special event requiring a permit are not subject to the payment of an application fee.

Section 5 - Application for Permit

- (a) Filing Period. An application for a Special Events Permit shall be made to the Manager, accompanied by an application fee as provided in Section 4. The application shall be submitted not less than sixty (60) days prior to the scheduled event. No application shall be accepted more than one hundred eighty (180) days before the date on which the event will occur. However, the application for any activity the primary purpose of which is the exercise of expressive activity and free speech as guaranteed by the First Amendment shall be submitted not less than three (3) business days nor more than one hundred eighty (180) days before the date on which the event will occur.
- (b) As part of each Special Events Permit, an application must also include the following, each of which must be signed off on by a corresponding Town Department manager:
 - (1) A parking and traffic plan, signed by the Police Chief
 - (2) A site plan identifying any logistical or utility needs, signed by the Public Works Manager
 - (3) A fire and safety plan, signed by the Police Chief
- (c) LES Costs. If an approved parking, traffic, fire, safety, or site plan would incur additional cost to the Town, such costs shall be paid for by the applicant or sponsor. The amount of these costs will be calculated by the Manager or applicable department management.
- (d) Insurance. The applicant shall provide evidence of general liability insurance for a special event in amounts of one million dollars (\$1,000,000.00) for bodily injury or death to any person or persons, and one million dollars (\$1,000,000.00) for damage to property. Such insurance policy shall include an endorsement naming the Town Of Bowling Green as an "additional insured." No such insurance shall be required for any special event if the primary purpose is the exercise of expressive activity and free speech as guaranteed by the First Amendment of the Constitution of the United States,

or for any special event or parade which does not include vehicles, or which does not require a full or partial street closure.

(e) Any person, group, or organization desiring to conduct a special event, parade, or race shall make written application to include the following:

- (1) The name, address, telephone number, and e-mail address of the person requesting the permit;
- (2) The name and address of any person, group, or organization the applicant is representing;
- (3) The name, address, telephone number, and e-mail address of the person who will act as the special event chairperson and who will be responsible for the conduct of the event;
- (4) A description of the activities planned during the event;
- (5) The date and time (start and end) of the special event and rain date (if applicable). The start time shall not be prior to 5am and the end time shall not be later than 10pm;
- (6) The specific assembly and dispersal locations, a sketch and description of the specific route, appropriate traffic control plan prepared by a private certified traffic service, if applicable, and the plans if any, for assembly and dispersal;
- (7) The approximate number of people who, and animals and vehicles which, will constitute such special event, and the type of animals and a description of the vehicles (e.g., marching units, floats, etc.), including, but not limited to, vehicle size and weight;
- (8) A statement as to whether the special event intends to occupy all or only a portion of the width of the streets or sidewalks proposed to be traversed or used;
- (9) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the special event;
- (10) The type and proposed location of any reviewing stands, temporary structures, and restroom facilities; and
- (11) Such other information as the Manager may deem reasonably necessary in order to properly provide for traffic control, street and property maintenance, administrative arrangements, police and fire protection, ADA compliance, and for the protection of public health, safety, and welfare.
- (12) If utilizing a pre-approved traffic control plan/route for the proposed event, no changes to the plan will be permitted.

Section 6 - Permit Processing and Approval Process

- (a) The Manager shall process applications for special event permits in the order in which they are received, and shall notify the applicant in writing at the address provided by the applicant, of the Manager's decision no later than fifteen (15) business days (excluding town

holidays) following the date the completed application is received. First Amendment activities which require application for a permit not less than three (3) business days before the event shall be processed immediately, and the applicant notified of a decision forthwith.

