

HOLLY TOWNSHIP
PROPOSED AGENDA
PLANNING COMMISSION
May 13, 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 – March 11, and April 8, 2026.

COMMUNICATIONS:

1. Email dated May 1, 2026 from Pam Jobes, Apex Management re: Dirt Works SLU Permit.
2. Memo dated May 12, 2026 from Alexis Farrell-Rodriguez re: Planners Reports relating to Apex Managements May 1, 2026 email on Dirt Works SLU Permit Application.

OLD BUSINESS:

1. Proposed Planning Commission By-Laws Amendments.

NEW BUSINESS:

1. Draft Ordinance Amendment – Data Centers.
2. Definition of Plant Nurseries, Greenhouses and Farm Buildings.
3. Proposed Amendments to Zoning Ordinance Section 32-423 Off Street Parking Requirements.
4. Proposed Amendments to Section 32-235 Planning Commission Review Procedures.

REPORTS

PUBLIC COMMENT

ADJOURNMENT

Holly Township
Planning Commission – Regular Meeting
Minutes of March 11, 2026

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, Derek Sommer and Leslie Jorgensen.

Members Absent: None.

Others Present: Alexis Farrell Rodriguez, Planner and Clerk Winchester.

AGENDA APPROVAL

- **Motion by Commissioner Sommer to approve the agenda as Amended moving old business 1 and 2 to new business item 3 and 4. Supported by Commissioner McCanney. A voice vote was taken. All present voted yes. The motion carried 7/0.**

PUBLIC COMMENT – For Items on the Agenda Only: None.

PUBLIC HEARINGS: Special Land Use Application from Dirt Works Equipment Rental 6180 Denton Hill Road, Fenton MI 48430 to operate an Equipment Rental Business at 3045 Grange Hall Rd., Parcel Number 01-28-301-013 in the C-2: General Commercial District.

- **Motion by Commissioner McCanney to open the public Hearing. Supported by Commissioner Kerton. A voice vote was taken. All present voted yes. The motion carried 7/0.**

No Public Comment.

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

Alexis spoke to the PC Bylaws and conflicts of interest and explained the process. It was identified that Commissioner Armstead's business is within 300 feet of the subject property and should

recuse himself and have the opportunity to speak as a resident. The consensus was to reopen the public hearing.

Commissioner Armstead recused himself due to a conflict-of-interest having property within 300 feet and he sat in the audience.

- **Motion by Commissioner Mitchell to reopen the public Hearing. Supported by Commissioner Sommer. A voice vote was taken. All present voted yes. The motion carried 6/0.**

Ben Armstead Fish Lake Rd. stated that he sees sidewalks proposed on the site plan but did not see sidewalks proposed along the building for the businesses. He would like to see sidewalks connect and that actually go places.

- **Motion by Commissioner Mitchell to close the public Hearing. Supported by Commissioner Sommer. A voice vote was taken. All present voted yes. The motion carried 6/0.**

APPROVAL OF MINUTES – February 11, 2026.

- **Motion by Commissioner Kerton to approve February 11, 2026 minutes. Supported by Commissioner Sommer. A voice vote was taken. All present voted yes. The motion carried 7/0.**

COMMUNICATIONS: None.

NEW BUSINESS:

1. Special Land Use Application from Dirt Works Equipment Rental 6180 Denton Hill Road, Fenton MI 48430 to operate an Equipment Rental Business at 3045 Grange Hall Rd., Parcel Number 01-28-301-013 in the C-2: General Commercial District.

Alexis Farrell presented the staff review of the special land use application. She explained that the applicant, Dirt Works Equipment Rental, seeks to operate an equipment rental business. The property is located in the C-2 General Commercial District within the Rural Town Center overlay.

Alexis noted several outstanding items that needed to be addressed before the application could be approved, including compliance with building codes, proper licensing, landscaping requirements, and site plan details. She indicated that typically applications would not come before the commission with so many outstanding items, but the public hearing was scheduled and published for tonight but all the outstanding items were not submitted for review.

The commission engaged in extensive discussion about various aspects of the proposal:

Business Operations: Commissioner Kerton asked about the nature of the business and how it would operate. The applicant explained they rent construction equipment and have some dumpster rental services. They indicated most equipment would be delivered directly to job sites rather than stored extensively on-site.

Parking and Traffic: There was discussion about parking requirements, especially given the multi-use nature of the building. Concerns were raised about potential traffic impacts and the condition of the gravel parking area.

Screening and Landscaping: Commissioner Jorgensen expressed concerns about dust and screening, particularly given the proximity to a senior center. The commission discussed requirements for landscaping and fencing along the northern boundary.

Compliance Issues: Several commissioners asked about building license requirements, noting they were unaware Holly Township had business licensing.

Site Plan Relationship: There was considerable discussion about the relationship between the special land use approval and the concurrent site plan application, and whether both needed to be addressed simultaneously.

Timeline Concerns: The applicant expressed hardship due to delays, noting this was approaching the busy spring construction season. Commissioner Kerton and Commissioner Sommer emphasized the business impact of further delays, arguing for approval with conditions rather than postponement.

Outstanding Items: Alexis provided a detailed list of items that still needed to be addressed.

After extensive debate about whether to approve with conditions or postpone for complete submittals, the commission ultimately decided to postpone both the special land use and site plan applications to allow staff time to complete all reviews and provide a comprehensive recommendation.

➤ **Motion by Michael McCanney, seconded by Leslie Jorgensen, to postpone the Special Land Use Application from Dirt Works Equipment Rental to return no later than July 2026, addressing all recommendations in the special land use review document. A roll call vote was taken: Leslie Jorgensen - Yes, Chuck Stoner - Yes, Michael McCanney - Yes, Ray Kerton - Yes, Derek Sommer - No, Glen Mitchell - Yes. The motion carried 6/1.**

2. Site Plan Application from APEX Management 3043 Grange Hall Rd., Suite 10, Holly, MI 48442 for Dirt Works Equipment Rental 6180 Denton Hill Road, Fenton MI 48430 to operate an Equipment Rental Business at 3045 Grange Hall Rd., Parcel Number 01-28-301-013 in the C-2: General Commercial District.

The commission discussed the related site plan application, noting the same outstanding issues applied to both applications.

➤ **Motion by Michael McCanney, seconded by Chuck Stoner, to postpone the Site Plan Application from APEX Management to return no later than July 2026, addressing all recommendations in the site plan review. A roll call vote was taken: Derek Sommer - No, Leslie Jorgensen - Yes, Chuck Stoner - Yes, Michael McCanney - Yes, Ray Kerton - Yes, Glen Mitchell - Yes. The motion carried 6/1.**

3. Holly Township Zoning Ordinance Diagnostics for Review and Discussion.

➤ **Motion by Glen Mitchell, seconded by Derek Sommer, to postpone the Holly Township Zoning Ordinance diagnostic review and discussion to the next meeting. The motion carried 7/0.**

4. Proposed Planning Commission By-Laws Amendments.

➤ **Motion by Leslie Jorgensen, seconded by Derek Sommer, to postpone the proposed Planning Commission bylaws amendments to the next meeting. Motion passed.**

REPORTS:

Alexis briefed the commission on potential data center development issues that may require township attention. She explained that data centers are becoming more prevalent and can have significant impacts including high energy consumption, electromagnetic interference, fire safety concerns, and substantial water usage for cooling. She suggested the township might want to consider a moratorium on such developments while studying appropriate regulations. The commission showed interest in this topic and requested more information for future consideration.

PUBLIC COMMENT: None.

ADJOURNMENT

➤ **Motion by Commissioner Jorgensen to adjourn the meeting. Supported by Commissioner Sommer. A voice vote was taken. All present voted yes. The motion carried 7/0.**

ADJOURNMENT – Commissioner Mitchell adjourned the meeting at 8:49 pm.

Karin S. Winchester, Clerk

Holly Township
Planning Commission – Regular Meeting
Minutes of April 8, 2026

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, Derek Sommer and Leslie Jorgensen.

Members Absent: None.

Others Present: Alexis Farrell Rodriguez, Planner and Clerk Winchester.

The audience included Jake Van Bockel, a principal planner with McKenna, who introduced himself as someone who will be helping Alexis with site plan reviews and planning to allow her to focus on the zoning ordinance update. Jake has about a dozen years of experience and previously served as city manager, village manager, and planning director for multiple communities across Michigan.

