

ARTICLE V – USES PERMITTED

5.1 - AR-1 Agricultural residential districts.

5.1.2 Conditional uses.

5.1.2.13 – Agritourism Business

“Agritourism Business” 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.

An Agritourism Business is permitted as a conditional use only in conforming Agricultural Residential - AR-1 districts and not located in a residential subdivision. An Agritourism Business may be permitted in said district only if it meets the following criteria:

- (a) An Agritourism Business is a business which is secondary or incidental to the primary use of the property for agricultural or residential purposes, and is of a service, educational, or recreational nature. An Agritourism Business is intended to be of a smaller size, intensity, and scale than commercial uses which would be more commonly found in commercial or business zoning districts, and is primarily designed to towards providing local or neighborhood service to the rural-residential area in which it is located. Agritourism Business activities may occur in an accessory structure detached from the principal residence or in an area outside of the dwelling.
- (b) A concept and site plan and narrative for the proposed Agritourism Business shall be provided to the Zoning Administrator for review and approval by the Technical Review Committee. All 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 plan. The following are required to be included on the concept and site plan:
 - North Arrow;
 - Placement on property for all sign, and 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;
 - Access to the property;
 - Location of well/septic; and
 - Known future development (gift shop, planned exhibits, etc.).

The narrative shall answer the following questions and requested information 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 Effingham 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 Effingham County?
 - What steps do you plan to take to ensure that you do not adversely impact neighboring farms or residents?
 - Explain the daily operations with hours of operation.
 - Explain the goals and projected growth for the business.
 - Provide the expected number of daily visitors.
 - Provide an emergency evacuation plan.
- (c) The Agritourism Business shall be reviewed by the Planning Board and approved by the Board of Commissioners before any business activities begin. The Planning Board may recommend to the Board of Commissioners that conditions be imposed to insure the orderly operation of the proposed business and its compatibility with surrounding properties. The Board of Commissioners may place reasonable conditions on the proposed use as deemed necessary to insure the orderly operation of the proposed business and its compatibility with the surrounding properties.
- (d) Any required State or Federal licensing shall be obtained and kept in good standing. An Effingham County Occupational Tax Certificate shall be obtained and renewed annually.
- (e) Any additions or alterations to the residence which will be used for the Agritourism Business shall be of an architectural style in keeping with surrounding residential and agricultural development. Any structure built to house the business must be located to the side or rear of the residence, unless it is at least 100 feet from the front property line and meets all applicable side and rear setbacks. The structure must be readily and easily usable for customary agricultural and residential uses.
- (f) Only one nonilluminated sign not to exceed 16 square feet is permitted, location to be approved by the Zoning Administrator and/or designee. Location of the sign must be at least 15 feet from all property lines.
- (g) Property on which the Agritourism Business is proposed shall have frontage on a public road, or be granted exemption from the condition during approval from the Board of Commissioners. If an exemption is requested, the applicant shall provide a legal opinion letter from an attorney licensed to practice law in the State of Georgia which certifies that there is a recorded access easement granting the owner of the property and its business visitors the right to use said access easement. The legal opinion letter shall be dated within thirty (30) days prior to the date that the Agritourism Business application is received by the County. The Board of Commissioners should also consider the type of roadbed, width, and condition of the access road and whether emergency vehicles will have issues traversing said access road.

- (h) Parking for customers/clients shall be provided on-site, and there shall be no parking along the sides of any public roads.
- (i) Hours of operation shall be limited to daylight hours, except when exemption is granted by the Board of Commissioners during the approval process, or as provided for in this ordinance.
- (j) Operations of an Agritourism Business shall adhere to Effingham County Code of Ordinances, Part II, [Chapter 30], Article II, *Noise Control*.
- (k) Special or Seasonal Events. At such time as the Agritourism Business may wish to rent space for a private party, seasonal event, or any other activity which temporarily occurs outside the implicit scope of operation, the County Manager or designee may approve, or defer to a public hearing, so as to obtain approval from the Board of Commissioners.

(1) *General operating regulations.* The following operating regulations shall be enforced by the owner of the Agritourism Business:

- (a) No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be in violation of [Chapter 30], Article II, *Noise Control*.
- (b) No event shall be presented between the hours of 11:00 p.m. and 9:00 a.m. unless otherwise approved by the Board of Commissioners.
- (c) Camping on site by persons attending an event is permitted; provided that no on site camping shall be permitted more than two days prior or two days after an event.
- (d) Handicapped access shall be provided to activities that are open to the public.
- (e) Events and activities shall be accessible to emergency and service vehicles.
- (f) Adequate toilet facilities per the Department of Environmental Health and trash receptacles shall be provided for all events.
- (g) The burden of preserving order during the concert or special event is upon the owner of the Agritourism Business.

(2) *Revocation of use.* The Board of Commissioners may revoke permission for any proposed event or order that an event be discontinued immediately if, in the sole judgement of the Board of Commissioners, the event will disrupt traffic within the unincorporated area of Effingham County beyond practical solution; the event will interfere with access to fire stations and fire hydrants; the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to remainder of the county; or the event might otherwise interfere with the welfare, peace, safety, health, good order and convenience of the general public.

(3) *Exemptions.* The following special events are exempt from the provisions of this article:

- (a) Special events occurring upon a county-owned sports facility, including without limitation, a ball field, tennis court or pool, provided that the special event constitutes a use for which the sports facility was intended;
- (b) Special events hosted by a church on property owned by the church, but only if the property is used on a regular basis, at least bi-monthly, to conduct worship services;
- (c) Events hosted by a school on property owned by the school or a governmental entity, provided that the property is used on a regular basis, at least weekly, to conduct classes; and
- (d) A governmental agency acting within the scope of its agency.

(l) Examples of uses permitted (as an Agritourism Business):

1. On-farm sales
2. Pick your own
3. Agricultural crafts/ gifts sales
4. Fee fishing/Hunting
5. Wildlife viewing and photography
6. Equine related activities
7. Wagon Rides
8. School tours
9. Garden/Nursery Tours
10. Farm Technical Demonstrations and sales (canning, weaving, soap-making, etc.)
11. Winery Tastings or tours
12. Corn mazes
13. Haunted attractions
14. Small, private zoological attraction or sanctuary
15. Christmas tree farm

(m) **Conservation Use.** Any property that wishes to start an Agritourism Business and has property in Conservation Use should check with the Effingham County Property Tax Assessor's Office prior to obtaining a business license. The Property Tax Assessor's Office can let a property owner know if the proposed business will cause a violation of the conservation use covenant.