

ORDINANCE 1845

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>
2.03 -	Private Cemetery to be P*= Permitted with restrictions.
4.02 -	Add cemetery to use of permitted uses with additional standards.
4.02.AA -	Add new section for standards for private cemetery.
4.02.O -	Recycle center-Expand list of materials.
5.08 -	Add a new section for Deferred Parking standards.
9.02.C.15 -	Add reference for deferred parking.
9.06.L -	Create new section to clarify standards for Gazebos, Pergolas and Picnic Shelters.
9.09 -	Infill Building setbacks-Apply to front, back and sides
12.02 –	Create an O/S review process chart. Works in conjunction with 2.18
12.02 -	Modify process chart to clarify process for condominium and site condominium. Remove public workshop requirement.
12.03.D-H –	Include references for committee bylaws.
12.07.B –	Condominium review process – redirect to correct section.
12.07.D.2 -	Insert Condominium review process to follow modifications to review process chart.
12.12. -	Modification of BOA application deadline. Consistent with Planning Commission deadline.

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

Adoption date: September 4, 2024

Effective date: September 25, 2024

USES		LDR	CNR	MDR	TNR	HDR	MHR	NMU	CMU	RMU	GMU	ED	I	A	OS	PUD	F
Industrial Uses	Alternative Energy - Solar	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*		P*/S*	P*/S*	P*/S*
	Alternative Energy - Wind	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*		P*/S*	P*/S*	P*/S*
	Manufacturing - Low Intensity	-	-	-	-	-	-	-	S	S	-	-	P		-	-	-
	Manufacturing - High Intensity	-	-	-	-	-	-	-	-	-	-	-	S*		-	-	-
	Oil and Gas Drilling	-	-	-	-	-	-	P*	P*	P*	P*	-	P*		-	-	-
	Power Plant (Not Wind or Solar)	-	-	-	-	-	-	-	-	-	-	-	S		-	-	-
	Recycling Collection Centers	-	-	-	-	-	-	-	-	-	-	-	P*		-	-	-
	Research and Development	-	-	-	-	-	-	-	P	P	S	P	P		-	-	-
	Self Storage Facilities	-	-	-	-	-	P*	-	P*	P*	-	-	P*		-	-	-
	Transportation and Logistics	-	-	-	-	-	-	-	S	-	-	-	P		-	-	-
	Warehousing	-	-	-	-	-	-	-	P*	P*	-	P	P*		-	-	-
Other Uses	Campground	-	-	-	-	-	-	-	S*	-	-	-	-		S*	S*	-
	Cemetery (Public)	-	-	-	-	-	-	-	-	-	-	-	-		P	-	-
	Cemetery (Private)	-	-	-	-	-	-	-	-	-	-	-	-		P*	-	-
	Greenhouses	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*	P*	P*
	Government/Municipal Services	S	S	S	S	S	S	S	S	S	S*	S	S		P	S	S
	Institutions of Higher Education	S	S	S	S	S	S	S	S	S	P/S	P	S		-	-	S
	K-12 Schools	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P/S		-	-	P/S
	Kennels	-	-	-	-	-	-	-	P*	-	-	-	-		-	-	-
	Marinas	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*		S*	S*	S*
	Parking Lots as a Principal Use	-	-	-	-	-	-	-	S*	-	-	P*	P*		-	-	S*
	Parking Structures as the Principal Use	-	-	-	-	-	-	-	S*	-	S	P*	P*		-	P*	S*
	Recreation - Indoor	-	-	-	-	P	P	P	P	P	P	P	P		S	P	P
	Recreation - Outdoor	-	-	-	-	P	P	P	P	S	S	P	-		P	P	S
	Religious Institutions	P	P	P	P	P	P	P	P	S	S	P	S		-	P	S
Sexually Oriented Businesses	-	-	-	-	-	-	-	S*	-	-	-	-		-	-	-	
Wireless Communication Facilities	P*	P*	P*	P*	P*	P*	P*	P*/S*	P*	P*	P*	P*	P*/S*		P*/S*	P*	P*

See Section 39-2.17 for allowed uses

- 1 Toolbox
- 2 Zone Districts
- 3 Form Based Code
- 4 Add'l Use Standards
- 5 Site Design Review Standards
- 6 Landscaping/Green Inf.
- 7 Lighting
- 8 Signage
- 9 General Standards
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- P** Permitted, see the Zone District
- P*** Permitted with Restrictions, see the Zone District and Section 39-4.02
- S** Special Land Use, see the Zone District and Section 39-4.03
- S*** Special Land Use with Restrictions, see the Zone District, Section 39-4.03 and Section 39-4.04

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*
26. **Cemeteries** – OS

- 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

AA. Cemeteries

- 1. **Zone Districts Permitted:** OS
- 2. **Approving Authority:**
 - a. If *Site Plan* required: Administrative Staff, if no *Site Plan* required: Zoning Administrator.

