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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Work Session  
Thursday, August 23, 2018  
6:00 p.m.**

**AGENDA**

1. Call to Order
2. Approval of Agenda
3. Public Comment on Non-Agenda Items
4. Approval of Minutes: August 9, 2018
5. Agritourism Ordinance Review
6. Any Other Business
7. Planning Commissioner Comments
8. Adjournment

**Policy for Public Comment**  
**Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be board discussion prior to call for a motion.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment or Citizen Comment on Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)  
(revised 5/14/2013)

**Policy for Public Comment**  
**6:00 p.m. "Public Comment"/Portion of Township Board Meetings**

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

While this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 2/27/2001)  
(revised 5/14/2013)

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD AUGUST 9, 2018**

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**Agenda**

**PUBLIC HEARING: CORNER@DRAKE SIGN DEVIATION**

**TSFR PIZZA, LLC, REQUEST FOR A DIMENSIONAL DEPARTURE FROM SECTION 76.170 OF THE TOWNSHIP ZONING ORDINANCE, TO ALLOW A THIRD WALL SIGN WHEN ONLY TWO ARE PERMITTED. THE DEPARTURE IS REQUESTED UNDER SECTION 60.405 OF THE PLANNED UNIT DEVELOPMENT ORDINANCE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE CORNER@DRAKE PLANNED UNIT DEVELOPMENT AT THE NORTHWEST CORNER OF STADIUM DRIVE AND DRAKE ROAD, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-25-075-029.**

**PUBLIC HEARING: 6343 STADIUM DRIVE OFFICE CONVERSION**

**APPLICATION FROM JEFF PAULSON, HURLEY & STEWART ON BEHALF OF JONAS CRUMP FOR CONSIDERATION OF A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW TO CONVERT A SINGLE-FAMILY HOME TO A PROFESSIONAL OFFICE LOCATED AT 6343 STADIUM DRIVE IN THE VC: VILLAGE COMMERCIAL DISTRICT. PARCEL NO. 3905-26-474-010.**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, August 9, 2018, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

**MEMBERS PRESENT:** Cheri Bell, Chairperson  
Fred Antosz  
Ollie Chambers  
Dusty Farmer, Secretary  
Micki Maxwell  
Mary Smith  
Bruce VanderWeele, Vice Chairperson

**MEMBERS ABSENT:** None

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and three interested persons.

## **Call to Order and Pledge of Allegiance**

Chairperson Bell called the meeting to order at approximately 7:00 p.m. and invited those present to join in reciting the "Pledge of Allegiance."

## **Agenda**

Chairperson Bell asked if there were any additions or deletions to the proposed agenda. Hearing none, she asked for a motion.

Mr. Antosz made a motion to accept the agenda as presented. Mr. VanderWeele supported the motion. The motion was approved unanimously.

## **Public Comment on Non-Agenda Items**

The Chair determined no one in the audience cared to comment regarding non-agenda items and moved to the next agenda item.

## **APPROVAL OF THE MINUTES OF THE WORK SESSION AND REGULAR MEETING OF JULY 26, 2018**

The Chair asked if there were any additions, deletions or corrections to the Work Session or Minutes of the Regular Meeting of July 26, 2018. Hearing none, she asked for a motion.

Mr. VanderWeele made a motion to approve the minutes of the Work Session and the Regular Meeting of July 26, 2018 as presented. Mr. Chambers supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next agenda item.

## **PUBLIC HEARING: CORNER@DRAKE SIGN DEVIATION TSFR PIZZA, LLC, REQUEST FOR A DIMENSIONAL DEPARTURE FROM SECTION 76.170 OF THE TOWNSHIP ZONING ORDINANCE, TO ALLOW A THIRD WALL SIGN WHEN ONLY TWO ARE PERMITTED. THE DEPARTURE IS REQUESTED UNDER SECTION 60.405 OF THE PLANNED UNIT DEVELOPMENT ORDINANCE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE CORNER@DRAKE PLANNED UNIT DEVELOPMENT AT THE NORTHWEST CORNER OF STADIUM DRIVE AND DRAKE ROAD, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-25-075-029.**

The Chair asked Ms. Johnston to present the Staff report regarding this application.