AGENDA APPROVAL

- **Motion by Commissioner Kerton to approve the April 8, 2026 agenda. Supported by Commissioner Sommer. A voice vote was taken. All present voted yes. The motion carried 7/0.**

PUBLIC COMMENT – For Items on the Agenda Only: None.

PUBLIC HEARINGS: None.

APPROVAL OF MINUTES – March 11, 2026.

The March 11, 2026 seemed to be intermixed with February 11, 2026 minutes. Clerk Winchester will revise for approval next month.

The Commission took no action.

COMMUNICATIONS: None.

OLD BUSINESS:

1. Holly Township Zoning Ordinance Diagnostics for Review and Discussion.

Alexis presented an update on the zoning ordinance rewrite, explaining that the anticipated adoption date remains November 2026. She noted that bringing Jake Van Bockel on board would help free up her schedule to focus on the ordinance update, as the township has become increasingly busy with casework.

The ordinance update focuses on several key areas: modernization of outdated provisions, filling procedural gaps, adding reasonable waiver and concession options (particularly for parking requirements), and aligning the ordinance with the master plan. Alexis emphasized that the current ordinance lacks flexibility for planning commissioners to provide reasonable waivers when circumstances warrant them.

The rural town center concept, which has been in the master plan since 2016 and was reaffirmed in the 2024 update, generated extensive discussion. Commissioner Stoner expressed concerns about the practical implementation of sidewalk requirements, particularly the 8-foot width specification. He noted that requiring such wide sidewalks creates significant financial burdens for businesses, citing examples where properties would need to install sidewalks that connect to nothing due to neighboring state land and utility substations.

Commissioner Mitchell suggested focusing on specific areas like Grange Hall Road and Fish Lake Road where continuous pathways could be established, rather than piecemeal installations. He emphasized the need for grant funding and coordinated township-level planning to make pathway networks viable.

The commission discussed the pathway master plan map, which shows proposed connections throughout the township. Alexis explained that the ordinance currently requires pathway installation or payment in lieu when certain triggers occur, such as major site plan amendments. This payment-in-lieu system allows the township to collect funds for future pathway construction in areas where immediate installation doesn't make sense.

Commissioner Sommer raised concerns about the decades-long timeline for pathway development and questioned whether requiring immediate payments for infrastructure that may never materialize is fair to property owners. The commission expressed interest in exploring more incremental approaches that could be adjusted as development patterns become clearer.

Commissioner Armstead emphasized the importance of clarity in ordinance language, noting that current regulations are often difficult for average property owners to understand, leading to confusion and unexpected requirements during the approval process. He stressed the need for regulations that welcome businesses while still achieving the township's planning goals. Alexis confirmed that the updated ordinance will use "lean zoning" principles to eliminate confusing language and make requirements clearer for both applicants and planning commissioners. She plans to bring a draft ordinance to the commission hopefully next month.

2. Proposed Planning Commission By-Laws Amendment.

The Commission took No Action.

NEW BUSINESS:

1. Application from Michael Issac 329 Beaver Run, Holly, MI 48442 for Preliminary Site Condominium Approval for Meadowview Estates, Parcel ID# 01-22-476-007.

Alexis presented the preliminary site plan for a 6-unit site condominium on approximately 15 acres. The property had previously received conditional rezoning approval that limited development to 6 units and required a conservation easement along the frontage. The development will utilize well and septic systems, with units arranged to preserve mature trees along Fagan Road.

The site plan review revealed several technical issues that need resolution before final approval. The Oakland County Road Commission recommended relocating the driveway for unit 6 to move it further from the Grange Hall Road intersection for safety reasons. The conservation easement, while offered by the applicant, has not yet been formally recorded and needs to be properly documented.

Commissioner Sommer questioned the property boundary configuration between units 4 and 5, which takes an unusual turn to accommodate the existing silos and provide adequate driveway access. The commission confirmed this design serves practical purposes and makes sense given the site constraints.

Commissioner Kerton noted an error on the site plan cover sheet that references the Clinton River instead of the Shiawassee River, and questioned flood plain notations that appeared to be copied from another project. These will need correction in the final submittal.

Extensive discussion occurred regarding tree preservation and landscaping requirements. The township has tree preservation standards that may require a detailed tree survey if significant trees are to be removed. The commission noted that much of the site contains lower-quality vegetation that property owners would likely want to clear anyway. The conservation easement will help preserve the most significant trees along the road frontage.

The pathway requirement generated significant debate. Under current regulations, the development would need to either install pathways or make a payment in lieu. Several commissioners questioned the wisdom of requiring pathway payments for infrastructure that may never connect to anything, given the rural location and lack of nearby development. Ben Armstead expressed particular concern about collecting money from developers for sidewalks that may never be built or used, calling it unfair to property owners.

The commission discussed the policy implications of the pathway requirements, with some members suggesting that master plan amendments might be needed to create more realistic and

incremental pathway development strategies. Commissioner Sommer noted that requiring large payments for infrastructure spanning decades of potential development seems problematic. Commissioner Stoner pointed out that requiring 8-foot pathways to nowhere, particularly in areas where connections are unlikely for many years, creates unrealistic financial burdens. The commission expressed interest in exploring more flexible approaches that focus on areas where pathway connections are more immediately viable.

Despite concerns about pathway policy, the commission found the overall site plan well-designed and appropriate for the location.

- **Motion by Commissioner McCanney, seconded by Commissioner Sommer to grant preliminary approval of the site condominium encompassing 6 residential units on parcel ID 01-22-476-007, per the conditional rezoning agreement dated September 10, 2025, contingent on the following conditions being addressed before final approval: 1) notation of all trees to be retained and determination of compliance with landscaping requirements and whether replacement is required; 2) identification of the 3.04 acre conservation easement area on unit 1 per the agreement with no clearing of existing vegetation except for appropriate access; 3) proposed driveways must be acceptable to Oakland County Road Commission and minimize disturbance to the conservation easement; 4) existing silos and barn foundation must be mitigated appropriately per the township engineer and building official; and 5) safety path requirements must be met. . A voice vote was taken. All present voted yes. The motion carried 7/0.**

REPORTS: None.

PUBLIC COMMENT: None.

ADJOURNMENT

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

ADJOURNMENT – Commissioner Mitchell adjourned the meeting at 8:06 pm.

Karin S. Winchester, Clerk



Memorandum

TO: Planning Commission
Holly Township
102 Civic Drive
Holly Michigan 48442

FROM: Jacob VanBoxel, MSA, Principal Planner
Alexis Farrell-Rodriguez, AICP, NCI, Senior Planner

SUBJECT: **Planner's Reports Relating to Apex Management Correspondence**

DATE: May 12, 2026

In the packet for the Planning Commission meeting this week was correspondence addressing several applications which were submitted for 3045 Grange Hall Road by property owner Apex Management. This memo is intended as a follow up with specific detail to illustrate the sequence of events related to the applications.

While the concerns expressed by the applicant are acknowledged, it is important to note that municipal review processes, including site plan and special land use reviews, they are required to ensure compliance with Township ordinances, public safety standards, and long-term planning objectives. These procedures apply consistently to all applicants and often involve multiple stages of review, coordination between departments, and legally required public hearing requirements. Additionally, several of the costs and losses referenced may be attributable to broader business, market, construction, or tenant-related factors that fall outside the Township's direct control.

Staff recognizes the importance of maintaining efficient, transparent, and predictable review procedures and will continue evaluating opportunities to improve communication and administrative processes where appropriate. The Township remains committed to balancing economic development objectives with its responsibility to administer ordinances fairly and consistently for all applicants.

The following is a timeline of submissions and responses for three applications received for the property:

1. **Received June 5, 2025 - Administrative Site Plan Review:** to amend site plan on file to construct accessory structure (storage building / pole barn) and install new landscaping.
2. **Received September 4, 2025 - Site Plan Review and Special Land Use Permit Application:** for a tenant to occupy a suite and the newly constructed storage structure to operate an outdoor equipment rental company.

For reference, completeness reviews are prepared when applications have significant information missing. The list of required information on a site plan is listed as written in Section 32-234 and any missing items from the list are highlighted.

Jake will be in attendance at the meeting. Please do not hesitate to reach out with questions.



TIMELINE OF EVENTS RELATING TO APEX MANAGEMENT SP/SLU APPLICATIONS

Administrative Review

June 5, 2025 - Administrative site plan amendment application submitted to construct a pole barn for cold storage in rear of site, not tied to a specific tenant but applied for as the site owner / manager. Application was incomplete.

