

ORDINANCE 1843

AN ORDINANCE TO AMEND THE ORDINANCE CODE OF THE CITY OF HOLLAND, BEING PORTIONS OF ORDINANCE NO. 39 OF THE CITY (THE UNIFIED DEVELOPMENT ORDINANCE) BY AMENDING THE FOLLOWING ITEMS OF SAID SECTION 39.

Summary of changes to the Unified Development Ordinance, Chapter 39 of the ordinances of the City of Holland:

<u>Code Section</u>	<u>Change</u>
39-4.02.J.3.a-	Outdoor Storage and Processes screening – adding a reference to help find the screening requirements.
39-4.04.H.g-	Parking Lots as a Principal Use – correct the reference to find the required setbacks.
39-7.02 -	Lighting Applicability- modify the applicability to include all properties except residential dwellings with 1-4 units. Currently only projects requiring site plan approval need to meet the lighting requirements.
39-12.05.H -	Site Plan approval extension – allow the same approving authority that approved a plan to grant an extension.
39-13.03.B.1 –	Non-Conforming modifications - Update/Clarify the expansion section to recognize a recent Board of Appeals decision.
39-13.06.B –	Non-conforming repairs - Update the section to allow the Zoning Administrator to provide a determination rather than have to go to Board of Appeals to get the determination.
Definition of Yard	Clarify the definition so that public road right of way is not included.

All other provisions of Chapter 39 shall remain in full force and effect.

Adoption date: February 21, 2024

Effective date: March 13, 2024

SECTION 39-4.01 INTENT

A. The intent of this Article is to provide additional use standards for the following:

1. **Permitted Uses** that have additional requirements beyond what is provided in Sections 39-2.05-23.

2. **Special Land Uses (SLU)** required to meet the Basic SLU Standards for Approval.
3. **Special Land Uses (SLU)** required to meet the Basic SLU Standards for Approval AND specific use standards.

P* SECTION 39-4.02 PERMITTED LAND USES WITH ADDITIONAL STANDARDS

A. **List of Permitted Land Uses with Additional Standards**

1. **Alternative Energy (Wind and Solar)** – All *Zone Districts*
2. **Bed and Breakfasts (1-4 Rooms)** – All *Zone Districts* where single detached *dwelling units* are permitted.
3. **Child Care Centers** – LDR, CNR, MDR, TNR, HDR, MHR, CMU, ED, PUD, F *Zone Districts*
Family and Group Child Care Homes – All *Zone Districts* where residential uses are permitted.
4. **Drive Thru's** – NMU, CMU, RMU, GMU, ED, I, PUD, F *Zone Districts*
5. **Funeral Homes** – NMU (east of US-31), CMU; F (CENT and F-RM *Sub-Districts*)
6. **Home Occupations and Businesses** – All *Zone Districts* where residential uses are permitted.
7. **Kennels** – CMU *Zone District*
8. **Oil & Gas Drilling** – NMU, CMU, RMU, GMU, and I *Zone Districts*
9. **Outdoor Storage & Processes** – CMU, RMU, and I *Zone Districts*
10. **Outdoor Sales, Outdoor Cafes, and Sidewalk Cafes** – NMU, CMU, RMU, GMU, ED, I, PUD, and F *Zone Districts*
11. **Parking lots as a Principal Use** – ED and I *Zone Districts*
12. **Parking Structures as the Principal Use** – ED, I, and PUD *Zone Districts*
13. **Public Lodging** – CMU, RMU, GMU, ED, I, PUD, and F *Zone Districts*

14. **Recycling Collection Centers** – I *Zone District*
15. **Self Storage Facilities** – CMU, RMU, and I *Zone Districts*
16. **Short Term Rentals** – All *Zone Districts*
17. **Temporary Uses** – All *Zone Districts* where the use is typically not permitted
18. **Vehicle Repair** – CMU, RMU, GMU, and I *Zone Districts*
19. **Vehicle Sales** – CMU and RMU *Zone District*
20. **Vehicle Wash** - CMU, RMU, and I *Zone Districts*, and GMU *Zone Districts*
21. **Vendor Trucks** – NMU, CMU, RMU, GMU, ED, I, PUD, and F *Zone Districts* along corridors
22. **Warehousing** – CMU, RMU, and I *Zone Districts*
23. **Wireless Communication Facilities less than 40 feet** – All *Zone Districts*
24. **Care Facilities** – HDR *Zone District*
25. **Shelters** – CMU, RMU, GMU, ED, I, PUD, and F *Zone Districts*

B. Alternative Energy

1. Wind Energy Turbines up to 40 feet in Height (Small Scale and Accessory)

- a. **Zone Districts Permitted:**
All Zone Districts
- b. **Approving Authority:**
Zoning Administrator
- c. **Additional Review Processes:** *Special Land Use* approval if greater than **40 feet** in height and in I *Zone District* as a *principal use* (Section 39-4.04.B.1).
- d. **Standards:**
 - 1) **Small Scale.** May be mounted on the roof of a *principal* or *accessory building* or may be freestanding. Shall not be a *principal use*, and shall not be considered an *accessory structure*.
 - 2) **Setbacks.** At its most horizontal position, the blade shall not cross a *property line* and the turbine shall be set back from all *property lines* at a minimum of the same dimension as the *Maximum Tip Height*.
 - 3) **Maximum Tip Height. 40 feet** from *grade*, except where State and Federal regulations, or the West Michigan Airport Authority require a lesser *height*.
 - 4) **Minimum Ground Clearance. 10 feet** for ground mounted turbines, the minimum vertical blade tip clearance from *grade*.
 - 5) **Shadow Flicker.** Shall not produce off-site shadow flicker.



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2. Solar Panel Arrays (Small Scale and Accessory)

- a. **Zone Districts Permitted:**
All *Zone Districts*
- b. **Approving Authority:**
Zoning Administrator
- c. **Additional Review Processes:** *Special Land Use* approval in 1 *Zone District* as a *principal use* under Section 39-4.04.B.2.
- d. **Standards:**
 - 1) **Small Scale.** May be mounted on a roof of a principal or *accessory building* or may be freestanding. Shall not be a *principal use*, and shall not be considered an *accessory structure*.
 - 2) **Setbacks.** Freestanding solar panel arrays shall meet the front *setback* requirement for principal *structures* in the *Zone District* in which they are located.
 - 3) **Height.** Freestanding solar panel arrays shall not exceed **15 feet** in *height*.



C. Bed and Breakfasts

- 1. **Zone Districts Permitted:** All *Zone Districts* where single detached *dwelling units* are permitted.
- 2. **Approving Authority: 1-4 Guest Rooms:** Zoning Administrator; **5-8 Guest Rooms:** Special Exception by *Board of Appeals*. See Section 39-12.12.D.
- 3. **General Standards for 1-8 Guest Rooms:**
 - a. The **property owner** shall reside on-site;
 - b. The use shall comply with all requirements of **Chapter 26** of the City Code of Ordinances;
 - c. Full bathroom facilities shall be available at a ratio of at least **1 bathroom for every 2 guest rooms**, in addition to separate full bathroom facilities for the *owner*;
 - d. A minimum of **1 parking space** shall be provided for each guest room in addition to a minimum of 1 space for the resident *owner*. Each space shall be **independently accessible to a street**;
 - e. The establishment shall be permitted to have **1 identification sign**, not larger than **6 square feet**, mounted in the ground or on the wall of the *building*. Ground mounted *signs* shall not exceed **4 feet** in *height* and be set back a minimum of **10 feet** from all *property lines*. This section shall supersede Article 39-8.
 - f. Guests shall stay no more than **21 consecutive days**.

D. Child Care: Centers, Family Child Care Home, Group Child Care Home

- 1. **Child Care Centers** are commercial facilities. They shall comply with all State laws and standards and shall obtain valid licenses from the State of Michigan.
 - a. **Zone Districts Permitted:** LDR, CNR, MDR, TNR, HDR, MHR, PUD, and F as an *accessory use* to a *Religious Institution* or *K-12 School*, **ED** when accessory to an *Institution of Higher Education*, and **CMU** as a *principal use*.

- b. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative Staff; If No *Site Plan* Required: Zoning Administrator
 - c. **Additional Review Processes:** *Special Land Use* in NMU, RMU, GMU, and I *Zone Districts* per Section 39-4.03.A.1.
2. **Family Child Care Homes** are private homes where **1 to 7** minor children are supervised and cared for for periods **less than 24 hours** per day and for more than **4 weeks** during a calendar year by an unrelated adult member in the *child care* provider’s home. Children related to the *child care* provider may also be cared for and are not included in the 7 children capacity.
- a. **Zone Districts Permitted:** All *Zone Districts* that permit residential uses.
 - b. **Approving Authority:** Zoning Administrator
 - c. **Standards:**
 - 1) The *applicant* complies with the provisions of Act No. 116 of the Public Acts of 1973, as amended. (MCLA § 722.111 et seq.)
3. **Group Child Care Home** is a private home where **8 to 14** minor children are supervised and cared for for periods of **less than 24 hours** a day and for more than 4 weeks during a calendar year by an unrelated adult member in the *child care* provider’s home. Children related to the *child care* provider may also be cared for and are not included in the 14 children capacity.
- a. **Zone Districts Permitted:** All *Zone Districts* that permit residential uses.
 - b. **Approving Authority:** *Board of Appeals* Special Exception. See Section 39-12.12.D.

E. **Drive-Thru's**

- 1. **Zone Districts Permitted:** NMU, CMU, RMU, GMU, ED, I, PUD, and F-EDT, F-RM, F-SSV
- 2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative Staff; If No *Site Plan* Required: Zoning Administrator
- 3. **Standards:**
 - a. **Nuisance.** Shall not negatively impact the adjacent properties with excessive traffic, *noise*, odors, litter, or other similar factors.
 - b. **Stacking.** A minimum of **1 stacking lane** shall be provided to accommodate a minimum of **7 vehicles**. The *Planning Commission* may alter this standard if the *applicant* can demonstrate that fewer stacking spaces will not adversely impact the operations of the establishment or negatively impact neighboring properties or the traffic flow in the area.
 - 1) All stacking lanes shall be a minimum of **10 feet wide** and shall be positioned to not interfere with normal vehicular on-site traffic, off-site traffic, and entering and exiting traffic.
 - 2) **Stacking lanes shall be separate** from drive aisles used to access *parking spaces*.
 - c. **Devices for the transmission of voices** shall be directed or muffled to prevent sound from being audible beyond the boundaries of the site.
 - d. The following are **prohibited** in the NMU, RMU, ED, F-EDT, F-RM, F-SSV, and PUD *Zone Districts*, as well as on internal streets in the GMU *Zone District*.
 - 1) Speakers
 - 2) 2-way communication systems
 - e. If the requirements of the *Zone District* and the requirements for a *drive-thru* cannot both be met, the *drive-thru* shall not be approved.

