

HOLLY TOWNSHIP
PROPOSED AGENDA
PLANNING COMMISSION
January 14, 2026 at 6:30 PM
Holly Township Hall (Upstairs)
102 Civic Dr., Holly, Michigan 48442

CALL TO ORDER – PLEDGE OF ALLEGIANCE

ROLL CALL: Glen Mitchell Ray Kerton Michael McCanney Ben Armstead
Chuck Stoner Leslie Jorgensen Derek Sommer

AGENDA APPROVAL

PUBLIC COMMENT – For Items on the Agenda Only.

PUBLIC HEARINGS: None.

APPROVAL OF MINUTES – December 10, 2025.

COMMUNICATIONS: None.

OLD BUSINESS:

1. Diagnostic Review of the Holly Township Zoning Ordinance.

NEW BUSINESS:

1. Planning Commission By-Laws for Review and Discussion.

REPORTS

PUBLIC COMMENT

ADJOURNMENT

Holly Township
Planning Commission – Regular Meeting
Minutes of December 10, 2025

CALL TO ORDER: Commissioner Mitchell called the regular meeting of the Holly Township Planning Commission to order at 6:30 p.m. located at the Holly Township Offices (Upstairs), 102 Civic Drive, Holly, Michigan 48442

PLEDGE OF ALLEGIANCE

ROLL CALL

Present

Glen Mitchell, Michael McCanney, Ben Armstead, Ray Kerton, Chuck Stoner and Leslie Jorgensen.

Members Absent

Derek Sommer.

Others Present

Alexis Farrell Rodriguez, Planner and Clerk Winchester.

- **Motion by Commissioner Kerton to excuse Commissioner Sommer. Supported by Commissioner Jorgensen. A voice vote was taken. All present voted yes. The motion carried 6/0.**

AGENDA APPROVAL

- **Motion by Commissioner Kerton to approve the agenda. Supported by Commissioner Armstead. A voice vote was taken. All present voted yes. The motion carried 6/0.**

PUBLIC COMMENT – For Items on the Agenda Only:

No Public Comment.

AGENDA APPROVAL

- **Motion by Commissioner Sommer to approve the agenda. Supported by Commissioner Armstead. A voice vote was taken. All present voted yes. The motion carried 7/0.**

PUBLIC COMMENT – For Items on the Agenda Only:

No Public Comment.

PUBLIC HEARINGS: None.

APPROVAL OF MINUTES – November 12, 2025

- **Motion by Commissioner Kerton to approve November 12, 2025 minutes. Supported by Commissioner Jorgensen. A voice vote was taken. All present voted yes. The motion carried 7/0.**

COMMUNICATIONS: None.

OLD BUSINESS: None.

NEW BUSINESS

1. Diagnostics Review of the Holly Township Zoning Ordinance.
- 2.

REPORTS: None.

PUBLIC COMMENT:

No Public Comment.

ADJOURNMENT

- **Motion by Commissioner Stoner to adjourn the meeting. Supported by Commissioner Armstead. A voice vote was taken. All present voted yes. The motion carried 6/0.**

ADJOURNMENT – Commissioner Mitchell adjourned the meeting at 8:08 pm.

Karin S. Winchester, Clerk



Memorandum

TO: Planning Commission
Holly Township
102 Civic Drive
Holly, MI 48442

FROM: Alexis Farrell-Rodriguez, AICP, NCI
Sommer Nafal, NCI

SUBJECT: **Nonconformities Overview**

DATE: January 6, 2026

In support of the 2026 Zoning Ordinance Update, please find enclosed an overview of nonconformities and how they may apply to the Update process. Understanding what nonconformities are and how they will effect property owners will be essential to keep in mind as the Planning Commission reviews and decides on revised regulations.

What is a nonconformity?

A nonconforming building or use is one that when created, met the requirements of the zoning ordinance in effect at that time, but as a result of a situation beyond the control of the owner, does not comply with the current ordinance. This is a natural and relatively unavoidable occurrence in land use policy as zoning cannot be retroactive. Thus, municipalities must allow for existing buildings and uses to remain in a "legal nonconforming" status to acknowledge that they do not conform to current ordinances in some way but were legal at the time of inception. This is a basic tenant of private property rights in the state of Michigan.

The basic rule regarding nonconformities is that if the use or building was legal when constructed, it must be allowed to continue to exist. This is referred to as a legal **nonconformity**.

A nonconformity can take on a number of different forms:

- **Nonconforming parcels** – When a parcel is too small, not wide enough, deep enough, or lacks required access to a public road.
- **Nonconforming Buildings / Structures** – When a building is too small, large, tall, short, or sits within one or more of the required setbacks.
- **Nonconforming Land Uses** – Activities (the uses of the land) taking place that are not otherwise allowed in the respective zoning district, such as a restaurant in a residential district.
- **Other Dimensional Nonconformities** – Such as sites that do not enough parking spaces, do not have a required buffering or vegetative belt, as well as other measurable/countable site requirements of the zoning ordinance that are not met.

With all of these cases, if the use was legal when it was first created, even though zoning requirements have changed, it can continue to be used as though the land use is conforming. If the nonconformity is dimensional, then there are steps a municipality can take to incrementally address and eliminate the nonconformity over time.

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How are nonconformities created?

Nonconforming uses are most often created when a property is rezoned, or changes are made to the uses allowed in a district (i.e. when residentially developed areas are rezoned to commercial). Most municipal zoning ordinances will not permit a nonconforming use to increase its area of nonconformity. Unlike nonconforming buildings, which may be restricted once destroyed to some degree, the only way nonconforming uses can be eliminated (absent a purchase by the community) is if the owner intentionally abandons the use.

How can a nonconformity end?

There are only two ways a nonconformity comes to an end or stops. The first is if the local government purchases the nonconformity from the property owner. This can be done on a willing seller-buyer basis or might be done with adverse condemnation. The second is if the property owner chooses on their own volition to stop the nonconformity.

Nonconformities, like variances, travel with the land. The owner of a nonconforming property can sell the land or structure, and the new owner continues to have all the rights and ability to continue use of the nonconformity. The owner can also rent, lease, or otherwise allow another to continue to pursue the nonconformity. Lastly, if a property owner proposes certain changes to a nonconforming structure, these changes may trigger additional requirements, which should be laid out in the zoning ordinance. The nonconforming part of a structure (i.e. a wall that projects into a setback) cannot be enlarged, expanded, or extended. However, if an owner sought to expand the structure in a compliant nature (outside of a required setback) this is generally permissible so long as the nonconforming aspect of the structure is not enlarged, expanded, or extended.

How can we address nonconformities?

For most Townships like Holly, the ability to provide use variances is prohibited by the Michigan Zoning Enabling Act. Many Townships are restricted to only providing non-use (dimensional) variances, which relate to dimensional provisions and qualitative conditions that are often included in zoning ordinances. Although it is the intent to discourage the continuation of nonconforming uses and structures, it is recognized that allowing the continuation of certain nonconformities may be appropriate.

As such, Holly may consider adopting regulations that specify a process to gain an approved “class designation” such as “Class A Nonconforming Legal Status”. By introducing a process, it would allow the Township to specify how much (what increment) of conformity must be achieved and provide more specific guidance to property owners and Township staff and official on how to treat nonconformities.

CONCLUSION

Holly Township’s current zoning ordinance addresses nonconformities in [Article XII, Nonconforming Uses, Structures, and Lots](#). Several updates to this section are recommended to modernize and clarify requirements. As the Commission begins to make decisions on new and revised zoning district regulations for permitted and special uses, dimensional requirements, and so forth, it will be critical to understand nonconformities.

I will be in attendance at the January 14th Planning Commission meeting and will be happy to answer any questions on this.

DIAGNOSTIC REVIEW OF THE
Holly Township
Zoning Ordinance

PREPARED FOR

Holly Township
Oakland County
Michigan

December 2, 2025

McKenna
235 E. Main Street, Suite 105
Northville, Michigan 48167

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Introduction

This Diagnostic Review of the Holly Township Zoning Ordinance identifies the strengths, weaknesses, and essential areas of improvement – such as adding tables, charts, and graphics; fixing fragmented, inconsistent, or outdated language; and addressing irrelevant and incorrect cross-references, redundancy, contradictory language, conflicts, and updated federal and state laws. With the areas of improvement identified, the Township can address the updating of the Zoning Ordinance in a proactive manner.

The purpose of this Diagnostic Review is not to identify every item in the Zoning Ordinance and other documents that must be amended. Instead, this Diagnostic Review identifies major tasks to undertake during the amendment process and provides recommendations for addressing those tasks.

This Diagnostic Review was conducted in 2020, and includes topics discussed at the February 5, 2020, kickoff meeting, as well as our findings from the following Township documents:

- Existing Holly Township Zoning Ordinance
- Holly Township 2040 Master Plan (Adopted 2016)
- Selected sections of the Holly Township Code of Ordinances

Since then, the Township has adopted several minor ordinance amendments, and updated the Master Plan in 2024. This Diagnostic has been revised in light of these changes, as well as updated to reflect the most recent guidance on best practices in zoning and planning.

Clarity and Simplicity of Use

HYPERLINKS AND CROSS-REFERENCES

As the Township Zoning Ordinance has been amended over time, some of the cross-referenced sections may have become incorrect because cross-references are not always updated when sections are added or deleted from the Zoning Ordinance. To remedy this problem, all cross-reference errors of the Zoning Ordinance should be updated.

FORMAT

The Zoning Ordinance would benefit from format changes that would make the document more user-friendly. Recommended formatting enhancements include aspects such as type style and size, bolding, capitalization, and indentations.

GRAPHICS

Many areas of the Zoning Ordinance could be enhanced with more and updated illustrations. We recommend adding new graphics where they can enhance the effect of the text. Graphics are especially important to illustrate examples of certain lot types, building height requirements, landscaping requirements, aesthetic and architectural requirements, signs, lighting, and corner visibility zones.

Additionally, through the 2024 Master Plan development, it was determined that a higher level of scrutiny was necessary for the design and character of the Rural Town Center area defined in the Future Land Use Plan. The ultimate standards and requirements for this area will be organized into a Regulating Plan within the Zoning Ordinance, which will include a variety of graphics to demonstrate requirements.

EFFECTIVE LANGUAGE

- **Passive vs. Active Language.** To make the Zoning Ordinance an effective document to regulate the use of land and buildings, the regulations must have active language instead of passive language (e.g., "shall" instead of "should," "must" instead of "may," etc.).
- **Confusing Text.** In some areas of the Zoning Ordinance, the text is either confusing or contradictory. In many cases, there is more text than is needed to describe a regulation. We will identify these problem areas and recommend more concise, effective text.

GENERAL CODE DIAGNOSTIC

A review of applicable regulations located in the General Code of Ordinances was conducted to ensure there are no inconsistencies or discrepancies between it and the Zoning Ordinance. The recommendations in this companion review should be addressed as part of the 2025 Update. Topics addressed include outdoor gatherings, land divisions, and subdivision regulations.

Organization of Articles and Sections

One of the major problems with most zoning ordinances is that they do not organize all of the sections coherently into corresponding articles. This causes the user to sift through several different sections to locate the applicable regulation. We recommend organizing the Zoning Ordinance into the following articles, which are referenced through this Diagnostic Review. Please note this table only references the reorganization of existing sections. Newly proposed sections are also scattered throughout the Diagnostic Review.

