



**TOWN OF BOWLING GREEN  
PLANNING COMMISSION MEETING**

**A G E N D A**

**Thursday, April 28, 2022  
7:00 PM**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL AND DETERMINATION OF A QUORUM:**

**PUBLIC COMMENT:**

**PUBLIC HEARING:**

- [1.](#) Rezoning – #RZS-2022-008 – JPM Investments, East Broaddus Ave
- [2.](#) Amendment to Zoning Ordinance, Division 16, Section 3-189. Prohibited signs. (C) (3)

**APPROVAL OF THE MINUTES:**

**NEW BUSINESS:**

**REPORT OF THE ZONING ADMINISTRATOR:**

**UNFINISHED BUSINESS:**

**INFORMATIONAL ITEMS:**

**COMMISSION COMMENTS AND REPORTS:**

**ADJOURNMENT**



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

**AGENDA ITEM:** Rezoning – #RZS-2022-008 – JPM Investments

**ITEM TYPE:** Public Hearing - Duly Advertised

**PURPOSE OF ITEM:** Decision - By Motion

**PRESENTER:** Allyson Finchum, Town Manager

**PHONE:** (804) 633-6212

**BACKGROUND / SUMMARY:**

Planning Commission to hold public hearing and provide recommendation of approval/denial to Town Council.

**ATTACHMENTS:**

Staff Report  
Application  
Applicant's Narrative  
Maps  
Ordinances

**REQUESTED ACTION:**

Hold Public Hearing; review project; defer or motion to recommend approval or denial.



**STAFF REPORT**  
**REZONING #RZS-2022-018**

**Request:** Rezoning  
(Business to R-1 Residential)

**Location:** Southwest Corner of East Broaddus Avenue and Travis Street

**Tax Map:** #43A2-3-A-17;  
43A2-3-A-18; 43A2-3-A-19;  
43A2-3-A-20

**Owner/Applicant:**  
JPM Investments, Jason Manns

**Proposed Density:** 3.63 dwelling units per acre for single-family dwellings and 1.68 dwellings per acre for two-family dwellings (with water & sewer connection)

**Site Size:** 2.29 acres +/- (combined)



**Existing Land Use:**

Parcels #43A2-3-A-17, 18; & 20 are Vacant  
Parcel #43A2-3-A-19 contains Existing Principal and Accessory Structure

**Existing Zoning:** B-1, Business

**Proposed Use:** Residential

**Surrounding Land Uses and Zoning:**

South: Residential Single-Family Dwellings zoned R-1  
West: Principal and Accessory Structures used as Residential Dwellings zoned B-1

North: Vacant Parcel and Business (Sales of Sheds and Trailers) zoned B-1  
East: Across Travis Street is Vacant Structure zoned B-2

**The 2021 Comprehensive Plan:** Commercial

**Staff:** Allyson Finchum, Town Manager/Zoning Administrator

### **Background & Summary of Proposal**

The applicant is requesting to rezone four parcels totaling 2.29+/- acres from B-1, Business to R-1, Residential. Three of the parcels are vacant and one contains a structure and accessory structure. The structure appears to have been built as a dwelling but was used for many years as a State Farm Insurance Office. The accessory structure contains a garage area with an apartment continuously rented as a residence on the second story. Thus, the accessory structure has maintained non-conforming use rights unlike the principal structure which must be rezoned to residential to be used as a residential dwelling.

### **Proffers**

No proffers have been submitted by the applicant. Any proffers must be reviewed by the Town Attorney and approved by Town Council.

### **Comprehensive Plan Recommendations**

The Future Land Use Map identifies this street as one of the three *Commercial corridors in the Town*. Excerpts from the Comprehensive Plan are attached.

### **Natural and Cultural Resources Impacts**

The Chesapeake Bay and storm water regulations provide the framework to protect environmentally sensitive water features. There are not known environmentally sensitive area on these parcels.

### **Traffic Impacts**

The parcels are pre-existing and a traffic impact statement is not included with the application.

