

**TOWN OF WINDSOR**

P. O. Box 307

8 East Windsor Boulevard

Windsor, Virginia 23487

Phone 757-242-4288 E-Mail [Windsor@windsor-va.gov](mailto:Windsor@windsor-va.gov)

**PLANNING COMMISSION MEETING AGENDA**

**April 23, 2025 – 7:00 p.m.**

**Town Hall**

- 1) Call to Order
  - a) Welcome
  - b) Roll Call and Determination of Quorum
- 2) Approval of the Minutes of the March 26, 2025, Planning Commission meeting
- 3) Public Comments
- 4) Unfinished Business
- 5) Town Attorney's Report
- 6) Economic Development Report
- 7) New Business
  - a) Chicken Ordinance – reconsideration of 2017 ordinance
  - b) Sign Ordinance Update – general discussion
  - c) Recommendation - Planning Commissioner to fill vacancy on Economic Development Authority
- 8) Next Regular Meeting Date: May 28, 2025
- 9) Motion to Adjourn

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

The Planning Commission met on Wednesday, March 26, 2025, at 7:00pm in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Chairman Marshall called the meeting to order and welcomed those in attendance. Kelly Kuhns, Town Clerk, recorded the minutes. Maxie Brown, Interim Planner, was present. Fred Taylor, Town Attorney, attended the meeting remotely.

Planning Commission members present:                      Leonard L. Marshall, Chairman  
Devon Hewitt, Vice Chairman  
David Adams  
Dale Scott  
Ricky Vaughan  
Debra Hicks

Planning Commission members absent:                      Latara Harris

Chairman Marshall welcomed newly appointed Commissioner Debra Hicks to the Planning Commission.

### **SELECTION OF CHAIR**

Ms. Brown stated that as this is the first organizational meeting of 2025, it is required that a chair be nominated and elected to the Commission. She opened the floor for nominations of the Planning Commission Chairman.

Commissioner Scott nominated Leonard Marshall for Chairman. Commissioner Hewitt seconded, and the Commission passed the motion, with Chairman Marshall abstaining, as recorded on the attached chart as motion #1.

### **SELECTION OF VICE-CHAIR**

Chairman Marshall stated that a Vice-Chair be nominated to the Commission.

Commissioner Scott nominated Devon Hewitt for Vice-Chair. Commissioner Vaughan seconded, and the Commission passed the motion, with Vice-Chairman Hewitt abstaining, as recorded on the attached chart as motion #2.

### **APPOINTMENT OF SECRETARY TO THE PLANNING COMMISSION**

Chairman Marshall stated that a secretary be nominated to the Commission.

Commissioner Scott nominated Town Clerk, Kelly Kuhns. Commissioner Vaughan seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #3.

### **ORGANIZATIONAL MATTERS**

#### ***Adoption of 2025 Meeting Schedule***

Chairman Marshall presented the 2025 Planning Commission meeting schedule. With no questions or concerns, Vice Chairman Hewitt made a motion to adopt the 2025 meeting schedule. Commissioner Scott seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #4.

### ***Consideration of By-Laws and amendments***

Ms. Brown stated that there are no new changes proposed to the by-laws at this time.

### **APPROVAL OF MINUTES OF SEPTEMBER 25, 2024, COMMISSION MEETING**

Chairman Marshall asked if there were any questions or concerns regarding the September 25, 2024, meeting minutes. No questions or concerns were presented.

Commissioner Vaughan made a motion to approve the minutes for the September 25, 2024, meeting. Commissioner Scott seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #5.

### **PUBLIC COMMENTS**

None

### **UNFINISHED BUSINESS**

Vice Chairman Hewitt asked if there were any updates regarding the opening of Redd's Filling Station.

Commissioner Scott stated that in conversations with the owner Jake Redd, it is anticipated that the restaurant will open in the Spring.

### **TOWN ATTORNEY'S REPORT**

None

### **ECONOMIC DEVELOPMENT AUTHORITY (EDA) REPORT**

Commissioner Adams explained that the Town Council is still working to fill vacant positions on the EDA but have not received any recommendations for consideration.

### **NEW BUSINESS**

#### **Capital Improvements Plan (CIP) – FY 2026-2030**

Mr. Saunders presented the Town of Windsor 2026-2030 Capital Improvement Plan. He stated that as you are aware, the Planning Commission typically reviews the annual update to the Town's Capital Improvement Plan (CIP) and makes a recommendation to the Town Council in that regard. Mr. Saunders noted that the purpose of the CIP is to allow a locality to examine its current resources and to determine what future projects may be needed to provide for its citizens.

Mr. Saunders said that the CIP covers a five (5) year period, with the first year adopted as part of the upcoming annual budget for the Town. He explained that funding shown in subsequent years is not immediately committed but instead gives an idea of the funding levels needed in the future. Mr. Saunders added that this draft CIP covers the period from 2026 through 2030 and includes the Town's General Fund and Water Fund separately.

