

**TOWN OF WINDSOR  
PLANNING COMMISSION  
TOWN COUNCIL CHAMBER  
8 EAST WINDSOR BOULEVARD  
WINDSOR VIRGINIA  
WORK-SESSION AND REGULAR MEETING  
WEDNESDAY AUGUST 24, 2016**

**WORK-SESSION  
6:00 p.m.**

1. **CALL TO ORDER**
  - A) **WELCOME**
  - B) **ROLL CALL**
  
2. **WORK SESSION ON THE BANK/GRIFFIN STREET AREA OF OLDE TOWN WINDSOR (1)**

**Staff Comments:** See the attached Staff report.

**REGULAR MEETING  
7:00 p.m**

3. **APPROVAL OF MINUTES OF THE JULY 27, 2016 REGULAR PLANNING COMMISSION MEETING (2)**
  
4. **DISCUSSION AND CONSIDERATION OF A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING CHICKENS AND POT BELLIED PIGS IN RESIDENTIAL DISTRICTS (3)**

**Staff Comments:** See the attached staff report.
  
5. **REPORT FROM THE TOWN ATTORNEY**
  
6. **REPORT ON ECONOMIC ACTIVITY**
  
7. **PLANNING AND ZONING STAFF REPORT FOR JULY 2016 (4)**
  
8. **ANY OTHER REPORTS OR NEW BUSINESS**
  
9. **NEXT REGULAR MEETING-SEPTEMBER 28, 2016**
  
10. **MOTION TO ADJOURN**

# TOWN OF WINDSOR

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



Established 1902

January 4, 2016

Town Manager  
Michael R. Stallings, Jr.

Town Clerk  
Terry Whitehead

Town Attorney  
Wallace W. Brittle, Jr.

## Memorandum

To: Planning Commission Members

From: Dennis W. Carney, Planning and Zoning Administrator

### **Subject: Bank Street and Griffin Street areas of Olde Town Windsor**

**Facts:** This area of Olde Town Windsor is very different from the Church and North Court Street. The homes generally are not as large. The manner in which this neighborhood has developed is greatly influenced by the railroad. Both Bank and Griffin run parallel to the railroad with the short dead-end streets of B Avenue and Maple Lane stubbing off perpendicular to Bank Street. All of these streets are part of this study area. Neither B Avenue nor Maple Lane has adequate "turn-around" areas, and both have inadequate very narrow street widths. Sometimes it is very difficult to maneuver through the streets if vehicles are parked on the streets. Fortunately there are few houses on either street and they are short in length. Maple Lane is predominantly a minority neighborhood, and B Avenue is populated by four houses, two of which are family members.

The area has two abandoned buildings, an old dilapidated house on Bank Street and a former church that is in disrepair. The County Building Inspections has been requested on several occasions to take steps to lead the owners to either repair or remove the structures. So far, these requests have not been successful. It is suggested that an element of the plan for this area would be a strategy to lead to either renovation or demolition of these structures.

The Town also owns a large component of this area. On Griffin Street, one of the Town's water towers which will also soon be the site of the Town's Maintenance Office/Storage Building dominates the street. Griffin Street travels a short distance into a rather narrow "S" curve which makes truck traffic very problematic. This then leads to the Town cemetery.

The large field on Bank Street that is bounded to the north by B Avenue is now owned by the Town. It has been discussed as a potential park. As with B Avenue, drainage is a problem and should be addressed if plans for a park are to move forward. It is suggested

that an overall master plan for drainage for the entire area be considered for this portion of Olde Town Windsor.

**Discussion:** At the work session, it is suggested that the Commission give its opinions on how to address the problems and concerns of this portion of Olde Town Windsor. From this, a preliminary strategy can be formulated and possibly at either the September or October meeting, the neighborhood could be invited to give their views on the preliminary strategy.

**MINUTES OF THE PLANNING COMMISSION – WINDSOR, VIRGINIA**

The Planning Commission met on Wednesday, July 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

Mr. Carney noted that Commissioner Hicks is absent due to an illness in her family.

**PROPOSED BYLAWS AMENDMENTS**

Mr. Carney recommended amendments to Article 2, Section 4 and Article 3, Section 2 of the Planning Commission’s bylaws to align with the change in Council/Mayor election dates for the Town. He suggested adding the following to Article 2, Section 4: “For terms ending after June 30, 2017, appointments shall be made for a four year term ending on January 1st and changing “July” to “January” in Article 3, Section 2 in regards to the terms of the officers.

After a short discussion, Commissioner Stubbs made a motion to amend Article 2, Section 4 and Article 3, Section 2 of the Planning Commission’s bylaws to align with the change in Council/Mayor election dates for the Town. Commissioner Willis seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #1.

**ELECTION OF OFFICERS FOR JULY 2016 THROUGH JANUARY 2017**

Chairman Brown said that according to the Planning Commission’s bylaws, the Commissioners are required to nominate and elect a Chairman and Vice Chairman for the Planning Commission at this meeting. He opened the floor for nominations. Commissioner Stubbs nominated Commissioner Brown for Chairman and Commissioner Marshall for Vice Chairman. Commissioner Willis seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #2.

**MINUTES**

Chairman Brown asked if there were any amendments to the minutes of the May 25, 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 #3.

## **PUBLIC HEARING ON THE AMENDMENT TO PERMIT POULTRY IN THE A-1 AGRICULTURAL DISTRICT**

Chairman Brown said there is a public hearing this evening to consider public comments on permitting poultry in the A-1 Agricultural District by amending the Town of Windsor Land Development Ordinance. He asked Mr. Carney to give an overview of the amendment.

Mr. Carney explained that 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. He said 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 160-53C (12) the section that lists the potential Conditional Uses for the A-1 District makes the raising of swine and poultry a conditional use.

Mr. Carney said the Code of Virginia Section 3.1-22.28 Right to Farm Act deals with restrictive ordinances. It 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." He said the present outright ban on poultry could be viewed as an unreasonable restriction for an A-1 Agricultural District.

Mr. Carney said that poultry in the A-1 Agricultural District may be allowed by amending the Town of Windsor Land Development Ordinance as follows:

- Adding to Section 160.53A (2) "The raising of poultry is permitted provided the A-1 Agricultural parcel or tract exceeds five acres and all pens and houses for poultry are at a minimum of fifty (50) feet from the property lines or the parcel or tract."
- Amending Section 160-53C (12) to read "Raising and/or processing of swine and processing of poultry."

Mr. Carney said the public hearing has been properly advertised. He recommended that the Commission consider approving these particular amendments noting that it also takes the Town out of a potential violation of the Virginia Right to Farm Act.

Chairman Brown opened the public hearing. He asked for any persons wishing to speak in favor of the ordinance amendment to come forward at this time.

