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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Regular Meeting  
Thursday, January 24, 2019  
6:00 p.m.  
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: January 10, 2019
6. **PUBLIC HEARING: GO! Green Oshtemo Master Plan Update**  
Public hearing to consider a recommendation to the Township Board to include parks and recreation, nonmotorized transportation, and conservation efforts outlined in the *GO! Green Oshtemo Plan* as part of the Township Master Plan.
7. Old Business
  - a. Agritourism Ordinance draft
8. Any Other Business
9. Planning Commissioner Comments
10. 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 or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.

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. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

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, but it is not required.

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 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 does not follow these guidelines.

(adopted 5/9/2000)  
(revised 5/14/2013)  
(revised xx/xx/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Nancy Culp	216-5221	<a href="mailto:ncoshtwp@oshtemo.org">ncoshtwp@oshtemo.org</a>
<b><u>Trustees</u></b>		
Deb Everett	375-4260	<a href="mailto:deverett@oshtemo.org">deverett@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Ken Hudok	359-0787	<a href="mailto:khudok@oshtemo.org">khudok@oshtemo.org</a>

<b>Township Department Information</b>		
<b><u>Assessor:</u></b>		
Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>
<b><u>Fire Chief:</u></b>		
Mark Barnes	375-0487	<a href="mailto:mbarnes@oshtemo.org">mbarnes@oshtemo.org</a>
<b><u>Ordinance Enf:</u></b>		
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>
<b><u>Parks Director:</u></b>		
Karen High	216-5233	<a href="mailto:khigh@oshtemo.org">khigh@oshtemo.org</a>
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>
<b><u>Planning Director:</u></b>		
Julie Johnston	216-5223	<a href="mailto:jjohnston@oshtemo.org">jjohnston@oshtemo.org</a>
<b><u>Public Works:</u></b>		
Marc Elliott	216-5236	<a href="mailto:melliott@oshtemo.org">melliott@oshtemo.org</a>

**OSHEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD JANUARY 10, 2019**

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**Agenda**

**PUBLIC HEARING: CONDITIONAL REZONING ORDINANCE AMENDMENT  
CONSIDERATION OF AN AMENDMENT TO SECTION 53.000 *CONDITIONAL  
REZONING, SUBSECTION 53.510: REVERSION OF ZONING TO OUTLINE THE  
STEPS FOR THE REMOVAL OF A CONDITIONAL REZONING IF THE APPROVED  
DEVELOPMENT AND/OR USE DOES NOT OCCUR WITHIN THE REQUIRED  
TIMEFRAME ESTABLISHED BY THE ORDINANCE.***

**OLD BUSINESS**

**a. AGRITOURISM ORDINANCE DRAFT**

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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, January 10, 2018, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT:                   Ollie Chambers  
  Ron Commissaris  
  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 one interested persons.

**Call to Order and Pledge of Allegiance**

Vice Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and invited those present to join in reciting the "Pledge of Allegiance."

**Agenda**

Vice Chairperson VanderWeele asked for a motion to approve the agenda.

Ms. Johnston asked that an additional item, "Lighting Ordinance," be added to item #10: Any Other Business.

Vice Chairperson VanderWeele asked for a motion.

Mr. Chambers made a motion to accept the agenda with the proposed addition. Mr. Commissaris supported the motion. The motion was approved unanimously.

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

The Vice 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 December 13, 2018**

The Chair asked if there were any additions, deletions or corrections to the Minutes of December 13, 2018. Hearing none, he asked for a motion.

Ms. Maxwell made a motion to approve the minutes of the Minutes of December 13, 2018 as presented. Ms. Farmer supported the motion. The motion was approved unanimously.

Vice Chairperson VanderWeele moved to the next agenda item.

### **Election of Officers for 2019**

Ms. Johnston noted the former Chairperson, Ms. Cheri Bell, left the Planning Commission when she was appointed to the Township Board. Ms. Johnston indicated the officers to be elected for 2019 were Chair, Vice Chair and Secretary and asked for motions and action for the three offices.

Ms. Farmer nominated Mr. VanderWeele for the office of Chairperson. He accepted the nomination. Ms. Johnston determined there were no other nominations and asked for a motion.

Ms. Farmer made a motion to elect Mr. VanderWeele as Chairperson for 2019. Mr. Commissaris supported the motion. The motion was approved unanimously.