Proposed Organization	Existing Ordinance Sections to be Included:
Article 1: Title, Purpose, and Scope	<ul style="list-style-type: none"> • Section 32-1: Purpose • Section 32-2: Scope and construction of regulations • Section 32-3: Rules applying to text • Section 32-4: Validity and severability clause • Section 32-7: Interpretation and conflict • Section 32-8: Vested Rights
Article 2: Definitions	<ul style="list-style-type: none"> • Section 32-5: Application of definitions • Section 32-6: Definitions • Section 32-394: Definitions (Signs) • In addition to any miscellaneous sign definitions scattered throughout the ordinance (See "Section 3 Definitions" of this Report).
Article 3: Zoning Districts and Map	<ul style="list-style-type: none"> • Section 32-91: District regulations • Section 32-92: Zoning district map • Section 32-93: Application of district regulations • Section 32-94: Agricultural residential district (AGRE) • Section 32-95: Rural estates (RE) and suburban residential (SR) districts • Section 32-96: Single-family residential districts (R-1 and R-2) • Section 32-97: Mobile home park district (MHP) • Section 32-98: Multiple-family residential districts (RM-1 and RM-2) • Section 32-99: Local commercial district (C-1)

	<ul style="list-style-type: none"> • Section 32-100: General commercial district (C-2) • Section 32-101: Office service district (OS) • Section 32-102: Limited industrial district (LI) • Section 32-103: General industrial district (GI)
Article 4: Schedule of Regulations	<ul style="list-style-type: none"> • Section 32-104: Schedule of regulations
Article 5: Supplemental Zoning District Standards	<ul style="list-style-type: none"> • Section 32-131: Intent • Section 32-132: Cluster housing option • Section 32-133: Site condominium project regulations • Section 32-159: Resource protection overlay district • Section 32-162: Grange Hall/ Fish Lake Overlay District • Section 32-203: Special land use approval required for lake access <ul style="list-style-type: none"> ◦ We recommend this section become its own overlay district or have its language be incorporated into the Grange Hall/ Fish Lake Overlay District. • Section 32-205: Wellhead Protection Overlay District • Section 32-271: Purpose and intent (PUD) • Section 32-272: PUD Regulations • Section 32-273: Project design standards • Section 32-274: Procedure for review • Section 32-275: Conditions • Sections 32-276: Phasing and commencement of construction • Section 32-277: Effect of approval • Section 32-311: Purpose and intent (PRD) • Section 32-312: PRD application • Section 32-313: Permitted uses • Section 32-314: Project design standards • Section 32-315: Procedure for review and approval • Section 32-316: Performance guarantees • Section 32-317: Conditions • Section 32-318: Commencement and completion of construction • Section 32-319: Effect of approval • Section 32-320: Fees • Section 32-352: Open space preservation application
Article 6: Standards Applicable to Specific Uses	<ul style="list-style-type: none"> • Section 32-135: Minimum dwelling unit floor area • Section 32-136: Temporary dwellings and structures • Section 32-137: Single-family dwellings, mobile homes, prefabricated housing • Section 32-139: Day care facilities • Section 32-141: Home Occupations • Section 32-142: Garage sales, rummage sales and similar activities • Section 32-143: Seasonal sales • Section 32-144: Essential services • Section 32-146: Outdoor storage of recreational vehicles • Section 32-147: Golf courses • Section 32-148: Campgrounds • Section 32-149: Cemeteries • Section 32-150: Kennels and stables

	<ul style="list-style-type: none"> • Section 32-151: Intensive livestock operations • Section 32-152: Self-Storage facilities • Section 32-153: Outdoor sales lot • Section 32-154: Mineral mining and extractive operations • Section 32-156: General, building and landscape contractor's offices and yards • Section 32-157: Adult foster care facilities • Section 32-158: Wireless communication facilities • Section 32-160: Adult businesses • Section 32-161: Bed and breakfast establishments • Section 32-164: Medicinal marijuana regulations • Section 32-165: Solar energy facilities • Section 32-166: Wind Energy Conversion Systems (WECS) • Section 32-167: Special accommodation use • Section 32-168: Special events • Section 32-169: Agricultural Tourism
Article 7: General Provisions	<ul style="list-style-type: none"> • Section 32-134: Accessory buildings and uses • Section 32-138: Fences, walls and screens • Section 32-140: Buildings to be moved • Section 32-155: Open space preservation • Section 32-163: Architectural and design standards • Section 32-202: Building grades
Article 8: Environmental Regulations	<ul style="list-style-type: none"> • Section 32-191: Purpose • Section 32-192: Landscaping, greenbelts and buffers, and screening • Section 32-193: Airborne emissions • Section 32-194: Noise and Vibration • Section 32-195: Use, storage and handling of hazardous substance; storage and disposal of solid, liquid, and sanitary wastes • Section 32-196: Electrical disturbance, electromagnetic, or radio frequency interference • Section 32-197: Glare and exterior lighting • Section 32-198: Fire hazard • Section 32-199: Enclosure of hazards • Section 32-200: Stormwater management • Section 32-201: Regulation of floodplain areas • Section 32-204: Non-single family residential tree and woodlands protection
Article 9: Parking, Loading, and Access Management	<ul style="list-style-type: none"> • Section 32-421: Intent and purpose • Section 32-422: General provisions • Section 32-423: Off-street parking requirements • Section 32-424: Table of off-street parking requirements • Section 32-425: Off-street parking lot construction and operation • Section 32-426: Off-street loading requirements • Section 32-427: Off-street stacking space for drive-through facilities
Article 10: Signs	<ul style="list-style-type: none"> • Section 32-381: Intent and purpose • Section 32-382: General conditions

	<ul style="list-style-type: none"> • Section 32-383: Permitted freestanding signs • Section 32-384: Highway commercial freestanding signs • Section 32-385: Permitted wall signs • Section 32-386: Permitted temporary signs • Section 32-387: Permitted billboards • Section 32-388: Miscellaneous permitted signs • Section 32-389: Permits required • Section 32-390: Inspections, maintenance and removal • Section 32-391: Nonconforming signs • Section 32-392: Costs of enforcement • Section 32-393: Waivers
Article 11: Nonconformities	<ul style="list-style-type: none"> • Section 32-461: Intent • Section 32-462: Nonconforming lots • Section 32-464: Nonconforming structures • Section 32-465: Nonconforming uses of structures and land • Section 32-466: Repairs and maintenance • Section 32-467: Uses allowed as special approval uses, not nonconforming uses • Section 32-468: Change of tenancy or ownership
Article 12: Administrative Organization and Procedures	<ul style="list-style-type: none"> • Section 32-31: Zoning Administration • Section 32-32: Duties • Section 32-33 Special Uses • Section 32-34: Certificates of occupancy • Section 32-36: Performance Guarantee • Section 32-37: Fees • Section 32-61: Authority (ZBA) • Section 32-62: Membership (ZBA) • Section 32-63: Meetings (ZBA) • Section 32-64: Powers and duties (ZBA) • Section 32-65: Procedure for appeal (ZBA) • Section 32-70: Authority of the Planning Commission • Section 32-71: Jurisdiction of the Planning commission • Section 32-72: Rules of procedure of the Planning commission • Section 32-73: Powers and duties of the Planning commission • Section 32-231: Site plan review required in specific districts • Section 32-232: When site plan review required • Section 32-233: Criteria of site plan review • Section 32-234: Information required on site plan • Section 32-235: Planning commission review procedures • Section 32-236: Notice of action or recommendation • Section 32-237: Building permits and conformity to site plan • Section 32-238: Expiration of approval • Section 32-239: Amendments to site plan
Article 13: Violations, Penalties, and Enforcement	<ul style="list-style-type: none"> • Section 32-35: Enforcement

Definitions

GENERAL DEFINITIONS

KEY TAKEAWAYS

The following were the big takeaways from the diagnostic review of the definitions:

- 1) **Definitions are scattered throughout the ordinance.** We recommend they all be located in Article 2: Definitions for ease of use.
- 2) **Where needed, illustrations should be included with the definition.** There is currently a separate section for "Illustrations." The illustrations should be moved into the definition section, immediately following the definition. It may also be appropriate to add illustrations to some definitions that are consistently difficult to interpret.
- 3) **Missing definitions are a major issue, and cause confusion in how the ordinance should be interpreted.** We identified several important ones that were missing, but there may be others scattered throughout the ordinance that need to be added. Additionally, any permitted or special use listed in the district regulations should have an accompanying definition provide clarity on use permissions.
- 4) **In light of recent state legislation or policy change, some definitions need to be updated to reflect new technology or best practice.** For example, Public Act 233 of 2023 passed and took effect in the fall of 2024, introducing new legislation for the siting of utility-scale renewable energy systems. This new technology should be defined in the Zoning Ordinance but must comply with the state act. Additionally, new best practices have been established for the regulation of child care. Definitions pertaining to these types of uses should be updated to reflect state regulation.

SPECIFIC RECOMMENDATIONS

While many definitions will remain the same or have only minor changes, we propose changes to the following terms, as outlined below.

Definitions we recommend moving from other sections to the new Article 2: Definitions include:

- | | |
|---|---|
| • Adult Businesses | • Owner |
| • Applicant | • Parcel |
| • Ambient | • Participating and non-participating parcels |
| • Anemometer tower (MET) | • Practicable |
| • dB(A) | • Premises |
| • dB(C) | • Protected Lands |
| • Decibel | • Renewable energy combining zone |
| • FAA | • Review Authority |
| • Fence | • Seasonal Sales |
| • IEC | • Shadow Flicker |
| • ISO | • Solar energy facility (SEF) |
| • Landowner | • Sound pressure |
| • Lease unit boundary | • Sound pressure level |
| • LMax (LAMax or LCMax) | • Wind Energy Conversion System |
| • On-site wind energy conversion system | • Wind energy facility |

Definitions we recommend adding which currently do not exist in the ordinance, or which we recommend adding graphics or additional context include:

- **Automobile:** Consider also defining large vehicles, including semi-tractors, buses, construction vehicles, etc. separately so they can be distinguished and regulated separately.
- **Article XIII:** Article XIII contains illustrations that pertain to definitions. We recommend moving these illustrations to the definitions they pertain to in the new Article 2: Definitions.
- **Automobile or Vehicle Dealership**
- **Battery Energy Storage Systems (BESS):** In light of the passage of PA 233 in 2023, we recommend defining battery energy storage systems as this technology continues to expand and the development of a BESS in the Township becomes more likely.
- **Building Height:** This definition should be accompanied by the graphics from Section 32-502 that illustrate how height is measured for each type of roof.
- **Enclosed**
- **Essential Services:** This definition should state that telecommunication towers, solar energy facilities, and wind energy conversion systems are not essential services. However, emergency outdoor warning sirens should be included as essential services.
- **Established Residential Building Pattern:** We propose adding a definition for Established Residential Building Pattern, which is referenced in Section 32-104, Schedule of regulations. It should clarify what areas surrounding a subject site should be considered when discerning the building pattern (such as 1,000 feet on either side of the property).
- **Façade.** We propose adding a definition for façade, as there are several regulations pertaining to the façade of a building in Section 32-163, but no definition of what specific parts of a building are subject to these standards.
- **Farm Building.** We recommend defining farm buildings in a manner that addresses the permittance of barns used for agricultural operations, without the presence of a principal structure or residence on the subject site, in accordance with the Michigan Right to Farm Act.
- **Garage**
- **General Office**
- **Grade**
- **Lot:** We recommend clarifying this definition to state that two or more parcels may be treated as a single lot only if one of the lots, by itself, cannot meet the minimum area, width, setback, lot coverage, or frontage requirements.
- **Lot, Contiguous:** We propose adding a definition for Lot, Contiguous, which is currently not defined in the ordinance. This has been pointed out as a constant point of confusion. Our recommended language would be: *"Lots that are adjoined or adjacent to each other. Contiguous lots share a common boundary, so parcels of land separated by a public street or other lots are not considered contiguous even if they are owned by the same entity."*
- **Manufacturing**
- **Off-Street Parking Lot:** We recommend that this definition also states that the surface must be durable and smooth.
- **Prefabricated Housing:** We recommend incorporating a definition that distinguishes prefabricated housing from mobile homes and corresponds with appropriate districts where prefabricated housing is permitted.
- **Public Utility:** This definition should state that telecommunication towers, solar energy facilities, and wind energy conversion systems are not public utilities.
- **Secondhand and Consignment Stores:** These uses are currently not defined, but they should be defined and regulated so that they are separate from general retail establishments.
- **Service Establishment**

- **Solar electric system (SES):** Current definition is found in Section 32-165. Needs to be moved to new Article 2: Definitions. Additionally, the definition should be revised or an additional definition added to address utility-scale solar electric systems in light of the passage of PA 233.
- **Usable Floor Area**
- **Utility-scale wind energy conversion system:** Current definition is found in Section 32-166. Needs to be moved to new Article 2: Definitions. Additionally, the definition should be revised in light of the passage of PA 233.
- **Street:** We recommend adding text to this definition that makes it inclusive of non-motorized access.
- **Warehousing**
- **Usable Floor Area:** We recommend incorporating a definition of usable floor area, as it's a metric referenced throughout the Ordinance for determining specifications.
- **Zoning Variance:** We recommend adding a definition for "Zoning Variance" and having it refer to the Michigan Zoning Enabling Act and other relevant state and federal laws.

The following have contradictory definitions that we recommend consolidating:

- **Basement:** Current Section 32-501 includes illustrations depicting basements and stories. We recommend adding these graphics to the existing definition in Section 32-6, which will become the new Article 2. We also recommend replacing the existing definition of basement; *"that portion of a building which is wholly or partly below grade is a basement when the vertical distance from finished grade to floor is greater than the vertical distance from finished grade to ceiling. A basement shall not be included as a story for height measurement, except as provided in the definition of story."* With the new definition of: *"A portion of a building which is all or partly underground but having at least one-half (i.e., 50% or more) of its height below the average level of the adjoining ground. A basement is not counted as a story for the purpose of height regulations."*
- **Setback:** The current definition for setback is vague in the ordinance. We recommend a more specific definition so that all setbacks are measured in the same manner (such as clarifying that it must be measured from the right-of-way, not from the centerline of the road.)