Walter Bernacki, 24129 Johnson Avenue, said he is in favor of the amendment to allow poultry in the A-1 Agricultural District. He said it will give farmers in the community an opportunity to supplement their income if they have a bad crop year. He said the amended restrictions are good guidelines for the farmers to follow, and they continue to keep an orderly community. He thanked the Commission for their service to the Town of Windsor.

There being no one else to speak either in favor or in opposition to the proposed amendments, Chairman Brown closed the public hearing. He said it is now open for discussion among the Planning Commission.

After a brief discussion regarding the restrictions and the Right to Farm Act, Commissioner Willis recommended that Town Council approve the amendment to permit poultry in the A-1 Agricultural District. Commissioner Marshall seconded, and the Commissioners unanimously passed the motion as recorded on the attached chart as motion #4.

#### **DISCUSSION AND CONSIDERATION OF PROPOSED ZONING ORDINANCE AMENDMENT REGARDING CHICKENS AND POT- BELLIED PIGS IN RESIDENTIAL DISTRICTS**

Mr. Carney said that Walter Bernacki has requested Staff to bring forward a series of amendments that would permit chickens and pot-bellied pigs in the R-1, HDR and LDR Residential Districts. This request is entirely a separate issue from the previous discussion that would permit poultry in the A-1 Agricultural District

Mr. Bernacki has allegedly had for several years on his property on Johnson Street several hens. Based on a recent anonymous complaint, the property was found to be in violation. Partly because of this but primarily because he feels that the liberalization is justified, this request for several zoning text amendments is being brought forward. Mr. Carney noted that in the agenda packet is the original request from Mr. Bernacki and a Staff prepared document that could readily fit into our Land Development Ordinance if the Town wishes to move in this direction.

Mr. Carney said the Windsor Land Development Ordinance does not permit livestock of any type, other than horses and ponies, in the LDR Low Density Residential District.

Mr. Carney explained that this request, if approved by Town Council, would allow no more than ten chickens on a residential property at any one time. Roosters are not permitted. The pens or enclosures must be kept clean. The chickens would not be permitted to roam freely and must be under the owner/caretaker's control.

Mr. Carney said that pot-bellied pigs are also a component of these proposed amendments. This type of swine is primarily used as pets. He said the proposal would limit pot-bellied pigs to no more than two per property. Their pens or enclosures also must be kept clean. He said as with the chickens, pot-bellied pigs would not be permitted to roam freely and must be under the owner/caretaker's control.

Mr. Carney noted that the specific provisions could be modified if the Commission and Town Council deem them proper.

Mr. Carney explained that there are three ways in which a zoning text amendment could originate. He said Town Council could request the Commission to review a given provision. Staff and the Commission could review a provision on their own initiative or on behalf of individual citizens and begin the review of a proposed ordinance amendment or by a proposed zoning text amendment from a private citizen or entity. He said all of these require a public hearing and recommendation to Town Council on the merits of the proposals.

Mr. Carney said this is a request for the Planning Commission to determine if it voluntarily wishes to set a public hearing on this proposal.

Commissioner Willis noted his concerns with this amendment allowing lesser restrictions in residential districts than in agricultural districts if approved. Mr. Carney said if the proposed amendments are adopted, Planning Commission would need to make revisions to the A-1 Agricultural Districts.

Mr. Bernacki explained to the Planning Commission that the chickens are his daughter's pets. He said the chickens are properly confined and the pens are kept clean. He said that he and his daughter have researched several websites with information regarding localities that permit chickens in residential zoned neighborhoods. He said he would provide this information to Mr. Carney for the Planning Commission to review. Mr. Bernacki invited the Commission to visit his home and view the chickens and their pens.

Planning Commission continued to discuss the topics of permitting these uses, their potential effects upon small lot neighborhoods, the problem of potentially opening the doors to more questionable exotic pets and how the proposal could be properly enforced on the sanitary issue and when the animals would not be properly confined. After further discussion, the Commission agreed to bring this issue before Council to ask if the Commission should be addressing this proposal originating from the Planning Commission and if so, what sort of guidance Town Council would like to provide on this matter.

#### **DISCUSSION ON OLDE TOWN WINDSOR**

Mr. Carney reported that despite not having a quorum for the June meeting, he and Chairman Brown and Vice Chairman Marshall toured Bank and Griffin Streets. It was his belief that the buildings on these streets are generally not large enough to allow the same sort of mixed use concept as on Church and North Court Streets. He said there are also some drainage and transportation problems that will need to be addressed in this area. Chairman Brown noted that there are some historically significant sites located in this area that could be recognized by historical markers.

Commissioner Stubbs suggested that there should be communication with the residents involved to receive their opinions and suggestions regarding the Olde Town Windsor District. Planning Commission agreed to have a community meeting in September to receive input from the citizens regarding the Olde Town Windsor District.

The Commissioners agreed to schedule a work session prior to the September 28, 2016 meeting at 6:00 p.m. to discuss additional ideas regarding the Bank and Griffin Street area of Olde Town Windsor if it could not be reasonably worked into the regular meeting agenda due to workload.

#### **REPORT FROM THE TOWN ATTORNEY**

None

#### **REPORT FROM THE ECONOMIC DEVELOPMENT AUTHORITY**

None

## **PLANNING AND ZONING STAFF REPORT FOR FY2015-2016**

Mr. Carney reported that FY2015-2016 was a fairly normal year for zoning permits. The total number dropped off to 80 from the 2014-2015 high of 91 permits. He also reported that the number of violation cases decreased by 23 percent from the 100 cases in FY2014-2015 to 73 in FY2015-2016. He reviewed the fluctuation of the various classification of zoning permits and violations that were issued in FY2015-2016 and noted the minor changes.

### **OTHER REPORTS**

Mr. Carney reported that he has been informed by John Napolitano that the Cambridge Villas project is not ready to move forward at this time. He also briefed Planning Commission on the U.S. Route 460 project. He said that VDOT is asking the Army Corps of Engineers to issue the environmental permit for the Route 460 plan with a northern bypass around Windsor. He said that the comment period was extended for comments from the public. He also indicated that the project is not currently funded and the State's HB2 process would have to be initiated in order for the project to move forward even if the environmental approval is given. To his knowledge, none of the localities would initiate this process, and VDOT could not initiate it unilaterally.

### **ADJOURNMENT**

Chairman Brown noted that the next meeting will be September 28, 2016.

There being no further business, Commissioner Stubbs made the motion to adjourn. Vice Chairman Marshall seconded the motion, and the Commission unanimously approved the motion as recorded on the attached chart as motion #5.

The meeting adjourned at 8:50 p.m.