Ms. Farmer nominated Ms. Smith for the office of Vice Chairperson. She accepted the nomination. Ms. Johnston determined there were no other nominations and asked for a motion.

Mr. VanderWeele made a motion to elect Ms. Smith as Vice Chairperson for 2019. Mr. Chambers supported the motion. The motion was approved unanimously.

Ms. Maxwell nominated Ms. Farmer for the office of Secretary. She accepted the nomination. Ms. Johnston determined there were no other nominations and asked for a motion.

Mr. VanderWeele made a motion to elect Ms. Farmer as Secretary for 2019. Mr. Chambers supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next item on the agenda.

### **Appointment of Planning Commission Liaison to the Zoning Board of Appeals**

Ms. Farmer nominated Ms. Maxell to serve as Planning Commission Liaison to the Zoning Board of Appeals. Hearing no other nominations and determining Ms. Maxwell was willing serve in that capacity, Ms. Johnston asked for a motion.

Mr. Chambers made a motion to appoint Ms. Maxwell as the Planning Commission liaison to the Zoning Board of appeals for 2019. Ms. Farmer supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Johnston for her report.

### **PUBLIC HEARING: CONDITIONAL REZONING ORDINANCE AMENDMENT CONSIDERATION OF AN AMENDMENT TO SECTION 53.000 CONDITIONAL REZONING, SUBSECTION 53.510: REVERSION OF ZONING TO OUTLINE THE STEPS FOR THE REMOVAL OF A CONDITIONAL REZONING IF THE APPROVED DEVELOPMENT AND/OR USE DOES NOT OCCUR WITHIN THE REQUIRED TIMEFRAME ESTABLISHED BY THE ORDINANCE.**

Ms. Johnston said the suggested amendment was brought to the Planning Commission at the September 13<sup>th</sup> meeting with requested changes to address how the Township revokes a conditional rezoning. According to current language under Section 53.510, Township Staff would first have to request the reversion process be initiated at a Township Board meeting then, if approved, the Planning Commission would have to hold a public hearing and the Township Board would have to hold two readings.

The Ordinance process seems redundant and over-regulatory as Section 53.510 clearly states if the use is not established according to Section 53.500, which provides a 12-month window, the land reverts to its former zoning classification. To ensure this happens, the Township would just need to record a revocation of conditional rezoning with the County Registrar of Deeds, removing the conditions established on the property. On November 8, 2018, the Planning Commission reviewed new language for this amendment based on the September 13 discussion. The following language was approved at the November 8<sup>th</sup> meeting for a public hearing.

#### **Section 53.510 – Reversion of zoning.**

*If the approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 53.500, then the land shall revert to its former zoning classification as set forth in MCL 125.3405 (Michigan Zoning Enabling Act, Public Act 110 of 2006).*

*The reversion process shall be initiated by Township staff who will send a notification letter to the property owner indicating a Revocation of Conditional Rezoning will be recorded with the County Registrar of Deeds. The property owner will have 30 days from the date of the notification letter to provide proof to the Planning Director that the development and/or use of land has commenced. If satisfied, the Planning Director will halt the Revocation of Conditional Rezoning. If proof is deemed unsatisfactory, the Planning Director will notify the property owner who may then appeal the Revocation to the Township Board within this same 30-day period. If no appeal is filed, the Revocation of Conditional Rezoning will be recorded and the land shall revert to its former zoning classification.*

She recommended after the required public hearing the Planning Commission forward a recommendation of approval to the Township Board.

The Chair asked if there were questions for Ms. Johnston.

Responding to questions she indicated the property owner would be allowed a 30-day window after being noticed to respond and provide documentation that progress towards developing the use has been made. The notice would be sent in a way that would verify delivery. Progress must be made within a 12-month period or the conditional rezoning revocation process would begin. If proof of progress is not satisfactory to the Planning Director, the property owner could appeal to the Township Board for an extension. If the property owner does not respond to the notice the revocation process would begin. If the conditional zoning is revoked, the property owner could return to the Planning commission with a new request to rezone the property.

Attorney Porter said the process does not automatically terminate since it is a property right which requires a reasonable process. The amendment satisfies the due process requirement.

Chairperson VanderWeele determined there were no public comments on the amendment. Hearing no further comments from Commissioners, he asked for a motion.

Mr. Commissaris made a motion to forward a recommendation of approval of the amendment to the Conditional Rezoning Ordinance to the Township Board for approval. Ms. Maxwell supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next item on the agenda.

