

Town of Windsor

Memorandum

TO: The Honorable Mayor and Members of Town Council
FROM: Maxie Brown, AICP/CZA, Interim Planner
SUBJECT: Chicken Ordinance in Residential Districts– Town Council Public Hearing
DATE: September 09, 2025

After discussion of this item at the August 12, 2025 meeting, Town Council voted to hold a public hearing at its September 09, 2025 meeting to consider the proposed Chicken Ordinance in Residential Zoning Districts.

Attached is the most recent draft ordinance, which reflects changes made by the Commission at its April 23rd and May 28th meetings. This ordinance provides a legend indicating the original 2017 ordinance and additional work and changes that have been undertaken.

In summary, this draft, final ordinance would allow chickens in the following zoning districts, subject to conditions: R1, R4 (Low Density Residential), R-1/MHP Manufactured Mobile Home Park, HDR, Agricultural A-1 and the Public (P) District.

The Planning Commission held a public hearing at its July 23, 2025 meeting and voted to recommend denial of the proposed ordinance. The vote was 5-1, with Commissioner Adams voting no and Ms. Hicks absent.

This information is for the Council's discussion and consideration.

Attachments:

- 2025 Compilation of Ordinance amendments and proposed changes by Town Council, Councilman Adams and staff comments and Planning Commission discussion points
- Planning Commission July, 23, 2025 Minutes
- Windsor Weekly Article regarding this matter

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 & May 28, 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 from trespassing or straying.~~

- 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 shall** 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-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 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.

**MINUTES OF THE PLANNING COMMISSION – WINDSOR, VIRGINIA
REGULAR MEETING
JULY 23, 2025 – 7 p.m.**

The Planning Commission held a meeting on Wednesday, July 23, 2025, at 7:00 p.m. at the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Chairman Marshall called the meeting to order and welcomed those in attendance.

Staff present: Maxie Brown, Interim Planner
Cheryl McClanahan, Town Treasurer
Fred Taylor, Town Attorney

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

Planning Commission members absent: Debra Hicks

APPROVAL OF MINUTES OF MAY 28, 2025, COMMISSION MEETING

Chairman Marshall asked if there were any questions or concerns regarding the May 28, 2025 meeting minutes. No questions or concerns were presented.

Commissioner Hewitt made a motion to approve the minutes for the May 28, 2025 meeting. Commissioner Vaughan seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #1.

PUBLIC COMMENTS

None

PUBLIC HEARING

Ms. Brown presented the draft ordinance amendments, noting the Planning Commission and Town Council began reviewing a proposed chicken ordinance in 2017, which did not get approved. Since that time, the Commission has been asked to reconsider the ordinance which has been undertaken over the last few months. In summary, the proposed ordinance would allow up to six (6) chickens in the R1, R4 (low density residential, R1/MHP District, High Density Residential District, Agricultural District and Public District, subject to conditions and permit requirements. The ordinance specifies that other types of fowl or poultry would not be allowed, including roosters.

Chairman Marshall opened the public hearing for the proposed chicken ordinance. He asked for any persons wishing to speak in favor or the proposed application to come forward. Ms. Brown

read a letter into the record dated July 11, 2025, by Councilman Walter Bernacki. Councilman Bernacki expressed support for adopting the proposed ordinance, noting the ordinance has been well-thought out and considers all parties involved.

Chairman Marshall asked if there was anyone to speak in opposition of the proposed ordinance amendments. Bentley Richardson, a resident of 24229 S. Johnson Avenue, Windsor, Va., spoke in opposition to the proposed ordinance, noting the following concerns: Spread of diseases, attraction of varmints, inadequate distance from neighbor's property resulting in smell of manure, and the issue of disposal of older chickens.

With no other comments, Chairman Marshall closed the public hearing.

Commissioner Adams noted, as a reminder, that the Commission had the same concerns as Mr. Richardson with regard to the distance between a shelter and the property line, which is a minimum of 15 feet – for a total of 30'. Ms. Brown confirmed 15' from all property lines.

Commissioner Vaughan expressed concern that the Commission was told there was growing support (since 2017) for a chicken ordinance, however, there was little support this evening with only one person who spoke in opposition and one letter of support from Council member Bernacki.

Commissioner Adams indicated that perhaps there was more interest last month, but the Commission did not meet in June due to the lack of a quorum.

Commissioner Hewitt indicated that he had heard that only 3 or 4 people were interested in chickens.

Commissioner Scott indicated he received comments from the public; however, no one voiced support for having chickens with more citizens being opposed to allowing chickens in residential zones. Chairman Marshall concurred.

Commissioner Hewitt made a motion to recommend denial of adopting the ordinance amendments to Council. Commissioner Scott seconded, and the Commission passed the motion as recorded on the attached chart as motion #2, with a vote of 5-1, with Commissioner Adams voting in opposition and Ms. Hicks absent.

