

**TOWN OF WINDSOR
PLANNING COMMISSION
TOWN COUNCIL CHAMBER
8 EAST WINDSOR BOULEVARD
WINDSOR VIRGINIA**

**REGULAR MEETING
WEDNESDAY MAY 25, 2016
7:00 p.m.**

1. **CALL TO ORDER**
 - A) **WELCOME AND CALL TO ORDER**
 - B) **ROLL CALL**

2. **APPROVAL OF MINUTES OF THE APRIL 27, 2016 REGULAR PLANNING COMMISSION MEETING (1)**

3. **PUBLIC HEARING ON THE DRAFT COMPREHENSIVE PLAN (2)**

Staff Comments: See the attached staff report.

4. **DISCUSSION ON POULTRY IN THE A-1 AGRICULTURAL DISTRICT (3)**

Staff Comments: See the attached Staff report.

5. **REPORT FROM THE TOWN ATTORNEY**

6. **REPORT FROM THE ECONOMIC DEVELOPMENT AUTHORITY**

7. **PLANNING AND ZONING STAFF REPORT FOR APRIL 2016 (4)**

8. **REPORTS AND REMINDERS**
 - A. **ARTS COUNCIL**

 - B. **JUNE WORK SESSION ON OLDE TOWN WINDSOR**

 - C. **NEED TO AMEND BYLAWS TO CORRESPOND TO THE TOWN'S NOVEMBER ELECTIONS (5)**

 - D. **ANY OTHER REPORTS**

9. **NEXT REGULAR MEETING - JUNE 22, 2016**

10. **MOTION TO ADJOURN**

DRAFT

MINUTES OF THE PLANNING COMMISSION – WINDSOR, VIRGINIA

The Planning Commission met on Wednesday, April 27, 2016 at 7:00 p.m. in the Town of Windsor Council Chamber. Chairman Bennie Brown called the meeting to order and welcomed all who were present. Terry Whitehead, Town Clerk, recorded the minutes. Dennis Carney, Planning and Zoning Administrator, and Wallace W. Brittle, Jr., Town Attorney, were present. Mrs. Whitehead called the roll.

Planning Commission members present: Bennie Brown, Chairman
N. Macon Edwards, III
Edward Lynch
Leonard L. Marshall
George Stubbs
Glyn Willis

Planning Commission member absent: Debra D. Hicks

MINUTES

Chairman Brown asked if there were any amendments to the minutes of the March 23, 2016 regular Planning Commission meeting. There being none, Commissioner Marshall made a motion to approve the minutes as presented. Commissioner Edwards seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #1.

CONSIDERATION OF A PUBLIC HEARING ON THE DRAFT COMPREHENSIVE PLAN

Mr. Carney reported that the Hampton Roads Planning District Commission (HRPDC) made the necessary changes that the Commission had requested to the draft Comprehensive Plan. This draft is for the Commission's review. He added that Commissioner Edwards brought to his attention another change prior to tonight's meeting regarding the Town's ten-year Groundwater permit for its water utilities. This section will be revised in the draft Comprehensive Plan prior to the public hearing.

Chairman Brown asked if there were any additional corrections needed to the draft Comprehensive Plan at this time. There being none, Commissioner Stubbs made a motion to set a public hearing at the May 25, 2016 Planning Commission meeting to consider public comments regarding the draft Comprehensive Plan. Commissioner Edwards seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #2.

Mr. Carney commented that corrections can still be made to the draft Comprehensive Plan before it goes to Town Council and also during the Council meeting.

REPORT FROM THE TOWN ATTORNEY

None

REPORT FROM ECONOMIC DEVELOPMENT AUTHORITY

None

PLANNING AND ZONING STAFF REPORT FOR MARCH 2016

Mr. Carney gave a brief review of Planning and Zoning activities for the month of March, 2016. He explained that there were seven new zoning permits in the month. The permits were for two accessory buildings, two temporary signs, a pool and a related deck, and a change of use. He added that there were fifteen violations which were for inoperative motor vehicles.

Mr. Carney reported that there has been a request that the potential Windsor Arts Council consider working with the Isle of Wight Arts League. Mr. Carney said this will be determined after further discussions with the group.

OLD BUSINESS

Landscaping Guidelines Update

Mr. Carney reported that Windsor Hardware recommended a couple of minor changes to the landscaping guidelines.