## **OLD BUSINESS**

### **a. Agritourism Ordinance Public Comment**

The Chair asked Ms. Johnston for her report.

Ms. Johnston provided the most up-to-date draft of the Agribusiness and

Agritourism Ordinance for Planning Commission review. Based on the comments received from the public at the December 13, 2018 meeting, staff made a number of updates to the draft ordinance for the Planning Commission's consideration.

In addition to the draft amendments, Ms. Johnston indicated there was still the outstanding item special events and the number allowed per year the Planning Commission wanted to review. At the November meeting, there was some discussion about a potential sliding scale for agritourism special events. The Planning Commission was interested in investigating a way to possibly regulate these events based on type and size. Staff developed a table for consideration by the Commissioners.

A few edits to the draft ordinance were made followed by extended discussion centered on the table and determining possible numbers of special events based on type and size. Board members felt the table was a good approach for regulation and discussion resulted in agreement on a number of changes, but it was decided to pick up the discussion at the next meeting.

Chairperson VanderWeele asked if there was public comment.

Mr. Paul Graham spoke. He felt the conversation was informative and expressed his appreciation for the thoughtful consideration members gave this ordinance. He said it seems to be a macro track trying to capture all the possibilities. He suggested they make sure there is a mechanism in place to respond to individual requests, which might not fit into the ordinance. He thought the ordinance would be good for the Township, but that it needs to be managed for both farmers and neighbors' way of life. He was impressed with the Board's approach.

Chairperson VanderWeele moved to the next item on the agenda.

## **ANY OTHER BUSINESS**

### **a. Lighting Ordinance**

Ms. Johnston said the Planning Commission was asked by the Township Board to look at the Lighting Ordinance to see if changes are needed. She had hoped to work on that in November, but with all the other things they have to work on she did not want to overwhelm the Commission. It is clear the ordinance does need to be addressed, but she wanted to prioritize all the work before the Board. She suggested that the Agritourism Ordinance be finished first followed by Lighting Ordinance and then the Maple Hill Sub-Area Plan Ordinance.

She hoped to get to the Lighting Ordinance at the February meeting and distributed a copy of the investigative work she has done so far for review by Commissioners before discussion in February.

Chairperson VanderWeele suggested the Township Board be informed the issue has been considered and it has been determined the Lighting Ordinance does need to be looked revised.

Ms. Farmer will inform the Board their direction has been followed and that the Planning Commission will move forward.

### **PLANNING COMMISSIONER COMMENTS**

Mr. Commissaris asked whether joint meetings are held with the Township Board to set goals and objectives.

Ms. Farmer explained two joint meetings are scheduled during the year including the Township Board, Planning Commission, Zoning Board Authority and others, but they are not focused just on planning.

Ms. Johnston said she would talk with the Township Supervisor about the possibility of a joint planning meeting regarding annual goals and objectives, perhaps at the beginning of each year.

Ms. Smith noted Drake Road will be closed this summer for road work.

### **ADJOURNMENT**

Hearing no further comments, Chairperson VanderWeele asked for a motion to adjourn the meeting.

Ms. Farmer made a motion to adjourn the meeting. Mr. Chambers supported the motion. The motion was approved unanimously.

The meeting was adjourned at approximately 8:07 p.m.

Minutes prepared:

January 12, 2019

Minutes approved:

\_\_\_\_\_, 2019



January 17, 2019



**Mtg Date:** January 24, 2019  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** *GO!* Green Oshtemo Plan – Public Hearing for Adoption

The *GO!* Green Oshtemo planning effort has been underway since the beginning of 2018. The intent of the project is to coordinate the parks, recreation, nonmotorized, and conservation plans of the Township into one guiding document. This Plan will not only assist the Township in achieving its overall vision, but will support grant applications made to state and local agencies.

To ensure that the *GO!* Green Oshtemo Plan is supported to the fullest extent, it will be incorporated as part of the Township's Master Plan. To accomplish this goal, the Plan must go through the state mandated public hearing process for community master plans, which includes a public hearing before both the Planning Commission and Township Board.

During the course of the Plan development, individual study groups were created for the different components of the Plan – parks and recreation, nonmotorized, and conservation. These study groups met regularly to help guide the public process, provide input into the development of the plan, and offer a citizen's perspective.

