

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

WALKING TOUR/WORK-SESSION*

6:00 p.m.

**REGULAR MEETING
WEDNESDAY JUNE 22, 2016**

7:00 p.m.

- 1. CALL TO ORDER – 6:00 p.m.**
- 2. WALKING TOUR AND WORK SESSION ON THE BANK STREET/GRIFFIN STREET AREA**
- 3. CALL TO ORDER FOR REGULAR MEETING – 7:00 p.m.**
 - A) WELCOME AND CALL TO ORDER**
 - B) ROLL CALL**
- 4. APPROVAL OF MINUTES OF THE MAY 25, 2016 REGULAR PLANNING COMMISSION MEETING (1)**
- 5. PUBLIC HEARING ON AMENDMENT TO PERMIT POULTRY IN THE A-1 AGRICULTURAL DISTRICT (2)**

Staff Comments: See the attached staff report.
- 6. REPORT FROM THE TOWN ATTORNEY**

Staff Comments: See the attached Staff report.
- 7. REPORT ON ECONOMIC ACTIVITY**
- 8. PLANNING AND ZONING STAFF REPORT FOR MAY 2016 (3)**
- 9. REPORTS AND REMINDERS**
 - A. OLDE TOWN WINDSOR-MEETING WITH RESIDENTS**
 - B. JULY ORGANIZATIONAL MEETING (4)**
 - C. ANY OTHER REPORTS**
- 10. NEXT REGULAR MEETING - JULY 27, 2016***
- 11. MOTION TO ADJOURN**

*** Please meet at the Town of Windsor Town Hall and we will proceed to the “triangle area” and then have a short walk first on Griffin and then on Bank Streets to acquire a first-hand impression of the neighborhood, weather permitting. If inclement weather occurs, after we gather, we will attempt a driving tour to at least see the neighborhood close-up.**

MINUTES OF THE PLANNING COMMISSION – WINDSOR, VIRGINIA

The Planning Commission met on Wednesday, May 25, 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
 Debra D. Hicks
 Edward Lynch
 Leonard L. Marshall
 Glyn Willis – arrived at 7:25

Planning Commission member absent: George Stubbs

MINUTES

Chairman Brown asked if there were any amendments to the minutes of the April 27, 2016 regular Planning Commission meeting. There being none, Commissioner Marshall made a motion to approve the minutes as presented. Commissioner Lynch seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #1.

PUBLIC HEARING ON THE DRAFT COMPREHENSIVE PLAN

Chairman Brown explained that there is a public hearing to consider public comments on the Draft Comprehensive Plan. He asked Mr. Carney to give an overview of the Draft Comprehensive Plan.

Mr. Carney said the 2016 Comprehensive Plan, if recommended by the Planning Commission and adopted by Town Council after a public hearing, will replace the existing Comprehensive Plan which was adopted in 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. He said the Plan area encompasses all of the Town of Windsor. Mr. Carney explained that 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.

Mr. Carney reported that the public hearing has been properly advertised. He added that a report on the Bank Street area, which the Commission had been given a copy, was received from a resident of the Bank Street area. He noted that it gave historical information and was neither in favor nor in opposition to the Draft Comprehensive Plan.

Mr. Carney said the Planning Commission should consider recommending to Town Council the Draft 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.

Chairman Brown opened the public hearing. Being that there was no one to speak in favor or in opposition to the Draft Comprehensive Plan, he closed the public hearing.

Commissioner Marshall made a motion to recommend approval of the Draft Comprehensive Plan to Town Council. Commissioner Lynch seconded, and the Commissioners unanimously passed the motion as recorded on the attached chart as motion #2.

DISCUSSION ON POULTRY IN THE A-1 AGRICULTURAL DISTRICT

Mr. Carney reported that the Town of Windsor Land Development Ordinance does not permit livestock of any type, other than horses and ponies in the 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. He said 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. Mr. Carney said he attached the relevant sections and the Code of Virginia Right to Farm Act which is addressed below for the Commission's use in reviewing this topic.