UNFINISHED BUSINESS

None

TOWN ATTORNEY'S REPORT

None

ECONOMIC DEVELOPMENT AUTHORITY (EDA) REPORT

None

NEW BUSINESS

Zoning Map Amendments – Rezoning of 11345 Old Suffolk Road

Tax Map Parel 54-01-073 from A-1 Agricultural to LDR Low Density Residential

Commissioner Adams questioned the Comprehensive Plan Future Land Use designation for the subject property. Ms. Brown responded LDR Low Density Residential.

Commissioner Adams made a motion to authorize town staff to advertise for a public hearing on this matter at its August 27, 2025 meeting. Commissioner Scott seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #3.

ADJOURNMENT

Chairman Marshall stated that the next Planning Commission meeting is scheduled for August 27, 2025.

There being no further business, Commissioner Scott made the motion to adjourn. Commissioner Hewitt seconded, and the Commission unanimously passed the motion as recorded on the attached chart as motion #4.

The meeting adjourned at 7:20 pm.

NEXT REGULAR MEETING DATE: AUGUST 27, 2025.

Leonard L. Marshall, Chairman

Town Clerk

WPC votes 5-1 to not recommend chicken ordinance

Published 3:49 pm Friday, July 25, 2025

By Titus Mohler (<https://www.windsorweekly.com/author/titusmohler/>)

The Windsor Planning Commission voted 5-1 on Wednesday, July 23, to recommend to the Windsor Town Council that it refrain from adopting the proposed Town of Windsor Chicken Ordinance, which would allow chickens in residential zoning districts, subject to conditions.

Commissioner David Adams cast the lone dissenting vote, and Commissioner Debra Hicks was not present.

The commission's July 23 meeting proved to be a surprising one for commissioners and town staff, who were expecting a significant crowd in attendance for participation in a public hearing on the proposed ordinance.

The commission worked to refine a 2017 draft of the ordinance in April and May of this year.

At the July 23 meeting, only three members of the public were present, in addition to Windsor Mayor George Stubbs. During the hearing, only one individual spoke, and his comment was in opposition to adoption of the ordinance.

As the commission considered the ordinance immediately following the hearing, commissioners expressed surprise at the lack of meeting attendance and lack of support for the ordinance, support which they had heard was significant and had grown since 2017.

The public hearing had originally been planned for the commission's June 25 meeting, but that meeting was canceled a few hours prior to its scheduled start due to last-minute cancellations resulting in the lack of a quorum.

Adams suggested the lack of attendance could have been due to the cancellation and rescheduling, but he acknowledged that the public was made aware of the new July 23 meeting date.

Though the chicken ordinance was considered and ultimately not adopted back in 2017, Adams, who currently serves on the Town Council as well as the commission, advocated on the council in April for revisiting the ordinance after multiple residents had recently expressed a desire to keep chickens on their property.

Other commissioners noted during Wednesday's meeting that they had heard from multiple members of the public who opposed the ordinance.

The only statement of support for the ordinance that was presented to the commission on Wednesday came via a letter from Councilman Walter Bernacki, who was unable to attend in person due to a work commitment.

The proposed ordinance will next go before the Town Council, which may also hold a public hearing.

INTRODUCTION ON JULY 23

Just prior to the start of the public hearing on July 23, Brown provided a brief summary of the ordinance and its history.

"The Planning Commission and Town Council began reviewing a proposed chicken ordinance back in 2017, which ultimately did not get approved," she said. "Since that time, the commission had been asked to reconsider the ordinance, which has been undertaken over the last few months.

"In summary, the proposed ordinance would allow up to six chickens in six zoning districts: The R1, the R4 Low Density Residential, R1MHP (Manufactured Mobile Home Park), High Density Residential, (A-1) Agricultural and the Public District, subject to conditions and permit requirements," she said. "The ordinance also specifies that other types of fowl or poultry would not be allowed, as well as roosters."

THE PUBLIC HEARING

Commission Chairman Leonard L. Marshall then opened the public hearing, and Brown read Bernacki's July 11 letter into the record. Following is a large portion of what she read from Bernacki:

"Several years ago, your commission undertook the process of producing a very well-crafted proposed chicken ordinance. Unfortunately at that time, a majority of council members and the mayor felt their personal agenda was more important than the request of a majority of supporters from the community who they were supposed to represent.

"This 2025 proposed chicken ordinance is very well-thought out and considers all parties involved.

"A chicken ordinance would have positive economic, environmental, emotional and social impacts on our town.

"Several individuals who oppose this ordinance are already spreading false information. I am willing to meet with anyone to educate them on factual information from reputable sources, such as the (Centers for Disease Control and Prevention).

"I've heard from many of my constituents that noted even though they may not own chickens, they believe that members of this community should have that right.

"It has been embarrassing as I have interacted with other town and city elected officials and their residents. During discussions of chickens on residential properties, many of those officials and residents were appalled that past council members acted in that manner.

"I have confirmed that most of the large cities and several smaller communities around us allow chickens on residential properties.

"With that said, I encourage your commission to represent the majority of community members in favor of this and move the proposed chicken ordinance to Town Council with a recommendation for adoption."