Mr. Saunders stated that there are several differences between the draft 2026-2030 CIP versus the adopted 2025-2029 CIP. He outlined changes of note to include:

- A Police vehicle is included
- Police Panasonic Workbook MDT replacement
- Police body worn camera 5-year installments are initiated for replacements
- Police Tase replacement 5-year installments are initiated for replacements
- Public Works replacement UTV
- Caboose restoration

Mr. Saunders said that the Town Council is having a 1927 model Norfolk and Western caboose donated to the town. He noted that the caboose is being moved from its current site tomorrow, March 27, 2025. Mr. Saunders stated that the Council has appropriated \$45,000 for the restoration of the caboose.

Mr. Saunders explained that the town is still working on alternative methods for the completion of the Duke Street / Virginia Avenue water main project.

In response to Vice Chairman Hewitt's question, Mr. Saunders stated that no decision has been made regarding the final location for the caboose display.

Commissioner Hicks asked how long the caboose renovation would take.

Mr. Saunders said that the completion time is unknown.

Vice Chairman Hewitt made a motion to recommend approval of the CIP as presented. Commissioner Scott seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #6.

### **Windsor Station Final Subdivision Plat**

Ms. Brown said that Parrish-Layne Design Group has submitted the final subdivision plat for Windsor Station for review on behalf of Ashdon Builders, Inc.

Ms. Brown provided a brief background stating that the property for this subdivision was rezoned in April 2022. She stated that the Windsor Station final plat is consistent with that rezoning and the proffers that were approved during that time. Ms. Brown added that the plat consists of sixty (60) single-family residential lots located on Shiloh Drive that connects with the existing Holland Meadows subdivision.

Ms. Brown explained that the Planning Commission shall within 60 days after its receipt by the Commission at a regular meeting, decide on the final subdivision plat application. She stated that where applicable, the final plat shall be in substantial compliance with the preliminary plat approval and shall meet all requirements of this ordinance for a final plat as well as any and all

proffered conditions or approved conditions of a conditional use permit. Ms. Brown said that the decision by the Planning Commission shall be to:

1. Recommend approval of the plat as presented and authorize the applicant to submit final plats subject to final plat approval; or
2. Recommend approval of the plat with the recommended revision from the Planning Commission and authorize the applicant to submit the final plat with the revisions subject to section 160-87; or
3. Recommend disapproval giving explicit reasons for the determination that the proposed subdivision does not meet the requirements of the Subdivision Ordinance.

Ms. Brown explained that staff has reviewed the plat and has found the plat is in substantial compliance with the preliminary plat. She noted that all reviewing agencies have returned. Ms. Brown noted that one final comment from VDOT will be required to be addressed prior to the Town signing the final plat for recordation.

Ms. Brown explained that VDOT is requiring that the developer take the necessary legal action to quitclaim the existing utility easement as all right of ways must be unencumbered. She noted that it is the Town's understanding that this is being accomplished and there should not be any issue completing this in a timely manner.

Ms. Brown shared a copy of the final subdivision plan for the Windsor Station Subdivision with the Planning Commission. She recommended that the Planning Commission approve this final subdivision plan for the Windsor Station Subdivision, subject to addressing VDOT's comment letter dated March 18, 2025.

Commissioner Scott made a motion to approve the Windsor Station final subdivision plat, adhering to VDOT's easement request. Commissioner Vaughan seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #7.

## **ADJOURNMENT**

Commissioner Scott made a motion to adjourn. Vice Chairman Hewitt seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #8.

The meeting adjourned at 7:26 pm.

**NEXT REGULAR MEETING DATE: APRIL 23, 2025**

---

Leonard L. Marshall, Chairman

---

Kelly Kuhns, Town Clerk

## Town of Windsor

### Memorandum April 23, 2025

TO: Planning Commission

FROM: Maxie Brown, AICP/CZA, Interim Planner

SUBJECT: Request by Town Council to reconsider the Chicken Ordinance

---

As you may recall, the Planning Commission and Town Council reviewed an ordinance amendment in 2017 to allow chickens in several residential zoning districts.

At its meeting on April 8, 2025, Council voted to send the 2017 ordinance back to the Planning Commission for further review and/or changes.

Since the April meeting, staff has conducted research into surrounding communities' chicken ordinances:

City of Franklin	Chickens not allowed
Town of Ivor	Chickens not allowed
Town of Smithfield	Chickens allowed in the Community Conservation (Agricultural) District as by-right use (minimum lot area 40,000 sq. ft.); no max number; no permit.
Town of Waverly	Chickens allowed by right use in residential districts – not allowed to be free range; no max number; no permit.
Town of Wakefield	Chickens allowed in the Rural Residential District (RR) subject to securing a special use permit. No more than six (6) chickens, turkeys, ducks and geese on a lot of at least 9,000 square feet with one additional animal allowed for each additional 500 sq. ft. of lot area; 2' setback from property line.

Attached you will find the 2017 Chicken Ordinance with a legend indicating the original ordinance and additional work and changes that have been undertaken.

This information is for the Commission's discussion and recommendation.