SIGN DEFINITIONS

Sign definitions are currently found in Section 32-6 and Section 32-394. We recommend moving the sign definitions from Section 32-394 to the new Article 2: Definitions. We recommend incorporating graphics of the various sign types to make the sign definitions easier to interpret and administer. For clarity, these definitions could remain separate from the other definitions in Article 2. Some definitions (e.g., "alteration," "height, maximum," "building frontage,") may have different meanings when not narrowly applied to signs.

Definitions we recommend moving from Section 32-394 to the new Article 2: Definitions include:

- | | |
|-----------------------|-----------------------------------|
| • Abandoned Sign | • Canopy, freestanding |
| • Air-activated signs | • Electronic Message Center (EMC) |
| • Alteration | • Fascia Sign |
| • Animated Signs | • Festoons |
| • Awning | • Flag |
| • Awning Sign | • Grade, sign |
| • Balloon Sign | • Height, maximum |
| • Banner Sign | • Height, minimum |
| • Bench Sign | • Incidental Sign |
| • Building Frontage | • Interior Sign |
| • Canopy, attached | • Marquee |

- Marquee Sign
- Monument Sign
- People Sign
- Pole Sign
- Portable Message Sign
- Projector-Image Sign
- Revolving Sign
- Rotating Sign
- Sandwich Board Sign
- Sign Area
- Sign Erector
- Sign, non-commercial
- Sign, on-premise commercial
- Sign, off-premise commercial
- Sign, temporary
- Support Pole Sign
- Vehicle Sign
- Yard Sign

The following have contradictory definitions that we recommend consolidating:

- **Billboard Sign.** There are two definitions for billboard sign in the ordinance. The definition in Section 32-6 reads *"means an off-premises sign as defined by Public Act No. 106 of 1972, as amended."* The definitions in Section 32-394 reads *"means a permanent freestanding pole sign erected, maintained, and used in the outdoor environment for the primary purpose of the display of commercial or noncommercial messages unrelated to the business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where such sign is located."* We recommend using the definition from Section 32-394 and incorporating it into the new Article 2: Definitions.
- **Canopy Sign.** There are two definitions for canopy sign in the ordinance. The definition Section 32-6 reads *"means a sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits off the canopy."* The definition in Section 32-394 reads *"means a permanent projecting sign affixed to the side or bottom surface(s) of an attached or freestanding canopy. Such signs may be internally illuminated pursuant to the requirements of this article."* We recommend using the definition from Section 32-6 and incorporating it into the new Article 2: Definitions.
- **Changeable Copy Sign.** There are two definitions for changeable copy sign in the ordinance. The definition in Section 32-6 reads *"means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign."* The definition in Section 32-394 reads *"means a permanent sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (e.g., time and temperature units), or manually through placement of copy and symbols on a panel mounted in or on a track system."* We recommend using the definition from Section 32-394 and incorporating it into the new Article 2: Definitions.
- **Freestanding Sign.** There are two definitions for freestanding sign in the ordinance. The definition in Section 32-6 reads *"means a sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary."* The definition in Section 32-394 reads *"means a sign supported by one or more uprights, poles, pylons, monuments, or braces placed in the ground and not attached to any building or other structure. Freestanding signs include, but are not limited to, pole signs and monument signs."* We recommend using the definition from Section 32-394 and incorporating it into the new Article 2: Definitions.
- **Mural Sign.** There are two definitions for mural sign in the ordinance. The definition in Section 32-6 reads *"means a single sign that is painted on the wall of a building or structure in such a manner that the wall becomes the background surface of the sign."* The definition in Section 32-394 reads *"means a wall sign that is painted or drawn on the exterior surface of a structure."* We recommend using the definition from Section 32-394 and incorporating it into the new Article 2: Definitions.

- **Projecting Sign.** There are two definitions for projecting sign in the ordinance. The definition Section 32-6 reads "means a sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign." The definition in Section 32-394 reads "means a sign attached to a building or other structure, and extending beyond the attachment surface by more than 18 inches. A "projecting sign" is differentiated from a "wall sign" based on the distance the sign projects from the surface of the building. Projecting signs consist of "awning signs," "canopy signs," and "marquee signs." We recommend using the definition from Section 32-394 and incorporating it into the new Article 2: Definitions. There are dimensional standards found in the definition that need to be moved to the new Article XI: Signs.
- **Roof Sign.** There are two definitions for roof sign in the ordinance. The definition in Section 32-6 reads "*means any sign wholly erected to, constructed/or maintained on the roof structure of any building.*" The definition in Section 32-394 reads "*means a sign that is erected, constructed, and maintained upon, against, or above the roof or parapet of a building or any portion thereof. A sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet shall be a "wall sign."* We recommend using the definition from Section 32-394 and incorporating it into the new Article 2: Definitions.
- **Sign.** There are two definitions for sign in the ordinance. The definition in Section 32-6 reads "means a name, identification, description, display, light, balloon, banner, flag or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or parcel of land which directs attention to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, sidewalk, alley, park, public property or from other private property. The definition does not include goods for sale displayed in a business window." The Section 32-394 reads "means a name, message, identification, image, description, display, or illusion which is affixed to, painted, or otherwise located, set upon, or in, a building, bench, structure or land and which directs attention to an object, product, place, activity, person, institution, idea, message, or business and which is visible outdoors. The definition does not include goods orderly displayed in a window." We recommend using the definition from Section 32-394 and incorporating it into the new Article 2: Definitions.
- **Wall Sign.** There are two definitions for wall sign in the ordinance. The definition in Section 32-6 reads "means any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building (see definition for mural sign); provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this article, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign." The definition in Section 32-394 reads "means a sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building, no portion of which projects more than 18 inches from the wall and which may not project above the roof or parapet line. A "wall sign" shall also include a sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet. Any other sign upon, against, or above the roof or parapet of a building or any portion thereof is defined as a "roof sign." We recommend using the definition from Section 32-6 and incorporating it into the new Article 2: Definitions.
- **Window Sign.** There are two definitions for window sign in the ordinance. The definition in Section 32-6 reads "*means a sign installed inside a window and intended to be viewed from the outside.*" The definition in Section 32-394 reads "*means a sign that is painted on or attached to a window or glass door that is intended to be viewed from the exterior, including signs located inside a building but visible primarily from the outside of the building.*" We recommend using the definition from Section 32-394 and incorporating it into the new Article 2: Definitions.

Zoning Districts and Map

PERMITTED USE TABLE

Each zoning district includes a long list of permitted and special land uses, which makes for several pages of duplicated text. To simplify the list of permitted and special land uses, we recommend incorporating a land use table similar to the table illustrated below. The table would be an excellent organization tool for all users and would:

- Consolidate all principal, accessory, and special land uses regulated by any section of the Zoning Ordinance into one location, including those that are identified in sections of the ordinance other than the Zoning Districts (such as standards for special land uses)
- Clearly indicate the districts in which those uses are permitted
- Help identify any defined uses that are not permitted in a zoning district

For uses that have specific development standards, a hyperlink to the section of the Zoning Ordinance that contains those standards could be provided in the table.

Sample Table of Permitted Uses by District

Key: ■ Principal Permitted Use ○ Special Land Use [blank] Use Not Permitted

USE	RR (A)	R-1 (A)	R-2 (A)	R-3 (A)	PO-1 (A)	C-1 (A)	C-2 (A)	C-3 (A)	C-4 (A)	I-1 (A)	I-2	DEVELOPMENT STANDARD
RESIDENTIAL USES												
Mixed Use Dwelling Unit												Section 74-2.424
Low Intensity Multiple Family (3-4 units)				○								Section 74-2.425
High Intensity Multiple Family (5+ units)				○								Section 74-2.426
One Family Dwelling Unit	■	■	■	■				■				Section 74-2.427
Townhouse				■				○				Section 74-2.428
Two Family Dwelling Unit				■								Section 74-5.105
Accessory Dwelling Unit	○	○	○					○				Section 74-2.402
LODGING USES												
Bed & Breakfast	○	○	○	○				■				Section 74-2.407
Boarding or Lodging House				■								
Inn						■	○	■				Section 74-2.420
Hotel						■	○	■				Section 74-2.420
OFFICE and SERVICE USES												
Bank or Financial Institution					■	■	■					
Health or Exercise Club or Spa (Small)					■	■	■					
Health or Exercise Club or Spa (Large)								○				
Office					■	■	■					
Personal Service Establishment					■	■	■					

ZONING DISTRICT SUMMARIES

In addition to a listing in a land use table, each zoning district should have a corresponding zoning district summary (usually 1 page per zoning district), which includes the district purpose, permitted and special land uses, dimensional standards from the Schedule of Regulations, and hyperlinks to specific use standards and general standards sections of the Zoning Ordinance that apply (e.g., landscaping, lighting, signs, etc.). This zoning district summary page works in tandem with the land use table; users who want to know in what district a particular land use is permitted will refer to the land use table, while users who want to know all of the relevant information about a particular zoning district will refer to the zoning district summary page of the district.

CONSIDERATION OF NEW ZONING DISTRICTS

In order to meet the goals of the 2024 Master Plan, there are several new districts that must be added or amended in the Zoning Ordinance to implement the Zoning Plan as shown:

Table 36. Land Use Category / Zoning District Comparison

Future Land Use Category	Density	Corresponding Zoning District(s)
Rural Estate	1 dwelling unit / 2.5 - 40 acres	Agricultural Residential (AGRE)
State Recreation Lands	N/A	Agricultural Residential (AGRE)
Low Density Residential	1 dwelling unit / 1 - 5 acres	Rural Estate (RE)
Neighborhood Residential	1-2 dwelling units / 1 acre	Single Family Residential (R-1 and R-2) Multiple Family Residential (RM-1 and RM-2)
Institutional/Local Recreation	N/A	N/A
Research/Office Center	N/A	Office Service (OS)
Manufactured Housing Park	N/A	Mobile Home Park (RMH)
Commercial Center	N/A	Local Commercial (C-1) General Commercial (C-2) Office Service (OS)
Light Industrial	N/A	Limited Industrial (LI)
Rural Town Center	*	**

* Provides for varying types of residential uses. Zoning District may vary. Density for the Rural Town Center must be determined by a Regulating Plan.

** The Rural Town Center will require the development of a new mixed-use zoning district.

Several key notes to highlight from this conversion include:

- **Suburban Residential (SR) District.** The 2024 Master Plan does not explicitly list the SR District in the Zoning Plan. However, in the current ordinance, the SR and Rural Estate (RE) Districts are listed within one combined section (Section 32-95) which includes the intent, permitted uses, and special uses. The districts are listed separately in the Schedule of Regulations and have slightly different dimensional standards, though. We interpret the intent of the Master Plan as inclusive of the SR District in the Low Density Residential Future Land Use category but will acknowledge the dimensional and character differences when developing the new districts.
- **Rural Town Center.** Through the 2024 Master Plan development, it was determined that a higher level of scrutiny was necessary for the design and character of the Rural Town Center areas defined in the Future Land Use Plan. The ultimate standards and requirements for this area will be organized into a Regulating Plan within the Zoning Ordinance, which will include a variety of graphics to demonstrate requirements.
- **General Industrial.** It's been identified that the General Industrial (GI) district is not included in the Master Plan and there are no parcels identified with its classification on the Zoning Map. If no General Industrial parcels exist, then the GI district should be removed from the Zoning Ordinance.

LEAN ZONING

We also recommend that the Zoning Ordinance be reviewed and edited according to lean zoning principles. Lean zoning seeks to simplify a zoning ordinance into only its essential components to make it easier to understand and administer. We recommend starting with a review of zoning districts, eliminating and consolidating any that do not contribute to the implementation of the Future Land Use Plan.

ZONING MAP

The Zoning Map should be updated to reflect any changes, consolidation, or newly proposed districts resulting from the alignment with the Future Land Use and Zoning plans in the of the Holly Township 2024 Master Plan.

Supplemental Zoning District Standards

We recommend the following changes to the Supplemental Zoning District Standards, in addition to the proposed reorganization of standards identified in Section 2 of this report.

ARTICLE VII: PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

- Clarify whether there are any limits to land use in the PUD District. Otherwise, we recommend language stating that the use must be consistent with the Master Plan.
- We recommend listing additional information required at the pre-application conference. While this would require more information submitted by an applicant in total, the feedback given at conceptual review will better prepare the applicant for the upcoming preliminary plan process.
- Introduce procedures for minor changes to be approved administratively. Correspondingly, examples of minor changes should be as specific as possible. Examples would include limits on floor area and height increases, limits on additional impervious areas, and limits on the number of feet the location of a structure can change. Also, depending on the project, minor changes could be described in the PUD agreement.

