

**OSHTEMO CHARTER TOWNSHIP BOARD  
7275 West Main Street  
Kalamazoo, MI 49009  
269.375.4260**

**May 14, 2019  
BOARD WORK SESSION  
6:00 p.m.  
AGENDA**

- A. Call to Order
- B. Public Comment
- C. Update from Kalamazoo County
- D. Update from Government Efficiency & Exploring Options Committee
- E. Other Updates and Business

**REGULAR MEETING  
7:15 p.m.  
AGENDA**

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Public Comment on Non-Agenda Items
- 4. Consent Agenda
  - a. Approve Minutes - April 23, 2019 Board Meeting
  - b. Receipts & Disbursements Report
  - c. Election Tabulator Modems Purchase & Budget Amendment
  - d. Banking Institution Additions
  - e. Parking Lot Maintenance – Agreement & Update
- 5. West Main Corridor Improvement Authority Establishment & Boundary – Public Hearing
- 6. Consideration of Agritourism Ordinance – First Reading
- 7. Other Township Business
- 8. Public Comment
- 9. Board Member 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 1/8/2018)

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>		
Grant Taylor	216-5221	<a href="mailto:gtaylor@oshtemo.org">gtaylor@oshtemo.org</a>
<b><u>Trustees</u></b>		
Cheri L. Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
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	548-7002	<a href="mailto:khudok@oshtemo.org">khudok@oshtemo.org</a>

Township Department Information		
<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>

# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 05/07/2019

Department Head Name: Farmer

Fund Name: 101 General

		Amount	
Additional Funds Request for:	<u>101-191-97000</u>	Capital Outlay - Equipment	<u>\$ 4,500.00</u>
(description and GL number)	<u></u>		<u></u>
	<u></u>		<u>\$ 4,500.00</u>
Funds requested from:	<u>101-001-40100</u>	Carryover	<u>\$ 4,500.00</u>
(description and GL number)	<u></u>		<u></u>
	<u></u>		<u></u>
	<u></u>		<u>\$ 4,500.00</u>

Explanation of request:

All ES&S election tabulators need new modems because Verizon is no longer support 3G modems after 2019. These are ordered in bulk by the County and will be installed this summer. We have 13 tabulators and the modems are \$325 each.

Supervisor Review: n/a  
(pending or date reviewed)

Board Authorization:   
(pending or date authorized)



TOWNSHIP TREASURERS OFFICE  
7275 WEST MAIN STREET  
KALAMAZOO, MI 49009-9334

269-216-5234 FAX: 269-375-7180  
[GTaylor@oshtemo.org](mailto:GTaylor@oshtemo.org)

To: Oshtemo Township Board

From: Treasurers Office

When managing the township investments, it became necessary to add some additional depositories. I have chosen three (3) that I would like to add to our official depositories list.

**Advia Credit Union**

**Honor Credit Union**

**Arbor Financial Credit Union**

I am asking the board for a motion to approve these financial institutions to be added to our official depositories list.