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F. Funeral Homes

1. **Zone Districts Permitted:** NMU (east of US-31), CMU; F (CENT and F-RM *Sub-Districts*)
2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative Staff; If No *Site Plan* Required: Zoning Administrator
3. **Standards:**
 - a. Assembly of *vehicles* for funeral processions shall not occur in a public street.
 - b. Where a *funeral home* is permitted, a funeral chapel shall also be permitted.

G. Home Occupations and Home Based Businesses

1. **Zone Districts Permitted:** All *Zone Districts* where residential *uses* are permitted.
2. **Approving Authority:**
 - a. **Home Occupation:** None
 - b. **Home Based Business Type 1:** Zoning Administrator, permit required (Sections 39-12.02 and 39-12.04)
 - c. **Home Based Business Type 2:** *Board of Appeals* Special Exception, permit required (Sections 39-12.02 and 39-12.04)
3. **Standards**
 - a. **Table 4.02.G.3.a.**

REGULATION	HOME OCCUPATION	TYPE 1 HOME BASED BUSINESS	TYPE 2 HOME BASED BUSINESS
Employees	Shall live in the home	Shall live in the home	Shall live in the home plus 1 employee may work at the home based business
Allowable Floor Area Dedicated to the Business	N/A	50% of one story of the dwelling and 50% of a detached accessory building	50% of one story of the dwelling and 50% of a detached accessory building, or as determined by the Board of Appeals
Merchandise	Prohibited	C	C
On-Site Customers C	Prohibited	No more than 2 at a time	No more than 2 at a time, or as determined by the Board of Appeals
Allowable Hours Open to Customers	None	7AM – 9PM	7AM – 9PM
Allowable Vehicle Trips from Customers	None	10	10; or determined by the Board of Appeals
Deliveries	A	A	A
Non-Residential Alterations	Prohibited	Prohibited	Prohibited
Signage	Prohibited	Prohibited	Prohibited
Indoor Storage	B	B	B
Outdoor Storage	Prohibited	Prohibited	Permitted subject to <u>Section 39-4.02.G.3.e-f</u>

REGULATION	HOME OCCUPATION	TYPE 1 HOME BASED BUSINESS	TYPE 2 HOME BASED BUSINESS
Outdoor Activities	Prohibited	Prohibited	Permitted subject to Section 39-4.02.G.3.e-f , or as determined by the Board of Appeals
Inspections per Chapter 14	See Section 39-4.02.G.3.b	See Section 39-4.02.G.3.b	See Section 39-4.02.G.3.b
Violations of Chapter (Also subject to i below)	Must apply for Type 1 or 2 Home Based Business	Revocation of permit; Civil Infraction, or apply for Type 2 Home Based Business	Hearing with Board of Appeals; Revocation of permit; Civil Infraction

Footnotes to Table 4.02.G.3.a:

- A** *The delivery and pickup of goods and materials used and/or produced in the operation of the home occupation shall be limited to the customary delivery and pickup of mail and packages by the United States Postal Service, or by alternative private delivery service, that is common to other residential properties. Such deliveries and pickups shall not require a vehicle larger than a step-type van.*
- B** *Materials, supplies, and merchandise shall be stored within a principal or accessory structure in a manner that does not pose a safety hazard to the dwelling, dwelling occupants, or adjoining properties and occupants, and shall not result in a change of use of the property or an activity prohibited by the Michigan Building Code.*
- C** *On-site pick up of items shall be limited to arts and crafts produced on the premises, items commonly traded, such as coins stamps, and antiques, incidental supplies related to the Home Based Business, and merchandise produced by the Home Based Business.*
 - b. Inspections:** All *Type 1 and Type 2 Home Based Businesses* are subject to inspections per Chapter 14 of the Holland Ordinance Code, and compliance is required before a *home business* permit will be issued.
 - c. Performance Standards for Noise:** The business shall not generate *noise*, vibrations, smoke, dust, odor, heat, or *glare* which are detectable beyond the *property lines*.
 - d. Recreational lessons / instruction** may produce *noise* generated by a person’s voice or *noise* produced by a person’s recreational activity that is detectable beyond the *property lines*. Furthermore, the business shall not generate any electrical interference with radio or television transmission in the area that would exceed that which is normally produced by a residential *dwelling unit*.
 - e. Performance Standards for Outdoor Business, Sales and Storage:** The *Board of Appeals* shall determine the location and amount of outdoor activities for all *Type 2 Home Based Businesses* as follows:
 - 1) **Recreational lessons / instruction shall be limited to rear and side yard areas** and shall be *screened* from the neighbors as determined by the Board of Appeals.
 - 2) The **outdoor sale and display of horticultural products shall be limited** to products such as **flowers, fruits, or vegetables** and shall be limited to one **continuous three-week period** each calendar year per *parcel*. The dates shall be specified by the Board of Appeals.
 - 3) The **outdoor sale and display of arts and crafts** produced by the *home business* shall be limited to one **continuous three-week period** each calendar year per *parcel*. The dates shall be specified by the Board of Appeals.
 - 4) The Board of Appeals may impose other **reasonable conditions and limitations** to protect nearby residential premises and persons.

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f. **Home Occupation and Home Based Business Exemptions:**

- 1) Outdoor sales lasting no less than **4 consecutive days** and occurring no more than 3 times per calendar year shall be considered garage or *yard* sales, and shall be exempt from this section.
- 2) The sale of horticultural products grown on the premises may be sold on the premises, and shall be exempt from this section.
- 3) Piano lessons and similar fine arts lessons are exempt per State law.

4. **Prohibited Home Occupations and Home Based Businesses:**

- a. Any repair of motorized *vehicles* such as engine repair, painting, or body work to automobiles, trucks, trailers, boats, heavy equipment, and lawn or *landscaping* equipment.
- b. Exterior *parking* and storage of heavy equipment not typically found in *residential* areas.
- c. Any use not allowed in *residential Zone Districts*.

5. **Enforcement.** Violations of this section shall result in the penalties noted in the chart above. Whenever the Zoning Administrator determines that there has been a violation of any provision of this section, they shall give notice of such violation to the person responsible as prescribed in **Chapter 14** of the City's Ordinance Code. In case any violation is not remedied within the time set forth in the notice, the following action shall be taken:

- a. A *Home Occupation* shall be required to apply for a *Type 1* or *Type 2 Home Based Business*;
- b. A *Type 1 Home Business* permit shall be revoked, or shall be required to apply for a *Type 2 Home Based Business*;
- c. A *Type 2 Home Based Business* shall have a hearing before the *Board of Appeals*:

d. The person subject to a violation of a *Type 2 Home Based Business* permit shall appear and present evidence in response to the enforcement notice to the *Board of Appeals*. During the hearing, the Zoning Administrator or designated representative shall specify the violation(s) that exists and the remedial action required. The *Board of Appeals* shall then determine whether to revoke the *home based business* permit, allow additional time to remedy the violation, or impose additional conditions to remedy the violation(s).

e. In addition to revocation described above, a person who violates or fails to comply with any provision of this section is responsible for a class II municipal civil infraction and subject to the civil fines set forth in the schedule of fees and charges adopted in Section of the City Code of Ordinances or any other relief that may be imposed by the court. Each act of violation and each day upon which such violation occurs shall constitute a separate violation.

H. **Kennels**

1. **Zone District Permitted:** CMU
2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative Staff; If No *Site Plan* Required: Zoning Administrator
3. **Standards:**
 - a. **Operation.** *Kennels* shall be in a **fully enclosed** building. Outdoor *yards* and runs shall be allowed as an *accessory use*, and operated during the hours of **7:00 a.m. to 9:00 p.m.**
 - b. **Setbacks.** Outdoor *yards* and runs shall be a minimum of **25 feet** from all *property lines*.
 - c. **Nuisances.** No *kennel* shall generate **noise, vibrations, dust, or odors** which are detectable beyond the *property lines*.

I. **Oil and Gas Drilling**

1. **Zone Districts Permitted:** NMU, CMU, RMU, GMU, and I *Zone Districts*
2. **Approving Authority:** Zoning Administrator

3. **Standards:**

- a. Drilling for, and the extraction of, oil, gas, petroleum, and hydrocarbons shall be in compliance with the provisions of **Chapter 21**.

J. **Outdoor Storage and Processes**

- 1. **Zone Districts Permitted:** I *Zone District* as a principal or *accessory use* and **CMU** and **RMU** *Zone Districts* as an *accessory use*.
- 2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or *Administrative Staff*; If No *Site Plan* Required: *Zoning Administrator*.
- 3. **Standard:**

- a. **Screened.** All *outdoor storage and processes* shall **be screened from view, as determined by the Approving Authority**. (Sections 39-6.02 and 39-9.08 for applicable regulations.)

K. **Outdoor Sales, Outdoor Cafes, and Sidewalk Cafes**

1. **Outdoor Sales**

- a. **Zone Districts Permitted:**
 - 1) **NMU, RMU, GMU, and F Zone Districts:** Seasonal sales as accessory to a permitted indoor use. The outdoor sales area shall not **exceed 20%** of each *yard area*.
 - 2) **CMU and I Zone Districts:** *Principal use* and accessory to a permitted indoor use.

- b. **Approving Authority:** *Zoning Administrator*
- c. **Exempt:** *Garages and Yard Sales* see **Temporary Uses** Section 39-4.02.R.

2. **Outdoor Cafes** are located on private property.

