

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
May 24, 2017
7:00 p.m.

1. Call to Order
 - a) Welcome
 - b) Roll Call
2. Public Comments
3. Approval of the Minutes of the April 26, 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 – June 28, 2017
9. Motion to Adjourn

MINUTES OF THE PLANNING COMMISSION – WINDSOR, VIRGINIA

The Planning Commission met on Wednesday, April 26, 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 – arrived at 7:03

Planning Commission member absent: Debra D. Hicks

PUBLIC COMMENTS

None

MINUTES

Chairman Brown asked if there were any amendments to the minutes of the February 22, 2017 regular Planning Commission meeting. There being none, Vice Chairman Marshall made a 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.

CHICKEN ORDINANCE

Mr. Stallings explained that at the April 11, 2017 Council meeting, Council voted to ask the Planning Commission to draft an ordinance regarding chickens in residential zoning districts; specifically the R-1 District. He said Council felt that it was appropriate for Planning Commission to revisit this issue because Isle of Wight adopted a new ordinance regarding chickens.

Planning Commission reviewed an information packet that was provided to Council at their April 8, 2017 work session. They continued to discuss setback considerations, number of chickens allowed, restricting other types of domesticated fowl, and who would be responsible for policing the ordinance to make sure that chickens are not running free on neighbor's property and making sure that the pens are being kept clean.

After further discussion, Planning Commission agreed by consensus to have Mr. Stallings draft a chicken ordinance with the maximum of six chickens being

allowed in residential districts. They agreed that the proposed ordinance will include a setback that will require that chicken coops be a minimum of 25 feet from the rear property line and at least 15 feet away from the line on each side with the pens being located behind the primary structure. The proposed ordinance will also require a 60 square foot minimum pen size and a \$25.00 chicken permit fee.

Mr. Stallings noted that Windsor High School has a chicken coop as part of their agriculture program. He recommended that there be language allowing chickens in a Public District when it pertains to educational purposes. Planning Commission was in agreement with the language allowing chickens in a Public District for educational purposes.

REPORT FROM THE TOWN ATTORNEY

None

REPORT FROM THE ECONOMIC DEVELOPMENT AUTHORITY

Commissioner Stubbs reported that as part of Business Appreciation Month, businesses will be recognized at the May 5, 2017 Concert at the Gazebo Series. He said they will be given a meal voucher, and one of the businesses attending will have an opportunity to win a Big Green Egg grill as an appreciation gift.

Mr. Stallings reported that the new Mexican restaurant, Costa Del Sol, is scheduled to open on Monday, May 1, 2017.

OTHER REPORTS OR NEW BUSINESS

None

ADJOURNMENT

Chairman Brown said that the next meeting is scheduled for May 24, 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 #2.

The meeting adjourned at 7:50 p.m.

Bennie Brown, Chairman

Terry Whitehead, Town Clerk

TOWN OF WINDSOR
RECORD OF
PLANNING COMMISSION VOTES

Commission Meeting Date April 26, 2017

Motion #	G. Willis	E. Lynch	B. Brown	N. Edwards	L. Marshall	G. Stubbs	D. Hicks
1	<i>amused @ 7:03</i>	Y	Y	Y	Y	Y	<i>absent</i>
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Jerry Whitehead, Clerk

Town of Windsor

Memorandum

May 24, 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 also recommend that we consider 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. We may want to look at removing the minimum lot size restriction or implementing one that coincides with an R-1 lot.

You will also find attached a letter from Councilman Bernacki providing his comments on the draft ordinance.

This is for Planning Commission's discussion and direction.

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 comply with all setbacks for primary structures.
 - 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 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.

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.

May 18, 2017

Walter Bernacki
Windsor Town Councilman
24129 Johnson Ave,
Windsor, VA 23487

Windsor Planning Commission
8n East Windsor Blvd.
Windsor, VA 23487

Dear Planning Chairman and Commission Members:

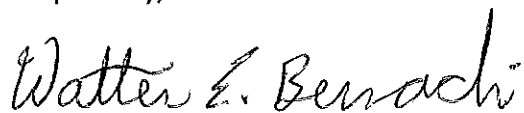
I am addressing you via this letter as I was unable to secure leave from work to speak at the meeting in person. First of all, I want to thank the Planning Commission on recommending a zoning ordinance to allow chickens in residential districts as per the Council's request.

After reviewing the minutes of your last meeting and the recommended ordinance I do have one concern. In regards to Section 2, Item B, the setbacks you have recommended are incorrect. The motion that was made and approved at the council meeting was that the Town's ordinance should mirror the County's. However, I realize the county does not have any setbacks specified. And I understand that some residents would like to have a buffer between an animal pen and their property.

I suggest that you consider a compromise on the setback where the coop or pen is treated as an auxiliary structure and will therefore have a minimum placement of 5 feet from the back lot line and 5 feet from the side lot. I think that this is reasonable as a chicken coop is not a house or primary structure.

I am making this recommendation based on the input that residents have given me regarding this issue. Those with houses set farther back, due to current zoning regulations, are concerned that they will not be able to have chickens at all due to the backyards they are left with. Your current wording, of the zoning recommendation, greatly restricts these constituents from enjoying a few chickens in their back yards. Several are even concerned and have asked if dog pens have the same restrictions as those that you are proposing for the chickens. Please feel free to contact me if you have any further questions on this matter.

Respectfully;



Walter E. Bernacki
Windsor Town Councilman