July 2025 – Additional information submitted throughout the month. Landscape plan amendments added to application request following premature removal of existing landscaping.

August 2025 – Administrative site plan amendment approved.

Site Plan and Special Land Use

September 4, 2025 – Site plan and Special Land Use application submitted to occupy recently approved pole barn and tenant suite for an outdoor equipment rental company. Application was incomplete.

September 10, 2025 – Completeness review, noting missing information required per zoning ordinance transmitted to applicant.

November 6, 2025 – Revised site plan submitted.

November 11, 2025 – Completeness review on revised site plan transmitted.

January 16, 2026 – Revised site plan submitted. Details missing regarding frontage pathway.

January 16 through January 30, 2026 – Correspondence between applicant and Township engineer to clarify pathway requirements and design details needed on site plan.

February 12, 2026 – Revised site plan submitted with all necessary information. Plans distributed to all reviewing bodies to initiate formal plan reviews (Planner, Engineer, Fire).

February 18, 2026 – Public hearing notice for special land use scheduled for March Planning Commission meeting, notice transmitted to newspaper.

March 5, 2026 – Site Plan and Special Land Use Review #1 transmitted to Planning Commission and applicant. Various use-related questions arose through compliance reviews related to the special use request. Recommendation to table the decision in order to allow for conditions and questions to be resolved.

March 11, 2026 – Meeting held with applicant and Township Zoning Administrator, Planner, and Building Official to discuss operational questions and concerns regarding the special use request. Additional information from the proposed tenant / operator was discussed, and the review process explained as to why Planner recommended to table the decision until additional information was provided and noted on the site plan.

March 11, 2026 – Public hearing held at Planning Commission meeting. Discussion on the requested resulted in a motion to table.

March 13, 2026 – Summarized list of additional information requested and outstanding site plan conditions transmitted to applicant.

March 31, 2026 – Additional documentation from applicant received. No revised site plans submitted.

April 28, 2026 – Applicant withdrew application.



Correspondence for the Planning Commission

From Apex management <support@apexpropertymgmt.com>

Date Fri 05/01/26 3:10 PM

To Supervisor <supervisor@hollytownship.org>

Cc Karin Winchester <clerk@hollytownship.org>

May 1, 2026

Holly Township Planning Commission
Holly Township Board of Trustees
102 Civic Drive
Holly, MI 48442

Dear Members of the Planning Commission and Township Board,

Investment & Loss Summary – Special Use Permit/Dirt Works Equipment Rental

This summary outlines the financial investment and losses incurred as a direct result of delays, extended timelines, and procedural constraints associated with the Township approval process beginning September 2025. Despite significant efforts and financial commitment to bring a new business (Dirt Works Equipment Rental) into the community, prolonged delays ultimately resulted in the loss of a qualified tenant who has since decided, as of this week, to secure a location in Fenton. This not only represents a substantial financial loss to the property, but also the loss of a promising business opportunity for the Township.

- Fenton Land Surveying: \$5,500.00
- Holly Township Escrow / Special Use Permit/Amendment: \$8,635.71
- Business License Application: \$250.00
- Barn Permit: \$500.00
- Barn Construction \$80,000
- Electrical Permit: \$214.00
- Site Plan for Barn: \$500.00
- Barn Insurance: \$600.00
- Suite #6 Loss of Rent (Delay due to application restrictions): \$4,750.00
- Loss of Rent – Barn Tenant (6 months): \$16,200.00

Total Investment and Loss: \$117,149.71

We are submitting this summary to clearly demonstrate the significant financial and operational hardship this process has caused. This situation could have been handled in a more efficient and timely manner. Instead, the extended delays have had a direct and substantial impact on our business, ultimately resulting in the loss of a qualified tenant and a valuable business opportunity for the Township.

It is extremely concerning that the level of difficulty and obstacles encountered throughout this process have not been fully visible to the Township Board. The lack of clarity, delays, and challenges in working

through the approval process have created unnecessary burdens not only for us, but also for other business owners attempting to invest in the community.

We remain committed to improving and investing in the property; however, we strongly urge the Township to take a closer look at how these processes are being handled moving forward. A more efficient, transparent, and collaborative approach is critical to supporting business growth and preventing further loss of opportunities within the Township.

*Sincerely,
Pamelia M. Jobes
President*

APEXMANAGEMENT

Phone: (248) 605-0277 / Fax: (248) 268-0184
3043 Grange Hall Ste 10
Holly, MI 48442

BY-LAWS

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

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 AND PURPOSE**Section 1.1. Title**

- A. The name of this Commission shall be the Holly Township Planning Commission. These by-laws are adopted pursuant to the Michigan Planning Enabling Act, 2008 PA 33, as amended, MCL 125.3801 et. seq., and the Michigan Zoning Enabling Act 2006 PA 110, MCL 125.3101 et. seq.

ARTICLE II**PURPOSE****Section 1.2. Purpose and General Statutes, Ordinances, and Rules of Procedure**

- A. The Holly Township Planning Commission, hereinafter referred to as "the Commission," 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 1846, the Township Act
 - d. Michigan Public Act of 1976, No. 442, as amended, the Freedom of Information Act
 - e. Michigan Public Acts of 1976, No. 267, as amended, the Open Meetings Act
 - f. Chapter 32 of the Holly Township Code of Ordinances, also known as the Zoning Ordinance of Holly Township
 - g. Other codes, ordinances, and regulations of Holly Township.
 - h. Robert's Rules of Order, to the extent reasonably practicable.
 - i. 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 1.03. 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 from time to time.
- 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.

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 1-02.1. 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, **and are** subject to the approval by a majority vote of the Township Board. **All members shall serve without compensation.**
- 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, ~~such as a business owner who does not live in the Township.~~
- 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 an ex-officio member.**

- D. ~~and~~ One member of the Planning Commission shall also serve on the Zoning Board of Appeals.

Section 2.02. 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 2.3.0 Delinquency and Removal of Member

- A. Any commission member who is unable to attend a regular or special meeting must notify the Township Supervisor, ~~Chair, or Vice Chair~~ 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 within any fiscal year of their term.~~ Any commission member absent from more than two (2) regular meetings without valid excuse shall be ~~removed~~ reported to the ~~Township Board for replacement, at the discretion of the Commission~~ Township Board, according to provisions of the Michigan Planning Enabling Act PA 33 of 2008, as amended ~~from time to time~~.
- 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 2.4.0 Conflict of Interest

- A. The Commission members shall **avoid and** disclose any potential conflict of interest to the Commission.
- B. The member is disqualified from voting on the matter if a conflict of interest ~~exists, is found~~ 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.
- C. ~~A conflict of interest exists in all of the following instances:~~ **As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:**
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning the member.
 - b. ~~3-1~~ Issuing, deliberating on, voting on, or reviewing a case concerning a relative or other family member, including a member's spouse, children, stepchildren, grandchildren, parents, siblings, grandparents, parents in-law, grandparents in-law, or members of the member's household ~~is involved in any request for which the planning commission is asked to make a decision;~~
 - c. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by the member.
 - d. ~~3-2~~ Issuing, deliberating on, voting on, or reviewing a case concerning a ~~The planning commission member who 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;~~
 - e. ~~3-3~~ Issuing, deliberating on, voting on, or reviewing a case concerning a ~~The planning commission member who 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 that is immediately adjacent to land of which a planning commission member has a vested interest.~~
 - f. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to the member.
 - g. Issuing, deliberating on, voting on, or reviewing a case where the member's employee or employer is:
 - i. an applicant or agent for an applicant; or
 - ii. has a direct interest in the outcome.
 - h. ~~3-4~~ There is a reasonable appearance of a conflict of interest, as determined by the planning commission member declaring such a conflict.
- D. ~~Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission. When a conflict of interest exists, the member of the Commission, or~~

committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

- a. Declare a conflict exists at the next meeting of the Commission;
- b. Cease to participate at the Commission meetings, or in any other manner, or represent oneself before the Commission, its staff, or others; and
- c. During deliberation of the agenda item before the Commission or committee, leave the meeting or remove oneself from the front table where members of the Commission sit, until that agenda item is concluded.