In addition to the study groups, three public input sessions were held in March, June and August of 2018. These sessions were publicized on the Township's website, Facebook page and in the newsletter. Invitation emails were sent to interested master plan participants and to other social media sites like NextDoor. At the March open house, a survey was developed for participants to weigh in on the *GO!* Green Oshtemo subjects. This survey was made available on the Township's website for a month after the March meeting.

Finally, per state regulations, neighboring jurisdictions were notified of the Township's intent to plan for parks, recreation, nonmotorized transportation and conservation. When the draft Plan was complete, they were provided a 63-day opportunity to provide input on the Plan. We received letters or emails of support from the City of Kalamazoo, City of Portage, and Kalamazoo County, which are included with this memo.

Attached is the final draft of the *GO!* Green Oshtemo Summary Report. The full Plan can be found at <http://www.oshtemo.org/gogreen/>. At the conclusion of the public hearing and any discussion of final suggested changes, staff is hoping the Planning Commission will forward a recommendation of approval to the Township Board.

Thank you.



# KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

December 13, 2018

Oshtemo Charter Township Planning Commission  
Att: Chairperson of the Planning Commission  
Oshtemo Township Hall  
7275 W. Main Street  
Kalamazoo MI 49009

By email to: [jjohnston@oshtemo.org](mailto:jjohnston@oshtemo.org)

Re: Review of proposed Master Plan Update for Oshtemo Charter Township for the development of parks, recreation, non-motorized transportation and conservation "GO!Green Oshtemo Plan".

At its meeting on December 6, 2018, the Kalamazoo Metropolitan County Planning Commission (KMCPC) reviewed the proposed Charter Township of Oshtemo Master Plan Update "GO! Green Oshtemo Plan."

During the review and discussion, it was noted that although much of the Plan is focused on internal areas in the Township, the non-motorized transportation and some of the areas of interest (recreation, nature preserves, cemeteries, historic farmsteads etc.) are in some cases close to the neighboring townships and may have an effect on them. Especially non-motorized transportation along the township border streets are links that provide a good opportunity for developing contacts and communication between the neighboring municipalities, and the County as a whole.

It was also noted that the document is very comprehensive, particularly when considering the numerous appendices available in the on-line version.

The Kalamazoo Metropolitan County Planning Commission voted unanimously to recommend approval of the proposed Master Plan Update "GO!Green Oshtemo Plan" and determined that the proposed plan is CONSISTENT with the planning and zoning of the neighboring units of government in Kalamazoo County, and respectfully submits the above comments for your consideration.

Thank you,

Lotta Jarnefelt  
Director  
Planning & Development Department

**From:** [Bauckham, Robert](#)  
**To:** [Julie Johnston](#)  
**Subject:** Go Green Oshtemo Plan  
**Date:** Tuesday, December 11, 2018 9:35:06 AM

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December 11, 2018

Julie,

Thanks for sending the Go Green Oshtemo Plan to us for review. The plan looks great! Good luck in fulfilling the stated goals.

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January 2, 2019

Julie Johnston, Planning Director  
Charter Township of Oshtemo  
7275 West Main Street  
Kalamazoo, Michigan 49009

Dear Ms. Johnston:

Re: Oshtemo Township Master Plan Update - "Go! Green Oshtemo Plan"

Thank you for the notice requesting review and comment regarding the Charter Township of Oshtemo Master Plan Update. The Commission appreciates the opportunity to review and comment on the proposed Master Plan Update.

During the December 20, 2018 meeting, the City of Portage Planning Commission reviewed the proposed Master Plan Update. After a brief discussion, the Planning Commission voted unanimously to receive the Oshtemo Township Master Plan Update with no specific comments offered.

If you have any questions, please feel to contact Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services at (269) 329-4474.

Sincerely,



Wayne Stoffer, Chairman  
City of Portage Planning Commission

Attachment: December 20, 2018 Planning Commission meeting minutes (DRAFT)

B-3 would “square up” the existing B-3 zoning district boundary that is present to the north and would allow for 129 Boston Avenue to serve as a buffer to the interior residential neighborhood. Mr. Bruinsma indicated the increase in commercial zoning depth from South Westnedge Avenue would also allow more flexibility for commercial development/redevelopment options. Mr. Bruinsma stated the B-3 rezoning request was consistent with the Comprehensive Plan and zoning pattern to the north.