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Bennie Brown, Chairman

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Terry Whitehead, Town Clerk



TOWN OF WINDSOR  
RECORD OF  
PLANNING COMMISSION VOTES

Commission Meeting Date July 27, 2016

Motion #	G. Willis	E. Lynch	B. Brown	N. Edwards	L. Marshall	G. Stubbs	D. Hicks
1	Y	X	Y	Y	Y	Y	absent
2	Y	Y	Y	Y	Y	Y	
3	X	Y	Y	Y	Y	Y	
4	Y	Y	Y	Y	Y	Y	
5	Y	Y	Y	Y	Y	Y	
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Jerry Whitehead, Clerk

# TOWN OF WINDSOR

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 Clint Bryant-Vice Mayor  
 Durwood V. Scott  
 Greg Willis  
 N. Macon Edwards, III  
 Patty Fleming  
 Tony Ambrose



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 Michael R. Stallings  
  
 Town Clerk  
 Terry Whitehead  
  
 Town Attorney  
 Wallace W. Brittle, Jr.

Established 1902

August 15, 2016

## Memorandum

To: Planning Commission Members

From: Dennis W. Carney, Planning and Zoning Administrator

### **Subject: Request for Chickens and Pot-Bellied Pigs in the R-1, HDR and LDR Residential Districts**

**Issue:** Mr. Walter Bernacki has requested Staff to bring forward a series of amendments that would permit chickens and pot-bellied pigs in the R-1, HDR and LDR Residential Districts. This is a continuation of the issue from the July Planning Commission meeting.

**Facts:** As the Planning Commission directed, Staff outlined the issues and concerns that were voiced at the July Planning Commission meeting to Town Council. In addition, the similar 2011 request regarding chickens from a former resident of Keaton Avenue was found and is attached in the agenda packet for your review. Also included is a report done by Mr. William Saunders, Planner in the Town of Smithfield several years ago that outlines the various ways numerous cities and towns have dealt with this issue. Finally, Staff has contacted several cities and towns that are closer to the size of Windsor to see how they address this issue.

As a result of the Planning Commission's request for direction on this issue, Town Council at its August meeting did not direct the Planning Commission to necessarily change the ordinance but that they could if they wished review the issues involved and determine whether the proposed amendments or other derived amendments were in order. The individual Town Council members with the exception of Mayor Richardson (in her role as Mayor) and Mr. Edwards (in his dual role on the Planning Commission) gave their views and concerns regarding chickens and pot-bellied pigs. In general, they voiced opinions regarding chickens and swine that mirrored much of what the Planning Commission had discussed at the July meeting. The concerns are attached as they are described in the draft minutes. Please review these comments in regards to the proposal at hand.

It is noted that on the unrelated amendment regarding poultry for the Land Development Ordinance in the A-1 Agricultural District that Staff has been directed by Town Council to amend the setbacks for chicken pens, houses to 50 feet for other A-1 Agricultural

parcels and 100 feet for adjoining residentially zoned properties. This will be a part of their public hearing in September.

Mr. Saunders put together an excellent report of various ordinances from localities that permitted chickens from around the United States. They were much more urban and presumably had larger staffs to administer these ordinances than Windsor.

Staff conducted a more modest survey contacting Virginia localities of towns and cities that are closer to our size. I could not find any localities of our size that permitted pot-bellied pigs. As for chickens, for the most part, either the localities did not permit them at all (Appomattox, Crewe), permitted them in large parcel districts that mirror our A-1 Agricultural District (Smithfield, Franklin) or had setbacks of 100 feet from adjacent residences (Farmville, Blackstone). The Town of West Point is the only Town that permits them on a case by case permit basis provided they are confined. If the same 100 foot criteria that Blackstone and Farmville uses on a case by case basis were adopted for Windsor, given the size of parcels and location of residences within our R-1 and HDR Residential Districts, it would be difficult to site the pens or coops in most if not all of the parcels within these districts. Parcels in the LDR District and possibly some R-1 parcels in Windsor Woods and Hidden Acres and the occasional parcel along U.S. Route 258 and anomalous lots elsewhere may be large enough to accommodate this type of ordinance. The HDR District would be excluded due to parcel size. Furthermore this approach would not accommodate Mr. Bernacki's situation nor the majority of parcels within the older portions of the Town.

**Staff Recommendation:** Also included in this packet are the Staff report, Mr. Bernacki's original ordinance and the Staff ordinance that are derived from it. Staff recommends that the Planning Commission determine first of all whether given the circumstances the Ordinance prohibiting chickens and pot-bellied pigs needs to be reexamined. If so, then what should the criteria be. Should it be similar in nature to the request from Mr. Bernacki, or should it follow the model of other localities.

## Potential Zoning Ordinance Amendment

### § 160-36 Miscellaneous General Regulations

(New Section)

G. Chickens and Miniature Pot-Bellied Pigs. The following regulations apply in the R-1 Residential, HDR High Density Residential and LDR Low Density Residential Districts where residents wish to have chickens and/or pot-bellied pigs. Chickens and pot-bellied pigs are prohibited from all multi-family, duplex, condominium and townhouse residential units.

1. The following requirements apply to anyone wishing to have chickens in the aforementioned districts;
  - a. The maximum number of chickens on a given property shall be limited to no more than ten at any one time.
  - b. There shall be no roosters permitted at any time
  - c. Chickens must be kept in an enclosed pen (coop) and not be permitted to free range unless under the direct supervision of the owner or his/her designee.
  - d. The coop or enclosure must be kept clean to reduce nuisances which include aesthetic and odor concerns.
  - e. The property owner of the chickens shall obtain a permit from the Town of Windsor.
  - f. If there are any violations of the requirements, a written notice shall be sent to the permit holder and they will have thirty (30) days to correct said violations. If the violations are not corrected the permit will be revoked and the owner must reapply for a new permit when the violations are corrected.
2. The following requirements apply to anyone wishing to have pot-bellied pigs in the aforementioned districts;
  - a. The maximum number of pot-bellied pigs on a given property shall be limited to no more than two at any one time.
  - b. Pot-bellied pig(s) must be kept in an enclosed pen and not be permitted to free range unless under the direct supervision of the owner or his/her designee.

c. The enclosure must be kept clean to reduce nuisances which include aesthetic and odor concerns.

d. The property owner of the pot-bellied pig(s) shall obtain a permit from the Town of Windsor.

e. If there are any violations of the requirements, a written notice shall be sent to the permit holder and they will have thirty (30) days to correct said violations. If the violations are not corrected the permit will be revoked and the owner must reapply for a new permit when the violations are corrected.

### **New Sections**

#### **Add to § 160-47B. R-1 Residential Accessory Uses**

13. Chickens and/or pot-bellied pigs as provided in § 160-36G.

#### **In § 160-48B. LDR Low Density Residential Accessory Uses**

14. Chickens and/or pot-bellied pigs as provided in § 160-36G.

#### **In § 160-48B. HDR High Density Residential Accessory Uses**

10. Chickens and/or pot-bellied pigs as provided in § 160-36G.

August 18, 2016

Walter Bernacki  
Sierra Bernacki  
24129 Johnson Ave.  
Windsor, VA 23487

Town Of Windsor  
8 East Windsor Blvd.  
Windsor, VA 23487  
Attn: Planning Commission

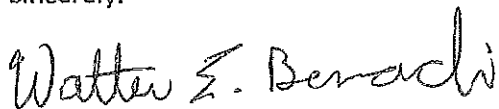
Dear Planning commission members:

After the last town council meeting I spoke with Sierra about the progression of the process in attempting to change the zoning ordinance as related to her pet chickens. After careful consideration we had decided to respectfully request you remove the section of the zoning ordinance we proposed in relation to pot belly pigs. Further investigation we conducted revealed the pot belly pig owners we were advised of live in the county not the town.