Ms. Johnston reported the building in question is attached to the existing Trader Joe's store and was developed in the spring of this year as part of the Corner@Drake

Planned Unit Development (PUD). Construction brought the building to a “white box” condition where lease space could then be rented. These individual units are in the process of being leased, which includes the space that will house the applicant, a restaurant called Mod Pizza.

She indicated the subject building has visibility from three roadways—Stadium Drive, Century Avenue, and Drake Road—as well as prominent visibility from the pedestrian plaza located to the east of the structure. The applicant is requesting approval for three wall signs where only two are permitted per Section 76.170: *Commercial and office land uses* of the Oshtemo Township Sign and Billboard Ordinance. This Ordinance controls signage in commercially-zoned areas and indicates multi-tenant commercial structures are only allowed two wall signs per constituent tenant space. In contrast to this, standalone buildings are allowed four wall signs.

Section 60.405 of PUD Ordinance allows the Planning Commission to consider a departure from the dimensional requirements of the Zoning Ordinance. To grant non-variance relief, the Commission must find that the proposed departure from the ordinance benefits the PUD, as well as the development’s patrons and the community.

For context, Ms. Johnston noted the Planning Commission previously approved departures from the Zoning Ordinance, under the standards of section 60.405 at the Corner@Drake development including:

- Allowance of off-site signage in order for the free-standing sign at Drake Road and Century Avenue to advertise PUD properties without frontage on Drake.
- Permission for three wall signs for the Trader Joe’s development.

For this particular request, she said the applicant contends allowing one additional wall sign for the restaurant would yield the following:

1. Increased visibility for motorists passing on all three roadways that have line of sight to the restaurant.
2. Signage visibility for pedestrians accessing the plaza and non-motorized facilities within the PUD.
3. Consistency with past approvals within the Corner@Drake PUD.

Ms. Johnson said that since some flexibility has been granted regarding signage at the Corner@Drake PUD in the past, Township Staff felt approval of this request would be in keeping with the Planning Commission’s general approach to implementing Section 60.405 of the PUD Ordinance. Substantial justice will be observed; the public health, safety, and general welfare will not be compromised; and it can be argued that allowing this additional wall sign will make for a more cohesive, user-friendly commercial development.

She added that while the previous approval for the Trader Joe's sign was specifically limited to that user, Staff would recommend the Planning Commission consider the larger PUD at this time. The "white box" retail buildings located at the southeast corner of the PUD will have multiple users, some of which will have more than two exterior walls for the placement of signs. With the limits on ground mounted signs within the PUD (ground mounted signs are found only along Drake Road), it is very likely other users will be requesting this same allowance, if exterior wall space is available. However, wall signs need to be managed to avoid visual clutter. She noted single use buildings within the PUD are allowed four signs, but multi-tenant buildings are allowed only two signs.

Given these findings, Staff recommended approval of the request for additional wall signage within the Corner@Drake PUD, delineating the following:

*Uses located within multi-tenant buildings within the Corner@Drake PUD shall be allowed one wall sign per exterior wall of the tenant premises, for a maximum of three wall signs per tenant.*

Chairperson Bell was surprised to find out Costco was not part of the PUD.

Ms. Johnston explained the PUD was formed after Costco was built, that they owned their own property, and did not want to participate in the PUD.

Hearing no further questions, Chairperson Bell asked the applicant to speak.

Mr. Ryan Jones, TSFR Pizza, 9613 Tennyson Drive, Plymouth MI, part of Team Schostak, complimented Planning Staffs' helpfulness and how the process was handled.

In answer to a question from Chairperson Bell, he indicated he was not aware of any plans for a pole sign for Mod Pizza. He expects they also will be providing an "Olga's Kitchen" in the PUD.