Attachments:

- August 8, 2017, Staff Memo and Ordinance as presented to the Town Council by the Planning Commission
- September 12, 2017, Town Council Minutes with additional ordinance changes highlighted in yellow

- 2025 Memo from Councilman Adams proposing chicken ordinance amendments
- 2025 Compilation of Ordinance amendments and proposed changes by Town Council, Councilman Adams and staff comments and discussion points

## Town of Windsor

### Memorandum

August 8, 2017

**TO:** The Honorable Mayor and Town Council  
**FROM:** Michael Stallings, Town Manager *MS*  
**SUBJECT:** Chicken Ordinance

As you may recall, Town Council asked the Planning Commission to draft an ordinance to allow chickens in residential districts based off Isle of Wight County's recently adopted ordinance.

Attached you will find a draft ordinance to allow chickens in R-1 and R-4 (LDR) districts. Also included language that permits chickens in the Public district when associated with a permitted public use.

Also included is a revision to our chicken ordinance for the Agricultural district. Currently you must have a minimum of 5 acres to have chickens in an A-1 district. This causes problems for people who are zoned A-1 but have less than 5 acres. I have removed the lot size restriction, but still have the setbacks in place.

The bulk of the conversation at the Planning Commission was centered on the setback for the chicken housing. The Planning Commission came to a compromise that sets 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.

This is for Council's discussion and direction.



## 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. When permission is granted by the adjacent land owner, the setback may be reduced to less than 5 feet.
  - 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. Violation of any of the above requirements may result in the zoning permit being revoked.

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-1 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;

**Minutes  
Windsor Town Council Meeting  
Town Hall  
September 12, 2017**

The Windsor Town Council met in regular session on September 12, 2017 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Carita J. Richardson was present, and she called the meeting to order. She welcomed those who were present. She asked for anyone with cell phones to please turn them off. She asked the Clerk to call the roll. Terry Whitehead, Town Clerk, recorded the minutes. Michael Stallings, Town Manager, Chief Riddle, Christy Jernigan, Town Treasurer, and Wallace W. Brittle, Jr., Town Attorney, were present.

Council members present:

- Durwood Scott
- N. Macon Edwards, III
- Greg Willis
- Patty Flemming
- Tony Ambrose
- Walter Bernacki

Mayor Richardson asked Councilwoman Flemming to lead the Pledge of Allegiance.

Council agreed by consensus to change the order of the agenda to allow Delegations, Public Comments and the Engineering Services RFP discussion before the public hearing.

**Delegations and Public Comments**

Mayor Richardson introduced and welcomed Laura Eley Sullivan, the new Principal at Windsor High School. Mrs. Eley said she is a Windsor Alumna and is very excited and proud to be back serving the Town and the County that supported her and her growth as a youth. She announced that Will Dube will be serving as one of the Student Liaisons to Council this year, and another student will be announced at a later date. Mrs. Sullivan briefed Council on several activities that will be taking place this school year. She reported that the school is already looking at projects that can help support the community with their new Project Base Learning Initiative. Mrs. Sullivan said she looks forward to working with Council.

**Engineering Services RFP**

Mr. Stallings reported that he issued a Request for Proposals (RFP) for an annual engineering services contract to help mainly with projects that are in the water system. He said he has received seven proposals.

Brian Camden with Alpha Corporation said that he and his firm received and reviewed seven submitted proposals from civil engineering firms. He said that Alpha Corporation's reviews are based on the selection criteria factors that were stated within the RFP. He said that Alpha Corporation recommends that Council conduct interviews with the three highest ranked firms which are Kimley-Horn, Bowman Consulting, and Dewberry Engineers.



Mr. Camden recommended holding interviews with these top three firms on Thursday, September 21, 2017. He said he will notify the selected firms, coordinate the interviews, and transmit detailed interview criteria that include specific scopes and request non-binding fee proposals to be used in competitive negotiations.

After discussion, Council agreed by consensus to have Mr. Camden schedule interviews with Kimley-Horn, Bowman Consulting, and Dewberry Engineers for consideration of an annual engineering services contract for the Town of Windsor.

Mr. Stallings encouraged Council to attend the interviews. He said based on the outcome of the interviews, he anticipates having a recommendation on the agenda for the October 10, 2017 Council meeting.

### Public Hearing

Mayor Richardson said there is a public hearing tonight to receive input from the public on a proposed chicken ordinance. She asked Mr. Stallings if he had any comments.

Mr. Stallings said the proposed chicken ordinance allows chickens in residential zoning districts as well as Public districts when being used in conjunction with a permitted public use. He said he included a revision to the Town's current chicken ordinance for the Agricultural district. 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 said he removed the lot size restriction but still has the setbacks in place. Mr. Stallings continued to review the proposed chicken ordinance.

Mr. Stallings said he attached all written comments received since the last Town Council meeting, as well as a copy of the proposed ordinance. He also stated that the public hearing has been properly advertised.

Mayor Richardson opened the public hearing. She asked for any persons wishing to speak in favor of the proposed chicken ordinance to come forward at this time.

Gail Bernacki, 24129 Johnson Avenue, thanked Council for the opportunity to speak in favor of the proposed chicken ordinance. She stated that the time spent on this ordinance should handle any issues that could possibly come up with someone having a few hens in their back yard. She said the Planning Commission was very diligent in their work on this issue and did an excellent job. She explained that a violation notice was sent to her family stating that they were in violation of the current Town Code due to the keeping of hens on their property. She said that her family would like to see the Town Code changed to better the community and reflect the country atmosphere that we live in.