Thank You,  
*Grant Taylor*  
*Treasurer*  
*Oshtemo Township*

## **CURRENT 2019 DEPOSITORIES**

### **COMERICA BANK**

5080 West Main Street  
Kalamazoo MI

### **CONSUMERS CREDIT UNION**

6699 West Main  
Kalamazoo, MI 49009

### **FIFTH THIRD BANK**

4705 West Main Street  
Kalamazoo MI

### **FIRST NATIONAL BANK OF MICHIGAN**

5313 West Main St.  
Kalamazoo, MI 49009

### **FLAGSTAR BANK**

5151 Corporate Drive,  
Troy, MI 48098

### **HUNTINGTON NATIONAL BANK**

PO Box 1558 EA1W37  
Columbus, OH 43216

### **MBIA CLASS**

3135 S State Street Ste 108  
Ann Arbor, MI 48108

### **MERS (RETIREE HEALTH FUND VEHICLE RETIREE HEALTH CARE SAVINGS PLAN)**

1134 Municipal Way  
Lansing, MI 48917

### **MERCANTILE BANK**

5610 Bryon Center Ave SW  
Wyoming, MI 49519

### **MULTI-BANK SECURITIES**

1000 Town Center Suite 2300  
Southfield, MI 48075

### **PNC**

5299 West Main Street  
Kalamazoo MI

**CIBC (Talmer Bank)**

2301 W. Big Beaver Ste 525  
Troy, MI 48084

**THE PRIVATEBANK**

38505 Woodward Avenue Ste 1300  
Bloomfield Hills, MI 48304

**CHEMICAL**

PO Box 529  
Midland, MI 48640

**OLD NATIONAL BANK**

220 n. Drake Rd  
Kalamazoo, MI 49009

**ADVIA CREDIT UNION**

4308 W. Main St  
Kalamazoo, MI 49009

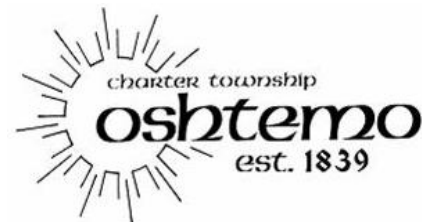
**HONOR CREDIT UNION**

5713 Venture Park  
Kalamazoo, MI 49009

**ARBOR FINANCIAL CREDIT UNION**

1551 S. 9<sup>th</sup> St  
Kalamazoo, MI 49009





# Memorandum

**Date:** 25 April 2019  
**To:** Oshtemo Township Board  
**From:** Libby Heiny-Cogswell, Supervisor & Rick Everett, Maintenance Director  
**Subject:** Parking Lot Maintenance (Repairs, Sealing, & Striping)

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## **Objective:**

Board consideration of authorization to Supervisor to enter into agreement in the amount of \$16,365 for Township Office and Fire Station One parking lot maintenance. This authorization would be given with the understanding that 2019 budget dollars within the same line item (General Fund (GF) - Cemetery, Buildings, and Grounds Account line item number 101-218-97400) would be repurposed for this project since the price quote came in above estimates.

## **Background:**

The 2019 budget includes \$6,000 for parking lot capital, routine maintenance. The fire budget will contribute an proportionally in the amount of \$6,000. The Tustin quote is \$16,365, given more repairs needed than anticipated, likely due to heavy fire trucks and other deterioration. Therefore additional an \$6000 in the additional amount needed from the GF to perform the work.

We reviewed this capital line item year-to-date and find dollars that can be repurposed. Given delays in getting the sanitary sewer expansion project out to bid and under construction, the Township sanitary sewer connection from the road to the Oshtemo office building is not likely to occur in 2019. It is those sewer connection dollars proposed for the parking lot maintenance. With Board authorization to enter into the \$16,365 agreement with Tustins, these dollars will be used.

## **Board Update:**

Per purchasing policy, the Maintenance Director worked with the Supervisor to secure quotes and sign agreements with Tustins for parking lot repairs that are within the 2019 "blue line budget detail," for parking lots at the Community Center and Fire Station Two.

## **Information Provided:**

(3) Tustins Parking Lot Maintenance Quotes ((1) for Board Consideration; (2) executed)

# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Planning Director  
Date: May 8, 2019  
Mtg Date: May 14, 2019  
Subject: West Main Corridor Improvement Authority Public Hearing

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## **OBJECTIVE**

Public comment and Board discussion on establishing a Corridor Improvement Authority (CIA) along West Main Street from Drake Road west to the Township Hall.

## **BACKGROUND**

### Overview

On March 26, 2019, a Resolution of Support was approved by the Township Board to establish a CIA along West Main Street from Drake Road west to the Township Hall. The Resolution was the first step towards the creation of the Authority and allowed staff to begin the process of reaching out to impacted property owners, discussing the project with the taxing jurisdictions (County, Library, Kalamazoo Valley Community College), and scheduling public hearings. Per the Resolution, the first public hearing on the West Main CIA is to be held on May 14, 2019.

Public Act 57 of 2018 requires the Township to notice the public hearing twice in the local paper, mail the public notice to all affected property owners and taxing jurisdictions, and post the notice in 20 locations within the proposed Authority boundaries. All of these public notice requirements have been met. In addition, the Township held an Open House on April 29<sup>th</sup>, allowing property owners to meet with staff and the Township's consultant to discuss any concerns. A letter was included with the public notice that went to all property owners explaining the Township's intent to establish a CIA and inviting them to the Open House. Approximately 10 property owners and a representative from Kalamazoo County were in attendance.

