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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Regular Meeting  
Thursday, January 10, 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: December 13, 2018
6. Election of Officers: Chair, Vice Chair, and Secretary
7. Appointment of Planning Commission Liaison to the Zoning Board of Appeals
8. **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.
9. Old Business
  - a. Agritourism Ordinance draft
10. Any Other Business
11. Planning Commissioner Comments
12. Adjournment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD DECEMBER 13, 2018**

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**Agenda**

**PUBLIC HEARING: SPECIAL EXCEPTION USE**  
**CONSIDERATION OF AN APPLICATION FROM METRO LEASING, LLC FOR A SPECIAL EXCEPTION USE TO DEVELOP A NEW/USED CAR SALES LOT AT 5924 STADIUM DRIVE IN THE C: LOCAL BUSINESS DISTRICT, PURSUANT TO SECTION 30.409 OF THE TOWNSHIP ZONING ORDINANCE. PARCEL NO. 3905-25-305-031.**

**PUBLIC HEARING: ZONING ORDINANCE RE-CODIFICATION**  
**COMPLETE RE-CODIFICATION OF THE TOWNSHIP'S ZONING ORDINANCE, TO INCLUDE THE FOLLOWING AMENDMENTS:**

- a. Amendment of Article 5, Section 5.40, Subsection A to delete "motorized vehicle roadways" in the special exception uses allowed in the Rural Residential District.
  - b. Amendment of Article 20, Section 20.20, Subsections D and F of the BRP Business and Research Park District, to delete the references to "drive-through service" in Subsection D and "drive through windows" in Subsection F as special uses permitted elsewhere.
  - c. Amendment of Article 20, Section 20.40 of the BRP Business and Research Park District, by the addition of Subsection G to add "drive through service and/or windows" as a special use.
  - d. Amendment of Article 27, Section 27.20, Subsection H of the I-1 Industrial District, Manufacturing /Serving to delete the reference to "sale of new material" under wholesale or retail lumber yards.
  - e. Amendment of Article 49, Section 49.70, under Requirements for Special Uses, to delete the reference to "motorized vehicular roadways."
  - f. Amendment of Article 65, Sections 65.20 Applicability and 65.30 Review Criteria of special uses to add language outlining the standards and requirements to apply for all special uses and the review criteria therefor.
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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, December 13, 2018, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT:                      None

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and 12 interested persons.

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

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

### **Agenda**

Chairperson Bell indicated she would like to amend the agenda by adding “announcements” as the first item after “approval of the minutes” and moving “approval of the 2019 meeting dates” to follow “announcements. Hearing no further changes, she asked for a motion.

Mr. VanderWeele made a motion to accept the agenda with the changes proposed by the Chair. Mr. Chambers supported the motion. The motion was approved unanimously.

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

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

### **APPROVAL OF THE MINUTES OF NOVEMBER 8, 2018**

The Chair asked if there were any additions, deletions or corrections to the Minutes of November 8, 2018. Hearing none, she asked for a motion.

Mr. VanderWeele made a motion to approve the minutes of the Minutes of November 8, 2018 as presented. Ms. Maxwell supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next agenda item.

### **ANNOUNCEMENTS**

Chairperson Bell noted the passing of Mr. David Bushouse, honoring him as an important public servant for Oshtemo Township and asked those present to observe a moment of silence in his memory. She thanked the Bushouse family for the many years they shared him to with the Township. She worked with him on the Zoning Board of Appeals and found him fair and sensible with a history of the Township like no one else she has ever met and said he would be missed.

The Chair also acknowledged this would be Mr. Fred Antosz’ last meeting on the Planning Commission, saying it has been her extreme pleasure to serve with him. She

said he was far and above the most thoughtful, well-prepared person she has ever served with at the Township and that he is owed a debt of gratitude. She presented him with a certificate of appreciation on behalf of the Board and community.

**2019 MEETING DATES**

Chairperson Bell moved to the next item on the agenda.

Ms. Johnston explained the proposed schedule was developed as normal, meeting the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of the month. It reflects the Commission’s direction to change the 7:00 p.m. meeting start time to 6:00 p.m.

