



## TOWN OF BOWLING GREEN PLANNING COMMISSION MEETING

### A G E N D A

Thursday, March 21, 2024  
6:00 PM

#### **PLEDGE OF ALLEGIANCE:**

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

#### **PUBLIC COMMENT:**

#### **WORKSESSION:**

Capital Improvement Plan Discussion, India Adams-Jacobs, MPA

Zoning Map Discussion

[PC](#) Bylaws Discussion

#### **PUBLIC HEARING:**

- [1.](#) Fence Ordinance
- [2.](#) Zoning Application- Use Not Currently Provided For- Tattoo Parlor- 100 South Main

#### **NEW BUSINESS:**

- [3.](#) Fence Ordinance
- [4.](#) Zoning Application- Use Not Currently Provided For- Tattoo Parlor- 100 South Main
- [5.](#) Adoption of PC Annual Workplan

#### **COMMISSION COMMENTS AND REPORTS:**

#### **ADJOURNMENT:**

# **TOWN OF BOWLING GREEN PLANNING COMMISSION BYLAWS**

## TOWN OF BOWLING GREEN PLANNING COMMISSION

### ARTICLE 1

#### OBJECTIVES

1-1. This Planning Commission, has adopted these subsequent Articles in order to clearly delineate its powers and duties in accordance with the provisions of the Code of Virginia, 1950, as amended.

1-2. The official title of this planning commission shall be the "Town of Bowling Green Planning Commission."

### ARTICLE 2

#### MEMBERS

2-1. In accordance with the provisions of the Code of Virginia, 1950, as amended, the Town of Bowling Green Planning Commission shall consist of five (5) members, one member of the Bowling Green Town Council and four of which are appointed at-large by the Bowling Green Town Council. All commission members shall be residents of the Town of Bowling Green, qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half of the commission members must be owners of real property in the Town of Bowling Green.

2-2. After initial appointments, Commission member appointments shall be for a term

of four years except that the Bowling Green Town Council representative shall serve a two year term. Vacancies on the Planning Commission shall be filled by the Town of Bowling Green Town Council for the unexpired term only.

2-3. Commission members may be removed for malfeasance in office.

2-4. All members of the planning commission shall serve with compensation in an amount specified by the governing body.

### ARTICLE 3

#### OFFICERS AND THEIR SELECTION

3-1. The officers of the planning commission shall consist of a chairman and vice chairman. The Town of Bowling Green Zoning Administrator or designee shall serve as staff support to facilitate the work of the planning commission.

3-2. Nomination of officers shall be made from the floor at the regular January meeting each year. Election of officers shall follow immediately thereafter.

3-3. A candidate receiving a majority vote of the entire membership of the planning commission shall be declared elected and shall take office immediately and serve for one (1) year or until his successor shall take office.

3-4. Vacancies in office shall be filled immediately by regular election procedures.

### ARTICLE 4

#### DUTIES OF OFFICERS

4-1. The chairman shall be a citizen member of the commission and shall:

- 4-1-1. Preside at all meetings;
- 4-1-2. Rule on all procedural questions subject to a reversal by a two-thirds [3/5] majority vote of the members present;
- 4-1-3. Be informed immediately of any official communication and report same at the next regular meeting; and
- 4-1-4. Carry out other duties as assigned by the governing body.
- 4-2. The vice-chairman shall be a citizen member of the commission and shall:
  - 4-2-1. Act in the absence or inability of the chairman to act,
  - 4-2-2. Have the powers to function in the same capacity of the chairman in cases of the chairman's inability to act.
- 4-3. The Town Clerk shall:
  - 4-3-1. Keep a written record of all business transacted by the commission;
  - 4-3-2. Notify all members of all meetings;
  - 4-3-3. Keep a file of all official records and reports of the commission;
  - 4-3-4. Certify all maps, records and reports of the commission;
  - 4-3-5. Serve notice of all hearings and public meetings;
  - 4-3-6. Attend to the correspondence of the commission as hereinafter prescribed;
  - 4-3-7. Keep a set of minutes as hereinafter prescribed;
  - 4-3-8. Prepare and be responsible for the publishing of advertisements relating to public hearings in compliance with the requirements of the Code of Virginia, 1950, as amended;
  - 4-3-9. Draft and sign all correspondence necessary for the execution of the duties and

functions of the planning commission; and

4-3-10. Communicate by telephone whenever necessary to accomplish communications that cannot be carried out as rapidly as required through direct correspondence.

