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1. Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the Administrator.
2. The Commission may request a review of the zoning permit approved by the Administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.
3. Each application for a zoning permit shall be accompanied by the appropriate fee, as set forth in Section 3-196, and two copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land. Any other information which the Administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this article, a permit shall be issued to the applicant by the Administrator. One copy of the drawing shall be returned to the applicant with the permit.
4. Where permits have been issued prior to the adoption of this article, any change may be made in the plans, size of structure, or designated use of a building, if mutually agreed upon by the Zoning Administrator and the permit holder.

3-174 Certificate Of Zoning Compliance

Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a certificate of zoning compliance has been issued by the Administrator. Such a permit shall state that the building or the proposed use, or the use of the land, complies with the provisions of this article. Activation of Town water and sewers shall be withheld until compliance is assured. A similar certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use. A certificate of zoning compliance, either for the whole or a part of a building, shall be applied for simultaneously with the application for a

zoning permit. The zoning compliance certificate shall be issued within 10 days after the erection or structural alteration of such building or part has conformed to the provisions of this article.

3-175 Conditional Zoning

1. The purpose of conditional zoning is to provide a more flexible and adaptable zoning method in instances where competing and incompatible uses conflict and traditional zoning methods and procedures are inadequate. Through conditional zoning, a zoning reclassification may be allowed, subject to certain conditions that are voluntarily proffered by the zoning applicant. Such conditions are for the protection of the Town and are not generally applicable to land similarly zoned.
2. The owner of property subject to a rezoning request may, at the time of filing a rezoning application and prior to a public hearing before the Bowling Green Town Council, submit with the request conditional zoning proffers as deemed appropriate. The Town Council, with the recommendations of the Bowling Green Planning Commission, may approve these reasonable conditions, provided that the following criteria are met:
 1. The rezoning itself must give rise for the need for the conditions.
 2. All conditions shall have a reasonable relation to the rezoning.
 3. No conditions shall include a cash contribution to the Town.
 4. No conditions shall require mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise authorized by law.
 5. No conditions shall include payment for or construction of off-site improvements except those authorized by law.
 6. No condition shall be proffered that is not related to the physical operation of the property.
 7. All conditions shall be in conformity with the Bowling Green Comprehensive Plan.
 8. The provisions of conditional zoning shall not be used for the purpose of discrimination in housing.
3. Compliance with approved conditional zoning shall be vested with the Administrator who shall administer and enforce conditions attached to a rezoning or amendment to a Zoning Map, including:
 1. Ordering, in writing, compliance with such conditions.
 2. The bringing of legal action to ensure compliance.
 3. Requiring a guaranty or contract for the construction of physical improvements required by the conditions.

4. Denying issuance of certificates of zoning compliance as well as use, occupancy or building permits when failure to meet all conditions occurs.
4. Records of conditional zoning shall be maintained as follows:
 1. The Zoning Map shall show by an appropriate symbol the existence of conditions attached to the zoning on the map.
 2. The Administrator shall keep in the zoning office for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating such conditions, in addition to the regulations provided for in a particular zoning district or zone.
5. Any person aggrieved by the Administrator's decision or actions under Section 3-175(c) may petition the governing body for the review of such decision.
6. No amendment or variation of conditions under Section 3-175(b) shall be made until after a public hearing is held before the Bowling Green Town Council in accordance with § 15.2-2204, Code of Virginia 1950, as amended.

3-176 Special Use Permit

1. Where designated by this article, the location of certain uses shall require the prior approval of the Bowling Green Town Council following a recommendation from the Planning Commission. In addition to a zoning permit, such uses shall require a special use permit.
 1. The Bowling Green Town Council must find that the use will not be detrimental to the character and development of adjacent properties and will be consistent with the purpose and intent of the provision of the Code of the Town of Bowling Green and the Bowling Green Comprehensive Plan.
 2. The Bowling Green Town Council shall designate conditions and restrictions in the granting of special use permits to assure the use will be compatible with the neighborhood in which it is to be located and will meet the general standards contained herein; or where that cannot be accomplished, to deny the use as not in accordance with adopted plans and policies or as being incompatible with existing uses or development by right in the area.
 3. The burden of proof lies with the applicant to demonstrate that the proposed special use is consistent with the purpose and intent of the applicable zoning district and satisfies the general standards and any additional specific conditions which may be applicable.
2. All special use permits shall satisfy the following general standards:
 1. The use shall be in accordance with the purposes of the zoning regulations contained in the Code of the Town of Bowling Green and the Bowling Green Comprehensive Plan.

