

TOWNSHIP OF HOLLY
ZONING ORDINANCE AMENDMENT
CHAPTER 32 – ZONING, ARTICLE IV SUPPLEMENTARY REGULATIONS

AN ORDINANCE TO AMEND THE HOLLY TOWNSHIP CODE OF ORDINANCES, CHAPTER 32 - ZONING, ARTICLE IV SUPPLEMENTARY REGULATIONS TO ADD A NEW SECTION: AGRICULTURAL TOURISM

THE TOWNSHIP OF HOLLY ORDAINS:

ARTICLE 1. AMENDMENT

The following sections and subsections of Chapter 32, Article IV of the Holly Township Code of Ordinances is hereby amended as set forth, and additional sections and subsections are added as indicated. The remaining section in Chapter 32, Article IV of the Code of Ordinances are otherwise unaffected by this amendment and shall remain in full force and effect.

Section 32-6 shall be amended to add the following 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, including any agriculture uses established in accordance with the Michigan Right to Farm Act, Public Act 93 of 1981.

AGRICULTURAL TOURISM means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, 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 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.

AGRICULTURALLY-RELATED USES means those activities that predominantly use agricultural products, buildings or equipment, such as U-Picks, Dairy Farms, Pumpkin Farms, Christmas Tree Farms, Farm Markets, Petting Farms, animal displays, pony rides, pumpkin rolling, barn dances, sleigh/hay rides and related uses as determined by the Planning Commission. All agriculturally-related uses shall be subject to federal and state laws regulating such uses.

CHRISTMAS TREE FARM is one that grows coniferous trees such as Scotch, White and Austrian Pine; Douglas, Fraser, Canaan, Concolor and Balsam Fir; Blue, Norway and White Spruce for the purpose of landscape or Christmas holiday decoration, either pre-cut or for the consumer to cut.

CIDER MILL consists of a facility where apples are processed into cider. Although the cider is the main focus of the business, there are related activities that keep the customer entertained. Pasteurization may or may not be part of the process. Apples may be from the farm or bought from area farmers.

EVENT BARN One or more existing agricultural buildings originally constructed for bona fide agricultural purposes, or a new building whose character emulates the architectural features of a historic agricultural building such as a historic Michigan barn surveyed in Michigan State University's "Michigan Barn and Farmstead Survey", and that is used by individuals or groups for a rental fee or other form of remuneration, to accommodate private functions including, but not limited to, meetings, banquets, weddings, gatherings associated with anniversaries, birthday parties, and reunions, and other similar gatherings and celebrations. Such a use may include designated outdoor areas on the same lot as the agricultural buildings for event barn activities, kitchen facilities for the preparation or catering of food, and the serving of alcoholic beverages for on-premises consumption only during scheduled events, and shall not be open to the general public. Event Barns shall not include overnight accommodations.

CORN MAZE A maze cut out of corn or crop for entertainment purposes.

DAIRY FARM A working farm where dairy animals and products are produced.

FARM MARKET is a place or an area on a Farm where transactions between a farm operator and customers take place, and is considered part of a farm operation. A physical structure is not required. At least 50% of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a five-year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, provided the sales are in accordance with local, state and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when permitted by applicable local, state, and federal regulations.

FARMERS' MARKET means a farm market located on lands that are not adjacent to, but are affiliated with, a farm operation.

NON-AGRICULTURALLY RELATED PRODUCTS means those items not connected to farming or a farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks.

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.

PETTING FARM an area that allows for the petting and feeding of farm animals.

PUMPKIN FARM A farm designed around the growth, and harvest of pumpkins or any other similar crop.

SEASONAL means a recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready.

U-PICK means a fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

WINERY The retail and/or manufacturing premises of a small winemaker or winemaker licensee as defined by the Michigan Liquor Control Commission.

Section 32-169 shall be amended to add the following:

Section 32-169. Agricultural Tourism

- (a) *Intent.* 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 provisions are intended to provide standard definitions related to agricultural tourism operations, provide a list of permitted activities under an agricultural tourism operation, and to provide for a clear understanding of the expectations for agricultural tourism businesses for operators, local residents, other businesses and local officials.
- (b) *Special Uses Permitted by District.* The following table indicates in which zoning district an agricultural tourism use is permitted by special use permit in accordance with Section 32-33:

Zoning District	Event Barn	Farmers' Market	Winery	Corn Maze	Cider Mill	Agriculturally-Related Uses
AGRE	S	S	S	S	S	S
RE	S	S	S	S	S	
C-1	S	S			S	
C-2	S	S			S	
S = Permitted as Special Use						

- (c) *Accessory Uses.* If a special use is approved for any of the above-described uses, the applicant may request the special use include any or all the following accessory uses.
- (1) Educational activities, such as tours, classes, seminars and lectures
 - (2) Bakeries selling baked goods containing produce grown primarily on site, subject to compliance with all local, state and federal laws governing food safety
 - (3) Playgrounds or recreational equipment typical of a school playground, such as slides, monkey bars, and swings (not including motorized vehicles or rides)
 - (4) Nature trails

- (5) Open air or covered picnic area
- (6) Historical exhibits and interpretative opportunities
- (7) Kitchen facilities, processing/cooking items for sale, subject to compliance with all local, state and federal laws regulating such uses
- (8) Gift shops for the sale of agricultural products and agriculturally related products
- (9) Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25% of gross sales
- (10) Greenhouses

(d) *Minimum Lot Size.* All special uses contained in this section shall comply with the following minimum lot size depending on the district in which they are located. All other dimensional requirements shall conform to the standards of Section 32-104 Schedule of Regulations.

