

TOWN OF WINDSOR

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PLANNING COMMISSION MEETING AGENDA

May 28, 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 April 23, 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 – continue discussion and review
- 8) Next Regular Meeting Date: June 25, 2025
- 9) Motion to Adjourn

MINUTES OF THE PLANNING COMMISSION – WINDSOR, VIRGINIA

The Planning Commission met on Wednesday, April 23, 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, and Fred Taylor, Town Attorney were present.

Planning Commission members present:

Leonard L. Marshall, Chairman
Devon Hewitt, Vice Chairman
David Adams
Dale Scott
Ricky Vaughan
Debra Hicks
Latara Harris

APPROVAL OF MINUTES OF MARCH 26, 2025, COMMISSION MEETING

Chairman Marshall asked if there were any questions or concerns regarding the March 26, 2025, meeting minutes. No questions or concerns were presented.

Commissioner Scott made a motion to approve the minutes for the March 26, 2025, meeting. Commissioner Vaughan seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #1.

PUBLIC COMMENTS

None

UNFINISHED BUSINESS

Commissioner Adams stated that the Town Council appointed three new members to the EDA during last night's meeting. He noted that those members are Pamela Pope, Danielle Craig, and Sidney Delepine III.

TOWN ATTORNEY'S REPORT

None

ECONOMIC DEVELOPMENT AUTHORITY (EDA) REPORT

None

NEW BUSINESS

Chicken Ordinance – Reconsideration of 2017 Ordinance

Ms. Brown stated that as you may recall, the Planning Commission and Town Council reviewed an ordinance amendment in 2017 to allow chickens in several residential zoning districts. She said that at its meeting on April 8, 2025, the Council voted to send the 2017 ordinance back to the Planning Commission for further review and/or changes.

Ms. Brown explained that since the April meeting, staff has conducted research into surrounding communities' chicken ordinances, and they are as follows:

- 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 square feet of lot area; 2 foot setback from property line.

Ms. Brown provided the Commission with the 2017 Chicken Ordinance that contains a legend indicating the original ordinance as well as additional work and changes that have been undertaken.

Ms. Brown guided the Commission through the 2017 Chicken Ordinance, highlighting suggested revisions by staff.

In reference to Ordinance 160-36. G Section 1a, Ms. Brown stated that staff suggests that all residential zoning districts (R-1, R-1 MHP Manufactured Mobile Home Park, HDR High Density Residential, LDR Low Density Residential and A-1 Agricultural) be considered subject to the following standards. She noted that the standards provide adequate restrictions to ensure public health, safety and welfare. Ms. Brown added that 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.

Citing section 2a. of the ordinance, Ms. Brown explained that "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. She added that pens shall provide a minimum of ten square feet of space for each chicken."

Citing section 2b., Ms. Brown said that "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 feet from all property lines." She shared language suggested for redaction, "When permission is granted by the adjacent landowner, the setback may be reduced to not less than five feet."

She noted that staff is concerned with enforcement issues associated with permissions granted by adjacent landowners and agrees with a minimum of fifteen feet from all property lines without adjacent property owner language. Ms. Brown said that staff also suggests that chickens not be allowed in common areas where there are no individual lot lines.

Ms. Brown continued to review the ordinance with the Planning Commission.

Citing section 2i., Ms. Brown stated that, "A zoning permit shall be required for the keeping of chickens on residentially zoned properties or the placement of any associated structures.

Violation of any of the above requirements shall result in the zoning permit being revoked.” She noted suggested language to be added stating that, “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.” Ms. Brown added that the fee for a zoning permit is established at \$25.00 and a zoning permit is valid once issued unless revoked by the Town in accordance with established ordinances.

In response to Chairman Marshall’s question, Ms. Brown stated that having to renew the zoning permit on an annual basis contradicts the original intent of a zoning permit. She noted that once a zoning permit is issued, it remains valid until it is revoked.

Commissioner Adams explained that he was thinking that an annual renewal would align with that of an animal license.

Commissioner Hewitt asked what happens if a resident does not pay the annual fee. He questioned if the Town would take the chickens away from the resident.