- a. **Zone Districts Permitted:** All *Zone Districts* where restaurant uses are permitted
- b. **Approving Authority:** *Zoning Administrator*; **DDA** when located in the following F Sub-Districts: CDT, NDT, EDT, WDT, and CENT. A permit is required (Sections 39-12.02 and 39-12.04).



Outdoor Sales



Outdoor Cafe



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c. **Standards:**

- 1) Outdoor seating areas shall be permitted as an **accessory use** to a principal restaurant use.
 - 2) The tables, chairs, fencing, and other aspects of the cafe shall be designed to be architecturally compatible with existing *structures* on the subject property.
 - 3) The cafe shall be free of debris and litter.
 - 4) Only food and beverages may be provided and consumed within the cafe.
 - 5) See Chapter 32 of the Code of Ordinances for additional regulations.
 - 6) The cafe shall meet all County, State, and Federal requirements for food sales, liquor control, and other relevant regulations.
3. **Sidewalk Cafes** are located on public property.
- a. **Zone Districts Permitted:** All *Zone Districts* where *restaurant uses* are permitted.
 - b. **Approving Authority:** Zoning Administrator; **DDA** when located in the following F Sub-Districts: CDT, NDT, EDT, WDT, and CENT. The permit shall expire after 365 days unless it is renewed. A permit is required (Sections 39-12.02 and 39-12.04).
- c. **Standards:**
- 1) Comply with Section 39-4.02.K.2.c.
 - 2) Shall submit proof of insurance with coverage and terms to be defined by the City Attorney.
 - 3) **Safe Use of Sidewalks:** A minimum pedestrian clear width of **6 feet** (8 feet along 8th Street between Columbia and Pine Streets) is required along all public walkways at all times.
 - 4) The tables and chairs shall not be permanently anchored to the ground.

5) Shall submit a statement indemnifying the City from liability in a form deemed sufficient by the City Attorney.

6) **Tulip Time Restriction:** Non-fenced sidewalk cafes in CDT and EDT shall not operate until 1 hour after Tulip Time Festival parades.

L. **Parking Lots as a Principal Use**

1. **Zone Districts Permitted:** ED and I *Zone Districts*
2. **Approving Authority:** Zoning Administrator
3. **Additional Review Processes:** *Special Land Use* approval in CMU and F *Zone Districts* per Section 39-4.04.H.
4. **Standards:**
 - a. **Uses Prohibited.** *Commercial* repair work, sales, or display shall not take place in *parking lots*, unless the *parking lot* is associated with an approved *vehicle repair or vehicle sales* use.
 - b. **Setback:** See Section 39-9.02.B.5.
 - c. **Screening.** If located within **10 feet** of the front lot line, the lot shall be concealed behind a continuous **60 to 72 inch** high manicured evergreen *hedge* or a minimum **48 inch** high decorative masonry wall adjacent to the sidewalk. The only openings in the *hedges* or walls shall be for vehicular and pedestrian entrances.
 - d. **Pedestrian Access.** *Parking lots* shall have a minimum of **1 pedestrian entrance** along all *street frontages*. The *Planning Commission* may determine that the *vehicle* entrance is sufficient for a given frontage.
 - e. **Landscaping.** *Parking lots* shall meet all applicable landscape requirements of *UDO*. See Article 39-6.



Parking Structures with Ground Floor Liner Buildings and screening for upper stories.

M. Parking Structures as a Principal Use

1. **Zone Districts Permitted:** ED and I *Zone Districts*
2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative; If No *Site Plan* Required: Zoning Administrator
3. **Additional Review Processes:** *Special Land Use* approval in CMU, GMU, and F *Zone Districts* per Section 39-4.04.I.
4. **Standards:**
 - a. The ground story shall include a **commercial liner building** on all *street frontages* or shall be entirely blocked from street view by *buildings*.

- b. Upper stories shall be designed so that *vehicles cannot be seen* from the street level.

N. Public Lodging

1. **Zone Districts Permitted:** CMU, RMU, GMU, and F *Zone Districts*; ED and PUD as an *accessory use*; I as an *outlot use*
2. **Approving Authority:** *Planning Commission* or Administrative Review Team
3. **Standards:**
 - a. **F, RMU, GMU, and ED Zone Districts:** all rooms shall be accessed by interior hallways.
 - b. Shall comply with the requirements of **Chapter 26** of the City’s Code of Ordinances.

O. Recycling Collection Centers

1. **Zone Districts Permitted:** I *Zone District*
2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative Staff; If No *Site Plan* Required: Zoning Administrator
3. **Standards:**
 - a. Shall meet the requirements of *Outdoor Storage and Processes Section 39-4.02.J.3.*
 - b. **Materials.** Materials collected shall be limited to aluminum, copper, plastic, glass, paper materials, and batteries.
 - c. **Containers.** Collection containers shall be a minimum of **20 feet** from any *property line* adjacent to a *residential use* or *Residential Zone District*.
 - d. **Outside Storage.** If stored outside, recyclable materials shall be within weather-tight containers no higher than **8 feet**.
 - e. **Screening.** Collection containers and recycling locations shall be *screened* from external view by solid fencing, a vegetative *screen*, or a combination of both, as approved by the *approving authority*.

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f. **Processing Equipment.** Processing equipment, including crushers and sorting equipment, shall not be part of an outside collection operation.

P. Self Storage Facilities

1. **Zone Districts Permitted:** CMU, RMU, and I *Zone Districts*
2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative Staff; If No *Site Plan* Required: Zoning Administrator
3. **Standard:**
 - a. Storage units with exterior doorways shall be accessed by a durable pavement drive aisle that is a minimum of **24 feet wide**.

Q. Short Term Rentals

1. **Owner-Occupied.**
 - a. **Zone Districts Permitted:** All *Zone Districts*
 - b. **Approving Authority:** Zoning Administrator
 - c. **Standards:**
 - 1) The **property owner resides** in the *short term rental dwelling unit*;
 - 2) The *property owner* may rent 1 room of the *dwelling unit* for up to **365 days per year**, or up to **60 days** while they are away.
 - 3) Shall meet the requirements in **Chapter 14** of the Code of Ordinances.

2. **Investor-Owned in Residential Zone Districts.**

- a. **Zone Districts Permitted:** LDR, CNR, MDR, and TNR *Zone Districts*
- b. **Approving Authority:** Zoning Administrator
- c. **Standards:**
 - 1) There shall be a maximum of **25** investor-owned *short term rental* units total in the *Residential Zone Districts* of the City.

2) There shall be a **500 foot separation distance** between the *property lines* of each investor-owned *short term rental dwelling unit*.

3) Shall meet the requirements in **Chapter 14** of the Code of Ordinances.

3. **Investor-Owned in All Other Zone Districts.**

- a. **Zone Districts Permitted:** NMU, CMU, RMU, GMU, I, PUD, and F where *residential uses* are permitted.
- b. **Approving Authority:** Zoning Administrator
- c. **Standards:**

1) Shall meet the requirements in **Chapter 14** of the Code of Ordinances.

2) If located in a PUD *Zone District*, the Master Deed of the site or general *condominium* shall state that *Short Term Rentals* are allowed.

4. **Tulip Time.** Notwithstanding the above sections, any *dwelling unit* may be rented out, in whole or in part, for up to **10 days** during the designated Tulip Time Festival.

R. Temporary Uses

1. **Zone Districts Permitted:** All *Zone Districts* where the use would not typically be allowed as a *permitted use*.
2. **Approving Authority:** Zoning Administrator. A permit is required for some uses (Sections 39-12.02 and 39-12.04).
3. **Standards:**
 - a. A temporary use shall not last more than **2 weeks**.
 - b. **Examples.** Arts and Craft fairs, carnivals, *vehicle sales*, vendor sales, etc.
 - c. **Compliance with zoning standards shall be required for approval.**
 - d. **Exception to zoning compliance.** Parking may be located on a non-durable surface for temporary uses.
4. **Garage or Yard Sales:** shall be allowed up to 3 times per calendar year, with each sale lasting no more than 4 consecutive days.

5. **Tulip Time:** Temporary *uses* and activities associated with the annual Tulip Time Festival may be authorized by *City Council* for a prescribed amount of time, and may include activities that would normally be prohibited, such as food trucks in the *F Zone District*, and sales of merchandise on City property.

S. Vehicle Repair

1. **Zone Districts Permitted:** CMU, RMU, and I *Zone Districts*; **GMU Zone District** on corridors designated in Section 39-2.14.
2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative Staff; If No *Site Plan* Required: Zoning Administrator
3. **Additional Review Processes:** *Special Land Use* approval for additions to existing *vehicle repair uses* in the *NMU Zone District* per Section 39-4.04.K.
4. **Standards:**
 - a. **Location.** Servicing and repair of *vehicles* shall be permitted only inside a fully enclosed *building*.
 - b. **Outside storage or parking** of disabled, wrecked, inoperable, or partially dismantled *vehicles* shall not be permitted outside of specifically designated areas. *Outdoor storage* of damaged or inoperable *vehicles* shall be subject to all requirements for *Outdoor Storage* in Section 39-4.02.J.3.
 - c. **Building Elevations** shall specify the locations of overhead doors. All overhead doors shall be accessed by drive aisles that meet the dimensional standards of *UDO*.
 - d. **Vehicle Sales** associated with repair facilities shall receive zoning approval for each use, and shall meet all applicable standards, including those in Section 39-4.02.T.3.
 - e. **City, County, State, and Federal regulations** for the storage, transportation, and disposal of oil, gasoline, and other flammable liquids shall be met.

T. Vehicle Sales

1. **Zone District Permitted:** CMU
2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative Staff; If No *Site Plan* Required: Zoning Administrator
3. **Additional Review Processes:** *Special Land Use* in *RMU Zone District*. *NMU Zone District* for existing *vehicle sales uses* per Section 39-4.04.L.
4. **Standards:**
 - a. **Vehicle display, parking, and circulation areas** shall be paved with a **durable surface** and include bumper guards or curbing that separates paved areas from landscaped and lawn areas. Another means may be approved by the *Planning Commission*.
 - b. **Outdoor display areas** shall be located a minimum of **10 feet** from all *property lines*. Display spaces shall be clearly delineated on the *Site Plan*. All display *vehicles* shall be parked in display spaces. Display cars shall not be parked in required *parking spaces*.
 - c. **Vehicle Repair** associated with *Vehicle Sales* facilities shall receive zoning approval for each use, and shall meet all applicable zoning standards, including those in Section 39-4.02.S.4.
 - d. **A minimum 500 square foot permanent structure** shall be provided on the lot to serve as **offices and restrooms** for the *Vehicle Sales* use.

