

TOWN OF WINDSOR
P. O. Box 307
Windsor, Virginia 23487

Phone 757-242-4288 Fax 757-242-9039 E-Mail windsor@windsor-va.gov

PLANNING COMMISSION MEETING AGENDA
April 26, 2017
7:00 p.m.

1. Call to Order
 - a) Welcome
 - b) Roll Call
2. Public Comments
3. Approval of the Minutes of the February 22, 2017 Planning Commission Meeting (1)
4. Chicken Ordinance (2)
5. Town Attorney's Report
6. Economic Development Authority
7. Other Reports
8. Next Regular Meeting - May 24, 2017
9. Motion to Adjourn

MINUTES OF THE PLANNING COMMISSION – WINDSOR, VIRGINIA

The Planning Commission met on Wednesday, February 22, 2017 at 7:00 p.m. in the Town of Windsor Council Chamber. Chairman Brown called the meeting to order and welcomed all who were present. Terry Whitehead, Town Clerk, recorded the minutes. Michael Stallings, Town Manager, and Wallace W. Brittle, Jr., Town Attorney, were present. Mrs. Whitehead called the roll.

Planning Commission members present: Bennie Brown, Chairman
 Leonard L. Marshall, Vice Chairman
 N. Macon Edwards, III
 Edward Lynch
 George Stubbs
 Glyn Willis

Planning Commission member absent: Debra D. Hicks

MINUTES

Chairman Brown asked if there were any amendments to the minutes of the January 18, 2017 regular Planning Commission meeting. There being none, Vice Chairman Marshall made a motion to approve the minutes as presented. Commissioner Edwards seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #1.

ADOPTION OF THE AMENDED BYLAWS

Mr. Stallings reviewed the amended bylaws with the Commissioners. Councilman Edwards noted two date corrections. After further discussion, Vice Chairman Marshall made a motion to adopt the amended bylaws with the two date corrections. Commissioner Stubbs seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #2.

CAPITAL IMPROVEMENTS PLAN (CIP) & DRAFT BUDGET CALENDAR

Mr. Stallings explained that each year as part of the budget process, the Town presents a proposed CIP to the Planning Commission for their input. He asked the Commissioners to review the draft proposal, and contact him with any items that should be considered for inclusion in the CIP. He continued to review the draft budget calendar. Mr. Stallings said that any comments regarding the CIP will be presented to Council for their consideration.

REPORT FROM THE TOWN ATTORNEY

None

REPORT FROM THE ECONOMIC DEVELOPMENT AUTHORITY

Mr. Stallings reported that the Town has been having discussions with an agent regarding locating property within the Town for a possible fast food restaurant and an auto parts retail store. He also noted that the new Mexican restaurant is waiting for their last Health Department inspection.

OTHER REPORTS OR NEW BUSINESS

Commissioner Stubbs asked Mr. Stallings to brief Planning Commission on fees associated with advertising for a public hearing. Mr. Stallings reported that the fee for a rezoning, which includes advertising for a public hearing, is \$800.00. He said that those fees are going to be re-evaluated in the near future.

Mr. Stallings reported that he has received several applications for the Zoning and Planning Administrator position, and only two may be considered for interviews. He said he may re-advertise.

Chairman Brown noted that Commissioner Hicks has missed several consecutive meetings. The Commissioners agreed to have Mr. Stallings contact her and let her know that the Commission is concerned and would like to know her intentions. Mr. Stallings said he will contact her and report back to the Planning Commission.

ADJOURNMENT

Chairman Brown said that the next meeting is scheduled for March 22, 2017

There being no further business, Commissioner Stubbs made the motion to adjourn. Vice Chairman Marshall seconded the motion, and the Commission unanimously approved the motion as recorded on the attached chart as motion #3.

The meeting adjourned at 7:20 p.m.

