

# Town of Windsor

## Memorandum

June 10, 2014

**TO:** The Honorable Mayor and Town Council  
**FROM:** Michael Stallings, Town Manager *MS*  
**SUBJECT:** Planning & Zoning Report

I am enclosing the planning and zoning report.

I recommend that you receive and file this report.

# TOWN OF WINDSOR

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



Established 1902

June 3, 2014

Town Manager  
Michael R. Stallings, Jr.

Town Clerk  
Terry Whitehead

Town Attorney  
Wallace W. Brittle, Jr.

## Memorandum

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

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

**Subject: May 2014 Planning and Zoning Report**

**Zoning Permits:** There were four new Zoning Permits for the month of May. This is down drastically from the twelve new permits in April and is also much less than in May 2013. However, this year the Town has already equaled the number of new permits that we had had in 2013. So any permits this month will make this year the largest of the last four years. The permits were for a new residence (a manufactured home), two accessory buildings and a temporary sign.

**Violations:** With spring, new violations occur particularly in the area of tall grass. There were ten new violations, four for tall grass, five for inoperative motor vehicles and one sign infraction. This is slightly higher than the nine in April and much higher than the two in May 2013.

Two tall grass infractions (one in which the Town had to mow and receive future reimbursement), three inoperative motor vehicle cases and a sign violation were resolved in May.

**Planning Commission Activity:** The Planning Commission is working on the final steps prior to public hearing on the Comprehensive Plan as well as the manufactured home question that was brought to the Town Council last month. More research on the manufactured home question is being carried out by the Town Attorney. Similarly, the Commission had a long discussion on the question of temporary signs that was posed last month at the Town Council. The options of a more flexible Ordinance that permits multiple times per year for such signs similar to the City of Suffolk, a designated area on a building for temporary signs and an enlargement of free-standing maximum signage so that more 'sales and specials' language could be placed on them. The Commission was unaware of the sources of the concerns and wished to contact several of the businesses on this issue. This item and the manufactured home issue were both tabled to the June 25, 2014 meeting. On the sign issue, Town Council is urged to contact me on what are the concerns and what they feel is the best method(s) of resolving the problem.

**Other Issues:** The tall grass situations that were voiced at the last Town Council meeting are being resolved. It is not felt that preventive letters before grass is in violation is a good idea. What we feel is a friendly reminder is viewed differently sometimes by a citizen who possibly cuts the grass between the mailing of the letter and its receipt. They may be very upset by an obtrusive meddling government. It also takes extra Staff time for a one person shop and additional mailing expense. Similarly, lowering the threshold for tall grass violations to anything less than eight inches from its current 12 inch standard will only increase the number of cases. Council is reminded that the process that must be used is long and cumbersome. Notice must be given on the violation by certified mail and received by the home-owner. Many of the chronic offenders either are absentee land-owners or are in foreclosure. Some will not sign the card for the notice (because they know what it is) and we have to have the Police Department deliver it if they are in Town. If they live out of Town it is very tricky. This process in itself is a delay. If they are in foreclosure, most have little regard for something the mortgage company is receiving and owned in fact by the mortgage company but not on the County records. Staff has to find the records of who is now responsible for the property (sometimes it is on the house itself, other times Deeds of Trust have to be checked. Sometimes the notice is received but nothing is done. The Town is forced into cutting the properties and hoping to recoup the funds either through the new buyer using liens or adding to the property taxes (again hoping they are being paid either by the present owner of the new owner).

The only thing that we have haven't tried are civil penalties. This is where after initial notification, a ticket is written for the violations. If it is not paid, then the case has to go to court much like a speeding ticket. As the Town Attorney correctly pointed out that if we use this method, it will preclude the placement of liens and other methods to effect reimbursement on cases where we have to cut their properties. It will also mean Staff time being lost going to Court to testify.

In summary, there are no easy ways to deal with this issue. It is difficult to teach citizenship and how to be a good neighbor. The economic doldrums that we are in only exacerbate the problem.

**MONTHLY REPORT  
PLANNING & ZONING  
MAY 2014**

	<u>May</u>	<u>FYTD</u>
<b>Number of Zoning Permits Issued:</b>	<b>4*</b>	<b>70*</b>
Residential New Construction:	1	11
Commercial New Construction:	0	0
Building Additions:	0	3
Accessory Buildings:	1	8
Signs:		
Temporary:	1	14
Permanent:	0	10
Fences:	0	5
Pools:	0	0
Decks:	0	1
Driveways:	0	0
Other:	1	18
<b>Notices of Violation:</b>	<b>10*</b>	<b>84**</b>
Inoperative vehicles:	5	70
Tall grass:	4	11
Signs:	1	3
Other:	0	12
<b>Number of Violation Cases Resolved:</b>	<b>6*</b>	<b>88**</b>
Inoperative vehicles:	3	58
Tall grass:	2	10
Other:	1	20

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

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June 5, 2014

Memorandum

To: Michael R. Stallings, Jr. Town Manager  
Hon. Mayor Carita J. Richardson, Mayor  
Town Council

From: Dennis W. Carney, Planning and Zoning Administrator

**Subject: Revised Dog Defecation Ordinance**

The minor corrections that were directed by Town Council from the May 13, 2014 regular meeting have been made to the proposed Ordinance that we had reviewed from the Town of Blackstone, dealing with dog defecation. The minor changes are a comma after the word "premises" in the third line and a period after "receptacle" in the next to the last line. There were no substantive changes made to the wording.

The Town Attorney has not indicated that a public hearing is required on this matter. Since this is the case, if this is acceptable, Town Council can ratify this matter into the Town Code. The proposed wording is as follows;

Article VI

## **"§40-24 Animal Waste**

It shall be unlawful for any owner or person in control of any animal to allow any animal to defecate on the property of other persons without their consent or that of the authorized agent or persons having control of the premises, or on public property. Immediate removal and sanitary disposal of the defecated matter shall not constitute a violation of this section. The defecated matter shall be placed in a container and disposed of in a proper waste receptacle. A violation of this section shall constitute a Class 3 misdemeanor."