There being no further questions for the applicant, the Chair moved to Board Deliberations.

Ms. Smith expressed concern that approving staff's recommendation, allowing three signs per tenant, might lead to visual sign clutter. It might be better to allow only the three signs for Mod Pizza at this time, and use it as a test case, then allow the other "white space" areas of the buildings be leased before extending a three-sign limit to all multi-tenant buildings within the PUD.

There was some discussion of this suggestion. Several Board members felt approving staff's recommendation of three signs per tenant now would not be a problem, but agreed visual blight should be kept in mind and were willing to go either

way. It was noted if an applicant wanted a sign that was larger than permissible, they would have to come before the Planning Commission.

Ms. Smith made a motion to approve the dimensional departure from Section 76.170 of the Township Zoning Ordinance to allow a third wall sign where only two are permitted under Section 60.405 of the PUD ordinance to only TSFR Pizza, LLC at this time. Ms. Farmer supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: 6343 STADIUM DRIVE OFFICE CONVERSION  
APPLICATION FROM JEFF PAULSON, HURLEY & STEWART ON BEHALF OF  
JONAS CRUMP FOR CONSIDERATION OF A SPECIAL EXCEPTION USE AND  
SITE PLAN REVIEW TO CONVERT A SINGLE-FAMILY HOME TO A  
PROFESSIONAL OFFICE LOCATED AT 6343 STADIUM DRIVE IN THE VC:  
VILLAGE COMMERCIAL DISTRICT. PARCEL NO. 3905-26-474-010.**

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston to review this item for the Board.

Ms. Johnston reported the applicant was requesting site plan and special exception use approval to convert a 1,440 square foot single-family home to an office use. The structure is situated on a half-acre lot near the intersection of Stadium Drive and Parkview Avenue, immediately to the east of Larue's Restaurant. Along with modifying the ranch-style structure, the applicant also proposed adding a two-space parking garage and a seven-stall parking lot to the rear of the property. Per section 33.300—*Special exception uses in the Village Commercial District* of the Oshtemo Township Zoning Ordinance, such conversions of dwellings to non-residential uses requires special exception use permission from the Planning Commission.

No new site access was proposed with this project, as the applicant intends to use the existing curb cut onto Stadium Drive. On the property, the current driveway leads to an attached garage, which will be converted to an office space. Subsequently, the driveway will be reconfigured to pass around the northeast side of the structure, connecting to a parking area behind the building.

Ms. Johnson explained that per section 68.400—*Minimum Parking Spaces Required* of the Zoning Ordinance, an office of this size requires 11 parking spaces, but the relatively small size of the subject property, coupled with the necessity to add a fire vehicle turn-around to the site, meant two of the originally planned spaces in the southeast corner of the lot had to be eliminated. *Section 68.600—Deviation* of the Zoning Ordinance does allow the Planning Commission to grant *non-variance* relief in such cases where an existing site, in the process of redevelopment, cannot reasonably accommodate all of the necessary spaces. In discussion of options with the applicant, Staff determined the elimination of two spaces will still provide adequate parking for the proposed office, and that the spirit and intent of the ordinance will be met.

Ms. Johnston said the proposed site plan and special exception use requested comply with all other general zoning requirements. In addition, the requirements of the Form-Based Code are met to the extent that this is an existing nonconforming building within the Village. Staff recommends the Planning Commission grant site plan and special exception use approval as requested, including approval to reduce the number of parking spaces from 11 to nine.

In response to a question from Chairperson Bell, Ms. Johnston indicated Staff had worked with the applicant to compromise on the number of parking spaces in order to allow the adequate emergency vehicle turnaround.

The Chair asked the applicant to speak.

Mr. Jeff Paulson of Hurley & Stewart, 2800 S. 11<sup>th</sup> Street, Kalamazoo, agreed with the Staff report and appreciated working with the Staff within the process. He said the emergency vehicle turnaround issues were due to the small size of the property and noted the new building will be re-sided according to the Form Based Code.