Mr. Carney reported that 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.

Mr. Carney explained that it has always seemed that the outright ban on poultry is an unreasonable restriction for an A-1 Agricultural District. He 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."

After discussion, Planning Commission agreed to delete "with the exception of roosters in chickens," and they also made other minor changes to the language of the ordinance.

Commissioner Marshall made a motion to set a public hearing at the June 22, 2016 Planning Commission meeting to consider appropriate amendments to the Ordinance as discussed limiting poultry to the A-1 Agricultural and permitting the processing of poultry to that district as a Conditional Use Permit. Commissioner Edwards seconded, and the Commissioners unanimously passed the motion as recorded on the attached chart as motion #3. It was noted that the Virginia Right to Farm Act probably requires this type of amendment.

REPORT FROM THE TOWN ATTORNEY

None

REPORT FROM THE ECONOMIC DEVELOPMENT AUTHORITY

Mr. Carney reported that the Economic Development Authority (EDA) met on May 9, 2016. He said Governor McAuliffe declared May as Business Appreciation month. He explained that in lieu of the sparsely attended Business Appreciation meals that the EDA had held in the past, the EDA agreed to send an appreciation letter to all the businesses in Windsor thanking them for everything they do for the Town of Windsor.

PLANNING AND ZONING STAFF REPORT FOR APRIL 2016

Mr. Carney gave a brief review of Planning and Zoning activities for the month of April, 2016. He explained that there were ten new zoning permits in the month. The permits were for two single family homes, five accessory buildings, a temporary and a permanent sign, two decks and a fence. He added that there were eight violations. Seven were for inoperative motor vehicles and one was for an unlicensed day care.

OTHER REPORTS

JUNE WORK SESSION ON OLDE TOWN WINDSOR

Planning Commission agreed to hold a work session on the Bank/Griffin Street area preceding the June 22nd meeting. This is in conjunction with the other major element of the Olde Town Windsor study. Weather permitting, the Commission agreed to hold a walking tour of the community to determine what is there now, what are the attributes and deficiencies of the area, and what approaches are to be pursued to revitalize the neighborhoods.

AMENDMENT TO THE BYLAWS

Mr. Carney said the Planning Commission bylaws regarding election of officers will need to be revised to coincide with the Town elections taking place in November instead of May. He said he will present the revised bylaws to the Commissioners at the June meeting.

ADJOURNMENT

Chairman Brown noted that the next meeting will be June 22, 2016.

There being no further business, Commissioner Marshall made the motion to adjourn. Commissioner Edwards seconded the motion, and the Planning Commission unanimously approved the motion as recorded on the attached chart as motion #4.

The meeting adjourned at 8:05 p.m.

Bennie Brown, Chairman

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
RECORD OF
PLANNING COMMISSION VOTES

Commission Meeting Date May 25, 2016

Motion #	G. Willis	E. Lynch	B. Brown	N. Edwards	L. Marshall	G. Stubbs	D. Hicks
	In @ 7:28					Absent	
1	↓	Y	Y	Y	Y		Y
2		Y	Y	Y	Y		Y
3	Y	Y	Y	Y	Y		Y
4	Y	Y	Y	Y	Y		Y
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Jerry Whitehead, Clerk

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

Town Clerk
Terry Whitehead

Town Attorney
Wallace W. Brittle, Jr.

Established 1902

June 15, 2016

Memorandum

To: Planning Commission Members

From: Dennis W. Carney, Planning and Zoning Administrator

Subject: Poultry in A-1 District

Issue: 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.

Facts: 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.

The outright ban on poultry could be viewed as an unreasonable restriction for an A-1 Agricultural District. At the May meeting, the Planning Commission agreed to hold a public hearing on amending the Land Development Ordinance as follows:

Adding to Section 160.53(A) (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 to read as follows: “Section 160-53C (12) Raising and/or processing of swine and processing of poultry.”

