



# Agricultural Zoning as a Farmland Protection Tool in Georgia

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Agricultural zoning is an important farmland protection tool, and together with other tools, it forms the basis for most farmland preservation efforts in the United States today.<sup>1</sup> In effective agricultural zoning schemes, land is zoned either exclusively or almost exclusively for agricultural uses. In addition, agricultural zoning usually mandates lot sizes of over 10 acres, or a size appropriate for the successful management of a farm or ranch operation. In this way, agricultural zoning entails more than simply designating all under-developed or non-developed lands in the agricultural zone with the idea that they can later be rezoned for other uses. Instead, agricultural zoning represents a cost-effective, planning-based approach that local governments can use to preserve farmland and create an economically sustainable agriculture industry in an area for future generations. In Georgia, a local government has the power to enact agricultural zoning under its general zoning power and needs no specific statutory authorization from the state legislature to do so.<sup>2</sup>

## Introduction to Agricultural Zoning

### ***Exclusive Agricultural Zoning***

Exclusive agricultural zoning permits use of the land for agricultural purposes only, allowing for a very limited amount of non-farm related development. Usually, only compatible or accessory buildings, such as barns, are permitted, and even requests to build residential farm dwellings are not allowed “by right” and must be reviewed by the planning staff or governmental body.<sup>3</sup> Subdividing of the land for residential purposes is usually prohibited, as is all commercial and industrial development. However, in some cases, a very limited amount of residential, commercial, or industrial development may be allowed as a conditional use.<sup>4</sup>

### ***Non-Exclusive Agricultural Zoning***

In contrast, non-exclusive agricultural zoning allows for some non-agricultural uses of the land. Typically, in non-exclusive agricultural zones, the only use permitted other than agricultural are residential uses.<sup>5</sup> In some non-exclusive zones, these residential uses are permitted “by right” and in others they are not, meaning that landowners wishing to use their land for non-agricultural purposes must apply for a conditional use permit and show that the proposed use is compatible with the surrounding agricultural uses.<sup>6</sup>

Among non-exclusive agricultural zoning districts that allow residential uses (but not other types of non-farm uses), local governments usually place severe density limitations upon residential uses to ensure that the land in the agricultural district remains rural and agricultural in

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<sup>1</sup> Mark W. Cordes, *Agricultural Zoning: Impacts and Future Directions*, 22 N. Ill. U. L. Rev. 419, 422 (2002).

<sup>2</sup> GA. CONST. art. IX, § 2, para. 4.

<sup>3</sup> Anthony R. Arcaro, *Avoiding Constitutional Challenges to Farmland Preservation Legislation*, 24 Gonz. L. Rev. 475, 480 (1989); Cordes, *supra* note 1, at 423; John M. Hartzell, *Agricultural and Rural Zoning in Pennsylvania: Can You Get There From Here?* 10 Vill. L. Rev. 245, 259 (1999).

<sup>4</sup> For example, small farmer’s markets are often permitted as a conditional use. Many localities also permit a limited amount of lots to be subdivided from a larger parcel for use by family members as primary residences or farming homesteads.

<sup>5</sup> Cordes, *supra* note 1, at 423. Examples of some other non-farm uses that are permitted in some non-exclusive agricultural zoning schemes include: forestry uses, nurseries greenhouses, wildlife refuges, fish hatcheries, schools, beekeeping, non-commercial recreation (such as family pools and tennis courts). See *infra* Section III.C.

<sup>6</sup> Arcaro, *supra* note 3, at 480.

character.<sup>7</sup> Local governments across the nation have developed a variety of methods for calculating these density limitations, but the majority use an approach that sets out very large minimum lot sizes.<sup>8</sup> When using minimum lot sizes to limit residential development in agricultural zones, the minimum residential lot size typically should correspond to the minimum size of commercial farms in the area in order to be effective. Therefore, the minimum lot size in agricultural zones across the country ranges anywhere from 5-10 acres to 320 acres or more.<sup>9</sup>