## **Public Utility Impacts**

### **Water**

Water lines must have an individual tap to each parcel. There is an existing Town water main along East Broaddus Ave to serve the proposed development of these parcels.

The Town's current groundwater withdrawal permit allows for 69,520,000 gallons per year which is 190,465 gallons per day (gpd) on average. The current average daily production is 153,000 gpd. This total includes unaccounted for water usage from water leaks, flushing of hydrants, use from Caroline County Fire and Rescue (training, filling trucks, etc.). Current daily reserve is 37,465 which allows for an additional 124 connections at 300 gpd. Approval of any development that exceeds 190,465 gpd is contingent upon the Virginia Department of Environmental Quality's (VDEQ) approval of a modified withdrawal permit.

### **Sewer**

A Town sewer line is located on East Broaddus Street but not adjacent to the property.

The Town's current sewer capacity permitted is 250,000 (gallons per day), with 98,000 gpd (39.2%) currently used.

### **Storm water Impacts**

The parcels are pre-existing and each is less than one acre. The applicant has not submitted documentation pertaining to storm water management and may not necessary.

### **School Impacts:**

School impacts are not included in the application.

### **Tax Revenue**

Information was not included in the application.

### **Zoning and Subdivision Ordinance Considerations**

## R-1 Residential

The R-1 district “is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and at the same time permit certain home occupations and/or activities of a character unlikely to develop concentrations of traffic, noise, crowds of customers or outdoor advertising. To these ends, development is limited to relatively low concentration, and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses such as schools, parks, churches and certain public and private facilities that do not detract from this low-intensity residential use. Manufactured homes as residences are prohibited.”

The required lot area is dependent on connection to utilities.

(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. Page 23 of 154

(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

## Evaluation and Staff Comments

The following comments are provided by staff for consideration by the Planning Commission:

- Land use along East Broaddus Avenue from the traffic light at Main Street to the intersection of Travis Street is predominantly residential use. The transition to commercial occurs near the subject properties and continues to A.P. Hill Boulevard. Rezoning of commercial lots to residential would reduce the commercial land area on one of the few commercial corridors in Bowling Green, however, the physical existence of Travis Street along with well-established existing businesses prevents a high likelihood of additional changes from commercial to residential.
- The application is for R-1 Residential which allows single-family homes to be built by-right if code requirements are met. A Special Use Permit must be received by the Town to allow two-family dwellings.
- No proffers have been submitted with this request.
- The parcels are pre-existing and cannot be subdivided due to minimum lot size requirements of the Town Zoning Ordinance.
- The existing parcels do not appear to have significant traffic impacts.
- The Town currently has water and sewer available to support development of three single-family dwellings. Full build-out of existing vacant and underdeveloped parcels within Town limits, those parcels approved to be served by the Town water and sewer system, and proposed future development may overburden the existing water system. There is ample sewer supply available with less than 40% of the capacity utilized.
- Development might be delayed if the water or sewer system reaches capacity. The Town may need to consider beginning the process of identifying additional water supply sources (wells) and permits in the near future.
- The lot area will determine required connection to the utility system. A plat has not been submitted to assist with determination.

**Public Outreach Information:**

As required by State Code, this item was advertised in the Free-Lance Star on April 14, 2022 and April 21, 2022 for the Planning Commission public hearing.

The Staff report, as well as all reports for this Planning Commission meeting, were posted on the Town website [www.townofbowlinggreen.com](http://www.townofbowlinggreen.com) on April 25, 2022.

**Next Steps:**

Following the public hearing on April 28, 2022, the Planning Commission may choose to defer action to consider the application; request more information from the applicant; request a worksession with the applicant; or move the application forward to the Town Council. The Planning Commission may recommend approval/denial on this matter.



# RZS

2022-008

PREVIOUS EDITIONS OF THE  
FORM ARE OBSOLETE



FORM REVISED:  
28 April 2008

**\*\*This permit shall be posted in a conspicuous place\*\***

## Town of Bowling Green Single Use Rezoning Application

Application and petition are hereby made to the Town Council, Town of Bowling Green, to amend the Zoning Map of the Town of Bowling Green and issue a Certificate of Zoning Compliance, in accordance with the description and for the purpose hereinafter set forth. This application is made subject to all local and state laws and ordinances, which are hereby agreed to by the undersigned, and which shall be deemed a condition entering into the exercise of this application.