Future Work Session on Olde Town Windsor

Mr. Carney suggested that a future work session be scheduled in conjunction with the May 25, 2016 Planning Commission meeting to discuss Olde Town Windsor if possible. He explained that the Town is moving forward with a park on Bank Street and this would be an opportunity to discuss ideas and improvements to this section of Olde Town Windsor. After further discussion, the Commissioners agreed by consensus to schedule a work session at the May or at another future meeting to discuss this topic.

NEW BUSINESS

Mr. Carney reported that he has received several phone calls regarding the disapproval of not being able to have chickens in Residential Districts within Town. He recommended allowing chickens in the Agricultural and Low Density

Residential Districts provided they are in fences. After discussion, Planning Commission agreed to have Mr. Carney draft an ordinance allowing chickens in Agricultural and Low Density Residential Districts for review and consideration at the May meeting.

Mr. Carney reported that there may be an application for a conditional use permit for a day care in the near future due to a potential violation.

ADJOURNMENT

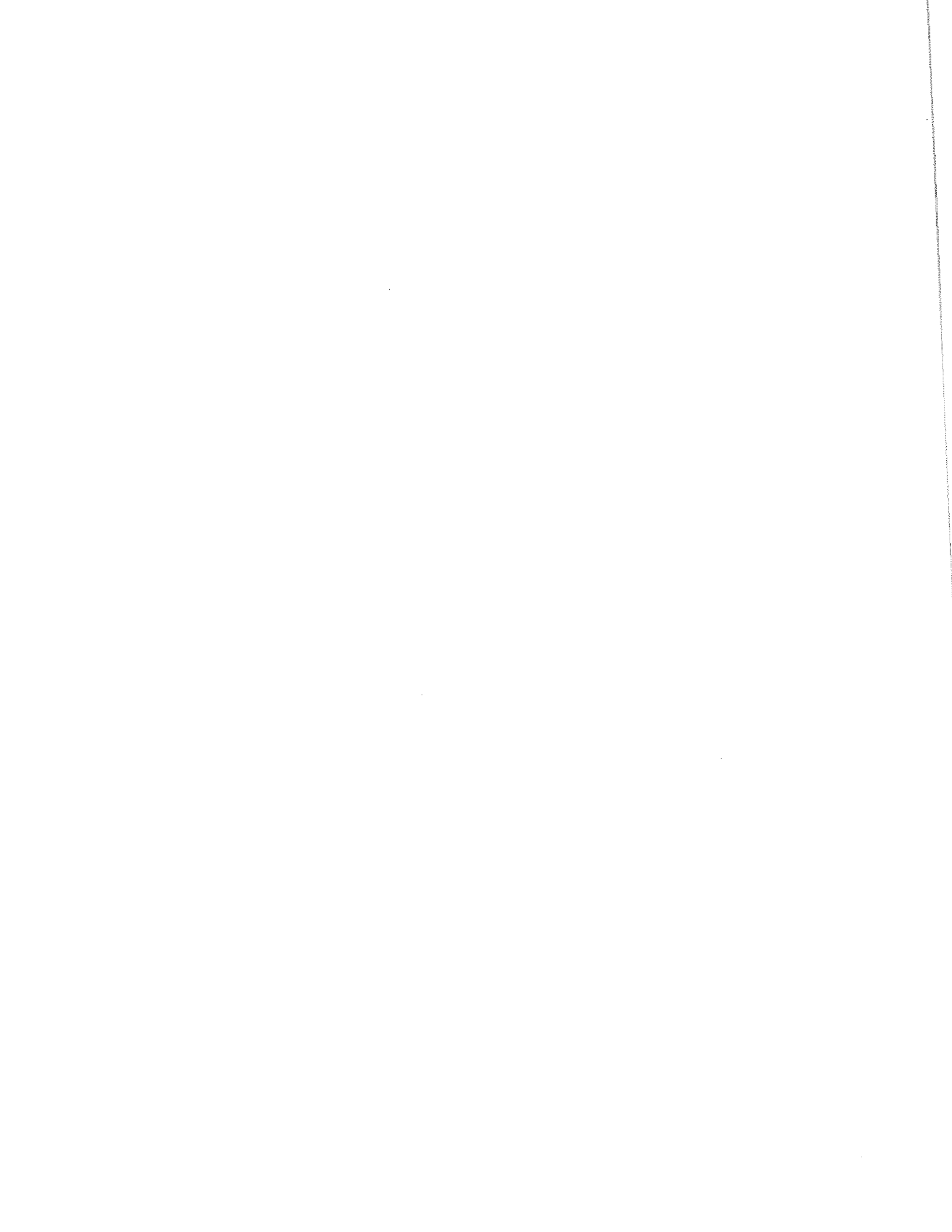
Chairman Brown noted that the next meeting will be May 25, 2016.