We would request you please move forward and generate a proposal for town council that would closely mirror the proposed chicken zoning ordinance change we submitted. Again, the residential zoning areas we want to allow chickens includes all residential areas except HDR and MHP. Further, if set backs are discussed, the other cities and towns that allow chickens tended to use the current building setbacks.

Sierra and I again want to thank the Planning Commission for its diligent work on the zoning changes we are trying to affect.

Sincerely:

A handwritten signature in black ink that reads "Walter E. Bernacki". The signature is written in a cursive style with a large initial 'W'.

Walter Bernacki  
Sierra Bernacki

# TOWN OF WINDSOR

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Established 1902

Town Manager  
Michael R. Stallings

Town Clerk  
Terry Whitehead

Town Attorney  
Wallace W. Brittle, Jr.

July 18, 2016

Memorandum

To: Planning Commission Members

From: Dennis W. Carney, Planning and Zoning Administrator

**Subject: Request for Chickens and Pot-Bellied Pigs in the R-1, HDR and LDR Residential Districts**

**Issue:** Mr. Walter Bernacki has requested Staff to bring forward a series of amendments that would permit chickens and pot-bellied pigs in the R-1, HDR and LDR Residential Districts. This request is entirely a separate issue from the previous discussion that would permit poultry in the A-1 Agricultural District

**Facts:** Mr. Bernacki has had for many years on his property on Johnson Street, several hens. Based on a recent anonymous complaint, the property was found to be in violation. Partly because of this but primarily because he feels that the liberalization is justified, this request for several zoning text amendments is being brought forward. In your packet is the original request from Mr. Bernacki and a Staff prepared document that could readily fit into our Land Development Ordinance if the Town wishes to move in this direction.

As was noted in the poultry issue in the A-1 Agricultural District, the 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.

This request if approved by Town Council would allow no more than ten chickens on a residential property at any one time. Roosters are not permitted. The pens or enclosures must be kept clean. The chickens would not be permitted to roam freely and must be under the owner/caretaker's control.

Pot-bellied pigs are also a component of these proposed amendments. This type of swine is primarily used as pets. The proposal would limit pot-bellied pigs to no more than two per property. Their pens or enclosures also must be kept clean. As with the chickens, pot-bellied pigs would not be permitted to roam freely and must be under the owner/caretaker's control.

It is noted, that the specific provisions are not carved in stone and could be modified if the Commission and Town Council deem them proper.

**Recommendation:** There are three ways in which a Zoning Text amendment could originate. Town Council could request the Commission to review a given provision. Staff and the Commission could review a provision on their own initiative or on behalf of individual citizens and begin the review of a proposed Ordinance amendment. The third manner an amendment can be proposed is a proposed Zoning Text Amendment from a private citizen or entity. All of these require a public hearing and recommendation to Town Council on the merits of the proposals.

At this point, this is a request for the Planning Commission to determine if it voluntarily wishes to set a public hearing on this proposal (the second way).



**Council's Comments at the August 9, 2016 Council Meeting Regarding the  
Request for Chickens and Pot-bellied Pigs in the R-1, HDR and LDR  
Residential Districts**

Councilwoman Flemming said her husband recently visited Kansas City, Missouri and was staying next to a home with chickens. She said she researched their ordinance regarding chickens in residential districts. She reported that four chickens are permitted on three acres in rural residential areas but not in typical tract subdivisions. She explained that if less than three acres, you must apply for a special use permit with a fee of \$100 the first year and \$75 for each year after that. No chickens are allowed if less than one acre. She said the chickens must be cooped, and the coops must be 100 feet from the property line. She said there can be no smell, the manure must be disposed of immediately to prevent breeding flies, they cannot attack people or other animals, they cannot damage public property and they cannot endanger the health of the citizens. She also noted that Kansas City, Kansas only allows chickens in agricultural districts.

Councilman Willis said he is concerned that if the Town allows chickens and pot-bellied pigs, then what will keep citizens from asking for miniature horses, alpacas, peacocks or guineas. He said this would be a problem in close proximity residential districts. He said he does not have a problem with chickens in low density residential districts if there is sufficient acreage to support them.

Vice Mayor Bryant said he is open-minded towards allowing chickens and pot-bellied pigs on larger lots, but he lives on a half-acre lot and would not want chickens or pot-bellied pigs next door to him.

Councilman Scott said he is concerned with how the proposal could be properly enforced on the sanitary issue and when the animals would not be properly confined. He said he understands Mr. Bernacki's interest, but he also has to consider the best interest of the Town and its citizens.

Councilman Edwards said he did not want to express an opinion because he serves on the Planning Commission, and this issue will be before the Commission for consideration at their next meeting.

Councilman Ambrose stated that he visited Ocracoke, North Carolina and witnessed free range chickens on quarter acre lots. He said the Town of Windsor is a rural community, and he feels that if citizens can take care of chickens in a proper way, then he is not against the proposal. He said it is something special about getting your own eggs.

OPINION: SWIFT REACTION AFTER ACCIDENT DESERVES NOTICE. 2

# WINDSOR Weekly

THE HEARTBEAT OF WINDSOR

2ND YEAR, NO. 20

SATURDAY, AUGUST 13, 2016

FREE

## Windsor council discusses poultry issues

**STEPHEN H. COWLES**  
MANAGING EDITOR  
editor@windsorweekly.com

### WINDSOR

Windsor Town Council reviewed the Planning Commission's recommendation to permit poultry to be raised in the A-1 District.

Dennis Carney, the Town's director of Planning and Zoning, explained that the proposal would allow chickens to be raised in agriculture land that's at least five acres large with pens at a minimum of 50 feet from the nearest property line to a lot or tract.

Councilman N. Macon Edwards

III said he got a call from a resident concerned about that distance and suggested a wider one.

"If you think about it, 50 feet isn't that long," said Edwards; 100 feet was suggested.

More specifically, if you want to raise chickens in the agriculture zone and it's next to another ag district, the pen need be only 50

feet distance from the property line. But if there's any other kind of district — such as residential or commercial — then there must be 100 feet distance from the border.