SECTION 32-132: CLUSTER HOUSING OPTION

- Michigan's Zoning Enabling Act requires communities to adopt cluster development provisions that permit projects with at least 50% open space in townships. Currently the Cluster Housing Option only requires 20% open space, which must be amended to align with state law.
- Consider offering density bonuses by requiring additional preservation of open space and sensitive environmental areas.
- Consider clarifying the ways in which the "documented evidence" of natural assets which would be preserved through the use of cluster development, such as a wetland delineation or topographic survey, or a tree inventory.
- Currently it appears Cluster Housing Options proposals go from concept plan review straight to final plan review. Consider adding a preliminary plan review step in between these two steps.

SECTION 32-133: SITE CONDOMINIUM PROJECT REGULATIONS

- Site Condominiums are governed by the Condominium Act 59 of 1978, as amended.
- Section 559.166 of the Condominium Act list what's required on a condominium plan submittal. We recommend the Township add a subsection to the Site Condominium Project Regulations that lists these required elements.
- Section 32-133 (c) (2) (f) in the existing ordinance requires the applicant to deposit a performance guarantee as set forth in Section 32-36. We recommend that the performance guarantees be deposited as set forth in Section 559.203b (9) in the Condominium Act to ensure consistency with state statutes.
- Section 32-133 (f) speaks to amendments of condominium documents. Within this Section, we recommend referencing Section 559.167 of the Condominium Act which goes into more detail about the amendment process for condominium projects.
- Section 32-192 (h) provides landscaping standards for subdivisions and sit condominiums. We recommend moving these landscape standards into the Site Condominium Project Regulations section in the Supplemental Zoning District Standards article.

SECTION 32-159: RESOURCE PROTECTION OVERLAY DISTRICT

- This section contains a reference to the Survey of Natural Areas in Holly Township, by the Nature Conservancy, dated December 13, 1988. If there is a more up to date survey of the natural areas in Holly Township, we recommend updating this reference.
- This Section contains many redundant standards and guidelines. We recommend consolidating similar statements to reduce redundancy and increase clarity.
- Within the design and aesthetics section of the Resource Protection Overlay District, we recommend adding that building materials are constructed of natural materials, such as treated wood or stone, whenever feasible.

SECTION 32-162: GRANGE HALL/FISH LAKE OVERLAY DISTRICT

- The Grange Hall/Fish Lake Overlay District contains a planned development option. We recommend a cross reference to the PUD standards to establish consistency among requirements.
- Section 32-162 (d) (3) provides requirements before a planned development option proposal can be approved. Many of these standards are well intended but many of them are arbitrary. We recommend making more measurable standards. For example, one of the requirements is "Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality". This standard could state that the protection and preservation of 25% of the development site is required.
- For all existing overlay districts, we recommend developing specific standards that are both measurable, and tightly enforced.
- A clear and defined boundary delineating the overlay district should also be added directly to the Township Zoning Map. Currently, it resides in a separate map.

ARTICLE VIII: PLANNED RESIDENTIAL DEVELOPMENT (PRD)

- Introduce procedures for minor changes to be approved administratively. Correspondingly, examples of minor changes should be as specific as possible. Examples would include limits on floor area and height increases, limits on additional impervious areas, and limits on the number of feet the location of a structure can change. Also, depending on the project, minor changes could be described in the PRD agreement.

SECTION 32-137. - SINGLE-FAMILY DWELLINGS, MOBILE HOMES, PREFABRICATED HOUSING

- The Township might consider revising this section as the way it is currently written allows mobile homes on any parcel in the Township as long as they are aesthetically pleasing and aligned with the neighborhood character. The recommendation noted above to incorporate a definition of prefabricated housing will outline a clear distinction between mobile homes and prefabricated housing. Additionally, more specific standards for approval may help clarify the administrative processing of these requests.

SECTION 32-205: WELLHEAD PROTECTION OVERLAY DISTRICT

- This section contains reference to a Wellhead Protection Overlay District map that was prepared in 2020 but was never officially adopted. We recommend reassessing the applicability of the district, clarifying district boundaries, intent, and related provisions.

Standards Applicable to Specific Uses

Currently, the development standards for specific uses are scattered throughout the Supplementary Regulations Section of the Zoning Ordinance. We recommend consolidating all of the development standards for specific uses into their own article, with a section for each use. The following is a list of land uses with specific development standards and their corresponding section. Also, if there are discrepancies in the use standards between two (2) or more zoning districts, those discrepancies can be addressed within the sections themselves.

- Section 32-135: Minimum dwelling unit floor area
- Section 32-136: Temporary dwellings and structures
- Section 32-137: Single-family dwellings, mobile homes, prefabricated housing
- **Section 32-139: Day care facilities:** We recommend revising these standards to align with current best practices which will reduce unnecessary barriers.
- Section 32-141: Home Occupations
- Section 32-142: Garage sales, rummage sales and similar activities
- **Section 32-143: Seasonal sales.** Many seasonal sales require accessory structures as part of the use. We recommend detailing a list of accessory structures that are permitted with seasonal sales. The language for this could be "Permitted accessory structures include but are not limited to: greenhouses, covered wagons, farm stands." This issue also applies to Section 32-153: Outdoor sales lot and Section 32-168: Special events.
- **Section 32-144: Essential services.** The purpose of this section is to allow essential services within any zoning district and provide reasonable accommodations in order to permit their operation. However, currently this language exempts essential services from all provisions within the Zoning Ordinance. We would suggest re-evaluating this and determining if certain requirements should still apply, like setbacks, buffers, and landscaping along residential property lines. Some of these components are necessary to meet the criteria of site plan approval, which is required for essential services.
- Section 32-146: Outdoor storage of recreational vehicles
- Section 32-147: Golf courses
- Section 32-148: Campgrounds
- Section 32-149: Cemeteries
- Section 32-150: Kennels and stables
- Section 32-151: Intensive livestock operations
- Section 32-152: Self-Storage facilities
- Section 32-153: Outdoor sales lot
- Section 32-154: Mineral mining and extractive operations
- Section 32-156: General, building and landscape contractor's offices and yards
- Section 32-157: Adult foster care facilities
- Section 32-158: Wireless communication facilities
- Section 32-160: Adult businesses
- Section 32-161: Bed and breakfast establishments
- **Section 32-164: Medicinal marijuana regulations:** The Township should update this Article to add regulations for recreational marijuana uses.
- **Section 32-165: Solar energy facilities:** This article should be revised in accordance with the provisions of Public Act 233, and to require screening for direct use applications in addition to other types of applications. Additionally, these facilities are currently allowed to be placed in setbacks. This should be revised to at a minimum, prohibit them in the front yard.

- **Section 32-166: Wind Energy Conversion Systems (WECS):** In light of the passage of Public Act 233 of 2023, which took effect in the fall of 2024, we recommend adopting provisions for the regulation of WECS in accordance with the Act.
- **Section 32-XXX: Battery Energy Storage Systems (BESS):** We recommend incorporating language for the regulation of utility-scale BESS facilities to ensure appropriate balance between potential renewable energy development and land use goals within the Township. In light of the passage of Public Act 233 of 2023, which took effect in the fall of 2024, components of BESS facilities are regulated by the State, with the Township able to adopt provisions in accordance with the Act. Section 32-167: Special accommodation use
- **Section 32-168: Special events:** Several issues have been pointed out with this ordinance. We recommend reviewing and revising as necessary to avoid confusion and pain points moving forward.

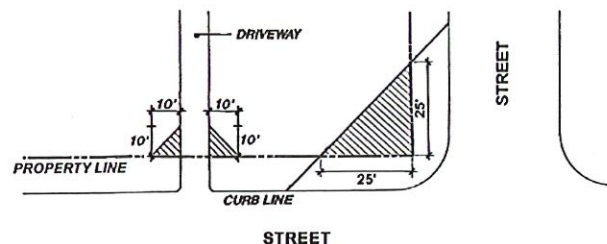
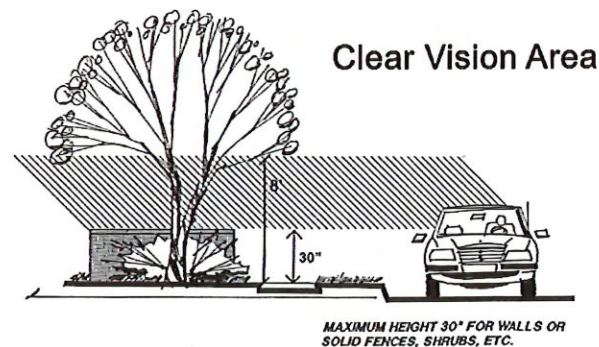
STANDARDIZATION AND LEAN ZONING

Many of the sections above have redundant standards, or very lengthy requirements that could be simplified. To increase clarity, we recommend eliminating redundancies and creating standardized language. For example, Section 32-161 regulates Bed and Breakfast establishments. The first sentence of this section specifies where Bed and Breakfast establishments are permitted. In the proposed reorganization, the districts in which uses are permitted will be detailed within the Section 4: Permitted Use Table. To reduce these redundancies, we recommend a close review of all the above against all other applicable ordinance sections.

General Provisions

CLEAR VISION AREA

We recommend adding a clear vision area clause to the ordinance. A clear vision area is a minimum horizontal and vertical area located at road and driveway intersections that is clear of structures and vegetation. We recommend including clear vision zone regulations in the General Provisions article and cross-referencing the section as necessary. See image right as an example.



SECTION 32-134: ACCESSORY STRUCTURES AND USES

Section 32-134 of the Zoning Ordinance provides regulations for accessory buildings and uses. We recommend moving these regulations to the proposed General Provisions article of the Zoning Ordinance and cross-referencing as needed. Currently specific standards only exist for accessory buildings in the single-family residential districts. Accessory buildings and uses for all uses other than single-family residences are regulated by the applicable setback and height restrictions specified for the zoning district wherein the accessory use or structure is located. We recommend developing specific standards for accessory structures and uses in commercial and industrial districts.

SECTION 32-138: FENCES, WALLS, AND SCREENS

Fences, walls and screens are currently regulated in Section 32-138. We recommend cross-referencing the new clear vision area described above to ensure fences are not located within the clear vision area. We also recommend language regulating permitted and unpermitted materials, in addition to dimensional standards such as height. We also recommend the Township explores a permitting process for residential fencing, without increasing administrative workload through permit applications.

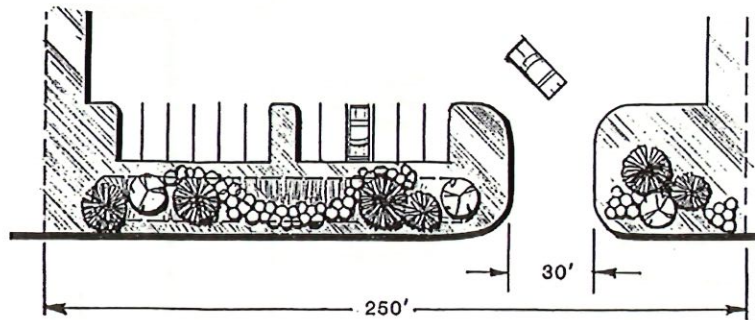
SECTIONS 32-155, 192, AND 204: LANDSCAPING AND SCREENING

While most of the detailed landscaping requirements are outlined in Section 32-192: Landscaping, Greenbelts and Buffers, and Screening, there are several landscaping and screening standards are scattered throughout various sections of the Zoning Ordinance (e.g., Sections 32-155: Open Space Preservation). We recommend consolidating all of the landscaping standards into the new Landscaping and Screening section within the General Provisions article and cross-referencing throughout the rest of the Zoning Ordinance. We recommend the following additions and changes to the landscaping regulations:

- **Required Landscaping.** For organizational purposes, we recommend including a section for each of the following landscape design requirements, some of which will be new requirements:
 - Buffer and Greenbelt Requirements (i.e., required trees around the perimeter of a site. Currently Section 32-192 (d) and Section 32-192 (f)).
 - Parking Lot Landscaping (i.e., required trees on the interior and perimeter of a parking lot as a means of providing shade, lowering temperatures of the parking lot, and breaking up large expanses of pavement. Currently Section 32-192 (e)).
 - Loading Area Landscaping (i.e., required trees or shrubs to screen loading areas).
 - Garbage and Dumpster Screening (i.e., requirements for a masonry enclosure for dumpsters with solid gates and requirement for dumpsters to be located in the rear yard. Currently Section 32-192 (i)).
 - Open Space Landscaping (Currently Section 32-155: Open Space Preservation)
 - Landscaping Applicable to Specific Uses.
 - Tree Removal Permit (i.e. specify requirements of a tree removal permit application. Currently Section 32-192 (j)).

By having a section dedicated to each design requirement, the user can easily follow along with the requirements.

- **Graphics.** We recommend including graphics to communicate the standards of the landscape requirements and to provide an illustration of how landscaping enhances a site and its surrounding area. See example image of frontage landscaping below.



- **Buffering and Greenbelt Standards.** Section 32-192 (d) and Section 32-192 (f) includes provisions for wall and greenbelt screening. We recommend including a table that lists all of the proposed land uses in the left column (e.g., single-family residential, multi-family residential, commercial, office, industrial, etc.) and the abutting zoning district in the top row. Within this table would be specific buffering requirements based on the proposed land use and the district that it abuts. For example, an industrial use abutting a residential district might require a wall while an office use abutting a residential district might require a wide buffer with dense screening. This table would condense a large amount of text into a simple, user-friendly table. For greenbelt standards, we recommend a staggered double row of 8-foot-high evergreen trees spaced 15 feet apart, which is a typical greenbelt standard in many communities.
- **Prohibited Species.** We recommend creating a prohibited species list that details what trees and shrubs are not permitted. This will allow the Township to deny trees and shrubs that end up being eyes-sores later on in their life.

SECTION 32-163: ARCHITECTURAL AND DESIGN STANDARDS

These provisions are currently buried in Article IV. Supplementary Regulations. We recommend moving them into a general provisions section, as described in Section 2 of this report. The standards also apply to any use that requires site plan approval, which includes both residential and commercial uses. These standards may need to be reviewed and fine-tuned to different types of development where relevant. They should also be reviewed against the Master Plan to determine if any of the provisions are not in alignment with the design and character vision of the Township identified in the plan.

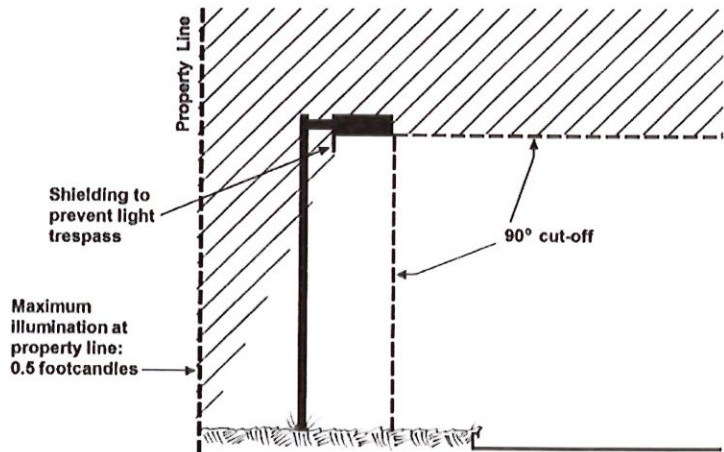
Environmental Regulations

We recommend retaining the Environmental Regulations article and adding the following recommendations in the article:

SECTION 32-197: LIGHTING

- **Single Section.** Lighting standards are currently located in Section 32-197. We recommend expanding this section based in the bullet points below.
- **Cutoff.** Only full cutoff fixtures should be permitted, and this section should describe what a full cutoff fixture is and include a graphic. See the image to the right as an example.
- **Illumination Level.** The regulations contain a maximum illumination level (footcandles) for property lines.

Maximum illumination levels should be provided for other areas on a site, including minimum illumination levels along sidewalks and other spaces accessible to the public. See the table below as an example.



Example Illumination Level Table

Location	Maximum Level of Illumination (Footcandles)
Off-Street Parking Areas	1.0
Off-Street Loading Areas	1.0
Sidewalks (Residential Areas-Public [only where required by this Ordinance or the Planning Commission])	1.0
Sidewalks (Non-Residential Areas)	1.0
Building Entrances (Frequent Use)	5.0
Building Entrances (Infrequent Use)	1.0
Gas Station (Directly Under Canopy)	20.0
Other Outdoor Areas Not Listed	At the discretion of the Zoning Administrator with a maximum not to exceed 20.0

- **Waivers.** While we recommend strict compliance with the lighting requirements, we also recommend a waiver process through the Planning Commission. The purpose of the waiver process would be for temporary events and/or public events, and the intent would be to prohibit negative impacts on neighbors.

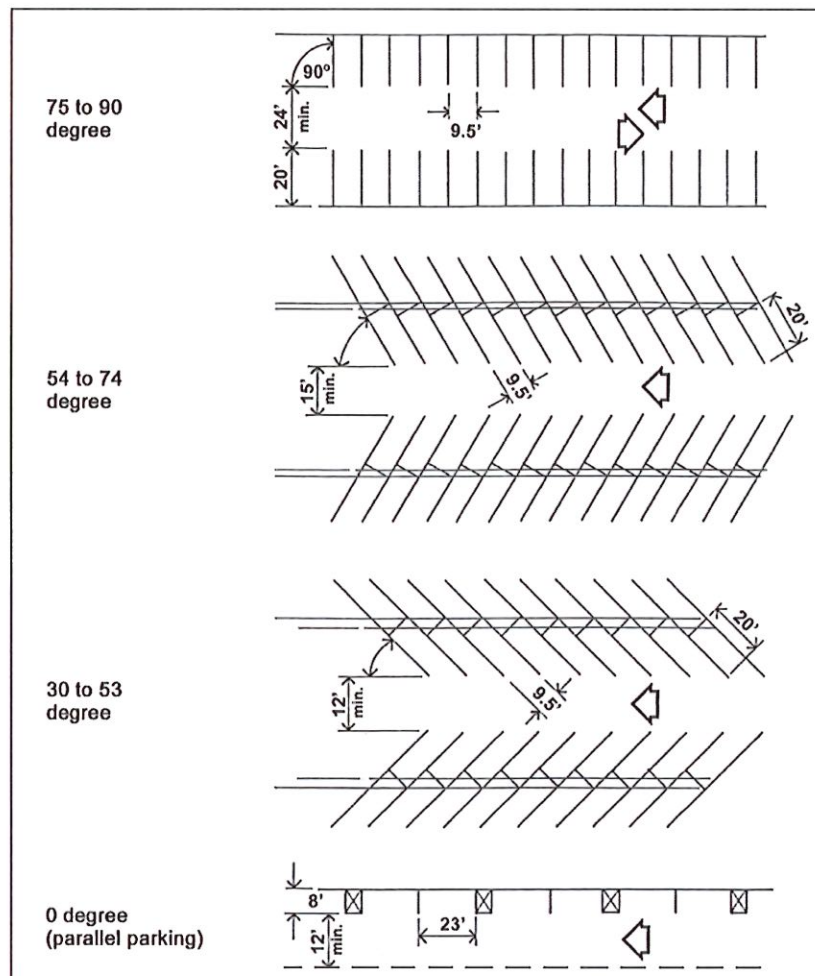
SECTION 32-200: STORMWATER MANAGEMENT

Section 32-200 provides standards for stormwater management. Since the adoption of this section stormwater management practices have come a long way. We recommend adding the most up to date best practices for stormwater management to this section. Examples include but are not limited to bioswales, rain gardens, stormwater basins, and pervious pavement. We also recommend having the Township Engineer weigh in on these standards for consistency and alignment with applicable engineering standards.

Parking, Loading, and Access Management

- **Create a Single Article.** We recommend placing all standards for parking into a single article with cross-referencing as necessary. For example, Section 32-157 (c) (4) requires one off-street parking space per employee and/or caregiver. This should be encompassed in the existing Section 32-424 Table of off-street parking requirements which will become part the new Parking, Loading, and Access Management Article.
- **Modernize Parking Standards for Specific Uses.** Review parking standards for specific uses to ensure they are appropriate based on current parking patterns. Uses that at one time required great amounts of parking may no longer require as much today, and vice versa.
- **Uses Not Mentioned.** We recommend adding a clause to the existing Section 32-424 for uses that are not mentioned. We recommend that for uses not mentioned, the most recent edition of *Parking Generation* shall be used to set a requirement. *Parking Generation* is a book that is published by the Institute of Transportation Engineers (ITE) and periodically updated. *Parking Generation* includes parking demand studies of over 100 land uses during different times of the day and week. It's inevitable a use will be proposed in Holly Township that is not specifically designated in the table of off-street parking requirements. Adding this 'Uses Not Mentioned' clause will allow the Township to apply a parking requirement that's been observed and vetted in the *Parking Generation* Manual.
- **Shared/Collective Parking.** There are existing shared parking standards in Section 32-423 (c) that allow 2 or more buildings to share parking, provided such parking is not less than the sum of the requirements for both uses calculated separately from each other. We recommend allowing the Planning Commission to grant fewer parking spaces for 2 or more uses that share a parking lot if the corresponding peak parking use times are different. We recommend citing the most recent edition of *Parking Generation* or other acceptable expert study. We also recommend capping the reduction that can be granted to 20 or 25%, to avoid having a completely open-ended standard.
- **Parking Space Reductions.** Section 32-424 includes minimum parking requirements for uses but does not allow for reductions. Therefore, any reduction would be subject to a variance review by the ZBA. We recommend allowing the Planning Commission to use the most recent edition of *Parking Generation*, or other acceptable expert study, to modify the parking space requirements for any use where the required parking is excessive. Similar to the above, we also recommend including a cap on the reduction the Planning Commission can grant without a variance. In addition, there should be specific criteria for the property owner to submit to support their request, such as evidence of existing nearby parking supply (on or off-street), reduced parking demand, or car alternatives that will be provided.
- **Parking Space Dimensions.** Section 32-425 includes minimum maneuvering lane and parking space dimensions but does not allow for reductions. Therefore, any reduction would be subject to a variance review by the ZBA. We recommend allowing modified standards, subject to Planning Commission approval, for smaller maneuvering lane or parking space dimensional requirements for any site where physical constraints prevent the developer from constructing compliant maneuvering lane and parking space dimensions. For example, a nine-foot by 20-foot parking space is currently required, when an 18-foot-long parking space may be sufficient for most sites. The alternative dimensional standards should be included in the ordinance, along with the specific situations in which they should be permitted. This will offer more predictability in permitting modifications, for both property owners and the Township.
- **Winter Considerations.** We recommend modifying the parking standards to address snow storage. We recommend that parking lot designs include areas for snow storage, which can often be landscaped areas, stormwater ponds, or surplus parking areas.

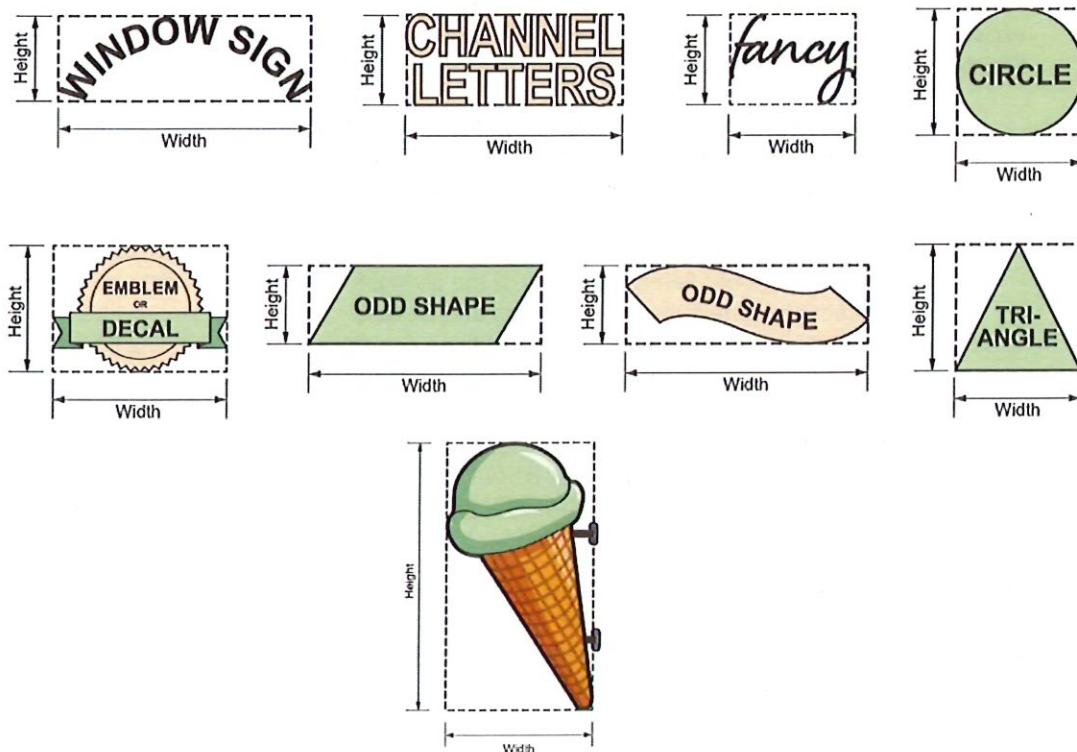
- **Cross-Access.** In areas where more dense development is anticipated, we recommend requiring cross-access easement agreements where cross-access would be beneficial to the public, improve traffic flow, and relieve traffic congestion.
- **Barrier Free Spaces.** We recommend inserting the number and dimension of barrier free parking space standards regulated under the Americans with Disabilities Act (ADA) into the zoning ordinance. A table of barrier free parking requirements, pursuant to ADA standards, would be helpful to include in the Zoning Ordinance.
- **Access Management.** We recommend including standards for access management to the sites and within the interior of the sites. These standards should include requiring a traffic impact study for larger projects, including standards for curb cuts and offsets, development of and connections to existing pedestrian/path networks where adjacent, bicycle access and parking, appropriate access from the public sidewalk to the parking lot of the building, access to adjacent sites, and traffic calming where appropriate. While there may already be separate Township requirements in other ordinances, we recommend cross-referencing existing ordinances where appropriate.
- **Graphics.** We recommend including a graphic that supplements the table in Section 32-425 to show different parking angles and dimensions. See the image on the next page as an example.