**Second and Fourth Thursday of the month  
6:00 PM**

<b>Month</b>	<b>1st meeting</b>	<b>2nd meeting</b>
January	10	24
February	14	28
March	14	28
April	11	25
May	09	23
June	13	27
July	11	25
August	08	22
September	12	26
October	10	24
November	14	*
December	12	*

**JOINT MEETING DATES**

**Tuesday at 6:00 pm**

April 16<sup>th</sup>

October 15<sup>th</sup>

Chairperson Bell asked for a motion.

Ms. Farmer made a motion to approve the Meeting Schedule for 2019 as presented. Mr. VanderWeele supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: SPECIAL EXCEPTION USE  
CONSIDERATION OF AN APPLICATION FROM METRO LEASING, LLC FOR A  
SPECIAL EXCEPTION USE TO DEVELOP A NEW/USED CAR SALES LOT AT 5924  
STADIUM DRIVE IN THE C: LOCAL BUSINESS DISTRICT, PURSUANT TO  
SECTION 30.409 OF THE TOWNSHIP ZONING ORDINANCE. PARCEL NO. 3905-25-  
305-031.**

Chairperson Bell moved to the next agenda item and asked Ms. Johnston to review the application.

Ms. Johnston said Metro Leasing, LLC, located at 5850 Stadium Drive, is interested in purchasing the Rykse's restaurant property to expand their automotive sales lot. The subject property is located to the west of the existing automotive sales business, across Quail Run Drive, at 5924 Stadium Drive. Car sales lots are a special exception use under Section 30.409 of the C: Local Business District ordinance, which requires Planning Commission approval.

She explained the Zoning Board Authority granted variances to the following two requirements of Section 30.409:

- a. *No such outdoor sales or activities in connection therewith shall be conducted upon premises which do not contain a sales office in a building.*
- d. *All operations and business activities, including the parking or display of sales items and equipment and outdoor sales and display area enclosures, shall comply with the setback requirements for buildings and structures contained in the Ordinance.*

The Zoning Board of Appeals approved the following:

To allow the sales office at 5850 Stadium Drive to function as the sales office for 5924 Stadium Drive and to allow the following outdoor sales display setbacks with the required landscaping outlined in Section 75.130 of the Landscape Ordinance (alternate approach):

- 20-foot setback from the right-of-way line of Stadium Drive
- 20-foot setback from the right-of-way of Quail Run Drive
- 35-foot setback from the rear (north) property line
- 10-foot setback from the side (west) property line

She said at this time, the applicant is not requesting site plan approval, but Staff wanted to inform the Planning Commission of the variances granted. If the use is approved by the Planning Commission, a site plan, to be reviewed by this body, will be required that complies with all of the regulations of the Zoning Ordinance.

Ms. Johnston reviewed additional review criteria from Section 60.100 of the Zoning Ordinance for consideration when reviewing a special exception use request:

**A. Is the proposed use compatible with the other uses expressly permitted within the C: Local Business District?**

The C: Local Business District is the most use permissive in the Zoning Ordinance. It allows office, retail, hospitality, and commercial uses from small retail stores, to large big-box/multi-tenant structures, to 24-hour convenience uses. A new/used car sales lot is a special exception use included with other outdoor sales activities like recreational vehicle, boat, equipment, and mobile home sales lots. The conditions attached to the special exception use approval are designed to help with compatibility of neighboring uses and other uses permitted within the district.

**B. Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general public?**

As this is a request to increase an existing condition on Stadium Drive, the change from restaurant to new/used car sales lot should have minimal impact on properties fronting the road right-of-way. The C: Local Business District is located on properties fronting the north side of Stadium Drive from 11<sup>th</sup> Street west to the Oshtemo Village (east of 9<sup>th</sup> Steet). The uses along this side of the right-of-way are a mix of office, convenience uses, restaurants, and the large car dealerships – DeNooyer Chevrolet, Metro Toyota, DeNooyer Jaguar, and Metro Used.