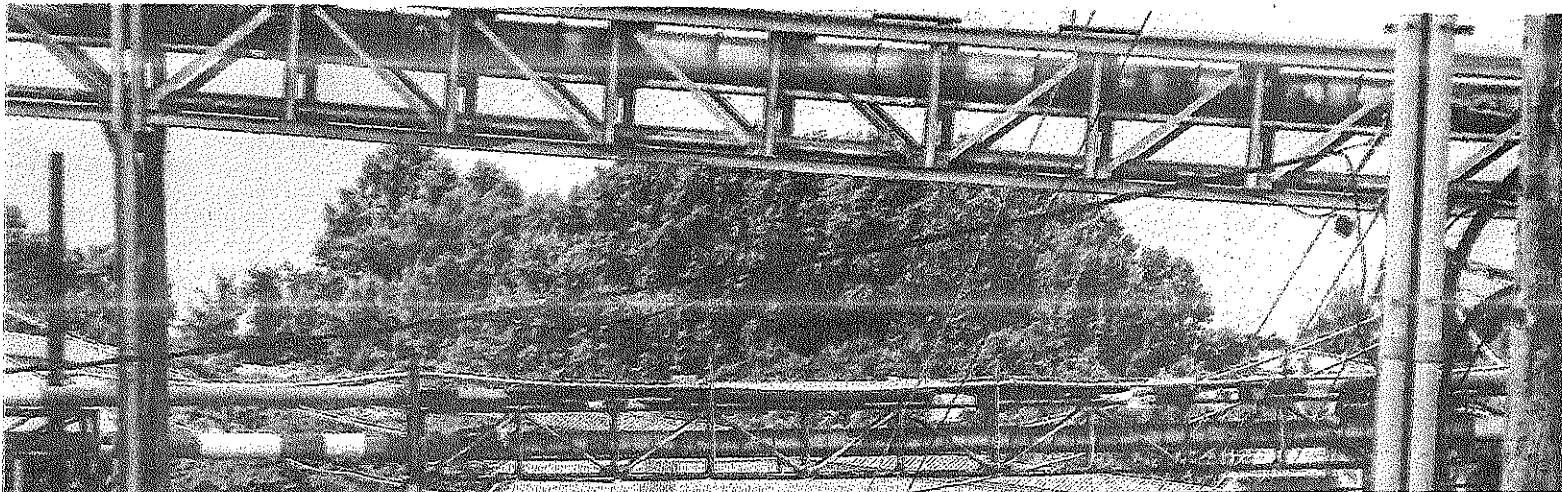
All of council agreed to this and a public hearing will be set next month.

Speaking of chickens, the com-

mission last month asked for guidance on the subject of residents being allowed to cultivate poultry, and even pot-bellied pigs within R-1 Residential, High-Density Residential and Low-Density Residential districts.

The subject was then raised by

SEE POULTRY, 10



## Train derailment still under investigation

STAFF REPORT

CARRSVILLE

The cause of the CSX train that

# From the Front

10

WINDSOR WEEKLY

SATURDAY, AUGUST 13, 2016

W

Do you have a story that we can tell?

An event that needs to be highlighted?

Email your news tips to:

[editor@windsorweekly.com](mailto:editor@windsorweekly.com)

## Poultry: Council offers comments as guidance to Planning

FROM PAGE 1

Walter Bernacki of Johnson Avenue, who had apparently been raising chickens for several years before an anonymous complaint revealed that he was in violation of town code.

One suggestion to the proposal would be to allow only 10 hens and no roosters.

"Do you want Planning to move forward and what guidance," said Stallings.

Mayor Carita Richardson agreed that comments from Council could help the commissioners.

"I think that will help guide them as they go through it," she said.

Councilman Greg Willis said he has a "number of reservations."

"If we open doors to chickens and pot-bellied pigs, what's to stop people asking for miniature horses, alpacas, peacocks, guin-

neas, etc."

Vice Mayor Clint Bryant added only that he sided with Willis.

Councilman Durwood Scott asked if the Town has the staff to police the regulation in any way. He said he understands Bernacki's interest, "but in the long run is it in the best interest of the town?"

Edwards would make no comment on the matter.

Councilman Ambrose said he has a lot of experience with the practice of residents raising chickens when he lived elsewhere in North Carolina.

"I feel that we are a rural community and that if someone could maintain them, there's something kind of special about that — getting your own eggs," he said.

The comments of the Council were recorded and will be sent to Planning for consideration.

In other business, all but Edwards approved the purchase of a new utility cart to be used by the Public Works Department. An available Polaris M1400 would enable the staff to carry around more materials and tow up to 1,500 pounds. Reducing wear and tear on other vehicles and fuel costs are other benefits.

Edwards said he's concerned for the safety of the employees that would use the cart, which when having to cross a road in town would be slow-moving compared to other vehicles that zip by them.

"I'd rather have a pick-up truck," he said, acknowledging that the cost would be double.

Stallings said he understood the councilman's concern, and replied, "The cart allows us to go more places you can't take a

pick-up truck; the cart would be easier to maneuver and do more things in smaller places."

Asked by Scott if there's money in the budget this year to replace the existing pick-up truck, the manager said yes. He added that driver's education classes would be required for those employees who need to use the cart.

- The mayor agreed to serve for one year on the Joint Water Taskforce. She, along with a representative from Smithfield and another from Isle of Wight County would examine what's the best use of water in the entire county.

- Discussion of placing a water fountain at Centennial Park, which is behind Town Hall, led to the agreement that it could be put next to the gazebo, which has been renamed for former longtime councilman Wesley Garris.

## Concert: Music of Bacharach, Manilow to be played at one show

FROM PAGE 1

bring a Christmas show from the 49th Parallel.

- Combing the fiddle

dolfi will weave a musical tapestry when he brings "Burt, Barry and Beyond" on Sunday, Feb. 26, at 3:30 p.m. The music of Bach-

bring a memorable performance on Saturday, March 11, at 7:30 p.m.

All shows will be in the auditorium of the South-

ship.

The cost is still \$50 per adult; \$10 for students.

There are, of course,

**Staff Survey of Localities of Similar Size**

<b>Locality</b>	<b>Permitted</b>	<b>No. if Permitted</b>	<b>If Permitted any Concerns</b>
<b>Appomattox</b> (pop. 1,767)	No	N/A	N/A
<b>Blackstone</b> (pop. 3,675)	Yes	Up to 4 hens 100 ft. from residences and streams	None noted
<b>Crewe</b> (pop.2,378)	No	N/A	N/A
<b>Farmville</b> (pop. 6,845)	Yes	Case by case- up to 6 hens 50 feet from prop. line 100 feet from residences. No roosters	None been in force for over seven years- approval by Town Manager
<b>Franklin</b> (City-pop. 8,346)	Yes	In R/O and R/OA (large lot Districts (no set distances) No number given, roosters permitted.	Complaints from majority of neighbors trigger violation/potential removal
<b>Smithfield</b> (pop.6,324)	Yes	Only in Community Conservation District (Large lots- equiv.to agricultural)	None noted
<b>West Point</b> (pop. 2,866)	Yes	No free range, must be in pens	None noted

## **Summary of Chicken Ordinances**

Based upon 32 municipalities\* with ordinances allowing chickens in residential areas

### **Number of birds permitted**

-Of the municipalities not basing total numbers on lot size, the majority allow six or fewer birds.