There being no further business, Commissioner Stubbs made the motion to adjourn. Commissioner Marshall seconded the motion, and the Planning Commission unanimously approved the motion as recorded on the attached chart as motion #3.

The meeting adjourned at 7:35 p.m.

Bennie Brown, Chairman

Terry Whitehead, Town Clerk



TOWN OF WINDSOR
RECORD OF
PLANNING COMMISSION VOTES

Commission Meeting Date April 27, 2016

Motion #	G. Willis	E. Lynch	B. Brown	N. Edwards	L. Marshall	G. Stubbs	D. Hicks
1	Y	Y	Y	Y	Y	Y	Absent
2	Y	Y	Y	Y	Y	Y	
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Jerry Whitehead Clerk

Town Elected Officials
 Carita J. Richardson, Mayor
 Clint Bryant-Vice Mayor
 Durwood V. Scott
 Greg Willis
 N. Macon Edwards, III
 Patty Fleming
 Tony Ambrose

TOWN OF WINDSOR



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May 9, 2016

Town Manager
 Michael R. Stallings

Town Clerk
 Terry Whitehead

Town Attorney
 Wallace W. Brittle, Jr.

Memorandum

To: Planning Commission Members

From: Dennis W. Carney, Planning and Zoning Administrator *DWC*

Subject: Draft 2016 Comprehensive Plan

Issue: The 2014 Comprehensive Plan if recommended by the Planning Commission and adopted by the Town Council of the Town of Windsor after public hearing will replace the existing Comprehensive Plan (adopted 2008). The Comprehensive Plan for the Town of Windsor is used by Town citizens, staff, the Planning Commission and Town Council as a guide for future decisions affecting the Town including, but not limited to, decisions related to future land use, zoning actions and the appropriate location of public infrastructure. The Plan area encompasses all of the Town of Windsor. The Plan does not rezone land, but it suggests ordinance amendments and other policies that will facilitate implementation of the Plan after adoption by the Town of Windsor Town Council.

Facts: Over the last several years, the Planning Commission has held numerous work sessions on the various sections and topics of the 2014 Comprehensive Plan. Representatives from Isle of Wight County have participated, reviewed and commented on the Plan. Where appropriate their comments have been incorporated into the Plan. The Plan designates areas for commercial, low and high density residential, industrial, public/institutional, agricultural and conservation uses for the Town. It provides for a future study area to protect and revitalize the older sections of Windsor. The Plan recommends goals, objectives and strategies on the subjects of Community Appearance, Economic Development, Transportation, Environment, Land Use and Housing and Community Development. The Town's Future Land-Use Map should be used as a general guide for future development patterns within the Town. It should be followed by the Planning Commission and Town Council in the decisions that they make on land use and development requests and guide their decisions for the development of policies and infrastructure throughout the Town.

As the Commission is aware, the Virginia Department of Transportation forced a major correction of the Plan when the "southern route was abandoned and a northern route entirely bypassing the Town was put in its place. However, currently there is no funding



available if the project otherwise passes muster with the federal environmental rules and the Commonwealth's new procedures on funding transportation needs. So an iteration of it moving forward in the next several years is very dubious. Because of this the U.S. Route 460 Bypass was removed from the plan in its entirety (except for a mention that it may arise again). Areas where the original southern route would have made potential commercial uses feasible have now been reverted back to the earlier plan to prevent a sprawling situation with no new major traffic artery (the Bypass) to mitigate the problem. Also because of the time elapsed due to the Bypass conundrum, some other minor changes within the text were made to bring the Plan up to date.

Staff Recommendation: As of this writing, Staff has not received any comments on the Plan. The Planning Commission should consider recommending to Town Council the Draft 2016 Comprehensive Plan as the plan to guide the Town over the next five years and as the framework for an even longer twenty year period.

