

**TOWN of BOWLING GREEN
FENCE REGULATION ORDINANCE**

Resolution to initiate an amendment to the Town zoning ordinance establishing standards related to the height, location, materials and maintenance of fences

WHEREAS, Section 15.2-2286 of the Code of Virginia, as amended, provides that the local zoning ordinance may include, among other things, reasonable regulations and provisions for the amendment of regulations or district maps from time to time; and

WHEREAS, in accordance with Section 15.2-2286 of the Code of Virginia, whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated by the governing body; and

WHEREAS, after a duly noticed public hearing, the Planning Commission unanimously recommended the proposed ordinance for adoption by the Town Council at the March 21st, 2024, meeting of the Commission; and

WHEREAS, at its regular meeting on May 2, 2024, Council conducted a duly noticed public hearing on the proposed ordinance as required by state law and Town Code.

**NOW THEREFORE, BE IT ORDAINED BY THE BOWLING GREEN TOWN
COUNCIL:**

That the Town Council hereby declares it to be of public necessity, convenience, general welfare and good zoning practices of the Town to adopt this amendment of Chapter 3, Article I, of the Zoning Ordinance of the Town Code, establishing standards related to the height, location, materials and maintenance of fences as follows:

Chapter 3: Land Use and Buildings, Article 1 Zoning Ordinance, Division 15 Special Provisions, Section 3-184 Fences

Section 3- 184 Fences

a. Purpose

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

b. Definitions

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

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

c. Permits

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

d. Height Restrictions and Setbacks

The height of a fence shall not exceed the following:

- (i) In a front yard, four feet high with a setback of four feet from the edge of the road or sidewalk if present.

- (ii) In a side yard, four feet high with a setback of four feet from the edge of the road or sidewalk if present. No side yard setback is required if the fence is adjacent to another parcel or attached to a fence on an adjacent parcel.
- (iii) In a rear yard, eight feet with a setback of four feet from the edge of the road or sidewalk if present. No rear yard setback is required if the fence is adjacent to another parcel or attached to a fence on an adjacent parcel.

Height restrictions do not apply to vegetative growth in side and rear yards.

Upon determination of the Zoning Administrator, B-2 and M-1 parcels may have an extension to height requirements as defined in section 5.

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

e. Materials

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

- (i) Broken glass, tires, hubcaps, or other automotive parts.
- (ii) Electric fences.
- (iii) Barbed, concertina, or razor wire.
- (iv) Chain link and other wire fencing.
- (v) Any other material that could cause injury.

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

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

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

f. Temporary Fencing

Fences erected for the protection of plantings or to warn of a construction hazard or for similar purposes shall clearly be visible or marked with colored streamers or other such warning devices at four-foot intervals.

Such fences shall comply with the setback requirements set forth in section 4.

Temporary fences shall not remain in place after completion of the construction. Permits are not required for temporary fences.

g. Sight Triangles

No person shall erect, place, plant, or allow to grow any material in a sight triangle that would limit or obstruct the sight distance of motorists entering or leaving an intersection.

The sight triangle shall be measured from the edge of pavement at the intersection to a point 10 feet along each curb or edge of pavement.

The sight triangle shall be clear of all obstructions, including fences, tree branches, shrubs, and other vegetation higher than 3 feet or less than 8 feet.

h. Maintenance

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

i. Enforcement

The Town Zoning Administrator shall be responsible for enforcing this ordinance. Any property owner that violates this ordinance shall be subject to penalties as provided by this Chapter and state law.

j. Applicability

The maintenance provisions of this section shall apply to all fences as defined herein. However, all other provisions of this section shall only apply prospectively to fences constructed or installed after the effective date of the Ordinance adopting this section.

k. Effect on other Ordinances and Town Code Sections. To the extent that any previously adopted Town Ordinances or Code Sections conflict with the provisions of this section, this section shall control.

This Ordinance was approved this ____ day of _____, 2024, by the Town Council of
the Town of Bowling Green, Virginia.

By: _____

Hon. Mark Gaines, Mayor

Attest:

Clerk to the Council