### **Roosters allowed**

-The majority of the municipalities do not allow roosters.

-A few allow one rooster and a few others allow roosters under 4 mos. of age.

### **Permit / Permit Cost**

-The majority of the municipalities require permits, some for over three birds only.

-The majority of the municipalities' permit fee was \$40.00 per year or less.

### **Enclosure Required**

-An overwhelming majority of the municipalities require enclosures.

-Some have minimum area requirements, typically 2 sq. ft. per bird over 4 mos. of age.

### **Nuisance Clause**

-An overwhelming majority of the municipalities still have nuisance clauses in force.

-Most nuisance clauses relate to noise and / or sanitary conditions.

### **Slaughter Permitted**

-Most ordinances are not clear on whether or not the slaughter of birds is allowed outdoors.

-Some municipalities require slaughter to be practiced indoors only.

### **Property Line /Adjacent Dwelling Restrictions**

-An overwhelming majority of the municipalities require a minimum distance of enclosures from neighboring dwellings; typically 20-50 feet.

-Some have a minimum distance from enclosures to adjacent property lines; range from 15-90 ft.

-Some base the total number of birds allowed on the distance from the adjacent lot lines.

### **Unique Regulations**

-Several municipalities require all feed to be contained in rodent-proof containers.

-Most municipalities do not allow birds to roam at large.

-Some municipalities allow birds in multi-family zoning, but most are single-family zoning only.

\*The chosen municipalities are nationwide, as there are not enough local municipalities that allow chickens in residential areas to provide a large enough sampling of data.

?	50 ft. from neighboring dwelling	Feed in rat-proof containers
?	20 ft. from neighboring dwelling	
?	<15 ft. to lot line = 0 birds, 15 - 20 ft. = 4 birds, up to 50 ft = 25 birds	
?	100 ft. from neighboring dwellings	No running at large
?	10 ft. from lot line	1 additional bird per 1,000 sq. ft. of lot above minimum
?	Yes	On trial basis
?	90 ft. from lot line	Allowed in multi-family
?	?	
?	50 ft. from neighboring dwelling	

**32 Municipalities with Residential Chicken Ordinances Ana**

<b>Municipality</b>	<b># of birds permitted</b>	<b>Roosters allowed</b>	<b>Permit / Permit Cost</b>	<b>Enclosure Required</b>	<b>Nuisance Clause</b>
Albuquerque, NM	15	1 per household	No	No	Yes
Atlanta, GA	25	Yes	No	Yes, 2 sq. ft. per bird over 4 mos. old	Yes
Austin, TX	10	Yes	?	?	?
Baltimore, MD	4	No	Must register w/ Animal Control	Yes, 2 sq. ft. per bird over 4 mos. old	Yes
Boise, ID	3	No	?	Yes, 2 sq. ft. per bird over 4 mos. old	?
Charlotte, NC	Based on lot size	?	\$40 per year	Yes, 2 sq. ft. per bird over 4 mos. old	Yes
Chesapeake, VA	?	Yes	?	?	Yes, noise
Columbus, GA	32, Based on lot size	Yes	?	Yes	Yes
Ft. Worth, TX	12, Based on lot size	?	No	Yes	Yes
Honolulu, HI	2	?	?	?	?
Key West, FL	?	Yes	No	Yes	Yes
Los Angeles, CA	?	100 ft. from lot line	?	?	Yes
Madison, WI	4	No	\$6 per year	Yes	Yes
Memphis, TN	?	?	?	Yes	Yes
Missoula, MT	6	No	\$15 per year	Yes	Yes
New York, NY	No limit	No	Yes	No	Yes
Oakland, CA	?	No	?	?	?
Petersburg, VA	20	?	?	Yes	Yes
Poquoson, VA	No limit	?	\$15 one time	Zoning Administrator's discretion	?
Portland, OR	3 w/o permit	?	\$31 for over 3 birds	Yes	Yes
Rogers, AK	4	No	\$5 per year	Yes	Yes
Roswell, GA	12 per acre	No	?	?	?
San Antonio, TX	50, Based on lot line	?	?	?	?

San Diego, CA	25	?	?	?	Yes
San Francisco, CA	4	?	No	Yes	Yes
San Jose, CA	<15 ft. to lot line = 0 birds, 15 - 20 ft. = 4 birds, up to 50 ft = 25 birds	Only <4 mos. Old	Yes for over 6 birds	Yes	?
Savannah, GA	5	Yes	No	No	Yes
Seattle, WA	3	?	?	?	Yes
South Portland, ME	6	No	\$25 per year	Yes, building permit	Yes
Spokane, WA	1 per 2,000 Sq. Ft. of lot	?	?	?	?
St. Louis, MO	4 w/o permit	?	\$40 for over 4 birds	?	?
Topeka, KS	?	?	?	Yes	Yes



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Slaughter Permitted	Property Line /Adjacent Dwelling Restrictions	Unique Regulations
Yes	No	
?	50 ft. from neighboring dwelling	
Yes	50 ft. from neighboring dwelling	
?	25 ft. from neighboring dwelling	Nesting boxes to be 2 sq. ft. each
?	?	
?	25 ft. from neighboring dwelling	
?	?	
?	50 ft. from lot line	
?	50 ft. from neighboring dwelling	
?	?	
No	No	No droppings for fertilizer, feed in rat-proof containers
?	30 ft. from neighboring dwelling	
No	25 ft. from neighboring dwelling	
Yes	?	Feed in rat-proof containers
?	20 ft. from neighboring dwelling	Feed in rat-proof containers
?	No	
?	20 ft. from neighboring dwelling	
?	30 ft. from neighboring dwelling	No running at large
?	Zoning Administrator's discretion	Setbacks, enclosures, etc. are the Zoning Administrator's discretion
?	?	
Inside only	25 ft. from neighboring dwelling	Enclosure min. 2 ft. above ground
?		
?	20 ft. from neighboring dwelling	

## MINUTES OF THE PLANNING COMMISSION – WINDSOR, VIRGINIA

The Planning Commission met on Wednesday, August 24, 2011 at 7:00 p.m. in the Council Chamber. Chairman Bennie Brown called the meeting to order, and welcomed all who were present. Terry Whitehead, Deputy Clerk, recorded the minutes. Dennis Carney, Planning and Zoning Administrator present as well as Mayor Carita Richardson. Ms. Whitehead called the roll.

Planning Commission members present: Bennie Brown, Chairman  
Leonard L. Marshall, Jr. – arrived at 7:15  
George Stubbs  
Devon Hewitt  
N. Macon Edwards, III

Planning Commission members absent: Michelle Harper  
Glyn Willis

Chairman Brown stated that the Town Attorney, Joshua Pretlow, Jr., would not be present at the meeting because he was out of town on vacation.