The Commission, applicant and staff next discussed various aspects of the rezoning request including the configuration of the existing 5747 South Westnedge Avenue/121 Boston Avenue zoning lot and available parking, redevelopment potential of the rezoning parcel (129 Boston Avenue), requirements for a medical marijuana provisioning center, the surrounding zoning pattern and the Future Land Use Map designation. Commissioner Schimmel expressed specific concern about further commercial encroachment into the adjacent neighborhood.

The public hearing was opened by Chairman Stoffer. No citizens spoke regarding the proposed rezoning. After a brief conversation, a motion was made by Commissioner Schimmel, seconded by Commissioner Corradini, to adjourn the public hearing for Rezoning Application #18/19-3, 129 Boston Avenue, to the January 3, 2019. The motion was unanimously approved 6-0.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

I. Oshtemo Township Master Plan Update – “Go! Green Oshtemo Plan”. Mr. West summarized the December 13, 2018 staff report regarding the notification provided by the Charter Township of Oshtemo for an update to the Township Master Plan. Mr. West briefly reviewed the contents of the Summary Report and indicated that comments were request by Oshtemo Township prior to the January 24, 2019 public hearing.

After a brief discussion, a motion was made by Commissioner Schimmel, seconded by Commissioner Pezzoli, to receive the Oshtemo Township Master Plan Update – “Go Green Oshtemo Plan” and convey no comments. The motion was unanimously approved 6-0.

**STATEMENT OF CITIZENS/COMMISSIONERS:**

None.

7:40 p.m. - The Commission took a short recess.

7:45 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

**NEW BUSINESS:**

I. Planning Commission Training – Public Utility System Overview. Commissioner Corradini and Kendra Gwin, Director of Transportation and Utilities, discussed the City of Portage public utility system. Commissioner Corradini discussed his position with Suez Environmental Services and how the private company contracts with the city for management and operation of the public utility system. Commissioner Corradini and Ms. Gwin reviewed facts/statistics, annual goals and capital improvement program projects pertaining to the 1) Public water system; 2) Sanitary sewer system and 3) Public storm sewer system. The Commission and staff next exchanged questions and answers. At the end of the presentation, the Commission thanked Ms. Gwin and Commissioner Corradini for their time and effort into preparation of the presentation and associated utility system maps.



January 17, 2019

**Mtg Date:** January 24, 2019  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** DRAFT Agribusiness/Agritourism Ordinance

The attached document is the most up-to-date DRAFT of the Agribusiness and Agritourism Ordinance for Planning Commission review. The new information provided in **red** or the ~~striketrough~~ deleted language is based on the comments received from the public at the December 13, 2018 meeting and the Commission's review on January 10<sup>th</sup>.

Staff attempted to capture the Commission's comments regarding the special event table in the Agritourism, Category 2 and 3 discussed at the last meeting. These tables will need to be carefully scrutinized. In addition, there is still the outstanding item of whether Category 2 businesses would be allowed to rent out buildings/property to allow for special events not sponsored by the Agritourism business. This language is highlighted in yellow.

Thank you.

## AGRIBUSINESS/AGRITOURISM DRAFT ZONING ORDINANCE

### 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. Agriculture: The science, art, or occupation of cultivating land, raising crops, and feeding, breeding, and raising livestock.
- C. Agriculture building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly accessory to the agricultural activity on site.
- D. Agriculture operation: The production, harvesting, and storage of farm products including the land, plants, animals, buildings, structures, ponds, machinery, equipment, and other appurtenances used in the production of farm goods as a source of income.
- E. 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.
- F. Agricultural special event (Agritourism, Category 2): A planned and organized education, entertainment, or recreation occasion or activity that brings the public to the agricultural operation, whether or not the participant paid to take part in the special event. Property or building rental, as well as events not sponsored by the property owner, are prohibited.
- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. Seasonal: A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.
- N. 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.

## **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. Application Narrative. 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.
2. **Exemptions. Generally recognized agricultural operations, which are not involved with the retail sales of goods to other agricultural producers, are exempt from these standards.**
3. Building Floor Area.
  - a. Total building floor area for the agribusiness shall not exceed 2,000 square feet.
  - b. The maximum portion of any building used for agribusiness sales shall not exceed 600 square feet.
4. Outdoor Storage. Outdoor storage of agribusiness materials shall be limited to 1,000 square feet and shall be located in the rear yard only.
5. Road Access. Access to an agribusiness use must be from the County primary road or State highway, unless approved by the Planning Commission.