### Owner

JPM Investments / Jason P Manns  
Name

949-235-6828  
Daytime Telephone Number

P.O. Box 14, Bowling Green, VA 22427  
Mailing Address

### Property Information

43A2-3-A-17 (18,19,20)  
Tax Map/Parcel Number

B1  
Existing Use/Zoning

132 E Broadbush Ave, Bowling Green VA 22427  
Address/Location (use street names)

1 single family home, 1 garage  
Existing Structures (number and type)

### Rezoning of Property Requested

From Zoning Designation B-1 To Zoning Designation R-1

### Water and Sewer

What is your water supply source?

Municipal  Private Well

What is your sewage disposal source?

Municipal  Septic Tank

**As part of the submission, the following questions must be answered with a detailed response in narrative form. Answers of "Yes" or "No" are NOT ACCEPTABLE and the application is not complete until this narrative is submitted.**

1. Describe in detail, why the current zoning designation of the property is inappropriate.
2. Describe in detail, the proposed use(s) of the property.
3. Describe in detail, why the proposed rezoning is necessary.
4. Describe in detail, why the proposed rezoning will not be detrimental to surrounding properties. Please relate your response to the existing zoning of the area, existing land uses in the Town Code, adjacent neighborhoods, and the Town of Bowling Green Comprehensive Plan.
5. Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction, ownership, and maintenance responsibilities.
6. Describe the environmental impact of the proposed use or development and the efforts to be undertaken to abate air, water, noise, storm water, and other environmental impacts during and after construction or after establishing the use.
7. Describe what techniques will be used to control traffic flow and what impacts the proposed use will have on existing roadways and provide a professionally prepared traffic impact analysis for any development expected to generate 250 vehicle trips per day or more.
8. Describe the impact of the proposed use on Caroline County's Schools.
9. Describe the impact of the proposed use on Town of Bowling Green public services (i.e., water service, wastewater disposal, solid waste disposal, and police protection).
10. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.
11. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.
12. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the Town of Bowling Green.

**NOTE: The applicant is encouraged to consult with the Caroline County Building Official if the requested rezoning includes property containing an existing structure.**

**Complete and accurate information is required by the Town Staff, Planning Commission, and/or the Town Council in order for the application to be fully and appropriately reviewed. The Town Manager/Zoning Administrator may, at any time during the application acceptance process, find essential information is lacking, deem the application as incomplete, and defer further review or action until such time the required and/or requested information is provided.**

A copy of a Vicinity Map is attached.

Yes

No

## CERTIFICATE OF ZONING COMPLIANCE

The building, its proposed use, or the use of the land, as described in the above application and permit complies with the provisions of Chapter 126 (Zoning) of the Code of the Town of Bowling Green and any applicable conditions.

\_\_\_\_\_  
Zoning Administrator Signature

\_\_\_\_\_  
Date

### ADJACENT PROPERTY OWNERS

The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear, and the property in front of (across the street from) the property for which a Single Use Rezoning is requested. **All adjacent property owner information is required to be accurate and complete before the application can be accepted.**