2. The use shall not adversely affect the character and established pattern of development of the area in which it wishes to locate, shall be in harmony with the uses permitted by right under a zoning permit in the zoning district, and shall not adversely affect the use of neighboring properties.
 3. The use shall not adversely affect the health or safety or welfare or injurious to property and improvements in the neighborhood or adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.
 4. The use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or building(s) or impair the value thereof. Adequate utilities, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.
 5. The use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on roads serving the site.
3. The fee for a special use permit shall be as set forth in Section 3-196 of this article.

3-177 Special Use Permits; Additional Standards And Requirements

1. Home occupation permit.
 1. In addition to a business license as set forth in Chapter 7, Article VII, a home occupation must obtain a home occupation permit before operations may begin. These permits shall list any and all of the conditions as the Town Council deems necessary to execute the intent of this article. The fee for a home occupation permit shall be as set forth in Section 3-196 of this article.
2. Bed and Breakfast Establishments.
 1. Off-street parking for the use shall be in accordance with the Code of the Town of Bowling Green, shall not be located in any required front yard, and shall be effectively screened.
 2. The building(s) so used shall maintain the character and appearance specified by the zoning requirements of the parcel.
3. Special Events Facility.
 1. A Special Events Notification Form shall be submitted for each event involving 50 or more invited guests to serve as notification to the Town of Bowling Green as to the type, size, noise signature, and duration of the event.
 2. The Special Events Facility must be located on a minimum of a two (2) acre site.
 3. All applicable licenses shall be obtained and publicly displayed onsite for activities conducted on the site.

4. Capacity of the Special Events Facility shall meet all Building and Fire Code requirements.
5. Temporary event structures shall comply with Town and County Code requirements.
6. An off-street parking area shall be provided to accommodate vehicular parking for all invited guests.
7. The special events facility shall operate so as to limit the impact on any adjoining residential and commercial properties.
8. The building(s) so used shall maintain the character and appearance specified by the zoning requirements of the parcel.

4. Minor Event Facility

1. A Minor Event Facility shall be defined as a location which is being offered for hire to anyone for use to conduct any type of private event not open to the public at which no more than forty (40) people will be in attendance. Capacity of the facility shall not exceed Building and Fire Code Requirements.
2. No event conducted at a Minor Event Facility shall be open to the public. Such events are specifically for invited guests only.
3. All applicable licenses shall be obtained and publicly displayed onsite for activities conducted on the site.
4. In order to provide the Town Council and Planning Commission with adequate information to evaluate each proposal, and to indicate that the proposed Minor Event Facility will have minimal impact on any adjoining residential property, there shall be submitted with each application, at a minimum, information concerning hours of operation, character and duration of typical events, parking requirements for the facility, frequency of potential events, adequacy of proposed restroom facilities, how trash will be stored and collected, and such other information as the Council and Planning Commission may deem necessary for appropriate review of each application.
5. Special Use Permits issued for Minor Event Facilities shall meet all requirements of Town Code Section 3-176.
6. A Generalized Development Plan shall be required showing existing and proposed physical facilities and structures on the property and associated properties in sufficient detail to show how requirements of the Zoning Ordinance will be met. As part of the Generalized Development Plan, the applicant shall present a parking layout and plan that shows that the needs of the Event Facility will be met without adversely affecting the surrounding residential area.
7. On the one year anniversary of the issuances of the original special use permit the Town Council shall review the permit for modification, continuance or termination.

HISTORY

Amended by Ord. O-2018-002 on 3/1/2018

3-178 Uses Not Provided For

If, in any district established under this article, a use is not specifically permitted and an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the Planning Commission, which shall make its recommendations to the Town Council within 30 days. If the Town Council approves, this article shall be amended to list the use as a permitted use or special use in that district, as the case may be. Both the Planning Commission and Town Council shall hold public hearings in connection with such application in accordance with Section 3-183 of this Code. The fee for this procedure shall be that set forth in Section 3-196 for amendments (uses not stated).

3-179 Widening Of Streets And Highways

Whenever there shall be plans in existence, approved by either the Virginia Department of Transportation or by the governing body, for the widening of any street or highway within Bowling Green, the Commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way for such proposed street or highway widening.

