



Considerations for County Planners: Components of Zoning Ordinances Relative to Poultry

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Poultry farming is the number one agricultural enterprise in Georgia, providing significant economic benefits to local communities and the state. Poultry production has a long and impressive history as a prosperous and steady-growth business for many of Georgia's farmers. It also has a record of rapid adoption of new technology and best management programs, making it one of the most progressive agricultural enterprises with regard to environmental initiatives and community issues. As pointed out in previous publications,^(1,2) it is important to protect this vital industry by developing prudently devised and factually based zoning ordinances. When drafting ordinances related to poultry production, consider the following components and terminology:

Notice of Agricultural Adjacency

“When a non-agricultural use is proposed for property abutting existing agricultural-use properties, the developer or property owner shall be provided with a notice of agricultural adjacency at the time of application for a building permit. The applicant will be required to sign a waiver indicating that the applicant understands that there is an ongoing agricultural land use adjacent to the subject property that could produce odors, noise, dust and other effects as part of normal operation that may not be compatible with the applicant's development. By signing the waiver, the applicant agrees not to bring any nuisance action against the agricultural operation provided that said agricultural operation is operated in conformance with best management practices and all applicable local, state and federal regulations.”

Nuisance Shield

“An agricultural operation that is in compliance with the requirements of this ordinance and the requirements of state and federal regulatory agencies and local laws shall be presumed not to be a nuisance.”

Minimum Setback Waivers

“The required minimum setbacks specified within the ordinance for agricultural operations may be reduced at the discretion of the Board of Commissioners, or their designated officials, provided all affected surrounding property owners agree to the reduction. Said affected property owners shall be required to sign a waiver stipulating to this agreement.”

Minimum setback requirements are a critical component of ordinances related to concentrated livestock production. This subject has been discussed in companion publications.^(2,3)

Reciprocal Setbacks

“The required minimum setbacks specified in the ordinance shall be applied to any proposed non-agricultural use abutting or adjacent to any existing agricultural district or use, unless an agricultural adjacency waiver has been signed.”

Reciprocal setbacks are important components of ordinances for protecting agricultural operations from urban sprawl and encroachment issues.

Land Application of Manure/Waste

“All handling and land application of animal manure or waste by-product from agricultural operations shall comply with all applicable state and federal regulations.”

Land application of poultry litter as an organic fertilizer from poultry production facilities is a standard practice in Georgia. When applied properly, it has value as a fertilizer and soil amendment for many crops. The appropriate application rates for this material are achieved through the use of farm-site specific nutrient management plans and oversight by the Georgia Department of Agriculture (GDA) and the Georgia Environmental Protection Division (EPD).

Dead Animal Disposal

“Animal mortalities shall be disposed of by a method approved by EPD and GDA in a way that does not adversely affect ground or surface water or create a public health concern.”

Dead animal disposal is permitted by the Georgia Department of Agriculture. Part of the permitting process requires regular inspection of disposal facilities by GDA.

Existing Non-Conforming Facilities

“Facilities in operation at the time of adoption of this ordinance that do not meet the requirements specified herein for new or expanding operations shall be “grandfathered” in as non-conforming for the purposes of this ordinance. Such operations shall not have to comply with location and setback requirements provided they are in compliance with applicable state and federal regulations.”

References

1. *Facts for County Planners: Zoning Issues and Poultry Production*. Dan L. Cunningham, Department of Poultry Science, University of Georgia, Extension Circular 932. November, 2008.
2. *Facts for County Planners: Set-Backs for Poultry Houses*. Dan L. Cunningham, Department of Poultry Science, University of Georgia, Extension Circular 931. November, 2008.
3. *Guide for Preparing Zoning Ordinances Relative to the Poultry Industry in Georgia*. Larry R. Vest and Dan L. Cunningham, Department of Poultry Science, University of Georgia, Bulletin 842. June, 1997.

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