Section 2.5. Ex Parte Contact

- A. Members shall avoid individual contact with applicants about matters pending before the Commission whenever possible.
- B. If an ex parte contact is unavoidable, the member should report the details of the communication to the Commission, so that all members are privy to the same information. ~~take detailed notes on what was said and report out verbally to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.~~

Section 2.6. 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

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 resolutions of~~ the Commission. The Township Board member ~~sitting ex officio~~ is not eligible to serve as Chairperson of the Planning Commission. ~~Additionally, the Chair shall:~~
 - a. Restate all motions as presented in meetings;
 - b. Appoint officers of committees or choose to let the committees select their own officers.
 - c. Act as an Ex-Officio member of all committees of the Commission;
 - d. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.

- e. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if the chair so chooses;
 - f. 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;
 - g. Perform such other duties as may be ordered by the Commission.
 - h. 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 ~~1.0~~**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~~ the Open Meetings Act.
- B. Public notice of the item, date, and place of a regular or special meeting shall be given in the manner required by ~~the Open Meetings 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 ~~4.2.0~~ **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 VI - 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 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

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 Commission may delegate this duty to Township staff, such as the Township Zoning Administrator, or their agents and consultants.

ARTICLE VIIIIX REGULAR MEETINGS

Section 8.1.0 Regular Schedule

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

Section 8.2.0 Public Notice

- A. Commission meetings shall be noticed as required by the Open Meetings Act 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 M.C.L. 15.261 et seq., 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 IXI - ADDRESSES BY THE PUBLIC COMMENT

Section 9.1-0 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 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.
- B. **The Commission may adopt additional rules governing public comment at its meetings.**

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

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

~~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

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.

ARTICLE XII – CONFLICTS WITH LAWS

Section 12.1 Controlling Authority.

- A. Should any provisions of these by-laws be inconsistent with the provisions of applicable Public Acts of the State of Michigan, as amended, or any other applicable law, the provisions of said Acts or law will prevail.

BY-LAWS**HOLLY TOWNSHIP
PLANNING COMMISSION**

Adopted, effective immediately, [Date]

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 AND PURPOSE**Section 1.1. Title**

- A. The name of this Commission shall be the Holly Township Planning Commission. These by-laws are adopted pursuant to the Michigan Planning Enabling Act, 2008 PA 33, as amended, MCL 125.3801 et. seq., and the Michigan Zoning Enabling Act 2006 PA 110, MCL 125.3101 et. seq.

ARTICLE II**PURPOSE****Section 1.2. Purpose and General Statutes, Ordinances, and Rules of Procedure**

- A. The Holly Township Planning Commission, hereinafter referred to as "the Commission," 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 1846, the Township Act
 - d. Michigan Public Act of 1976, No. 442, as amended, the Freedom of Information Act
 - e. Michigan Public Acts of 1976, No. 267, as amended, the Open Meetings Act
 - f. Chapter 32 of the Holly Township Code of Ordinances, also known as the Zoning Ordinance of Holly Township
 - g. Other codes, ordinances, and regulations of Holly Township.
 - h. Robert's Rules of Order, to the extent reasonably practicable.
 - i. 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 1.03. 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 from time to time.
- 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.

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 1.02.1. 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, **and are** subject to the approval by a majority vote of the Township Board. **All members shall serve without compensation.**
- 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 with in** the Township, ~~such as a business owner who does not live in the Township.~~
- 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 an ex-officio member.**

- D. ~~and~~ One member of the Planning Commission shall also serve on the Zoning Board of Appeals.

Section 2.02. 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 2.3.0 Delinquency and Removal of Member

- A. Any commission member who is unable to attend a regular or special meeting must notify the Township Supervisor, ~~Chair, or Vice Chair~~ 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 within any fiscal year of their term.~~ Any commission member absent from more than two (2) regular meetings without valid excuse shall be ~~removed~~ reported to the ~~Township Board for replacement,~~ at the discretion of the ~~Commission~~ Township Board, according to provisions of the Michigan Planning Enabling Act PA 33 of 2008, as amended ~~from time to time.~~
- 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 2.4.0 Conflict of Interest

- A. The Commission members shall **avoid and** disclose any potential conflict of interest to the Commission.
- B. The member is disqualified from voting on the matter if a conflict of interest exists, **is found** 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.
- C. ~~A conflict of interest exists in all of the following instances:~~ **As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:**
- a. Issuing, deliberating on, voting on, or reviewing a case concerning the member.
 - b. ~~3.1~~ Issuing, deliberating on, voting on, or reviewing a case concerning a relative or other family member, including a member's spouse, children, stepchildren, grandchildren, parents, siblings, grandparents, parents in-law, grandparents in-law, or members of the member's household ~~is involved in any request for which the planning commission is asked to make a decision;~~
 - c. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by the member.
 - d. ~~3.2~~ Issuing, deliberating on, voting on, or reviewing a case concerning a ~~The planning commission member who~~ 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;
 - e. ~~3.3~~ Issuing, deliberating on, voting on, or reviewing a case concerning a ~~The planning commission member who~~ 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 that is immediately adjacent to land of which a planning commission member has a vested interest.~~
 - f. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to the member.
 - g. Issuing, deliberating on, voting on, or reviewing a case where the member's employee or employer is:
 - i. an applicant or agent for an applicant; or
 - ii. has a direct interest in the outcome.
 - h. ~~3.4~~ There is a reasonable appearance of a conflict of interest, as determined by the planning commission member declaring such a conflict.
- D. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission. When a conflict of interest exists, the member of the Commission, or

committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

- a. Declare a conflict exists at the next meeting of the Commission;
- b. Cease to participate at the Commission meetings, or in any other manner, or represent oneself before the Commission, its staff, or others; and
- c. During deliberation of the agenda item before the Commission or committee, leave the meeting or remove oneself from the front table where members of the Commission sit, until that agenda item is concluded.

Section 2.5. Ex Parte Contact

- A. Members shall avoid individual contact with applicants about matters pending before the Commission whenever possible.
- B. If an ex parte contact is unavoidable, the member should report the details of the communication to the Commission, so that all members are privy to the same information. ~~take detailed notes on what was said and report out verbally to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.~~

Section 2.6. 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
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 - 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

ARTICLE III~~V~~ - 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~~ resolutions of the Commission. The Township Board member ~~sitting ex officio~~ is not eligible to serve as Chairperson of the Planning Commission. ~~Additionally, the Chair shall:~~
 - a. Restate all motions as presented in meetings;
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- e. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if the chair so chooses;
 - f. 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;
 - g. Perform such other duties as may be ordered by the Commission.
 - h. 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 4.04.1. 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 the Open Meetings Act.
- B. Public notice of the item, date, and place of a regular or special meeting shall be given in the manner required by the Open Meetings 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 4.2.0 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.

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- 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 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

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 Commission may delegate this duty to Township staff, such as the Township Zoning Administrator, or their agents and consultants.

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- A. ~~Commission meetings shall be noticed as required by the Open Meetings Act~~ 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 M.C.L. 15.261 et seq., shall be posted in the Holly Township Hall located at 102 Civic Drive, Holly, Michigan.

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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.

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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.

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- A. ~~Unless otherwise provided by resolution of the Commission, m~~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:
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Section 12.1 Controlling Authority.

- A. Should any provisions of these by-laws be inconsistent with the provisions of applicable Public Acts of the State of Michigan, as amended, or any other applicable law, the provisions of said Acts or law will prevail.

Memorandum

TO: Planning Commission
Holly Township
102 Civic Drive
Holly Michigan 48442

FROM: Jacob VanBoxel, MSA, Principal Planner
Alexis Farrell-Rodriguez, AICP, NCI, Senior Planner

SUBJECT: **Data Centers - Draft Amendment**

DATE: May 6, 2026

While data centers have existed for several decades, widespread smart phone usage, recent advancements in artificial intelligence and the increased popularity of cryptocurrency have resulted in a need for larger and more intensive facilities to house the servers and other hardware that powers the internet.

Michigan has been targeted as a location for large scale data centers due to its abundant fresh water, lack of natural disasters, temperate summers, and recent changes in state law which provide the opportunity for new tax incentives. Site selection professionals tend to look for communities that have both available land and infrastructure. Since Holly fits that description, it is possible – even likely- that the Township will get a request for a large-scale data center. Most importantly, data centers are listed as permitted uses in several zoning districts by-right and have been since 1992. The current regulations on data centers in Holly's Zoning Ordinance are outdated and sparse, and do not appropriately address the impacts of how the use has evolved.