While not as common as the minimum lot approach, another way that many local governments limit residential density in non-exclusive agricultural zones is through an area-based allocation system. Unlike the minimum lot size method, this system bases the amount of development allowed upon the total size of the parcel.<sup>10</sup> Further, there are two types of area-based allocation methods: the fixed scale and sliding scale systems. Under the fixed system, landowners may build one dwelling unit per specified acreage amount; for example, one dwelling unit per 20 acres.<sup>11</sup> The other type of area-based allocation is the sliding scale system. Under this system, the landowner is still permitted to build a certain number of houses per amount of acreage, as under the fixed scale system. However, the number of houses permitted decreases as the size of the landowner's parcel increases.<sup>12</sup> For example, an ordinance with the sliding scale system might permit two landowners, one owning a 50 acre parcel and the other owning a 100 acre parcel, to both construct three dwelling units and four dwelling units, respectively, on their properties.<sup>13</sup>

Other types of non-exclusive agricultural zoning systems exist beyond these two most common methods of minimum lot size requirements and area-based allocation. A system known as quarter/quarter zoning allows for one non-farm building every 40 acres. If a parcel is smaller than 40 acres, no non-farm development is allowed. For parcels larger than 40 acres, one non-farm building is permitted for every 40 acres of land within the parcel. This is a density standard, not a minimum lot size, so that the non-farm buildings may be clustered together on parcels that are large enough to allow for more than one building. Also, lots for these non-farm buildings (i.e., residential dwellings) must meet other standards, such as one acre minimum lots and/or public road access, in order to be approved.<sup>14</sup>

Finally, some localities limit the number of subdivision developments allowed in agricultural zones, and this type of zoning typically permits development only in areas where the soil is of marginal quality for farming. Also, this zoning type allows the landowner to create a certain

<sup>7</sup> Cordes, *supra* note 1, at 423.

<sup>8</sup> *Id.*; Hartzell, *supra* note 3, at 259.

<sup>9</sup> Cordes, *supra* note 1, at 423; Hartzell, *supra* note 3, at 259.

<sup>10</sup> Hartzell, *supra* note 3, at 259.

<sup>11</sup> *Id.* at 259-60.

<sup>12</sup> *Id.* at 260.

<sup>13</sup> The Shrewsbury Township and York County, PA ordinance is an example of a sliding scale, area-based ordinance:

<b>Size of Parcel</b>	0-5 acres	5-15 acres	15-30 acres	30-60 acres	90-120 acres	120-150 acres
<b>No. of Dwellings Permitted</b>	1	2	3	4	5	6

Hartzell, *supra* note 12, at 260 n.82.

<sup>14</sup> Arcaro, *supra* note 3, at 480-81; Cordes, *supra* note 1, at 424.

number of lots, regardless of lot size, and, in this way, it is similar to cluster zoning in agricultural areas.<sup>15</sup>

### ***Advantages and Disadvantages of Agricultural Zoning***

As Georgia localities assess whether to implement agricultural zoning, they need to be aware of both its advantages and disadvantages as a farmland protection tool. The most significant advantage is that agricultural zoning results in the relatively quick preservation of large tracts of land for almost no cost to the local government. Other advantages to mandatory agricultural zoning include avoiding limitations of voluntary farmland preservation systems. It also avoids the financial limitations of purchase of development rights (“PDR”) programs. Most localities in Georgia do not have the resources needed to purchase significant amounts of development rights from agricultural lands. Finally, zoning is a familiar and widely-used method of regulating land use, so it is relatively accepted by the general public.<sup>16</sup>

Disadvantages of agricultural zoning as a preservation tool include potential legal challenges to the restrictions because of the perceived unfairness of limiting the residential and commercial development potential of agricultural lands. Also, zoning restrictions are susceptible to change when development pressure increases, possibly making them ineffective as a permanent land preservation method. Finally, improperly implemented agricultural zoning can actually frustrate the goals of farmland preservation and creation of an economically sustainable agriculture industry by perpetuating suburban sprawl in the agriculture zone(s). Sprawl can, and likely will, occur in an agricultural zone when the minimum lot size (or other mechanism that controls subdivision of the land) in the zone allows for subdivision of the land into lots that are smaller than the average size of farms in the area and are therefore too small to farm in an economically sustainable way over the long term.<sup>17</sup>