Bennie Brown, Chairman

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
RECORD OF
PLANNING COMMISSION VOTES

Commission Meeting Date Feb. 22, 2017

| Motion # | G. Willis | E. Lynch | B. Brown | N. Edwards | L. Marshall | G. Stubbs | D. Hicks |
|----------|-----------|----------|----------|------------|-------------|-----------|----------|
| 1 | y | y | y | y | y | y | absent |
| 2 | y | y | y | y | y | y | |
| 3 | y | y | y | y | y | y | |
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Jerry Whitehead, Clerk

Town of Windsor

Memorandum

April 26, 2017

TO: Planning Commission

FROM: Michael Stallings, Town Manager *MS*

SUBJECT: Chicken Ordinance

At the last Town Council meeting, Council voted to ask the Planning Commission to draft an ordinance regarding chickens in residential zoning districts. Specifically the R-1 District.

Council felt that with Isle of Wight County adopting a new ordinance regarding chickens, that it was appropriate for Planning Commission to revisit the issue.

I have attached a copy of Isle of Wight's ordinance as well as a copy of an information packet that Council was provided with at their April 8th work session.

This is for Planning Commission's discussion and direction.

lighting fixtures and/or plantings, and where applicable varied placement of front entryways.

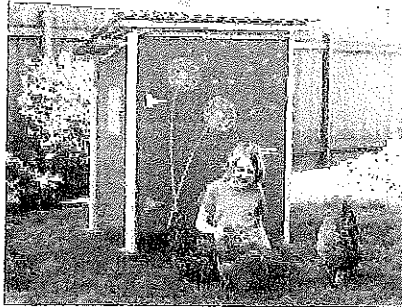
- b. Pedestrian pathways shall be used to link all buildings, greenspaces, and recreational areas within the development. Buildings shall be linked to sidewalks and to each other as appropriate. These walkways shall be landscaped and lighted.
- c. Open space areas shall be considered an organizing element of the site plan. Courtyards or greens shall be utilized within the development. In such instances, residential buildings shall front on these open spaces.

P. Residential Chickens.

- 1. Districts permitted. Chickens shall be permitted in the following zoning districts Rural Residential (RR), Village Center (VC), Neighborhood Conservation (NC), Suburban Estate (SE), Suburban Residential (SR), and only in conjunction with an occupied single family residence, and shall be subject to the standards set forth herein.
- 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.
 - b. All shelters and associated structures including fencing shall be located fully to the rear of the residential structure.
 - c. All chickens shall be kept in the 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 all 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 waiver shall be required prior to the keeping of chickens on residentially zoned properties or the placement of any associated structures.

Q. Temporary emergency housing.

Windsor Hens



Our request is to change current zoning regulations to allow six (6) hens (female chickens) in residential areas throughout the town. Currently over 600 cities across the country allow hens in residential areas and being a rural farming town we would like to be able to have the same. This document has been prepared for each of you to relay information that we feel is valuable when making such a decision as this.

This information package includes the following:

Reasons to have Backyard Hens

- Animal welfare and food quality
- Composting
- Food waste, weed, and pest consumption
- Emergency preparedness
- Educational opportunities
- Enjoyment

Dispelling the myths

- Noise
- Rodents
- Smell
- Predators
- Property values
- Healthy neighborhoods
- Chicken coop design
- Effects on the town

Example zoning ordinances from other cities/towns

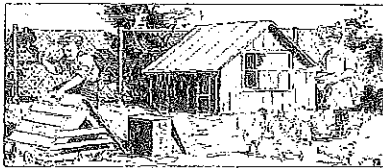
Conclusion

Additional information

Reasons to have backyard hens

A USDA advertisement in 1918 read, "Uncle Sam Expects You to Keep and Raise Backyard Chickens."

Uncle Sam Expects You To Keep Hens and Raise Chickens



Two Hens in the Back Yard for Each Person in the House Will Keep a Family in Fresh Eggs

EVEN the smallest back yard has room for a flock large enough to supply the house with eggs. The cost of maintaining such a flock is small. Table and kitchen waste provide much of the feed for the hens. They require little attention—only a few minutes a day.