The public hearing has been properly advertised. As of this writing, Staff has received no comments either in favor or in opposition to these amendments.

Staff Recommendation: It is felt that this is a reasonable accommodation for poultry in 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. Finally, it takes the Town out of a potential violation of the Virginia Right to Farm Act.

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

June 1, 2016

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 W. Carney, Planning and Zoning Administrator

Subject: May 2016 Planning and Zoning Report

Zoning Permits: The number of Zoning Permits in May was only one half of the permits in April (from ten down to five new permits). This is also down slightly from the seven in May 2015. The total number of Zoning Permits is approximately seven less than at this point in 2015. The permits were for two temporary signs, an above ground pool, a fence and a handicapped ramp.

Violations: New violations cases have increased slightly (from the eight in April up to nine in May). On a brighter note, ten cases were resolved in May. These were nine inoperative motor vehicles and a tall grass case.

Planning Commission Activity: The Planning Commission held a public hearing on the Draft 2016 Comprehensive Plan. No one spoke either in favor or in opposition to the request, although a report on the Bank Street area was received from a resident that gave historical information about the area. The Commission after a short discussion recommended approval of the Plan to Town Council (please see the related report).

The Commission also reviewed an amendment to the A-1 Agricultural District regarding poultry. Both Staff and Mr. Brittle, the Town Attorney, feel that the present Land Development Ordinance unreasonably restricts poultry under the Virginia Right to Farm Act. A public hearing has been set on appropriate reasonable amendments to the Ordinance for the June 22, 2016 meeting.

The Commission also has agreed to hold a work session on the Bank/Griffin Street area preceding the June 22nd meeting. This is in conjunction with the other major element of the Olde Town Windsor study. Weather permitting, the Commission will hold a walking tour of the community to determine what is there now, what are the attributes and deficiencies of the area, and what approach(es) are to be pursued to revitalize the neighborhoods.

Other: The Board of Zoning Appeals is having a training meeting on June 6, 2016 at 6:00 p.m.

Summary: The summer's work we trust will be very beneficial to the Town's future.

MONTHLY REPORT PLANNING & ZONING

May 2016

	<u>May</u>	<u>FYTD</u>
Number of Zoning Permits Issued:	5	72*
Residential New Construction:	0	19
Commercial New Construction:	0	0
Building Additions:	0	2
Accessory Buildings:	0	12
Signs:		
Temporary:	2	11
Permanent:	0	4
Fences:	1	9
Pools:	1	3
Decks:	0	3
Driveways:	0	1
Other:	1	15
Notices of Violation:	9**	71**
Inoperative vehicles:	6	60
Tall grass:	3	4
Signs:	0	1
Other:	2	5
Number of Violation Cases Resolved:	10*	94**
Inoperative vehicles:	9	84
Tall grass:	1	5
Sign	0	2
Other:	0	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

BY-LAWS
WINDSOR PLANNING COMMISSION
TOWN OF WINDSOR, VIRGINIA

ARTICLE 1 - OBJECTIVES

- 1. This Commission, established in conformance with the resolution adopted by the Windsor Town Council on April 8, 1975, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.1, Chapter 11, Article 3 of the Code of Virginia.
- 2. The official title of this Commission shall be the "Windsor Planning Commission" (hereinafter "Commission").

ARTICLE 2 - MEMBERS

- 1. This Commission shall consist of seven (7) members, hereinafter referred to as appointed members who shall be citizens of the Town, and may be increased as provided by law.
- 2. The members are appointed for terms of four (4) years by the Town Council. Any vacancy in membership shall be filled by appointment by the Town Council and shall be for an unexpired term only. Any appointed member may be removed by the Town Council for inefficiency, neglect of duty, or malfeasance in office. The Town Council may provide for the payment of expenses incurred by any members in the performance of his or her official duties.
- 3. The members of the Commission are encouraged to take the necessary courses within two (2) years of their appointment to the Commission to become certified planning commissioners.
- 4. The term of a Commission member shall expire on June 30, at which time his successor's term of office shall begin.