3. Standards:

- a. The cemetery must comply with MCL Act 251 of 1968
- b. No exterior storage of cemetery materials.
- c. All buildings shall meet the setback requirements of the zone district where they are located.
- d. There shall be a 10 foot setback from the side and rear property lines for any burial or earth interment.
- e. Any cemetery that is adjacent to a residential use or residential zone district must meet the residential buffer requirements per section 39-6.02.I.

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

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*

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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, batteries or other similar materials as determined by the *approving authority*.
 - 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*.

1	Toolbox
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2. **Drive Aisles:** 12 feet width for one-way, 24 feet width for two-way.
- D. **Durable surfaces.** All parking areas, including access lanes, driveways, *loading areas*, and other *vehicle* maneuvering areas, shall be a durable surface.
- E. **Parking Lot Setbacks.**
1. **Streets. 10 feet** minimum from all street-fronting *property lines*.
 2. **Side and Rear Property Lines. 10 feet minimum.** *Setback* may be reduced to 5 feet minimum if approved by the *Approving Authority* and a **6 foot high fence** or approved vegetative *screening* is erected along the *property line*.
 3. **Setback Not Required** if adjacent uses are both non-residential or there are shared driveways or aisles, not exceeding 30 feet in width, connecting 2 or more uses.
- F. **Side Yard Parking in NMU and RMU Zone Districts and the following F Sub-Districts: NDT, EDT, WDT, RM, and WASH (28th St to 31st St).** *Parking lots* located on the side of new *principal buildings* shall meet the following requirements to provide for a walkable character without large *parking lots* separating uses:
1. Side parking shall only **occur on one side** of the *building*;
 2. The side *parking lot* shall be a maximum **width of 33 feet** to accommodate a 24 foot wide, two-way aisle and 1 row of parking.
- G. **Pedestrian Circulation in *Parking Lots*.** *Parking lots* shall accommodate direct and continuous pedestrian circulation, clearly divided from vehicular areas. Pedestrian crosswalks shall be provided and integrated into the pedestrian circulation network providing direct connections from sidewalks to the *building* entrance. See [Section 39-5.05.C.10](#).
- H. **Loading and Unloading.** Loading spaces shall be made of a clearly defined *durable surface*, located to the rear or side of a *building*. Storage of materials shall not occur in the loading/unloading space. Shared loading spaces may be used if each business has unhindered access to the *loading area* and is within **300 feet** of the area.

- I. **Deferred Parking** may be granted by the *Approving Authority* for any use in any zone district. The *Approving Authority* shall consider the following criteria when reviewing the request.
1. The applicant can demonstrate to the satisfaction of the *Approving Authority* that the City parking requirements are excessive for their use.
 2. The site plan designates the requested number of parking spaces in an area and layout that meets City requirements.
 3. The applicant shall provide for the full amount of required parking spaces and label them on the site plan as “deferred parking”. These areas reserved for deferred parking shall be maintained as landscaped areas and not used for storage, stormwater, accessory buildings or other accessory uses.
 4. The applicant must demonstrate that the storm water design has accommodated the deferred parking area.
 5. Construction of the deferred parking may be initiated by the applicant, the property owner, or required at a future date by the Zoning Administrator based on parking needs, observation, or upon receiving multiple parking complaints.
 6. Prior to deferred parking construction, the request shall be reviewed by the Zoning Administrator for compliance with Chapter 39. Permits may be required.