An interested child, old enough to take a little responsibility, can care for a few birds as well as a garden patch.

Every back yard in the United States should contribute its share to a bumper crop of poultry and eggs in 1918.

In Time of Peace a Profitable Recreation
In Time of War a Patriotic Duty

Your State Agricultural College
or
The United States Department of Agriculture
Washington, D. C.

While we are all for change and growth, there is something to be said for keeping with the ways of those that came before us; keeping chickens is not a fad - just something that will fade away in the coming years - actually people have had chickens in their yards for centuries.

Currently there is a movement sweeping the nation promoting a better greener, sustainable, and ecological way of life. Hens are an extension of this movement and a wonderful addition to any backyard garden. They promote a healthier lifestyle, not only are eggs from backyard hens better for you, having animals gets people outside and moving, improving their overall physical and mental health.

1. Animal welfare and food quality

Many people are concerned with the crowded and unsanitary conditions of factory farms. Most people think of these types of facilities when they picture chickens. Concerns about food quality go hand in hand with the concern about animal welfare. When the animal is poorly raised the quality of food it produces suffers. Eating eggs from backyard hens allows people to avoid the effects of antibiotics and additives found in feed that is fed to commercial chickens. Backyard eggs are less likely to contain Salmonella and are fresher than store bought eggs. Store bought eggs are sometimes up to 45 days old!

2. Compost and fertilizer

Chicken manure makes great fertilizer. It is the perfect addition to the backyard compost bin, full of nitrogen, phosphorus, and potassium; additionally it adds organic matter and increases the water holding capacity of soil.

3. Food waste, weed and pest consumption

Chickens are also valued on what they eat. They love kitchen scraps, weeds, and insects. "There are many local food reasons to keep family flocks, but the most economic and politically compelling reason is to 'employ' chickens bio-recycle kitchen, garden and yard waste." Employing chickens means that all that biomass - food, grass clippings, leaf and yard waste - never has to leave the backyard. Nationwide, food scraps make up about 17% (29 million tons) of what we send to landfills. Yard waste totals just about that same amount or about 33 million tons. Food and yard waste combined represent about 28% of all municipal solid waste generation. Much of that household organic waste could be bio-recycled in backyards and never even leave the property.

A policy and goal that many municipalities have adopted is zero waste. Just as it implies, in a zero waste system there isn't any waste. Everything becomes "residuals" that can be recycled in one form or another. Everything can be viewed as an "asset".

https://www.chickensandyou.com/Bio_Recyclers_Civic.html

4. Emergency preparedness

We live in hurricane territory so hurricane preparedness is vital. When a large storm hits we can be without power for days or weeks. Grocery stores can only carry a few days worth of food, assuming people do not panic. Backyard hens would provide daily eggs that don't require refrigeration for their owners.

5. Educational opportunities

It's well known that when children help take care of animals, it helps them learn responsibility. Chickens are no different. Chickens are the perfect size for young children to handle, they don't bite and don't harbor diseases like rabies. Besides responsibility, what better way is there to learn about sustainability than by experiencing it first hand by raising hens? Allowing backyard

hens would let many children participate in 4-H. 4-H is a wonderful program that teaches our youth proper animal husbandry and pride in showmanship.

6. Chickens make great pets

By law chickens are classified as agricultural animals, but anyone who has chickens in their backyard will tell you they are so much more. They are or become pets to their owners, they have names and personalities. One of the best things about hens is they are low impact. Once a coop is built chickens do not need much. They need the basics of food and water, but chicken food is cheap, and a flock of 6 hens only needs about two gallons of water a week depending on the weather. Chickens are intriguing, charming, and very entertaining.

Dispelling the Myths

Myth: Backyard hens are noisy.

- Fact: Roosters are noisy. Hens are not, they are in fact no louder than the wild birds that are already occupying many of our yards. Hens DO NOT need a rooster to lay eggs. Hens sleep from sundown to sunrise and only lay an egg every 1 – 2 days. Hens do make a cackling noise announcing the arrival of an egg which is generally laid in the morning hours when they are still in their coop. The coop walls help in making it quieter for neighbors. Other than that they just make soft clucking sounds. Hens are about as noisy as a normal conversation between neighbors.
- When measured at 1 foot, hens measure 60 decibels on a decibel meter. That is equivalent to a normal conversation tone. At 20 feet, they are measured at 39 decibels making them equivalent to the hum of a refrigerator. At 40 feet it is quieter than a whisper at only 18 decibels.
http://www.woodlotfarms.com/Legalize_Chicken_Hens.html

Myth: Chickens attract rodents.

- Fact: Rodents are naturally occurring in our neighborhoods and yards already. There are many things in our area that attract rodents. These include bird seed, unprotected dog and cat food, open trash cans, fruit trees and koi ponds. There are ways to eliminate this concern, starting with rodent proofing metal trash cans used for feed storage, and picking up any uneaten food at night. Chickens also eat rodents when they can catch them.

Myth: Chickens smell.

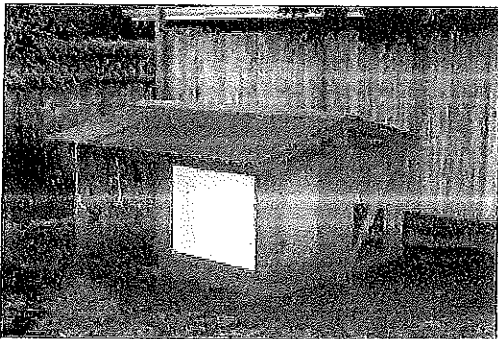
- Fact: Chicken feces can potentially smell just as that from any other household pet, including cats, dogs and rabbits. A properly maintained coop will not create an odor issue. The average hen creates approximately 1.5 ounces of waste per day; the average dog creates 1 lb. of waste per day. In commercial poultry operations, where chickens are kept in tight spaces, odor is a problem. Crowded conditions, poor ventilation, and inadequate cleaning results in ammonia build up. The difference between commercial operations and backyard coops that hold about 6 hens is huge! Portable pens allow the chickens to be moved around the yard daily which in turn prevents the buildup of waste. And if properly cleaned out and composted there is not any issue of unwanted odor.

Myth: Chickens attract predators.

- Fact: Chickens will not attract predators any more than wild birds that already live here. Raccoons and opossums already live in Windsor as you can see by the remains at the side of the roads from automobile strikes. Coop design and secure fencing can solve any predator problem. Another new option is electric nets; similar to an electric dog fence, electric nets work to contain hens and keep predators out.

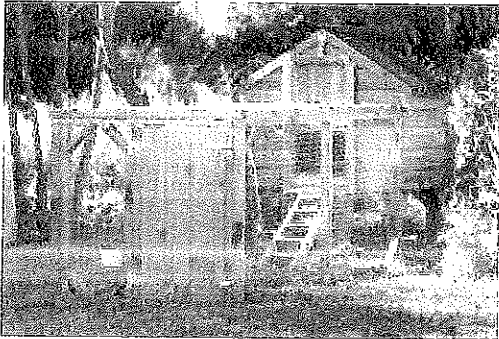
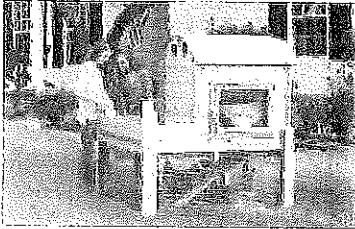
Myth: Backyard hens will decrease property values.

- Fact: There is no evidence that keeping hens according to ordinance guidelines will affect property values. Here are some coop designs:



Myth: Chicken coops are an eye sore.

- Fact: Greenhouses, gazebos, play sets, sheds, and dog houses are accessory structures currently legal in backyards in Windsor. Chicken coops are typically smaller than your average sized shed, similar in size and design to a rabbit hutch. Some homemade ones may be the size of a shed with a run attached.



Myth: Chickens are a health hazard.

- Fact: Dogs and cats are more of a health hazard than chickens. Parasites, viruses, bacteria and fungi can all be spread to humans from dogs and cats. Rabies and Cat Scratch Fever are just two of the examples of infectious diseases transmitted from dogs and cats to humans. Pregnant women and those with weakened immune systems are advised to avoid cat litter boxes for the risk of toxoplasmosis.
- The health concern that comes to most minds when raising chickens is the risk of avian flu. Avian flu can be seen most often in other countries but rarely in the US. If we were to see it in the US, it would most likely be in the crowded commercial chicken farms and not in backyard flocks. Backyard flocks are kept in much healthier conditions. "Small flocks have literally no risk

of avian flu transmission to humans.” Centers for Disease Control states on their website: “There is no need at present to remove a family flock of chickens because of concerns regarding avian flu.” The 2006 Grain Report states: “When it comes to bird flu, diverse small-scale poultry is the solution, not the problem.” And, “Salmonella is a food handling sanitary problem, NOT an avian problem.”

https://www.chickensandyou.com/7_Myths.htm

- Lastly, ticks carry disease such as Lyme and Rocky Mountain Spotted Fever. Mosquitoes also carry diseases such as West Nile Virus. Chickens love to eat ticks and mosquitoes. Want a healthier yard? Have a few hens!

Myth: Chickens will be a burden on the town.

- Fact: Chickens will be an asset to the town. Chickens will help keep kitchen scraps and yard waste out of our landfills. Chickens eat garden pests and can help keep pesticides out of our water. In addition, flock permits will bring revenue into the town to offset the potential cost of “policing” those with flock permits.
- Understandably there will be circumstances where people will have unexpected roosters or unwanted hens. This has occurred in other cities as well, and because of this a system is already in place to deal with this issue. Unwanted hens can easily be given away or sold in a local group such as 4 Chesapeake Hens, Suffolk Hen Keepers or Hampton Roads Hens to name a few. There are also people who will take any roosters found in city flocks to areas where they are permitted. We don’t want to see any burden on the town or Animal Control.

Example Zoning Regulations from other Cities

Typically information such as this may be included in zoning ordinances from many different cities that allow backyard hens:

1. The principle use is for a single-family home or community gardens.
2. No person shall keep any rooster; except with special permit.
3. Chickens shall be housed in a covered enclosure (coop) with an appropriately fenced area for a run or perimeter fence for ranging.
4. Chickens shall be treated humanely and kept in a sanitary environment and without crowding at all times.
5. Chickens shall have constant access to adequate food and fresh water.

Other items often included are:

- During daylight hours the adult chickens shall have access to the chicken coop and weather permitting, shall have access to an outdoor enclosure on the subjects property, adequately

fenced to contain the chickens and to prevent access to the chickens by dogs and other naturally occurring predators.

- No chicken manure may be put into household trash. All waste must be composted.
- Store feed must be kept in a rodent and predator proof container.
- It is unlawful for the owner, custodian, or keeper of any chicken to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure, and noise of a loud and persistent and habitual nature.
- A license fee of \$10.00 per flock will be payable to the city annually.



Conclusion

In conclusion we would like to see the following changes made to the town zoning laws:

1. Residences of the town living in any zoning district with the exception of two-family or multiple family residential use, may own and house chickens provided that they meet and maintain the following requirements:
 - The maximum number of chickens owned and housed is not to exceed 6 hens.
 - No roosters are permitted.
 - Chickens must be kept in an enclosed pen (coop) with an appropriately fenced area for a run or perimeter fence for ranging.
 - The coop and enclosure must be kept clean to reduce nuisances which include aesthetic and aromatic considerations.
 - The property owner must obtain a flock permit for their property from the town of Windsor to allow for the owning and housing of chickens.
 - If there are any violation(s) of the above stipulations, a written notice will be sent to the permit holder and they will have 30 days to correct said violation(s). If they do not correct the violation(s) then their permit will be revoked and their chickens will have to be removed in 10 days unless they fix the situation and reapply for a permit.