The south side of Stadium Drive is a mix of R-3 and R-4: Residence District zoning, which includes office and multi-family developments. Chestnut Hills Apartments, Borgess Ambulatory Care center, and Oshtemo Family Dentistry are south of the subject site, across the Stadium Drive right-of-way. Within Chestnut Hills, the closest apartment building is approximately 160 feet south of the Stadium Drive right-of-way. Attractive mature landscaping helps with screening. Extension of the outdoor sales lot should have minimal impact on these uses.

The neighboring condominium complex to the north of the subject parcel, Quail Run Condominiums, is likely to be the most affected by the change in use. The farthest south condominium building is located approximately 25 feet north of the subject property. At the Zoning Board of Appeals meeting, the applicant requested a reduction in the rear yard setback to allow the use of the existing parking lot for the outdoor sales. This would have placed the display of cars

within approximately 9 feet of northern property line, which is currently legal nonconforming to the Landscape Ordinance.

The Zoning Board of Appeals did not approve this request, but did grant a variance that would allow cars to be parked within 35 feet of the property line, which is the required landscape setback between a residential and commercial use. In addition, they conditioned the variance that the landscape materials required in Section 75.130 be met. Based on the length of the shared property line, this would require 11 canopy trees, 6 understory trees, 50 shrubs, and 16 evergreen trees to be planted on the subject property. The ZBA felt the landscape setback with required materials offers more utility on the lot for the applicants intended use while still protecting residential neighbors to the north.

In addition, the Zoning Ordinance provides other regulatory restrictions that will assist with compatibility. For example, the lighting ordinance will require the site to meet the 0.1 footcandles at the north property boundary. This restriction combined with the landscaping materials requirement will assist with light intensity to the neighboring residential use.

**C. Will the proposed use promote the public health, safety, and welfare of the community?**

Outside of good planning for traffic and access, Staff has no other concerns related to public health, safety and welfare. Any other issues associated with general public safety will be examined through site plan review.

**D. Will the proposed use encourage the use of the land in accordance with its character and adaptability?**

The proposed use will be compatible with the character of uses along Stadium Drive, particularly the existing car dealerships in the area. The C: Local Business District is intended to provide locations within the Township where more intense commercial uses can be appropriately located. The outdoor nature of the use is what requires the special review by the Planning Commission.

Ms. Johnston said the proposed use is consistent with the uses found along Stadium Drive and effectively meets the review criteria for a special exception use. Strict compliance with ordinance regulations that will assist with compatibility between the proposed use and the residential property to the north will need to be carefully considered during site plan review. She recommended the Planning Commission approve the special exception use, as follows:

“Approval of the special exception use request for a new/used car sales lot at 5924 Stadium Drive, conditioned on Planning Commission approval of a site plan that meets the requirements of the Section 30.409 and all other Zoning Ordinance regulations.”

Chairperson Bell thanked Ms. Johnston for her review and asked whether Commissioners had questions for her.

In response to a question from Ms. Farmer, Ms. Johnston said the variances granted by the Zoning Board of Appeals will come into play when a proposed site plan is considered. The variances cannot be changed by the Planning Commission. She noted that without the setbacks granted, the usable land available to the dealership would only be about 1/3 of the lot size. That is why the variances were considered first. 35 feet was established at the north boundary in order to provide screening to the neighbors.

Chairperson Bell wondered if the two properties could have been merged.

Ms. Johnston said that was considered but Quail Run is a dedicated road, the properties do not abut and the 66-foot right of way eliminates the possibility of combining the two properties. That made the variance process necessary for this application.

In answer to a question from the Chair, Ms. Johnston indicated if the parcel were sold in the future to another dealership, the two properties will still have to use the existing sales office. If a different type of business wanted to purchase the property, they would need to build a sales office.

Hearing no further questions from Commissioners, Chairperson Bell asked if the applicant wished to speak.

Mr. Matt VanDyke, Miller Johnson Law Firm, 100 W. Michigan Ave., indicated Mr. Jeff DeNooyer, owner of Metro Toyota and Mr. Mark Rykse, owner of the property being considered, were in attendance to answer any questions.

Chairperson Bell asked what the vision is for expansion.

Mr. Jeff DeNooyer, 1426 Edgemoor, said future growth is in used cars and associated service; the goal is to expand the used car display area to accommodate at least 100 additional used cars. He said he is excited about the opportunity and plans to maintain the property well.