SECTION 39-5.09 BICYCLE PARKING (SECTION 39-9.03)

- A. **Applicability.** The following *Site Plan Application Types* shall trigger the bicycle parking requirements:
1. *New Structure*;
 2. *Structure* addition resulting in an **increase in residential units by 20% or more**;

1
Toolbox

2
Zone
Districts

3
Form
Based
Code

4
Add'l Use
Standards

5
Site Plan
Design
Review

6
Landscaping/
Green Inf.

7
Lighting

8
Signage

9
General
Standards

10
Streets/
Sidewalks/
Driveways

11
Subdivision
of Land

12
Processes/
Admin.

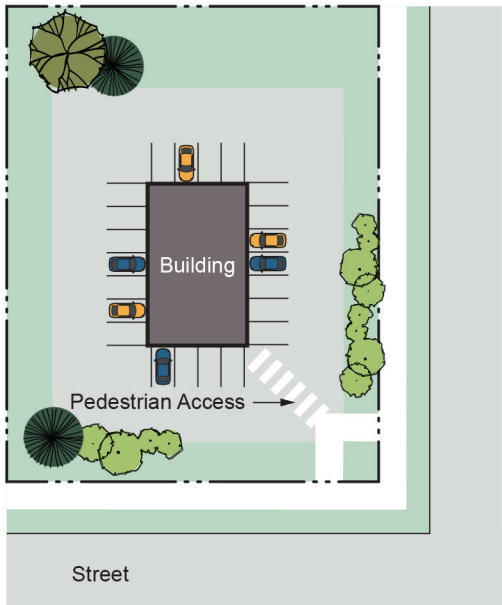
13
Non-
conformities

14
Definitions

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14	Definitions

- a. *Parking* shall only occur on one side of the *building*;
- b. The *parking lot* shall be a maximum of **44 feet** in width to accommodate a 24 foot wide two-way aisle and 1 row of *parking*.

- 6. **Striping of Parking Lots.** *Parking spaces* shall be striped per the approved *Site Plan* and in compliance with ADA requirements for barrier-free *parking spaces*. The striping shall be maintained to be visible to drivers.
- 7. **Pedestrian Circulation in Parking Lots.** *Parking lots* shall accommodate direct and continuous pedestrian circulation, clearly divided from vehicular areas. **Pedestrian crosswalks** shall be provided and integrated into the pedestrian circulation network providing direct connections from sidewalks to the *building* entrance.



- 8. **Curbs and Wheel Stops in Parking Lots.** Curbs shall generally be required unless a landscape island or perimeter landscape area is used for stormwater detention or unless otherwise approved by the *Approving Authority*. If a curb is not installed, wheel stops shall be required to keep *vehicles* parked entirely on the pavement.
- 9. **Parking Rows and Landscape Islands.** A landscape island shall be installed a minimum of every **20 parking spaces**. These *parking lot* islands shall include a minimum of 1 *tree*. See Section 39-6.02.

- 10. **Shared Parking Facilities.** *Off-street parking* for separate *buildings* or *uses* is encouraged to be shared. The minimum *parking* requirement shall be the combined minimum requirement for the proposed *uses* (See Article 39-2), **minus 20%** of the total. **Mixed use buildings** shall also use this section to compute their *parking* requirement.
- 11. **Parking Lot Access Management is encouraged and may be required.** See Section 39-10.05.D.4.
- 12. **Electric Vehicle Charging Stations.** May be located in any *parking lot*, as long as the required dimensions and number of spaces are maintained within the *lot*.



- 13. **Paved Parkways for 4 or More Attached Dwelling Units.** Paved parkways, located in the public *right-of-way*, may be approved by the *Approving Authority* to additional *parking*, beyond what is required on-site.
 - a. See **Chapter 18** *Motor Vehicles* and *Traffic*, Section 18-27.c for criteria.
- 14. **Commercial Vehicles.** *Commercial vehicles* and heavy equipment shall only be parked on *lots* where such *vehicles* are utilized as part of the primary use.
- 15. **Deferred Parking.** See 39-5.081

- D. **Loading and Unloading Space Requirements for Commercial or Industrial Uses.**
 - 1. **Location.** Loading spaces shall be clearly defined, paved with a *durable surface*, and located to the rear or side of a *building*. Loading/unloading operations shall not negatively impact traffic circulation.
 - 2. **Storage Prohibited.** Nothing shall be stored in a required loading space.

Chapter 27 of the Code of Ordinances, mailboxes in accordance with federal law, and other similar *structures*.