U. Vehicle Wash

1. **Zone Districts Permitted:** CMU, RMU, and I *Zone Districts*, and *GMU Zone District* on corridors
2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative Staff; If No *Site Plan* Required: Zoning Administrator
3. **Standard:**
 - a. **Stacking lane(s)** shall be provided for a minimum of **7 vehicles**. The stacking lane(s) shall be designed to prevent *vehicles* from queuing into an adjacent street.

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V. Vendor Trucks

1. **Zone Districts Permitted:** NMU, CMU, RMU, GMU, ED, I, PUD and F *Zone Districts*.
2. **Approving Authority:** Zoning Administrator
3. **Additional Review Processes:**
 - a. **F-CDT, F-NDT, F-EDT, and F-CENT Sub-Districts and NMU Zone District:** Permitted on **Private Property** as part of an Outdoor Cafe per Section 39-4.02.K.2. Permitted on any private property for a special event lasting no more than 24 hours with a maximum of 6 events per calendar year.
 - b. **PUD:** Permitted if allowed by the original development agreement, or if a site plan amendment is made.
 - c. **On Public Property including Parks, Streets and other City owned Property:** Permitted when approved by the City Manager through the Use of City Facilities process. Except for Windmill Island Gardens, the Civic Center Place and the Farmer's Market may be approved by the Department Director of that facility, or their designee.
4. **Standards:**
 - a. Shall be permitted as either a permanent or a temporary use unless otherwise stated in this chapter.
 - b. Each vendor shall obtain an annual license from the City Clerk's office per **Chapters 17** and **24** of the Code of Ordinances.
 - c. **Transient Merchants and Peddlers:** The standards above shall not apply to drummers and peddlers that are regulated by **Chapter 24** of the Code of Ordinances.

W. Warehousing

1. **Zone Districts Permitted:** CMU, RMU, and I *Zone Districts*
2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative Staff; If No *Site Plan* Required: Zoning Administrator
3. **Standards:**

- a. A complete list of all flammable, explosive, and hazardous materials to be stored shall be submitted with the *Site Plan* application.

X. Wireless Communication Facilities Less Than 40 Feet

1. **Zone Districts Permitted:** All *Zone Districts*: when mounted on an existing *structure*; **CMU, GMU, RMU, I, OS, PUD, and F Zone Districts** when new *structure* is less than **40 feet in height**
2. **Approving Authority:** Zoning Administrator
3. **Additional Review Processes:**
 - a. **Special Land Use** approval if **40 feet** or greater in height in the CMU, I, and OS *Zone Districts* per Section 39-4.04.M.
4. **Standards:**
 - a. **Documentation** shall be submitted showing that the facility is in compliance with all applicable Federal Communications Commission regulations regarding radio frequency emissions and that the facility will not cause interference with any nearby existing wireless communications facilities.
 - b. **Lighting** shall not be added to the *structure* unless required by the Federal Aviation Administration.
5. **Small Cell Wireless Facilities Co-Located and on Private Property:**
 - a. Shall be reviewed in the same manner and following the standards of Section 39-4.02.X.3.
 - b. Shall meet the standards set forth in MCL 460.1317 (2) and (3) and in **Chapter 7** of the Code of Ordinances.
6. **Small Cell Wireless Facilities are exempt** from this section if they meet one of the following:
 - a. **Located on a public property** or in the street *right-of-way*;
 - b. **The replacement** of a Small Cell Wireless facility with a Small Cell Wireless facility that is **not larger or heavier** than the existing facility and is in compliance with applicable codes;

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- c. **Routine maintenance** of a Small Cell Wireless facility, utility pole, or wireless support *structure*;
- d. **Micro Wireless Facility** installation, placement, maintenance, operation, or replacement of that is suspended on cables strung between utility poles or wireless support *structures* in compliance with applicable codes.

Y. Care Facilities

1. **Zone Districts Permitted:** HDR; up to 20 occupants
2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative Staff; If No *Site Plan* Required: Zoning Administrator
3. **Additional Review Processes:** *Special Land Use* approval in HDR with over 20 Occupants, RMU and GMU *Zone Districts*, see [Section 39-4.03](#).
4. **Standards:**
 - a. **Screened** – All outdoor patios and outdoor recreation areas shall be screened from adjacent residential uses.
 - b. Shall comply with Chapter 26, Article II Residential Care Facilities, of the City Code of Ordinances.

Z. Shelters

1. **Zone Districts Permitted:** CMU, RMU, GMU, ED, I, PUD and F *Zone Districts*
2. **Approving Authority:** If *Site Plan* Required: *Planning Commission* or Administrative Staff; If No *Site Plan* Required: Zoning Administrator
3. **Standards:**
 - a. Shall comply with Chapter 26, Article I Public Lodging Houses and Shelters, of the City Code of Ordinances.

- A. List of Special Land Uses and Allowable Zone Districts.** The following uses shall be approved as *Special Land Uses* by the *Planning Commission*, using **The Basic Special Land Use Standards** per Sections [39-4.03.B](#) and [39-12.08](#).
1. **Child Care Centers** – NMU, CMU, RMU, GMU, and I *Zone Districts*
 2. **Dwelling Units: 5 or more** – NMU *Zone District*
 3. **Event Venue** – NMU, RMU, and F *Zone Districts*
 4. **Government/Municipal Services** - All *Zone Districts* except OS
 5. **Hospitals** – CMU and RMU *Zone Districts*
 6. **Institutions of Higher Education** – All *Zone Districts* except ED
 7. **K-12 Schools** – All *Zone Districts* except OS. Public schools where the State Superintendent has exclusive jurisdiction are exempt from all *zoning* requirements.
 8. **Maker Spaces** - NMU and F *Zone Districts*
 9. **Manufacturing (Low Intensity)** – CMU and RMU *Zone Districts*
 10. **Care Facilities** – HDR for over 20 Occupants, RMU and GMU *Zone Districts*
 11. **Power Plants- Non-Wind or Solar** – I *Zone District*
 12. **Recreation (Indoor)** – OS *Zone District*
 13. **Recreation (Outdoor)** – RMU, GMU, F *Zone Districts*. Note: Public parks are permitted in all *Zone Districts*, including *Zone Districts* where other *outdoor recreation* is prohibited or requires *Special Land Use* Approval.
 14. **Religious Institutions** – RMU, GMU, I, and F *Zone Districts*
 15. **Research and Development** – GMU *Zone District*
 16. **Transportation and Logistics** – CMU *Zone District*
- B. Summary of The Basic Special Land Use Standards** ([Section 39-12.08](#))

S SECTION 39-4.03 SPECIAL LAND USES WITH BASIC STANDARDS REQUIRED

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1. The use and the *Site Plan* shall be **consistent with the intent of UDO.**
2. The *Site Plan* shall **comply with all UDO requirements.**
3. The use shall be **designed, constructed, operated, and maintained to be compatible** with *uses* on surrounding properties, and the site design shall minimize the impact of site activity on surrounding properties.
4. **In determining** if these above requirements have been met, consideration will be given to how the following relates to the surrounding properties:
 - a. **Parking** – location and *screening* of vehicular circulation;
 - b. **Outdoor storage, activity, or work areas, and mechanical equipment;**
 - c. **Structure massing, placement, and materials;**
 - d. **Hours of Operation.** Approval may be conditioned upon operation within specified hours to minimize impact on surrounding properties.
5. **Landscaping and additional amenities proposed.** Approval may be conditioned upon additional *landscaping or amenities* being added to the site design.
6. Compatibility with the City of Holland’s **Master Plan.**
7. Adequate access to **public services.**
8. **Impact of traffic.** A *Traffic Impact Study* may be required for all *Special Land Uses*.
9. No **detrimental effects** are foreseen due to *noise, vibration, smoke, fumes, odors, dust, glare, and light, etc.* on surrounding properties.
10. Shall be compatible with the **natural environment and conserve natural resources and energy.**

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SECTION 39-4.04 SPECIAL LAND USES WITH BASIC STANDARDS AND SPECIFIC USE STANDARDS REQUIRED

- A. **List of Special Land Uses with Basic Standards AND Specific Use Standards Required**
 1. **Alternative Energy (Wind and Solar)** – All *Zone Districts*
 2. **Firearm and Archery Ranges** – CMU and I *Zone Districts*
 3. **Gas Stations** – CMU, GMU, and I *Zone Districts*
 4. **Manufacturing – (High Intensity)** – I *Zone District*
 5. **Marinas** – All *Zone Districts*
 6. **NMU Mixed Use Buildings with 5 or more Attached Dwelling Units** – NMU *Zone District*
 7. **Parking Lots as a Principal Use** – CMU and F *Zone Districts*
 8. **Parking Structures as the Principal Use** – CMU and F *Zone Districts*
 9. **Sexually Oriented Businesses** – CMU *Zone District*
 10. **Vehicle Repair** – NMU *Zone District*
 11. **Vehicle Sales** – NMU and RMU *Zone Districts*
 12. **Wireless Communication Facilities** – CMU, I and OS *Zone Districts*
 13. **Campground** – CMU, OS, and PUD *Zone Districts*
- B. **Alternative Energy**
 1. **Wind Turbines over 40 feet in height (Large Scale)**
 - a. **Zone Districts Permitted as a Special Land Use:** As an *accessory use* in all *Zone Districts*; as a *principal use* in the I *Zone District*
 - b. **Approving Authority:** *Planning Commission*