4-4. The chairman or vice chairman will sign any official documents on behalf of the Commission as needed.

## ARTICLE 5

### MEETINGS

6-1. Regular meetings of the commission shall be held on the third Thursday of each month. When such regular meeting is cancelled due to being scheduled on a State designated holiday, lack of quorum, or the chairman declares that weather or other conditions are such that it is hazardous for members to attend the meeting, the meeting shall be held on the following Monday. All hearings and other matters previously advertised for such regular meeting shall be conducted at the continued meeting and no further advertisement is required.

6-1-1. The commission shall cause a copy of the yearly regular meeting schedule to be publicly posted at the Town of Bowling Green Business Office and electronically at least seven days prior to the first meeting held pursuant to the adopted schedule.

6-2. Special meetings shall be called at the request of the chairman or at the request of two members. Such requests for special meetings shall be made to the Bowling Green Zoning Administrator who shall be responsible for notice of such meeting by mail to all members. Written notice of meetings shall be given to each member at least five (5) regular days in advance of a special meeting and shall state the purpose, time and place of the special meeting.

6-2-1. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting or if all members file a written waiver of notice.

6-3. Pursuant to the Virginia Freedom of Information Act, meetings, hearings, records, and accounts shall be open to the public.

6-4. A majority of the membership of the commission shall constitute a quorum and no action of the planning commission shall be valid unless authorized by a majority vote of those present and voting.

## ARTICLE 7

### ORDER OF BUSINESS

#### 7-1. ROLL CALL AND DETERMINATION OF A QUORUM:

7-1.1 PUBLIC COMMENT (unrelated to any Public Hearings):

7-1.2 APPROVAL OF THE MINUTES:

7-1.3 NEW BUSINESS:

7-1.4 REPORT OF THE ZONING ADMINISTRATOR:

7-1.5 UNFINISHED BUSINESS:

7-1.6 INFORMATIONAL ITEMS:

7-1.7 COMMISSION COMMENTS AND REPORTS:

7-1.8 ADJOURNMENT:

Motions shall be restated by the chairman before a vote is taken. The names of persons making and seconding motions shall be recorded. All votes shall be recorded in the minutes as roll call votes.

Parliamentary procedure in commission meetings shall be governed by Robert's Rules of Order. The rules and procedures under Robert's Rules of Order may be waived or temporarily suspended on a designated matter by a majority vote of commission members present and voting.

7-3-1. These by-laws may be modified by a recorded two-thirds (3/5) vote of the entire membership.

7-4. The planning commission shall keep a set of minutes of all meetings and these minutes shall become public record.

7-4-1. The Town Clerk shall cause a set of minutes for all regular, continued, and special meetings to be prepared.

7-4-2. The chairman shall sign all minutes and at the end of the year to certify that the minutes of the preceding year are a true and correct copy of same.

## ARTICLE 8

### HEARINGS

8-1. The planning commission shall hold public hearings as required by the Code of Virginia, 1950, as amended.

8-2. Notice of such hearings shall be published in accordance with the requirements of the Code of Virginia, 1950, as amended.

8-3. Public Hearings shall occur in New Business or Unfinished Business after a brief staff introduction and the hearings shall be officially closed before Planning Commission discussion.

8-4. A record shall be kept of those speaking before the hearing.

8-5. Speakers shall be limited to three minutes of comment at the hearing. Applicants or other parties in interest may respond to Commissioner questions without time limitations.

## ARTICLE 9

### DUTIES OF THE COMMISSION

9-1. To effectuate the duties and powers of a local planning commission under the Code of Virginia, 1950, as amended, the Bowling Green Planning Commission shall:

9-1-1. Exercise general supervision of, and make regulations for, the administration of its affairs;

9-1-2. Prescribe rules pertaining to its investigations and hearings;

9-1-3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Bowling Green Town Council;

9-1-4. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;

9-1-5. Make recommendations in an annual report to the Bowling Green Town Council concerning the operation of the Bowling Green Planning Commission and the status of planning within its jurisdiction;



9-1-6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;

9-1-7. Prepare and submit an annual budget request in the manner prescribed by the Bowling Green Town Council; and

9-1-8. Establish advisory committees, if deemed advisable.