2. **Type allowable only in rear yard:** Outdoor game courts.
 3. **Type allowable in the side and rear yard:** Antenna less than 40 feet tall (39-4.02.X)
 4. **Setbacks.** None Required.
- J. **Encroachments into the Right-of-Way** shall maintain a clearance of **8 feet** from *grade* and shall obtain a Revocable License Agreement (**RLA**) or an **Air Easement** from *City Council* prior to obtaining a permit.
- K. **Elevated Bridges.** Located between non-residential buildings, under common ownership, used for HVAC equipment or other similiar equipment and pedestrian access shall be allowed with zero setback.
- L. **Gazebos, pergolas and picnic shelters.**
1. **Types Allowed:** This section shall be used for freestanding structures used and intended for recreation, outdoor dining and other similar uses. Structures used for parking or storage shall be regulated by 39-9.05.
 2. **Construction:** Structures with a solid roof and open on all sides, no walls.
 3. **Size:** Residential uses (1 – 4 units), 200 square feet or less; All other uses, 120 square feet or less.
 4. A **permit** is required, but these structures shall not count toward the maximum number of structures allowed on the property.
 5. **Setback:** Shall be setback a minimum of 3 feet from other structures, rear and side property lines. Shall not be permitted in the front or secondary street yards.

SECTION 39-9.07 ACCESSORY DWELLING UNITS (ADUS)

- A. **Definition:** An *Accessory Dwelling Unit* (ADU) is a detached *dwelling unit* that is permitted only on properties with a single detached principal *dwelling unit*. ADUs are a lesser size

than the principal *dwelling unit* and include a kitchen, a sleeping area, and full bathroom facilities.

- B. **Zone Districts Permitted:** LDR, MDR, TNR, GMU, and PUD provided they are only on properties with one single detached *dwelling unit* and meet the standards of this section.
- C. **Application Process.** Application for an ADU shall be made to the *Zoning Administrator* and shall include the following information:
1. **Scaled and Dimensioned Site Plan** of the property showing the following:
 - a. Location of all *structures* on the property (principal and *accessory structures*);
 - b. Proposed location of the ADU;
 - c. *Setbacks* of the proposed ADU from the *property lines* and all *structures*;
 - d. Designated *parking* area for the ADU;
 - e. *Landscaping* or fencing for the ADU.
 2. **Scaled and Dimensioned Floor Plan** of the ADU, showing the following:
 - a. Kitchen;
 - b. Bathroom;
 - c. Sleeping area;
 - d. Entry stairs, porches, or entrances;
 - e. Total square footage of the ADU;
 - f. Gross square footage of the principal *dwelling unit*.
 3. **Scaled elevations** of all sides of the ADU, including windows, doors, porches, and other exterior features.
- D. **Review Process.**
1. **Approving Authority.** The **Zoning Administrator** shall be the *Approving Authority* and shall use the criteria listed in subsection E.
 2. **Notice to Adjacent Property Owners.** After the *Zoning Administrator* receives a complete application for an ADU, and determines that the Plan meets all of the Standards for Approval, a notice shall be provided to all property *owners* within a

1
Toolbox

2
Zone
Districts

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Form
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Code

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Add'l Use
Standards

5
Site Design
Review
Standards

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Landscaping/
Green Inf.

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13
Non-
conformities

14
Definitions

Chapter 27 of the Code of Ordinances, mailboxes in accordance with federal law, and other similar *structures*.

2. **Type allowable only in rear yard:** Outdoor game courts.
 3. **Type allowable in the side and rear yard:** Antenna less than 40 feet tall (39-4.02.X)
 4. **Setbacks.** None Required.
- J. **Encroachments into the Right-of-Way** shall maintain a clearance of **8 feet** from *grade* and shall obtain a Revocable License Agreement (**RLA**) or an **Air Easement** from *City Council* prior to obtaining a permit.
- K. **Elevated Bridges.** Located between non-residential buildings, under common ownership, used for HVAC equipment or other similiar equipment and pedestrian access shall be allowed with zero setback.
- L. **Gazebos, pergolas and picnic shelters.**
1. **Types Allowed:** This section shall be used for freestanding structures used and intended for recreation, outdoor dining and other similar uses. Structures used for parking or storage shall be regulated by 39-9.05.
 2. **Construction:** Structures with a solid roof and open on all sides, no walls.
 3. **Size:** Residential uses (1 – 4 units), 200 square feet or less; All other uses, 120 square feet or less.
 4. A **permit** is required, but these structures shall not count toward the maximum number of structures allowed on the property.
 5. **Setback:** Shall be setback a minimum of 3 feet from other structures, rear and side property lines. Shall not be permitted in the front or secondary street yards.

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- A. **Definition:** An *Accessory Dwelling Unit* (ADU) is a detached *dwelling unit* that is permitted only on properties with a single detached principal *dwelling unit*. ADUs are a lesser size

than the principal *dwelling unit* and include a kitchen, a sleeping area, and full bathroom facilities.