In response to a question from the Chairperson, Mr. Steve Haselbor, 401 E. Michigan, Kalamazoo, the architect on the project, confirmed the owner lives in Kalamazoo and will be using the building as office space for his business. It is possible he may have a tenant in part of the building in the future.

Chairperson Bell determined there was no public comment and moved to Board Deliberation.

In response to a question about whether the sidewalk at the front of the property would match up with the Township sidewalk being planned, Ms. Johnston said staff worked with the project engineer to ensure cross slopes for the sidewalk where it crosses the new driveway would be met. The site plan indicates a grading easement will be provided to the Township for the sidewalk. The exact details of that easement are still to be determined but placement on the site plan indicates the property owner is willing to provide a grading easement when appropriate.

Hearing no further comments, the Chair asked for a motion.

Ms. Farmer made a motion to approve the special exception use and site plan to convert a single-family home located at 6343 Stadium Drive in the VC: Village Commercial District to a professional office, including relief to reduce the required 11 parking spaces to nine, in order to allow adequate space for emergency vehicle turnaround. Mr. Antosz supported the motion. The motion was approved unanimously.



## **OLD BUSINESS**

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston for her presentation.

### **Zoning Ordinance Reorganization Updates**

Ms. Johnston said based on the July 26<sup>th</sup> work session discussion, staff has made the following changes to the re-organized Zoning Ordinance:

- “Motorized vehicular roadways” was removed from the special land use in the RR: Rural Residential District termed: “Golf courses, parks, motorized vehicular roadways, and outdoor recreational areas.” Motorized vehicular roadways was only delineated as part of the special land use within the RR District, where all other residential districts state the following: “Golf courses, parks, and outdoor recreational areas.” After the work session discussion, it was decided to remove this particular use for consistency with the other residential zoning districts. Further, the Planning Commission decided to consider including this use within the industrial districts at a later date.
- The special land uses that were included in the old Section 60.000: Special Exception Uses but were not specifically delineated within any of the use districts have now been included. For example, “Communication Towers” were listed in Section 60.000 as a Special Exception Use. The regulations for communications towers within this section indicated they were permitted within the industrial districts as long as all of the regulations could be achieved, but were a special exception use everywhere else. Staff included the term “communication towers” as a use permitted with conditions in the I-1, I-2, and I-3 districts but as a special land use in all other districts. The other uses listed in Section 60.000 that needed to be included in the use districts were adult regulated businesses, earth removal facilities, private streets, and wind energy conversion systems.
- All sections titled either “Limitations,” “Design Standards,” or “Site Development Standards” have been changed within the use districts to “Development Standards.”
- The new Section 56.30: Review Criteria of the Special Land Uses was updated to the following language in *italics* or ~~strike through~~ for the Planning Commission’s consideration:

The Planning Commission shall only approve an application for a Special Land Use that meets the following standards.

- A. Master Plan/Zoning Ordinance. The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including District in which the use is located.

- B. Site plan review. The Site Plan Review Criteria of Section 55.80.
- C. Impacts.
  - 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; **meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.**
  - 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.
  - 3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, **or** visual clutter ~~and electrical or electromagnetic interference.~~
- D. Environment. ~~The building and site area required for the proposed use will retain as many natural features of the landscape as practicable,~~ **The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements,** particularly where the natural features assist in preserving the general character of the area.
- E. Public facilities. Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.
- F. Specific use requirements. The special land use development requirements of Article 43.**

Finally, she said, one of our Commissioners was reviewing the new Ordinance and had a question related to naming convention in the code, which merited consideration by the group. We currently have the following sections in the use districts:

- Permitted Uses
- Permitted Uses with Conditions
- Special Land Uses

For the sake of consistency, she asked whether one of the following should be considered:

- Permitted Uses
- Permitted Land Uses

Permitted Uses with Conditions  
Special Uses

Permitted Land Uses with Conditions  
Special Land Uses

She noted the term “land” could easily be added or removed if consistency is desired throughout the sections.