Most local governments can significantly mitigate these disadvantages if they correctly implement and enforce agricultural zoning. For instance, if, at the outset, the local legislative body chooses the correct type of agricultural zoning that suits the needs of its jurisdiction and spends adequate time and energy mapping the agricultural district(s), then the system will assuredly preserve adequately sized tracts of farmland that will help to create a permanent, economically sustainable agriculture industry in the zone(s).<sup>18</sup>

### ***Current Use of Agricultural Zoning In Georgia***

Currently, most counties in Georgia that have zoning or land use ordinances have some type of district(s) designated for agricultural uses. However, most of these counties zoning schemes most likely will not effectively preserve farmland or an economically sustainable agriculture industry in their jurisdiction over the long term because most allow for minimum lot sizes in the agriculture district(s) that are too small to support agricultural operations over the long term. Indeed, many rural counties in Georgia have minimum lot sizes of 2 to 3 acres in their agricultural districts, and the vast majority allow for minimum lots of 5 acres or less.<sup>19</sup> In most areas of Georgia, minimum lot sizes should likely be at least 10 acres to adequately preserve farmland and agriculture, and local governments should conduct their own economic studies to more accurately determine the best minimum lot size for their jurisdictions.

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<sup>15</sup> Arcaro, *supra* note 3, at 480-81.

<sup>16</sup> Cordes, *supra* note 1, at 422, 444-45.

<sup>17</sup> See *id.* at 422, 445.

<sup>18</sup> See *id.* at 439-440.

<sup>19</sup> Information gathered by author and on file with author.

However, there are some jurisdictions in Georgia that have implemented more protective agricultural zoning. In a survey of southwest Georgia,<sup>20</sup> it was found that both Lee County and Dougherty County have attempted to limit residential density in agricultural zones. Lee County uses the minimum lot size method and requires 25 acre lots in its agricultural districts.<sup>21</sup> Dougherty County does not use a true minimum lot size method and instead prohibits subdivision of parcels zoned for agricultural use that are greater than 10 acres in size. For parcels less than 10 acres, the ordinance allows subdivision into 2 acre lots, but no smaller. In addition, the minimum amount of contiguous land that may be zone as agricultural is 40 acres, regardless of the size of the individual parcels making up that contiguous tract.<sup>22</sup> This method effectively preserves large, farmable parcels from being developed but still allows for owners of smaller parcels that likely cannot be farmed economically anyway to obtain some financial return on their land. Other than in these two counties, the minimum lot sizes allowed in the other counties surveyed are significantly lower than what should be allowed under true agricultural zoning. Lowndes County and Clay County both mandate minimum lot sizes of 5 acres,<sup>23</sup> but the rest of the counties surveyed either allow lot sizes of 2 acres or less, or they do not have a zoning ordinance.

In other parts of Georgia, several jurisdictions have implemented fairly large minimum lot sizes in their agricultural zones. Pickens County recently adopted its Land Use Districts Ordinance, which sets out a 10 acre minimum lot size in the agricultural zone.<sup>24</sup> Oconee County has three agricultural zones, the largest of which has a 5 acre minimum lot size requirement.<sup>25</sup> Athens-Clarke County has adopted an agricultural-residential zone with a 10 acre minimum lot size, although conservation subdivisions with a density of 1 unit to 5 acres or less are permitted.<sup>26</sup>

Finally, Forsyth County has adopted a unique program aimed at preserving large tracts of farmland. Under this system, agricultural landowners wishing to protect their land for agricultural and farm uses in the long-term can voluntarily designate their land as part of the Agricultural Protection District. Once their land is so designated, landowners are eligible for more favorable tax assessment. Land within this district may not be further subdivided, and the types of new construction permitted are highly restricted. In order to combat the possibility of nuisance claims, adjacent landowners must file a notice of adjacency before developing a parcel that is adjacent to land in the Agricultural Protection District. As part of the notice, the adjacent landowner waives virtually any nuisance claim he or she may have that results from the farming activity in the Agricultural Protection District. The designation as part of the Agricultural Protection District does not carry over to subsequent landowners. When the land designated as part of the district is transferred, the new owner must seek to re-designate it as part of the district if he or she wishes it to remain classified as such.<sup>27</sup>

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<sup>20</sup> Survey conducted as part of the *Georgia Southern Rivers Scenic Byway Corridor Management Plan* and contained the following counties: Lee, Dougherty, Lowndes, Clay, Randolph, Calhoun, Baker, Grady, Colquitt, Early, Miller, Decatur, Thomas, Brooks, Seminole, Terrell, Mitchell, and Worth.