- B. **Zone Districts Permitted:** LDR, MDR, TNR, GMU, and PUD provided they are only on properties with one single detached *dwelling unit* and meet the standards of this section.
- C. **Application Process.** Application for an ADU shall be made to the *Zoning Administrator* and shall include the following information:
1. **Scaled and Dimensioned Site Plan** of the property showing the following:
 - a. Location of all *structures* on the property (principal and *accessory structures*);
 - b. Proposed location of the ADU;
 - c. *Setbacks* of the proposed ADU from the *property lines* and all *structures*;
 - d. Designated *parking* area for the ADU;
 - e. *Landscaping* or fencing for the ADU.
 2. **Scaled and Dimensioned Floor Plan** of the ADU, showing the following:
 - a. Kitchen;
 - b. Bathroom;
 - c. Sleeping area;
 - d. Entry stairs, porches, or entrances;
 - e. Total square footage of the ADU;
 - f. Gross square footage of the principal *dwelling unit*.
 3. **Scaled elevations** of all sides of the ADU, including windows, doors, porches, and other exterior features.
- D. **Review Process.**
1. **Approving Authority.** The **Zoning Administrator** shall be the *Approving Authority* and shall use the criteria listed in subsection E.
 2. **Notice to Adjacent Property Owners.** After the *Zoning Administrator* receives a complete application for an ADU, and determines that the Plan meets all of the Standards for Approval, a notice shall be provided to all property *owners* within a

1
Toolbox

2
Zone
Districts

3
Form
Based
Code

4
Add'l Use
Standards

5
Site Design
Review
Standards

6
Landscaping/
Green Inf.

7
Lighting

8
Signage

9
General
Standards

10
Streets/
Sidewalks/
Driveways

11
Subdivision
of Land

12
Processes/
Admin.

13
Non-
conformities

14
Definitions

SECTION 39-9.09 INFILL DESIGN REVIEW STANDARDS

1	Toolbox
2	Zone Districts
3	Form Based Code
4	Add'l Use Standards
5	Site Design Review Standards
6	Landscaping/ Green Inf.
7	Lighting
8	Signage
9	General Standards
10	Streets/ Sidewalks/ Driveways
11	Subdivision of Land
12	Processes/ Admin.
13	Non-conformities
14	Definitions

A. Intent. The intent of this Section is to:

1. Protect the visual character and economic stability of the neighborhoods located primarily within the **CNR** Cottage Neighborhood Residential and the **TNR** Traditional Neighborhood Residential *Zone Districts*;
2. Preserve and protect the public welfare and property values in these established residential neighborhoods;
3. Eliminate design incompatibility, promote complementary design, and enable a diversity of styles that maintain the attractiveness of the residential neighborhoods;
4. Provide reasonable deviations from the standards of review where necessary to include features that facilitate access to persons with disabilities or limited mobility.

B. Applicability. The standards of this section shall apply in the following circumstances:

1. **CNR and TNR Zone Districts:**
 - a. Construction of new residential *structures*.
 - b. **Accessory structure** construction or re-location on residential properties when **greater than 256 square feet** in area with a horizontal dimension of **16 feet** or greater.
 - c. **New non-residential structures** and additions to existing non-residential *structures*.
 - d. **Enclosure** of a front porch.
 - e. **Adding an additional story** to a *structure*.
 - f. **Substantial changes to increase the height** of any *story* or the overall height of a *structure*.
 - g. **Reconstruction** or substantially altering a *structure* if **50% or more** of the exterior shell is demolished or substantially altered due to fire, storm, or other circumstances.

2. **Moving a house.** When a *dwelling unit* is proposed to be moved from any location to a property within the **CNR, TNR, LDR, MDR, or HDR Zone Districts**.
3. **Accessory Dwelling Units (ADUs)**, in any *Zone District* where they are permitted. See Article 39-2 and Section 39-9.07.
4. **Exception:** Construction subject to *Historic District* Commission approval shall not be subject to this section.

C. Standards.

1. **Building Setbacks:** *Building setbacks* shall comply with the *Zone District setback* requirements.
2. **Height:** *Building height* shall comply with the *Zone District* height requirements.
3. **First floor elevation height:** Shall not be higher than the average height of the first floor elevations of the *principal structures* on each side of the Infill Property. The first floor elevation shall be measured as the height above the ground elevation from the centerline of the fronting street.
4. **Scale:** Finished floor elevations, height of exposed *basement* walls, and *front yard grade* elevations shall be similar to those of adjacent dwellings.
5. **Width and general proportions:** Shall be consistent with or similar to the character of the neighborhood.
6. **Form, massing, and directional emphasis:** Shall conform to the established horizontal or vertical character of the neighborhood and the neighborhood's established *building* form and *massing* characteristics.
7. **Façade, materials, and detail:** Shall be consistent with the neighborhood's discernible patterns of detail including, but not limited to, door and window trim, corner boards, *cornice* details, railings, and shutters. Materials, siding width, and relative proportions of doors and windows shall be compatible with neighborhood character. Exposed wood shall be painted

- 1
Toolbox
- 2
Zone Districts
- 3
Form Based Code
- 4
Add'l Use Standards
- 5
Site Design Review Standards
- 6
Landscaping/ Green Inf.
- 7
Lighting
- 8
Signage
- 9
General Standards
- 10
Streets/ Sidewalks/ Driveways
- 11
Subdivision of Land
- 12
Processes/ Admin.
- 13
Non-conformities
- 14
Definitions

ALL ZONE DISTRICTS						
APPLICATION TYPE	ZONING ADMINISTRATOR/ ZONING PERMIT	ADMINISTRATIVE REVIEW STAFF	PLANNING COMMISSION	CITY COUNCIL	BOARD OF APPEALS	OTHER REQUIRED APPROVAL
Lot Split or Combination	Final Determination	-	-	-	-	Assessor Approval
Site Condominium	-	Recommendation	Final Determination	-	-	Use Zoning District to establish review process. If zone district does not establish process then Planning Commission will be the Approving Authority
Traditional Condominium	-	Recommendation	Final Determination	-	-	Use Zoning District to establish review process. If zone district does not establish process then Planning Commission will be the Approving Authority
Subdivision Plat	-	Recommendation	Recommendation	Final Determination	-	Use Zoning District to establish review process. If zone district does not establish process then Planning Commission will be the Approving Authority

ZONE DISTRICTS: LDR, CNR, MDR, TNR, HDR, MHR						
APPLICATION TYPE	ZONING ADMINISTRATOR/ ZONING PERMIT	ADMINISTRATIVE REVIEW STAFF	PLANNING COMMISSION	CITY COUNCIL	BOARD OF APPEALS	OTHER REQUIRED APPROVAL
One Residential Building with 1-4 Units (new and additions)	Final Determination	-	-	-	-	Infill Design Review (CNR and TNR) HDC Approval in Historic Districts

- 1
Toolbox
- 2
Zone Districts
- 3
Form Based Code
- 4
Add'l Use Standards
- 5
Site Design Review Standards
- 6
Landscaping/ Green Inf.
- 7
Lighting
- 8
Signage
- 9
General Standards
- 10
Streets/ Sidewalks/ Driveways
- 11
Subdivision of Land
- 12
Processes/ Admin.
- 13
Non-conformities
- 14
Definitions

ZONE DISTRICT: PUD						
APPLICATION TYPE	ZONING ADMINISTRATOR/ ZONING PERMIT	ADMINISTRATIVE REVIEW STAFF	PLANNING COMMISSION	CITY COUNCIL	BOARD OF APPEALS	OTHER REQUIRED APPROVAL
New Buildings and Site Elements*	-	Recommendation	Final Determination	-	-	Public Outreach Workshop
Site Improvements with no changes to principal building	-	Final Determination if Minor Addition	Final Determination in Conjunction with a Site Plan review or Major addition	-	-	-
Signs	Permit Issued	Recommendation	Final Determination	-	-	HDC Approval in Historic Districts Standards defined in PUD Agreement
Fences	Permit Issued	Recommendation	Final Determination	-	-	Standards defined in PUD Agreement
Fences and Signs (Not in conjunction with a Site Plan)	Final Determination based on PUD Agreement	-	-	-	-	HDC Approval in Historic Districts

* Site Elements include all non-structure aspects of site design - for example: utilities, lighting, landscaping, or parking.