6. Parking. 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.
7. **Education-Oriented Activities. Events and/or activities which bring the public to the property for the sole purpose of participation, learning, or involvement in the agricultural operation are permitted if they meet the following criteria:**
  - i. **Are limited to a one-day event no more than five times throughout a 12-month period.**
  - ii. **Have not more than 50 participants on the property at any one time during the one-day event.**
8. Impact. 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. Application Narrative. 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.
2. Exemptions.
  - a. **Generally recognized agricultural operations, which are not involved with the retail sales of goods to the public, are exempt from these standards.**
  - b. Farm markets with a sales area of ~~100~~ **200** square feet or less, seasonal in nature, and where no permanent structure exists, are exempt from this ordinance.
3. Floor Area, Building and Outdoor Storage. 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.

4. Setbacks. 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.
5. Retail Sales.
  - c. 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.
  - d. The remainder 25 percent of products sold must be agriculturally related products as defined by Section 11: Definitions.
  - e. 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.
6. **Education-Oriented Activities. Events and/or activities which bring the public to the property for the sole purpose of participation, learning, or involvement in the agricultural operation are permitted if they meet the following criteria:**
  - iii. **Are limited to a one-day event no more than five times throughout a 12-month period.**
  - iv. **Have not more than 50 participants on the property at any one time during the one-day event.**
7. Road Access. Access to an agritourism use must be from the County primary road or State highway, unless approved by the Planning Commission.
8. Parking. 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.

9. Impacts. 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. Application 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. **Exemption. Generally recognized agricultural operations, which are not involved with the retail sales of goods or any public activities, are exempt from these standards.**
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. 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.
4. ~~Special Agritourism~~ **Special** Events.
- a. ~~A maximum of 10 special events shall be permitted annually, beginning January 1<sup>st</sup> of each year.~~

- a. The following table outlines the type and number of Agritourism Special Events allowed throughout a typical calendar year, beginning on January 1<sup>st</sup>.

Event Type	Event Size (persons)	Number of Consecutive Days	Days between Events	Total Number of Events per Year
Educational classes, lectures, seminars, and day camps	1-20	5	2	15
	21-50	3	4	10
	Over 50 (max 100)	2	10	5
Retail events	N/A	2	30	3
Fairs and festivals	N/A	2	N/A	1
Holiday events	N/A	2	60	3

- 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.~~
- d. 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.
- e. 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.
- f. 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.

**5. Education-oriented activities. Events and/or activities which bring the public to the property for the sole purpose of participation, learning, or involvement in the agricultural operation are exempt from the Agritourism Special Event standards if they meet the following criteria:**

- a. **Are limited to a one-day event no more than five times throughout a 12-month period.**
- b. **Have not more than 50 participants on the property at any one time during the one-day event.**

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.

**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. Application 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. Special Events or Activities.

- a. ~~A maximum of 10 special events shall be permitted annually, beginning January 1<sup>st</sup> 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.~~

**a. The following table outlines the type and number of events or activities allowed throughout a typical calendar year, beginning on January 1<sup>st</sup>.**



<b>Event Type</b>	<b>Event Size (persons)</b>	<b>Number of Consecutive Days</b>	<b>Days between Events</b>	<b>Total Number of Events per Year</b>
<b>Educational classes, lectures, seminars, and day camps</b>	<b>1-20</b>	<b>5</b>	<b>2</b>	<b>15</b>
	<b>21-50</b>	<b>3</b>	<b>4</b>	<b>10</b>
	<b>Over 50 (max 100)</b>	<b>2</b>	<b>10</b>	<b>5</b>
<b>Retail events</b>	<b>N/A</b>	<b>2</b>	<b>30</b>	<b>3</b>
<b>Weddings and celebratory gatherings</b>	<b>1-50</b>	<b>1</b>	<b>7</b>	<b>20</b>
	<b>51-150</b>	<b>1</b>	<b>20</b>	<b>15</b>
	<b>151-300 (max)</b>	<b>1</b>	<b>27</b>	<b>10</b>
<b>Fairs and festivals</b>	<b>N/A</b>	<b>2</b>	<b>N/A</b>	<b>1</b>
<b>Holiday events</b>	<b>N/A</b>	<b>2</b>	<b>60</b>	<b>3</b>

b. 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.

c. 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 adherence to the established hours of operation.

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. Road Access. 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.

8. 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.