Marshall said, "Anyone else wishes to speak in favor of the ordinance?"

After pausing briefly, he said, "Hearing none, anyone that wishes to speak in opposition of the ordinance?"

Bentley Richardson then approached the podium, opening his comments by noting that he had been born and raised on a farm.

"As far as chickens are concerned, they will get you salmonella — Anybody ever heard of that? — and E. coli, and it's especially available to small children," he said. "Now, as far as people in this town who are in favor of chickens in their houses, if you all don't know where I live, South Johnson Avenue, there's not going to be any there, because we're too old.

"Now, let's look at something else," he continued. "(I was) raised on a farm with many animals, but black snakes love eggs. We had skunks, we had weasels, we had minks, raccoons and so on, and they are all loving products of chickens. I forgot one thing, a hawk. A hawk will scoop right down, grab up a pullet or a rooster and go ahead.

"To say that I'm in favor of that, no," he said. "I'm not going to tell you what I read in a book or what somebody else said, but you've got those varmints that you've got to consider.

"And what about your next door neighbor?" he continued. "Do they want it? I don't think so."

He indicated that the ordinance was written in 2017 with the best of intentions, but he said that he does not think that because Windsor is a small, rural town that people ought to be raising chickens.

"And there was a catch in there about agriculture," he said. "Right down (Route) 603, on the left side, there's a farm with a silo there, some of you know what I'm talking about; they can have chickens. Across the road from them, the people that had lived there that had chickens have sold and gone.

"Now, this thing about getting the chickens in the backyard close to your line and so on is for the birds," he continued.

He said that if it rains, people are going to smell manure.

"Alright, what are you going to do when you go out and clean up the manure?" he said. "Because chickens are going to do that."

He also noted that there would be a size to the chickens' confinement.

"And how close is it going to be to your neighbor?" he said. "How close is it going to be to your house?"

He said that chickens, called pullets, do not start laying eggs until they are about 14 to 16 weeks old.

"Then they will lay approximately every 24 to 26 hours, and when they molt — Anybody know what I'm talking about? — the feathers come out, they don't lay eggs when they start molting," he said. "And a pullet will lay eggs until they are about 36 weeks old, and then it begins to die off, and what are they going to do with them then? I don't know of any farmer close by that's going to want to dispose of your chickens."

In conclusion, he said, "I've told you what I grew up with, and that's been a while because I'm older than everybody sitting around here. Thank you, and consider it."

Marshall asked for any more comments in opposition to the proposed ordinance, and hearing none, he closed the public hearing, opening the floor for commission discussion.

THE COMMISSION DISCUSSION

Adams said, "Just a general reminder, as we crafted this policy, we had kind of the same concerns that Mr. Richardson had about property lines, proximity to structures. I think we said 15 feet off of any property line and then the same distance from any structure. I could be wrong on that, I just wanted to clarify."

Brown confirmed 15 feet from all property lines.

Commissioner Ricky Vaughan said, "I personally have a concern with the information that we've been told, some of the stuff that was in (Mr. Bernacki's) letter today, and then we have a public hearing and there's nobody here. We were told that there was a lot of people now, versus when it was in 2017, that were very interested in having chickens in the town of Windsor, and only one person got up and spoke tonight, and they were against it.

"So if it's that big of a deal now than what it was in 2017, why are we not seeing it?" he added. "Only one person has spoke. Other than that, we have Mr. Bernacki's letter."

One of the two other members of the public present, aside from Richardson, said, "It's too late to speak?"

Marshall said, "It's too late to speak now."

Adams said, "I'm not trying to make excuses for anybody. I think there was more people last month when we were supposed to speak on it, and unfortunately, we didn't have a quorum, so we couldn't hold that public hearing. I wish I could go back in time and have it when everybody was geared up for it. But they've known about this meeting too."

Commissioner G. Devon Hewitt said, "From what I'm hearing through the grapevine, which you can put faith in that or not, there's only been three or four people that have shown any interest in doing (the ordinance) even now, so we're going to do all this work for the sake of three or four people (keeping) chickens in their yards? It's puzzling as well. I'm not sure it's worth all the effort we put into it."

Commissioner Dale Scott said, "I've received comments in public from citizens. No one has come to me and said they supported having chickens. I've heard more people who were opposed to an ordinance to allow chickens in the residential zone."

"I've had five or six that came to my house, and they are all against it," Marshall said. "I've had nobody to say anything to me that was for it."

Scott indicated that from the presentation the commission received at the beginning of the ordinance revision process, he was under the impression there was significant citizen support for the ordinance.

"I was hoping we would hear from those folks, but I have not heard from those folks to confirm that," he said.

Adams said, "And to solidify the gentlemen's point is that without them here, the voiceless can't speak."

Marshall recalled that in 2017, the commission sent the ordinance back to the Town Council with a recommendation that it not adopt it.

On Wednesday, Hewitt said, "Well, I'll jump to the forefront and say I'll make a motion that we recommend to council that they do not adopt it."

The motion was seconded, and the 5-1 vote followed.