### MINUTES

Chairman Brown asked if there were any amendments to the minutes of the July 27, 2011 Planning Commission meeting. There being none, Commissioner Stubbs made a motion to approve the minutes as presented. Commissioner Edwards seconded, and the Commissioners unanimously passed the motion as recorded on the attached chart as motion #1.

### PRESENTATIONS AND PUBLIC COMMENTS

Denise Barrett, 12239 Hazelwood Drive, stated that she received a violation for having chickens in her backyard. She said she would like to ask for a review of the Zoning Ordinance to allow backyard chickens in the Town of Windsor. Members of the Planning Commission asked Ms. Barrett several questions regarding the number of chickens she owns, how often they get out of their pen, neighbor's complaints, and the size and type of enclosure they are kept in. Mr. Carney asked Ms. Barrett what type of revisions would she like to see made to the accommodate this situation. Ms. Barrett stated that she understood that the change would need to encompass the number of chickens allowed, no roosters, lot size, and setbacks, if needed.

Alan Nogiec, 24269 Lovers Lane, stated that he supports the Barrett's request to maintain chickens on their property. He said that the lots in the Hazelwood Subdivision are sizable, and there is not an issue with lack of space for animals such as chickens. He said that he and his wife are the closest neighbors to the Barrett's, and they hardly know the chickens are there. He said that the Town of Windsor has a rural nature and character, and it is the responsibility of Planning Commission and Council to maintain that.

Chairman Brown asked Mr. Carney to brief Planning Commission on this issue. Mr. Carney said that at the August 9, 2011 Town Council Meeting, Mrs. Barrett, who received one of the three pending violations of the Zoning Ordinance dealing with

fowl in an R-1 Residential District presented her situation to Town Council. Staff, in the review of the rash of zoning violations, has reviewed the zoning portion of the Land Development Ordinance and found that the only district where chickens could be raised is in the A-1 Agricultural District and only as a Conditional Use Permit. For this reason Staff felt that it was appropriate in conjunction with our overall review of the Ordinance that some provision be made to permit poultry in the A-1 District.

Mr. Carney said that as for residential districts, whether the Town would permit this agricultural use, raising poultry even in small numbers is more problematic. The potential problems of chickens on the relatively small lots found in the residential districts (particularly R-1 and R-2) are very real. Noise, odor and the animals running loose are some of the problems that would have to be dealt with by utilizing larger setbacks for pens/coops and excluding roosters from consideration.

Mr. Carney stated that because all of the violations were found by complaints, and in two of the three cases the complaints occurred because the chickens were running loose, it is not felt that the Planning Commission should propose any liberalization for the various residential districts. He said it is his belief that if anyone wishes to amend the Zoning Ordinance they should make the proposal, pay all relevant fees, and then make their case as to why the change should be made. This should be so, unless the Planning Commission is of the opinion that the amendment is so needed because the current ordinance is so egregious that amendment is warranted.

Commissioner Stubbs stated that he felt that enforcement is going to become a major problem, if the Ordinance is relaxed. The Planning Commission agreed to continue discussion on the issue during the work session.

#### **PLANNING AND ZONING STAFF REPORT**

Mr. Carney stated that there were eight zoning permits issued in the month of July and eleven violation notices sent for inoperative vehicles, tall grass, and other issues

Mr. Carney said that Town Council authorized a public hearing on an amendment to the Tall Grass Ordinance, which was passed. This change permits a charge to recoup some of the costs related to these types of cases via property taxes when the Town has to cut the grass and the owners do not pay timely.

Chairman Brown said he noticed in front of the shopping center next to Food Lion that there is a tremendous amount of temporary signs. Mr. Carney said that he notified the owner of the property, and he will be sending violation letters to the individual business owners, if the property owner does not take action to have his tenants come in and get the required temporary sign permits.

#### **UNFINISHED BUSINESS**

##### **Report from Economic Development Authority**

Commissioner Stubbs said the EDA continued their discussion on topics such as local tourism districts, welcome signs and easements. He said Judy Winslow of the Town of Smithfield/Isle of Wight Tourism Bureau came and spoke with the EDA regarding incentives they could offer new businesses in the Town of Windsor, and also discussed bonds.

Chairman Brown asked Mayor Richardson if she had an update from the Isle of Wight County Board of Supervisors regarding the renovation of the gym at the current Windsor Middle School. Mayor Richardson said there is not a lot of money available for extensive renovations, but the building is in fairly good condition. She said it is very spacious and will serve the community well as a meeting place for various organizations, including youth programs; which Chief Reynolds is very interested in providing.

## **WORK-SESSION ON THE LAND DEVELOPMENT ORDINANCE**

### **Height Limitations on Gasoline Pump Awnings**

Staff and Planning Commission discussed a potential provision that would limit gasoline awning heights. Mr. Carney said that he and Commissioner Stubbs visited the awning that Mr. Pretlow, Town Attorney, had described at the July meeting. He said the photographs are included in the agenda packets for the Commissioners review. It is noted that the awning is decidedly tall and there is no signage on the awning/canopy. He said that perhaps if no signage is applied, the canopy could be taller than the (20) feet height limitation proposal made at last month's meeting. After discussion among the Commissioners, it was the consensus of Planning Commission to have Mr. Carney check with Isle of Wight County and Smithfield to see what type of guidelines they have regarding awnings/canopies and report back to the Commission.

### **General Review of Draft Land Development Ordinance**

Mr. Carney asked the Commissioners if anyone has further comments or revisions, other than the numbering of the various sections, to the Draft Land Development Ordinance. After a short discussion, Commissioner Stubbs made a motion to set a public hearing on the Draft Land Development Ordinance for the September 28, 2011 meeting for the purpose of acquiring input from the public, with the intention that the matter will then be tabled, and a joint work session be set with Town Council. Commissioner Hewitt seconded the motion which passed unanimously as recorded on the attached chart as motion #2.

### **Discussion of Public Comments**

The Planning Commission discussed several concerns including enforcement problems. Commissioner Stubbs stated that if chickens are permitted in the residential districts, then the same arguments could be used for other farm animals. Mr. Carney said the size of the lots that you will find most of the time in the Town of Windsor for R1, R2 and R3 Districts, are not really conducive to raising farm animals. After further discussion, Commissioner Marshall made a motion that the Commission would decline from any revisions to the Zoning Ordinance and recommended that if the applicant wishes to amend the Ordinance, that she make the appropriate applications and fees. Commissioner Stubbs seconded, and the Commissioners unanimously passed the motion as recorded on the attached chart as motion #3. Mr. Carney was asked to convey the motion in writing to Mrs. Barrett

Mr. Carney then reiterated that he felt that for the agricultural district, Staff recommends Planning Commission amending the language to permit the non-intensive raising of poultry by right in the A-1 Agricultural District. He said this will

rule out the large poultry farms (500 or more chickens for example) unless a conditional use permit is acquired. He said it would permit a family to have smaller numbers of chickens by right in a penned in area in an A-1 Agricultural District. He said residents of an agricultural area have an expectation that agricultural activities such as raising chickens can take place. The occasional noise and odor are part of the agricultural territory.