The group agreed to move forward to public hearing on re-organization with the proposed changes, and also to utilize the following designations for use districts: “Permitted Uses,” “Permitted Uses with Conditions” and “Special Uses,” eliminating the word “land.”

Ms. Farmer felt it was good for the Board to have the guidance offered by the re-organized Zoning Ordinance language.

Mr. Antosz agreed it would provide a good basis for decision making.

Ms. Johnston confirmed with the group that they would like Wade Trim to include tables and graphics, where useful.

Attorney Porter indicated it would be best to reference new tables and graphics now as part of recodification to make public noticing easier. The Gazette public hearing notice would spell out actual changes, new verbiage, changes in location. It would not be necessary to publish tables/graphics, just to acknowledge they were added.

The group agreed to proceed with adding any new tables and graphics before the public hearing.

Ms. Johnston will provide the most current version of the Ordinance to Wade Trim so they can recommend what and where tables and graphics should be placed. Ordinance review/changes can still proceed while this work is being completed.

Mr. VanderWeele hoped that once the tables/graphics are included, the website user will be able to move back and forth between verbiage and tables/graphics.

Ms. Johnston said that would be allowed as long as the appropriate hyper-links are provided and noted we have that now, but that what we have needs to be refined.

Ms. Farmer asked that Ms. Johnston find out if html readable text can be provided to allow access for people with visual impairment.

### **ANY OTHER BUSINESS**

There was no other business to consider.

## **PLANNING COMMISSIONER COMMENTS**

Ms. Smith was concerned about pedestrian safety at the new Mod Pizza location, stating it appears there may not be enough space at the south side of the building where two double doors are planned as this is also the location for loading/unloading for Trader Joe's.

Ms. Johnston explained accessibility is managed by the SW Michigan Building authority as part of the building permit process, but she will ask them to take a look.

## **ADJOURNMENT**

Hearing no further comments, Chairperson Bell adjourned the meeting at approximately 8:20 p.m.

Minutes prepared:  
August 10, 2018

Minutes approved:  
\_\_\_\_\_, 2018

August 16, 2018



**Mtg Date:** August 23, 2018  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** Agritourism draft ordinance review

With the July work session utilized to discuss the pending codification of the re-organized Zoning Ordinance, the Planning Commission took a break from the draft Agritourism Ordinance. As a reminder, we have reviewed the Permitted Uses with Conditions, which include Agribusinesses and Agritourism, Category 1. The Planning Commission was in the middle of reviewing Agritourism, Category 2, which is a Special Use. Our last work session discussing this section of the Ordinance ended on 1. General Standards, subsection g. Parking located on page 4 of the attached document.

The attached document has the revised language previously recommended by the Planning Commission from past work sessions in **bold** or ~~striketrough~~ type. In addition, at the May meeting there was some consensus to consider a Category 3 Agritourism to allow special events and activities on properties that don't necessarily generate an agricultural product. This new information has also been provided in **red**.

An additional consideration for the August 23<sup>rd</sup> meeting is next steps with this draft ordinance. Typically, we would set a hearing date for the public's review of the draft language. However, at past meetings there was some discussion about working with current agritourism businesses in the Township to receive their feedback prior to a public hearing. As we get closer to completing our review of the draft language, next steps will need to be discussed.

Thank you.