ZONE DISTRICTS: OS						
APPLICATION TYPE	ZONING ADMINISTRATOR/ ZONING PERMIT	ADMINISTRATIVE REVIEW STAFF	PLANNING COMMISSION	CITY COUNCIL	BOARD OF APPEALS	OTHER REQUIRED APPROVAL
New Buildings	1,000 sq. ft. or less	Over 1,000 sq. ft.	-	-	-	-
Building Additions	1,000 sq. ft. or less	Over 1,000 sq. ft.	-	-	-	-

1	Toolbox
2	Zone Districts
3	Form Based Code
4	Add'l Use Standards
5	Site Design Review Standards
6	Landscaping/ Green Inf.
7	Lighting
8	Signage
9	General Standards
10	Streets/ Sidewalks/ Driveways
11	Subdivision of Land
12	Processes/ Admin.
13	Non-conformities
14	Definitions

ZONE DISTRICTS: F-RM, SIXT, WASH, AND SSV						
APPLICATION TYPE	ZONING ADMINISTRATOR/ ZONING PERMIT	ADMINISTRATIVE REVIEW STAFF	PLANNING COMMISSION	CITY COUNCIL	BOARD OF APPEALS	OTHER REQUIRED APPROVAL
Form Based Code Standards Waiver	-	Recommendation	Final Determination	-	-	-
Signs and Fences	Final Determination	-	-	-	-	-

SECTION 39-12.03 APPROVING AUTHORITIES ESTABLISHED

- A. **Intent.** This Section shall authorize staff, commissions, and boards to review and make determinations on **Application Types**, as specified in [Section 39-12.02](#). The **Approving Authorities** include the: *Zoning Administrator* or their designated staff, *Administrative Review Staff* or their designated staff, *Planning Commission*, *Board of Appeals*, *Historic District Commission*, *Downtown Development Authority (DDA)*, *Design Review Board (DRB)*, *West Michigan Airport Authority*, and *City Council*. Their functions in *development review* are described in this Section.
- B. **Zoning Administrator.** Staff member responsible for making staff-level interpretations and administering *zoning* functions such as: Approval of Residential Dwellings with 1-4 units, *accessory structures*, fencing, and signage.
- C. **Administrative Review Staff.** The Administrative Review Staff reviews and makes determinations on Administrative Review applications and provides recommendations to Planning Staff and the *Planning Commission*. Administrative Review Staff are generally comprised of the Senior Planner; Municipal Planner; *Zoning Administrator*; City Engineer; Fire Marshal; Holland Board of Public Works Water/Wastewater, Pollution Control, Electric, and Communications Engineers; Director of Parks and Recreation Department; the Director of Community and Neighborhood Services Department; the Chief of the Department of Public Safety; and the DDA Coordinator (for Downtown developments).
- D. **Planning Commission.** The Planning Commission is responsible for reviewing large *development* projects, *re-zoning* requests, ordinance text amendments and updating the City's *Master Plan*. The Commission is comprised of 9 members including the Mayor, a *City Council Liaison*, 1 Staff member and 6 volunteer residents who are appointed by the Mayor. See Section 2.16 of the Holland Ordinance Code and the bylaws for meeting dates, times and additional information.
- E. **Board of Appeals (BOA).** The BOA hears applications from property owners and developers who are seeking a Special Exception, ordinance interpretation or a *Variance* from *UDO* requirements. The Board of Appeals is comprised of a non-voting *City Council liaison*, 6 regular members and 2 alternate members who are appointed by *City Council*. See the BOA Rules & Regulations for meeting dates, times and board information.
- F. **Historic District Commission (HDC).** The HDC reviews proposed construction work within the 5 designated *Historic Districts*. Certificates of Appropriateness (CoA) are issued, using the Secretary of Interior Standards, for construction work or property improvements that impact the exterior portion of the *structure* or property. HDC Staff also provides consultation for renovations that impact the National Register Downtown *Historic District* properties, described in [Section 39-12.07.D.6.f](#). The HDC is comprised of 7 volunteer residents and one non-voting *City Council Liaison*. See section 2-100 of the Holland Ordinance Code and the HDC Bylaws for meeting dates, times and additional information.
- G. **Downtown Development Authority (DDA).** The DDA oversees design, *streetscape*, *amenities*, developments, and public parking

within the DDA boundary. Developments requiring *Site Plan* review located in the Downtown *Form Based Code* Sub-Districts (F-CDT, F-NDT, F-WDT, F-EDT, and F-CENT) require a presentation from the developer to the DDA and the DDA shall make a recommendation to *Planning Commission*. DDA staff also review and issue permits for *signs*, outdoor cafes, and sidewalk cafes located Downtown. The DDA is comprised of 14 members including a *City Council* Liaison and the Assistant City Manager. See Section 2-97 of the Holland Ordinance Code and the bylaws for meeting dates, times and additional information.

