

HOLLY TOWNSHIP  
PROPOSED AGENDA  
PLANNING COMMISSION

June 4, 2019 6:30 PM

Holly Area Schools Board Room – Karl Richter Community Center  
920 E. Baird St., Holly, Michigan 48442

CALL TO ORDER – PLEDGE OF ALLEGIANCE

ROLL CALL: T. Engelberg R. Kerton L. Kernen G. Mitchell  
P. Feeney S. Steckley P. Mazich

AGENDA APPROVAL

PUBLIC COMMENT – For Items on the Agenda Only.

PUBLIC HEARINGS: None.

APPROVAL OF MINUTES – May 7, 2019.

COMMUNICATIONS: Notice dated April 12, 2019 from Village of Holly re: Master Plan  
Update.

OLD BUSINESS

1. Proposed Amendment to Holly Township Zoning Ordinance Chapter 32 Zoning, Section 32-143: Seasonal Sales.
2. Agritourism.

NEW BUSINESS

REPORTS

PUBLIC COMMENT

ADJOURNMENT

NEXT REGULAR MEETING: TUESDAY: July 16, 2019 at 6:30 p.m.



Holly Township  
**Planning Commission – Regular Meeting**  
Minutes of May 7, 2019

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**Call to Order:** Chairman Engelberg called the regular meeting of the Holly Township Planning Commission to order at 6:30 p.m. At the Karl Richter Community Center, Holly Area Schools Board Room, 920 E. Baird St, Holly Michigan.

**Pledge of Allegiance**

**Roll Call:**

**Members Present:**

Tony Engelberg, Chairman  
Stacey Steckley, Commissioner  
Glen Mitchell, Commissioner  
Lloyd Kernen, Commissioner  
Ray Kerton, Commissioner  
Pat Feeney, Commissioner

**Others Present:**

John Jackson, Planner  
Irvin Wyche, Assistant Planner  
Karin Winchester, Clerk  
George Kullis, Twp Supervisor

**Members Absent:**

Pam Mazich, Commissioner

- **Commissioner Kerton made a motion to excuse Commissioner Mazich's absence. Commissioner Kernen supported the motion. A voice vote was taken, all those present voted yes; the motion carried by a 6/0 vote.**

**Agenda Approval:**

- **Commissioner Steckley made a motion to approve the agenda. Commissioner Kernen supported the motion. A voice vote was taken, all those present voted yes; the motion carried by a 6/0 vote.**

**Public Comment – Agenda Items Only: N.A.**

**Public Hearings: None.**

**Approval of Minutes – April 2, 2019.**

- **Commissioner Steckley made a motion to approve the minutes. Commissioner Kerton supported the motion. A voice vote was taken, all those present voted yes; the motion carried by a 6/0 vote.**

**Communications: None.**

**Old Business:**

**1. Proposed Amendment to Holly Township Zoning Ordinance Chapter 32 Zoning, Section 32-143: Seasonal Sales.**

John Jackson, the Township Planner, gave an overview of the draft ordinance language. Discussion was had by the Commission. No Action was taken.

**2. Agritourism.**

John Jackson, the Township Planner, gave an overview of the draft ordinance language. Discussion was had by the Commission. No Action was taken.

**New Business:** N.A.

**Reports:**

Commissioner Mitchell stated he hoped they'll be able to allow some of the things they've discussed tonight, in the future.

Commissioner Kerton stated he went to his first Planner's Gathering.

Commissioner Steckley stated she is excited to see where the Commission goes with some of the items discussed tonight and appreciates the forward thinking.

Commissioner Kernen reported that Christmas in Action was successful. They decided to start earlier in the week due to weather issues. A house was re-roofed, a bathroom re-done, and a sliding door installed.

Chairman Engelberg will be attending the next Planner's Gathering meeting at Moosejaw, on June 7. N. Holly Rd has not yet flooded with all the rains we are getting, which is very nice. There is nothing new to report regarding Holly Hills. The Renaissance Festival meeting is next week to prepare to bring their application to the Commission.

The July 2<sup>nd</sup> Planning Commission meeting will be re-scheduled to July 16<sup>th</sup>, due to the holiday.

- **Commissioner Mitchell made a motion to change the date of the July Planning Commission meeting from July 2<sup>nd</sup>, 2019 to July 16<sup>th</sup>, 2019. Chairman Engelberg supported the motion. A voice vote was taken, all those present voted yes; the motion carried by a 6/0 vote.**

**Public Comment:**

Matt Kernen, 5286 E. Holly Rd, addressed the Board.  
George Kullis, 601 E. Maple St, addressed the Board.

RECEIVED

APR 16 2019

HOLLY TOWNSHIP

**NOTICE OF INTENT TO UPDATE  
A MASTER PLAN  
VILLAGE OF HOLLY, MICHIGAN**

April 12, 2019

In accordance with the requirements of the Michigan Planning Enabling Act, this is to notify you that the Village of Holly is initiating the process to update its Master Plan. ROWE Professional Services Company is assisting the Village of Holly in updating their Master Plan.

