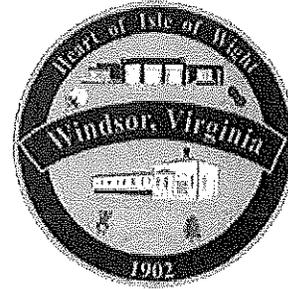


TOWN OF WINDSOR  
PLANNING COMMISSION AGENDA  
P. O. Box 307  
Windsor, Virginia 23487  
Phone 757-242-4288  
Fax 757-242-9039  
E-Mail: [windsor@windsor-va.gov](mailto:windsor@windsor-va.gov)  
October 25, 2017  
7:00 p.m.

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1. Call to Order
  - a) Welcome
  - b) Roll Call
2. Public Comments
3. Approval of the Minutes of the July 19, 2017 Planning Commission Meeting
4. Bylaws – See attached
5. 15.2-900 Public Nuisance Codes
6. Town Attorney's Report
7. Motion to Adjourn

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

The Planning Commission met on Wednesday, July 19, 2017 at 7:00 p.m. in the Town of Windsor Council Chamber. Chairman Brown called the meeting to order and welcomed all who were present. Terry Whitehead, Town Clerk, recorded the minutes. Michael Stallings, Town Manager, and Wallace W. Brittle, Jr., Town Attorney, were present. Mrs. Whitehead called the roll.

Planning Commission members present: Bennie Brown, Chairman  
Leonard L. Marshall, Vice Chairman  
N. Macon Edwards, III  
George Stubbs - arrived at 7:25  
Larissa Williams  
Glyn Willis

Planning Commission member absent: Edward Lynch

Chairman Brown welcomed Larissa Williams as a new member to the Planning Commission. He said that the Commission looks forward to working with her.

**PUBLIC COMMENTS**

None

**MINUTES**

Chairman Brown asked if there were any amendments to the minutes of the June 28, 2017 regular Planning Commission meeting. Chairman Brown noted a correction on page one changing "Mayor" to "Chairman." Vice Chairman Marshall made a motion to approve the minutes with the aforementioned correction. Commissioner Willis seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #1.

**BYLAWS**

Mr. Stallings said there has been discussion regarding revising the Planning Commission bylaws to include attendance requirements. He said he amended the bylaws to reflect language that exists in the State Code. He added the following language to Article 2 - Members: *5. Members may be removed for malfeasance in office. Notwithstanding the foregoing provision, a member of a local planning commission may be removed from office by the local governing body without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.*

Vice Chairman Marshall made a motion to adopt the language added to Article 2-Members regarding attendance requirements. Commissioner Edwards seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #2.

## **REPORT FROM THE TOWN ATTORNEY**

None

## **PUBLIC HEARING - DRAFT CHICKEN ORDINANCE**

Chairman Brown explained that there is a public hearing tonight to consider public comments on the draft chicken ordinance. He asked Mr. Stallings to give an overview of the draft chicken ordinance.

Mr. Stallings reviewed the draft chicken ordinance which allows chickens in R-1 and R-4 (LDR) districts. He said he included language that permits chickens in the Public district when associated with a permitted public use.

Mr. Stallings clarified that restrictions in the Public district will comply with primary structure setbacks which will include a front setback of 40 feet, a back setback of 25 feet and side setbacks of 15 feet.

Mr. Stallings said he included a revision to the Town's chicken ordinance for the Agricultural district as requested. He explained that currently you must have a minimum of 5 acres to have chickens in an A-1 district. He said this causes problems for people who are zoned A-1 but have less than 5 acres. He explained that he removed the lot size restriction but still has the setbacks in place.

Chairman Brown stated that Planning Commission received three letters in support of allowing chickens in R-1 and R-4 (LDR) districts from residents who were unable to attend the public hearing in person. He said the letters were from Dakota Bernacki, Ron Trager and Carolyn Griffin.

Chairman Brown opened the public hearing. He asked for any persons wishing to speak in favor of the draft chicken ordinance.

Karen Poulter, 24365 Lovers Lane, said she would like to speak in favor of the chicken ordinance. She said she would like to see the setback change from 15 feet to 8 feet. She said that a setback of 15 feet in a small yard might be essentially putting the chicken coop in the middle of the yard.