9-2. The commission shall perform those duties and functions as requested by the Bowling Green Town Council and as required by the Code of Virginia, 1950, as amended which shall include but not be limited to the following:

9-2-1. Prepare and recommend a comprehensive plan for the physical development of the Town of Bowling Green. In the preparation of the comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its land and citizens;

9-2-2. Review and determine whether any requested amendment to the adopted Town of Bowling Green zoning map is substantially in accord with the adopted comprehensive plan and communicate its findings to the Bowling Green Town Council;

9-2-3. Review and consider all additions and modifications to the official zoning map referred by the Bowling Green Town Council which shall be acted upon by the Commission within ninety (90) days of referral;

9-2-4. Prepare and recommend any amendment to the subdivision ordinance and transmit it to the Bowling Green Town Council;

9-2-5. Prepare and revise annually a capital improvement program based on the

comprehensive plan. The commission shall submit the program annually to the Bowling Green Town Manager at such time as the Town Manager directs;

9-2-6. Review and make recommendations on applications for special exceptions, and when deemed necessary, on appeals and applications for special permits filed with the Board of Zoning Appeals (BZA);

9-2-7. Review and make recommendations on preliminary and final development plans; and

9-2-8. Approve or disapprove the general or approximate location, character and extent of streets, parks or other public areas, public buildings, public structures, public utilities, or public service corporations, other than railroads, whether publicly or privately owned.

## ARTICLE 10

### EDUCATION REQUIREMENTS

10-1. All appointees to the Town of Bowling Green Planning Commission are required to attend and successfully complete a Planning Commissioners Course. The appointee will make every attempt to attend the course in the first year of the appointed term. Should class schedule, funding, or personal circumstances prevent attendance in the first year, the class will be completed as soon as possible.

10-2. The Chairman of the Town of Bowling Green Planning Commission shall identify all educational requirements for the upcoming budget year and provide the request for funds to the Town Manager during the budget development cycle. Other educational opportunities that will benefit the town planning process may be identified by the Chairman of the Town of Bowling Green Planning Commission and appropriate approvals and funding will be requested from the governing body or projected for the next budget cycle.

To: Planning Commission for the Town of Bowling Green  
Copy: India Adams-Jacobs, Town Manager & Zoning Administrator  
From: J.C. LaRiviere, Community Development & Project Associate  
Date: March 21<sup>st</sup>, 2024  
Subject: Fence Ordinance- Recommendation to Council

**Background:**

The Planning Commission was asked by Town Council to create a draft ordinance to regulate the construction and maintenance of fences within the Town of Bowling Green. The ordinance has been drafted and is now before the Planning Commission to provide an official recommendation to Council after holding a duly noticed public hearing on the matter.

**Staff Comments:**

Upon review of the Town Code while considering factors such as code structure, avoiding renumeration of other code sections, and logical reasoning, staff proposes that the ordinance be placed in Article 3-IV Building Construction as 3-401, titled Construction and Maintenance of Fences.

Staff will lead a discussion to address attachment of new fences to pre-existing neighboring fences and propose an amendment based on that discussion should the Commission deem it necessary.

**Issue Before the Commission:**

The issue is whether to provide a favorable recommendation to Council on the proposed ordinance.

**Recommendation:**

Staff recommends that the Planning Commission vote to provide a favorable recommendation to Town Council and offer the draft ordinance for their review and adoption.

To: Planning Commission for the Town of Bowling Green  
Copy: India Adams-Jacobs, Town Manager & Zoning Administrator  
From: J.C. LaRiviere, Community Development & Project Associate  
Date: March 21<sup>st</sup>, 2024  
Subject: Zoning Application Review- Use Not Currently Provided For

**Background:**

The Town of Bowling Green received a zoning application for a use not currently provided for under current B1 zoning regulations from Mr. Jeremiah Hirsch. Staff have reviewed the application and consider it to be complete. In accordance with Town Code section 3-178, which governs uses not currently provided for, the Planning Commission must provide an official recommendation to Council within 30 days of hearing the application. This application is for 100 South Main Street, in the B1 zone. The use not currently provided for being requested by the applicant is to establish a tattoo parlor.

**Matters Before the Commission:**

Code section 3-178 does not provide specific factors for the Commission to consider in analyzing a use not currently provided for. However, 3-178 does dictate that, if approved by Council, the use not currently provided for must be added to either the permitted uses or special uses in the relevant zone. Therefore, staff recommends that the Planning Commission utilize the factors provided for consideration of a special use permit as guidelines in analyzing this zoning application.

