

**TOWN OF WINDSOR**  
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**PLANNING COMMISSION MEETING AGENDA**  
**June 28, 2017**  
**7:00 p.m.**

1. Call to Order
  - a) Welcome
  - b) Roll Call
2. Public Comments
3. Approval of the Minutes of the May 24, 2017 Planning Commission Meeting (1)
4. Draft Chicken Ordinance (2)
5. Town Attorney's Report
6. Economic Development Authority
7. Other Reports
8. Next Regular Meeting – July 26, 2017
9. Motion to Adjourn

## MINUTES OF THE PLANNING COMMISSION – WINDSOR, VIRGINIA

The Planning Commission met on Wednesday, May 24, 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  
N. Macon Edwards, III  
Edward Lynch  
George Stubbs  
Glyn Willis

Planning Commission members absent: Leonard L. Marshall, Vice Chairman  
Debra D. Hicks

### PUBLIC COMMENTS - PROPOSED CHICKEN ORDINANCE

Bentley Richardson, 24229 South Johnson Avenue, said he would like to address the draft chicken ordinance. He explained that he is not against chickens but there are concerns that need to be addressed in the draft ordinance. He expressed his concerns with the language specifying a “predator-proof shelter” stating that predators of chickens include dogs, cats, coyotes, possums, skunks, raccoons, foxes, weasels and hawks. He also expressed his concerns with snakes being drawn to chicken eggs. He added that chicken owners would have to address a number of diseases that are carried by chickens including salmonella.

Mr. Richardson suggested that a 15 foot rear and side setback for chicken pens would accommodate most lot sizes within the Town. He asked the commission to define “free range,” and what should be done if residents purchase baby chicks and they turn out to be roosters. Mr. Richardson also expressed his concerns with disposing of chicken waste and feathers that shed, disposing of dead chickens, and flies and odor stemming from chicken waste.

Kelly Blankenship, 22453 York Court, stated that her lot his long but not deep, and she could not accommodate a 25 foot setback. She said she doesn’t see how a chicken coop is any different than a shed which only requires a 5 foot setback.

Larissa Williams, 67 Church Street, suggested that residents could swap roosters for hens at local chicken swaps. She asked if recycling could be an option to dispose of chicken waste and feathers. She said that the risk of transmitting diseases associated with chickens could be reduced with proper education. She

noted that dog kennels not properly taken care of can also transmit diseases. She said that a 15 foot setback seems to be too much, and suggested a possible 7 foot setback. She suggested that the commission check with other localities to determine how to handle many of the issues that have been mentioned.

Dakota Bernacki, 24129 Johnson Avenue, said that he and his family have owned chickens for years. He said his family would clean their chicken pens twice a week and lay down fresh straw to eliminate odors. He said they would collect the waste and feathers in large trash bags and dispose of it at the transfer station. He said that keeping the pens clean will eliminate diseases. He noted that dog pens can also become a health hazard if they are not properly maintained. He explained that if chicks grew up and were roosters, they would take them to local farmers who were happy to have them. He said his family would bury dead chickens on their property just like any one would do with any family pet. He said that a large setback of 25 feet would exclude some residents from raising chickens due to lot configurations even though they do have the necessary square footage.

Gail Bernacki, 24129 Johnson Avenue, said that her family did own chickens for eight years without any issues until an anonymous complaint recently. She said that her neighbors did not have a problem with the chickens. She said they never had issues with diseases or with finding snakes in the coops. She thanked Planning Commission for researching and drafting the chicken ordinance.

Patty Flemming, 31 Church Street, said that black snakes are now mating with moccasins, so there could be poisonous black snakes found in coops. She noted that she has seen several predators in her back yard such as foxes, raccoons, and possums.

Chairman Brown thanked everyone for their valid comments. He said this issue will be discussed later on the agenda.

## **MINUTES**

Chairman Brown asked if there were any amendments to the minutes of the April 26, 2017 regular Planning Commission meeting. There being none, Commissioner Edwards made motion to approve the minutes as presented. Commissioner Stubbs seconded the motion, and the Commission unanimously passed the motion as recorded on the attached chart as motion #1.

## **DRAFT CHICKEN ORDINANCE**

Mr. Stalling reviewed the draft chicken ordinance which allows chickens in R-1 and R-4 (LDR) districts. He said he included language that permits chickens in the Public district when associated with a permitted public use.

Mr. Stallings also recommended a revision to the current chicken ordinance for the Agricultural district. He said 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 suggested removing the minimum lot size restriction or implementing one that coincides with an R-1 lot.

Mr. Stallings said he attached a letter from Councilman Bernacki providing his comments on the draft ordinance.

Councilman Edwards noted a correction needed to the language in Section 160-47. Residential District R-1 regarding farm animals such as poultry being prohibited in R-1 districts if this ordinance is passed. Mr. Stallings said he will add language to address this issue.

Councilman Willis stated that it is important for the Commission to come up with a setback requirement that is equitable between those who want to raise chickens and neighbors who are not interested in having chickens.

Councilman Edwards suggested that a 15 foot side and rear setback for the chicken pens may be more reasonable for lots within the Town.

Commissioner Stubbs shared information from a Farm Bureau article stating the dangers of being exposed to salmonella from chickens. He said that chicken swaps at local stores can be very dangerous because you do not know what condition the chickens were kept. He also questioned the legality of disposing of chicken waste at transfer stations and what owner's options were for burial or disposal of deceased chickens.

Commissioner Stubbs suggested that the Commission take more time to investigate these issues and the other issues discussed before a decision is made. He noted that the City of Suffolk voted to not allow backyard chickens in R1 districts.

After further discussion, the Commission agreed to have Mr. Stallings amend the draft ordinance to address the concerns discussed during the meeting. Mr. Stallings said he will present an amended draft chicken ordinance at the June 28, 2017 meeting for Planning Commission's discussion.

#### **REPORT FROM THE TOWN ATTORNEY**

None

#### **REPORT FROM THE ECONOMIC DEVELOPMENT AUTHORITY**

Commissioner Stubbs reported that the new Mexican restaurant, Costa Del Sol, has recently opened and seems to be doing well.

## **OTHER REPORTS OR NEW BUSINESS**

Mr. Stallings reported that he called and left Commissioner Hicks a message regarding her absences. He said he has not heard back from her.

## **ADJOURNMENT**

Chairman Brown said that the next meeting is scheduled for June 28, 2017.

There being no further business, Commissioner Stubbs made the motion to adjourn. Commissioner Edwards seconded the motion, and the Commission unanimously approved the motion as recorded on the attached chart as motion #2.

The meeting adjourned at 8:00 p.m.

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Bennie Brown, Chairman

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Terry Whitehead, Town Clerk

TOWN OF WINDSOR  
RECORD OF  
PLANNING COMMISSION VOTES

Commission Meeting Date May 24, 2017

Motion #	G. Willis	E. Lynch	B. Brown	N. Edwards	L. Marshall	G. Stubbs	D. Hicks
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Jerry Whitehead, Clerk

# Town of Windsor

## Memorandum

June 28, 2017

**TO:** Planning Commission  
**FROM:** Michael Stallings, Town Manager *MS*  
**SUBJECT:** Chicken Ordinance

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

I have included 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.

I researched what other localities have for definitions for “free range”. My research turned up no definition for free range as no locality responded with one. I did add some language into the ordinance to help clarify what “free range” means.

This is for Planning Commission’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.
  - 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.

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;