The intent of the May 14<sup>th</sup> meeting is to hear public comment and discuss the attached draft resolution to establish the Authority and its boundaries. Per Public Act 57, the Township cannot act on the resolution until a 60-day public comment period has ended. The following schedule is proposed:



- May 14 – Public hearing on proposed Authority and its boundaries. 60-day comment period begins.
- June 3 – Preliminary draft of Development and Tax Increment Financing (TIF) Plan presented to West Main CIA work group for input/review. Refinement of the Plan with the work group continues until August 13<sup>th</sup>.
- July 1 – Township informs taxing jurisdictions of fiscal and economic implications of the Tax Increment Finance Plan.
- July 23 – Township Board considers/adopts Resolution to establish the Authority and its boundaries.
- July 23 – Township Board considers appointments to the West Main CIA.
- Aug 13 – Public hearing on the draft Development and TIF Plan. 60-day comment period begins.
- Oct 12 – Deadline for taxing authorities to submit a resolution to Township Clerk requesting its taxes not be subject to capture.
- Oct 22 – Township Board considers/adopts the Development and TIF Plan. West Main CIA project is complete.

### **INFORMATION PROVIDED**

- Draft Resolution Establishing Corridor Improvement Authority
- Recommended West Main CIA Map

**RESOLUTION NO. \_\_\_\_\_**  
**CHARTER TOWNSHIP OF OSHTEMO**

**A RESOLUTION ESTABLISHING A CORRIDOR  
IMPROVEMENT AUTHORITY BY THE CHARTER TOWNSHIP OF OSHTEMO**

**WHEREAS**, the State of Michigan Recodified Tax Increment Financing Act, Public Act 57 of 2018, as amended, authorizes municipalities to establish a Corridor Improvement Authority (CIA) with responsibility for the promotion of economic growth and implementation of development plans within its commercial corridors.

**WHEREAS**, in the best interests of the public to redevelop its commercial corridors and to spur economic growth, the Oshtemo Township Board, per Section 606 of the Recodified Tax Increment Financing Act, Public Act 57 of 2018, passed a resolution of intent to establish the West Main CIA within the Township on Tuesday March 26, 2019; and

**WHEREAS**, the Township Board of Trustees for the Charter Township of Oshtemo held a public hearing to garner public input relative the establishment of the West Main CIA and proposed boundaries of the CIA Development Area on May 14, 2019; and

**WHEREAS**, the boundaries of the CIA Development Area are delineated on the map attached to and made part of this resolution;

**NOW THEREFORE BE IT RESOLVED:**

1. That the proposed West Main Corridor Improvement Authority Development Area meets the criteria of Section 605 of the Act.
2. That the Charter Township of Oshtemo agrees to all of the following:
  - a. To expedite the local permitting and inspection process in the Development Area; and
  - b. To ensure that its Master Plan provides for walkable non-motorized interconnections, including sidewalks and streetscapes throughout the Development Area.
3. That the Charter Township of Oshtemo Board of Trustees adopts a resolution establishing the West Main Corridor Improvement Authority with the Development Area boundaries delineated in the map attached to and made part of this resolution.

A motion was made by \_\_\_\_\_, supported by \_\_\_\_\_ to adopt the foregoing resolution.

Upon a roll call vote, the following voted:

AYES:

NAYS:

ABSTAINED:

ABSENT:

The Supervisor declared that the RESOLUTION (has/has not) been adopted.

\_\_\_\_\_  
Dusty Farmer, Clerk  
Oshtemo Charter Township

Enclosure: Proposed West Main Corridor Improvement Authority Development Area Limits Map

