

TOWN OF WINDSOR

Town Elected Officials
 Carita J. Richardson, Mayor
 Clint Bryant-Vice Mayor
 Durwood V. Scott
 Greg Willis
 N. Macon Edwards, III
 Patty Fleming
 Tony Ambrose



Established 1902

July 28, 2016

Town Manager
 Michael R. Stallings

Town Clerk
 Terry Whitehead

Town Attorney
 Wallace W. Brittle, Jr.

Memorandum

To: Michael R. Stallings, Jr. Town Manager
 Hon. Mayor Carita J. Richardson
 Town Council Members

From: Dennis W. Carney, Planning and Zoning Administrator

Subject: Poultry in A-1 District

Issue: The proposal is to permit poultry in the A-1 Agricultural District by amending the Town of Windsor Land Development Ordinance as follows:

Adding to Section 160.53(A) (2) ... "The raising of poultry is permitted provided the A-1 Agricultural parcel or tract exceeds five acres and all pens and houses for poultry are at a minimum of fifty (50) feet from the property lines or the parcel or tract."

Amending to read as follows; "Section 160-53C (12) Raising and/or processing of swine and processing of poultry."

This proposal is completely separate from another issue regarding the permitting of chickens and pot-bellied pigs in certain residential districts. It is noted that if there are actions in the residential districts then the A-1 Agricultural amendments may have to be reexamined out of fairness and consistency.

Facts: The Town of Windsor Land Development Ordinance does not permit livestock of any type, other than horses and ponies in the LDR Low Density Residential District, in any district except A-1 Agricultural. It is controlled in two sections of the Ordinance in the A-1 Agricultural District. In Section 160-53A (2) livestock is permitted by right with the exception of intensive livestock farming. However, Section 160-53 C (12) the section that lists the potential Conditional Uses for the A-1 District makes the raising of swine and poultry a conditional use.

The Code of Virginia Section 3.1-22.28 Right to Farm act deals with restrictive ordinances. It does not permit counties, cities and **towns** to "unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district unless such restrictions bear a relationship to the health, safety and general welfare of its

citizens.” The law was passed in 1995. The present outright ban on poultry could be viewed as an unreasonable restriction for an A-1 Agricultural District.

Planning Commission Action and Public Comments: After a duly advertised public hearing, the Commission unanimously recommended that Town Council approve the amendment. Mr. Walter Bernacki of Johnson Avenue spoke in favor of the amendment.

Staff Recommendation: Staff recommends that Town Council set a public hearing on this matter for your September meeting. By that time, some decisions can be made on the other issue of chickens and pot-bellied pigs in residential districts and a course of action on the A-1 Agricultural District will be clearer.