	NAME	STREET ADDRESS
1)	<u>Cassan Elizabeth Beale</u>	<u>133 Oak Ridge St., BG, VA 22427</u>
	Mailing Address: <u>PO Box 92, Bowling Green, VA 22427</u>	
2)	<u>Beasley, Timothy James</u>	<u>129 Oak Ridge St, Bowling Green, VA 22427</u>
	Mailing Address: <u>129 Oak Ridge St, Bowling Green, VA 22427</u>	
3)	<u>Slater Travis A</u>	<u>121 Oak Ridge St, BG, VA, 22427</u>
	Mailing Address: <u>121 Oak Ridge St, BG, VA 22427</u>	
4)	<u>Simms Douglas M</u>	<u>120 Broadbush Ave, BG, VA 22427</u>
	Mailing Address: <u>4901 Jeff Davis, Fredericksburg VA</u>	
5)	<u>Beasley Bobby C + Sandra</u>	<u>0 Broadbush Ave, BG, VA, 22427</u>
	Mailing Address: <u>P.O. Box 112, Milford, VA 22514</u>	
6)	<u>Gray Garry L</u>	<u>133 Broadbush Ave, BG, VA 22427</u>
	Mailing Address: <u>P.O. Box 25, Bowling Green, VA 22427</u>	
7)	<u>Chase St. Hops / Mark Geines</u>	<u>144 Broadbush Ave, BG, VA 22427</u>
	Mailing Address: <u>P.O. Box 1395, Bowling Green, VA 22427</u>	
8)	<u>Hosking John + Irene</u>	<u>Broadbush Subdiv Lot 19 + pt of 18, pt 20 H&amp;B</u>
	Mailing Address: <u>103 Cedar Lane, Bowling Green, VA 22427</u>	
9)	_____	_____
	Mailing Address: _____	
10)	_____	_____
	Mailing Address: _____	
11)	_____	_____
	Mailing Address: _____	
12)	_____	_____
	Mailing Address: _____	
13)	_____	_____
	Mailing Address: _____	
14)	_____	_____
	Mailing Address: _____	
15)	_____	_____
	Mailing Address: _____	

## Certification by Owner/Applicant

I certify that I have the authority to make the foregoing application, that the information given is correct, including any attached plans or drawings, and that all construction will conform with all applicable state, county, and town laws, ordinances, and regulations with regard to zoning, health and building. Failure to do so will automatically render this permit invalid. I understand that two copies of a plot plan (or a plan for signs) must be submitted with this application, that construction requires a building permit Issued by the Caroline County Building Official, that a separate application must be made for water & sewer connections, and that all contractors must register with the Town prior to commencing work. I agree to repair any damages to sidewalks, streets, and utilities caused during this construction. I agree to pay an inspection deposit and notify the Zoning Administrator within ten (10) days of completion of the work for an inspection and issuance of Certificate of Zoning Compliance. Failure to do so may result in the forfeiture of the inspection deposit which in no way relieves me of any obligation to comply with all Town requirements. Land may be used or occupied, and buildings structurally altered or erected may be used or changed in use, only after the Certificate of Zoning Compliance is issued.

2/14/22  
Date

Jaron P. Manns  
Owner/Applicant Signature

### \*\* FOR TOWN USE ONLY \*\*

**Recommendation of Planning Commission**

Date Received \_\_\_\_\_

Recommend Approval

Recommend Disapproval Date \_\_\_\_\_

**Action by Town Council**

Date Received \_\_\_\_\_

Approved

Disapproved Date \_\_\_\_\_

**Recommendation of Director of Public Works**

Date Received \_\_\_\_\_

Recommend Approval

Recommend Disapproval Date \_\_\_\_\_

**Zoning Administrator**

Recommend Approval

Recommend Disapproval

Recommend Approval with Conditions (See Attached)

Fee Paid \$ \$ 855 -

\_\_\_\_\_  
Zoning Administrator Signature

3/9/22  
Date

### REMINDER!!

Approval of this application does not mean work can begin. Permits must be obtained from the Caroline County Building Official and possibly (depending on the scope of the work) Virginia Department of Transportation (VDOT) and the Health Department or Department of Environmental Quality (DEQ). It is the responsibility of the owner/applicant to check with these agencies to ensure all permits are obtained before beginning work.