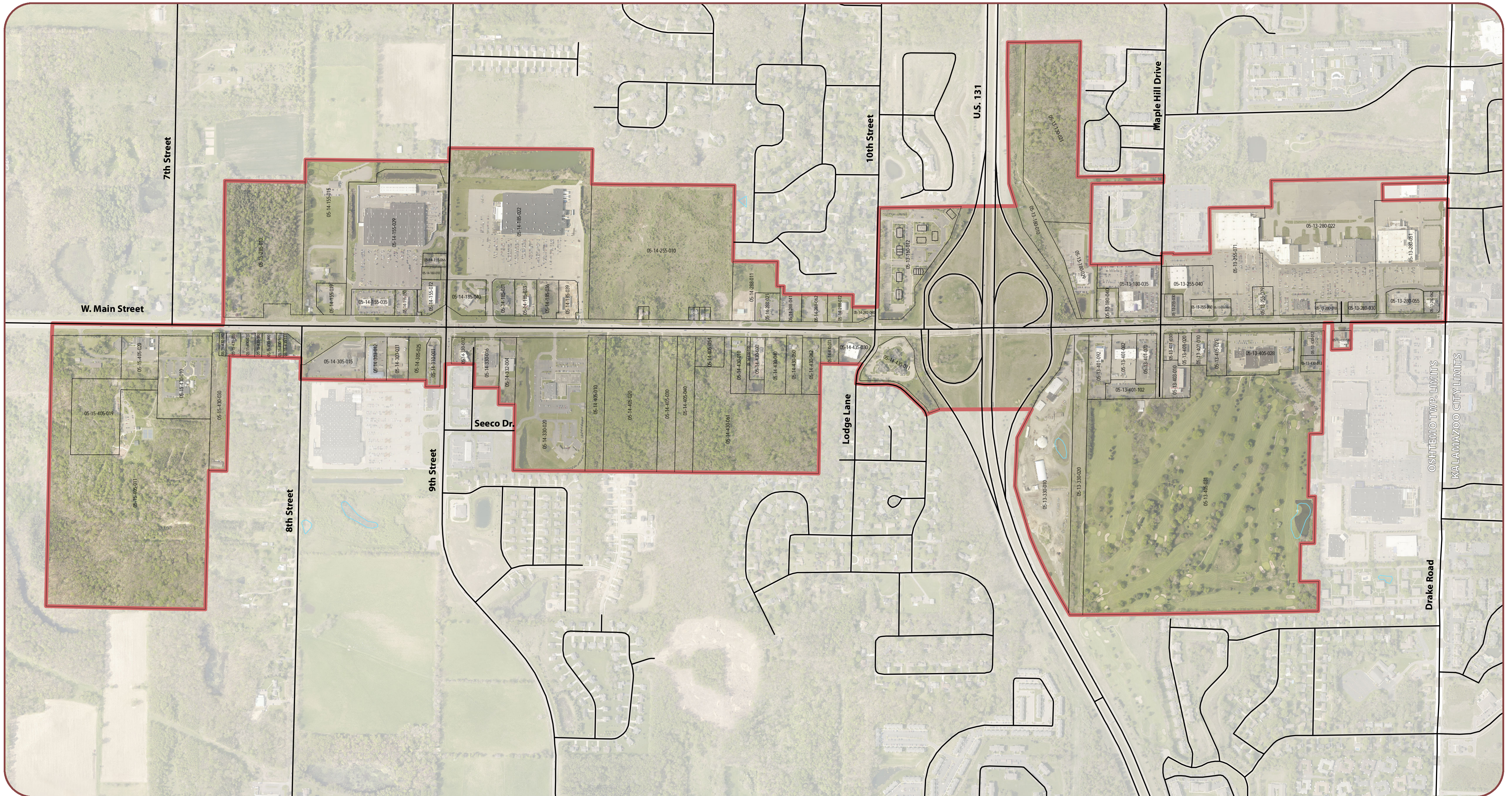
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**CERTIFICATE**

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a meeting of the Oshtemo Charter Township Board, held on March 26, 2019, at which meeting \_\_\_ members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

\_\_\_\_\_  
Dusty Farmer, Township Clerk

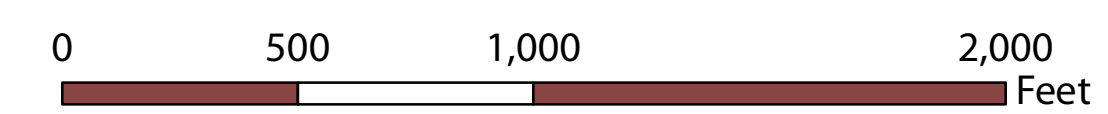




## Proposed West Main Corridor Improvement Authority Development Area Limits

- Potential CIA Development Area Boundary
- Parcel Lines (with tax ID and ownership labels)
- Roads
- Water Features

DRAFT: March 2019



500 Griswold  
Suite 2500  
Detroit, MI 48226  
[www.wadetrिम.com](http://www.wadetrिम.com)



# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Planning Director  
Date: May 9, 2019  
Mtg Date: May 14, 2019  
Subject: Agritourism Ordinance – First Reading

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## **OBJECTIVE**

Consideration of the Agribusiness/Agritourism Ordinance for first reading.