Mrs. Bernacki said she took a petition to the public during the November election and collected 147 signatures of people who want to see chickens in the Town of Windsor. She verified that 133 of the signatures were residents who lived within the Town limits. She said she has heard from some who are opposed to this ordinance

say that they are the silent majority. She disagreed stating that she and Councilman Bernacki have knocked on over 300 doors in Town and, after speaking with many homeowners, she firmly believes that the majority of people in the Town couldn't care less. She said they may not all get chickens, but they didn't see any reason why their neighbors couldn't have chickens.

Mrs. Bernacki asked Council to consider the 133 signatures and those who have taken their time to come and voice their opinions tonight as this issue is debated.

Robert Howald, 23081 Courthouse Highway, said he does not plan to own chickens, but he does not have a problem with others in Town owning chickens. He said he read the proposed chicken ordinance, and it addresses any concerns that he may have.

Richard Griggs, 23 North Court Street, said it is a pleasure to live in a Town small enough and rural enough to still be discussing having chickens. He said he grew up in Town and is in favor of the proposed ordinance to allow chickens. He said he owned chickens several years ago and received no objections from his neighbors. He said he raised his chickens, and they were very docile. He said his grandchildren enjoyed hand feeding his chickens. He explained that he received a violation letter stating that he could not own chickens in Residential districts. He stated that he has no plans to own chickens anytime soon, but he would like to think that he was allowed to own chickens if he would like for his great-grandchildren to enjoy in the future. He said the proposed ordinance addresses any issues that may come about.

Justin Williams, 9593 Windsor Boulevard, said he is a huge fan of having chickens. He said when he lived in Norfolk, chickens were not allowed due to noise issues. He said he owned a couple of dogs that barked at people as they walked by, and the barking noise was never an issue. He noted that dogs are much noisier than chickens. He also stated that chickens are educational and teach children responsibility.

Dakota Bernacki, 24129 Johnson Avenue, thanked everyone for the time and effort expended on the proposed chicken ordinance. He said this issue is important to both parties, and we have heard in length about the concerns of the opposed and the potential solutions to the concerns. He said the Town has had several families that have kept chickens in these zoning areas for years, and he is aware of only one self resolving issue that arose from this. He said his chickens were a non-issue until the anonymous complaint last summer which had nothing to do with any of the issues that the opposition has brought up thus far.

Mr. Bernacki noted that he is not saying that chickens should go unregulated. He said he feels that this issue has been blown out of proportion and explained that we do live in a country that was founded upon the idea of personal responsibility and freedom of choice. He asked should we not do our duty to ensure that reasonable restrictions are set, which he believes were, and then trust our fellow citizens to do what they have already been doing up to this point, mainly respecting their neighbors and exercising their individual rights. He said perhaps it is time for us to once again

perform the duty required of us and give our neighbors the opportunity to live a little more fully. He thanked Council for their time and attention.

Mayor Richardson asked for any persons wishing to speak in opposition of the proposed chicken ordinance to come forward.

Lud Spivey, 18 B Avenue, stated that the proposed chicken ordinance to allow chickens in Residential zoning districts is a bad law for residents, chickens and for the Town of Windsor. He expressed several concerns regarding the proposed ordinance including the reduced setback of not less than 5 feet if permission is granted by the adjacent landowner. He said that no law should ever be a negotiable law between neighbors, and Town officials should not be responsible for dealing with these issues. Mr. Spivey said that passing this chicken ordinance is asking for potential problems, and he asked Council to please think seriously about not passing bad laws.

Katherine Queen, 61 East Windsor Boulevard, stated that she and her husband, Tom Queen, are opposed to the revised language to the Town's chicken ordinance that permits chickens in Residential districts. She explained that allowing farm animals on less than 5 acres of land decreases the land value for property owners and increases unhealthy living conditions for the citizens of the Town of Windsor.

Mrs. Queen said she and her husband are concerned with their tax money being used to police this ordinance, and they feel that the police department has more important issues to deal with than monitoring chickens. She said this action opens the door for other farm and exotic animals to be allowed within the Town. She said she does believe that there is a silent majority of citizens who do not want chickens to be allowed in Residential districts. She stated that the citizens in this Town care very much about the value of their property, their health, and their taxes. She asked Council to please do the right thing and vote no to the proposed chicken ordinance. Mrs. Queen said that the citizens of Windsor want to see the character of our neighborhoods protected.

Connie Yeatman, 24222 South Johnson Avenue, said she is present to share her objections to the proposed chicken ordinance. She said that she is very familiar with the smell, noise, and unpleasantness of chicken pens because she was raised on a farm. She explained that other animals will come into yards preying on pinned up chickens, and this will become a matter of community safety and a matter of neighborhood disputes. She said she read an article from the Centers for Disease Control and Prevention (CDC) explaining that dried up chicken feces built up in pens can cause seven major respiratory illnesses. She said we do not want to take a chance on a public health issue within our Town. Mrs. Yeatman expressed her concerns with using taxpayer money for inspection and enforcement of this proposed ordinance. She said she believes that the majority of the Windsor citizens see no need that we change our community and allow chickens to become a part of our small Town. Mrs. Yeatman asked Council to please keep the chickens on the farm.



