

**TOWN OF WINDSOR**  
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**PLANNING COMMISSION MEETING AGENDA**  
July 19, 2017  
7:00 p.m.

1. Call to Order
  - a) Welcome
  - b) Roll Call
2. Public Comments
3. Approval of the Minutes of the June 28, 2017 Planning Commission Meeting (1)
4. Public Hearing - Draft Chicken Ordinance (2)
5. Bylaws (3)
6. Town Attorney's Report
7. Economic Development Authority
8. Other Reports
9. Next Regular Meeting – August 23, 2017
10. Motion to Adjourn

## MINUTES OF THE PLANNING COMMISSION – WINDSOR, VIRGINIA

The Planning Commission met on Wednesday, June 28, 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 Mayor  
   N. Macon Edwards, III  
   Edward Lynch  
   George Stubbs  
   Glyn Willis

Planning Commission member absent:      Debra D. Hicks

### PUBLIC COMMENTS

#### *Proposed Chicken Ordinance*

Walter Bernacki, 24129 Johnson Avenue, said he would like to address the draft chicken ordinance. He said he has visited approximately 10 percent of the constituents within the Town, and he has found no one in opposition of having backyard chickens. He explained that the setback of 15 feet would exclude some residents from raising chickens due to lot configurations even though they do have the necessary square footage. He suggested a setback of 8 feet.

Mr. Bernacki also noted that he contacted a disease specialist at the Center of Disease Control and Prevention (CDCP), and they assured him that as long as chicken pens are kept clean, there is no greater risk of diseases than having dogs and cats that are kept inside of a home. He asked Planning Commission to consider the setback of 8 feet noting that it could be monitored and altered if needed.

### MINUTES

Chairman Brown asked if there were any amendments to the minutes of the May 24, 2017 regular Planning Commission meeting. Chairman Brown and Commissioner Stubbs noted typos on page 1 and on page 3 of the minutes. Commissioner Stubbs made a motion to approve the minutes with the aforementioned corrections needed. Vice Chairman Marshall seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #1.

## **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 said he included a revision to the Town's chicken ordinance for the Agricultural district as requested at the May 24, 2017 Planning Commission meeting. 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.

Mr. Stallings also reported that he reached out to other localities for definitions for "free range." He said his research turned up no definition from other localities. He said he added language into the ordinance to help clarify what "free range" means.

Commissioner Edwards said that a resident contacted him and stated that residents who move into Town should not expect to live as country people do. Commissioner Edwards said he would consider Windsor a rural Town. He also stated that a 15 foot setback is a satisfactory adjustment especially for citizens who have lots that back up to other lots within Town.

Planning Commission continued to discuss how clipping chicken's wings would prevent them from flying which should reduce excessive ranging.

Commissioner Stubbs asked who will be enforcing the ordinance. Mr. Stallings stated that animal control and the zoning administrator will be responsible for enforcing the ordinance.

After further discussion, Commissioner Willis made a motion to schedule a public hearing to consider comments regarding the draft chicken ordinance at the July, 2017 Planning Commission meeting. Vice Chairman Marshall seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #2.

Mr. Stallings requested that the next Planning Commission meeting be rescheduled from July 26, 2017 to July 19, 2017 due to scheduling conflicts.

After discussion, Commissioner Stubbs made a motion to reschedule the July, 2017 meeting from July 26, 2017 to July 19, 2017. Vice Chairman Marshall seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #3.

## **REPORT FROM THE TOWN ATTORNEY**

None

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

Mr. Stallings reported that C&K Brokerage has relocated its business from 34 East Windsor Boulevard to 71 East Windsor Boulevard.

## **OTHER REPORTS OR NEW BUSINESS**

Mr. Stallings reported that Isle of Wight County is in the process of updating their Comprehensive Plan. He said they will be having a public meeting scheduled for Windsor on June 29, 2017 at the Windsor High School. He said there will be a session from 3:30 p.m. to 5:00 p.m. and another session from 6:30 p.m. to 8:00 p.m. He encouraged everyone to attend to give input regarding the County's Comprehensive Plan.

Mr. Stallings reported that he called Commissioner Hicks and left a message regarding her absences for all the Planning Commission meetings that were held for the 2016-2017 fiscal year.

After discussion, Planning Commission agreed by consensus to have Chairman Brown recommend to Mayor Richardson that Town Council consider appointing another interested candidate to the Planning Commission if Commissioner Hicks is no longer interested in serving.

## **ADJOURNMENT**

Chairman Brown noted that the next meeting is scheduled for June 19, 2017, and there will be a public hearing to consider comments regarding the draft chicken ordinance.

