

Town of Bowling Green
Town Council Meeting



Date: August 3, 2017
Agenda Item: Public Hearing on Amending the Height Requirements for Corner Lot Fences

TYPE OF AGENDA ITEM:

- CONSENT AGENDA
- PRESENTATION
- ACTION ITEM
- TOWN MANAGER & STAFF COMMENTS
- PUBLIC HEARING
 - Duly Advertised

PURPOSE OF ITEM:

- INFORMATION ONLY
- DISCUSSION ONLY
- DISCUSSION AND/OR DECISION
 - Introduction Resolution
 - Ordinance Grant/ MOU
 - By Motion Bylaws
 - Certificate

PRESENTER: Reese Peck

PRESENTER TITLE: Town Manager

AGENDA ITEM: Public Hearing (B)

BACKGROUND / SUMMARY: Currently the Town's Zoning Ordinance states that the maximum height for fences on corner lots is 36 inches. VDOT allows a maximum height of 42 inches on corner lots. An Ordinance is required to amend the Town's Zoning Ordinance to allow a height of 42 inches to match VDOT's standards. The Planning Commission held a public hearing July 17, 2017 on the proposed amendment and recommends its approval.

ATTACHMENTS:

Public Notice and Proposed Ordinance.

REQUESTED ACTION:

Approved ordinance amendment.

FOR MORE INFORMATION, CONTACT:

Phone #: 804-633-6212

Email: Townmanager@townofbowlinggreen.com

Name:

Reese Peck

FOR USE DURING MEETING

Y	N		Y	N
<input type="checkbox"/>	<input type="checkbox"/>	Coleman	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Davis	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Gaines	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Hauser	<input type="checkbox"/>	<input type="checkbox"/>

VOTE:

PASS

NOT PASSED

McDearmon
Wright
Rowe
Satterwhite

Town of Bowling Green Public Hearing

The Bowling Green Town Council will hold a public hearing on Thursday August 3, 2017 at 7:30 PM in Town Hall, 117 Butler Street. The purpose of the hearing is to receive comment on Ordinance No. 2017-003 "An Ordinance to amend the Town Code of Bowling Green concerning the zoning requirements of the corner lots in the R-1, R-2 and R-3 Residential Districts." The amendment would increase the height of fences allowed on corner lots from three feet to three and one-half feet.

A complete copy of Ordinance No. 2017-003 may be obtained or viewed by contacting the Town Clerk at Town Hall at 633-6212. Any person requiring assistance in order to participate in the public hearing is asked to contact the Town Clerk in advance so that appropriate arrangements may be made.

A. Reese Peck
Town Manager

BE IT ORDAINED by the Bowling Green Town Council, that the Code of the Town of Bowling Green, Chapter 3, "Land Use & Buildings," Division 5, "Residential District R-1," Section 3-117, "Specifications & Requirements", Division 6, "Residential District R-2," Section 3-117, "Specifications & Requirements, and Division 7, "Residential District R-3," Section 3-117, "Specifications & Requirements" shall be amended to read in its entirety as follows:

**Chapter 3, "Land Use & Buildings," Division 5, "Residential District R-1,"
"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.

- (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 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.”

Chapter 3, “Land Use & Buildings,” Division 6, “Residential District R-2,”

Section 3-122. 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 only 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 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 any 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) Buildings shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width or 55 feet or more from the center line 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. For single-family dwellings, the minimum lot width at the setback line shall be 70 feet or more, and for each additional dwelling unit, there shall be at least 10 feet of additional lot width at the setback line.
- (d) Yards.
- (1) Side. The minimum side yard shall be 10 feet or more, and the total width of the two required side yards shall be 20 feet or more.
- (2) Rear. Each main building shall have a rear yard of 25 feet or more.
- (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 there are two side yards, each of which is 10 feet or more, 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, library or general hospital, 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, monuments, 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 walls rest.
- (4) No accessory building which is within 10 feet of any part 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 two 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 20 feet or more for both the main and accessory building.
- (3) For subdivisions platted after the enactment of this article, each corner lot shall have a minimum width at the setback line of 100 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 feet and a half in height within the space between the setback line and the property line on the street corner

side of the lot.

**Chapter 3, "Land Use & Buildings," Division 7, "Residential District R-3,"
Section 3-122. 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 only 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 19,000 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 any 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) Buildings shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width or 55 feet or more from the center line 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.
 - (1) For single-family dwellings, the minimum lot width at the setback line shall be 70 feet or more.
 - (2) For two-family dwellings, the minimum lot width at the setback line shall be 80 feet or more.
- (d) Yards.
 - (1) Side. The minimum side yard shall be 10 feet or more, and the total width of the two required side yards shall be 20 feet or more.
 - (2) Rear. Each main building shall have a rear yard of 25 feet or more.
- (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 there are two side yards, each of which is 10 feet or more, 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, library or general hospital, 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, monuments, 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 walls rest.
 - (4) No accessory building which is within 10 feet of any part 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 two 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 20 feet or more for both the main and accessory building.
 - (3) For subdivisions platted after the enactment of this article, each corner lot shall have a minimum width at the setback line of 100 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 feet and a half in height within the space between the setback line and the property line on the street corner side of the lot.
- (g) Townhouses and apartment buildings.
 - (1) The minimum lot requirement of 10,000 square feet shall be waived for the individual lots occupied by each Townhouse dwelling unit. However, in consonance with the concept of open area planning, the total lot area and usable open space per dwelling unit, Townhouse or apartment shall be not less than 6,000 square feet. Such usable open space shall be exclusive of areas devoted to streets, alleys and parking area and shall be adequately landscaped with shade trees and grass to provide a park, playground area or swimming pool for the development.
 - (2) Any freestanding, continuously walled or continuously roofed structure shall contain not more than six Townhouses or six apartments.
 - (3) Freestanding structures shall not be closer than 30 feet to each other or 15 feet to any property line.
 - (4) Front and rear yard requirements shall conform to those of the R-3 District.

(5) The developer shall provide fencing and landscaping of a permanent nature which will adequately screen any Townhouse or apartment development from abutting R-1 and R-2 District properties. The Town Planning Commission shall ensure that this provision is effectively met before the Zoning Administrator shall issue a certificate of zoning compliance.

(6) Off-street parking shall be provided by the developer in the amount of two parking spaces per dwelling unit.

(7) Townhouse and apartment developments shall be served by public water and sewage disposal systems.