## Definitions

- A. Agribusiness: Any business catering exclusively to agricultural production, which may include, but is not limited to, supplying services or goods (such as feed or supplies) to producers of marketable agricultural products like greenhouses, nurseries, and farm cooperatives.
- B. Agritourism: An agriculturally based operation or activity that brings public to a working farm for the purpose of enjoyment, education, or active involvement in the farm operation. Agritourism enterprises are further classified as follows:
  - 1. Agritourism, Category 1: An agritourism enterprise limited to u-pick fruits and vegetable operations, direct on-farm product sales, and farm markets.
  - 2. Agritourism, Category 2: An agritourism enterprise that includes education, entertainment, agricultural related uses and products, and limited non-agricultural related uses and products including: educational tours; historical agricultural exhibits; educational classes, lectures and seminars; petting farms, animal display and pony rides; riding stables; greenhouses; outdoor mazes of agricultural origin, such as straw bales or corn; wagon, sleigh and hayrides; nature trails; outdoor picnic areas; the use or rental of farm buildings for periodic special events; and, other similar uses.
  - 3. **Agritourism, Category 3: An agritourism enterprise that utilizes the rural character or agricultural buildings on site for nonresidential special events or activities, including: educational tours, classes, lectures, and seminars; celebratory gatherings such as weddings; retail events such as farm markets, barn markets, and agricultural sales; day camps; and, other similar special events or activities.**
- C. Agricultural products: Includes but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.
- D. Agriculturally related products: Items sold at a farm to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream-based desserts and beverages, jams, honey, food stuffs, and other items promoting the farm and on-site production.
- E. Non-agriculturally related products: Items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.
- F. Agriculturally related uses: Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

- G. Non-agriculturally related uses: Activities that are part of an agricultural tourism operation's total offerings but not tied to farming. Such non-agriculturally related uses include amusement rides, concerts, special events, etc.
- H. Farm Market: The sale of agricultural products directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land. This definition includes farm stands and roadside stands.
- I. U-Pick: A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.
- J. Seasonal: A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

## PERMITTED USES WITH CONDITIONS

### A. Agribusiness

1. Total building floor area for the agribusiness shall not exceed 2,000 square feet.
2. The maximum portion of any building used for agribusiness sales shall not exceed 600 square feet.
3. **Outdoor storage of agribusiness materials shall be limited to 1,000 square feet and shall be located in the rear yard only.**
4. Access to an agribusiness use must be from the County primary road **or State highway**.
5. On-site vehicle parking shall be provided on agribusiness property as follows:
  - a. The total number of required spaces shall be calculated as one space for every 1,000 square feet of the total building floor area, plus one space for every two employees. This shall not include areas dedicated to agricultural production.
  - b. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
  - c. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
  - d. Parking and driveway surfaces may be pervious or hard surface.
6. A written narrative will be provided with any application describing the use in detail, including all the types of items, goods and merchandise that are proposed to be sold; the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the reviewing body in determining whether the application meets the conditional use requirements.
7. If the proposed agribusiness use would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Planning Director, **or if the size of the agribusiness exceeds the maximums allowed herein**, review and approval by the Planning Commission as a Special Use shall be required.

### B. Agritourism, Category 1

1. Farm markets with a sales area of 100 square feet or less, seasonal in nature, and where no permanent structure exists, are exempt from this ordinance.
2. **The maximum area for farm markets shall be 3,000 square feet, which includes both the floor area of the building and the outdoor storage/display.** Farm markets larger than **3,000** square feet shall be a Special Use reviewed and approved by the Planning Commission.



3. Farm market buildings equal to or less than 200 square feet in size shall be located not closer than 15 feet from the road right-of-way line or 25 feet from the edge of pavement, whichever is greater. Farm market buildings greater than 200 square feet in size shall comply with the minimum required setback distances for the district in which such building is located.
4. Retail sales.
  - a. At least 75 percent of the products marketed and offered for sale (measured as an average over the farm's marketing season) must be grown or produced on and by the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.
  - b. The remainder 25 percent of products sold must be agriculturally related products as defined by **Article 2: Definitions**.
  - c. For purposes of determining the percentage of products being marketed, the primary measure will be retail space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the farm market will be used.
5. Access to an agritourism use must be from the County primary road **or State highway**.
6. On-site vehicle parking shall be provided on agritourism property as follows:
  - ~~a. The total number of required spaces shall be calculated as one space for every 1,000 square feet of the main public activity area, plus one space for every two employees. This shall not include areas dedicated to agricultural production.~~
  - ~~b. 24 foot two-way or 20 foot one-way circulation aisles shall be maintained. To ensure drive aisles are maintained, the location of parking spaces shall be defined by providing some type of marker at the center of the space to be placed every 64 feet for two-way traffic and 60 feet for one-way traffic.~~
  - c. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
  - d. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
  - e. Parking and driveway surfaces may be pervious or hard surface.
7. A written narrative describing the use in detail, including the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the reviewing body in determining whether the application meets the conditional use requirements.