(permit number GW1042700) administered by the Virginia Department of Environmental Quality (DEQ) that authorizes the maximum withdrawal of 197,000,000 gallons per year (maximum of 18,900,000 gallons per month). The Town's ten-year Groundwater Withdrawal Permit is in the process of renewal. The amount of the permitted withdrawal is subject to change.

The Town of Windsor has allocated as much as 224,400 gallons of water per day to Isle of Wight County to serve industrial uses in the County's Windsor Development Service District. The County has indicated plans to terminate the water sales agreement, established in 1996 and amended in 2004, and provide service to the Development Service District from County water reserved in the Western Tidewater Water Authority agreement. Following termination of the sales agreement with Isle of Wight County, the Town of Windsor would be able to serve other industrial and business locations.

Through participation in the Hampton Roads Regional Water Supply Plan, the Town of Windsor is in compliance with State Water Control Law Section 62.1-44.15 and 62.1-44.38:1 of the Code of Virginia and the State Water Control Board implementing regulations, 9 VAC 25-780, which establishes the planning process and criteria that local governments must use in the development of local or regional water supply plans. The Windsor Town Council adopted the Hampton Roads Regional Water Supply Plan by resolution on August 9, 2011. The plan received a final determination of compliance from the Virginia DEQ on November 15, 2013. Other participating localities include the cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, the counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, and the towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, and Surry.

Wastewater Facilities

Wastewater service is available in certain areas of the Town of Windsor. Wastewater collection services are provided by Isle of Wight County, Department of Public Utilities through a vacuum system and pump station. The County system discharges effluent to a Hampton Roads Sanitation District force main for treatment at the Nansemond Wastewater Treatment Plant in Suffolk.

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May 17, 2016

Memorandum

To: Planning Commission Members

From: Dennis W. Carney, Planning and Zoning Administrator *DWC*

Subject: Poultry in A-1 District

The Town of Windsor Land Development Ordinance does not permit livestock of any type, other than horses and ponies in the LDR Low Density Residential District, in any district except A-1 Agricultural. It is controlled in two sections of the Ordinance in the A-1 Agricultural District. In Section 160-53A (2) livestock is permitted by right with the exception of intensive livestock farming. However, Section 160-53 C (12) the section that lists the potential Conditional Uses for the A-1 District makes the raising of swine and poultry a conditional use. Attached are the relevant sections and the Code of Virginia Right to Farm Act which is addressed below for your use in reviewing this topic.

The recodified Code of Virginia Section 3.1-22.28 Right to Farm; restrictive ordinances, does not permit counties, cities and **towns** to “unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district unless such restrictions bear a relationship to the health, safety and general welfare of its citizens. The law was passed in 1995.

It has always seemed that the outright ban on poultry is an unreasonable restriction for an A-1 Agricultural District. It is suggested that the Commission consider repealing Section 160-53 C (12) and adding to section 160-53 A (2) the following;

“Poultry, with the exception of roosters in chickens, is permitted provided the A-1 Agricultural parcel or tract exceeds five acres and all pens and houses for the poultry are at a minimum of fifty (50) feet from the property lines or the parcel or tract.”

It is felt that this is a reasonable accommodation for a Town of our size. It prevents the raising of poultry on lots and with reasonable distances for the houses/pens that would otherwise be too small to contain any noise and smell that would emanate from the houses/pens. The restriction upon roosters prevents noise which could otherwise carry past the acreage limitation. It does not open the Town to chickens in the residential districts or on small A-1 Agricultural lots such as on Lovers Lane.

2. *Internal.* A buffer of 10 feet of vegetative materials shall be maintained internally within the PUD at distances, depending upon approved trees and shrubs that are being utilized in individual situations or in clusters that may vary between 15 foot or 25 foot linear increments, around the perimeter of where residential, commercial, and industrial uses meet or intersect. See item 1 above for alternatives to minimum buffering areas;

3. *Contingency.* If proffered and agreed to as a part of the rezoning process, the required buffers may be reduced as spelled out within the proffers. Proffered conditions showing alternate means of providing equivalency to the otherwise required buffers in items A and B above and a finding by the Planning Commission and approved by Town Council of Windsor showing that the proffer provides equivalency for the buffer and/or that based on topography or other natural features that the buffer is not required or is reduced to a lesser degree;

4. *Chesapeake Bay Act.* Provisions of the Chesapeake Bay Act (Resource Protection Areas) may not be reduced except as prescribed within the provisions of the Bay Act guidelines; and

5. *Minimum required plantings.* The applicant shall submit and proffer to utilize a list of the minimum required plantings to be installed and maintained on the site utilizing § 160-66C(3) and any subsequent plantings guide adopted by the Town of Windsor.