ARTICLE 3 - OFFICERS AND THEIR SELECTION

- 1. The officers of the Planning Commission shall consist of a Chairman, a Vice-Chairman, and a Secretary-Treasurer (hereinafter "Secretary"). The Secretary is the only non-elected officer and shall be the Clerk of Town Council.
- 2. Nomination of officers shall be made from the floor at the regular July meeting each year. Election of officers shall follow immediately.

3. A candidate receiving a majority vote of the membership present shall be declared elected. He shall take office immediately and serve for (1) year or until his successor shall take office.
4. Vacancies in office shall be filled immediately by regular election procedures.

ARTICLE 4 - DUTIES OF OFFICERS

1. The Chairman shall be a citizen member of the Commission and shall:
 - a. Preside at all meetings.
 - b. Appoint committees, special and/or standing.
 - c. Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote by the members present and voting).
 - d. Be informed immediately of any official communication and report same at the next regular meeting.
 - e. Carry out other duties as assigned by the Commission.
2. The Vice-Chairman shall be a citizen member of the Commission and shall:
 - a. Act in the absence or inability of the Chairman to act.
 - b. Have the power to function in the same capacity as the Chairman in cases of the Chairman's inability to act.
3. The Secretary shall:
 - a. Keep a written record of all business transacted by the Commission.
 - b. Notify all members of all meetings.
 - c. Keep a file of all official records and reports of the Commission.
 - d. Certify all maps, records, and reports of the Commission.
 - e. Give notice of all hearings and public meetings.

- f. Attend to the correspondence of the Commission.
- g. Prepare and be responsible for the publishing of advertisements relating to public hearings.
- h. Receive and deposit in a banking house in the Town of Windsor all funds paid to the Planning Commission, and draw and issue checks and warrants upon the said deposited funds on the countersignature of the Chairman.

ARTICLE 5 - STANDING AND SPECIAL COMMITTEES

1. The following standing committees may be appointed by the Chairman to serve as needed.
 - a. A Comprehensive Plan Committee. It shall coordinate the work of the other committees as it progresses and relate it to the overall program and keep the comprehensive plan developing in a realistic and reasonable manner.
 - b. A Land Use Committee. It shall initially determine, and then continue to maintain an inventory of land uses. This Committee shall also be responsible for the preparation of land use maps.
 - c. A Subdivision Committee. Initially, this Committee should draft subdivision regulations and any subsequent amendments. They shall examine all applications for subdivisions, receive the views of the staff pertaining to them, and make recommendations to the Commission.
 - d. A Zoning Committee. Initially this Committee should draft a zoning ordinance and/or any subsequent amendments. They shall review all applications for rezoning or for special use permits. When authorized by law they shall hold public or private hearings, receive the views of the staff pertaining to the issue, and make recommendations to the Commission.
 - e. A Capital Improvements Committee. They shall study the economics of capital improvements as it relates to the use of land to be made by the Town. This may be done independently or in conjunction with affected governmental agencies. Such study shall include need, priority of need, cost financing, joint use and participation, location, and relative status either within or without the comprehensive plan of the Town. To initiate or review applications, receive the views of the

staff relative to the issues and make any recommendations deemed pertinent to the Commission are further duties of the Committee.

- f. Standing committees may be appointed at the July meeting for a period of one year. Vacancies shall be filled immediately by the Chairman.
2. Special committees may be appointed by the Chairman for purposes and terms approved by the Commission.
3. The Chairman shall be an ex officio member of every committee.