Thank you for your time and consideration in this matter, if you have any questions please contact Walter Bernacki at 757-404-2586

List of common noises and their decibel levels.

| | | | |
|------------------------------|--|---|---|
| ■ Aircraft at take-off (180) | Chicken hens are consistently measured around 60 decibels. Dogs are recorded around 100 decibels. At 20 feet there is a 21 decibel drop off. | | |
| ■ Fireworks (140) | | | |
| ■ Snowmobile (120) | | | |
| ■ Chain saw (110) | | | |
| ■ Amplified music (110) | | | |
| ■ Lawn mower (90) | Measured at 1 Foot |  60 |  100 |
| ■ Noisy office (90) | | | |
| ■ Vacuum cleaner (80) | | | |
| ■ City traffic (80) | Measured at 20 Feet | 39 | 79 |
| ■ Normal conversation (60) | | | |
| ■ Refrigerator humming (40) | | | |
| ■ Whisper (20) | Measured at 40 Feet | 18 | 58 |
| ■ Leaves rustling (10) | At 40 feet chicken hen sound drops to below a whisper. | | |
| ■ Calm breathing (10) | | | |

Below are links to articles regarding backyard chicken keeping:

Kerry Dougherty opinion piece on local chickens

http://pilotonline.com/news/local/columnist/kerry-dougherty/chickens-in-the-backyard-it-s-eggs-zactly-what-we/article_6dd2e65f-8839-5c53-af55-88983a67158f.html

New York Times piece on backyard chickens

<http://green.blogs.nytimes.com//2012/02/07/urban-garden-check-now-chickens/>

Hanover allows backyard hens (this occurred this month!)

http://www.richmond.com/news/local/article_2047288e-84ef-51b3-81b0-0e8c2716c4b2.html

Chickens in Chesapeake

http://pilotonline.com/news/government/local/chesapeake-group-battles-to-have-chickens-in-yards/article_5d8ed5ed-df3f-5bb8-8843-e909635c54f1.html

Southern Living article about backyard chicken keeping

<http://www.southernliving.com/home-garden/raising-chickens>

Town of Windsor, Virginia
Chicken Permit Application

New Renewal Previous Permit # _____

Name _____
Last First middle

Street Address _____
Number Street Name

Home Phone# _____

Work Phone# _____

Cell Phone# _____

Email Address _____

Have you or anyone living at the above address been convicted of animal cruelty, neglect, or abandonment?

Yes _____ No _____

If Yes, where, when _____

Date of conviction _____

Number of Chickens(Hens) _____

If Chickens ,list Breed(s) _____

I, hereby certify that the above information is true and correct. I understand and agree to abide by the regulations as set forth in Windsor town code §160- Proposed. I understand that the required \$10.00 permit application fee is nonrefundable.

Signature _____

Date _____

Town of Windsor, Virginia
Proposed Zoning Code Amendment
Chickens

§160 – Proposed –

(1) Residences of the town living in any zoning district, with the exception of two-family or multiple family residential use, may own and house chickens provided they meet and maintain the following requirements.

(1) Chickens:

1. The maximum number of chickens owned and housed is not to exceed 6 chickens.
2. No roosters are permitted at any time.
3. Chicken(s) must be kept in an enclosed pen (coop) and not be permitted to free range unless under the direct supervision of the owner or his/her designee.
4. The coop or enclosure must be kept clean to reduce nuisances which include aesthetic and aromatic considerations.
5. The property owner must obtain a chicken permit for their property from the town of Windsor to allow for the owning and housing of chickens.
6. By purchasing the permit the homeowner agrees to comply with the above stipulations.
7. If there are any violation(s) of the above stipulations, a written notice will be sent to the permit holder and they will have 30 days to correct said violation(S). If the violation(S) is/are not corrected the owner's chicken permit will be revoked and the owner must reapply for a new permit when the violations are corrected.