§ 160-53. A-1 Agricultural District. There are within the Town of Windsor certain lands used for farming and/or the raising of certain types of livestock; and since land is kept from urban development by these uses; and since the conservation of such land as open rural area is deemed desirable and needed, this district is established to identify these lands and to distinguish them from urbanized single-family residential districts. The district is established to separate distinctly different uses so as to promote the general health, safety, and welfare of both the occupants of this district and of other districts within the Town of Windsor.

A. *Permitted Uses in the A-1 Agricultural District.* The following are permitted uses in the A-1 Agricultural District:

1. General farming, agriculture, dairying and forestry;

2. The raising of cattle, sheep, and other domesticated livestock including non-indigenous livestock such as alpaca and llamas but does not include intensive farms as defined under the Code of Virginia;

3. Conservation areas;

4. Public parks, playgrounds and athletic fields;

5. Commercial horse stables;
6. On-site commercial operations for agricultural and forestry product sales and services;
7. Temporary sawmills not to remain on a property that is being timbered for more than two weeks;
8. Temporary seasonal stands for the selling of farm produce raised on the premises;
9. Single lot and minor subdivisions; and
10. Bee-keeping, provided all hives are secured within fenced back-yard areas and shall be no closer than fifty (50) feet from any adjoining property line. An appropriately sized water source shall be provided for the hive(s).

B. *Accessory Uses in the A-1 Agricultural District.* Where a lot is devoted to a permitted principal use or adjacent to and associated with a permitted principal use, the following customary accessory uses and structures are authorized:

1. Single family detached dwellings;
2. Manufactured homes, provided they are placed on a permanent footing that meets the requirements of the building code. In addition to any Building Code requirements, a manufactured home must have continuous masonry foundation walls that are unpierced except for required access and ventilation; said foundation must be installed prior to occupancy;
3. Home occupations;
4. Living quarters in the main structure of persons employed on the premises;
5. Recreational vehicles and travel trailers stored within the minimum yard requirements, prohibited from occupancy, properly licensed, prohibited from being used as an auxiliary structure, located to the rear of the front setback line, and either behind or to the side of the main residential dwelling unit;
6. Temporary structures for uses incidental to construction work shall be removed upon completion or abandonment of the construction work;
7. Signs as provided for in § 160-58;
8. Parking as provided for in § 160-64;

9. Accessory buildings or uses that are incidental to permitted or other accessory uses on the property (in example barns, stables, carports, swimming pools which are regulated as structures for private residences, etc.);

10. Shelters for up to four dogs or dependent animals of up to six months of age; and

11. Television satellite antennas or dishes.

12. Radio antenna for use for private residents not to exceed fifty-five (55) feet in height and not encroaching upon the setback area for the principal structure on the property will be placed in the rear or side of a property and not in front of the dwelling and will have a distance to all property lines exceeding the maximum height of the antenna.

C. *Conditional Uses in the Agricultural District (A-1)*. The following Conditional Uses may be applied for utilizing the procedures in § 160-73:

1. Second dwelling or accessory apartment for an immediate family member within the primary residential structure not to equal more than one third (33.3 percent) of the square footage area of the primary dwelling;

2. Child-care centers and family day-care homes;

3. Group homes for adults;

4. Schools (public and private);

5. Public service or storage buildings;

6. Recreational facilities, such as gymnasiums, indoor or outdoor tennis courts, whether privately owned by a community organization or by a church or other religious affiliated entity not located closer than 100 feet to any residence;

7. Private or commercial cemeteries;

8. Bed and Breakfast facilities;

9. Public utility structures such as water towers, sewage treatment plants, etc. that exceed the needs for such a utility for the immediate neighborhood or community;

10. Kennels exceeding five (5) dogs of over three (3) months of age;

11. Animal shelters, veterinary hospitals;

12. Swine and/or poultry raising and/or processing;



13. Sawmilling of timber and accessory shipping facilities;
14. Vehicular or animal racing facilities;
15. Borrow pits and resource extraction;
16. Sanitary and industrial landfills;
17. Transfer stations and recycling stations;
18. Livestock sales facilities;
19. Open air markets and stands for farm, horticulture, craft, and produce sales;
20. Lodges, social clubs, hunting clubs;
21. A guest dwelling on parcels exceeding ten (10) acres in area; and
22. Athletic fields, golf courses and golf driving ranges or similar facilities for other sports and recreational activities.

