

## **Agritourism Ordinance**

“Agritourism business” means an occupation or profession which is conducted on an agricultural residentially zoned parcel, which is carried on by a principal practitioner who maintains dwellings, structures, livestock, and all agriculture and agriculture related provisions for the business on the property.

Agritourism businesses are permitted as a conditional use only in Agricultural Residential (AR-1 and AR-2) districts, an agricultural business may be permitted in said district only if it meets the following criteria:

- (a) Intent. 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. In addition, an applicant for a agritourism business must have established residency and be living in a residence upon the subject property prior to any application being filed for consideration by the zoning administrator.
- (b) A concept and site plan of the agritourism business must be provided to the county for review and approval by the Technical Review Committee. Please add the following to the concept plan:
  - Access
  - Signs
  - Parking
  - Structures
  - Well/Septic
  - Public facilities (bathrooms, hand washing stations, etc.)
  - Known future development (gift shop, planned exhibits, etc.)
  - Distance from development to adjoin property lines (buffers)
- (c) Each agritourism business must be reviewed by the Planning Board and approved by the Board of Commissioners before any activities in connection with the occupation 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) A business plan of the agritourism business must be provided to Effingham County with the following information:
  - Description of daily, public facing, operations
  - Mission statement
  - Goals/project growth
  - Hours of operation

- Visitor capacity
  - Emergency evacuation plan
- (e) Any required State or Federal licensing shall be obtained and kept in good standing. An Effingham County Occupational Tax Certificate must be obtained and renewed annually.
- (f) Any additions or alterations to the residence which will be used for the agritourism business must 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.
- (g) 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.
- (h) Property on which the agritourism business is proposed must have frontage on a public road, or be granted exemption from the condition during approval from the Board of Commissioners.
- (i) Parking for customers/clients must be provided on-site, and the location of the parking exhibited during approval of the application.
- (j) 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 outlined in section (m) below.
- (k) Operations of an agritourism business shall adhere to Effingham County Code of Ordinances, Part II, [Chapter 30], Article II, *Noise Control*.
- (l) Agritourism business shall be located on property containing at least five acres of land
- (m) 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 permittee:
- (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 permittee.
- (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 city or 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, and regardless of the number of attendees;
- (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, and regardless of the number of attendees;
- (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.

(n) Examples of uses permitted (as Agritourism Businesses):

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