C.P. Griffith, 11245 Shiloh Drive, said he was also in favor of the chicken ordinance because this is a farming community. He suggested making the setback the same as what Windsor currently requires for dog pens, which is five feet.

Walter Bernacki, 24129 Johnson Avenue, said he has knocked on the doors of many constituents, and the majority feels that the draft chicken ordinance is a good ordinance but there should not be any difference between the setback of a shed, dog pen or a chicken coop. He said that a setback of 15 feet may cause problems with citizens who have smaller backyards. He said he has distributed literature at previous meetings that have addressed the concerns regarding noise, odors and other such issues. He said on behalf of himself and the constituents he has spoken to, he would like to ask the Planning Commission to give strong consideration to changing the setback to 8 feet.

Kelly Blankenship, 22453 York Court, stated that her backyard is long but narrow, and a setback of 15 feet would put a chicken coop in the middle of her yard. She said that sheds are allowed 5 feet from the property line, therefore chicken coops should also have a setback of 5 feet.

Chairman Brown asked for any persons wishing to speak in opposition of the draft chicken ordinance, and hearing none he closed the public hearing. He said it is now open for discussion among Planning Commission.

Planning Commission continued to discuss setback considerations for dog pens, sheds and chicken pens, exceptions for smaller lots, what is equitable between neighbors and enforcement of the ordinance.

Mr. Brittle suggested setting the minimum setback at 15 feet unless the adjacent property owner signs off on a reduced setback that shall be no less than 5 feet.

Commissioner Stubbs asked how many infractions the Town would tolerate before taking action against someone in violation of one or more provisions of the chicken ordinance.

Commissioner Williams asked how long residents would have to remedy ordinance violations before it would be considered a second offense.

Mr. Stallings explained that infractions would be considered a zoning violation, and that 7 to 10 days is the normal amount of time the Town gives residents to correct that type of infraction. He added that language could be added to the chicken ordinance stating that a resident's permit to keep chickens could be revoked for violation of the ordinance's provisions.

After further discussion, Vice Chairman Marshall made a motion to revise the draft chicken ordinance with language stating that when permission is granted by the adjacent land owner, the setback may be reduced to not less than 5 feet and present to Town Council for their consideration. Commissioner Williams seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #3.

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

None

## **OTHER REPORTS OR NEW BUSINESS**

None

## **ADJOURNMENT**

Chairman Brown noted that the next meeting is scheduled for August 23, 2017.

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 #4.

The meeting adjourned at 7:50 p.m.

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Bennie Brown, Chairman

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Terry Whitehead, Town Clerk

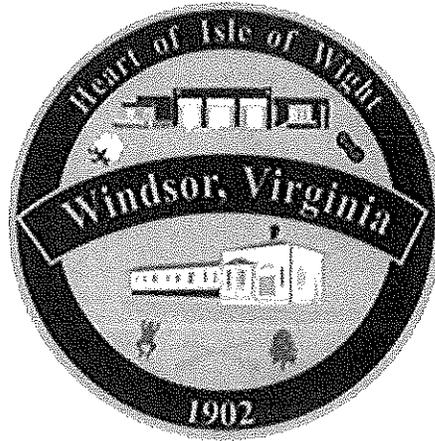
TOWN OF WINDSOR  
RECORD OF  
PLANNING COMMISSION VOTES

Commission Meeting Date July 19, 2017

Motion #	G. Willis	E. Lynch	B. Brown	N. Edwards	L. Marshall	G. Stubbs	L. Williams
		<i>Absent</i>				<i>arrived 7:35</i>	
1	Y		Y	Y	Y		Y
2	Y		Y	Y	Y		Y
3	Y		Y	Y	Y		Y
4	Y		Y	Y	Y		Y
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*Jerry Whitehead, Clerk*

Town of Windsor  
Gary D. Mitchell, AICP, CPMO  
Planning & Zoning Administrator  
8 E Windsor Blvd  
PO Box 307  
Windsor, VA 23487  
(757) 242-4288  
(757) 242-9039 fax  
Windsor, VA 23487  
(757) 242-4288  
(757) 242-9039 fax  
[gmatchell@windsor-va.gov](mailto:gmatchell@windsor-va.gov)



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## STAFF REPORT

**To:** Planning Commission  
**From:** Gary Mitchell, AICP  
Planning & Zoning Administrator  
**CC:** Michael Stallings, Town Manager  
**RE:** Proposed By-Laws

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Staff has reviewed the existing By-laws and made a few minor adjustments and additions. These By-laws are based upon provisions contained in 15.2 Article 2 of the Code of Virginia, 1950 as amended, and the land development ordinance of the Town. Additionally, the By-laws set the meeting dates for the Board.