At the February 18, 2026 Board of Trustees meeting, a resolution was passed to enact a moratorium on this use and provide time for the Planning Commission to consider and propose amendment language. The purpose of this memo is to lay out some of the major policy decisions that will have to be made as the Township develops an ordinance and presents draft amendment language for your consideration. The intent of this draft amendment is to regulate this emerging land use in an appropriate manner that will protect the public health, safety, and welfare.

WHY UPDATE THE ZONING ORDINANCE?

Currently, there are no supplemental or use-specific standards in the Township Zoning Ordinance that discuss data centers. This could create a difficult situation for Township leaders if a data center was to file a zoning application, because typical site plan approval procedures are intended for uses that directly support the intent of the district without needing additional scrutiny or discretion by the Township, like special uses do.

The Township cannot simply ban data centers, as this would lead to legal vulnerabilities. The Township Attorney can provide additional details on this topic. In lieu of a complete ban, an ordinance amendment can manage impacts and create restrictions on aspects of the use such as location restrictions, buffering requirements, caps on the size, water usage, etc. in order to ensure that a data center meeting ordinance requirements will be harmonious within the Township.

HEADQUARTERS

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TYPES OF DATA CENTERS

To provide some additional context on the use, we have at a high-level summarized some key characteristics of this use. Data centers exist at many scales, from a server in a closet in an office building, to a small building in an industrial park, to a multi-hundred-acre campus with millions of square feet of floor space.

The smallest types of data centers generally fly under the radar of zoning, though in order to regulate larger facilities, the smallest ones will likely need to be defined and specifically allowed as accessory uses. The following are not necessarily finite definitions, as the technology related to the use is rapidly changing. However, data centers are typically “measured” in scale and potential impact based on the amount of electricity (in megawatts) they require to operate. The following is an example of how centers could be classified by energy usage (*for context, the state of Michigan’s total capacity in MW for the year 2024 was 32,000 MW*):

- **Accessory Data Center:** A data center that is not the principal use of the property, and has a maximum energy need below 5 MW.
- **Small Data Center:** A data center that is the principal use of the property, and has a maximum energy need below 5 MW.
- **Medium Data Center:** A data center that is the principal use of the property, and has a maximum energy need between 5 MW and 100 MW.
- **Hyperscale Data Center:** A data center that is the principal use of the property, and has a maximum energy need over 100 MW.

LAND USE CONSIDERATIONS

Data centers are somewhat unusual in their land use impacts, and thus need specialized zoning regulations. Following are the key considerations when evaluating a data center:

- **Energy.** Data centers use a very high amount of energy, especially the hyperscale facilities. While townships do not have direct control over energy usage, sources, and transmission, they can require third party approvals prior to zoning approval. Additionally, they can require data centers to be located near transmission infrastructure.
- **Water.** Servers generate heat and the facilities need to be cooled. While numerous methods of keeping the servers cool are being developed, one of the most common involves large amounts of water being continuously pumped through the facility. This can put a strain on water system capacity. Many communities are requiring medium- and large-scale data centers to be located on public water systems to prevent groundwater depletion. In Holly, this creates added complexity because the Township is served by external water and sewer authorities in some cases.
- **Noise.** Large data centers can produce noise that can be audible from nearby properties and can even cause significant negative impacts depending on the circumstances. Noise mitigation through setbacks, building design, and landscaping can be required, as can direct noise regulations.
- **Public Safety.** Modern data centers do not require a large number of employees to run (particularly in terms of floor area to employee ratios). Even hyperscale data centers tend to have only a handful of

employees. Combined with the large amount of expensive electronic equipment, this creates safety and security concerns. Zoning regulations can require steps be taken to ensure the facility is secure, and that local emergency personnel have the resources and equipment needed to respond to problems at the facility.

- **Building Re-Use / Decommissioning.** While small and medium data centers can locate in buildings that can easily be re-used for other purposes, large/hyperscale data centers have much larger footprint buildings with limited facilities for human habitation (such as restrooms). This makes them difficult to convert into offices, factories, or other uses that might be appropriate if and when the data centers ceases operation. Some communities are requiring data center buildings to be constructed so that they can easily be reused for other purposes.
- **Land Use Opportunity Cost.** While small and medium data centers can frequently be located within existing business and industrial districts, large/hyperscale facilities can require over 100 acres of contiguous land. Dedicating that much land to a data center means those acres cannot be farmed, mined, or used for housing or businesses. All land use decisions involve opportunity cost, but the scale of the land involved in hyperscale data centers makes the decision to locate one more impactful than most land uses.

DRAFT AMENDMENT LANGUAGE

The following is proposed as draft amendments to the Holly Township Zoning Ordinance as it stands today. Given there is a broader ordinance update project occurring at this time, some sections and minor detail may be modified as part of that future update. Unless stricken, the following are proposed as additions to existing sections of the ordinance.

Article I. – In General, Section 32-6. – Definitions

- A) **DATA CENTER.** A facility consisting of one or more buildings used primarily for the storage, management, processing, and transmission of digital data, and which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data operations. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility sub-stations, and other associated utility infrastructure to support operations.
- B) **DATA CENTER SUB-STATION.** A high-voltage electric system facility used to switch generators, equipment, and circuits or lines in and out of a system, change AC voltages from one level to another, or change alternating current to direct current or direct current to alternating current. Data center sub-stations may only be constructed in conjunction with a data center facility.

Article III. – Zoning District Regulations

Section 32-101. - Office service district (OS).

(b) Permitted uses. The following shall be permitted uses in the office service district:



~~(14) Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.~~

Section 32-102. - Limited industrial district (LI).

(b) Permitted uses. The following shall be permitted uses in the limited industrial district:

~~(1) Data processing and computer centers, including sales, service and maintenance of data processing equipment.~~

(c) Special uses. The following are special uses in the limited industrial district:

(14) Data centers.

Section 32-103. - General industrial district (GI).

(c) Special uses. The following are special uses in the limited industrial district:

(8) Data centers.

Article IV. - Supplementary Regulations, Section 32-XX. – Data Centers.

1. **Purpose and Intent.** The purpose of this section is to establish reasonable standards for the placement, design, and operation of data centers within the Township. Data centers require significant utility infrastructure, high levels of security, and specialized building features that may create unique land-use impacts. These regulations are intended to:
 - A) Ensure compatibility with surrounding land uses;
 - B) Protect public health, safety, and welfare;
 - C) Manage impacts related to noise, air quality, water quality, hazardous waste, lighting, and utility demand.
2. **Submittal Requirements.** In addition to the site plan submittal requirements specified in Section 32-234 and the special land use submittal requirements in Section 32-33, any applications for data centers must also be provided with:
 - A) An Environmental Impact Statement in accordance with Section 32-XX.
 - B) Written verification from electric and water (if applicable) utilities that adequate capacity is available.
 - C) A sound study in accordance with subsection (5) (A) of this section.
 - D) A vibration impact study in accordance with subsection (5) (B) of this section.
 - E) A hazardous waste plan in accordance with subsection (5) (C) of this section.
 - F) A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles (See subsection (5) (D) of this section) and addressing stormwater management, which is subject to County Drain Commission and Township review and approval.
 - G) A water feasibility study in accordance with subsection (5) (E) of this section.

- H) An operations agreement setting forth the parameters of the operation, the name and contact information of the operator, the inspection protocol, emergency procedures, and general safety documentation.
- I) A decommissioning and land reclamation plan in accordance with subsection (12) of this section.
- J) A deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the review process, which costs can include, but are not limited to, review fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review process for the application. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the determination of the Township, to cover any remaining costs or expenses associated with the review process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within fourteen (14) days after receiving notice, the Township will cease the review process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant.
- K) A plan for resolving complaints from the public or other property owners concerning the construction and operation of the data center, which is subject to the Township's review and approval.
- L) A fire protection plan that satisfies the North Oakland County Fire Authority (N.O.C.F.A.), which at a minimum identifies the fire risks associated with the data center; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
- M) A transportation plan for construction and operation phases, including any applicable agreements with the Road Commission for Oakland County and Michigan Department of Transportation, which is subject to the Township's review and approval.
- N) An attestation that the applicant/operator will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the data center, which is subject to the Township's review and approval.
- O) Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.); Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the Township considers the application.
- P) Any additional information or documentation requested by the Planning Commission, Township Board, or other reviewing entity. The aforementioned requirement may require additional entity approvals through local law and ordinance, the State of Michigan, the County of Oakland, and federal approval. The Township may hire subject matter experts to determine if such approvals have been met. All



requirements, inspections, and reviews shall be paid for by the applicant; said review cost may include Township attorney fees.