Reuben Askew, 35 Church Street, stated that a chicken is a farm animal, and he doesn't care to have chickens next door to him. He said he also does not want to upset a neighbor who might come to him and ask if their pens can be closer to his property line. He said he may have to sell his property one day, and he does not want this to be an issue. He said people live too close to each other in this community for chickens to be practical.

Clint Bryant, 5 Virginia Avenue, said he does not have an answer for the decision that has to be made regarding chickens in residential districts, but he prefers to not have chickens beside his property or behind his property.

Robert Beale, 201 Hidden Acres, stated that chickens belong in the country. He said he read the same report from the CDC that Mrs. Yeatman mentioned regarding respiratory illnesses caused by chickens. He said that Council really needs to take this information into consideration. He said this issue has gone on long enough, and he would like Council to vote no to the proposed chicken ordinance.

Mayor Richardson closed the public hearing. She said it is now open for discussion among Council.

Councilman Bernacki addressed the concerns and issues that were brought before Council during the public hearing.

Councilman Edwards said that Council needs to come up with a compromise that both sides can live with. He suggested the following revisions to the language of the proposed chicken ordinance: property owners will own the chickens on the property, the permit must be renewed with a new landowner if the adjacent landowner moves and has given previous permission for the setback reduction, chickens shall not free range on property of other ownership, Public districts must comply with the six chicken provision, and to add the language "failure to comply with the requirements shall result in a written warning and failure to comply with the warning within ten days will result in the zoning permit being revoked."

Council agreed with the suggested changes.

Vice Mayor Scott stated that Council's job is to listen to both sides and to make a decision that is best for the entire Town.

After further discussion, Councilman Bernacki made a motion to adopt the proposed chicken ordinance as presented with the aforementioned changes. Councilman Edwards seconded, and the vote failed 4 to 2 as recorded on the attached chart as motion #1.

### Citizens' Concerns

Clint Bryant, 5 Virginia Avenue, said it has been brought to his attention by a citizen that it has been 12 working days since a water leak at 7 Virginia Avenue was first reported to the Town. He said the repairs have not been made, but it has been marked for Miss Utility. He suggested that in the future, citizens should be updated on the status of when

repairs will be made. Mr. Stallings said he will speak with the maintenance department regarding this issue and contact Mr. Bryant with an update.

Justin Williams, 9593 Windsor Boulevard, said he is in the military, and it is nice to settle down in a small Town like Windsor. He thanked Council for the amount of effort and research that each Council member put forth on the proposed chicken ordinance. He said it is nice to see that this Council really cares about its citizens and the community. He thanked them again for their service and dedication to the community and said he plans to attend more meetings in the future.

Richard Griggs, 23 North Court Street, reported that pine straw and debris settles in a drain in front of his home causing his yard to flood when it rains. Mr. Stallings said he will contact the maintenance department and have them clean this drain out. He said he will also contact VDOT regarding this issue.

### **Consent Agenda**

Mayor Richardson said the Consent Agenda consists of the minutes of the August 8, 2017 Council meeting and the Police Chief's report. She asked if there were any questions or comments regarding the Consent Agenda.

Councilman Edwards made a motion to adopt the Consent Agenda as presented. Councilman Ambrose seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

### **Treasurer's Report**

Mrs. Jernigan said the Treasurer's report for the month of August is before Council for review. She asked if there were any questions or comments regarding the report.

Mayor Richardson thanked Mrs. Jernigan for the detailed year to date financial report on the Windsor Town Center. She suggested that a monthly instead of year to date report be included in the packets to save paper and time. Mrs. Jernigan agreed to submit a monthly report going forward.

Vice Mayor Scott suggested that Council meet with Mrs. Jernigan for a brief tutorial or review of the new reports generated by the Town's new software. Mrs. Jernigan said she will be glad to meet with Council to review and discuss the reports in more detail.

Councilman Willis made a motion to adopt the Treasurer's report as presented. Vice Mayor Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

### **Council's Discussion of Citizens' Concerns**

Councilman Bernacki reported the following concerns received from citizens. He said a citizen at Windsor Manor Mobile Home Park reported that the speed limits in this mobile home park seem excessive compared to other mobile home parks within the Town, and a lot of the roads in the park are missing stop signs. He said these concerns are safety issues and need to be addressed. Mr. Stallings said he will address these issues with VDOT, Isle of Wight County, and the Windsor Police Department.



Councilman Bernacki explained that a constituent on Old Suffolk Road purchased a home where the previous owner did not connect to the Town's water system, and she is receiving a minimum bi-monthly bill of \$25.38 from the Town. Mr. Stallings explained that they are paying for the availability and fire protection of the water system. He suggested that the homeowner contact the Town office and discuss options regarding their situation. He said if they choose to make their account "inactive," they will have to pay the fees required if they need to activate their account in the future due to a failed well.