<sup>21</sup> LEE COUNTY, GA., CODE OF ORDINANCES § 70 (2005).

<sup>22</sup> DOUGHERTY COUNTY, GA., CODE OF ORDINANCES § 2.03 (2004).

<sup>23</sup> Lowndes County, Ga., Zoning Ordinance § 5-2 (May 11, 2004); Clay County, Ga., Zoning Ordinance § 8 (2004).

<sup>24</sup> Pickens County, Ga., Land Use District Ordinance (May 2, 2005).

<sup>25</sup> Oconee County, Ga., Zoning Regulations (April 5, 2005).

<sup>26</sup> ATHENS-CLARKE COUNTY, GA., CODE OF ORDINANCES ch. 9-5 (2005).

<sup>27</sup> FORSYTH COUNTY, GA., UNIFIED DEVELOPMENT CODE ch. 15 (2005).

# Implementing Agricultural Zoning in Georgia

This section aims to walk local governments in Georgia through the process of establishing a successful agricultural zoning scheme. By following these helpful tips, localities can be assured that they are implementing a system that has the backing of stakeholders and the wider community, is legally defensible, and will fulfill the goal of preserving farmland and, as a result, an economically sustainable agricultural industry in their jurisdictions for the long term. The tasks for implementing effective agricultural zoning found below should not necessarily be performed in the order presented, but the order does represent a reasonable methodology that a locality could use.

## ***Mapping the Agricultural Districts***

Local governments should implement agricultural zoning only in areas well-suited for agriculture both ecologically and economically speaking. From an economic standpoint, areas where agriculture is likely to remain an economically viable use of the land in the long term, provided that the land is not subdivided into parcels that are too small to farm sustainably, should be designated as part of the agricultural district.<sup>28</sup> This information can be gathered by researching the character of and existing land uses found in the areas surrounding the potential agricultural district(s), the likelihood of development pressure in the potential district in future years, and whether the current sizes of the existing parcels in the potential district are already too small to adequately ensure that agriculture remains an economically viable use of that land in the long term. Ecologically speaking, decisions to designate parcels in the agricultural district should be based upon objective criteria such as suitability of the soil for agriculture, and long-term availability of other necessary resources, such as water.

When making these decisions about which lands to designate in the agricultural district(s), communities should consult available existing resources such as the local government's comprehensive plan, existing zoning map, soil survey maps, greenspace and/or conservation plans, and water resources plans in order to designate agricultural districts. In addition, localities should make sure that they do not designate parcels as part of the agricultural district in a piecemeal fashion, but that they adopt a comprehensive and logical strategy for designating the district(s). Finally, at the outset, local governments should involve the community in the process of designating the agricultural districts, and should consider appointing a stakeholder panel to aid in this decision.

## ***Choosing the Type of Agricultural Zoning***

Once a local government decides to implement agricultural zoning, one of the first things it must decide is which type of zoning will best suit the jurisdiction. If localities carefully consider the type of agricultural zoning that is best suited for their community, the possibility of a legal challenge will be reduced significantly, and the likelihood that goal of farmland preservation will be accomplished will increase significantly. First, a locality must consider the purposes the different types of agricultural zoning serve. Then, considering these purposes, it should choose the type of zoning that will best meet the future needs of their jurisdiction. While this process is not an exact science, there is enough information available so local governments can make educated choices about which system will work best in their city or county.

The purpose of exclusive agricultural zoning is to minimize conflicts between residential and farm uses by simply separating these two types of land uses and disallowing all residential uses

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<sup>28</sup> See Cordes, *supra* note 1, at 435.

in the agricultural zone(s).<sup>29</sup> Therefore, it may be most appropriate in areas unlikely to experience any significant growth pressure in the coming decades, and where the local agriculture uses are relatively intensive. In these types of areas, residential and agricultural uses are the most incompatible. Also, landowners in areas not likely to be faced with development pressure are less apt to view agricultural zoning as an unfair restriction that significantly reduces the value of their land because it diminishes the likelihood that they will be able to profit from the sale of their land.