ARTICLE 6 - MEETINGS

1. The regular meeting date for the Planning Commission shall be the fourth Wednesday of each month, except for the month of December, when there shall be no regularly scheduled meeting, at 6:30 o'clock p.m. in the Municipal Building. The Commission shall meet on the 3rd Wednesday in the month of November.
2. Special meetings shall be called in accordance with §15.1-439 of the Code of Virginia, as amended, which states that "special meetings of the commission may be called by the chairman or by two members upon written request to the Secretary. The Secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice."
3. All regular meetings, hearings, records, and accounts shall be open to the public.
4. A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the membership present. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.

ARTICLE 7 - ORDER OF BUSINESS

1. The order of business for a regular meeting shall be:
 - a. Call to order by Chairman.

- b. Roll Call.
 - c. Determination of a quorum.
 - d. Reading of minutes.
 - e. Report of Secretary.
 - f. Report of standing committees.
 - g. Report of special committees.
 - h. Unfinished business.
 - i. New business.
 - j. Adjournment.
2. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order.
3. The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record. The Secretary shall sign all minutes, and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

ARTICLE 8 - HEARINGS

- 1. In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.
- 2. Notice of a special hearing shall be published as prescribed by law.
- 3. The case before the Commission shall be summarized by the Chairman or other person delegated by the Chairman. Interested parties shall have the privilege of the floor.
- 4. A record shall be kept of those speaking before the hearing.

ARTICLE 9 - CORRESPONDENCE

- 1. It shall be the duty of the Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Planning

Commission.

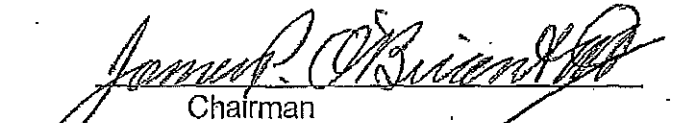
2. It shall be the duty of the Secretary to communicate by telephone or telegraph when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.
3. All official papers and plans involving the authority of the Commission shall bear the signature of the Chairman together with the certification signed by the Secretary.

ARTICLE 10 - AMENDMENTS

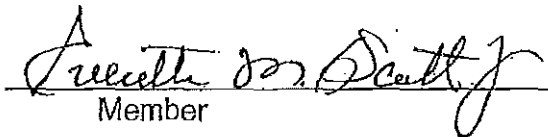
These by-laws may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days prior written notice. The text of the proposed amendment shall be included in the notice.

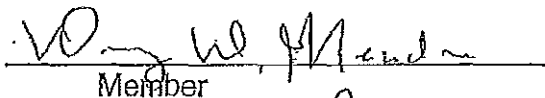
CERTIFICATE

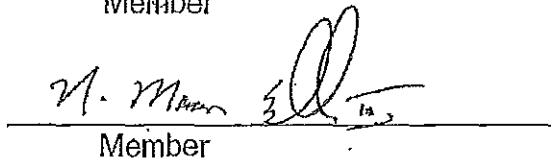
These by-laws, adopted by the Windsor Planning Commission on the 23rd day of January, 2002, repeal all by-laws and their amendments previously enacted by the Windsor Planning Commission.

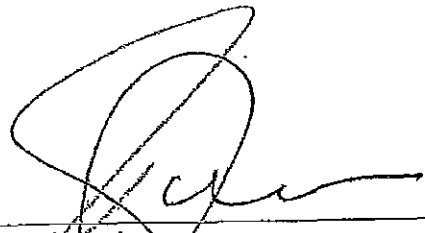

Chairman


Vice-Chairman

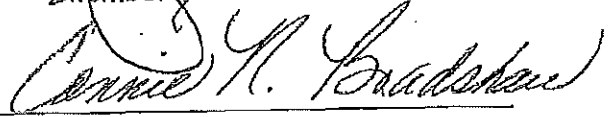

Member


Member


Member

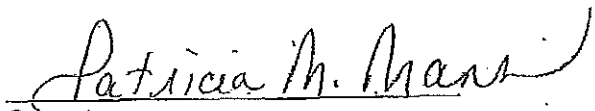


Member



Member

Certified:



Secretary