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 7:22 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 June 28, 2017

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

# Town of Windsor

## Memorandum

July 19, 2017

**TO:** Planning Commission  
**FROM:** Michael Stallings, Town Manager *MS*  
**SUBJECT:** Public Hearing - Chicken Ordinance

At this point on the agenda Planning Commission will hold a public hearing on the attached revisions to the Zoning Ordinance pertaining to chickens.

## Chickens in Residential Districts

### 160-36 G. Chickens in Residential Districts

1. Residential districts where chickens are permitted
  - a. R-1, R-4 (Low Density Residential, LDR)
2. The following standards shall apply to all residential chickens:
  - a. All chickens shall be provided with a predator proof shelter that is thoroughly ventilated, provides adequate sun and shade and protection from the elements, and is designed to be easily accessed and cleaned. Pens shall provide a minimum of ten (10) square feet of space for each chicken.
  - b. All shelters and associated structures, including fencing, shall be located fully to the rear of the residential structure, and shall be located a minimum of fifteen (15) feet from all property lines.
  - c. All chickens shall be kept in a shelter outlined in item a., shall have their wings clipped to prevent excessive ranging, and shall be prohibited from free ranging (let loose from their pens) unless under the supervision of the owner or his designee.
  - d. The maximum number of chickens permitted on a residential property shall be six (6). The keeping of other types of poultry or fowl are prohibited.
  - e. No roosters shall be permitted to be kept on a residential property.
  - f. All shelters and associated structures, including fencing, shall be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent odors outside the boundaries of the property. All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals.
  - g. No person shall store, stockpile, or permit any accumulation of chicken litter and waste in any manner whatsoever that, due to odor, attraction of flies, or other pests, or for any other reason which diminishes the rights of the adjacent property owners to enjoy reasonable use of their property.
  - h. No commercial activity such as the selling of eggs or chickens for meat shall be permitted to occur from the residential property.
  - i. A zoning permit shall be required to the keeping of chickens on residentially zoned properties or the placement of any associated structures.

160-47. Residential District R-1. The intent of the R-1 Residential District is to encourage residential neighborhoods and to stabilize and protect essential character of such neighborhoods. The regulations for the district tend to protect against encroachment of commercial, industrial, and other uses likely to generate noise, crowds, and concentrations of traffic, light, dust, odors, smoke, or other obnoxious influences. No abandoned vehicles are permitted. Farm animals are prohibited except as permitted in section 160-36. G – Chickens in Residential Districts

#### Chickens in Public District

11. Keeping of chickens when in conjunction with some other permitted use within the Public District. All housing and fencing shall be completely within the setbacks for primary structures. All shelters and associated structures, including fencing, shall be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent odors outside the boundaries of the property. All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals. Keeping of roosters is prohibited.

#### 160-53. A-1 Agricultural District

2. The raising of cattle, sheep, and other domesticated livestock including non-indigenous livestock such as alpaca and llamas but does not include intensive farms as defined under the Code of Virginia. The raising of poultry, is permitted provided ~~the A-1 Agricultural parcel or tract exceeds five acres and~~ that all pens and houses for poultry are at a minimum of fifty (50) feet from the property lines of the parcel or tract that are zoned A-I Agricultural. If the subject property meet all of the other requirements but adjoins non-agriculturally zoned property then any and all pens and houses for poultry must be at a minimum 100 feet from the adjacent non-agricultural property;



# Town of Windsor

## Memorandum

July 19, 2017

**TO:** Planning Commission  
**FROM:** Michael Stallings, Town Manager *MS*  
**SUBJECT:** Bylaws

There has been some discussion lately about revising the bylaws to include attendance requirements.

I have amended the bylaws to reflect language that exists in State Code. The changes are in red and underlined on the attached bylaws.

This is for Planning Commission's discussion and adoption if acceptable.

**BYLAWS**  
**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 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 December 30, at which time his/her successor’s term shall begin.
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.

### **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 appointed by the Planning 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. 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 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 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 scheduled meeting and November when the meeting is on the third Wednesday, at 7:00 p.m. in the Town Hall Council Chamber.
2. 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 file a written waiver of notice.”
2. All regular and special meetings, public hearings, records, and accounts shall be open to the public subject to the Code of Virginia.
3. 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 a 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 Planning 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 Planning Commission at a succeeding meeting and shall certify that the minutes are a true and correct copy.

#### **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- 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 Planning 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 10- AMENDMENTS**

These bylaws 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 Windsor Planning Commission on the 23rd of September, 2014, and repeal all bylaws and their amendments previously enacted by the Windsor Planning Commission

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary