

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;