

AGRIBUSINESS/AGRITOURISM DRAFT ZONING ORDINANCE

The following DRAFT ordinance changes have been developed by the Oshtemo Township Planning Commission to implement a goal of the Rural Character Preservation Strategy of the 2017 Master Plan Update, which states:

Agricultural Lands and Enterprises (AG) Goal

Recognize, preserve, protect, and expand the study area's important and valued agricultural lands and enterprises.

Policy AG-5: Encourage and promote agricultural tourism within the study area, at an appropriate scale and intensity that limits impacts to adjacent properties, public services and the natural environment.

Action Strategy AG-1: Review and amend the zoning ordinance, as necessary, to allow agritourism and agribusiness within the AG and/or RR Districts, with appropriate development restrictions to ensure compatibility with adjacent land uses and available public services.

The language below is intended to define agribusiness and agritourism uses, outline where they can take place within the Township, and regulate them in such a way that the rural character of the community remains intact. The Planning Commission is seeking input on the draft ordinance and welcomes any comments or concerns.

The new ordinance language is as follows:

DEFINITIONS

New definitions to describe terms used within the agribusiness and agritourism regulations, which will be included in Section 11.000 - 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; 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.

ZONING DISTRICTS

Agribusiness and agritourism is intended to be located in the AG: Agricultural and RR: Rural Residential Districts. These districts are generally located within the western 2/3rds of the Township. Within both the AG and RR Districts, there will be uses permitted if all of the conditions can be met and special exception uses, which require Planning Commission approval.

Section 19:00 – Agricultural District

Permitted Uses with Conditions:

- 19.212 - Agribusiness
- 19.213 - Agritourism, Category 1

Special Exception Uses:

- 19.407 - Agritourism, Category 2
- 19.408 - Agritourism, Category 3

Section 20.000 – RR: Rural Residential District

Permitted Uses with Conditions:

- 20.213 - Agribusiness
- 20.214 - Agritourism, Category 1

Special Exception Uses:

- 20.412 - Agritourism, Category 2
- 20.413 - Agritourism, Category 3

PERMITTED USES WITH CONDITIONS

The two uses described below are permitted by right within the AG and RR Districts, as long as all of the conditions outlined can be met. A public hearing through the Planning Commission is not required.

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, unless approved by the Planning Commission.
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 Section 11: 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, unless approved by the Planning Commission.
6. On-site vehicle parking shall be provided on agritourism property as follows:
 - a. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
 - b. 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.
 - c. 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 EXCEPTION USES

The two uses outlined below are special exception uses, which require notice to neighbors within 350 feet of the property and a public hearing with the Planning Commission. The intensity of these uses is of a nature that extra measures to ensure compatibility is warranted.

A. Agritourism, Category 2

1. 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.
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. 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 Section 11: 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 Section 11: 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. The main public activity areas shall be defined as the primary buildings and outdoor spaces where the public congregates for the agritourism use. 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.
- vi. Accessible spaces must be provided in accordance with the requirements of Americans with Disabilities Act of 1990, utilizing the most current design standards.
- vii. The Planning Commission may reduce or defer the number required parking spaces if the applicant provides a parking study that demonstrates, to the satisfaction of the Planning Commission, that a reduced number of parking spaces will meet the parking needs of the Agritourism uses. If parking is deferred, the location of those deferred spaces must be shown as such on the required site plan.
- 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 Section 78.720: Outdoor Lighting Standards.
- i. Trash receptacles. Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by a screen fence or wall.
- j. Screening. Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence, shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. 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. Public restroom facilities, temporary or permanent, shall be provided on site.
- l. Maximum capacity. The Fire Marshall or Building Official shall establish a maximum occupant 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. Hours of operation must be provided by the applicant. The Planning Commission may alter the requested 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 adherence to the established hours of operation.

- n. Access. Access to an agritourism use must be from the County primary road or State highway, unless approved by the Planning Commission.
- o. Livestock. The keeping of livestock for agritourism purposes shall be subject to the provisions of Section 78.400: Keeping of poultry, swine, horses, or livestock.

3. Special Agritourism Events.

- a. A maximum of 10 special events shall be permitted annually, beginning January 1st of each year.
- b. The agritourism operator/property owner shall submit the annual list of the special events to the Planning Commission for review within 30-days of the first requested event. The Planning Commission may eliminate a special event if said event would be unduly disruptive to the general peace and enjoyment of the rural and/or residential character of the surrounding area.
- c. The special event must be related to and enhance the primary agritourism use of the property.
- d. 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.
- e. 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.
- f. 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.
- g. 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.

4. Prohibited uses.

- a. Motorized off-road vehicle racing or other similar motor vehicle activities.
- b. Other uses that the Planning Commission determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, or visual clutter.

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. 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.
3. 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, unless approved by the Planning Commission.
 - d. Parking. On-site vehicle parking shall be provided on the agritourism 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. The main public activity areas shall be defined as the primary buildings and outdoor spaces where the public congregates for the agritourism use. 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.

- vi. Accessible spaces must be provided in accordance with the requirements of Americans with Disabilities Act of 1990, utilizing the most current design standards.
 - vii. The Planning Commission may reduce or defer the number required parking spaces if the applicant provides a parking study that demonstrates, to the satisfaction of the Planning Commission, that a reduced number of parking spaces will meet the parking needs of the agritourism uses. If parking is deferred, the location of those deferred spaces must be shown as such on the required site plan.
- 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 Section 78.720: Outdoor Lighting Standards.
 - f. Trash receptacles. Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by a screen fence or wall.
 - g. Screening. Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence, shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. 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.
 - h. Restroom facilities. Public restroom facilities, temporary or permanent, shall be provided on site.
 - i. 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 10 special events shall be permitted annually, beginning January 1st of each year.
 - 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. 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.
 - d. Hours of operation. Hours of operation for the special event or activities must be provided by the applicant. The Planning Commission may alter the requested 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~~ adherence to the established hours of operation.

6. Prohibited uses.

- a. Motorized off-road vehicle racing or other similar motor vehicle activities.
- b. Other uses that the Planning Commission determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, or visual clutter.