3. Site Design Standards

- A) **Setbacks.** Data center structures must be provided with a five-hundred (500) foot setback from all adjacent property lines and right-of-ways.
 - B) **Screening.** All buildings, ground level mechanical and electrical equipment, power generators, water cooling and storage facilities, utility sub-stations, and other associated utility infrastructure shall be completely screened from view from road rights-of-way and adjacent parcels by use of a berm and greenbelt buffer.
 - 1) The minimum height of the berm shall be ten (10) feet.
 - 2) The berm shall be improved with a greenbelt buffer consisting of a mixture of trees, including deciduous and evergreen trees, shrubs, and natural grasses in accordance with Section 32-192.
 - a) If forest or hedgerows exist where screening or buffering is required, it must be preserved to the maximum extent practicable and supplemented with new plantings where necessary to provide the desired screening or buffering.
 - b) The developer shall provide a written statement from a certified arborist or landscape architect to confirm an expectation that the plantings achieve an opacity at full foliage of eighty percent (80%) within five (5) years after planting and that plant spacing is appropriate to support a healthy screen at plant maturity.
 - c) A break in, and/or tapering of berms may occur at vehicular access points subject to the approved site plan. Where a vehicular access point is located across the street from any portion of a residential district or residential use, the vehicular access drive path shall be designed to screen the view of structures and parking areas that are visible from the residential district or residential use.
 - d) Screening and buffering must be installed as early in the development process as possible. Landscaping shall be maintained for the life of the project. Final approvals will not be granted if screening and buffering requirements are not installed in accordance with the approved site plan.
 - C) **Pedestrian and Bicycle Facilities.** Pathways must be provided and designed as required in accordance with Section 14-253.
 - D) **Fencing.** Any fencing proposed with a data center must comply with Section 32-138. Any fencing proposed must be located as close as possible to the facility to ensure that any natural wildlife corridors are maintained to the maximum extent possible.
 - E) **Lighting.** The Planning Commission may require more restrictive lighting standards than prescribed in Section 32-197 where deemed appropriate by the Planning Commission.
4. **Performance standards.** These performance standards for data centers are intended to mitigate potential detrimental effects on adjacent properties. All applications for site plan approval must be accompanied by a registered engineer's certification that the use complies with all of the performance standards. If, after occupancy of the structures, continuous or frequent (even if intermittent) violations of the performance

standards occur, and after notice is given, bona fide and immediate corrective work is not performed which successfully prevents the violation(s) from reoccurring, the Building Official or their designated representative may suspend or revoke the Certificate of Occupancy. The Certificate of Occupancy will be reinstated after the operator demonstrates to the Building Official's satisfaction that operation of the facilities is able to conform to these requirements. In addition to gaining compliance with Section 32-34 and Article V of Chapter 32, the applicant must also demonstrate compliance with the following:

- A) **Noise.** All applications must include a sound study that is prepared by a qualified engineer with experience in environmental acoustics. The purpose of the detailed study is to assess the impact of all noise sources and determine the appropriate layout, design, and control measures. The study must include:
- 1) Name and qualifications of the person(s) who measured the decibel levels.
 - 2) Equipment used.
 - 3) Location of the noise measurements depicted on a scaled site plan. The points of measurement shall be at all property lines and generally at the points on those property lines most susceptible to noise from the applicable equipment.
 - 4) List of all air handlers, generators, and other mechanical devices that are included in the sound evaluation, including manufacturers specifications.
 - 5) Time and duration of measurements.
 - 6) Predicted decibel levels measured at each property line for three scenarios:
 - a) All mechanical and electrical equipment required for normal operation at 100% load.
 - b) Generator testing and maintenance.
 - c) Emergency scenario with all generators, mechanical equipment, and electrical equipment operating at 100%.
 - 7) When multiple buildings are proposed on the site plan application, the study must include sound levels for each phase of building construction to ensure that the sound levels are met during all phases of buildout.
 - 8) Summary of the results and recommended control measures.
 - 9) A statement attesting to the accuracy of the information provided and a guarantee that the project proponent will not run their equipment at a more intense or noisier state than when they made the measurements.

Within six (6) months of the date of occupancy of any completed data center development, and biennially thereafter, actual sound levels for scenarios listed under subsection (5) (A) (6) above must be measured by a qualified engineer with experience in environmental acoustics and a final sound level report must be submitted to the Township for review and approval. If actual sound levels exceed the maximum sound pressure levels listed in Section 32-166, corrective actions must be completed no later than ninety (90) days from the date of the submission of the report.



- B) **Vibration.** Ground mounted mechanical equipment shall be mounted on a vibration dampening platform or other suitable device to decouple the equipment from transferring vibration to the ground. No vibration may be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the property line; nor may any vibration produce a particle velocity of two (2) inches per second measured at or beyond the property line. All applications must include a vibration impact study that is prepared by a qualified individual with experience in vibration analysis.

Within six (6) months of the date of occupancy of any completed data center facility, and biennially thereafter, actual vibration levels must be measured by a qualified individual and a vibration report must be submitted to the Township for review and approval. If vibration levels exceed the maximum listed, corrective action must be taken as soon as reasonably possible but no later than ninety (90) days from the date of the submission of the report.

- C) **Hazardous Waste Plan.** All storage and/or processing of hazardous materials and waste shall comply in all respects with state and federal law and regulations and the requirements of the Michigan Department of Environment, Great Lakes and Energy and any other applicable agency. Storage and/or processing of hazardous materials and waste shall not commence until all necessary permits have been obtained and copies of such permits have been provided to the Township. Any changes to the operation of the facility that affects hazardous waste material must be approved by the Township.

Prior to operating, the applicant/operator shall submit a Hazardous Waste Plan for review by the Township and Fire Department. The applicant/operator shall describe the nature of the storage and processing of hazardous materials and waste. At a minimum, the Hazardous Waste Plan shall contain:

- 1) A hazardous materials inventory (batteries, fuels, coolants, etc.).
 - 2) A detailed description of any proposed cooling systems, including water usage, emissions, and wastewater discharge.
 - 3) Proposed safety measures and protocols to prevent the spread of hazardous materials outside of designated containment areas.
 - 4) Procedures in the event that hazardous materials or waste are released and have the potential to damage persons, property or the environment.
 - 5) Verification that all electronic waste generated by the operation will be handled by a licensed electronic waste recycling firm.
- D) **Drain Tile Inspections.** The operator must inspect all drain tiles at least once every three (3) years using a robotic camera, with the first inspection occurring before the data center is in operation. The operator must submit proof of the inspection to the Township. The operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
- E) **Water Feasibility Study.** Every application for a data center requires a water feasibility study. At a minimum, the water feasibility study shall include:
- 1) A description of the proposed plan to obtain water required for the data center, including whether the water would be taken from groundwater or surface water, whether private or public utilities are

proposed, and indicating the volume of water required. The description shall specify if non-potable or recycled water is proposed to be used.

- 2) An analysis identifying the impact on private utility systems located on adjacent or nearby properties up to one (1) mile away from the proposed data center.
- 3) If water is proposed to be from public sources, the applicant shall demonstrate that the public source has the capacity to provide water for the proposed data center or if infrastructure or facilities improvements would be required.
- 4) If water is proposed to be from private sources, the applicant must also include:
 - a) Calculations of the projected water needs of the data center during normal operations and at peak operations.
 - b) A geologic map of the area with a radius of at least one (1) mile from the property.
 - c) The location of all existing and proposed wells within one (1) mile of the site, with a notation of the capacity of all high-yield wells.
 - d) A determination of the long-term safe yield of groundwater based on the geologic formation(s) underlying the site.
 - e) A determination of the effects of the proposed water supply system and water discharge system on the quantity and quality of water in nearby wells and bodies of water.
 - f) A statement of the qualifications and the signature(s) of the person(s) preparing the study.
 - g) The applicant shall provide an analysis of the impact of stormwater discharged from the proposed data center and the impact on groundwater, surface water or other water sources.
 - h) An annual report documenting total, seasonal, and peak water volumes used over the preceding year, together with an updated determination of the long term safe yield of groundwater based on the geologic formations underlying the site. The report shall include an evaluation of groundwater drawdown, recovery, and cumulative impacts from existing and proposed withdrawals; potential effects on nearby wells, and the quantity, quality, and temperature of groundwater and any discharged water. The report shall also document groundwater monitoring results, assess compliance with applicable water quality standards, and identify any adaptive management measures necessary to prevent adverse impacts to local water resources.
 - i) The applicant shall also provide information regarding any review(s) conducted by the Michigan Department of Environment, Great Lakes and Energy.
- F) **Electrical or Magnetic Fields.** Electric fields and magnetic fields shall not be created that adversely affect the public health, safety, and welfare, including but not limited to interference with the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted.
5. **Generators.** Any generators used in conjunction with a data center must be located within an enclosed building with necessary ventilation to reduce impacts of noise and emissions to surrounding areas. Additionally, generators must comply with the following standards:



- A) Generators must meet or exceed Tier 4 or equivalent emission standards as defined by the United States Environmental Protection Agency (EPA).
 - B) Unless backup generators are supplying backup electrical supply during a power outage, backup generators may operate between the hours of 9:00 am and 5:00 pm, Monday through Friday, excluding holidays. Curtailment of power supply or voluntary shutdown of power is not considered to be a power outage.
 - C) Generator testing shall be limited to 9:00 a.m. to 5:00 p.m., Monday through Friday. Only one (1) generator per building, or the minimum number necessary to meet operational standards, may be tested at a time and for a period not to exceed sixty (60) minutes, unless federal or state law, rule or regulation, or utility company restrictions prevent testing during such time.
6. **Fuel Storage Tanks.** Any fuel storage tanks used in conjunction with a data center must comply with the following standards:
- A) For the purposes of this section, fuel storage includes the storage of all petroleum bases fuels, natural gas liquids, biofuels, and liquids derived from other hydrocarbon sources.
 - B) On-site fuel storage shall comply with all state and local fire codes.
 - C) The storage tank shall be placed above ground with a capacity not to exceed Twenty-thousand (20,000) gallons.
 - D) Only one (1) storage tank is permitted per data center building.
 - E) The storage tank shall be located a minimum of one-hundred (100) feet from a well.
 - F) The storage tank shall be governed by the International Building Code 2021 as amended concerning storage tanks, and the National Fire Protection Association 30, as amended.
 - G) Storage tanks shall have one-hundred-percent (100%) catchment basin, or double-walled containment, and a spill protection overflow alarm.
 - H) The storage tank must have a minimum setback of five-hundred (500) feet from all property lines and right-of-ways.
 - I) Storage tanks must meet all applicable State of Michigan and federal regulations for above ground storage tanks.
7. **Sub-stations.** Any sub-stations used in conjunction with a data center must comply with the following standards:
- A) A data center electric sub-station may only be constructed for the purpose of providing power to a data center facility, and only when a data center facility has received site plan approval from the Planning Commission.
 - B) A data center electric sub-station may be connected to another electrical system within the region. Any expansion of a data center electric sub-station for the purpose of supporting other uses or users must follow the rules, regulations, and procedures applicable to nongovernmental electric sub-station use.
8. **Utilities & Infrastructure.** Prior to receiving site plan approval, the applicant shall provide written verification from electric and water (if applicable) utilities that adequate capacity is available and assurances that the use

will not cause electrical interference or fluctuations in line voltage on and off the operating premises. All power transmission or other lines, wires, or conduits from a data center to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a sub-station.

9. **Liaison.** Upon request by Township staff after issuance of the Certificate of Occupancy, the operator of a data center must provide a liaison between the hours of 8:00 am and 10:00 pm EST each day to respond to complaints about noise, vibration, glare, and other nuisances emanating from the data center.
 - A) Contact information shall be posted on the Holly Township website.
 - B) Upon operation of the data center, the Township shall notify and provide contact information for the facility liaison to property owners within five-hundred (500) feet of the facility.
10. **Extraordinary Events.** If the data center experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the operator must notify the Township within twenty-four (24) hours after said incident.
11. **Decommissioning.** At the time of an application, a decommissioning and land reclamation plan must be submitted describing the actions to be taken following the abandonment or discontinuation of the data center ensuring proper final reclamation, repairs to roads, and other steps necessary to fully remove the data center and restore the subject parcels, which is subject to the Township's review and approval.
 - A) If a data center is abandoned or otherwise nonoperational for a period of one (1) year, the property owner or the operator must notify the Township and must remove all equipment, hazardous materials, and on-site infrastructure systems within six (6) months after the date the data center is deemed abandoned or nonoperational. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Township Board. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a data center that is never fully completed or operational if construction has been halted for a period of one (1) year.
 - B) To ensure proper decommissioning of a data center, the applicant/operator must post financial security in accordance with Section 14-175 in an amount equal to one-hundred-and-twenty-five-percent (125%) of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. This financial security must be posted prior to the issuance of building permits. The project shall not commence until such financial security is provided.
 - C) The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. In the event the amount is found to be inadequate, the operator shall update their plan and provide the Township with the amount necessary to make the financial security adequate within thirty (30) days of notice from the Township of the inadequacy.

Article V. - Environmental Regulations, **Section 32-XX.** – Impact Assessments

- A. *Intent.* The purpose of an impact assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in Article IV where required, the impact assessment shall, at minimum, assess the following:



- 1) Water, noise and air pollution associated with the proposed use.
- 2) Effect of the proposed use on public utilities.
- 3) Historic and archeological significance of the site and adjacent properties.
- 4) Displacement of people and other land uses by the proposed use.
- 5) Alteration of the character of the area by the proposed use.
- 6) Effect of the proposed use on the Township's tax base and adjacent property values.
- 7) Compatibility of the proposed use with existing topography, and topographic alterations required.
- 8) Impact of the proposed use on surface and groundwater.
- 9) Operating characteristics and standards of the proposed use.
- 10) Proposed screening and other visual controls.
- 11) Impact of the proposed use on traffic.
- 12) Impact of the proposed use on flora and fauna.
- 13) Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.

B. *Information required.* Where required, an impact assessment shall contain the following information:

- a. The name, address and telephone number of:
 - i. All persons with an ownership interest in the land on which the development project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).
 - ii. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - iii. The developer or proprietor of the development project.
- b. The legal description of the land on which the development project will be developed together with appropriate tax identification numbers.
- c. The area of the land (in acres) on which the development project will be developed.
- d. An overall conceptual land use plan for the development, drawn to scale. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, and approximate locations of each principal structure and use in the development. The overall plan shall indicate types of residential use; office, commercial, industrial, and other nonresidential uses; each type of open space; community facility and public areas; and other proposed land uses.
- e. The conceptual land use plan shall also show the following information:
 - i. A general location map.
 - ii. The vehicular circulation system planned for the proposed development.

- iii. The location of existing private and public streets adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new development.
 - iv. The approximate layout of dwelling units, parking, open space, and recreation/park areas.
 - v. Landscaped screening proposed along the perimeter of the development.
- f. Approximate number of nonresidential buildings and residential units proposed to be developed on the subject parcel. For residential developments, an analysis shall be provided to determine the number of units that could be developed on the property under conventional zoning.
 - g. Topographic survey and soils inventory based on the Oakland County Soils Survey.
 - h. General locations and approximate dimensions of wetland areas, floodplains, and significant site features such as tree stands, unusual slopes, streams and water drainage areas.
 - i. A description of the proposed sewage treatment and water supply systems. Plans should be sufficiently detailed to demonstrate compliance with Chapter 28 of the Township's General Code.
 - j. Proposed stormwater management and drainage system.
 - k. A map showing existing zoning designations for the subject property and all land within one-quarter mile.
 - l. A map and written explanation of the relationship of the proposed development to the township's master plan for future land use.
 - m. Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Features which shall be considered include existing vegetation, topography, watercourses, wildlife habitats, streets and rights-of-way, easements, structures and soils.
 - n. An analysis of the traffic impact of the proposed development on existing and proposed streets.
 - o. An analysis of the fiscal impact (costs and revenues) of the proposed development on Holly Township and the school district in which the development is located.
 - p. Documentation that the applicant has sufficient development experience to complete the proposed project in its entirety (e.g., provide a list of developments completed by the applicant in the past ten years, with a description of the project, number of units, and time required to complete).
 - q. A general schedule for completing the development, including the phasing or timing of all proposed public and private improvements.
- C. *Evaluation of the impact assessment.* The planning commission and township board shall consider the criteria listed below in their evaluation of an impact assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval. The township board and planning commission shall determine that the proposed use:
- 1) Will be harmonious with and in accordance with the general objectives of the master plan.
 - 2) Will be designed, constructed, operated, and maintained in harmony with the existing or future neighboring uses.