§ 160-54. Public District P. The public district is for the purpose of providing appropriate locations for public facilities such as offices and schools. Because of the need to sometimes permit such facilities in residential areas, great care should be exercised in determining the appropriate location of such Public Districts.

A. *Permitted Uses.* Within the Public District P, the following uses are permitted:

1. Local, regional, state and federal offices, office buildings, storage facilities including, but not limited to, military and naval recruiting centers and National Guard armories;
2. Public schools including administration and storage;
3. Vehicle repair and storage facilities if on the same property where a school or other facility is in operation;
4. Park and ride facilities;
5. Public libraries;
6. Public service and storage buildings;
7. Railroad train stations, bus, and taxi stands;

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[View the 2015 Code of Virginia](#) | [View Previous Versions of the Code of Virginia](#)

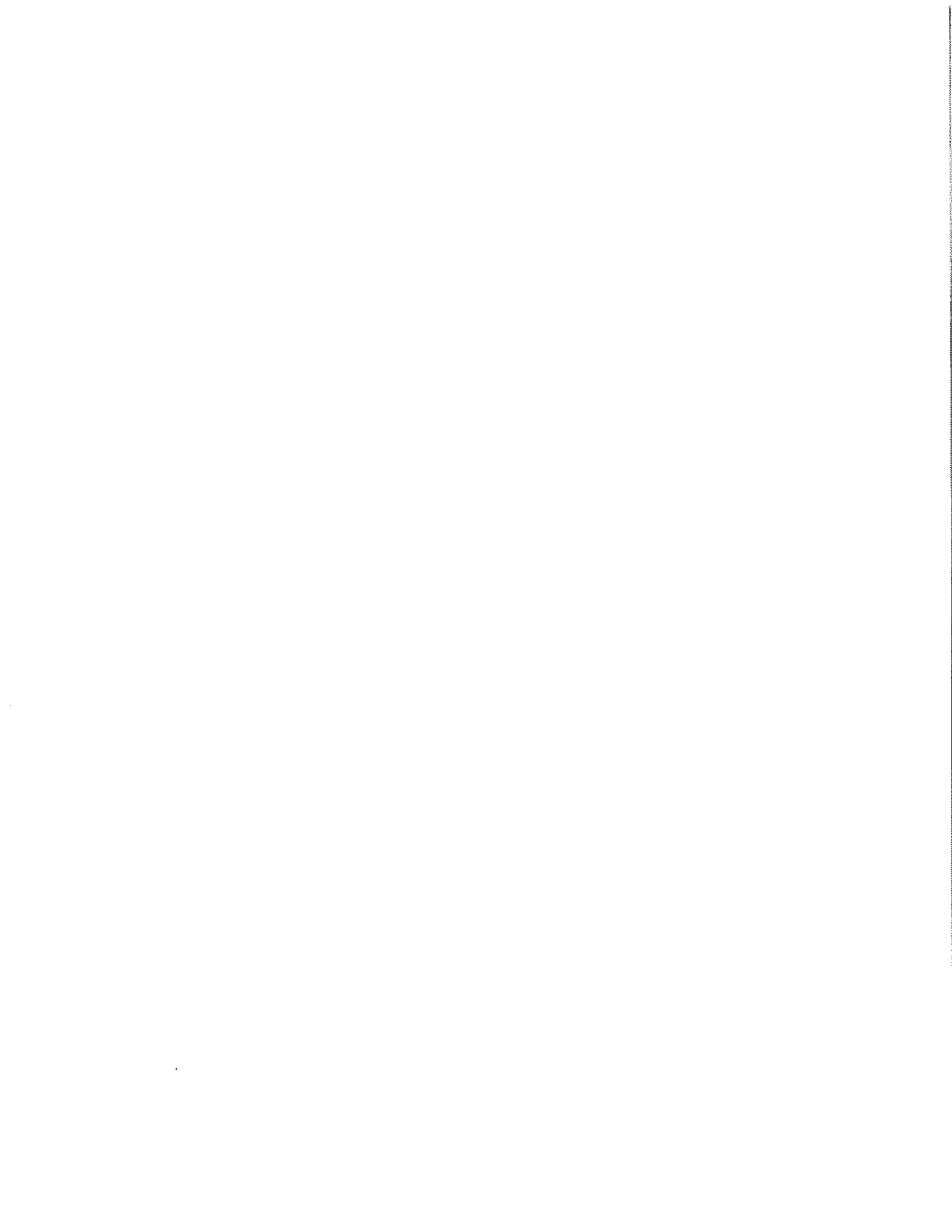
2006 Code of Virginia § 3.1-22.28 - Right to farm; restrictive ordinances

3.1-22.28. Right to farm; restrictive ordinances.

In order to limit the circumstances under which agricultural operations maybe deemed to be a nuisance, especially when nonagricultural land uses are initiated near existing agricultural operations, no county shall adopt any ordinance that requires that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. For the purpose of this section, "production agriculture and silviculture" means the bonafide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge. However, counties may adopt setback requirements, minimum area requirements, and other requirements that apply to land on which agriculture and silviculture activity is occurring within the locality that is zoned as an agricultural district or classification. No county, city or town shall enact zoning ordinances which would unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district or classification unless such restrictions bear a relationship to the health, safety and general welfare of its citizens. This section shall become effective on April 1, 1995, and from and after that date all land zoned to an agricultural district or classification shall be in conformity with this section.

(1981, c. 384; 1991, c. 293; 1994, c. 779.)

Disclaimer: These codes may not be the most recent version. [Virginia](#) may have more



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TOWN OF WINDSOR

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Tony Ambrose



Town Manager
Michael R. Stallings, Jr.

Town Clerk
Terry Whitehead

Town Attorney
Wallace W. Brittle, Jr.

Established 1902

May 3, 2016

Memorandum

**To: Michael Stallings, Town Manager
Mayor and Town Council
Planning Commission**

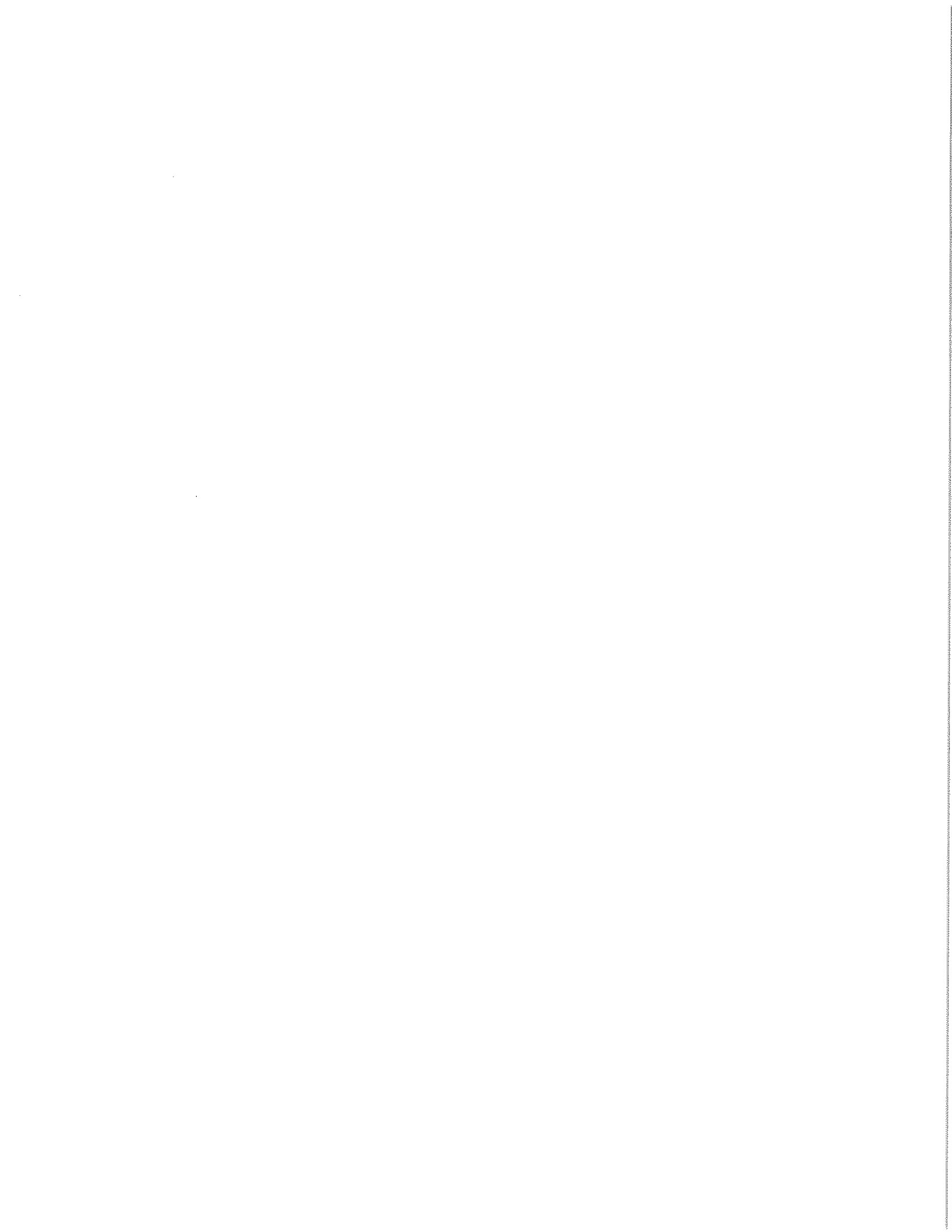
From: Dennis W. Carney, Planning and Zoning Administrator