Councilman Bernacki said that a citizen on Old Suffolk Road has questioned why the Town has a speed limit, but the speed limit sign on Old Suffolk Road is on the Town side and not at the County line. He said there is a stretch of road where the speed limit is 45 or 55 until they reach the speed limit sign. Mr. Stallings explained that there is no Town wide speed limit. He said they are VDOT roads, and they set the speed limits based on the criteria of the neighborhood.

Councilman Bernacki said that a citizen asked if there is a better way to utilize pertinent Town information that has been placed on facebook. Mr. Stallings said the Town posts everything they can on facebook to keep the community informed. He suggested that they go directly to the Town's facebook page because it may not show on their news feed depending on how they have it set up. Mr. Brittle suggested that the citizen needs to go to the Windsor Facebook, follow it, and set up a badge to allow an alert for when there is a new post.

Councilman Bernacki said that a resident in Windsor Woods said that there are drains that are flooding during heavy rains, and it may be due to debris build up. Mr. Stallings said that VDOT is aware of the drainage issues in Windsor Woods, and they are working towards finding a solution to the ongoing drainage problems in that area.

Councilman Edwards reported that the driveway at 8 Virginia Avenue still has rocks and debris from the previous water leak repair. Mr. Stallings reported that the Town has contracted Belcher's Paving to make the repairs to the driveway within the next couple of weeks. He said he will make sure that the resident is updated on the status of the repairs.

Vice Mayor Scott said that a resident reported that the ditch behind East Griffin Street did not have drainage issues until Isle of Wight County installed a sewer line. He said they installed and covered a pipe that was not large enough to handle the drainage. Mr. Stallings said that most of that area has open ditches and is not piped. He said the County is planning to clear the ditches out in that area to help with drainage issues. He said he will check with the County to see when this work is scheduled to begin and make them aware of the citizen's concern regarding the pipe.

Councilwoman Flemming asked Mr. Stallings to contact VDOT to request flashing warning lights to be installed on the roads near the school for safety purposes. Mr. Stallings said he will contact VDOT regarding this issue.

## **Town Manager's Report**

### ***Shiloh Drive Sidewalks MOU***

Mr. Stallings said he has been working with Isle of Wight County to develop a Memorandum of Understanding (MOU) that will allow the Town to proceed with the Shiloh Drive sidewalk project.

Mr. Stallings said as discussed before, the MOU indicates that the Town of Windsor agrees to provide the funding for the project. The Town will transfer the funding to Isle of Wight based off the 90% design documents construction estimate. He said Isle of Wight County will administer the project and will apply for Revenue Sharing funds from VDOT. If the Town's Revenue Sharing application is successful, it could provide up to 50% of the funds for construction of the sidewalks. He said the MOU States that at completion of the project, any unused funds will be transferred back to the Town.

Mr. Stallings recommended that Council consider approval of the MOU so that it may be forwarded on to the Board of Supervisors for adoption and then on to VDOT so that the project can proceed.

Council reviewed and discussed the terms of the MOU.

After further discussion, Councilman Willis made a motion to approve the enclosed Memorandum of Understanding (MOU) with Isle of Wight County regarding the Shiloh Drive sidewalk project. Vice Mayor Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

### ***Financial Software Conversion***

Mr. Stallings said that last fiscal year, Council appropriated the funds to cover the total cost of the conversion to Munis. Due to the conversion not being completed last fiscal year, the remaining funds have gone into the Unappropriated Fund Balance of the General Fund. He said Council must appropriate these funds so that the Town can continue this project.

Mr. Stallings recommended that Council adopt the enclosed resolution appropriating these funds so that the Town may continue this project.

Mayor Richardson read the title of the resolution as follows: "A resolution appropriating the sum of \$123,800 from the Unappropriated Fund Balance of the General Fund to the 2017-18 General Fund Operating Budget."

After discussion, Councilwoman Flemming made a motion to adopt the resolution entitled: A Resolution Appropriating The Sum Of \$123,800 From The Unappropriated Fund Balance Of The General Fund To The 2017-18 General Fund Operating Budget. Councilman Ambrose seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

### ***Job Descriptions***

Mr. Stallings said at the last meeting, he was asked to make some minor changes to the draft job descriptions for the Clerk and Treasurer positions. He reviewed the changes with Council. Councilwoman Flemming suggested adding that "a driver's license is required" to both job descriptions. Mr. Stallings said he will add this requirement to the job descriptions.

Councilwoman Flemming made a motion to adopt the job descriptions for the Clerk and Treasurer positions with the "driver's license requirement" added. Councilman Ambrose seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

### ***Action List***

Mr. Stallings reviewed the Action List for the month of August with Council.

Vice Mayor Scott asked if Old Dominion University (ODU) has committed to conducting a hydrological study for the Town of Windsor as a school project. Mr. Stallings said he will reach out to ODU to see if they have selected specific projects for this school year.

### ***Calendar of Events***

Mr. Stallings reviewed the Calendar of Events with Council.