- c. **Additional Review Processes:** For wind turbines **40 feet or less in height**, see Section 39-4.02.B.1.
 - d. **Standards:**
 - 1) **Large scale.** Shall be freestanding. Shall not be considered an *accessory structure*.
 - 2) **Shall comply** with the Basic *Special Land Use Standards* in Sections 39-4.03.B and 39-12.08.
 - 3) **Setbacks.** The minimum setback for the turbine structure shall equal to the maximum *tip height* of the turbine.
 - 4) **No Maximum Tip Height.** There shall be no maximum *tip height*, however, the proposed *height* shall meet all State and Federal regulations and be approved by the West Michigan Airport Authority and the *Planning Commission*. The *Planning Commission* may require a lesser *height*.
 - 5) **Minimum Ground Clearance.** The minimum vertical blade tip clearance from *grade* shall be **50 feet**.
 - 6) **Shadow Flicker.** Shall not produce off-site shadow flicker.
 - 7) **Noise Standards.**
 - a) *Applicant* shall provide an initial sound modeling report and, within 6 months of commencing operation of the wind turbine, a post-construction sound report for the project.
 - b) No wind turbine shall generate audible *noise* that exceeds 45 *dBA* (*Lmax*) or 55 *dBC* (*Lmax*) (*dBC* to *dBA* ratio of 10 *dB* per ANSI standard S12.9 Part 4 Annex D) for any duration, at a *property line*.
 - c) Leq 1-sec shall be used for all measurements and modeling.
2. **Solar Panel Arrays as a Principal Use**
- a. **Zone Districts Permitted as a Special Land Use:** I *Zone District*

- b. **Approving Authority:** *Planning Commission*
- c. **Additional Review Processes:** Permitted as accessory freestanding or roof-top per Section 39-4.02.B.2.
- d. **Standards:**
 - 1) **Large scale.** Shall be freestanding solar panel arrays. These standards include all associated equipment and facilities.
 - 2) **The Basic Special Land Use Standards** in Sections 39-4.03.B and 39-12.08 shall be met.
 - 3) **Setbacks.** Shall be set back at least **20 feet** from the nearest *property line* and **100 feet** from the nearest residential dwelling.
 - 4) **Height.** Freestanding principal solar panel arrays shall not exceed **25 feet** in *height*.
 - 5) The *applicant* shall obtain approval from the Holland Board of Public Works (HBPW).

C. Firearm and Archery Ranges

- 1. **Zone Districts Permitted as a Special Land Use:** CMU and I *Zone Districts*
- 2. **Approving Authority:** *Planning Commission*
- 3. **Standards:**
 - a. **The Basic Special Land Use Standards** shall be met per Sections 39-4.03.B and Section 39-12.08.
 - b. **Minimum Property Area:** 30,000 square feet.
 - c. **The submittal and approval of the following items:**
 - 1) **Certification from the indoor range equipment manufacturer** that the equipment meets all applicable Federal, State, and Local regulations for *archery and shooting ranges* and indicates the size or type of weapon the range is designed for. The indoor

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range equipment includes all baffles and walls designed to contain arrows and bullets or other projectiles.

- 2) **Certification from the project architect** and/or professional engineer that the facility meets the current requirements for all applicable Federal, State, and Local regulations for *archery and shooting ranges*.
- 3) **Certification from the contractor or installer** that the equipment described in the application has been installed and complies with all manufacturer and architectural directions, requirements, and specifications.
- 4) **Certification from the range operator** that the facility will at all times comply with all applicable Federal, State, and Local regulations, will meet or exceed all commonly accepted shooting range safety and design practices, and will be operated in a manner that protects the health, safety and welfare of the general public.

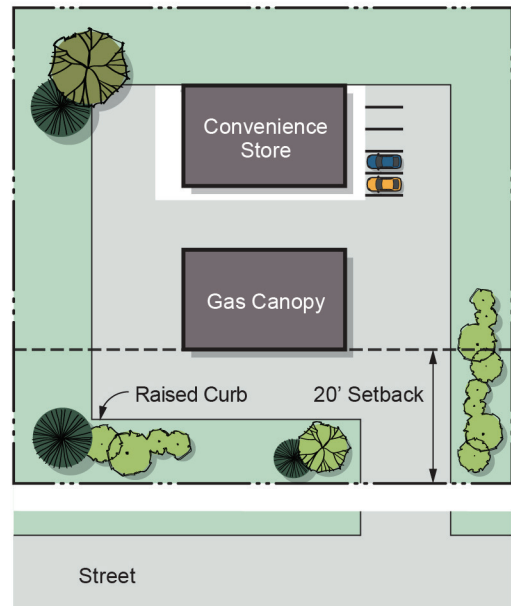
d. **The following standards shall also be adhered to:**

- 1) The range operator shall **only allow weapons** of the size or type the range is designed for as set forth in the manufacturer's certificate.
- 2) The *applicant* or range operator shall **not modify** the indoor range equipment, on-site lead collection system or HVAC system without first obtaining an amended *Special Land Use* approval.
- 3) The range *owner* shall **obtain and maintain a license** as required by **Chapter 17** of the Code of Ordinances.
- 4) The range shall be **subject to inspection** upon request of the City to verify ongoing compliance with the requirements of this section.

- 5) The interior of the *building* shall be **impenetrable** to the discharge of any bullet or other projectile shot or discharged in the range.
- 6) **Audible noise** from the discharge of any *firearm* shall comply with the requirements of **Chapter 19** of the City Code of Ordinances.
- 7) The range shall have an **on-site lead cleanup system** and HVAC filtration system in compliance with all Federal and State regulations.
- 8) **Hours of operation:** 7:00 a.m. to 9:00 p.m.

D. **Gas Stations**

1. **Zone Districts Permitted as a Special Land Use:** CMU and I *Zone Districts* and GMU *Zone District* when on street corridors.
2. **Approving Authority:** *Planning Commission*
3. **Standards:**
 - a. **The Basic Special Land Use Standards** shall be met per Sections 39-4.03.B and Section 39-12.08.
 - b. A raised curb of **6 inches** in *height* shall be constructed to separate the landscape planting areas from the driveways and pump areas.



- c. Pump islands shall be set back a minimum of **35 feet** from all *property lines*.
- d. The site shall be designed to have **sufficient truck turning space** for fuel deliveries. An internal and external movement diagram is required with the *Site Plan* application.
- e. All City, County, State, and Federal regulations regarding the storage and transportation of gasoline and other flammable liquids shall be met.
- f. **Canopy structures** shall meet the following requirements:
 - 1) **Minimum Setback:** 20 feet
 - 2) **Height: Minimum:** 13 feet, 6 inches; **Maximum:** 20 feet
 - 3) **Lighting and signage** on the *canopy* shall comply with Article 39-7 and Article 39-8.
 - 4) A *canopy* may be either **attached or detached from the main building**.
 - 5) A *canopy* shall use a **similar roof form, pitch, and materials** in order to resemble the roof covering of the main *building*. Materials, colors, and supporting columns shall **coordinate with the design** of the main *building*.
 - 6) A *canopy* shall not cover **architectural details, windows, transparency, or the expression line** of the main *building*.
 - 7) A *canopy structure* shall not be enclosed.
 - 8) If any part of the *canopy* is illuminated, **highly reflective material shall not be installed** on the underside of the *canopy*.

E. Manufacturing (High Intensity)

- 1. **Zone Districts Permitted as a Special Land Use:** I *Zone District*
- 2. **Approving Authority:** *Planning Commission*

- 3. **Additional Review Processes: Low Intensity Manufacturing.** Permitted in I *Zone District*. *Special Land Use* Approval in CMU and RMU *Zone Districts*.
- 4. **Standards:**
 - a. **The Basic Special Land Use Standards** shall be met per Section 39-4.03.B and Section 39-12.08.
 - b. **Determination of High Intensity vs. Low Intensity:**
 - 1) Staff shall refer proposed *uses* that may meet the definition of High Intensity in Article 39-14 to the *Planning Commission* for a **Determination of High Intensity**.
 - 2) **Appeals of High Intensity** determinations by the *Planning Commission* shall be made to the *Board of Appeals*.

F. Marinas

- 1. **Zone Districts Permitted as a Special Land Use:** All *Zone Districts*
- 2. **Approving Authority:** *Planning Commission*
- 3. **Standards:**
 - a. **The Basic Special Land Use Standards** are met per Section 39-4.03.B and Section 39-12.08.
 - b. **Storage of boats shall be permitted.** Storage locations for boats shall be delineated on the *Site Plan*.
 - c. **Discarding of waste or refuse.** Facilities shall be provided at the *marina* for disposal of refuse from boating holding tanks in a sanitary manner.
 - d. **Refuse and garbage containers** with covers shall be provided and kept in clean and sanitary condition.
 - e. **Restroom facilities** shall be provided at a ratio of 1 toilet per 40 boat slips.
 - f. **Access drives** between boat storage spaces shall meet the dimensional requirements of *UDO*.
 - g. **The following accessory uses may be permitted as part of the Marina use:**

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- 1) Storage of boats.
- 2) Locker Room or restroom facilities.
- 3) Private club or *indoor recreation* space.
- 4) Gas pumps or other boat fueling facilities.
- 5) *Outdoor Recreation* use.

h. The following accessory uses shall be approved separately from the Marina.

- 1) Restaurants
- 2) *Vehicle repair* (including boats)
- 3) *Residential* Uses
- 4) Public Lodging
- 5) Event venue or *Indoor Recreation* use open to the general public

G. NMU Mixed Use Buildings with 5 or more Attached Dwelling Units

- 1. **Zone Districts Permitted as Special Land Use:** NMU *Zone District*
- 2. **Approving Authority:** *Planning Commission*
- 3. **Standards:**
 - a. **The Basic Special Land Use Standards** are met per Section 39-4.03.B and Section 39-12.08.
 - b. **Surrounding and adjacent uses to the site** are *residential*.
 - c. **The site is in close proximity to**, but not adjacent to, other neighborhood *commercial* uses that serve the desired *commercial* need.
 - d. **The proposed development maintains a minimum of 20% commercial use** on the first story of the front street that meets the window glazing requirements in Section 39-2.11.E.
 - e. **The proposed development advances a goal of the City's Master Plan**, as determined by the *Planning Commission*.
 - f. **Rationale for the Special Use is provided by the applicant** that is reasonable, as determined by the *Planning Commission*.