Generally, once the By-laws are adopted by the Planning Commission, the Commission will hold an organizational meeting in January each year, where officers are selected and any amendments to By-laws are proposed/adopted and the annual calendar is set. Additionally, there will be an educational or training session in June of each year to review and update the members regarding actions by the General Assembly or significant court cases that may affect the Planning Commission's actions.

### **Staff Recommendation:**

Adopt By-Laws and annual calendar as provided or as amended by the Planning Commission.

Windsor Planning Commission 2017 Calendar of Meeting Dates

The Planning Commission meets on the fourth Wednesday of each month and any application must be complete and received 45 days prior to the scheduled meeting date. The Commission meets in Council Chambers located at 8 East Windsor Boulevard.

October 25, 2017 – Town Council Chambers – 7:00 PM

\*November 15, 2017 – Town Council Chambers – 7:00 PM

December 2017 – NO MEETING

Windsor Planning Commission - 2018 Calendar Meeting Dates:

All meetings are on the fourth Wednesday of the month and the time of the meeting is at 7:00 PM unless otherwise noted. All meetings are in the Town Council Chambers located at 8 East Windsor Boulevard.

January 24, 2018 – Organizational Meeting

February 28, 2018

March 28, 2018

April 25, 2018

May 23, 2018

June 27, 2018 – Annual Training Session

July 25, 2018

August 22, 2018

September 26, 2018

October 24, 2018

\*November 14, 2018

December – NO MEETING

- Note – Date moved up 1 week due to Thanksgiving Holiday.

2017 By-Laws  
WINDSOR PLANNING COMMISSION  
TOWN OF WINDSOR, VIRGINIA

**ARTICLE 1- OBJECTIVES**

1. This Commission, established in conformance with the resolution adopted by 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 15.2, Chapter 22, Article 2 of the Code of Virginia as amended.
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 of 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 Town Council may provide for payment of expenses incurred by any regular members in performance of his or her official duties or for required educational or training activities.
4. 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 Commissioners.
5. The term of a Commission member shall expire on December 30, at which time his/her successor's term shall begin.
6. Appointed members may be removed for malfeasance in office. Notwithstanding the foregoing provision, an appointed member of a local Commission may be removed from office by the local governing body

without limitation in the event that the Commission member is absent from any three consecutive meetings of the Commission, or is absent from any four meetings of the Commission within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

### **ARTICLE 3- OFFICERS AND THEIR SELECTION**

1. The officers of the 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 appointed by the Commission.
2. Nomination of officers shall be made from the floor at the regular January 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/she shall take office immediately by regular election procedures.
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 member present and voting).
  - d. Be informed immediately of any official communication and report same at the next regular meeting.
  - e. If staff requests a postponement or cancelation of a Commission meeting due to pending inclement weather conditions or in such case when a quorum cannot be established. If the Chairman approves staff's request, staff shall contact each member of the Commission by phone or electronic communications, post signs on the entry door of Town Hall and notify the media.
  - f. 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 appointed 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 hearing and public meetings.
  - f. Attend to the correspondence of the Commission.

#### **ARTICLE 5- STANDING AND SPECIAL COMMITTEES**

1. Standing and Special committees may be appointed by the Chairman to serve as needed for purposes and terms approved by the Commission.
2. The Chairman shall be an ex officio member of every committee.