### ***Town Attorney's Report***

None

### ***Mayor's Report***

Mayor Richardson said she was invited to attend the Windsor Boy Scout annual banquet for Troop 41. She said they were also celebrating their 50<sup>th</sup> anniversary. She said they presented the Town with a beautiful award for all of the support that the scouts have received from the Town throughout the years. She said that one patch on the award shows a picture of Larry Willis, James O'Briant, and Carl Eason who were three of the first troop leaders for Troop 41. Mayor Richardson said she thought it would be appropriate if Council would like to draft a resolution honoring their 50<sup>th</sup> anniversary. Council agreed to draft a resolution to be presented to Troop 41 in honor of their 50<sup>th</sup> plus anniversary noting that this troop has over 60 Eagle Scouts.

Mayor Richardson reported that there was a meeting with the architects regarding the Windsor Town Center project. She said that a couple of members from the Windsor Town Center Advisory Board also attended the meeting. She said they made a list of suggestions for the kitchen renovations. She said that the architects are going to continue to work on the schematic design and will meet again to continue to discuss the project on September 18, 2017 at 10:00 a.m. at the Town Hall. Mayor Richardson encouraged Council to attend to give their input.

Mayor Richardson said that she and Mr. Stallings will be presenting the Windsor Town Center design to the Isle of Wight School Board for their approval at their September 14, 2017 meeting at 6:00 p.m.

Mayor Richardson also reported that the Windsor Town Center Advisory Board met September 6, 2017 to compile information regarding rental rates for other similar facilities in the area. She said they will be finalizing rental rates and begin work on policies and agreements for the facility at the October 4, 2017 meeting.

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

None

#### **Other Reports**

None

#### **Old or Unfinished Business**

Councilwoman Flemming said she was asked by the Friends of the Library to inform Council that the Windsor library either needs an addition, which will just be a temporary fix, or Council needs to meet with the County and present the Town's request for a new library due to the lack of room at the current library.

Mayor Richardson said that Supervisor Joel Acree contacted her and informed her that he realizes that the Town needs a larger library. She said he is willing to work with Council and the Board of Supervisors to present ideas regarding the library at an intergovernmental meeting. She said she is working with him to schedule an intergovernmental meeting to discuss the library and other issues.

Councilwoman Flemming said she would like to discuss the issue regarding lots that are not buildable within the Town due to the lack of sewer capacity at the next intergovernmental meeting. She also requested that the 4 acre plot of land owned by the Town on Bank Street not be farmed anymore, and instead turn it into a walking park. She said the new construction teacher at Windsor High School has expressed an interest in having his students build picnic tables for the proposed park as a school project. She also mentioned her concerns over the lack of bathroom facilities at the Robinson Park.

Council continued to discuss options for bathroom facilities including possibly enclosing porta potties with nice wooden structures, drainage issues at the proposed park, who would maintain the proposed park, and project priorities.

#### **New Business**

None

#### **Closed Session**

Vice Mayor Scott made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-1 personnel to discuss the Zoning Administrator position.

Councilman Ambrose seconded, and Council passed the motion as recorded on the attached chart as motion #7.

Councilman Edwards made a motion to go back into regular session. Councilman Willis seconded, and Council passed the motion as recorded on the attached chart as motion #8.

Councilman Edwards made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D, that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilman Ambrose seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

Councilman Edwards made a motion to adjourn. Councilman Ambrose seconded, and Council passed the motion unanimously as recorded on the attached chart as motion #10.

The meeting adjourned at 10:27 p.m.

---

Carita J. Richardson, Mayor

---

Terry Whitehead, Town Clerk

TOWN OF WINDSOR  
RECORD OF  
COUNCIL VOTES

Council Meeting Date September 12, 2017

Motion #	Flemming	Edwards	Ambrose	Bernacki	Willis	Scott	C. Richardson
1	✓	✓	✓	✓	✓	✓	
2	✓	✓	✓	✓	✓	✓	
3	✓	✓	✓	✓	✓	✓	
4	✓	✓	✓	✓	✓	✓	
5	✓	✓	✓	✓	✓	✓	
6	✓	✓	✓	✓	✓	✓	
7	✓	✓	✓	✓	✓	✓	
8	✓	✓	✓	✓	✓	✓	
9	✓	✓	✓	✓	✓	✓	
10	✓	✓	✓	✓	✓	✓	
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							

Jerry Whitehead, Clerk

Article II Section 160-47 – Replace sentence “Farm animals are prohibited.” with “Farm animals are prohibited, with the exception of chickens in accordance with Article II Section 160-XX.”

Article II Section 160-47-A – Add “7. The keeping of chickens in accordance with Article II Section 160-XX.”

#### Chickens in Residential Districts

1. Residential districts where chickens are permitted
  - a. R-1, 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 six (6) 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 comply with all setbacks for primary structures.
  - 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 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 always kept in a neat and sanitary condition, and must be cleaned on a regular basis 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 for the keeping of chickens on residential zone properties or the placement of any associated structures. In accordance with Article I Section 160-27 of the Land Development Ordinance of the Town of Windsor, fees may be collected by the Town of Windsor for said zoning permit on an annual basis.