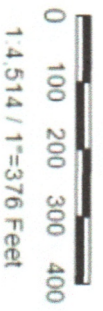
1. The current zoning is inappropriate because there is currently a home in the middle lot among four total lots, rendering the other lots on the parcel too small to adequately provide any commercial use.
2. The proposed use of the property is one single family detached homes on each of the three empty lots.
3. The proposed zoning would allow three homes to be built.
4. When the lots were originally made the intent was that there would be homes on them. In order to facilitate a commercial tenant in the home the zoning was changed to commercial, but the commercial tenant has been gone for quite a long time, and there has been no additional commercial interest, but there is considerable residential interest.
5. The three lots have an easement for a water and sewer hook up that was placed there with these lots in mind.
6. There would be no detrimental environmental impact. All necessary precautions will be taken to ensure the least impact to the environment.
7. These will not generate 250 car trips per day.
8. There will be very little impact, because it will only be three homes.
9. There will be very little impact, because it will only be three homes.
10. There will be no impact on any historic sites or structures.
11. There will be no impact on any rare, endangered, or irreplaceable species or natural areas.
12. There will be no detrimental impact on the scenic beauty of Bowling Green. This will accentuate the beauty of Bowling Green by replacing thick brush with a manicured lawn and a beautiful home.

# Caroline County, Virginia

## Legend

- County Boundary
- Parcels (12,000)
- Roads (12,000)
  - Interstate
  - US Highway Primary
  - State Highway Primary
  - Secondary
  - Secondary - 0
  - Null
  - Roads - Back (12,000)
- Interstate
- US Highway Primary
- State Highway Primary
- Secondary
- Secondary - 0
- Null
- Road Labels

Feet



Title:

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of record information, and data obtained from various sources, and Carolina

Date: 4/25/2022

## ***2021 Comprehensive Plan Excerpt***

### ***Future Land Use Descriptions:***

These descriptions are to be used in conjunction with the Future Land Use Map of the Comprehensive Plan when evaluating development proposals. The Future Land Use Map and Comprehensive Plan are intended to be used as guidelines for development over the next five to ten years.

### ***Low Density Residential***

Low Density Residential areas are residential developments or land suitable for such development with overall densities of no more than 3 to 4 dwelling units per acre dependent upon the character of the surrounding area, physical attributes of the property, and consistency with the Comprehensive Plan. Low Density Residential areas are located where natural characteristics such as terrain and soils are suitable for residential development and where public services and utilities exist or are planned for the near future. This land use is consistent with the Town Code requirements for Zoning Designation R-1.

### ***Commercial***

General business activities having a moderate impact on nearby developments are designated Commercial. Location criteria for commercial uses require access to arterial roads, preferably at intersections with collector and arterial roads; moderate to large sized sites; public water and sewer; suitable environmental features such as soils and topography; and adequate buffering by physical features or adjacent uses to protect nearby residential development. This land use is consistent with the Town Code requirements for Zoning Designation B-1 and B-2.

# Zoning Ordinance Excerpt for R1

## Division 5. Residential District R-1

### Section 3-113. Intent.

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

(Code 2010, § 3-113)

### Section 3-114. Permitted uses.

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

(1) Single-family dwellings.

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

(3) 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.

(4) 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.

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

(6) 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, § 3-114)

### Section 3-115. Permitted accessory uses.

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

(1) Home occupations.

(Code 2010, § 3-115)

**Section 3-116. 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) Guest rooms.

(2) Family care homes.

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

(4) Day-care center.

(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.

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(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.

(1) Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width or 60 feet or more from the center of any street right-of-way less than 50 feet in width. This shall be known as the "setback line."

(2) Permitted exceptions to Front Yard Requirements. When a residential structure is non-conforming due to encroachment into the required Front Yard Setback, such structure may be expanded or extended on either side or both sides provided that the following conditions are met:

[a] Such addition or extension shall not come any closer to the front property line or further encroach into the front yard to any greater extent than the front corner of the existing structure on the side proposed for the addition or extension; and

[b] All other requirements of the Zoning Ordinance for the zoning designation of the property, including the side and rear yard setback requirements shall be met.

(c) Frontage. The minimum lot width at the setback line shall be 100 feet or more.

(d) Yards.

(1) Side. The minimum side yard for each main structure shall be 15 feet.

(2) Rear.

[a] Each main structure shall have a rear yard of 35 feet or more.