#### **ARTICLE 6- MEETINGS**

1. The Commission shall meet each January to hold its organizational meeting. At this meeting the Board shall elect officers, re-adopt By-laws and consider amendments thereto and adopt its meeting schedule for the upcoming year.
2. The regular meeting date for the Commission shall be the fourth Wednesday of each month, except for the month of December, when there shall be no scheduled meeting and November when the meeting is on the third Wednesday, at 7:00 p.m. in the Town Hall Council Chamber (see attached schedule).
3. Special meetings shall be called in accordance with §15.2-2214, Code of Virginia 1950 (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 files a written waiver of notice.”

4. All regular and special meetings, public hearings, records, and accounts shall be open to the public subject to the Code of Virginia.
5. A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be by roll call, in which case a record shall be kept as part of the minutes.

#### **ARTICLE 7- ORDER OF BUSINESS**

1. The order of business for a regular meeting shall generally be:
  - a. Call to order by Chairman
  - b. Roll Call and Determination of Quorum
  - c. Minutes from prior meeting(s)
  - d. Public Comments
  - e. Public Hearing(s)
  - f. Unfinished business
  - g. New business
  - h. Reports
  - i. Notification of date of next meeting and Adjournment
2. Parliamentary procedures in Commission meetings shall be governed by Robert’s Rules of Order.
3. The Commission shall keep a set of minutes of all meetings, and these minutes are the public record of its proceedings. The Secretary and Chairman or the presiding officer of the meeting shall sign all minutes of the meetings after approval by the Commission at a succeeding meeting and shall certify that the minutes are a true and correct copy.

4. Approved minutes shall be kept in an official minute meeting book produced by Williamson Law Book Company (style 1).

#### **ARTICLE 8- PUBLIC 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 public hearing shall be advertised 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 a reasonable opportunity to speak on the request or subject being considered.
4. A record shall be kept in the minutes of the meeting of those speaking at the public hearing.

#### **ARTICLE 9- PUBLIC COMMENT PERIOD**

1. The purpose of the citizen comment period is to allow any citizen of the Town to make statements to the Commission related to any matter under the auspices of the Commission, which are not scheduled for discussion on the agenda.
2. Each citizen of Windsor is allotted 3 minutes to address the Commission.
3. The Commission will listen and consider the position and opinion of the citizens of Windsor however the Commission shall not respond or ask staff to respond to issues identified by the public that may require additional research or investigation.

#### **ARTICLE 10 - TOWN OF WINDSOR - PUBLIC HEARING PROTOCOL**

1. The purpose of a public hearing is for the Commission to listen and consider the position and opinion of the citizens of Town.
2. Public hearings are not question and answer sessions or debates and all statements should be pertinent to the issue being considered and addressed to the Chair. Citizens are expected to obtain information and discuss the subject with public officials prior to the public hearing.

3. All public hearings are advertised weeks prior to the scheduled hearings and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearing.
4. When members of the public offer comment, they need to clearly state their name and address prior to making their comments.
5. Applicants, or representatives of the applicant, will be allowed fifteen (15) minutes to introduce information regarding the matter advertised for public hearing. Additional time may be granted at the discretion of the Chair.
6. Persons speaking at public hearings are respectfully requested to keep comments brief, not to exceed three (3) minutes, and to address only those issues pertinent to the matters advertised for public hearing.
7. After the public hearing has been closed, the applicant or representatives of the applicant will be allowed ten (10) minutes to address any issues identified by the public. Additional time may be granted at the discretion of the Chair.
8. Written copies of statements made at public hearings are requested but not required.

#### **ARTICLE 119- CORRESPONDENCE**

1. It shall be the duty of the Secretary or as delegated to the Planning and Zoning Administrator to draft and sign all correspondence necessary for the execution of the duties and functions of the Commission.
2. It shall be the duty of the Secretary or as delegated to the Planning and Zoning Administrator to communicate by telephone or electronically 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 12 – CONTINUATION OF PUBLIC HEARING**

6. In the event that a regularly scheduled meeting, specially called meeting, and/or work session meeting of the Commission continues to 10:00 PM, the Commission may, at its discretion, adjourn the meeting until the next business day provided the motion of adjournment states the hour and location that the adjourned meeting is to be reconvened.

**ARTICLE 13 10- AMENDMENTS**

These By-laws may be amended 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.

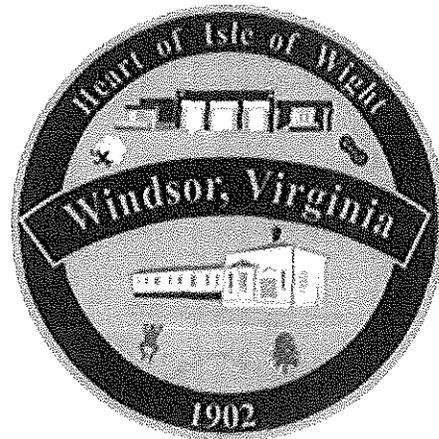
**CERTIFICATE**

These By-laws, are hereby adopted by the Commission on the 25th of October 2017, and repeal all By-laws and their amendments previously enacted by the Commission

\_\_\_\_\_ Date: \_\_\_\_\_  
Chairman

\_\_\_\_\_ Date: \_\_\_\_\_  
Secretary

Town of Windsor  
 Gary D. Mitchell, AICP, CPMO  
 Director of Planning & Zoning  
 8 E Windsor Blvd  
 PO Box 307  
 Windsor, VA 23487  
 (757) 242-4288  
 (757) 242-9039 fax  
 Windsor, VA 23487  
 (757) 242-4288  
 (757) 242-9039 fax  
[gmaitchell@windsor-va.gov](mailto:gmaitchell@windsor-va.gov)




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**Staff Report**

To: Planning Commission  
 From: Gary Mitchell, Planning & Zoning Administrator  
 CC: Michael Stallings, Town Manager  
 Re: 15.2-900 Nuisance Codes

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After working here a short time I see that the Town may be interested in using/adopting the nuisance codes contained in 15.2-900 to aid us in improving the appearance of the community. It already appears that you used this section of state code to deal with inoperable motor vehicles, trash and tall grass but if adopted it provides us other tools to abate such issues without adopting the entire property maintenance code. The particular code sections are as follows with a brief summary of the code.

- **15.2-900 Abatement or removal of nuisances by localities; recovery of costs** – Any locality may compel the responsible party to abate, raze, or remove a public nuisance. If the public nuisance constitutes a danger to the public health, safety and welfare and an immediate threat to life or property then the locality may abate, raze, or remove the public nuisance.
- **15.2-901 Locality may provide for removal or disposal of trash, cutting grass and weeds** – Any locality may by ordinance compel the removal of all trash, garbage, refuse, litter, and other substances which might endanger public health or safety; or after reasonable notice have such substances removed and the cost shall be placed as a tax lien upon the property.
- **15.2-904 & 905 Authority to restrict keeping of inoperable motor vehicles on residential and commercial property; removal of such vehicles** – Any locality, may by ordinance, provide that it shall be unlawful for any person to keep, except within a fully enclosed building or structure, on any property zoned for residential, commercial, or agricultural use, any motor vehicle, trailer or semi-trailer which is inoperable. The locality may use its own agent to remove such vehicles after

reasonable notice. The costs of removal shall be placed as a tax lien upon the property.

- **15.2-906 Authority to require removal, repair of buildings and other structures** – Any locality, may require the owners of property therein, to remove, repair, or secure any building, wall, or any other structure that might endanger the public health, safety and welfare of the public. If the locality has to use its forces to remove, repair or secure the building, wall, or any other structure, the cost incurred shall be placed as a tax lien on the property.
- **15.2-908 Authority of localities to remove or repair the defacement of buildings, walls, fences, and other structures** – Any locality may require the owner to remove any defacement on buildings, walls, fences, and other structures. After proper notice the locality may use its own forces and recover the costs through a tax lien on the property.
- **15.2-908.1 Authority to require removal repair, of buildings and other structures harboring a bawdy place** - Any locality may require removal or repair of buildings and structures which harbor bawdy places. After reasonable notice the locality may use its own forces or an agent removes or repairs the buildings and structures. The costs of such abatement will become a tax lien on the property.
- **15.2-907 Authority to require removal, repair of buildings and other structures harboring illegal drug use** - Any locality .... Same language as in other sections allows the Town to take action to abate this issue.

These sections of State code offer us an opportunity and give the Town a set of tools to address these issues. If the Planning Commission wishes staff will work on these as potential code amendments and bring them back in ordinance form in January of 2018.