There was some discussion regarding hours of operation and evening and overnight lighting/dimming possibilities.

Ms. Johnston said those issues would be addressed if the use is approved and a site plan is considered.

The Chair moved asked if audience members wished to speak.

Mr. Paul MacIntire, 4102 Quail Run Drive, said he felt positive overall about the project but was concerned about how lighting at night would affect his property, noting current lighting on the east side is bright all night long. He wondered what the buffer would entail and was also concerned about access to Stadium Drive, particularly where there is no traffic light. Increased pedestrian traffic will likely affect public safety and cause extra congestion that would increase the time to access Stadium Drive.

With no further public comment, Chairperson Bell moved to Board Deliberation.

Ms. Farmer said since the Planning Commission's only concern at this meeting was to decide if the proposed use is appropriate, she would vote yes, reserving further consideration until a site plan is brought before the Commission. She wondered if removal of a curb cut might be considered at that point.

Ms. Johnston said traffic and access will be looked at during site review to be sure it will be managed appropriately by the dealership. She said the Commission could consider removal of a curb cut at that time.

Ms. Smith confirmed there is a light at Venture Park and Stadium.

Ms. Maxwell noted there is already restaurant traffic at the site.

Chairperson Bell said the car business may see a similar amount of daily traffic to the restaurant but it may be spread out instead of at peak breakfast and lunch times.

Ms. Farmer pointed out there is no cross-access between the properties for pedestrians or vehicles.

Ms. Johnston agreed the drives between the lots do not line up and that the Commission may want to address that later.

Hearing no further comments, Chairperson Bell asked for a motion.

Ms. Smith made a motion to approve the special exception use request for a new/used car sales lot at 5924 Stadium Drive, conditioned on Planning Commission approval of a site plan that meets the requirements of the Section 30.409 and all other Zoning Ordinance regulations. Mr. VanderWeele supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: ZONING ORDINANCE RE-CODIFICATION**  
**COMPLETE RE-CODIFICATION OF THE TOWNSHIP'S ZONING ORDINANCE, TO**  
**INCLUDE THE FOLLOWING AMENDMENTS:**

- a. **Amendment of Article 5, Section 5.40, Subsection A to delete "motorized vehicle roadways" in the special exception uses allowed in the Rural Residential District.**

- b. **Amendment of Article 20, Section 20.20, Subsections D and F of the BRP Business and Research Park District, to delete the references to “drive-through service” in Subsection D and “drive through windows” in Subsection F as special uses permitted elsewhere.**
- c. **Amendment of Article 20, Section 20.40 of the BRP Business and Research Park District, by the addition of Subsection G to add “drive through service and/or windows” as a special use.**
- d. **Amendment of Article 27, Section 27.20, Subsection H of the I-1 Industrial District, Manufacturing /Serving to delete the reference to “sale of new material” under wholesale or retail lumber yards.**
- e. **Amendment of Article 49, Section 49.70, under Requirements for Special Uses, to delete the reference to “motorized vehicular roadways.”**
- f. **Amendment of Article 65, Sections 65.20 Applicability and 65.30 Review Criteria of special uses to add language outlining the standards and requirements to apply for all special uses and the review criteria therefor.**

Ms. Johnston said in an effort to modernize and make the Township’s Zoning Ordinance more user-friendly, a comprehensive re-organization of the code was completed by Wade Trim, consulting planners, and Township staff. This re-organization was reviewed and updated by the Planning Commission over the last 6-month period. To re-codify the Zoning Ordinance under this new format, the Planning Commission must hold a public hearing and make a recommendation to the Township Board. Changes/edits from the document previously reviewed by the Board are minor.

She noted it was the intent of this re-organization to assist the public, developers and other stakeholders to better understand Township zoning ordinance regulations, while assisting staff to more effectively administer the code. The Township will continue to use EnCode Plus as the web-based provider for the new Zoning Ordinance. The web-based ordinance will allow the Township to utilize techniques such as hyperlinks, linked table of contents, links to the zoning map, etc. to promote ease of use.

Ms. Johnston then went through the actual changes to the Ordinance text that will be included as part of the re-codification, which were:

- Section 5.40.A – page 19
- Section 20.20.D and F – page 37
- Section 20.40.G – page 38
- Section 27.20.H – page 48
- Section 49.70 – page 201
- Section 65.20 – page 319
- Section 65.30 – page 319 and 320

Ms. Johnston advocated the Planning Commission forward a recommendation of approval to the Township Board.

Attorney Porter said he appreciated the time and work Ms. Johnston put in to re-

codify this document. So many changes over the years were not incorporated in an organized fashion; this re-codification is much more readable and usable.

Chairperson Bell asked what next steps would be to move forward.

Ms. Johnston said the Township Board would need to consider the re-codification at two hearings before adopting it. The process could likely be completed in February. Paper copies and a pdf on the web page would then be made available to the public, until the web-based document is ready, which would hopefully be by early spring.

Hearing no further comments, Chairperson Bell asked for a motion.

Ms. Smith made a motion to recommend the re-codification of the Township's Zoning Ordinance as presented to the Township Board for approval. Mr. VanderWeele supported the motion. The motion was approved unanimously.

### **Draft Agribusiness/Agritourism Ordinance Public Comment**

Chairperson Bell explained the draft of the Agribusiness/Agritourism Ordinance was on the agenda to receive feedback and public comment about the contents.

Ms. Johnston provided a review of the process to date for this piece of the Rural Character Preservation Strategy. The goal is to amend the Zoning Ordinance to provide opportunities for economic development for property owners while retaining rural character in the western two-thirds of the Township. It would promote agribusiness and agritourism while also protecting neighboring properties.

She walked through the proposed document sections and explained that as long as existing businesses meet the current Township requirements, the proposed Ordinance changes would not affect them. The new Ordinance would come into play if new development occurs.

Ms. Johnston indicated that the draft document was provided by email to the interested stakeholders from the Rural Character Preservation Strategy master plan workshops, as well as the current agribusinesses within the Township. In addition, a link was provided on the Townships website, Facebook page, and Next-Door social network page.

Ms. Johnston reported there have been nine meetings to review/edit the draft.

Chairperson Bell asked if members of the public wished to comment.

Mr. Paul Graham, 7105 Oak Highlands Drive, observed the document includes a lot of specific percentages and square footage notations. He wondered what rationale was used to determine them. He also wondered how infractions would be enforced. He said he appreciated the Planning Commission taking this kind of approach.

Ms. Kim Bourner, 2090 N. 6<sup>th</sup> Street, was glad to see noise and activity levels addressed and hoped they would be addressed throughout for neighbors.

Mr. Chris Gallup, 2401 N. 6<sup>th</sup> Street felt there needed to be definition of parking spots to avoid confusion.

Ms. Dori Beltz, 2582 S. 6<sup>th</sup> Street, said she hopes her “Camp Whimsy” will be an advocate for category three. To have the Ordinance in place will allow her to do what she does without having to go through hoops. She thanked the Commission for their time and effort on behalf of promoting rural character.

Mr. Chad Hughson, 18 and 100 N. Van Kal, had questions regarding differences between categories one and two, felt he was covered by the Michigan Right to Farm Act and that as long as he followed those regulations, the Ordinance would not have oversight. He also wondered if a category one operation had a Boy Scout group or garden club visit for a tour or presentation whether category two regulations would apply. He also questioned the “not to exceed” square footage for buildings.

Attorney Porter indicated if his business did not change he would be grandfathered in his current operation. Envisioned was small commercial operations rather than farming. Small commercial operations would not be covered by the Right to Farm Act; he thought language might need to be added to be sure the difference between farm operations and agribusinesses would be clear.

Ms. Kim Bourner asked whether operating an agritourism or agribusiness would increase or decrease property taxes.

Attorney Porter said it would cause no change in property taxes.

Mr. Chris Gallup was concerned about building sizes addressed in the document and wondered who will dictate whether an operation is defined as a business or a farm.

Ms. Johnston said it sounded like clearer language on building size requirements might be needed.

Attorney Porter explained the intent of the Ordinance is to expand not contract opportunities for business.

Chairperson Bell said they do not want to muddy the issue for new operations.

Ms. Johnston said the intent regarding building square footage is to address the retail part of agribusiness and tourism to limit the size. Preservation of the rural character is needed for neighbors. The intent is not to stop an active farm from putting up more buildings.

There were no further comments from the public.

Ms. Johnston reported she received two emails on this subject:

Mr. Greg Pendowski, owner of Blue Butterfly wedding venue, said he did not want to be limited to 10 events annually without a special exception. He would prefer to be allowed to hold four events per month without special exception.

Mr. Jeff Phillip asked if there were state laws related to liability and insurance for these types of uses. Mr. Porter indicated there were not and that each business would have to obtain their own insurance.

Chairperson Bell moved to Board Deliberations.

The Board went through the comments and tried to address concerns.

Ms. Johnston indicated the Ordinance and regulations were developed using a model provided by the Michigan Agricultural Tourism Advisory Commission as well as language from communities in Michigan that have regulations in effect already. All had differences in sales to promote agricultural development happening on properties.

She then answered the question related to percentages of sales, indicating that category one allows only agricultural products grown on site with a small portion grown off-site. Category two allows for some non-agricultural products to be sold, allowing more flexibility. The intent is to focus sales on products grown on the individual property, but that enforcement of the percentages would only be reviewed if a complaint was made or staff saw a concern.

Chairperson Bell noted the Township does not have the capacity to go looking for infractions. There is already a noise ordinance regarding noise and activity in place Township wide, so it is not necessary to spell it out in this Ordinance.

Ms. Johnston then answered the question related to parking space size. She explained the 200 square feet per parking spot is required and generally equates to a 10' x 20' spot. The number of required spaces for Agritourism category one is not defined, a place to park is needed but number/size are not delineated. Category two needs a more defined parking lot.

The Chairperson noted legal non-conforming properties can stay as they are unless improvements are made.

Mr. VanderWeele said safety is the main concern; as long as parking is safe no one will complain.

Attorney Porter said the focus of the Township is always to work with the

property owner to bring them into compliance; they do not use a heavy hand.

Chairperson Bell said the comments regarding educational opportunities not being included in category one was valid. They had been thinking more in terms of a camp. That will be something to address.

Ms. Farmer said in discussion they were considering, for example, a Boy Scout troop attending a one day opportunity in Category one. A day event including a tour and education is different from planning out five days in a row.

Chairperson Bell agreed, saying education is a very broad term and worth looking at as it applies to category one.

Ms. Johnston said maybe a definition is needed for education in all categories, and what will cause it to rise to a special event. Also, clear definitions need to be provided to differentiate agritourism, agribusiness and agriculture. Small educational opportunities should be encouraged.

Chairperson Bell said also needing definition in building size for farm operations vs. commercial operations.

Ms. Smith noted if a farm offers some bales of hay for sale but the primary business is selling the bales elsewhere, it would not fall under this Ordinance. That needs to be clarified.

The Chair said when the definition of special events is looked at the frequency should also be re-visited.

Ms. Smith suggested adding "to assist" in agricultural production under agribusiness.

Ms. Johnston said based on the comments received it is clear the Ordinance needs more work.

Chairperson Bell asked if there were any further audience comments following the Board's discussion.

Mr. Chris Gallup suggested special events might be differentiated based on whether they are profit-based.

Mr. Glen Hughson commented that under Agritourism category one, number one, the size might be changed to 200 sq. feet or less as standard canopies are 10' x 20' ft.

Chairperson Bell thanked everyone in the audience for their time and useful and appreciated feedback. An updated version of the proposed Ordinance will be prepared after the first of the year.

## **OLD BUSINESS**

There was no old business to consider.

## **ANY OTHER BUSINESS**

There was no other business to consider.

## **PLANNING COMMISSIONER COMMENTS**

Ms. Farmer told Commissioners the funeral for Mr. David Bushouse would be held the next day at 11:00 a.m. By statute his position needs to be filled within 45 days. Letters of interest and resumes are being accepted. Interviews will take place on January 8, 2019; the position will be filled by January 22.

Mr. Antosz said it had been a pleasure and an honor to serve on the Planning Commission for the last six years. He learned a lot during the process and always tried to do his best for the Township as a whole. He said it had always been helpful to him to come to meetings prepared and to consult Ordinance ahead of time. He felt serving had been a good opportunity and experience for him.

Chairperson Bell thanked Commissioners for their work during 2018, a big year with a big agenda and much accomplished. She looks forward to another busy year.

## **ADJOURNMENT**

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

Mr. Antosz made a motion to adjourn the meeting. Ms. Maxwell supported the motion. The motion was approved unanimously.

The meeting was adjourned at approximately 8:23 p.m.

Minutes prepared:  
December 15, 2018

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

December 27, 2018



**Mtg Date:** January 10, 2019  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** Conditional Rezoning Ordinance Amendment – Public Hearing

This suggested amendment was brought to the Planning Commission at the September 13<sup>th</sup> meeting, requesting changes to address how the Township revokes a conditional rezoning. In reviewing Section 53: Conditional Rezoning, we find the following language under Section 53.510:

*“If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 53.500 above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applied to all other rezoning requests.”*

According to this Section, 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 seems redundant and over-regulatory as Section 53.510 clearly states that 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<sup>th</sup> discussion. The below 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 ~~above~~, 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.**

~~the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applied to all other rezoning requests.~~

At this time, staff would advocate the Planning Commission hold the required public hearing on this draft amendment and then forward a recommendation of approval to the Township Board.

Thank you.

December 31, 2018



**Mtg Date:** January 10, 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. 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. These changes are noted in **red** for new language and ~~strikethrough~~ for deleted text.

In addition to the draft amendments, the Planning Commission will still need to consider possible changes to the Agritourism Special Event sections of Category 1 and 2. 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 the below table for consideration:

Event Type	Event Size (persons)	Number of Consecutive Days	Days between Events	Total Number of Events per Year
Educational classes, lectures, and seminars	1-10	5	2	30
	11-50	3	4	20
	Over 50	2	10	10
Day camps	1-10	5	2	30
	11-50	3	7	20
	Over 50	2	10	10
Retail events	1-100	3	10	15
	Over 100	2	20	10
Weddings and celebratory gatherings	1-50	3	4	20
	51-150	2	10	15
	151-300	1	10	10
	Over 300	1	20	5
	Combination of the above event sizes can occur as long as the days between events is still followed.			
Fairs, festivals, and holiday events	1-300	3	50	7
	301-500	2	60	5
	Over 500	2	90	2

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 1 and 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.**
  - 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.**
  - 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.

- b. The agritourism operator/property owner shall submit the annual list of the special events to the Planning Commission for review within 30-days of the first requested event. The Planning Commission may eliminate a special event if said event would be unduly disruptive to the general peace and enjoyment of the rural and/or residential character of the surrounding area.
- c. The special event must be related to and enhance the primary agritourism use of the property.
- d. Each special event may not last more than three consecutive days, with a minimum of 14 days between events unless otherwise approved by the Planning Commission.
- e. A reserved parking area shall be provided on-site to be utilized for special events. If the agritourism use intends to hold special events, this reserved area must be displayed on a site plan.
- f. The reserved parking area must be of adequate size to accommodate the anticipated additional traffic of the special event. The size of the reserved parking area shall be reviewed and approved by the Planning Commission.
- g. For special events lasting more than one day and with an expected daily attendance exceeding 100 hundred individuals, the on-site manager or owner shall notify all adjacent neighbors bordering the subject property in writing of the date, time, duration and description of the event. Notification shall occur at least five business days prior to the beginning of the event.

**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.**
- 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.
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.

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.
- c. For ~~special~~ events with an expected attendance exceeding 100 hundred individuals, the on-site manager or owner shall notify all adjacent neighbors bordering the subject property in writing of the date, time, duration and description of the event. Notification shall occur at least five business days prior to the beginning of the event.
- d. Hours of operation. Hours of operation for the ~~special~~ event or activities must be provided by the applicant. The Planning Commission may alter the requested hours of operation for the agritourism uses, or specific elements thereof, consistent with the character of the land uses in the vicinity and may further approve an enforcement mechanism to ensure adherence to the established hours of operation.

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.