## **BACKGROUND**

The Agribusiness/Agritourism Ordinance is the first of its kind for Oshtemo Township, offering more opportunities and flexibility for properties zoned Agricultural and Rural Residential. It is designed to provide those who either produce an agricultural product or live in the rural area and meet certain criteria the prospect of generating some supplementary revenue from their property. The objective is to offer additional options for these property owners without impeding the enjoyment of the area's rural character. It is not the objective of the ordinance to allow commercial operations within the rural area of the Township and therefore, some uses, like special events, have been limited.

It is also the intent that this ordinance will assist in implementing the Township's Master Plan. During the public meetings of the 2017 Master Plan Update, residents in the rural areas indicated a desire to preserve property, but needed a revenue source to assist with this preservation. In addition, those that produced an agricultural product wanted other opportunities that would help to support their farming operations. In response to these requests, the Rural Character Preservation Strategy chapter includes a goal to recognize, preserve, protect, and expand the study area's important and valued agricultural lands and enterprises. The following action strategy was developed related to this goal, as follows:

*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 development of the Agribusiness/Agritourism Ordinance is in response to this strategy.

The Planning Commission began working on this Ordinance in April of 2018. On December 13, 2018, they held a public input session to garner resident concerns prior to the required public hearing. The Planning Commission heard from several local agricultural producers and due to their input, made changes to the proposed Ordinance in January and February of 2019. The statutory public hearing was held on March 28, 2019 where a motion to recommend approval to the Township Board was unanimously accepted.

After moving the Ordinance to the Township Board, two work sessions were held on April 9<sup>th</sup> and 23<sup>rd</sup> to review the proposed language. At this time, staff is requesting first reading of the proposed Agritourism Ordinance.

### **INFORMATION PROVIDED**

- Planning Commission recommendation
- Agritourism Ordinance



OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING  
CONDUCTED MARCH 28, 2019.

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the amendment to the Township Zoning Ordinance, in summary, as follows:

1. Consideration of an amendment to the Township Zoning Ordinance to address agribusiness/agritourism which, in summary, would:
  - ◆ provide definitions related to agribusiness/agritourism;
  - ◆ select those zoning districts in which to locate agribusinesses and agritourism facilities and to classify these uses as permitted, with conditions, and/or as a special use;
  - ◆ establish conditions to be applied to permitted uses for agribusiness and agritourism Category 1 facilities;
  - ◆ establish conditions for special uses for agritourism, Category 2 and Category 3 - facilities.

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: March 28, 2019

By: 

James W. Porter  
Township Attorney

Final Action by Oshtemo Charter Township Board

\_\_\_\_\_ APPROVED \_\_\_\_\_

\_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_ REFERRED BACK TO PLANNING COMMISSION

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_

Adopted: \_\_\_\_\_, 2019

Effective: \_\_\_\_\_, 2019

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance to address agribusiness/agritourism to provide definitions related to agribusiness/agritourism, select those zoning districts in which to locate agribusinesses and agritourism facilities and to classify these uses as permitted and/or as a special use, establish conditions to be applied to permitted uses for agribusiness and agritourism Category 1 facilities and establish conditions for special uses for agritourism, Category 2 and Category 3 facilities. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS, SECTION 2.20 DEFINITIONS. Article 2: Construction of Language and Definitions, Section 2.20 Definitions is hereby amended to add the following definitions to read as follows:

ARTICLE 2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS

**Section 2.20 Definitions**

**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.

**Agriculture:** The science, art, or occupation of cultivating land, raising crops, and feeding, breeding, and raising livestock.

**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.

**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.

**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.

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, provided said event is solely provided by the agritourism property owner.

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.

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.

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:

- a. Agritourism, Category 1: An agritourism enterprise limited to u-pick fruits and vegetable operations, direct on-farm product sales, and farm markets.
- b. 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; and, other similar uses.
- c. 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.

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.

Holiday Events/Festivals (Agritourism Category 2 and 3): Nationally recognized or official public holidays, and/or observation of cultural traditions.

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.

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.

Seasonal: A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

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.

Wedding/Celebratory Event (Agritourism Category 2 and 3): observation of a special social occasion such as a wedding, birthday, cultural traditions, etc., where people meet to commemorate and revel.