In Georgia, due to the immense growth pressures facing many agricultural areas, exclusive agricultural zoning may not be the best option. In addition, Georgia farms are, on average, smaller than the immense “agribusiness” farms found in the Midwest, and the agriculture practiced is relatively less-intensive than that of these large, commercially-owned farms.<sup>30</sup> Therefore, for most Georgia counties, non-exclusive agricultural zoning may be a better option.

There are several types of non-exclusive agricultural zoning from which a local government can choose. The simplest method is to impose large minimum lot size restrictions on all residential uses in agricultural areas. In areas facing low to moderate development pressures, this is likely an adequate solution. In Georgia, the minimum lot size should generally be no less than 10 acres in order to adequately preserve significant tracts of farmland or open space. However, the Georgia Quality Growth Partnership recommends an even larger minimum lot size of 20-25 acres in order to prevent “rural sprawl” from occurring.<sup>31</sup>

While implementing a form of the area-based allocation system will be more complicated and time-consuming for the locality up front, in the long run it will serve to create a more effective and efficient land preservation system in agricultural areas facing significant development pressures. This option directs development towards the most logical areas by permitting greater residential development on smaller parcels, which are less likely to be used for agricultural purposes in the long term. In addition, by allowing for more development, area-based allocation will likely help to increase landowners’ support for agricultural zoning. Further, agricultural landowners will likely view area-based allocation as more equitable and fair, in that the amount of development allowed is based on total acreage of the parcel, rather than on standard minimum lot sizes that apply to all landowners regardless of their parcel’s size.<sup>32</sup>

### ***Ensuring Public Participation***

Involving the public in the decision-making process is key to any successful land use legislation. In addition, by securing the backing of the relevant stakeholders, the likelihood of legal challenges is greatly reduced.<sup>33</sup> The public should be involved at most stages of the planning process, including mapping of the agricultural districts, choosing the type of agricultural zoning, setting the minimum lot size (if applicable) and determining enforcement procedures and methods. Methods for involving the public and gaining stakeholder support include: providing public notice of rezoning hearings and other public meetings; holding frequent public meetings that provide opportunities for community input; and appointing stakeholder panels.

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<sup>29</sup> Arcaro, *supra* note 3, at 480.

<sup>30</sup> See American Farmland Trust, “AFT Around the Country, Southeast Region,” *available at* [www.farmland.org/southeast/georgia.htm](http://www.farmland.org/southeast/georgia.htm).

<sup>31</sup> See Georgia Quality Growth Partnership, “Toolkit of Best Practices, Agricultural Zoning” *available at* <http://www.georgiaqualitygrowth.com/ToolDetail.asp?GetTool=52#Guides>

<sup>32</sup> Cordes, *supra* note 1, at 424, 447; Hartzell, *supra* note 3, at 260.

<sup>33</sup> See *id.* at 449.

### ***Use in Combination with other Land Use Planning Tools***

Throughout the United States, agricultural zoning is the foundation of most farmland preservation efforts. However, agricultural zoning alone cannot adequately protect farmland and rural landscapes from development pressures. Most jurisdictions desiring to protect farmland use agricultural zoning in conjunction with other tools such as PDR and/or TDR programs, conservation easements, voluntary farmland preservation statutes/ordinances, tax incentives, and differential tax programs. Also, local governments should incorporate agricultural zoning into an overall comprehensive plan that designates other areas for more dense residential and commercial development to accommodate growth and provide affordable housing.<sup>34</sup> For more information on these tools, please visit the River Basin Center's Tools for Quality Growth website at <http://www.rivercenter.uga.edu/service/tools/tools.htm>

### ***Rezoning of Agricultural Lands***

If the local government makes a clear commitment to land preservation at the outset, then the agricultural zones will be much less susceptible to frequent upzonings for residential and commercial uses.<sup>35</sup> While some rezonings are inevitable and even desirable under any zoning-based land use scheme, a local government that wishes to protect agriculture in its community must map its agricultural zones with ample planning foresight, a long-term vision for farmland preservation, and extensive community input. The local government should then adopt a policy of denying rezonings of parcels in the agricultural districts for residential or commercial uses unless certain objective standards that are explicitly set out in their zoning ordinance are met. Such standards might include: whether or not the landowner will be denied all economic use of the land or; whether or not the parcel has become an "island" of agricultural use among a "sea" of residential and commercial uses.