[b] Certain architectural features, those being sills, belt courses, bay windows, cornices, eaves, roof overhangs, chimneys, entrance stairs and stoops, and similar architectural features of a building may project into required yards by not more than five (5) feet. These provisions shall be applied to all lots, conforming and non-conforming.

[c] Unenclosed additions on the rear of houses, those being un-walled, unenclosed additions designed specifically and particularly for outdoor activities and attached to the

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rear of a dwelling, may extend into a required rear yard area. Extension of such unenclosed addition into a required rear yard may encroach up to a maximum of fifteen (15) feet. In no case shall more than 25% of the required total area of a rear yard be covered by such encroachment. Such extensions may include, but are not limited to decks, porches, patio or deck covers. Screening is considered an enclosure and is therefore not permitted by this Section. In no case may any such addition extend into a required front or side yard, except as otherwise provided herein. These provisions shall be applied to all lots, conforming and non-conforming.

(e) Height. Buildings may be erected up to 35 feet in height, except that:

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

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

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

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

(f) Corner lots.

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

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

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

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

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



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

**AGENDA ITEM:** Amendment to Zoning Ordinance, Division 16, Section 3-189. Prohibited signs. (C) (3)

**ITEM TYPE:** Public Hearing - Duly Advertised

**PURPOSE OF ITEM:** Decision - Ordinance

**PRESENTER:** Allyson Finchum, Town Manager

**PHONE:** (804) 633-6212

**BACKGROUND / SUMMARY:**

An amendment to allow signs on parapet walls that are not greater than five feet in height above the roof line. Planning Commission to hold public hearing and provide recommendation of approval/denial to Town Council.

**ATTACHMENTS:**

Ordinance Amendment

**REQUESTED ACTION:**

Hold Public Hearing; review project; defer or motion to recommend approval or denial.

## **ORDINANCE NUMBER 2022-001**

ORDINANCE NUMBER O-2022-001 AMENDS THE BOWLING GREEN TOWN CODE, CHAPTER 3, "LAND USE AND BUILDINGS," ARTICLE I, "ZONING ORDINANCE," DIVISION 16, "PROHIBITED SIGNS," (C) (3) TO ALLOW SIGNS TO EXTEND FROM A PARAPET WALL NOT GREATER THAN FIVE FEET.

**BE IT ORDAINED** by the Bowling Green Town Council, at its regular monthly meeting on the day of 2022, The Bowling Green Code, Chapter 3, "Land Use And Builds," Article I, "Zoning Ordinance," Division 16, "Signs," be amended to allow signs to extend from a parapet wall not greater than five feet.

### **"Division 16 Signs"**

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

The following signs are prohibited:

- (a) General prohibitions.
  - (1) Signs that violate any law of the Commonwealth relating to outdoor advertising.
  - (2) Signs attached to natural vegetation.
  - (3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized city official as a nuisance.
  - (4) Vehicle or trailer signs.
  - (5) Freestanding signs more than twenty-five feet in height.
  - (6) Signs hanging from supports, except against the face of a building.
  - (7) Billboards
  - (8) Moving signs and electronic message signs on residential properties in all residential districts.
  - (9) Any sign displayed without complying with all applicable regulations of this article.
  - (10) Any sign that is not expressly permitted by this article.
- (b) Prohibitions based on materials.
  - (1) Signs painted directly on a building, except where expressly permitted by this article.
  - (2) Animated signs where the message content does not change more often than once every seven seconds.
  - (3) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.

- (4) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed a total of three months per calendar year.
  - (5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
  - (6) Signs that emit sound.
  - (7) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.
  - (8) Strings of flags visible from, and within fifty feet of, any public right-of-way.
  - (9) Pole signs less than six feet in height.
- (c) Prohibitions based on location.
- (1) Off-premises signs, unless specifically permitted by this article.
  - (2) Signs erected on public land other than those approved by an authorized town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310(E). Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
  - (3) Signs on the roof surface or extending above the roofline of a building or signs extending from a parapet wall that is greater than five feet above the roof line.
  - (4) Neon signs, except in windows.