SECTION II. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 4: AG: AGRICULTURAL DISTRICT, SECTION 4.30 PERMITTED USES WITH CONDITIONS. Article 4: AGRICULTURAL DISTRICT, Section 4.30 PERMITTED USES WITH CONDITIONS is hereby amended to add the following paragraphs to read as follows:

ARTICLE 4: AG: AGRICULTURAL DISTRICT

**4.30 PERMITTED USES WITH CONDITIONS**

- C. Agribusiness
- D. Agritourism, Category 1

SECTION III. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 4: AG: AGRICULTURAL DISTRICT, SECTION 4.40 SPECIAL USES. Article 4: AGRICULTURAL DISTRICT, Section 4.40 SPECIAL USES is hereby amended to add the following paragraphs to read as follows:

ARTICLE 4: AG: AGRICULTURAL DISTRICT

**4.40 SPECIAL USES**

- J. Agritourism, Category 2
- K. Agritourism, Category 3

SECTION IV. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 5: RR – RURAL RESIDENTIAL DISTRICT, SECTION 5.30 PERMITTED USES WITH CONDITIONS. Article 5: RR – RURAL RESIDENTIAL DISTRICT, Section 5.30 PERMITTED USES WITH CONDITIONS is hereby amended to add the following paragraphs to read as follows:

ARTICLE 5: RR – RURAL RESIDENTIAL DISTRICT

**5.30 PERMITTED USES WITH CONDITIONS**

- D. Agribusiness
- E. Agritourism, Category 1

SECTION V. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 5: RR – RURAL RESIDENTIAL DISTRICT, SECTION 5.40 SPECIAL USES. Article 5: RR – RURAL RESIDENTIAL DISTRICT, Section 5.40 SPECIAL USES is hereby amended to add the following paragraphs to read as follows:

ARTICLE 5: RR – RURAL RESIDENTIAL DISTRICT

**5.40 SPECIAL USES**

- N. Agritourism, Category 2
- O. Agritourism, Category 3

SECTION VI. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 48: CONDITIONS FOR

SPECIFIC PERMITTED USES, BY ADDITION OF NEW SECTION 48.10. Article 48:

CONDITIONS FOR SPECIFIC PERMITTED USES, Section 48.10 is hereby amended to add the following paragraphs to read as follows and to renumber the subsequent paragraphs:

ARTICLE 48: CONDITIONS FOR SPECIFIC PERMITTED USES

**48.10 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.

SECTION VII. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 48: CONDITIONS FOR SPECIFIC PERMITTED USES, BY ADDITION OF NEW SECTION 48.20. Article 48:

CONDITIONS FOR SPECIFIC PERMITTED USES, Section 48.20 is hereby amended to add the following paragraphs to read as follows and to renumber the subsequent paragraphs:

ARTICLE 48: CONDITIONS FOR SPECIFIC PERMITTED USES

**48.20 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 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.**
  - 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.
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:
- 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.
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.

SECTION VIII. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 49: REQUIREMENTS FOR SPECIAL USES, BY ADDITION OF NEW SECTION 49.10. Article 49: REQUIREMENTS FOR SPECIAL USES, Section 49.10 is hereby amended to add the following paragraphs to read as follows and to renumber the subsequent paragraphs:

ARTICLE 49: REQUIREMENTS FOR SPECIAL USES

**49.10 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 in compliance with the Americans with Disabilities Act of 1990, utilizing the most current accessibility standards.
  - 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. Agritourism Special Events.
- 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 any Event*	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
Holiday events/festivals	N/A	2	60	3

\*Must follow the maximum number of days between events.

- 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. 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.

SECTION IX. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 49: REQUIREMENTS FOR SPECIAL USES, BY ADDITION OF NEW SECTION 49.20. Article 49: REQUIREMENTS FOR SPECIAL USES, Section 49.20 is hereby amended to add the following paragraphs to read as follows and to renumber the subsequent paragraphs:

ARTICLE 49: REQUIREMENTS FOR SPECIAL USES

**49.20 AGRITOURISM, CATEGORY 3**

1. Intent. The intent of the Category 3 Agritourism option is to allow opportunities for limited nonresidential events or activities that make use of existing rural character and agricultural buildings.
2. Application Narrative. A written narrative describing the 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. Events or Activities.
  - 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>.

Event Type	Event Size (persons)	Number of Consecutive Days	Days between any Event*	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
Weddings and celebratory gatherings	1-50	1	7	20
	51-150	1	20	15
	151-300 (max)	1	27	10
Holiday events/festivals	N/A	2	60	3

\*Must follow the maximum number of days between events.

- b. For 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 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.
4. 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 in compliance with the Americans with Disabilities Act of 1990, utilizing the most current accessibility standards.
- 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. 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.

SECTION X. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP