

Harris County Agricultural Tourism Zoning Ordinance Provisions

Introduction

The intent is to highlight the importance of agricultural tourism businesses to the communities in which they reside, and to help create an atmosphere in which they can thrive. Agricultural tourism operations are very diverse in nature and each township, village or city has its own unique identity. The goal is to develop some uniformity in zoning while keeping local control of zoning issues intact and preserving the local flavor and agricultural heritage of rural areas in Harris County.

Agricultural tourism can easily be incorporated into zoning ordinances by adding some or all of the following recommended language within an existing zoning code. These provisions are meant to be guidelines for zoning officials to pick and choose as needed. In general, definitions related to agricultural tourism would be added to the general definitions sections of the zoning code. Uses permitted by right would be added to the use by right section. Special uses can be added to the special use or conditional use section. Parking regulations and sign regulations associated with agricultural tourism operations may be placed in the parking requirements and signage requirements section of the zoning code.

Intent, Goals and Purpose

The intent of these zoning provisions are:

- To promote and maintain local farming. The activities that are described have become necessary for the sustainability of farms.

The goals of these provisions are:

- To maintain and promote agriculture and its related activities, such as agricultural tourism.
- To preserve open space and farmland
- To maintain both an agricultural heritage and a rural character.
- To increase community benefits by having fresh, local produce for sale and working classrooms for school children's and urban residents' education
- To increase positive growing businesses that contributes to the general economic conditions of the county and the surrounding area.

The purposes of these provisions are:

- To provide standard definitions related to agricultural tourism operations.
- To provide a list of permitted activities under an agricultural tourism operation.
- To provide a list of activities that needs a special permit to guide and regulate agricultural tourism businesses on agriculturally zoned land.
- To provide for a clear understanding of the expectations for agricultural tourism businesses for operators, local residents, other businesses and local officials.

Definitions

- (a) *"Agricultural Tourism"*, *"Agricultural Tourism"*, *"Ag-tourism"*, and/or *"Agri-tourism"* means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, a companion animal or livestock show, for the purpose of purchase, recreation, education, or active involvement in the operation, other than as a contractor or

employee of the operation. More specifically, the farm must be actively producing agricultural products for purchase and sale. It may include any farm marketing or agricultural tourism endeavor such as farm markets, farm direct marketing, farm stays/camping, farm visits, roadside markets or stands, U-Pick operations, bird watching, horseback trail rides, community supported agriculture, rural tourism, farm museums, corn mazes, pumpkin patches, pumpkin cannon, pig races, fee fishing, boating, camping, petting farms, on-farm retail meat shops, Christmas tree farms, festivals for home grown/homemade products that promote agricultural awareness/education, multi-farmers' markets, on-farm nurseries, on-farm gift shops, on-farm flowers, herbs and spices stores.

- (b) “***Value-added agricultural product,***” means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.
- (c) “***Agricultural products***” includes, but is not limited to, crops (corn, wheat, hay, soybeans, etc.); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, beans, tomatoes, potatoes, 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).
- (d) “***Agriculturally related products***” means items sold at a farm market 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, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Harris County and value-added agricultural products and production on site.

- (e) “***Non-agriculturally related products***” means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.
- (f) “***Agriculturally related uses***” means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.
- (g) “***Non-agriculturally related uses***” means activities that are part of an agri-tourism operation’s total offerings but not tied to farming or the farm’s buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc., and are subject to special use permit.
- (h) “***Farm Market/On-farm market/roadside stand***” means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on the working farm.
- (i) “***Seasonal***” means a recurrent period characterized by certain occurrences, festivities, or crops; *harvest, when crops are ready*; not all year round.
- (j) “***Seasonal sign***” means a sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

Uses Permitted By Right

1. General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, for the storage or preservation of said crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure.
2. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if at least 50 percent of the stored, processed, or merchandised products are produced by the farm operator for at least 3 of the immediately preceding 5 years.
3. Direct marketing of produce in a farm market, on-farm market or roadside stand if 30% or more of the products offered for sale are produced on the farm where the market is located.
4. Seasonal U-pick fruits and vegetables operations.
5. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
6. Food sales/processing, processing any fruits/produce.
7. Uses 3 through 6 listed above may include any or all of the following agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
 - a. Value-added agricultural products or activities such as education tours or processing facilities, etc.
 - b. Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
 - c. Playgrounds or equipment typical of a school

- playground, such as slides, swings, etc. (not including motorized vehicles or rides).
- d. Petting farms, animal display, and pony rides.
 - e. Wagon, sleigh and hayrides.
 - f. Nature trails.
 - g. Open air or covered picnic area with restrooms.
 - h. Educational classes, lectures, seminars.
 - i. Historical agricultural exhibits.
 - j. Kitchen facilities, processing/cooking items for sale.
 - k. Gift shops for the sale of agricultural products and agriculturally related products.
 - l. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

Uses Permitted By Special Use Permit

1. Bed and Breakfast.
2. Direct marketing of produce in a farm market, on-farm market or roadside stand if less than 30% of the products offered for sale are produced on the farm where the market is located.
3. Restaurant operations related to the agricultural use on the site.
4. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following additional uses may require a special use permit.
 - a. Small-scale entertainment (e.g., music concert, car show, art fair).
 - b. Family oriented animated barns (e.g., fun houses, haunted houses, or similar) and small mechanical rides.
 - c. Organized meeting space for use by weddings, birthday parties, family reunions and corporate picnics.
 - d. Designated, permanent parking for more than 20 vehicles.

Parking

Agricultural Tourism and Seasonal Agricultural Uses

1. For agricultural tourism and seasonal agriculturally related uses one space for each “X” square feet of retail area and one space for every “X” square feet of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment.
2. For uses permitted by right, parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
3. For uses permitted by special use permit parking may be either gravel or paved as determined by the **Harris County Commission**, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the **Harris County Commission** to accommodate seasonal peak demand.
4. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
5. Unpaved parking areas shall not be located in required side and rear parking setback areas. Paved parking areas must meet all design, landscape screening and setback requirements set forth in this zoning ordinance.

Signs

Agricultural Tourism and Seasonal Agricultural Uses

Subject to state regulations, seasonal signs may be erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

Rural and
Agritourism
Development
Standards

June 27

2011

STEERING COMMITTEE MEMBERS

Morris Jones
Barbara Short
Ned Mallory
Nancy Green
Rob Petry
Forrest Hill
Doug Roberts
Matt Comerford
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Rural and Agritourism Development Standards and Procedures

I. Agritourism

Purpose. The purpose of this ordinance is to allow Agritourism uses in Troup County while maintaining the rural character and preserving farmland of the area and protecting the health, safety and welfare of the citizens. Agritourism presents a unique opportunity to combine aspects of tourism and agriculture to provide a number of financial, educational and social benefits to tourists, producers and communities. Agritourism gives producers an opportunity to generate additional income and an avenue for direct marketing to consumers. It enhances the tourism industry by increasing the volume of visitors to an area and the length of their stay. Agritourism also provides communities with the potential to increase their local tax bases and new employment opportunities. In addition, agritourism provides educational opportunities to the public, helps preserve agricultural lands and allows the development of businesses that cannot later be outsourced to other countries.

Allowing agritourism uses in the Agricultural and Agricultural/Residential Districts of Troup County provides:

- ❖ Enhancement of the economic viability of the farm and provides on-site employment opportunities;
- ❖ Generates additional income and/or off season income for the farmer;
- ❖ Interaction and education of local citizens and visitors about the importance of farming in Troup County;
- ❖ Increased awareness of local agricultural products; and
- ❖ Develops a new consumer market

II **Definitions.** For the purposes of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future, the singular number includes the plural and the plural the singular, the word may is permissive and the word shall is mandatory. Words and phrases not defined in this section, but defined in other sections of the ordinance, shall be given the meaning set forth in that section. All other words and phrases shall be given the meaning as defined in section 1-4, chapter 1, the Code of Troup County, Georgia.

Agritourism – is defined as the activities conducted on a working farm and offered to the public or to invited groups for the purpose of recreation, education and/or active involvement in the farm operation. These activities link agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or

educating the visitors and generating supplemental income for the farm or ranch owner. Agritourism activities are linked directly to the primary agricultural use of the property and any recreation, education or active involvement in the farm operation is secondary and shall constitute only a percentage of the total working farm.

Agribusiness - the businesses collectively associated with the production, processing, and distribution of agricultural products.

Christmas Tree Farm/cut your own – a working farm that grows various types of trees used in celebrating Christmas where sales are made directly to the public and where the customers cut their own trees.

Dinner on the Farm – A working farm (usually organic farm products) where meals are prepared for members of the general public from products of the working farm.

Educational Demonstrations – Demonstrations that teach the ability to create a product where raw materials are grown from a working farm

Facility - Small Scale – Agritourism facility or use that poses minimal or small impact to surrounding farms and or residential properties

Facility - Large Scale - Agritourism facility or use that may pose an adverse impact to surrounding farms and or residential properties through noise, light, traffic or

Farmer's Market - A farmers market (a.k.a. greenmarket) is a place where a group (more than five) of farmers sells their products directly to consumers. Ultra-fresh produce, pastured meat and eggs, artisan cheeses, hand-harvested honey, and other fresh, small-batch foodstuffs are the hallmark (and benchmark) of the best farmers markets. They serve not just as a place for farmers to get the best price and consumers to get the best products, but as venues for producers and consumers of food to come together, forge relationships, and exchange information. Farmers markets are subject to all state health regulations and any other requirements from the state regarding the sale of food and produce.

Farm Retail Sales – A working farm where products produced on the farm are sold directly to the public.

Farm Tours – Tours where members of the public are shown working farm operations and teaches the attendees about farm processes.

Farm, working – any operation that sells at least one thousand dollars of agricultural commodities or that would have sold that amount of produce under normal circumstances. Working farms are also defined as those that have a valid farm number from the Farm Service Agency.

Roadside Markets – A structure where five or less farmers on working farms get together and sell produce or other farm products directly to the general public. Roadside markets are different than roadside stands in that roadside markets are a group of farmers rather than just the owner of the property where the structure is located

Roadside Stands – a structure built on a working farm where the owner sells -- fresh produce or other farm products directly to the general public. Roadside stands differ from farm markets in that farm markets may utilize products from another farm to sell at the roadside structure.

Rural Character- refers to the patterns of land use and development established by a county in its comprehensive plan:

In which open space, the natural landscape, and vegetation predominate over the built environment;

That fosters traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

That provides visual landscapes that are traditionally found in rural areas and communities;

That is compatible with the use of the land by wildlife and for fish and wildlife habitat;

That reduces the inappropriate conversion of undeveloped land into sprawling residential or commercial development;

That generally do not require the extension of urban governmental services; and

That is consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

Rural Tourism – Tourism enterprises that do not necessarily occur on a farm or ranch or at an agricultural plant and rural tourism does not generate supplemental income for an agricultural enterprise but provides an additional income for the property owner.

Special Events, Private – A use or facility where events may have an impact to surrounding farms and residential property owners but has a definite number of attendees and does not pose an adverse impact to rural character. Private special events usually are of short duration (part of one day).

Special Events, Public – A use or facility where events may have attendance that could cause excessive traffic or overburden public safety personnel. Special events that are open to the public may pose an adverse impact to rural character and therefore must adhere to the Special Events Ordinance of Troup County. These types of uses or facilities while not used every day will be open for longer periods of time than private special events. Examples include concerts, conferences, meetings, fund raisers, etc.

Special Use Permit – A permit that allows a large scale use or facility to operate in unincorporated Troup County. This permit is issued by the Building, Zoning and Planning Department once approved by the Board of Commissioners.

Troup County Board of Zoning Appeals/Planning Board – Appointed members that make certain decisions as prescribed in the Troup County Zoning Ordinance.

Troup County Board of Commissioners – Elected officials of Troup County, Georgia.

U-Pick Operations – a working farm where the general public is invited to come and pick its own fresh fruits or vegetables.

Urban Services – Public water and or public sewer. Other services may be defined as services that are normal and usual in a municipality or urban center. These services could include but are not limited to cable, high-speed internet, cellphone service, major highways, proximity to shopping, mass transit and schools.

Winery- A working farm where grapes are grown and wine is produced for commercial sales in other venues.

III Procedures. Agritourism uses and facilities are be separated into three categories. Those categories are: 1) minimum 2) small scale; 3) large scale. Either category of Agritourism uses may be approved administratively by the County Planner and/or Zoning Administrator and County Engineer upon finding that the facility or use meets the following conditions and any other standards in this section and other sections as may be referenced in this section. All agritourism uses or facilities shall be in compliance with all state regulations as required for a particular use. Tax certificates shall be applied for, when necessary, prior to submission of a business license.

Business License. All agritourism operations are required to have a business license. The application for a business license is filled out and submitted to the Building Inspection and Zoning Department with the required fee as posted in the Building and Zoning Department. Business license applications will be reviewed by the County Planner, Zoning Administrator and County Engineer (if necessary) to determine whether the proposed use or facility is minimal, small or large scale activity.

Exemptions to Business License Requirement. The requirement for a business license is for agritourism enterprises. Normal and usual farming activities are not required to obtain a business license. These activities include but are not limited to:

- ✓ Selling produce grown on same farm (roadside stand, farmer's market, etc.)
- ✓ Cattle farming
- ✓ Hay sold from farm where hay was grown
- ✓ Raising livestock associated with farming

Conservation Use. Any property that wishes to start an agritourism business and has property in Conservation Use should check with the Troup County Property Appraisal Office prior to obtaining a business license. The Property Appraisal Office can let a property owner know if the proposed business will cause a violation of the conservation use tax break. If the Property Appraisal Office is unable to determine if the proposed use is a violation then the property owner should get a determination from the Troup County Board of Assessors.

Standards for Administrative Approval of Agritourism uses or facilities:

The facility or use is approved subject to maintaining a working farm as defined in Section II of this document.

The use is compatible with existing agricultural uses in the area and does not adversely impact neighboring agricultural operations or unduly disrupt the rural character of the area.

The use or facility does not require the extension of urban services (sewer and/or water service).

No motorized off road vehicles shall be used for recreational purposes, but may be used as a part of normal farming functions.

IV. Requirements for Agritourism Uses or Facilities. All agritourism uses or facilities are required to submit the following with the application of a business license:

Site Plan Requirements. All site plans are required to be drawn to scale. An aerial photograph with requirements drawn in may be used if that is the best way for applicant to show the requirements of the site plan. The following are required to be included on the site plan.

North Arrow

Placement on property for all structures, including existing structures and residential dwellings.

Placement on parcel of all parking spaces to adequately serve the agritourism use or facility.

Placement and type of planting for any and all landscaping planned for the site.

Distance from property line to all structures and parking areas including handicapped accessible parking space or spaces.

Show the nearest county or state highway.

Show setbacks from any proposed structures and the property line of the parcel where the proposed use or facility will be located.

Floor Plan. The floor plan should show all rooms in the facility, to scale. The floor plan should include:

The size of each room

Location of handicapped accessible rest rooms

Location of handicapped access to building

Layout of all rooms in the facility

Location of any kitchen facilities in the structure

Narrative Requirements. This required narrative should answer the following questions in detail:

What is the proposed use for the property?

How is the property zoned now?

What is the zoning of adjacent property owners?

What is the nearest county or state highway?

Explain in detail why you want to have this agritourism use or facility and how does it promote education of the public on farming or increase economic development in Troup County?

How many acres of land do you propose to use in this agritourism use or facility.

How will this use of facility protect and preserve rural character of Troup County?

Do you need a tax certificate to engage in this business?

What steps do you plan to take to ensure that you do not adversely impact neighboring farms or residents?

If this narrative is being written for a Rural Tourism use please answer the following in addition to the questions listed in Narrative Requirements:

How is this use or facility going to promote farming and or tourism?

What is the economic value to the community of this use or facility?

How does this use or facility fit in a rural setting?

Minimum Impact Agritourism Uses or Facilities. These are uses or facilities that pose minimal impact to surrounding properties and farms. They may be administratively approved with the approval of the County Planner and Zoning Administrator that the proposed use of facility meets the intent of this ordinance and poses no threat to health, safety or general welfare of the general public. Uses or Facilities that may be approved administratively under this definition include but is not limited to:

Pick your own
 On-Farm sales
 Roadside Stand
 Agricultural crafts/gifts sales from primary residence only
 Fee Fishing/Hunting
 Wildlife viewing and photography
 Horseback riding for a fee
 Wagon Rides
 School Tours
 Garden/Nursery Tours
 Farm Technical Demonstrations and sales (canning, weaving, soap-making, etc.)
 Hunting/working dogs trials/training

Other uses of facilities may be approved administratively by the County Planner and Zoning Administrator that meet the intent of this section and where it is determined that there will be minimal impact to surrounding properties and farms.

Small Scale Use or Facilities are uses or facilities that: Do not adversely impact surrounding farm uses but may involve an accessory building for storage or demonstration purposes. The application will be reviewed by the Troup County Planner, the Zoning Administrator and the Troup County Engineer based on the required site plan, floor plan of any proposed new or existing structures and a detailed narrative describing all activities planned for the parcel and any structures that will be built. The application for a business license may be approved administratively if the proposed use meets the following:

- a. The proposed use or facility meets all setbacks and buffering requirements
- b. The proposed use or facility is approved by the County Planner, Zoning Administrator and County Engineer as meeting all requirements as set forth in the zoning ordinance for that parcel and will not significantly increase traffic in the surrounding area.

Other proposed uses or facilities that are defined as small scale but are outside the scope of a and b above or require a variance of any kind will be required to get approval from the Board of Zoning Appeals/Planning Commission prior to issuance of a business license.

Permitted Small Scale Facilities or Uses. Small scale uses are allowed in the Agricultural/Residential and Agricultural zoning districts. Agritourism uses in the Agricultural/ Residential or Agricultural zoning districts require a minimum of two acres and setbacks for that district as described in Article 25 of the Troup County Zoning Ordinance for Agricultural/Residential districts. Permitted small scale facilities or uses include but are not limited to:

Bed and Breakfast Home (must meet the requirements in the zoning ordinance for bed and breakfast home)

Clay Bird Shoot
 School Tours
 Garden and Nursery Tours
 Historical Farm Museum or exhibit
 Roadside Market

Other similar facilities or uses may be considered for approval as determined by the zoning administrator.

Large Scale Facilities or Uses. These are facilities or uses that may impact the surrounding farms or property owners. These uses must be approved by the Board of Commissioners. Large scale facilities or uses may increase traffic, require health department approval for bathrooms, ADA requirements and food service or require public safety presence for traffic control.

Large Scale facilities or Uses include but are not limited to:

Farm vacations
 School Tours that are more than one day
 Winery Tastings or Tours
 Historical Exhibit
 Farm Technical Tours
 Rodeos/Horseshows

Other similar facilities or uses may be considered as determined by the zoning administrator.

V. Rural Tourism. Rural tourism is considered to be any of the agritourism facilities or uses, but is not secondary to an agricultural use. Rural Tourism is most often considered a special events venue, but may include other uses as well. Rural tourism uses may be approved by the Board of Zoning Appeals/Planning Commission or Board of Commissioners depending on the standards for the use. These uses are allowed on rural properties that no longer function as a working farm but may have tourism or income value. Rural Tourism Facilities and Uses shall have the following standards:

- ❖ Must have a business license

- ❖ Must submit all requirements of agritourism facilities or uses (site plan, floor plan, narrative).
- ❖ Any rural tourism use or facility that intends to stay open to the public (concerts, festivals, fairs, conferences, etc.) on a year round basis requires a special use permit as outlined in the Troup County Zoning Ordinance and must be approved by the Troup County Board of Commissioners.
- ❖ Any rural tourism use or facility that meets the requirements of a small or large scale agritourism facility or use but does not have a primary agritourism use may be approved by the Board of Zoning Appeals/Planning Commission provided:
 - a. The facility or use conforms to a standard agricultural use (syrup making demonstrations, soap making, weaving demonstrations., historical exhibit, etc.)
 - b. The facility or use does not diminish the rural character of the surrounding area or adversely impact neighboring farms or properties.
- ❖ Any rural tourism venue that intends to be open for special occasions not open to the public such as family reunions, birthday parties, family reunions, etc. may be permitted as long as it meets the requirements of the Special Events Permit Ordinance as adopted by Troup County.
- ❖ Rural Tourism uses will be reviewed by the County Planner, Zoning Administrator and County Engineer to determine the impact of the rural tourism and direct the applicant to which path for approval the owner must follow.
- ❖ Under no circumstances will a rural tourism use be approved where the applicant is leasing the property from an absentee owner.

Rural Tourism Uses or Facilities may be determined to be small or large scale. Small scale uses or facilities may be approved by the Board of Zoning Appeals/Planning Commission. Large scale uses or facilities may be approved by the Board of Commissioners upon determination from the County Planner and Zoning Administrator.

VI Variances. Variances may be applied for as necessary under the provisions for variances as stated in Article 16, Section 16.5, of 6/27/2011 the Troup County Zoning Ordinance.