- 3) Will not be hazardous or disturbing to existing or future neighboring uses.
 - 4) Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - 5) Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - 6) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
 - 7) Will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
- D. *Applicability of other standards and ordinances.* Approval of the impact assessment shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or with any other township ordinance, or with any other applicable local, state or federal law or regulation.

Memorandum

TO: Holly Township
 Planning Commission
 102 Civic Drive
 Holly Michigan 48442

FROM: Jacob VanBoxel, MSA
 Alexis Farrell-Rodriguez, AICP, NCI
 Paige Smith, NCI

SUBJECT: Defining Plant Nurseries and Greenhouses

DATE: May 6, 2026

Dear Planning Commissioners,

Given a recent influx of inquiries regarding the definition of nurseries as a regulated use within the Agricultural Residential (AGRE) District, we are seeking to amend the Zoning Ordinance, prior to the comprehensive update underway, to address this. The following is a set of defining characteristics and development criteria for your consideration.

The general intent of the AGRE District is to support land uses that protect natural resources and amenities, encourage agricultural production, and encourage the development of the township's recreational and rural residential potential. Further, as it is currently written, *Agriculture, including general farming, the raising of livestock and poultry, fruit orchards, sod farming, nurseries and greenhouses, and the customary farm buildings* are permitted uses within the AGRE District. While nurseries are not defined explicitly in this Ordinance, the uses grouped with nurseries and greenhouses involve the production of an agricultural good, which we use as the basis for generating the proposed definition.

Section 32-169, Agricultural Tourism, conveys a similar sentiment. These provisions aim to *promote and maintain local farming*. These goals are essential to forming a definition for nurseries and greenhouses that supports a farmer's right to grow, and sell crops on site, without inadvertently permitting more intensive commercial retail operations in the AGRE District.

Defining nurseries lends itself to ease of Ordinance interpretation and administration, while maintaining the goals of the Township's guiding texts and adopted regulations. We offer our proposed definition of nurseries and greenhouses, with regulating criteria, and welcome questions and further discussion with Township officials and the Planning Commission.

Sincerely,

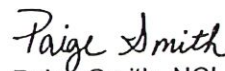
MCKENNA



Jacob VanBoxel, MSA
Principal Planner



Alexis Farrell-Rodriguez, AICP, NCI
Senior Planner



Paige Smith, NCI
Assistant Planner

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PROPOSED AMENDMENTS

The following use standards are intended for incorporation under Article IV, Supplementary Regulations. Currently "Outdoor sales, such as new and used car sales, nurseries and garden sales, and building material, subject to the provisions of section 32-153" is permitted in the C-2 General Commercial District as a special use. Therefore, the use would be permitted in both C-2 and AGRE. Thus, we propose the following change to Section 153 to make clear the distinction that nurseries in AGRE must be incidental to active agricultural activities on a property, versus what we note as a "nursery dealer", which is higher intensity and associated with more commercial traits.

We proposed amending Section 32-6 to include the following:

Section 32-6. – Definitions

Farm building means any building or structure other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for agricultural operations carried on that type of farm.

Nursery / Greenhouse means a space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises, but not including any space, building, or structure used principally for the sale of fruits, vegetables, or Christmas trees.

Nursery dealer means a person that is not a grower or an original producer of nursery stock in this state, that buys nursery stock for the purpose of reselling or reshipping independently of the control of any nursery grower or nursery dealer, or that is engaged with a nursery grower or nursery dealer in handling nursery stock on a consignment basis.

Further, the proposed addition is **in red** below to Section 153:

Section 32-153. - Outdoor sales lots.

Outdoor sales for automobiles, trucks, trailers, boats, mobile homes, **nurseries and garden sales, building material**, and similar uses shall be subject to the following provisions:

(1) All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way.

(2) There shall be no strings of flags, pennants or bare light bulbs permitted.

(3) No vehicles or merchandise for sale shall be displayed within any required front yard setback.

(4) There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.

(5) For nurseries, greenhouses, and other similar uses, the following shall also apply:

a. **Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.**

b. **The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.**

- c. Nurseries, greenhouses, and other similar uses within the AGRE District must grow goods and materials offered for sale on-site.

PROPOSED AGRE PERMITTED USE REVISION

To support compliance with the standards outlined above, and the existing development criteria for outdoor sale lots, we recommend the following inclusion in the description of permitted uses within the AGRE district. The proposed addition is **in red** below:

Agriculture, including general farming, the raising of livestock and poultry, fruit orchards, sod farming, nurseries and greenhouses **subject to the provisions of section 32-153**, and the customary farm buildings, ~~subject to the provisions of [section 32-145](#)*~~. Slaughterhouses and intensive livestock operations shall not be a permitted use in the AGRE district.

**The struck through text is a reference to a reserved Ordinance section that is no longer active.*

Memorandum

TO: Holly Township
Planning Commission
102 Civic Drive
Holly Michigan 48442

FROM: Jacob VanBoxel, MSA
Alexis Farrell-Rodriguez, AICP, NCI

SUBJECT: Proposed Amendments to Section 32-423

DATE: May 6, 2026

The following language for consideration by the Planning Commission is proposed to amend the off-street parking requirements to allow for appropriate flexibility in the standards. Currently, there are minimum spaces laid out in a table in Section 32-424 based on calculations. This section will be updated and audited in detail in conjunction with the overall Zoning Ordinance update. In the interim, we propose revising language to allow for the Planning Commission to waiver and modify these requirements as appropriate.

We propose the following additions in red:

Section 32-423. - Off-street parking requirements.

- a) Generally. The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the schedule set forth in section 32-424. Parking requirements listed in Section 10.4 shall not include off-street stacking spaces for drive-through facilities set forth in section 32-427.
- b) Similar uses and requirements. When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.
- c) Collective provisions. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with section 32-424. **However, the planning commission may reduce the total number of spaces by up to 25 percent upon making the determination that the parking demands of the uses being served do not overlap.**
- d) **The planning commission may modify the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, because of the level of current or future employment and/or level of current or future customer traffic.**

Should the Commission be in agreement with this recommendation, we suggest scheduling a public hearing to discuss these modifications for the next regularly scheduled meeting. We recommend you hold the public hearing, consider these proposed modifications with any updates you find appropriate, and recommend this update to the Township Board.

If you have any questions regarding this, please do not hesitate to contact us. Thank you.

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Sincerely,

McKENNA

Jacob VanBoxel, MSA
Principal Planner

Alexis Farrell-Rodriguez, AICP, NCI
Senior Planner

Memorandum

TO: Holly Township
Planning Commission
102 Civic Drive
Holly Michigan 48442

FROM: Jacob VanBoxel, MSA
Alexis Farrell-Rodriguez, AICP, NCI

SUBJECT: Proposed Amendments to Section 32-235

DATE: May 6, 2026

The following language for consideration by the Planning Commission is proposed to amend the site plan review procedures to allow for ample time between submission of a complete application and review by the Planning Commission at meetings. Currently, the ordinance states that complete applications submitted at least 21 days in advance of the next regular meeting can be submitted to the Commission for review. This timing is shorter than is typical, and does not provide enough time to for staff and consultant review. Most importantly, it does not provide sufficient time to publish a public hearing notice when required (notices must be *published* 15 days in advance, which must be sent to the newspaper often 7-10 days before that, stretching beyond the 21 day window). Therefore, even if the 21 day threshold is met, often reviews that require a hearing must still wait another month. We propose revising language to be more clear and provide sufficient time to be best suited to the Township's needs.

Section 32-235. - Planning commission review procedures.

(a) Submission of site plan; requirements for acceptance. All site plans shall be submitted to the zoning administrator at least 248 days prior to the next regularly scheduled meeting of the planning commission **at which review is requested** and must contain the following to be accepted:

Should the Commission be in agreement with this recommendation, we suggest scheduling a public hearing to discuss these modifications for the next regularly scheduled meeting. We recommend you hold the public hearing, consider these proposed modifications with any updates you find appropriate, and recommend this update to the Township Board. If you have any questions regarding this, please do not hesitate to contact us. Thank you.

Sincerely,

McKENNA



Jacob VanBoxel, MSA
Principal Planner



Alexis Farrell-Rodriguez, AICP, NCI
Senior Planner

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