Signs

- **Conflicting Language.** Correct any conflicting sign standards. For example, the table in Section 32-382 (f) regulates window signs maximum area to 20% of the window area while Section 32-382 (f) (9) regulates window signs maximum area to 10% of the window area. These contradicting standards create unclear requirements.
- **Definitions.** Refer to Section 3 of this Diagnostic Review for recommendations relating to sign definitions.
- **Substitution Clause.** We recommend incorporating a substitution clause in the Sign Article of the Zoning Ordinance. An example could be a simple sentence such as *"Any lawful sign permitted under the provisions of this Ordinance may contain a non-commercial message."* This clause helps to establish content neutrality.
- **Illumination.** Section 32-282 (b) includes provisions for illumination. We recommend limiting illumination levels based on the sign's area. For reference, the International Sign Association has published illumination standards that have been adopted in many zoning ordinances.
- **Lighting and Message Changes.** Section 32-388 (d) contains standards for electronic message signs. Currently one message change every 60 seconds is permitted. We recommend considering increasing the change frequency to 1 message change every 8 seconds, which is the change cycle permitted in the Michigan Highway Advertising Act. The Township may want to consider a standard based on maximum footcandles, which are much easier to measure than units. Nits quantify the amount of light an object gives off while footcandles quantifies the amount of light which falls onto an object.
- **Measurement of Sign Area.** Section 32-394 provides sign definitions. The definition of sign area is not accompanied with a graphic. We recommend utilizing the images below to help convey what is meant by sign area.

Example Sign Area Measurement Graphics



Nonconforming Uses, Buildings and Lots

- **Consolidate Sections for Nonconforming Uses & Structures.** We recommend creating a Nonconforming Uses and Structures section that consolidates Section 32-463: *Nonconforming uses of land*, Section 32-464: *Nonconforming structures*, and Section 32-465: *Nonconforming uses of structures and land*. Within the new Nonconforming Uses & Structures section would be three subsections:
 - Nonconforming uses (Section 32-463)
 - Nonconforming structures (Section 32-464)
 - Nonconforming uses and structures when they exist in combination (Section 32-465)
- **Uses allowed as special approval uses, not nonconforming uses.** Section 32-467 is titled “Uses allowed as special approval uses, not nonconforming uses” and reads “Any use for which a general exception, condition approval, or special approval is permitted as provided in this chapter shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.” We recommend deleting this Section as it provides no value to the Nonconformities Article.
- **Changes to Nonconforming Structures.** We recommend adding provisions that allow for modifications to nonconforming structures if the changes do not increase the structure’s nonconformity (e.g., no horizontal expansion in a required setback, no additional height above the maximum, or lot coverage exceeding the maximum, etc.). Most communities allow their Zoning Administrator to approve such changes. The specific changes that can be followed through are discussed in the bullet point below.
- **Repairs and Maintenance.** The procedures for repairs and maintenance of nonconforming structures in Section 32-466 should be clarified to require additional forms of proof from the applicant with respect to the costs of repair not exceeding 50 percent of the replacement value of the building. We recommend clarifying whether the Township Engineer can be contracted to review the affected 50%, or if a stamped determination by an externally hired licensed engineer is sufficient. We also recommend expanding this chapter to spell out what specific changes can be made to a nonconforming structure. See the indented bullet points below that provide examples of what these changes can be.
 - The alteration, improvement or rehabilitation of any valid nonconforming structure which does not involve any increase in height, area, bulk or change of use;
 - The strengthening or restoration of any structure or wall declared unsafe by the Building Department;
 - Any alteration, improvement or repair required by the Department of Health or the Department of Public Safety, or by any of the divisions of said departments, as necessary to the protection of the public health, safety and welfare;
 - Any alteration, improvement, repair or addition determined by the Building Department to constitute full or partial compliance with the use requirements of the district in which the building in question is situated.
 - The conforming alteration, improvement or repair of, or addition to any dwelling or any accessory building, including private garage, incidental to such dwelling; or
 - The erection of any conforming accessory building, including private garage, incidental to an existing dwelling.
- **Nonconforming Lots.** Section 32-462 allows a single-family dwelling and customary accessory buildings to be constructed on a lot in any residential district, even if the lot fails to meet the requirements for area or width, or both, that are applicable in that district. Depending on the Township’s preference and how they have treated this Section in the past, consider removing this

standard from the ordinance or expanding it to include other uses in other districts. Further, we recommend conducting an analysis on the prevalence of existing nonconforming lots to support the ultimate determination on treatment of nonconforming lots.

Administrative Procedures and Standards

We propose to pull all of the administrative information from different parts of the ordinance on the topics discussed below and organize them under a separate article, titled "ADMINISTRATIVE PROCEDURES AND STANDARDS" for faster and easier reference. Within this section we recommend a subsection for the Zoning Board of Appeals and their procedures (Section 32-61 through Section 32-65), a subsection for the Planning Commission and their procedures (Section 32-70 through Section 32-74), a subsection for Zoning Administration (Section 32-31, Section 32-32, Section 32-34 through Section 32-37), a subsection for Site Plan Review (Section 32-231 through Section 32-239), a subsection for Special Land Use Review (Section 32-33), a subsection for Rezoning, a subsection for Amendments, a subsection for Public Notices, and a subsection for Zoning Compliance Review (Zoning Permits).

ZONING BOARD OF APPEALS (ZBA)

The current ZBA chapter has standards that are pursuant to the Michigan Zoning Enabling Act and therefore this subsection will not need to be updated.

PLANNING COMMISSION

While the Planning Commission sections are pursuant to the Michigan Zoning Enabling Act and the Michigan Planning Act, it does not provide standards on the memberships of the planning commission. We recommend creating a subsection in the Planning Commission Section that refers to Section 301 (3) through Section 301 (10) of the Michigan Zoning Enabling Act for Planning Commission memberships.

ZONING ADMINISTRATION

In many areas of the Zoning Ordinance, a fee amount is specified. We recommend including as few fee amounts in the Zoning Ordinance as possible because changing a fee requires an amendment to the Zoning Ordinance. Because most fees are based on the Township's expenses, which can change from year-to-year, most fees should be adopted by a fee schedule instead of an ordinance. The fee schedule should be referenced in the Code of Ordinances to determine the cost of ZBA appeals, site plan reviews, special use reviews, rezoning applications, and fees for all other applications, as discussed in Section 32-37.

In many areas of the Zoning Ordinance, a performance guarantee is specified. We recommend having one section of the Ordinance that addresses performance guarantees and then cross-referencing it to the applicable standards. Also, we recommend reviewing the types of bonds that will be acceptable, if any. During the severe recession in the late 2000s, many communities were left with partially-completed developments after developers abandoned projects and/or went bankrupt. In many cases, the bonds ensuring completion of a project had expired. To address this issue, the Township may want to consider only allowing cash, certified check, letter of credit, or similar financial instruments that allows immediate access to funds if the Township is required to complete a development.

SITE PLAN REVIEW

- **Site Plan Submission Requirements.** The current ordinance requires "sufficient copies, as determined by the Zoning Administrator, of the site plan" to be submitted by the applicant. Within the

planned residential development and cluster housing option sections, specific quantities are noted. These should be amended to also defer to the Zoning Administrator. It also requires these physical plans to be sealed. This language should be amended to require electronic submission of site plans (in addition to physical) and allow for acceptance of electronic seals, consistent with recent changes to State statute (MCL 339.2007 and 2008).

- **Traffic Study.** We recommend requiring a traffic study as one of the submission requirements for developments that meet or exceed certain thresholds of square footage, number of units, etc.
- **Preliminary Site Plan Review.** Currently, there is no formal process in the Zoning Ordinance for preliminary site plan review. Therefore, the only method for an applicant to obtain an approval from the Planning Commission is via final site plan review where much more information is required. We recommend allowing for preliminary site plan review where the applicant submits less information than a final site plan, but that the information is sufficient enough for the Planning Commission to approve based on the layout. The amount of detail on a preliminary site plan should be sufficient for the Planning Commission to take action on the layout, and the action should provide the applicant enough assurance that a final site plan will be approved if the layout remains the same. By granting preliminary approval for the layout, number of units, square footage, etc., the applicant will be spending money to prepare the final site plan with more confidence. The final site plan procedures would remain the same.
- **Administrative Review.** We recommend creating a process and section to allow for specific guidance on projects or uses that are eligible for administrative site plan review. The section should include criteria to be eligible for administrative review, submission requirements, and review standards.
- **Pre-application Meetings.** Optional pre-application meetings should be added to the site plan review process section. While these meetings have been historically offered in the Township already, it should be explicitly included in the overarching review and approval process described in Article VI., Site Plan Review.
- **Required Review Based on Activity Proposed.** To simplify which type of review is applicable, we recommend a table that lists all of the possible activities in the left column (re-occupancy, construction over a certain threshold, façade improvement, new building, etc.) and the applicable procedure in the top row (Site Plan Review, Special Land Use Review, Zoning Compliance Permit Review, etc.). This will allow Township staff and the applicant to quickly and easily determine the appropriate procedure for reviewing an activity. See examples below.

Development Activity	Site Plan Review	Special Land Use Review	Zoning Compliance Review
General			
Re-occupancy of a building, provided all of the following are true: <ul style="list-style-type: none"> No variances to the Ordinance are required; Such use is conducted within a completely enclosed building; Re occupancy does not create additional parking demands, beyond 10% of that which exists; and Re occupancy does not substantially alter the character of the site. The conditions outlined within the Business License ordinance are met, including length of licensure and all issuing procedures. 			•
All uses except single-family residences and duplexes in the residential zoning districts, and their customary accessory uses.	•		
Remodeling or construction of an addition to an existing building or use, provided all of the following are true: <ul style="list-style-type: none"> No variances to the Ordinance are required; and The proposed new construction would not increase the total square footage of the building greater than 25% or 1,000 square feet, whichever is less. 			•
Any use or development involving a special land use		•	

- Required Information Based on Review Required.** To simplify the information required on an application, we recommend a table that lists all of the informational items required in Section 32-234 of the Zoning Ordinance in the left column and the applicable procedure in the top row (Zoning Compliance Review, Preliminary Site Plan Review, Final Site Plan Review, and/or Special Land Use Review). This Section should also be reviewed to discern if additional information should be required on plans beyond what is currently. This will eliminate redundancy of listing all of the informational items under each type of review. See examples below.

Development Activity	Preliminary Site Plan Review	Final Site Plan Review	Special Land Use Review	Zoning Compliance Review
General				
The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure to be provided on a site plan.		•	•	
Proprietors', applicants', and owners' names, addresses and telephone numbers.	•	•	•	•
Proposed locations of access drives, street intersections, driveway locations, sidewalks, safety paths as identified in the Holly Township Master Plan, curbing and areas for public use.		•	•	
Existing topography with a maximum contour interval of two feet. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated.		•		
Specific amount and location of recreation spaces.		•		

- **Post Site Plan Approval.** We recommend including standards for handling site plans after they have been approved, including provisions for development agreements prior to starting construction and the submittal of as-built plans after finishing construction.
- **Site Plan Amendments.** We recommend including standards for handling proposed amendments to approved site plans, and what the standards and procedures are for approving these amendments. We recommend that there is a threshold of amendment types that can be approved administratively by the Township Zoning Administrator and Planner (minor amendments), and types that need to go back to Planning Commission for approval (major amendments). Additionally, there should be clarity provided when the site plan is subject to an approved special use permit, and whether the amendment to the site plan will trigger an amendment to the special use permit as well.