## Town of Windsor Chicken Ordinance

### Legend and Chronology of Events:

- 2017 Ordinance as presented to the Town Council by the Planning Commission (shown in black)
- 2017 Ordinance Town Council proposed ordinance changes (shown in blue)
- 2025 Ordinance changes proposed by Councilman Adams (shown in green)
- 2025 Staff Comments and discussion points (shown in purple)

### 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 Staff suggests that all residential zoning districts (R-1, R-1MHP Manufactured Mobile Home Park, HDR High Density Residential, LDR Low Density Residential and A-1 Agricultural) be considered subject to the following standards. The standards provide adequate restrictions to ensure public health, safety and welfare. Staff notes that many residential neighborhoods, including but not limited to, Windsor Station and Holland Meadows, are not zoned R-1 or 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. Chickens are not allowed in common areas in the MHP and HDR zoning districts. ~~When permission is granted by the adjacent landowner, the setback may be reduced to not less than 5 feet. be located a minimum of fifteen (15) feet from all property lines. When permission is granted by the adjacent landowner, the setback may be reduced to not less than 5 feet.~~ And shall comply with all setbacks for primary structures. *Staff is concerned with enforcement issues associated with permissions granted by adjacent landowners and agrees with a minimum of 15' from all property lines without adjacent property owner language. Staff also suggests that chickens not be allowed in common areas where there are no individual lot 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 always 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 for the keeping of chickens on residentially zoned properties or the placement of any associated structures. Violation of any of the above requirements may result in the zoning permit being revoked. In accordance with Article I, Section 160-27 of the Land Development Ordinance of the Town of Windsor, fees may be collected by the Town of Windsor for said zoning permit on an annual basis. The fee for a zoning permit is established at \$25.00. A zoning permit is valid once issued unless revoked by the Town in accordance with established ordinances.
- j. The zoning permit is not transferable and does not run with the land. (This has been paraphrased from "property owners will own the chickens on the property, the permit must be renewed with a new landowner if the adjacent landowner moves and has given previous permission for the setback reduction, chickens shall not free range on property of other ownership." Staff agrees that the zoning permit should not be transferable.

**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 with the exception of chickens in accordance with section 160-36 G.

- (a) *Permitted uses.* Within the Residential District R-1 the following uses are permitted by right:

(7) The keeping of chickens in accordance with Section 160-36 G.

**Sec. 160-48. - Low-Density Residential (LDR) (formerly the R-4 Low Density Residential District.** The intent of the LDR District is to provide a certain area of land with the necessary zoning to provide development opportunities for less dense residential housing. The primary use of the district is to provide a transition district from the more rural uses in the nearby areas of the County and the higher density uses in the core of the Town.

(a) Permitted uses. Within the Low-Density Residential District (LDR) the following uses are permitted by right:

(1) All uses permitted in the Residential R-1 District are permitted in the Low-Density Residential LDR District;

(2) The following agricultural activities are permitted by right in the LDR District:

a. The growing and cultivation of agricultural products such as cotton, peanuts, corn, soybeans, etc.;

b. The raising of horses and ponies either for profit or recreation is permitted provided that for the first such animal there shall be five acres of pasture. For each animal thereafter, an additional one acre of pasture is required. All stables shall be a minimum of 150 feet from any property line except where the lots are in common ownership, and then the stable must exceed 150 feet from the next parcel which is not under common ownership. All such properties shall be properly fenced; and

c. The keeping of chickens in accordance with Section 160-36 G.

**Sec. 160-49. - Manufactured Home Park District (MHP).** The intent of the MHP District is to allow for the use of manufactured homes within areas of the Town to provide affordable housing for the citizens of the Town. The manufactured home parks are to be compatible or must be made compatible with adjacent land uses.

(a) Permitted uses. The following are permitted uses within the MHP Manufactured Home Park District:

buildings and grounds, tennis courts, swimming pools and outdoor recreation activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 100 feet to any residential lot; and

(7) The keeping of chickens in accordance with Section 160-36 G.



Sec. 160-50. - High Density Residential District (HDR). The intent of the HDR District is to allow the development of multifamily/townhouse housing alternatives within the Town boundaries.

(a) Permitted uses. Within the HDR District the following uses are permitted:

(10) The keeping of chickens in accordance with Section 160-36 G.

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

3. 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-1 Agricultural. If the subject property meets 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. No zoning permit will be required for the raising of poultry in the A-1 Agricultural District. Staff agrees with removing the five-acre requirement as the Agricultural District is deemed desirable for farming and/or the raising of certain types of livestock. Since farming and raising animals is permitted in this zoning district, a separate zoning permit should not be required for the raising of poultry.

The Planning Commission may also consider reducing the setbacks for six (6) or fewer chickens in the Agricultural District. If chickens are raised for commercial purposes, the larger setbacks seem appropriate; however, for a small amount of "backyard chickens", a lesser setback may be appropriate.

**160-54. Public District P.**

4. 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 food 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. No more than six (6) chickens are allowed. Failure to comply with these requirements shall result in a written warning and failure to comply with the written warning within ten (10) days will result in the zoning permit being revoked. Staff requests clarification on allowing chickens in the Public Zoning District Classification as the purpose of this district is to provide locations for public facilities, offices and schools.