3-180 Off-Street Parking

1. Except as herein provided, there shall be provided at the time of erection of any main building or use or at the time any main building or use is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard-sized automobiles. An area nine feet by 18 feet shall be deemed parking space for one vehicle. All parking spaces and access driveways shall be covered with an all-weather surface and shall be graded and drained to dispose of surface water. However, no surface water from any parking area shall be permitted to drain onto adjoining property.
 1. Parking spaces shall be provided as follows:
 1. In all residential districts, there shall be provided, either in a private garage or on the lot, space for the parking of one automobile for each dwelling unit added in the case of the enlargement of an existing building.
 2. Bed and Breakfast Establishments shall provide a parking space on the lot for each accommodation for vehicular parking in addition to parking spaces required by the owner(s) and/or caretaker(s).
 3. For church, high school, college and university auditoriums and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space for every five fixed seats provided in said building.
 4. For hospitals, at least one parking space for each two beds' capacity, including infants' cribs and children's bed.

5. For medical and dental clinics, at least 10 parking spaces. Three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.
 6. For tourist courts and motels, at least one parking space for each individual sleeping or living unit; for hotels and apartment hotels, at least one parking space for each two sleeping rooms, up to and including the first 20 sleeping rooms, and one parking space for each three sleeping rooms over 20.
 7. For mortuaries and liquor stores, at least 30 parking spaces.
 8. For retail stores selling directly to the public, one parking space for each 200 square feet of retail floor space in the building.
 9. Any other commercial building hereafter erected, converted or structurally altered shall provide one parking space for each 200 square feet of business floor space in the building. Any establishment hereafter erected that serves meals, lunches or drinks to patrons, either in their cars or in the building, shall provide one parking space for each 200 square feet of business floor space in the buildings, provided that there shall be at least one parking space for each serving unit. In restaurants, a serving unit shall be two stools, one booth or one table. For dance halls and recreational areas, one parking space for each 200 square feet of floor area. Two or more establishments may provide necessary parking spaces on a single parcel of land.
2. Parking space as required in the foregoing shall be on the same lot with the main building, except that, in the case of buildings other than dwellings, spaces may be located as far away as 600 feet.
 3. County and municipal parking areas. Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, asphalt or concrete. It shall have appropriate bumper guards where needed as determined by the Administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in any residential district.
 4. Required parking spaces shall be maintained in connection with the buildings which they are to serve and in the manner indicated by the minimum requirements of off-street parking and space regulations. Substitution of equivalent spaces in conformity with the off-street parking regulations may be allowed by the Board of Zoning Appeals.
 5. Space shall be provided for the loading and unloading of trucks and commercial vehicles serving commercial buildings.
 6. Unless separated from a public highway by a substantial fence or barrier at least 36 inches in height or with substantial landscaping approved by the Planning Commission, off-street parking spaces shall be located at a distance not less than 15 feet from any public highway right-of-way.

7. Businesses with buildings or uses adjacent to or near on-street parking may use such parking to meet the requirements for parking spaces, provided that it can be shown that adequate parking exists to accommodate the business or use taking into account other nearby businesses or uses.

3-181 Restrictions Adjacent To Airports

1. Establishment of approach zones. The Commission shall determine whether there exist within the Town of Bowling Green any areas which would be involved under the Civil Aeronautics Administration's Criteria for Determining Obstruction to Air Navigation. If there are, they shall be marked on a copy of a Zoning Map in the office of the Administrator. It shall be available to the public for examination.
2. The Administrator shall prepare such height and other regulations governing the construction of buildings within such areas. They are to be consistent with the Civil Aeronautics Administration's recommendations. Following approval by the governing body, the Administrator shall enforce these regulations.
3. Places of public assembly, such as schools, hospitals, apartment houses, theaters and assembly halls, shall not be erected or otherwise located in any area which would be classified as an "approach zone." This zone includes an area of 11,000 feet from the end of any runway.

3-182 Annexed Area

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

3-183 Public Hearings

1. No amendment may be made to this article, including amendments to the Zoning Map by the rezoning of any parcel or parcels of land, and no amendment shall be made to the Comprehensive Plan unless and until public hearings on the proposed amendment are held by the Planning Commission and the Town Council following notice as required by § 15.2-2204 of the Code of Virginia 1950, as amended. The Planning Commission and Town Council may hold a combined public hearing on any such proposed amendment.
2. No application for a special use permit or changes in conditions on property conditionally zoned shall be granted by the Town Council unless and until the Town Council shall first hold a public hearing on such application following notice as required by § 15.2-2204 of said Code of Virginia. The Planning Commission may make recommendations on such applications and may appear as a party at any public hearing thereon but shall not conduct its own public hearing.
3. No variance shall be granted or appeal decided by the Board of Zoning Appeals unless and until the Board of Zoning Appeals shall first hold a public hearing thereon following notice

as required by § 15.2-2204 of said Code of Virginia. The Planning Commission may make recommendations and appear as a party at any public hearing thereon but shall not conduct its own public hearing.