SPECIAL LAND USES

Section 32-33 of the Zoning Ordinance details the special land use process. This section contains standards that are pursuant to the Michigan Zoning Enabling Act and therefore this subsection will not need to be updated. However, a process for a special use amendment should be added to this section for clarity when these requests arise.

REZONINGS AND CONDITIONAL REZONINGS

We recommend incorporating a section for a rezoning process pursuant to the Michigan Zoning Enabling Act. An important part of this Section will be the review criteria on which the rezoning will be approved or denied. Refer to the example bullet points below that could be incorporated as part of this review criteria:

- The proposed Rezoning will further the goals and objectives of the Township Master Plan.
- Rezoning shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited).
- The use of the property in question shall be in complete conformity with all regulations governing development and use within the zoning district to which the property is proposed to be rezoned, including, without limitation, permitted uses, lot area and width, setbacks, height limits, required facilities, buffers, open space areas, and land use density.
- The proposed Rezoning will result in integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Rezoning.
- As compared to the existing zoning and considering the site-specific conditions and/or land use proposed by the applicant, it would be in the public interest to grant the Rezoning. In determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration reasonably accepted planning, engineering, environmental and other principles, and also taking into consideration the special knowledge and understanding of the Township by the Township Board and Planning Commission.
- The proposed rezoning will not preclude future zoning and planning actions by or on behalf of the municipality.
- Existing and available public services will be capable of serving proposed or potential development that will occur as a result of the Rezoning without negatively impacting the delivery of public services to other properties in the Township, or the conditions will ensure that public services will be sufficient to serve both the site and other properties in the Township.

There should also be a section specifically addressing the conditional rezoning process, which would allow for, in certain instances, the Township and property owners seeking a rezoning to do so conditionally, which would include a conceptual site plan, along with conditions and limitations that may be relied upon by the Township, and proposed by the property owner as part of a petition for rezoning. As the process and requirements for a conditional rezoning differ from a conventional rezoning, this new section should provide an election to property owners in connection with the submission of petitions seeking the amendment of this Ordinance for approval of a rezoning with conditions, per Public Act 110 of 2006, as amended.

Additionally, we recommend specifying the required materials for complete Planning Commission review, and clearly identifying an appropriate basis for determination that relies on the provided statements of fact, as outlined above.

AMENDMENTS TO THE ZONING ORDINANCE

The current ordinance references amendments to the zoning ordinance but does not detail an actual amendment process. An amendment procedure that complies with the Michigan Zoning Enabling Act should be adopted by the Township. Examples for standards of review for amendments are bullet pointed below.

- Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.
- Consistency with the basic intent and purpose of this Zoning Ordinance.
- The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- The capacity of the Township's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the Township.
- That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.
- That the amendment will not be expected to result in exclusionary zoning.

PUBLIC NOTICES

Currently public notices are discussed in Section 32-33 (b) (2) of the Zoning Ordinance. The standards written are pursuant to the Michigan Zoning Enabling Act. We recommend moving these public notice procedures to their own subsection. This way, only one section of Holly Township's Zoning Ordinance will have to be amended when the noticing requirements of the Act are amended.

ZONING COMPLIANCE REVIEW (A.K.A., ZONING PERMITS)

The current ordinance references zoning compliance permits but does not define them. We recommend a subsection of the administrative article be dedicated to a process for zoning compliance review. Examples of the type of information that should be submitted on a Zoning Compliance Review application is bullet pointed below.

- The actual shape, location and dimensions of the lot.
- The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
- The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed. If the proposed excavation, construction, moving, alteration or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Building Inspector shall issue a building permit. If any application for such permit is not approved, the Building Inspector shall state in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

- Whenever an application for a building permit indicates the necessity for constructing an on-site sewage disposal system and/or water well system on the premises, the Building Inspector shall not issue such permit unless the County Health Department shall have approved the site for the construction of such facilities.

CHANGE OF USER / USE AND CERTIFICATE OF OCCUPANCY

We recommend providing a section on re-occupancy to clarify that changes in user of an existing building or site shall require administrative review. The ordinance should require administrative review of "Re-occupancy," and also find it appropriate to supplement this with "change of user" language. Additionally, a new Certificate of Occupancy should be required when there is a change in the use or user (re-occupancy). By requiring an administrative review and new Certificate of Occupancy for re-occupancy, each change of a user in an approved building can present an opportunity to bring buildings and sites up to current standards, including fire, building, landscaping, ADA, or other standards that will improve the building for new occupants. Cross references in other parts of the General Code should be added to this section, and aligned with all relevant articles, which may reference necessary inspections or other requirements prior to obtaining a Certificate of Occupancy.

BY-LAWS

HOLLY TOWNSHIP PLANNING COMMISSION Adopted, effective immediately, [Date]

ARTICLE I TITLE AND PURPOSE

Section 1.1. Title

- A. The name of this Commission shall be the Holly Township Planning Commission.

Section 1.2. Purpose and General Statutes, Ordinances, and Rules of Procedure

- A. The Holly Township Planning Commission, hereinafter referred to as "the Commission" has been created pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, and shall be governed by all of the following statutes, ordinances, and rules:
 - a. Michigan Public Act of 2008, No. 33 as amended, the Planning Enabling Act
 - b. Michigan Public Act of 2006, No. 110 as amended, the Zoning Enabling Act
 - c. Michigan Public Act of 1976, No. 442, as amended, the Freedom of Information Act
 - d. Michigan Public Acts of 1976, No. 267, as amended, the Open Meetings Act
 - e. Chapter 32 of the Holly Township Code of Ordinances, also known as the Zoning Ordinance of Holly Township
 - f. Robert's Rules of Order, to the extent reasonably practicable
 - g. The Rules of the Commission, as set forth herein.
- B. The general purpose of the Holly Township Planning Commission shall be to guide and promote the efficient, coordinated development of this Township in a manner which will best promote the health, safety and general welfare of the Township of Holly.

Section 1.3. Master Plan

- A. The Commission shall prepare, update, revise, amend and supplement a Master Plan pursuant to the Michigan Planning Enabling Act PA 33 of 2008 and Michigan Zoning Enabling Act PA 110 of 2006, as amended.
- B. As a basis for the Master Plan the Commission shall make inquiries, investigations, and surveys of all the resources of the Township, assemble and analyze data and formulate plans for the proper conservation and use of all resources, including a determination of the extent of proper future needs for the most advantageous designation of lands having various use potentials and for services, facilities, and utilities required to equip those lands.
- C. The Township shall consult with representatives of local units of government, incorporated municipalities within the Township, and regional planning bodies with regard to the Master Plan.
- D. In addition to the Master Plan prepared as a guide for the development of unincorporated portions of the Township, the Commission may, by a majority vote of its members, adopt a sub plan for a geographic area less than the entire unincorporated area of the Township if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth in Section 7 of Michigan Planning Enabling Act PA 33 of 2008 (MCLA 125.3807).
- E. The Master Plan shall include maps, plats, charts, descriptive, explanatory, and other related matter and shall show the Commission's recommendations for physical development of the unincorporated area of the Township.

- F. The Commission shall promote public understanding of the Master Plan and shall publish and distribute copies of the Master Plan and of any report, and may employ such other means of publicity and education as it determines necessary.
- G. At least every 5 years after adoption of the Master Plan, the Commission shall review the Master Plan and determine whether to commence the procedure to amend or adopt a new Master Plan.

ARTICLE II CREATION

The Planning Commission was created by resolution of the Holly Township Board as authorized by Public Act 168 of 1959, as amended. The Township Board transferred to the Planning Commission all the powers and duties provided to a zoning commission, by resolution, pursuant to the Michigan Zoning Enabling Act, 2006 Public Act 110, as amended.

Section 2.1. Appointment of Members

- A. The Commission shall consist of Seven (7) members who shall be representative of major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, commerce, transportation and industry. These members, who shall be appointed by the Supervisor, are subject to the approval by a majority vote of the Township Board.
- B. The membership shall also be representative of the entire geographic area of the Township, to the extent practicable. Members of the Commission shall be qualified electors of the Township, except one member of the Commission may be an individual who is a qualified elector of another local unit of government within the Township, and who is a qualified elector of another local unit of government.
- C. All members of the Commission shall hold no other Township office, except that no more than one such member shall be a member of the Township Board, and serve as the Planning Commission's sole ex-officio member.
- D. One member of the Planning Commission shall also serve on the Zoning Board of Appeals.

Section 2.2. Term

- A. The term of each member shall be three (3) years, except that the term of the Township Board Member shall expire with his or her term on the Township Board.
- B. A member shall hold office until his or her successor is appointed.
- C. All vacancies for unexpired terms shall be filled for the remainder of such term by appointment by the Supervisor, subject to approval by a majority vote of the Township Board.

Section 2.3. Delinquency and Removal of Member

- A. Any commission member who is unable to attend a regular or special meeting must notify the Township Zoning Administrator or designee of an absence.
- B. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Township Board whenever any member of the Commission is absent from two consecutive regularly scheduled meetings. Any commission member absent from two (2) regular meetings without valid excuse shall be removed at the discretion of the Commission, according to provisions of the Michigan Planning Enabling Act PA 33 of 2008, as amended.
- C. Members may be removed by the Township Board of Trustees, after a public hearing, for misfeasance, malfeasance, or nonfeasance written charges by a vote of the Township Board.

Section 2.4 Training

- A. Each member shall have attended at least two hours per year of training in planning and zoning during the member's current term of office. Training shall be provided by one or more of the following:
 - a. Planning Department staff, or their agents and consultants

- b. Michigan Association of Planning
- c. American Planning Association
- d. Michigan State University Extension
- e. Michigan Townships Association
- f. Michigan Municipal League
- g. Michigan Downtowns Association
- h. Michigan Association of Counties
- i. Continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, Wayne State University
- j. Another organization as approved by the Township Zoning Administrator

Section 2.5 Ex Parte Contact

- A. Members shall avoid ex parte contact about cases where an administrative decision is before the Commission whenever possible.
- B. Despite one's best efforts it is sometimes not possible to avoid ex parte contact. When that happens, the member should report the details of the communication to the Commission, so that all members are privy to the same information.

ARTICLE III OFFICERS

Section 3.1. Officer Duties

- A. The Commission shall elect by a majority vote of its membership a Chairperson, Vice-Chairperson and Secretary at the first meeting of January, annually, or as otherwise determined necessary by the Commission. The term of each office shall be one (1) year. An officer may be re-elected to his or her office.
- B. The Chairperson shall preside at all public meetings of the Commission, appoint such committees as shall from time to time be deemed necessary; and perform such duties as may be delegated by the Commission. He or she shall have a vote on all matters before the Commission. The Township board member is not eligible to serve as Chairperson of the Planning Commission. Additionally, the Chair shall:
 - a. Preside at all meetings with all powers under parliamentary procedure;
 - b. Restate all motions as presented in meetings;
 - c. Appoint committees if deemed necessary;
 - d. Appoint officers of committees or choose to let the committees select their own officers.
 - e. Act as an Ex-Officio member of all committees of the Commission;
 - f. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
 - g. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if the chair so chooses;
 - h. Periodically meet with the Planning Director and/or other Planning Department staff to review Planning Department operation, procedures, and to monitor progress on various projects;
 - i. Perform such other duties as may be ordered by the Commission.
 - j. Execute documents on behalf of the Commission.
- C. The Vice-Chairperson shall preside at public meetings of the Commission in the absence of the Chairperson. Additionally, the Vice-Chair shall:
 - a. Perform such other duties as may be ordered by the Commission.
- D. The Secretary shall keep a record of the minutes of all meetings, keep a record of all transcripts, records, plans, etc. brought before the Commission. Additionally, the Secretary shall:
 - a. Execute documents in the name of the Commission;
 - b. Be responsible for the minutes of each meeting, if there is not a recording secretary.
 - c. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member

- of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Township staff);
- d. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Department Office;
 - e. Keep attendance records pursuant to Section 2.3 of these Bylaws;
 - f. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq. (the Secretary may delegate this duty to Township staff);
- E. The Township Clerk shall be custodian of the records and files of the Commission.

ARTICLE IV DECISIONS

Section 4.1. Public Meetings

- A. The business which the Commission may perform shall be conducted at a public meeting of the planning commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.
- B. Public notice of the item, date, and place of a regular or special meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976 and the Secretary shall send written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

Section 4.2. Quorum

- A. A simple majority (four) of the members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission and the Open Meetings Act, Act 267 of 1976, as amended.
- B. Each member of the Commission shall have one (1) vote.
- C. A majority of the members present at any meeting may approve any action unless provisions of these by-laws, Township Ordinance, or State Law requires a quorum or more for approval.