After a lengthy discussion, Commissioner Edwards made a motion to make no revisions to the Zoning Ordinance in A-1 Districts stating that chickens will only be allowed in A-1 Districts with a conditional use permit. Due to lack of a second, Commissioner Edwards rescinded his motion. The Planning Commission then by general agreement decided that this is an issue for them to ponder further and discuss at future meetings in conjunction with the revised Ordinance.

#### **NEW BUSINESS**

None

#### **ADJOURNMENT**

Chairman Brown said the next meeting is scheduled for September 28, 2011.

Commissioner Stubbs made a motion to adjourn. Commissioner Marshall seconded, and the motion passed unanimously as recorded on the attached chart as motion #4. The meeting adjourned at 9:00 p.m.

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Bennie Brown, Chairman

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Terry Whitehead, Deputy Clerk

# TOWN OF WINDSOR

Town Elected Officials  
Carita J. Richardson, Mayor  
Wesley F. Garris-Vice Mayor  
J. Clinton Bryant  
Durwood V. Scott  
Greg Willis  
N. Macon Edwards, III  
Patty Fleming



Established 1902

August 30, 2011

Town Manager  
Michael R. Stallings  
Town Clerk/Treasurer  
Robin L. Hewett  
Town Attorney  
Joshua Pretlow, Jr.

Mrs. Denise Barrett  
12239 Hazelwood Drive  
Windsor, VA 23487

**RE: Decision on Request for Planning Commission Review of Allowance of Chickens and Other Fowl in the Town and NOV-11-44 Notice of Violation 12239 Hazelwood Drive**

Dear Mrs. Barrett

The purpose of this notice is to inform you that during their work-session, the Planning Commission declined to come forward with an Amendment to the Land Development Ordinance on their volition that would have permitted chickens and other fowl to be permitted in the Town of Windsor. You are reminded that the only district in which chickens are permitted is in the A-1 Agricultural District and only as a Conditional Use Permit. The Planning Commission stated that they would review an Ordinance Text Amendment from you or any citizen on this matter. This of course would follow the proper amendment procedure of public hearings before the Planning Commission and Town Council with a decision to be. If you wish to pursue that route, please contact me for the appropriate application form and I will assist you with the appropriate ordinance sections. The fee is \$800.00 that is non-refundable with the fee amount to cover advertising and administrative costs.

However, because the Planning Commission has declined to take action on this matter, the violation, NOV-11-44 needs to be addressed. An extension of thirty (30) days from the date of the day following the Planning Commission meeting of August 24, 2011 is given. An application must be properly filed or the chickens must be removed pursuant to Article VI Section 160-29(A) of the Town of Windsor Land Development Ordinance by September 24, 2011. If more time is needed to remove the chickens, please provide a letter to the Planning Department in writing giving a date when the removal can be accomplished.

If you feel that the original decision on whether chickens are permitted on your property or this decision is incorrect, you may appeal the decision to the Board of Zoning Appeals of the Town of Windsor (Article VIII, Sections 801-808.08 of the Town of Windsor Land Development Ordinance. The appeal must be on the appropriate

application form and accompanied by a fee of \$800.00 and be filed by September 30, 2011.

Please take the appropriate steps to either, remove the chickens, bring forth an amendment as noted above, or appeal the decision that the Ordinance does not permit the keeping of chickens on your property. Legal action will follow if one of these steps is not pursued in the time frame indicated.

Please contact me at (757) 242-4288 if you have any questions on this matter.

Sincerely

Dennis W. Carney  
Planning and Zoning Administrator

CC: Michael Stallings, Town Manager  
Benny Brown, Planning Commission Chairman  
Carita Richardson, Honorable Mayor

# TOWN OF WINDSOR

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 Manager  
Michael R. Stallings, Jr.

Town Clerk  
Terry Whitehead

Town Attorney  
Wallace W. Brittle, Jr.



Established 1902

July 29, 2016

## Memorandum

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

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

**Subject: July 2016 Planning and Zoning Report**

**Zoning Permits:** The number of Zoning Permits decreased from the eight new permits in June to six for July. This is also slightly more than the five in July of 2015. However, the permits included a new double wide manufactured home (on a vacant mobile home lot), a swimming pool, a front porch, enclosure of an existing porch, a demolition of a manufactured home and a home occupation (office for mobile nail service).

**Violations:** This was an interesting month for violations. There were eight new violations. Four were for your run of the mill inoperative motor vehicles. Four were in the other category. One was a zoning violation for the keeping of chickens, one was for construction of a deck without a permit, and two were for outside storage of appliances. In a heartening note in July there again no new grass cases. There were also six cases resolved, five for inoperative motor vehicles and one of the appliance cases (we had the refrigerator removed).

**Planning Commission Activity:** The Planning Commission meeting was dominated by animals, poultry in the A-1 Agricultural District, and chickens and pot-bellied pigs in the residential districts. They held a public hearing on the permitting by right for poultry in the A-1 District and unanimously recommended approval to Town Council to place the Town in accord with the Right to Farm Act of 1995. They also are requesting whether Town Council wishes them to review the issue of allowing chickens in the residential districts and if so what factors should be considered. The Olde Windsor component areas were discussed and a work session was set for 6 p.m. at the next scheduled meeting of August 24, 2016.

**Drainage:** On August 9, 2016, representatives of the Virginia Soil and Water Conservation Department and the Peanut Soil and Water Conservation District will be



meeting with two interested citizens regarding whether the VCAP program is a possibility to assist them with their drainage problems by utilizing innovative best management practices. Hopefully this can be a start to a resolution of these concerns.

**Other:** It has been an eclectic month with very different issues and concerns. If this holds true, the Fall should be very interesting.

# MONTHLY REPORT PLANNING & ZONING

July 2016

	July	FYTD
<b>Number of Zoning Permits Issued:</b>	<b>6</b>	<b>6</b>
Residential New Construction:	1	1
Commercial New Construction:	0	0
Building Additions:	0	0
Accessory Buildings:	0	0
Signs:		
Temporary:	0	0
Permanent:	0	0
Fences:	0	0
Pools:	1	1
Decks:	2	2
Driveways:	0	0
Other:	2	2
<b>Notices of Violation:</b>	<b>8**</b>	<b>8**</b>
Inoperative vehicles:	4	4
Tall grass:	0	0
Signs:	0	0
Other:	4	4
<b>Number of Violation Cases Resolved:</b>	<b>6**</b>	<b>6**</b>
Inoperative vehicles:	5	5
Tall grass:	0	0
Sign	0	0
Other:	1	1

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 violations