H. Parking Lots as a Principal Use

- 1. **Zone Districts Permitted as a Special Land Use:** CMU and F *Zone Districts*
- 2. **Approving Authority:** *Planning Commission*
- 3. **Additional Review Processes:** Permitted in ED and I *Zone Districts* per Section 39-4.02.K.
- 4. **Standards:**
 - a. **The Basic Special Land Use Standards** are met per Section 39-4.03.B and Section 39-12.08.
 - b. **In the F Zone District**, the *Form Based Code Parking Lot* Standards are met per Section 39-3.08.
 - c. *Planning Commission* determines the *parking lot* is necessary to support nearby uses.
 - d. *Planning Commission* determines the *Parking Lot* will not negatively impact the vibrancy, walkability, or historic character of the surrounding area.
 - e. **Uses Allowed.** *Parking lots* shall be used for short term parking, not long-term storage. Commercial repair work, sales, or display shall not take place in any *parking lot* not associated with an approved *vehicle repair* or sales use.
 - f. **Structures Permitted.** Shelter for attendants.
 - g. **Setback.** See Section 39-9.02.C.3.
 - h. **Screening.** If located within **10 feet** of the front lot line, the lot shall be concealed behind a continuous **5 to 6 foot** high manicured evergreen *hedge* or a minimum **4 foot** high decorative masonry wall adjacent to the sidewalk. The only openings in the *hedges* or walls shall be for vehicular and pedestrian entrances.
 - i. **Pedestrian Access.** *Parking lots* shall have a minimum of **1 pedestrian entrance** along all *street frontages*. The *Planning Commission* may determine that the *vehicle* entrance is sufficient for a given frontage.

- j. **Landscaping.** *Parking lots* shall meet all applicable landscape requirements of *UDO* in Article 39-6.

I. Parking Structures as the Principal Use

1. **Zone Districts Permitted as a Special Land Use:** CMU and F *Zone Districts*
2. **Approving Authority:** *Planning Commission*
3. **Additional Review Processes:** Permitted in ED and I *Zone Districts* per Section 39-4.02.M.
4. **Standards:**
 - a. **The Basic Special Land Use Standards** are met per Section 39-4.03.B and Section 39-12.08.
 - b. In the F *Zone District*, the *Form Based Code Parking Structure* Standards are met per Section 39-3.08.
 - c. *Planning Commission* determines the *Parking Structure* is **necessary to support nearby uses**
 - d. *Planning Commission* determines the *parking lot* will **not negatively impact the vibrancy, walkability, or historic character** of the surrounding area.
 - e. The ground *story* shall include a **commercial liner building** on all *street frontages* or shall be entirely blocked from street view by *buildings*.
 - f. Upper *stories* shall be designed so that *vehicles* **cannot be seen from the street level**.

J. Sexually Oriented Business

1. **Zone Districts Permitted as a Special Land Use:** CMU *Zone District*
2. **Approving Authority:** *Planning Commission*
3. **Standards:**
 - a. **The Basic Special Land Use Standards** shall be met per Section 39-4.03.B and Section 39-12.08.
 - b. **Chapter 40** of the Code of Ordinances shall be met.
 - c. **Signs** for a sexually oriented business shall comply with the requirements of Article 39-8, and no *sign* shall contain

any words, lettering, photographs, silhouettes, drawings or pictorial representations of a sexually explicit manner.

- d. **Location.** The proposed use is **not located or operated within 500 feet** of a *Religious Institution*; public or private nursery school, preschool, kindergarten, elementary or secondary school, public park, licensed child-care center, entertainment business oriented toward children or family entertainment, the boundary of any *residential Zone District* or a *residential* use not located within a *residential Zone District*. The proposed use shall **not be located within 1,000 feet** of another Sexually Oriented Business. The following shall be met:

- 1) The separation distance between a Sexually Oriented Business and a use listed in Section 39-4.04.J.3.d shall be measured from the Sexually Oriented Business structure to the *property line* of the other use. The separation distance between two Sexually Oriented Businesses shall be measured from *property line* to *property line*.
- 2) An approved Sexually Oriented Business shall not be designated a *nonconforming use* when determining location proximities.
- 3) If any portion of the structure or property the Sexually Oriented Business is located in fails to meet the separation distance requirements of this section, then the entire structure or property shall be ineligible for a Sexually Oriented Business use.
- 4) The distances listed above shall carry across municipal boundaries, such that *uses* or *Zone Districts* not within the boundaries of the City of Holland may restrict the location of Sexually Oriented Businesses.

K. Vehicle Repair

1. **Zone District Permitted as a Special Land Use:** NMU *Zone District*

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2. **Approving Authority:** *Planning Commission*
3. **Additional Review Processes:** Permitted in CMU, RMU, and I *Zone Districts*. In GMU *Zone District* on corridors per Section 39-4.02.S.
4. **Standards:**
 - a. **The Vehicle Repair use is existing;**
 - b. **The Basic Special Land Use Standards** are met per Section 39-4.03.B and Section 39-12.08.
 - c. **Servicing and repair of vehicles** shall only be permitted inside a fully enclosed building;
 - d. **Outside storage** or parking of disabled, wrecked, inoperable, or partially dismantled *vehicles* shall not be permitted outside of areas specifically designated on the *Site Plan*. *Outdoor storage* of damaged or inoperable *vehicles* shall be subject to all requirements for **Outdoor Storage** in Section 39-4.02.J.
 - e. **Overhead doors** shall be clearly indicated on *building* elevations. All overhead doors shall be accessed by drive aisles that meet the dimensional standards of *UDO*.
 - f. **Vehicle Sales** associated with repair facilities shall receive separate *zoning* approval from the City, and shall meet all applicable standards, including those in Section 39-4.04.L.
 - g. All City, County, State, and Federal regulations regarding the storage, transportation, and disposal of oil, gasoline, and other flammable liquids shall be met.

L. Vehicle Sales

1. **Zone Districts Permitted as a Special Land Use:** RMU *Zone District*; NMU *Zone District* if there is an existing *Vehicle Sales* use.
2. **Approving Authority:** *Planning Commission*
3. **Additional Review Processes:** Permitted in CMU *Zone District* per Section 39-4.02.T.
4. **Standards:**

- a. **The Basic Special Land Use Standards** are met per Section 39-4.03.B and Section 39-12.08.
- b. **If located in NMU**, the *Vehicle Sales* use is existing;
- c. **Vehicle display, parking, and circulation areas** shall be paved with a durable surface, and include bumper guards, curbing, or another means approved by the *Planning Commission* that separates paved areas for landscaped and lawn areas.
- d. **Outdoor display areas** shall be located a minimum of **10 feet** from all *property lines*. Display spaces shall be clearly delineated on the *Site Plan*. All display *vehicles* shall be parked in display spaces. Display cars shall not be parked in required *parking spaces*.
- e. **Vehicle Repair facilities** associated with *Vehicle Sales* facilities shall receive separate *zoning* approval from the City, and shall meet all applicable standards, including those in Section 39-4.04.L.
- f. **A permanent structure** of a minimum of **500 square feet** shall be provided on the lot to serve as *offices* and restrooms for the *Vehicle Sales* use.

M. Wireless Communication Facilities

1. **Zone Districts Permitted as a Special Land Use:** CMU, I, and OS *Zone Districts* when a new *structure* is **40 feet** or greater in *height*.
2. **Approving Authority:** *Planning Commission*
3. **Additional Review Processes:**
 - **Permitted** in all *Zone Districts* when mounted on an **existing structure** per Section 39-4.02.X;
 - **Permitted** in CMU, RMU, GMU, I, OS, PUD, and F *Zone Districts* when the new *structure* is **less than 40 feet in height**, Small Cell Wireless Facilities on private property per Section 39-4.02.X, and Small Cell Wireless Facilities on public property per **Chapter 7** are permitted.
4. **Standards:**
 - a. **The Basic Special Land Use Standards** are met per Section 39-4.03.B and Section 39-12.08.

- b. Documentation shall be submitted showing that the facility is in compliance with **all applicable FCC regulations** regarding radio frequency emissions and that the facility will **not cause interference** with any nearby existing wireless communications facilities.
- c. If a new *structure* is to be constructed for the facility, it shall meet the following standards:
 - 1) **Lighting on the structure shall be prohibited** unless required by the Federal Aviation Administration (FAA).
 - 2) The *structure* shall be a **monopole design**. Guyed and lattice *structures* are prohibited.
 - 3) **No signage** shall be placed upon the *structure*.
- d. The *structure* shall be **the shortest possible height** required to provide the service desired. The *applicant* shall submit coverage and/or capacity information, including propagation maps and other information requested by the City, to demonstrate the needed service improvement and why the requested *height* is necessary. The City may request further information, including propagation maps, demonstrating the service at lower *heights*, in order to determine whether the requested *height* is necessary.
- e. Any *structure* proposed to be constructed **higher than 200 feet** in *height*, anywhere within the City, shall require the approval of the West Michigan Airport Authority, or their designated staff member, as part of the required *Site Plan* approval.
- f. **Time Limit Under State Law.** Review under this Section shall be completed within the time limits imposed by MCL 460.1317 (2). The Zoning Administrator shall determine when the application is complete under MCL 460.1317.

N. Campgrounds

- 1. **Zone Districts Permitted as a Special Land Use:** OS, CMU, and PUD *Zone Districts*
- 2. **Approving Authority:** *Planning Commission*
- 3. **Standards:**

- a. **The Basic *Special Land Use Standards*** are met per Section 39-4.03.B and Section 39-12.08.
- b. The campground shall comply with Part 125 of the Public Health Code, Act 368 of 1978, as amended, including required licenses and inspections.
- c. Minimum Property Area: 5 acres.
- d. Campsites shall be set back a minimum of **100 feet** from all *property lines*.
- e. *Retail* uses within the campground shall be no more than 2,000 square feet in area and shall be an *accessory use* to the campground use.
- f. The property shall be connected to public water and sewer.
- g. A permanent *building* containing bathrooms and shower facilities shall be provided and shall meet or exceed the minimum number required by the Public Health Code.
- h. The perimeter of the campground shall be enclosed by a solid *fence* or other screening as determined by the *approving authority*. *Fence* heights and types shall comply with Section 39-9.08.
- i. Dumpsters shall be centrally located in the campground and a minimum of **100 feet** from all *property lines*.
- j. Campsite access roads shall be a minimum of **100 feet** from all *property lines*, except for the main entrance driveway that provides access into the campground.
- k. Outdoor group activities shall be limited to 7AM – 10PM.
- l. The maximum duration of stay at a campground shall not exceed 29 consecutive days.
- m. An application and *Site Plan* for a campground shall contain the following:
 - 1) Items required by Section 39-12.09;
 - 2) *Landscaping* that complies with Article 39-6;

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- 3) Location of any electrical pedestals and water / sewer connections for individual campsites;
- 4) Playground equipment (if provided);
- 5) Any other *amenities* provided at the campground.