Commissioner Adams agreed that enforcing an annual fee could lead to issues with enforcement and stated that it may be best to strike this suggested language from the ordinance.

The consensus of the Commission was to strike the language regarding annual zoning fees.

In response to Commissioner Hewitt’s question, Commissioner Adams stated that he thought the ordinance addressed having a fenced-in yard when raising chickens, however, it does not appear that is clear in the language of the ordinance.

The Commission discussed and came to a consensus on adding language to address the following:

1. In Section 2c of the ordinance, add language to address specific fencing requirements.
2. In Section 2i of the ordinance, change “may” language to “shall.”
3. Add language to Section 160-53 to clarify that six or less chickens are allowed subject to Section 160-36 G.

In reference to Ordinance 160-53. A-1 Agricultural District Section 3., Ms. Brown said that 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. She added that since farming and raising animals is permitted in this zoning district, a separate zoning permit should not be required for the raising of poultry.

After further discussion, Ms. Brown stated that staff will make the suggested revisions and bring the ordinance back to the Planning Commission for further review during its May 28, 2025, meeting.

Sign Ordinance Update – General Discussion

Ms. Brown said that the sign ordinance is in need of an update. She explained that the sign ordinance needs to comply with the 2015 Supreme Court case Reed vs. Town of Gilbert which

unanimously ruled the Town's ordinance unconstitutional as it treated signs differently based on their content.

Ms. Brown explained that the Supreme Court provided guidance for localities to amend their sign ordinances to go towards content neutral options for regulating signs based on types of signs allowed by zoning district, size, building materials, lighting, moving parts, and temporary signs. She said that staff will work with the Town Attorney on revisions to the ordinance and bring it back to the Planning Commission at that time.

Recommendation – Planning Commissioner to fill vacancy on Economic Development Authority

Commissioner Adams stated that Commissioner Scott was previously sitting on the EDA as a Planning Commission representative. He noted that the language regarding serving members to the EDA states that there shall be one member of the Planning Commission to sit on the EDA.

Commissioner Adams said that he is hoping to illicit at least one volunteer from the Commission to take over this role.

Commissioner Vaughan expressed his interest in representing the Planning Commission by becoming a sitting member of the EDA. He explained that since he is not very familiar with what the EDA does, he would prefer to sit in at a meeting to help him make an informed decision.

ADJOURNMENT

Commissioner Scott made a motion to adjourn. Commissioner Hewitt seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #2.

The meeting adjourned at 7:47pm.

NEXT REGULAR MEETING DATE: May 28, 2025

Leonard L. Marshall, Chairman

Kelly Kuhns, Town Clerk

Town of Windsor

Memorandum

May 28, 2025

TO: Planning Commission

FROM: Maxie Brown, AICP/CZA, Interim Planner

SUBJECT: Continued review and discussion regarding a chicken ordinance

At its April 23, 2025 meeting, the Commission reviewed proposed ordinance amendments, including the 2017 ordinance, which would allow chickens in certain zoning districts. The Commission requested the following changes and/or additions be undertaken:

1. Sec. 106-G (2)(c) - add fencing requirements to prevent straying of chickens;
2. Sec. 106-G (2)(i) – change “may” to “shall”; and
3. Sec. 106-53 A-1 Zoning District – For the keeping of six (6) chickens or less, Section 160-36 G shall apply.

The attached ordinance reflects the above-requested changes.

Attachments:

- 2025 Compilation of Ordinance amendments and proposed changes by Town Council, Councilman Adams and staff comments and discussion points
- May 28, 2025 Compilation of Ordinance amendments, including requested by the Planning Commission at it April 23, 2025 meeting.

Town of Windsor Chicken Ordinance

Legend and Chronology of Events:

- 2017 Ordinance as presented to the Town Council by the Planning Commission
- 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)
- April 23, 2025 Planning Commission changes

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, LDR Low Density 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. 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.
 - 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. Pursuant to Section 160-63 of this chapter, all chickens shall be kept in securely and suitably fenced areas so as to prevent straying or trespassing.

- 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~~ **shall** 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. For the raising of six (6) chickens or less, Section 160-36 G of this chapter shall apply. For the raising of seven (7) chickens or more and the ~~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 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 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. 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.