(b) If the application is denied, the applicant shall be apprised in writing of the reason. The Manager may deny an application, applying any of the following criteria and finding that:

- (1) Due to the time, duration, route or size of the special event the proposed activity presents an unreasonable safety or health risk to participants, spectators, or the public; or
- (2) Due to the condition of the street or sidewalk, including scheduled construction or maintenance, the proposed activity presents an unreasonable safety or health risk to participants, spectators, or the public; or
- (3) Public safety resources to support the activity are not reasonably available; or
- (4) The conduct of the activity will unduly interfere with the proper fire and police protection of, or ambulance service to, all or part of the town; or
- (5) The activity will cause irreconcilable interference with a competing special event and/or the operation of local businesses in the immediate surrounding area; or
- (6) Other special event permit requirements have not been met; or
- (7) The application contains a material falsehood or misrepresentation; or
- (8) The applicant or the person, group, or organization on whose behalf the application for permit was made has past due or unpaid balances of costs and/or fees from a prior event.

(c) A denied permit application may be resubmitted for review. An additional application fee will not be required if resubmitted within thirty (30) days. A resubmitted permit application is subject to the same criteria as an original application and any changes submitted by the applicant are not grounds for automatic approval.

(d) Permit conditions. The Manager may condition the issuance of a permit by imposing reasonable requirements or conditions as are necessary to protect the safety and rights of persons and property and control of traffic, provided that the applicant's rights under the First Amendment are not denied thereby. In order to accommodate the rights of abutting owners and the needs of the public to use the streets and sidewalks, and to protect the safety of the event participants, the conditions may include but are not limited to reasonable adjustments in the date, time, route, and location of the proposed event; designation of parking areas, and assembly and dispersal locations; accommodations for pedestrian and vehicular traffic using the streets and sidewalks; litter and debris clean-up requirements; limitations on the length and duration of the event; and the use of monitors, security personnel, or off-duty police officers. If emergency medical services and/or security services are desired, or required by the town, the applicant shall be responsible for obtaining and paying for those services.

(e) Issuance of a special event permit does not obligate or require the town to provide services and/or equipment in support of the event. The applicant may choose to contract with a private contractor for any necessary services or equipment to be included as part of the approved plans submitted to the department heads.

(f) Review by the Town Manager or designee. Upon request made in writing to the Town Manager, a denied applicant shall be entitled to an informal meeting with the Town Manager, or their designee, to review the decision. The meeting shall occur within five (5) business days of the receipt of the request unless there is mutual agreement to a different date. For denial of a permit

involving First Amendment activities, the meeting shall occur no later than the end of the next business day. The Town Manager, or their designee, may affirm, reverse, or modify the decision.

(g) Notice to various officials. Immediately upon the issuance of a permit under this section, the Manager shall send a copy thereof to representatives of the following:

- (1) Town Police Department;
- (2) Public Works Department; and
- (3) Town Administration Department

(h) Compliance with directions and standards. Every person to whom a permit is issued under this section shall comply with all permit terms and conditions and with all applicable regulations and laws. The special event, parade, or race chairperson or other person responsible for leading the event shall carry the permit upon their person during the event and show the permit when requested to do so. It shall be unlawful to violate any requirement or condition of the permit.

(i) Public conduct.

- (1) Interference. No person shall hamper, obstruct, impede, or interfere with any special event, or with any person, vehicle, or animal participating or used in such an event.
- (2) Pets. The bringing of pets to a special event is prohibited. Only licensed or certified service animals are allowed provided they are properly identified pursuant to state law.
- (3) Driving through special events. No driver of a vehicle shall drive through or between the vehicles, persons, or animals comprising a special event except when otherwise directed by a police officer. This shall not apply to authorized emergency vehicles.
- (4) Parking on the parade or race route or the area of a special event. The Manager and the police department shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along the public streets or public rights-of-way constituting a part of the route of a parade or race or an area in which a special event will occur. The Manager may post signs to such effect. No person shall be in violation of this subsection for parking on an unposted street unless the person was personally notified by the Manager or the police department to move the vehicle.

(j) The granting of any permit under this article shall not eliminate any requirement for any other license or permits which may be prescribed by any other federal, state, or local statutes, ordinances, rules or regulations, or compliance therewith.

(k) Any person(s) or organization that violates this ordinance shall be subject to a fine of not more than \$500. Additionally, the Town may prohibit any person(s) or organizations that violate this ordinance from organizing future special events.