Use	Special Use Zoning Districts	Minimum Lot Area
Event Barn	AGRE, RE, C-1, C-2	10 ac
Farmers' Market	AGRE, RE, C-1, C-2	2 ac
Winery	AGRE, RE	5 ac
Cider Mill	AGRE, RE, C-1, C-2	10 ac
Agriculturally-Related Uses	AGRE	5 ac

(e) *Special Use Standards for Agricultural Tourism.* All special uses contained in this section shall be subject to the following conditions:

- (1) All uses must comply with local, state and federal rules and regulations, including the Michigan Right to Farm Act.
- (2) In residential districts, all uses shall be clearly incidental to a principal farm agricultural use.
- (3) Buildings, structures, and activities shall be separated from adjacent residential land uses by a 50-foot planted buffer. The buffer shall be required in addition to the minimum setbacks within the zoning district. The buffer may consist of berms, ground cover, shrubs, ornamental or evergreen trees, and/or fencing subject to Planning Commission approval.
- (4) Hours of operation for all agricultural tourism uses shall be no earlier than 7:00 a.m. and no later than 11:00 p.m. for indoor uses and no earlier than 9:00 a.m. and no later than 10:00 p.m. for outdoor uses.
- (5) Amplified music is permitted only within a permanent structure. All events shall be required to meet the regulations of Section 32-194 Noise and Vibrations and Section 32-168 Special Events of the Holly Township Zoning Ordinance.
- (6) Applicants for Special Uses must secure all necessary permits from all applicable local, state or federal agency, including, but not limited to the Michigan Department of Agriculture and Rural Development, the Oakland County Health Division, the Township

- Building Department, the Fire Department, the Road Commission for Oakland County, the Michigan Liquor Control Commission, and appropriate law enforcement agency(s).
- (7) Sanitary facilities that consist of portable stations, must be properly maintained and located within a side or rear yard and screened from public view.
 - (8) All waste products shall be screened from public view, properly disposed of on a regular basis and shall in no way be allowed to become a nuisance to adjacent properties.
 - (9) Building or structure occupancies shall not exceed the limit as established by the fire department based on the maximum occupancy load of the building(s) or structure(s).
 - (10) Licenses, insurance certificate, permits, and event dates must be submitted to the Township Zoning Administrator annually, for review and approval, by January 30 of each calendar year.
 - (11) The performance standards described in Chapter 10, Article II of this Chapter shall apply to all agricultural tourism uses.
 - (12) Applicant shall submit maximum number of days of operation per year, which shall be subject to Planning Commission Approval.
 - (13) All customer ingress and egress shall be from a public road.

Section 32-422 shall be amended to add the following:

(g) Agricultural tourism and seasonal sales supplemental parking area standards

- (1) For seasonal uses permitted by Special Use, parking facilities may be permitted on grass or gravel areas. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking.
- (2) For year-round uses permitted by Special Use, parking may be either gravel or paved, subject to Planning Commission approval. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.
- (3) All parking areas shall be designed to avoid traffic hazards associated with entering and exiting public roads.
- (4) Paved or unpaved parking areas shall not be located in required setbacks or buffer areas.
- (5) All parking areas must be screened from adjacent residential uses by the standards required in Section 32-192(d)(2).

Section 32-424 shall be amended to add the following:

Use		Required Number of Parking Spaces Per Each Unit of Measure as Follows:	
<i>(H)</i>	<i>Agricultural Tourism Uses</i>		
	Agricultural tourism and seasonal agriculturally related uses	1	100 square feet of indoor retail area
		1	1000 square feet of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment, etc.
	Taverns, cocktail lounges, and Event Barns	1	Per each three persons allowed within the maximum occupancy load as established by fire and/or building

			codes, plus
		1	Per each employee

ARTICLE 2 - SEVERABILITY

If any portion, subsection, sentence, clause, provision, or requirement of this section shall be deemed invalid or unenforceable by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof which shall remain in full force and effect. It is the express intent of this ordinance that the next most valid and enforceable but restrictive provision be substituted in its place in order to effect the intent of this Section.

ARTICLE 3 -REPEALER

All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

ARTICLE 4 - SAVINGS CLAUSE

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

ARTICLE 5 - EFFECTIVE DATE

This Ordinance shall take effect seven (7) days following publication in the manner prescribed by law.

ARTICLE 6 - ADOPTION

At a regular meeting of the Township Board of the Township of Holly held on June 22, 2020 adoption of the foregoing ordinance was moved by K. Winchester and supported by P. Feeney. This ordinance is hereby declared adopted and ordered to be given publication in a manner prescribed by law.

Ayes: 5

Nays: 0

Absent: 0

CERTIFICATION

I, duly elected clerk of the Township of Holly, County of Oakland, and State of Michigan, do hereby certify that the foregoing is a true copy of the Holly Township Zoning Ordinance Section 32 Zoning, Article IV Supplementary Regulations, Add: Special Events Ordinance adopted by the Township Board of Trustees of the Township of Holly at the regular meeting held on the 22nd of June, 2020 at which a quorum was present.

Karin S. Winchester, MMC
Holly Township Clerk
Oakland County, Michigan

Attest:

George A. Kullis
Holly Township Supervisor
Oakland County, Michigan