In the coming months, the Village of Holly Planning Commission will be working on the plan. Once a draft has been prepared, a copy will be sent to you for your community's review and comment. Once the plan is adopted, a copy of the adopted plan will also be sent to you. It is our intention to provide the plan copies in digital format. If you would like a paper copy of the draft and final plan instead, please let us know.

The Village of Holly thanks you for your cooperation and assistance. We would also like to take this opportunity to assure you of our cooperation in a similar fashion in any planning efforts you may choose to undertake in the years to come. Please direct any correspondence or questions to:

Planning Commission  
Village of Holly  
Karl Richter Community Center  
300 East Street  
Holly, MI 48442  
(248) 634-9571





MCKENNA

# Memorandum

**TO:** Karin Winchester, Clerk/Zoning Administrator  
Holly Township

**FROM:** John Jackson, AICP, Irvin Wyche

**SUBJECT:** Seasonal Sales

**DATE:** April 26, 2019

Based on the Seasonal Sales ordinance presented at Planning Commission meeting held on April 2, changes to the Seasonal Sales ordinance were made. Below is the modified Seasonal sales ordinance. Main concerns with the seasonal sale ordinance involved whether or not the use would be allowed year long, the definition of a farmers market, parking, and the removal of unnecessary language. In addition, to this a temporary use ordinance has been provided with comparison to other communities.

## SUGGESTED ORDINANCE LANGUAGE FOR DISCUSSION

The following language was an attempt to balance the desire to allow flexibility with seasonal sales while providing the Township with adequate protection from negative impacts. Changes include defining the difference between onsite and offsite farmer's markets, changes to special use ordinance in the Agricultural District, and minor changes to the Seasonal Sale ordinance. The Michigan Right to Farm Act (P.A. 93 of 1981, as amended) permits farms to have a farm market by right, subject to certain restrictions. We will be at the next Planning Commission meeting to discuss this issue in more detail.

### SEC. 36.29 – DEFINITIONS

1. *Farm(ers) Market on-site* means a public and recurring assembly of farmers or their representatives selling direct-to-consumer foods and products which they produced themselves. State restrictions include locating the farm market on the property owned or controlled by the producer of the products for sale, requiring at least 50 percent of the products for sale to be produced by the farm market owner, and allowing the farm market to operate seasonally or year-round
2. *Farm(ers) Market off-site* a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. The term "farm market" does not necessarily mean a physical structure such as a building and is considered part of a farm operation. Farm markets off site are subject to local regulations.

### SEC. 32-143. - SEASONAL SALES.

The sale of Christmas trees, pumpkins, firewood farmer's market off-site and other seasonal items shall be considered temporary uses within the AGRE Agricultural Residential District, and the General and Local Commercial District subject to the following conditions:

- (a) All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.

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235 East Main Street  
Suite 105  
Northville, Michigan 48167

O 248.596.0920  
F 248.596.0930  
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- (b) Adequate parking and ingress and egress to the premises shall be provided.
- (c) Upon discontinuance of the seasonal use, any temporary structures shall be removed.
- (d) Signs shall conform to the provisions of the district in which the seasonal use is located.
- (e) Uses approved under section 32-94(c)(1) as farm markets on site shall not be subject to this section.
- (f) Seasonal sales may be allowed on a vacant lot provided the location of all buildings, structures, and parking do not create a traffic hazard or nuisance to neighboring properties.
- (g) Seasonal sales must not prevent the continued use of sidewalks, trails, rights-of-way, fire lanes, or other means of access and circulation.
- (h) A sketch plan as described under section XX-XX shall be provided.
- (i) Seasonal sales for sixty days or less may be reviewed by the Zoning Administrator.
- (j) Seasonal sales for more than sixty days shall be reviewed by the Planning Commission.

## **Parking**

### **Sec. 32-424.5 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, etc.
- (2) For uses permitted by right under the agricultural district, 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 Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning 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.

### **Modifications to Sec. 32-94. - Agricultural residential district**

Produce produced on sight is permitted by right under State Regulations. Currently under Sec. 32-94 it is allowed as a special use. We recommend that the following definition be removed under the uses permitted as a special use:

- (1) Retail sale of products grown on the premises, provided such retail sales is operated by and for the principal use of occupants of the premises.






## CONCLUSION

We believe with these changes to the seasonal sales ordinance the area along Grange Hall Road can be improved by allowing temporary uses with additional guidelines. The proposed changes will allow businesses to phase in while still following appropriate development practices in order to protect the public health, safety, and welfare including protecting and enhancing the Township character.