The major factors to consider regarding special use permits include whether the proposed use will be detrimental to the character and development of adjacent properties, consistency of the use with the Town code and comprehensive plan; and interference with by-right uses in area.

**Recommendation:**

Staff recommends that the Planning Commission provide a favorable recommendation to Town Council.

To: Planning Commission for the Town of Bowling Green  
Copy: India Adams-Jacobs, Town Manager & Zoning Administrator  
From: J.C. LaRiviere, Community Development & Project Associate  
Date: March 21<sup>st</sup>, 2024  
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**Staff Comments:**

Upon review of the Town Code while considering factors such as code structure, avoiding renumeration of other code sections, and logical reasoning, staff proposes that the ordinance be placed in Article 3-IV Building Construction as 3-401, titled Construction and Maintenance of Fences.

Staff will lead a discussion to address attachment of new fences to pre-existing neighboring fences and propose an amendment based on that discussion should the Commission deem it necessary.

**Issue Before the Commission:**

The issue is whether to provide a favorable recommendation to Council on the proposed ordinance.

**Recommendation:**

Staff recommends that the Planning Commission vote to provide a favorable recommendation to Town Council and offer the draft ordinance for their review and adoption.

To: Planning Commission for the Town of Bowling Green

Copy: India Adams-Jacobs, Town Manager & Zoning Administrator

From: J.C. LaRiviere, Community Development & Project Associate

Date: March 21<sup>st</sup>, 2024

Subject: Zoning Text Amendment for B-1 Zone- Application For Use Not Currently Provided For at 100 South Main Street

**Background:**

The Town of Bowling Green received a zoning application for a use not currently provided for under current B1 zoning regulations from Mr. Jeremiah Hirsch. Staff have reviewed the application and consider it to be complete. In accordance with Town Code section 3-178, which governs uses not currently provided for, the Planning Commission must provide an official recommendation to Council within 30 days of hearing the application. This application is for 100 South Main Street, in the B1 zone. The use not currently provided for being requested by the applicant is to establish a tattoo parlor.

**Matters Before the Commission:**

Code section 3-178 does not provide specific factors for the Commission to consider in analyzing a use not currently provided for. However, 3-178 dictates that, if approved by Council, the use not currently provided for must be added by a zoning ordinance text amendment to either the permitted uses or special uses in the relevant zone. Therefore, staff recommends that the Planning Commission utilize the factors provided for consideration of a special use permit as guidelines in analyzing this zoning application.

The major factors to consider regarding special use permits include whether the proposed use will be detrimental to the character and development of adjacent properties, consistency of the use with the Town code and comprehensive plan; and interference with by-right uses in area.

**Recommendation:**

Staff recommends that the Planning Commission provide a favorable recommendation to Town Council.

To: Planning Commission for the Town of Bowling Green  
Copy: India Adams-Jacobs, Town Manager & Zoning Administrator  
From: J.C. LaRiviere, Community Development & Project Associate  
Date: March 21<sup>st</sup>, 2024  
Subject: Planning Commission Annual Workplan Adoption

**Background:**

Town staff proposed an annual work plan for the Planning Commission for the Town of Bowling Green. The Planning Commission discussed the proposed work plan and voted to submit the draft to Council for approval at their last meeting on February 15<sup>th</sup>, 2024. Council approved the work plan at their March 7<sup>th</sup> meeting with no additions or amendments. The workplan is now offered to the Commission for official adoption.

**Matters Before the Commission:**

Benefits of the establishment of an annual workplan for the Commission include:

- Ensures that Town Council has knowledge of, and approves of, all major initiatives of the Planning Commission
- Ensures that the Town Council, Planning Commission, and Town Staff are unified in pursuing achievable broader goals while understanding that significant time will be needed to manage routine Commission business
- Enhances communication regarding the Commission’s work and major goals to residents

This workplan is subject to change due to new Council directives and other matters that may arise relevant to the Commission as identified by staff throughout the year. However, should topics arise not requested by Council, that are not time sensitive, and do not clearly take priority over issues on the current workplan, the Commission should consider adding these items to next year’s work plan. This will assist the Commission & Town Staff in maintaining a manageable workload which will facilitate the achievement of established major goals on the work plan this year, while allowing time for routine business.

**Recommendation:**

Staff recommend that the Planning Commission vote to adopt the annual work plan.