



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development
Applicant's Agent:
Zoning Ordinance: Morgan County Zoning Ordinance
Article 3 Definitions
Article 4 Zoning Districts and Maps
Article 7 Regulations for Specific Uses

Summary

In 2012, Morgan County reformatted the Zoning Ordinance to make it more user friendly and removed parts of the ordinance that were not used or enforced. One of the removed items was the regulations for farm animals, which required a minimum acreage per number of animals. The ratio was a state guideline that assumed that all animals would be grazed in large pastured areas, when the reality is that most animal owners supplement with feed or hay. It also created an enforcement issue that left the code officer counting animals, sometimes in large number. It appeared that the majority of animal owners were taking proper care of their animals on adequately sized land, especially with supplemental feed, and the decision was made to remove the animal regulations from the ordinance.

In the last year, the Building Permit office has seen a noticeable increase in new home permits. An interestingly large number of the homeowners are from areas to our west (Newton County, Rockdale County, or Atlanta) who say they want to escape Metro and "live in the country". However, the properties they are purchasing are small acreage. Less than 25% of the new home permits in 2017 was issued for 5 acre + zoning (AG), even though 2/3 of Morgan County is zoned AG. The number of requested parcel splits in AR zoning in the first month of 2018 indicates this small lot construction trend will continue.

The Planning Office has received several calls from real estate agents or prospective buyers asking if they may have animals in Morgan County. We respond that our Zoning Ordinance does not regulate animals. The issue is that these requests are not for AG properties, or even larger AR properties. The inquiries are for 2 acre AR parcels or smaller residentially zoned properties. The typical inquiry is related to horses on 2 acres, in addition to a house and miscellaneous accessory structures. Once construction is completed on buildings, there is usually less than one acre (sometimes significantly less) left for animals. Staff took a call in early February from a new property owner who wanted numerous pigs (they refused to give an actual number and only said "numerous" and "quite a few") on 1 acre residentially zoned land. With the current ordinance language, Staff has no recourse but to allow such requests.

Article 7, Chapter 7.13 Livestock

(currently Chapter 7.13 is blank and has been reserved to hold the number)

The following restrictions apply to the maximum number of livestock animals that may be kept on any property based on the area of the lot. Other applicable regulations, including those found in this Ordinance, shall still apply and should be consulted for restrictions on location of enclosures and other restrictions. Nothing in these provisions shall authorize keeping of livestock in zoning districts where livestock are not permitted.

- Equal to or larger than 5 acres: There are no restrictions to the number of livestock that may be kept. Other applicable provisions as to type, adequate shelter, humane care, and so forth must be obeyed. Furthermore, this Ordinance contains restrictions for setbacks, including enhanced setbacks for specific uses (i.e. poultry houses).
- Equal to or larger than 2 acres but less than 5 acres: Limited types and numbers of livestock are permitted. No more than 4 sheep, goats or alpacas shall be permitted, and no more than 20 hens. Hens must be kept in an enclosure. Roosters are not allowed.
- Less than 2 acres: It shall be unlawful to possess or keep any livestock, with the exception of up to 6 hens as a non-commercial use, which must be kept in an enclosure. Roosters are not allowed.

Livestock is prohibited in platted subdivisions, even on lots equal to or larger than 5 acres, unless the subdivision was developed under specific agricultural or equestrian design.

Article 3 Definitions to be added

Livestock: For use in this Ordinance, Livestock is a broad term that refers to animals raised for agricultural purpose, such as food, fiber or labor and means all animals in the equine, bovine or swine types, including but not limited to goats, sheep, mules, horses, hogs, pigs and cattle; all poultry including chickens, roosters and hens, other birds kept or raised such as pigeons; other grazing animals; all ratites, including but not limited to ostriches, emus, and rheas; non-traditional livestock, including but not limited to bison, deer, buffalo, alpaca, llamas; and other similar animals raised for profit or use, but not including dogs or cats.