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<sup>34</sup> Cordes, *supra* note 1, at 446-47; 452-53.

<sup>35</sup> *Id.* at 424, 447-49, 452-53.



## Appendix A

### Agricultural Zoning: Case Studies

These ordinances are listed on the website of the American Farmland Trust ([www.farmland.org](http://www.farmland.org)) as examples of effective agricultural zoning ordinances for purposes of protecting agricultural landscapes. When implementing agricultural zoning, local governments must address three key issues: (1) permitted uses; (2) density requirements; and (3) performance standards. The following examples of several different types of agricultural zoning schemes illustrate the types of systems that are available to local governments. Each of these ordinances addresses these three key issues in different ways.

#### **Loudon County, VA**

Loudon County, Va., Zoning Ordinance (Jan. 7, 2003), available at <http://inetdocs.loudoun.gov/b&d/docs/1993zoningordin/>

- 1) Permitted Uses: The County's agricultural zoning scheme has two types of agricultural zones. In both zoning districts, "pick your own" farms, "agritainment," "agri-education," animal care business, farm-based tourism, wayside stands, farm markets, and eco-tourism are uses permitted by right.
- 2) Density Requirements: In Loudon County's AR-1 district, the minimum lot size is 20 acres, and in the AR-2 district, the minimum lot size is 50 acres.
- 3) Performance Standards: This county has very detailed performance standards. In fact, Loudon County has a separate "Performance Standards" ordinance. The "Performance Standards" ordinance sets out requirements more specifically for each of the permitted uses listed above.
  - a. Farm-Based Tourism: The Performance Standards for farm-based tourism state that "the farm based tourism use shall be operated or maintained by the owner, operator, or occupant of the land upon which the primary associated agriculture, horticulture or animal husbandry use is being conducted." The minimum lot area for the farm-based tourism use is 5 acres. However, the minimum lot area increases based upon the number of visitors attracted to the use. The performance standards also specify permitted hours of operation, dimension standards, building size standards, and parking.
  - b. Farm Markets: The performance standards for farm markets state: "A minimum of 25% of the gross sales receipts must be derived directly from agricultural products produced on site or other property owned by the operator. An annual report verifying the portion of sales derived from products produced on site shall be submitted on request to the Zoning Administrator." The standards also specify along which types of roads that farm markets may exist: "Farm markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance to the farm market shall have safe sight distance and may be required to have right and left turn lanes."
  - c. Wayside Stands: "Wayside stands are for retail sales provided the principal sales items sold are farm and garden products produced principally on-site. The term "on-site" shall be defined as all locations (separate parcels) used by the owner or tenant for farming (agriculture, horticulture or animal husbandry). Permanent retail sales areas within structures shall not exceed, in the aggregate, 1800 square feet in floor area. Sales

areas for accessory products shall be limited to 25% of the gross sales area. Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories. Entrances and exits to the wayside stand from public roadways shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted vehicular access to and from the premises. Wayside stands may erect signs in compliance with Section 5-1203(L).”

d. Agricultural Support Uses: “Pick your own” farms and “agritainment” are defined as “agricultural support uses” by the Performance Standards and regulated under the section with that title. An agricultural support use is a use “in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.”

## **Contra Costa County, CA**

CONTRA COSTA COUNTY, CAL., CONTRA COSTA COUNTY CODE tit. 8, div. 84 (2005), available at [http://www.ordlink.com/codes/ccosta/\\_DATA/TITLE08](http://www.ordlink.com/codes/ccosta/_DATA/TITLE08)

1) Permitted Uses: Contra Costa County has seven different agricultural districts, and all allow for detached, single family dwellings except the heavy agriculture district. Because it has so many types of agricultural districts, this ordinance represents a fairly complex regulatory scheme.

a. Light Agriculture District: Allows small farming only and also allows keeping of livestock. Farm standards permitted use by right.

b. General Agriculture District: Allows all types of agriculture. On parcels less than 10 acres in size, allows some other agricultural uses such as warehouses, granaries, dehydration plants, hullers, fruit and vegetable packing plants, and agricultural cold storage plants. Farm stands are a permitted use.