8. If the proposed agritourism use would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Planning Director, review and approval by the Planning Commission as a Special Use shall be required.

## SPECIAL USES

### A. Agritourism, Category 2

#### 1. General Standards:

- a. Parcel size. Parcels must be a minimum of 10 acres. The Planning Commission may consider a smaller parcel size depending on the agritourism uses planned. Their consideration of a smaller parcel size will be based on the intensity and scale of the proposed agritourism use, compatibility with surrounding property owners, and will be harmonious with the existing character of the area.
- b. Maximum floor area. The maximum floor area for all buildings related to the agritourism use shall be 10,000 square feet. Clusters of smaller, architecturally appropriate structures are encouraged to maintain rural character of the agritourism use. This maximum floor area does not include greenhouses.
- c. **Outdoor storage/display. The maximum area for the storage/display of agricultural products for sale shall be one acre. This requirement does not apply to u-pick operations.**
- d. Architectural character. All buildings shall incorporate a rural theme in terms of style and design. This means new agritourism uses involving new structures shall complement and enhance the rural environment. For example, gable or gambrel roofs, roof ornamentation such as cupolas, dormers, porches, and decorative shutters.
- e. New uses **and buildings**. New uses **and buildings** shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site. Non-agricultural uses should be limited to lands with poor agricultural soils or lands otherwise not suitable for agricultural purposes.
- f. Use and product percentages. Agricultural products produced on site, agriculturally related products and uses, and non-agriculturally related products and uses are permitted based on the following percentages:
  - i. At least 50 percent of the products (measured as an average over the farm's marketing season) and uses marketed and offered must be grown or produced on and by or have a direct relationship with the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.
  - ii. A maximum of 30 percent of the products and uses marketed and offered may be other agriculturally related products and uses as defined by Article 2: Definitions.

- iii. A maximum of 20 percent of the products and uses marketed and offered may be non-agriculturally related products and uses as defined by [Article 2: Definitions](#).
  - iv. For purposes of determining the percentage of products and uses being marketed and offered, the primary measure will be square footage of space used for each individual product or use. If measurement of retail space during the marketing season is not feasible to determine percentage of product, then the percent of the gross sales dollars will be used.
- g. Parking. On-site vehicle parking shall be provided on agribusiness property as follows:
- i. The total number of required spaces shall be calculated as one space for every 1,000 square feet of the main public activity area, plus one space for every two employees. This shall not include areas dedicated to agricultural production.
  - ii. 24-foot two-way or 20-foot one-way circulation aisles shall be maintained. To ensure drive aisles are maintained, the location of parking spaces shall be defined by providing some type of marker at the center of the space to be placed every 64 feet for two-way traffic and 60 feet for one-way traffic.
  - iii. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
  - iv. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
  - v. Parking and driveway surfaces may be pervious or hard surface.
- h. Lighting. Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution. All lighting shall meet the standards of [Article 49: Lighting](#).
- i. Trash receptacles. Trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
- j. Screening. Screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence, shall be provided on those sides abutting or adjacent to a residential use. The Planning Commission may waive the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.
- k. Restroom facilities. Permanent restroom facilities shall be provided on site. The number of which shall be based on Building Code requirements.
- l. Maximum capacity. The Fire Marshall or Building Official shall establish a maximum capacity for meetings, training, educational or similar events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.