ARTICLE V PERSONNEL

Section 5.1. Personnel

- A. The Township Board, upon recommendation of the Commission, may employ a planning director or other planning personnel, contract for the services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

ARTICLE VII ANNUAL REPORT

Section 7.1. Annual Report

- A. The Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.
- B. The Secretary may delegate this duty to Township staff, such as the Township Zoning Administrator, or their agents and consultants.

ARTICLE VIII MEETINGS

Section 8.1. Regular Schedule

- A. The Commission shall hold not less than four (4) regular meetings each year, and by resolution of the Township Board of Trustees shall determine the time and place of the meetings.

Section 8.2. Public Notice

- A. All Commission meetings are noticed as required by the Open Meetings Act M.C.L 15.261 et seq.

ARTICLE IX ADDRESSES BY THE PUBLIC

Section 9.1. Speaking; Limitations

- A. Unless otherwise provided by resolution of the Commission, members of the public may address the Commission during the "Public Comment", at a public meeting, subject to the following limitations which may be modified by resolution of the Commission:
 - a. A person addressing the Commission in their individual capacity and not as a representative or spokesperson for an organization shall have three (3) minutes to address the Commission.
 - b. A person addressing the Commission as a representative or spokesperson of an organization shall have five (5) minutes to address the Commission.

ARTICLE X AGENDA

Section 10.1. Agenda Order

- A. Unless otherwise modified by resolution of the Commission, the agenda of a public meeting of the Commission shall be as follows:

- | | |
|--|---------------------------|
| 1. Call to Order | 7. Communications |
| 2. Pledge of Allegiance & Roll Call | 8. Old Business |
| 3. Agenda Approval | 9. New Business |
| 4. Public Comments (for agenda items only) | 10. Reports |
| 5. Public Hearings | 11. Public Comment (Open) |
| 6. Approval of Minutes | 12. Adjournment |

ARTICLE XI AMENDMENTS

Section 11.1. Procedures to Amend the By-Laws

- A. The By-Laws may be amended, added to, or repealed by a vote of four (4) members of the Commission at a regular meeting provided that notice of the proposed amendment, revision or repeal is given to each member of the Commission in writing at least seven (7) days prior to the regular meeting at which the amendment is intended to be acted upon.

CURRENT BY-LAWS

ADOPTION DATE: 06-06-17*

BY-LAWS

HOLLY TOWNSHIP PLANNING COMMISSION

The following by-laws and rules of procedure are hereby adopted by the Holly Township Planning Commission pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008.

ARTICLE I

TITLE

The name of this Commission shall be the Holly Township Planning Commission.

ARTICLE II

PURPOSE

The general purpose of the Holly Township Planning Commission shall be to guide and promote the efficient, coordinated development of this Township in a manner which will best promote the health, safety and general welfare of the Township of Holly.

Section 1.0

Master Plan

The Commission shall prepare, update, revise, amend and supplement a Master Plan pursuant to the Michigan Planning Enabling Act PA 33 of 2008 and Michigan Zoning Enabling Act PA 110 of 2006, as amended from time to time.

As a basis for the Master Plan the Commission shall make inquiries, investigations, and surveys of all the resources of the Township, assemble and analyze data and formulate plans for the proper conservation and use of all resources, including a determination of the extent of proper future needs for the most advantageous designation of lands having various use potentials and for services, facilities, and utilities required to equip those lands.

The Township shall consult with representatives of local units of government, incorporated municipalities within the Township, and regional planning bodies with regard to the Master Plan.

In addition to the Master Plan prepared as a guide for the development of unincorporated portions of the Township, the Commission may, by a majority vote of its members, adopt a sub plan for a geographic area less than the entire unincorporated area of the Township if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth in Section 7 of Michigan Planning Enabling Act PA 33 of 2008 (MCLA 125.3807).

The Master Plan shall include maps, plats, charts, descriptive, explanatory, and other related matter and shall show the Commission's recommendations for physical development of the unincorporated area of the Township.

The Commission shall promote public understanding of the Master Plan and shall publish and distribute copies of the Master Plan and of any report, and may employ such other means of publicity and education as it determines necessary.

At least every 5 years after adoption of the Master Plan, the Commission shall review the Master Plan and determine whether to commence the procedure to amend or adopt a new Master Plan.

Section 2.0**Public Works**

No streets, square, park or other public way, ground or open space, or public building or structure shall be constructed or authorized for construction in an area covered by the Township's Master Plan unless the location, character and extent thereof shall have been submitted to and reviewed by the Commission. The Commission shall communicate its recommendations for the approval or disapproval to the Township Board, which shall have the power to grant a permit for construction with conditions.

Section 3.0**Plats**

The Township Board shall refer plats or other matters related to land development to the Commission before final action thereon by the Township Board and may request the Commission to recommend regulations governing the subdivision of land.

Section 4.0**Zoning Ordinance**

The Commission shall perform those functions set forth in the Zoning Ordinance of Holly Township, which are consistent with the Michigan Planning Enabling Act PA 33 of 2008 and Michigan Zoning Enabling Act PA 110 of 2006, as amended from time to time.

ARTICLE III**CREATION**

The Planning Commission was created by resolution of the Holly Township Board as authorized by Public Act 168 of 1959, as amended. The Township Board transferred to the Planning Commission all the powers and duties provided to a zoning commission, by resolution, pursuant to the Michigan Zoning Enabling Act, 2006 Public Act 110, as amended.

Section 1.0**Appointment**

The Commission shall consist of seven (7) who shall be representative of major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, commerce, transportation and industry who shall be appointed by the Supervisor, and subject to the approval by a majority vote of the Township Board. The membership shall also be representative of the entire geographic area of the Township. Members of the Commission shall be qualified electors of the Township, except one member of the Commission may be an individual who is not a qualified elector of the Township, such as a business owner who does not live in the Township. All members of the Commission shall hold no other Township office, except that no more than one such member shall be a member of the Township Board and one member of the Planning Commission shall also serve on the Zoning Board of Appeals.

Section 2.0**Term**

The term of each member shall be three years, except that the term of the Township Board Member shall expire with his or her term on the Township Board. A member shall hold office until his or her successor is appointed. All vacancies for unexpired terms shall be filled for the remainder of such term by appointment by the Supervisor, subject to approval by a majority vote of the Township Board.

Section 3.0**Delinquency**

Any commission member who is unable to attend a regular or special meeting must notify the Township Supervisor, Chair or Vice Chair of an absence. Any commission member absent from two (2) regular meetings without valid excuse shall be reported to the Township Board for replacement, at the discretion of the Commission, according to provisions of the Michigan Planning Enabling Act PA 33 of 2008, as amended from time to time. Members may be removed by the Township Board of Trustees, after a public hearing, for misfeasance, malfeasance or nonfeasance written charges by a vote of the Township Board.

Section 4.0**Conflict of Interest**

The Commission members shall disclose any potential conflict of interest to the Commission. The member is disqualified from voting on the matter if a conflict of interest exists, or by majority vote of the remaining

members of the Commission. Failure of a member to disclose a potential conflict of interest constitutes malfeasance in office. A conflict of interest exists in all of the following instances:

3.1 A relative or other family member is involved in any request for which the planning commission is asked to make a decision;

3.2 The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;

3.3 The planning commission member owns or has a financial interest in neighboring property. For purposes of this subsection, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance; or

3.4 There is a reasonable appearance of a conflict of interest, as determined by the planning commission member declaring such a conflict.

ARTICLE IV

OFFICERS

The Commission shall elect by a majority vote of its membership a Chairperson, Vice-Chairperson and Secretary. The term of each office shall be one (1) year. An officer may be re-elected to his or her office. The Chairperson shall preside at all public meetings of the Commission, appoint such committees as shall from time to time be deemed necessary; and perform such duties as may be delegated by the Commission. He shall have a vote on all resolutions of the Commission. The Township board member is not eligible to serve as Chairperson of the Planning Commission. The Vice-Chairperson shall preside at public meetings of the Commission in the absence of the Chairperson. The Secretary shall keep a record of the minutes of all meetings, keep a record of all transcripts, records, plans, etc. brought before the Commission. The Township Clerk shall be custodian of the records and files of the Commission.

ARTICLE V

DECISIONS

Section 1.0

Public Meetings

The business which the Commission may perform shall be conducted at a public meeting of the planning commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the item, date, and place of a regular or special meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976 and the Secretary shall send written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

Section 2.0

Quorum

A majority of the members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission and the Open Meetings Act, Act 267 of 1976, as amended. Each member of the Commission shall have one (1) vote. A majority of the members present at any meeting may approve any action unless provisions of these by-laws, Township Ordinance, or State Law requires a quorum or more for approval.

ARTICLE VI

PERSONNEL

The Township Board, upon recommendation of the Commission, may employ a planning director or other planning personnel, contract for the services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

ARTICLE VII

BUDGET

The Commission or Planning Consultant shall prepare a cost estimate and submit same to the Township Board for approval or disapproval. The Township Board annually may appropriate and make available

funds for carrying out the purposes and functions permitted under the Michigan Planning Enabling Act PA 33 of 2008, as amended from time to time, and may match Township funds with federal, state, county, or other local government or private grants. The Township Board may accept and use gifts and grants for Commission purposes.

ARTICLE VIII

ANNUAL REPORT

The Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

ARTICLE IX

REGULAR MEETINGS

Section 1.0

The Commission shall hold not less than four (4) regular meetings each year, and by resolution of the Township Board of Trustees shall determine the time and place of the meetings.

Section 2.0

PUBLIC NOTICE

A regular meeting of the Commission shall not be held unless public notice is posted by the Township Clerk within ten (10) days after the first meeting of the Commission in each calendar or fiscal year of the Commission. All notices required by the Open Meetings Act, shall be posted in the Holly Township Hall located at 102 Civic Drive, Holly, Michigan.

Section 3.0

CHANGE OF SCHEDULE

If there is a change in the schedule of a regular meeting, the Township Clerk shall post within three (3) days after the meeting at which the change is made, a public notice stating the new dates, times and places of its regular meetings. Notice for rescheduled regular meetings shall be posted in the Holly Township Hall at least eighteen (18) hours before the meeting.

Section 4.0

RECONVENED MEETINGS

A public meeting of the Commission which is recessed for more than thirty-six (36) hours shall be reconvened only after public notice is posted in manner provided in this Article.

ARTICLE X

SPECIAL MEETINGS

Special meetings may be called by the Chairperson or two (2) members, upon written request to the Secretary. The Secretary shall send written notice of a Special Meeting to Planning Commission members not less than 15 hours before the meeting, and including the purpose of the Special Meeting. Special Meeting requests by a petitioner, proprietor, developer, etc., shall be in writing and include reasons for the request. The request must be accompanied by the fee established by the Board. The petitioner must provide the number of copies required of plans and all pertinent information related to the topic of discussion for the Special Meeting at least one (1) week prior to the scheduled Special Meeting.

Public notice of a special meeting must state the date, time and place of a public meeting of the Commission and shall be posted by the Township Clerk in the Holly Township Hall at least eighteen (18) hours before the special meeting.

ARTICLE XI

ADDRESSES BY THE PUBLIC

Section 1.0

Speaking; Limitations

Unless otherwise provided by resolution of the Commission, members of the public may address the Commission during the "Public Comment", at a public meeting, subject to the following limitations which

may be modified by resolution of the Commission. A person addressing the Commission in their individual capacity and not as a representative or spokesperson for an organization shall have three (3) minutes to address the Commission. A person addressing the Commission as a representative or spokesperson of an organization shall have five (5) minutes to address the Commission.

Section 2.0

Exclusion

A person shall not be excluded from a public meeting except for a breach of peace actually committed at the meeting. In the event of such a breach, the chair of the Commission shall be authorized to exclude the person(s) from the public meeting.

ARTICLE XII

AGENDA

Unless otherwise modified by resolution of the Commission, the agenda of a public meeting of the Commission shall be as follows:

- | | |
|---|---------------------------|
| 1. Call to Order & Roll Call | 8. Old Business |
| 2. <i>Pledge of Allegiance.</i> | |
| 3. Agenda Approval | 9. New Business |
| 4. Public Comments (for non -agenda items) | 10. Reports |
| 5. Public Hearings | 11. Public Comment (Open) |
| 6. Approval of Minutes | 12. Adjournment |
| 7. Communications | |

ARTICLE XIII

PARLIAMENTARY PROCESS

For meetings of the Commission, its committees and advisory committees the rules of procedure set forth in Roberts Rules of Parliamentary Procedure shall govern in all cases in which it is not inconsistent and not contrary to any existing laws of the State of Michigan.

ARTICLE XIV

AMENDMENTS

The By-Laws may be amended, added to, or repealed by a vote of four (4) members of the Commission at a regular meeting provided that notice of the proposed amendment, revision or repeal is given to each member of the Commission in writing at least seven (7) days prior to the regular meeting at which the amendment is intended to be acted upon.