SECTION 39-7.02 APPLICABILITY

A. The provisions of this Article shall apply to all properties other than residential dwellings with 1-4 units.

Prohibited

Fixtures that produce glare and light trespass



Limited

Decorative fixtures shall be permitted if the light trespass is 18% or less.



Permitted

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



This graphic is meant to be illustrative and is not regulatory in and of itself.

- 1 Toolbox
- 2 Zone Districts
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- J. **City Council.** The *City Council's* primary responsibility is to make decisions regarding the present and future of the City of Holland. In matters concerning *UDO*, the *City Council* is the final *Approving Authority* on all *rezoning* requests, text amendments, *subdivision* plats, street vacations, and adoption of ordinances. *City Council* is comprised of 8 elected Council Members and the elected Mayor.

SECTION 39-12.04 ZONING ADMINISTRATOR REVIEW AND PERMIT PROCESS

- A. **Zoning** applications, changes of use and permits are reviewed by the *Zoning Administrator*, or designee, as described in the process table in [Section 39-12.02](#).
- B. *Zoning* permits are required for:
1. Home Businesses ([Section 39-4.02.G](#))
 2. Outdoor Cafes & Sidewalk Cafes ([Section 39-4.02.K](#))
 3. Temporary structures (tents) associated with temporary uses ([Section 39-4.02.R](#))
 4. Signs ([Article 39-8](#))
 5. Driveways and parking areas ([Section 39-9.02](#))
 6. Accessory structures under 200 square feet in area ([Section 39-9.05](#))
 7. Fences ([Section 39-9.08](#))
- C. **Applications** for a *zoning* permit shall be submitted to the Community and Neighborhood Services Department to ensure compliance with *UDO* and other applicable regulations. Application for a permit shall be made using forms provided by the department. If additional information or materials are required to be submitted with the application form, those items will be listed on the application form along with any additional approvals that may be required.
- D. **Appeals of Zoning Administrator** determinations. An applicant or aggrieved party shall appeal a *Zoning Administrator* determination to the *Board of Appeals* following the process specified in [Section 39-12.12.G](#). The appeal application shall stay action on any permit issuance.

SECTION 39-12.05 GENERAL REQUIREMENTS FOR ADMINISTRATIVE STAFF AND PLANNING COMMISSION REVIEW

- A. **Intent.** This section specifies general review process requirements for **any Application Type required other than a Zoning Permit**, regardless of whether it is reviewed by the Administrative or the *Planning Commission* process. See [Section 39-12.04](#).
- B. **Administrative Review Team Meeting.** Community and Neighborhood Services (CNS) planning staff **shall require** this meeting with the Administrative Review Team to **review a Basic Engineered Site Plan** to ensure early coordination on a given *development*, unless determined unnecessary by CNS staff. The Administrative Review Team shall include staff from the departments listed in [Section 39-12.03.C](#).
- C. **Application Submittal.** Per [Section 39-12.09](#), the *applicant* shall submit:
- An application
 - 2 scaled hardcopy *Site Plans* sized 24" x 32"
 - The application fee
 - The required supplementary materials
 - An electronic copy of everything
- The application materials shall be submitted to the Community and Neighborhood Services Department by 5:00 pm **28 days** prior to the Planning Commission meeting or **15 business days** prior to a desired Administrative Review decision. Applications shall **only be accepted** if all required contents are provided.
- D. **Public Notices of Applications.** Upon receipt of an application, the Community and Neighborhood Services Department shall adhere to the Michigan *Zoning Enabling Act*, P.A. 110 of 2006 and mail a written notice to notify property owners and occupants within a **300-foot radius**. If the proposed *development site* borders an adjacent municipality, that municipal governmental office and the properties within **300 feet** of the subject *site's* property lines shall both be noticed. See [Section 39-12.06](#) and

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Toolbox

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Zone
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Add'l Use
Standards

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Site Design
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Standards

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Landscaping/
Green Inf.

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Lighting

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Section 39-12.07 for noticing requirements pertaining to Administrative and *Planning Commission* reviews.

- E. **Administrative Review and Staff Report.** The Administrative Review Team shall review the application, *Site Plan*, and additional required materials, and make either a determination or recommendation, depending on the application type, which shall be compiled into a Staff Report with Conditions of Approval.
- F. **WMAA Recommendation.** For properties in the **Airport Overlay District**, please see Section 39-2.20. A Recommendation Report from the West Michigan Airport Authority (WMAA) or its designee shall be required and provided in the Staff Report, as described in Section 39-12.07.D.

- G. **Time Period for Obtaining Approval.** An *applicant* shall have a **maximum of 1 year** from the application submittal date to obtain a **Final Determination on the *Site Plan***. If approval is not achieved within this period, the application becomes null and void and a new application is required.
- H. **Expiration of Site Plan Approval.** A *Site Plan* approval is valid for **18 months**. If a *Building Permit* is not issued within the 18 month approval period, the *Site Plan* approval expires. *Site Plan* approvals may be eligible for a **1 year extension** if application is made to and granted by the *same Approving Authority* which approved the *Site Plan* prior to the expiration of the *Site Plan*.
- I. **Amendments to an Administratively Approved Site Plan.** If modifications are requested to an approved Administrative *Site Plan* prior to the completion of construction, the Administrative Review Team Staff shall determine if the change requested in a **Minor or Major Amendment** per the table in Section 39-12.05.K, and shall then review it accordingly.

J. **Amendments to a Planning Commission Approved Site Plan.** If modifications are requested to a *Site Plan* approved by the *Planning Commission* prior to the completion of construction, the following table shall be used to determine if the proposed *Site Plan* amendment is a **Minor or Major Amendment**.

K. **Minor and Major Amendments Table 39-12.05.K**

	CHANGE REQUESTED ^A	MINOR AMENDMENT ^B	MAJOR AMENDMENT ^C	NEW APPLICATION AND FEE REQUIRED
Structural Elements	Building Setbacks	Administratively approved Site Plan and most Planning Commission approved Site Plans	Planned Unit Development (PUD) Amendment or determined a Significant Change ^D	More than 1 setback change or Major Amendment
	Building Height	Administratively approved Site Plan and most Planning Commission approved Site Plans	Planned Unit Development (PUD) Amendment or determined a Significant Change ^D	Major Amendment
	Building Elevations and/or Materials	Administratively approved Site Plan and most Planning Commission approved Site Plans	Planned Unit Development (PUD) Amendment or determined a Significant Change ^D	Major Amendment
	Signage	All Approved Site Plans except Planned Unit Development (PUD)	Planned Unit Development (PUD)	Major Amendment
Site Elements	Utilities and Fire Code	All Approved Site Plans	-	Dependent on other Departments
	Lighting	Administratively approved Site Plan and most Planning Commission approved Site Plans	Planned Unit Development (PUD) Amendment or determined a Significant Change ^D	Major Amendment
	Landscaping	All Approved Site Plans, unless determined as Significant Change ^D	Determined a Significant Change if it would significantly change the amount of screening adjacent to residential uses ^D	Major Amendment
	Number of Parking Spaces (Auto/Bicycle)	All Approved Site Plans except Planned Unit Development (PUD)	Planned Unit Development (PUD) Amendment or determined a Significant Change ^D	Major Amendment
	Parking Lot Design	Administratively approved Site Plan and most Planning Commission approved Site Plans	Planning Commission approved Site Plan determined Significant ^D	Major Amendment
	Other Site Plan Change	All Approved Site Plans, unless determined as Significant Change ^D	Determined a Significant Change ^D	Major Amendment

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	CHANGE REQUESTED ^A	MINOR AMENDMENT ^B	MAJOR AMENDMENT ^C	NEW APPLICATION AND FEE REQUIRED
Form Based Code	Building or Frontage Types, Architectural Elements, or Building Envelopes	-	All Approved Site Plans	Yes
	Other Site Plan Changes	All Approved Site Plans, unless determined as Significant Change ^D	Determined a Significant Change ^D	Major Amendment

Footnotes

- ^A All amendments shall **comply with the zoning standards**. Amendments not meeting the required zoning standards shall require a Variance by the Board of Appeals
- ^B **Minor Amendments** are Administratively Reviewed
- ^C **Major Amendments** are Reviewed by Planning Commission
- ^D **Significant Change** – If staff is concerned that the change could potentially negatively impact the health, safety, or welfare of site users and/or adjacent properties.

L. **Violation.** In the event that construction is not in compliance with the approved *Site Plan* and the property owner fails to take corrective action or pursue approval of an amended *Site Plan*, the Zoning Administrator may invoke the Violation and Penalties as specified in Section 39-12.13.

SECTION 39-12.06 ADMINISTRATIVE STAFF REVIEW PROCESS FOR SITE PLANS

- A. **Intent.** Application Types requiring Administrative Review shall be subject to the standards in this Section.
- B. **General Review Process Requirements** shall be met as specified in Section 39-12.05.
- C. **Public Notice of Administrative Review Application Types.** Per Section 39-12.05.D, written public notice shall be mailed to all property owners and occupants within a **300-foot radius** of the *site's* property lines. Public notice for Administrative Review Applications shall include the following information:
 1. The address of the subject property or properties;
 2. The application type;
 3. The nature of the *development*, if applicable;
 4. The date the Administrative Review determination will be made, which is a minimum of **10 days** after the public notice is postmarked;
- 5. Notice that the notified person may provide public comment and/or request that a *Public Hearing* be held by the *Planning Commission* on the proposed application, rather than Administrative Review, by submitting a detailed written statement regarding the reason for the request;
- 6. The due date for the *Public Hearing* request, which shall be a minimum of **7 days** after the date the public notice is postmarked. If a *Public Hearing* is scheduled, the Application Type shall instead follow the *Planning Commission* Review Process specified in Section 39-12.07;
- 7. Contact information to provide public comment or to request a *Public Hearing*.
- D. **Administrative Review Application Decisions.** One of the following Application Determinations shall be made by the Administrative Review Staff for Administrative Review Application Types and shall be made known to the *applicant* via a Staff Report.