Livestock enclosure: any structure, building, shelter, or other facility used for keeping, raising, feeding, sheltering or otherwise maintaining livestock. Fenced grazing land and fenced pasture for horses, cattle and other grazing animals shall not be included in this definition.

Beehive (apiary): Bees, combs, hives, appliances or colonies, maintained for the production of honey.

In 2012, the agricultural community expressed strong concerns about ag-related regulations in the Zoning Ordinance and how such regulations restricted farming in the county. Although it is not the intention of the Planning Office to restrict farming, a blind eye cannot be turned to the continuation of placing animals on small acreage, oftentimes in close proximity to adjacent residences. The proposed language allows for any number of livestock animals in agriculturally zoned areas, while still allowing limited numbers of animals on smaller acreage. The most common request related to animals in residential areas is for backyard chickens, which is proposed as an allowed use.

Subdivisions are treated differently in the proposed language. Typically, lots are smaller acreage in subdivisions, especially when certain conservation requirements are met. The proposed wording does make an exception for mini-farm subdivisions, of which Morgan County has a couple.

Article 4 Zoning Districts and Maps

USE DESCRIPTION	AG	AR	R1	R2	R3	C1	C2	C3	MXD1	TCO	MXD3	I1	I2	I3	LR1	LR2	LR3	LTCO	RC	See Sec.
Agricultural, Farm, and Animal Structures (d)	P (o)	P (o)	P (d) (e) (o)	P (d) (e) (o)	P (d) (e) (o)										P (d) (e) (o)	P (d) (e) (o)	P (d) (e) (o)			
Beehives (p)	P	P																		
Confined Animal Feeding Operations (l)	P	P																		

- (d) Minimum five (5) acres required for Permitted Use, use is Conditional is under 5 acres.
- (l) Confinement areas (open or enclosed) related to confined animal operations (excluding dairies), including but not limited to, poultry houses, feed lots, hog parlors, hog lots or other structures containing livestock manure shall be set back a minimum of 400 feet from the front property line, 200 feet from the side and rear property lines, 100 feet from state water and 400 feet from any residence not occupied by the owner or caretaker. Poultry houses are limited to eight (8) 25,000 sqft or six (6) 39,200 sqft confinement areas per property. Minimum distance between property lines of confined animal feeding operations is a one half (1/2) mile. Structures related to dairies must be set back 200 feet from any property line. This ordinance does not affect active grandfathered structures (with current production), provided that the above setbacks or formerly approved variances are maintained.
- ~~(e) Confined Animal Feeding Operations are prohibited in residentially zoned areas.~~
- (o) See Section 7.13 regarding animal restrictions.
- (p) Colonies shall be maintained in movable-framed hives. Adequate space shall be maintained in the hive to prevent overcrowding and swarming. Colonies shall be re-queened following any swarming or aggressive behavior. All hives shall adhere to structure setbacks. No beehives are allowed in platted subdivisions unless the subdivision was developed under specific agricultural design.

Currently the ordinance groups agriculture, farm and animal structures in one category. The proposed changes remove agriculture and farm structures, as they may be included under accessory structures which are permitted in all zoning districts. The purpose of this proposed language is to provide parameters for animals, not to limit farming operations. Even on small parcels, high density crops, such as hydroponics, may be successful and many people use pole barns for automobile or RV storage.

Note (d) is removed as it prohibited Agricultural, Farm or Animal Structures as a permitted use on properties less than 5 acres. The proposed language ties the allowance of animals, and therefore animal structures, to acreage listed in Chapter 7.13. Note (d) is not removed from the notes at the end of the use chart because it is also used elsewhere.

The proposed changes remove Note (l) from the Animal Structures category, where it was placed to provide regulations for Confined Animal Feeding Operations. Note (o), which was under Agricultural, Farm and Animal Structures to prohibit Confined Animal Feeding Operations in residential areas, is removed and replaced with a note regarding animal restrictions in Chapter 7.13. Confined Animal Feeding Operations is given its own category with the inclusion of Note (l). Beehives are also treated separately, since they are not included in the new definition for Livestock.