McKENNA



John Jackson, AICP  
President



Irvin Wyche,  
Assistant Planner





MCKENNA

# Memorandum

**TO:** Karin Winchester, Clerk/Zoning Administrator  
Holly Township

**FROM:** John Jackson, AICP, Irvin Wyche

**SUBJECT:** Agricultural Tourism

**DATE:** May 2, 2019

At the February Planning Commission meeting, we had a discussion on agricultural tourism – specifically event barns/farms. Based on that discussion we have drafted the attached zoning text amendment.

The *Agricultural Tourism Local Zoning Guidebook and Model Zoning Ordinance Provision* prepared by the Michigan Agricultural Tourism Advisory Commission provides good background information for the discussion, and some of the ordinances that we have prepared provide real world and applicable examples.

The attached zoning amendments include the following items:

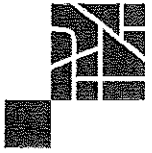
- Definition
- Use Type
- Parking
- Intent
- Overlay District
- Allows a wide range of uses that are consistent with the rural character of the Township

Note: There is a conflict with the Agricultural Tourism and liquor license. It is stated with in the Township's policy that the liquor licenses are preferred to be located in developed commercial areas and not in isolated areas. This is criteria for qualifying for a liquor license with in the Township and can be found under 4-32 b (11). Allowing a liquor license in an Agricultural area would go against Township policy.

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235 East Main Street  
Suite 105  
Northville, Michigan 48167

O 248.596.0920  
F 248.596.0930  
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## Sec. 36.6. - Definitions

- Agriculture means the use of land for tilling of the soil, the raising of tree and field crops, or animal husbandry as a source of income.
- "Agricultural Tourism", means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.
- "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.
- "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 Michigan and value-added agricultural products and production on site.
- "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.
- "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.
- "Non-agriculturally related uses" means activities that are part of an agricultural 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.
- "Farm Market/Onsite-farm market/roadside stand" means 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.



- Farm Market/Onsite-farm market/roadside stand" means a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. The term "farm market" does not necessarily mean a physical structure such as a building and is considered part of a farm operation. Farm markets off site are subject to local regulations.
- "Seasonal" means a recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready.
- "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.

### 32.93.5- Agricultural Tourism Overlay District

a) *Intent.* The agricultural tourism (AGT) district is intended to provide for those uses of land that are compatible with the need to: maintain and promote agriculture and its related activities, such as agricultural tourism, preserve open space and farmland, maintain both an agricultural heritage and a rural character, protect and enhance vital township natural resources and amenities, fish and wildlife habitat, woodlands, wetlands and water resources; encourage agricultural, agricultural tourism and other resource-based production; and, encourage utilization of the township's recreational and rural residential potential. The regulations in this section are also designed to exclude uses and buildings which demand substantial public services, such as major thoroughfares, public sewer or water facilities, drainage, and other public services.

#### b) *Permitted Uses*

- (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 more than 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) Cider mills or wineries selling product, in a tasting room, derived from crops grown primarily on site for at least 3 of the immediately preceding 5 years.
- (4) Direct marketing of produce in a farm market, on-farm market or roadside stand no greater than "X" square feet in building area.



- (5) Seasonal U-pick fruits and vegetables operations.
  - (6) Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
  - (7) Food sales/processing, processing any fruits/produce.
  - (8) Uses 3 through 7 listed above may include any or all of the following ancillary 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. 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.
    - m. Farmer(s) Market-off site
- c) Special uses
- (1) Bed and Breakfast.
  - (2) Direct marketing of produce, farm market, on-farm market or roadside stand if the sales area is greater than "X" square feet in building area.
  - (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 ancillary 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, and corporate picnics.
    - d. Designated, permanent parking for more than 20 vehicles.
- d) Signs
- (1) All signs proposed must meet the requirements fore the AGRE Agricultural Residential District of the Article X Signs. Additional signs made be allowed in order to protect the health and safety of



the community. This will be at the discretion of the Planning Commission. Any of the following signs are allowed in the Agricultural Tourism District:

- (2) Wayfinding Signage (Miscellaneous)
- (3) Free Standing Signs
- (4) Wall signs
- (5) Signs warning of dangerous farm activities (Miscellaneous)

Sign Regulations		
Wall Signs	2 feet	One square foot for each lineal foot of building frontage not to exceed a total of 20 square feet.
Free Standing Signs	5 feet	20 square feet per side, not to exceed a total of 40 square feet.
Free Standing	5 feet	20 square feet per side, not to exceed a total of 40 square feet.
Miscellaneous	6 feet Max	24 Square Foot Max


**Sec. 32-424.5 Agricultural Tourism and Seasonal Agricultural Uses**

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We will be at the Planning Commission meeting to answer any questions. In the meantime, I can be reached at [jjackson@mcka.com](mailto:jjackson@mcka.com).

McKENNA

  
John Jackson, AICP  
President

  
Irvin Wyche,  
Assistant Planner