Holland
MICHIGAN

ARTICLE 39-13:

Nonconforming Uses, Structures, and Properties

13

SECTION 39-13.01 INTENT

- A. It is the intent of this Article to allow legally existing uses, structures, and *properties* that **do not meet *UDO requirements*** at the effective date or subsequent amendments to **continue** until they are discontinued, removed or are no longer used, but **not to encourage their survival**. These **legally nonconforming uses, structures and properties** are declared by this Article to be incompatible with permitted conditions in the *Zone District* where they are located. *Nonconforming uses and structures* shall not be enlarged, extended, or used as grounds for adding other *structures* or uses prohibited elsewhere in the same *Zone District*.

SECTION 39-13.02 NONCONFORMING USES

- A. **Continuation of Use.** A legal *use* existing at the effective date of *UDO* or subsequent amendments, may be continued despite not conforming with the provisions of *UDO*, or any subsequent amendments.
- B. **Discontinuance.** If any *nonconforming use* is discontinued through vacancy, lack of operation, or otherwise for a continuous period of **365 days** or more, the use shall not be resumed unless the *use* conforms to all provisions of *UDO*, including, but not limited to the regulations of the *Zone District* in which the use is located (See [Article 39-2](#)).
- C. **Burden of Proof.** If the *Zoning Administrator* finds that a *nonconforming use* is discontinued under the provisions of this Article, the *property owner* shall have the burden of proof to substantiate that the use was not abandoned and shall provide documentation thereof.
- D. **Change to another Nonconforming Use.** The *nonconforming use* of any *structure* may be changed to another *nonconforming use* upon public hearing and findings of fact by the *Board of Appeals* that the proposed *nonconforming use* will not be more incompatible, detrimental, or create additional nuisance factors than the previous *nonconforming uses*. The *Board of Appeals* shall consider the following for its determination:

1. Evidence that the proposed *nonconforming use* will not adversely affect or decrease the valuation of neighboring *property*;
 2. Evidence that the proposed *nonconforming use* will not increase *density*, congestion or general nuisance to neighboring *property*;
 3. Evidence that the proposed, *nonconforming use* will not increase the amount of radioactivity, vibration, noise, odor, heat or other adverse factors;
 4. Evidence that the proposed *nonconforming use* will not necessitate an increase in *off-street parking* that would be detrimental to neighboring *property*; and
 5. Additional factors as determined by the *Board of Appeals* relating to the health, safety, and welfare of adjacent *property*, which would be adversely impacted.
- E. **Accessory Structures.** Expanding, replacing or adding a detached *accessory structure* to a property with a *nonconforming residential use* shall be allowed if the *Zoning Administrator* determines the following:
1. The *accessory structure* is a *fence*, shed, garage or other similar *structure* that is allowed in the *zone district*.
 2. The *accessory structure* will meet all of the required setbacks, height and other requirements of *UDO*.
 3. The *accessory structure* will not have negative impacts as described in [Section 39-13.02.D](#) subsections 1 through 4.
 4. The *accessory structure* will not expand the current *nonconforming use* of the *property*.

SECTION 39-13.03 NONCONFORMING STRUCTURES

- A. **Continuance of Structure.** Any *structure* existing at the effective date of *UDO* or subsequent amendments, **may remain in place** and does not need to be altered despite not conforming with the provisions of *UDO* or any subsequent amendments.
- B. **Expansions.** Expansions of *nonconforming structures*, conforming in use, shall only be permitted if the following standards are met:

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Toolbox

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Zone
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Form
Based
Code

4
Add'l Use
Standards

5
Site Design
Review
Standards

6
Landscaping/
Green Inf.

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Lighting

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1. The modification of the *structure* shall not result in a greater nonconformity by expanding or increasing the footprint of the *nonconforming structure* within any setback area (for *nonconforming setbacks* see [Section 39-12.12.D.3](#));
 2. The minimum *parking* requirements for all uses on the *property* shall be met. See [Article 39-2](#); and
 3. Any expansion of the *structure* shall conform to all other *Zone District* requirements.
- C. **Interior Renovation.** The interior of any *nonconforming structure* may be renovated.
- D. **Structures Under Construction at the Effective Date of UDO or Amendment.** Nothing in this Article shall require a change in the plans, construction, or designated *use* of any *structure* under a *building* permit issued before the effective date of *UDO*, or a subsequent amendment to *UDO*, unless the *building* permit expires prior to completion of construction.

SECTION 39-13.04 NONCONFORMING PROPERTIES

- A. **Existing Lots of Record** can be built on regardless of if the lot meets the lot size and/or lot width requirement for the *Zone District*, as long as all other dimensional standards are met.

SECTION 39-13.05 RE-ESTABLISHMENT OF NONCONFORMING USES, STRUCTURES, OR PROPERTIES

- A. Whenever a *nonconforming use, structure, or property* has been brought into compliance with *UDO*, the nonconformity shall not be re-established.

SECTION 39-13.06 REPAIR, MAINTENANCE, AND RESTORATION

- A. **Repairs Equal to or Less than the State Equalized Value (SEV) Permitted.** Nothing in this Article shall prevent the repair, maintenance, or *restoration* of a *nonconforming structure* if the cost of the repairs is equal to or is less than the SEV of the *structure*.
- B. **Repairs Greater than the State Equalized Value (SEV) Permitted by Determination of the Zoning Administrator.** A *nonconforming structure* damaged or destroyed by fire, flood, wind, other calamity, or deterioration to an extent greater than the SEV of the *structure*, may be restored to its original size and location if the *Zoning Administrator* finds the following conditions are met:
1. *Restoration* of the *structure* will be done with similar building materials, structural layout, design, construction methods, fixtures, and mechanical equipment, limiting the possibility that the *restoration* will substantially extend the probable duration of the life of the *structure*;
 2. *Restoration* of the *structure* will not expand the footprint of the *structure* within any setback area; and
 3. The *nonconforming structure* cannot reasonably meet the standards of the *Zone District* due to an unusual circumstance with respect to the *property*.
 4. The *Zoning Administrator* will make a determination in writing and state the findings as described above, either approving or denying the *restoration* request. If approved, the property owner or responsible party must obtain all required permits within one year from the *Zoning Administrator's* determination and obtain the final Certificate of Occupancy within two years of the *Zoning Administrator's* determination. If denied, the property owner or responsible party may appeal the denial to the *Board of Appeals* per [Section 39-12.04.D](#).

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C. Repairs to Accessory Structures Permitted.
Nonconforming structures accessory to principal residential *structures* shall be permitted to be repaired, maintained, or restored. Where a **foundation or slab** from a previously existing *nonconforming accessory structure* remains intact on the *property*, the *building* may be rebuilt to the same or smaller size, provided the slab or foundation meets current building codes. These *structures* may also be enlarged provided the addition conforms to *UDO*.

D. Moving a Nonconforming Structure. A *nonconforming structure* **shall not be moved** in whole or in part to another location without conforming to *UDO*.

Wind Energy Facility: A facility that produces energy by converting wind energy to electricity by means of wind turbines, including the wind turbine and all accessory structures. Also known as Wind Energy Conversion System (WECS). The following are definitions of types of wind energy facilities, and terms associated with them:

Accessory Wind Energy Conversion System (also called Small Scale): A WECS less than **40 feet** in total height with the blade fully extended (tip height). Small scale WECS are intended to generate electric power from wind solely for the use of the site on which the system is located. Small-scale WECS that are primarily intended to provide accessory power, but contribute surplus energy to the grid, may also be considered Accessory Small-Scale WECS.

Audible: The varying degrees of sound perception as reported by affidavit, including, but not limited to, just perceptible, audible, clearly audible, and objectionable.

Decibel (dB): The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base and 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 microPascals); abbreviated “dB.”

dBA: The A-weighted sound level.

dBC: The C-weighted sound level.

LMax (LAMax or LCMaX): The maximum db(A) or db(C) sound level measured using the “fast response” setting of the sound meter (equivalent to 0.125 second exponential averaging time)

Equivalent Sound Level (or Leq): The sound level measured in decibels with an integrating sound level meter and averaged on an energy basis over a specific duration.

Noise: An audible sound.

A Wind Energy Conversion Systems 40 feet or greater in total height (also called Large Scale) : Wind Energy Conversion Systems **40 feet or greater** in total height. Large scale WECS are intended to generate power from wind primarily to supplement the greater electric utility grid. Utility-scale

WECS include accessory uses such as, but not limited to, control towers, anemometers, or electric substations.

Sound Pressure: An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Tip Height: The height of the turbine with a blade at the highest vertical point. Height is measured from grade to the highest point of WECS when a blade is in its vertical orientation.

Wholesale: On-premise sales of goods primarily to customers engaged in the business of reselling the goods.

Wireless Telecommunication Facility: A freestanding facility, building, pole, tower, or structure used to provide commercial cellular telecommunication services, that consists of antennae, equipment and storage, and other accessory structures.

X

There are no definitions beginning with X.

Y

Yards: A yard is the open area between a building and a property line, as determined by the actual construction on a property. **A required setback** is the area of the yard that shall not be built on, as required by the minimum setback requirement. The types of yards are as follows:

Front Yard: The open space between the wall or element of the building and the front property line, less any area designated as a public right-of-way.

Secondary Street Yard: The open space between the wall or element of the building and the secondary street frontage property line, less any area designated as a public right-of-way.

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Rear Yard: The open space between the wall or element of the building and the rear property line.

Side Yard: The open space between the wall or element of the building and a side property line.

Z

Zone District: An area designated for a certain set of regulations under UDO due to a distinct character or purpose.

Zoning: Regulation of development through land use classifications and dimensional standards.

Zoning Act: The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, or any successor acts.

Zoning Map: The official map distinguishing Zone District boundaries.