- m. Hours of operation. The Planning Commission may establish hours of operation for the agritourism uses, or specific elements thereof, consistent with the character of the land uses in the vicinity and may further approve an enforcement mechanism to ensure that the established hours of operation are adhered to.
  - n. Access. Access to an agritourism use must be from the County primary road.
  - o. Livestock. The keeping of livestock for agricultural purposes and agriculturally related purposes like riding stables, petting farms, pony rides, etc., shall be subject to the provisions of Article 52: Miscellaneous Protection Requirements.
2. Special Agritourism Events.
- a. A maximum of six special events shall be permitted between May and October. An additional two events shall be permitted between November and April.
  - b. Each special event may not last more than three consecutive days, with a minimum of 14 days between events unless otherwise approved by the Planning Commission.
  - c. A reserved parking area shall be provided on-site to be utilized for special events. If the agritourism use intends to hold special events, this reserved area must be displayed on a site plan.
  - d. The reserved parking area must be of adequate size to accommodate the anticipated additional traffic of the special event. The size of the reserved parking area shall be reviewed and approved by the Planning Commission.
  - e. For special events lasting more than one day and with an expected daily attendance exceeding 100 hundred individuals, the on-site manager or owner shall notify all adjacent neighbors bordering the subject property in writing of the date, time, duration and description of the event. Notification shall occur at least five business days prior to the beginning of the event.
3. Narrative. A written narrative describing the use in detail, including both agriculturally related and non-agriculturally related products and uses; proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; special events; and other information describing the use and which will assist the Planning Commission in determining whether the application meets the Special Use requirements.
4. Prohibited uses.
- a. Motorized off-road vehicle racing or other similar motor vehicle activities.

## B. Agritourism, Category 3

1. Intent. The intent of the Category 3 Agritourism option is to allow opportunities for limited nonresidential special events or activities that make use of existing rural character and agricultural buildings.
2. General Standards:
  - a. Parcel size. Parcels must be a minimum of 10 acres. The Planning Commission may consider a smaller parcel size depending on the agritourism uses planned. Their consideration of a smaller parcel size will be based on the intensity and scale of the proposed agritourism use, compatibility with surrounding property owners, and will be harmonious with the existing character of the area.
  - b. Architectural character. All buildings shall incorporate a rural theme in terms of style and design. This means new agritourism uses involving new structures shall complement and enhance the rural environment. For example, gable or gambrel roofs, roof ornamentation such as cupolas, dormers, porches, and decorative shutters.
  - c. Access to an agritourism use must be from the County primary road or State highway.
  - d. On-site vehicle parking shall be provided on agritourism property as follows:
    - i. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
    - ii. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
    - iii. Parking and driveway surfaces may be pervious or hard surface.
  - e. Lighting. Any exterior lighting installed related to an agritourism event or activity shall be appropriately shielded and directed downwards to minimize light pollution. All lighting shall meet the standards of [Article 49: Lighting](#).
  - f. Trash receptacles. Trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
  - g. Restroom facilities. Restroom facilities shall be provided on site. The number of which shall be based on Building Code requirements.
  - h. Maximum capacity. The Fire Marshall or Building Official shall establish a maximum capacity for special activities or events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.

**5. Special Events or Activities.**

- a. A maximum of six special one-day events shall be permitted between May and October. An additional two events shall be permitted between November and April.**
- b. A minimum of 14 days shall be provided between events unless otherwise approved by the Planning Commission.**
- c. For special events with an expected attendance exceeding 100 hundred individuals, the on-site manager or owner shall notify all adjacent neighbors bordering the subject property in writing of the date, time, duration and description of the event. Notification shall occur at least five business days prior to the beginning of the event.**

**6. Narrative. A written narrative describing the special events or activities, including proposed hours of operation; expected attendance; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the events or activities which will assist the Planning Commission in determining whether the application meets the Special Use requirements.**

**7. Prohibited uses.**

- b. Motorized off-road vehicle racing or other similar motor vehicle activities.**