c. Heavy Agriculture District: Allows all uses in light and general agriculture district, except for a single family dwelling on each lot is not permitted (i.e. no residential uses allowed). However, a “Residence of the owner, lessee, or lessor of the land on which the use is conducted” is permitted.

d. A-4 Agriculture Preserve District: Certain agricultural and compatible uses require a permit, including farm stands. Also, residential structures to be built on lots less than 20 acres in size require a permit. Otherwise, residences on lots greater than 20 acres are permitted by right. Other agricultural and compatible uses that are specifically agreed upon between the county and the landowner are permitted. They must enter into an agreement and designate it in writing.

e. Exclusive Agriculture Districts: There are three types of exclusive agriculture districts. All types of agriculture, some accessory agricultural uses, and farmstands are permitted uses by right. Residences are also permitted by right. The only variation between the districts is that each has a different minimum lot size.

2) Density Requirements: Each district has a different minimum lot size requirement.

a. Light Agriculture District: Cannot establish a structure on a lot less than 120 feet in size.

b. General Agriculture District: Minimum lot size is five acres.

c. Heavy Agriculture District: The minimum parcel size for any agricultural use in this district is 10 acres, except for certain uses (such as poultry and berry farms) where the minimum parcel size is 2.5 acres.

d. A-4 Agriculture Preserve District: Minimum lot size is 20 acres.

e. Exclusive Agriculture Districts: A-20 district has a minimum lot size of 20 acres, the A-40 a minimum lot size of 40 acres, and the A-80 a minimum lot size of 80 acres.

## **Plainfield, IL**

VILLAGE OF PLAINFIELD, ILL., CODE OF ORDINANCES, ch. 9, art. 5 (2005) *available at* [www.municode.com](http://www.municode.com).

In contrast to Contra Costa County, CA, the Plainfield, IL agricultural zoning scheme is very simple. However, this does not translate to less effective or protective zoning measures. On the contrary, the ordinance's simplicity is likely one of its main strengths because it makes it easier to use and understand.

1) Permitted Uses: Plainfield's ordinance has one agriculture district. Uses permitted by right include "farming of any kind," farmstands, parks and forest preserves, and single family detached dwellings (one per lot only).

2) Density Requirements: The minimum lot size is 40 acres.

## **Lancaster County, PA Model Ordinance**

Smart Communities Network, Model Agricultural Zoning Ordinance, Lancaster County, Penn., *available at* <http://www.sustainable.doe.gov/codes/agzon.shtml>

This model ordinance is very well-organized and easy to follow. It contains a definitions section and a purpose statement that sets out the goals for the agricultural zoning scheme.

1) Permitted Uses: The ordinance also sets out only one agriculture district, which makes it easy to understand and apply. For the one agricultural district, the ordinance neatly sets out the permitted uses versus special exceptions uses in sections entitled "Uses By Right," "Uses Requiring Special Exceptions." Also, unlike any of the other ordinances survey, this model ordinance specifically lists the incompatible uses in a separate section, which is helpful to both landowners and government officials administering the zoning ordinance.

In the model ordinance, permitted uses include: all forms of agriculture (except new Intensive Agricultural Activities, see Section 402.2 below), horticulture, and animal husbandry, including necessary farm structures; forestry uses, including sawmills; farm dwellings; production nurseries and production greenhouses; wildlife refuges and fish hatcheries; private elementary schools which may include classes only through grade nine; uses accessory to a principal use, which includes roadside stands for the sale of agricultural products, among other things.

2) Density Requirements: The model ordinance contains a section entitled "Limitations on Subdivision of Tracts" which states that "parent tracts" of 50 or more acres are permitted by right. It then sets out a scheme that allows some subdivision of lots in an area-based scheme. The ordinance states that:

Each parent tract of 50 or more acres shall be permitted to subdivide a combination of one or more farm parcels and/or non-farm lots up to, but not in excess of, a total of one such non-farm lot or one such farm parcel for each 50 acres of area within the parent tract. For example, a parent tract having 125 acres is permitted an ultimate subdivision into a total of two lots or parcels, such as i) two farm parcels, ii) one farm parcel and one non-farm lot, or iii) two non-farm lots.