Subject: April 2016 Planning and Zoning Report

Zoning Permits: The number of Zoning Permits increased to ten in April from the seven permits in March. This is slightly more than the nine permits in April 2015. The permits were for two single family homes, five accessory buildings (a carport and four utility buildings), a temporary and a permanent sign, two decks and a fence. Because two permits had two separate uses on each one, the numbers of items exceed the total permit number. The total number of Zoning Permits is approximately five less than at this point in 2015. Hopefully, it will pick up in the next month. It is also noted that in all likelihood the number of new homes will be drastically reduced with the build-out of Holland Meadows and Phase II of Holland Meadows not even submitted for the requisite subdivision at this point.

Violations: New violations cases have finally begun to decrease (down to eight in April from the fifteen in March). However all but one of these were for inoperative motor vehicles (the other was for an unlicensed day-care). It is noted that some of the usual problem cases for tall grass are starting to arise – so May will likely have an increase in violations. We also resolved twelve cases in April (eleven inoperative vehicle cases and one junk and trash), so on balance the work-load decreased.

Planning Commission Activity: The Planning Commission reviewed the Draft Comprehensive Plan and with one minor update to reflect the 2016 water permit request by the Town, the Commission set a public hearing for the May 25, 2016. They also amongst other topics discussed the potential permitting by right under certain circumstances, poultry in the A-1 Agricultural District. It was agreed for Staff to put together a potential Ordinance amendment for the Commission to discuss at the May meeting.



MONTHLY REPORT PLANNING & ZONING

April 2016

	<u>April</u>	<u>FYTD</u>
Number of Zoning Permits Issued:	10	72*
Residential New Construction:	2	19
Commercial New Construction:	0	0
Building Additions:	0	2
Accessory Buildings:	5	12
Signs:		
Temporary:	1	9
Permanent:	1	4
Fences:	1	8
Pools:	0	2
Decks:	2	3
Driveways:	0	1
Other:	0	15
Notices of Violation:	8**	61**
Inoperative vehicles:	7	54
Tall grass:	0	1
Signs:	0	1
Other:	1	4
Number of Violation Cases Resolved:	12*	84**
Inoperative vehicles:	11	75
Tall grass:	0	4
Sign	0	2
Other:	1	4

A list of addresses and tax map numbers for the permits and violations are available at the Town Office.

*Some Zoning Permits include several accessory items but are delineated by item on this report.

**The discrepancy between the number of types and the total numbers of violations reflect that some violations notices cite two or more classes of violations