- H. **Design Review Board (DRB).** The DRB, a sub-committee of the DDA, is charged with reviewing applications for permits issued by DDA staff such as *signs*, outdoor cafes, sidewalk cafes. The DRB is comprised of 7 members with 3 DDA members and 4 design professionals.
- I. **West Michigan Airport Authority (WMAA).** The WMAA is charged with managing the West Michigan Regional Airport. The WMAA reviews, approves, and provides recommendations to *Planning Commission* on developments requiring *Site Plan* review in the Airport Overlay District. The WMAA is comprised of 3 City of Holland representatives and other representatives from Park Township and the City of Zeeland.
- 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

1	Toolbox
2	Zone Districts
3	Form Based Code
4	Add'l Use Standards
5	Site Design Review Standards
6	Landscaping/Green Inf.
7	Lighting
8	Signage
9	General Standards
10	Streets/Sidewalks/Driveways
11	Subdivision of Land
12	Processes/Admin.
13	Non-conformities
14	Definitions

1. **Approve.** Upon determination that an application is complete and a *Site Plan* is in compliance with the standards and requirements of *UDO* and other ordinances, codes, and laws, the Administrative Review Staff shall approve the *Site Plan* application.
 2. **Approve with Conditions.** Upon determination that a *Site Plan* is in compliance with the standards and requirements of *UDO* and other applicable ordinances, codes, and laws, except for minor additional actions, modifications, or items needed, the Administrative Review Team shall approve the *Site Plan* application subject to the Conditions of Approval being met.
 3. **Deny.** Upon determination that a *Site Plan* does not comply with the standards and regulations of *UDO* and/or other ordinances, codes, and laws, or requires extensive, major revisions to comply with said standards and regulations, the Administrative Review Staff shall deny the *Site Plan* application.
- E. **Appeals of Administrative Site Plan or Infill Design Review Determinations.** An applicant or aggrieved party shall appeal an Administrative Review determination to the *Planning Commission* following the process specified in Section 39-12.07.B.6. The appeal application shall stay action on any permit issuance.

SECTION 39-12.07 PLANNING COMMISSION APPLICATION TYPES AND REVIEW PROCESS

- A. **Intent.** Application Types requiring *Planning Commission* Review shall be subject to the standards in this Section.
- B. **Final Determination by Planning Commission Application Types:**
 1. **Site Plan applications** as specified in Section 39-12.02;
 2. **Special Land Use applications** as specified in Section 39-12.08
 3. **Condominiums** as specified in Section 39-12.07.D.2.

4. **PUD Planned Unit Developments** not requiring a *rezoning* as specified in Section 39-12.07.E.
5. **Additional Waivers.** If an applicant is submitting an application for a *Site Plan*, *Special Land Use*, *Condominium* or *PUD* under this section, they may also request a *Setback* or *Parking* waiver. See Section 39-3.15 for waivers in the *F Zone Districts*.
 - a. **Setback Waiver.** A *setback* waiver may be considered for approval by the *Planning Commission* when evidence is provided that:
 - 1) **An environmental hardship** exists on the property that prevents compliance with all *setback* requirements for that *Zone District*;
 - 2) The *development* will not be able to be constructed without the *setback* waiver;
 - 3) The *setback* requested is the **least setback** needed to make the *development* viable.
 - b. **Parking Reduction / Waiver.** A *parking* reduction or waiver may be granted by the *Planning Commission* for commercial uses in *NMU*, *CMU*, *GMU*, and *RMU Zone Districts*. The *Planning Commission* shall consider the following criteria when considering the request:
 - 1) A reduction or waiver of the required *parking spaces* will not be seen as injurious to the neighboring properties;
 - 2) Quantity of available public *parking* nearby;
 - 3) Pedestrian orientation of the project;
 - 4) Quantity of available *on-street parking* nearby.
6. **Appeals of Administrative Review Determinations.** An application for an appeal shall be submitted to the Community and Neighborhood Services Department, which shall stay action on the issuance of any permit. The appeal application shall state the factual basis for the appeal. ***Planning Commission* shall hold a Public**

1
Toolbox

2
Zone
Districts

3
Form
Based
Code

4
Add'l Use
Standards

5
Site Design
Review
Standards

6
Landscaping/
Green Inf.

7
Lighting

8
Signage

9
General
Standards

10
Streets/
Sidewalks/
Driveways

11
Subdivision
of Land

12
Processes/
Admin.

13
Non-
conformities

14
Definitions

D. PUD Planned Unit Development and Condominium Developments.

1. **PUD Planned Unit Development Application Review Process.** The Planning Commission shall review and make an Application Determination (Section 39-12.07.E) based on the following required **PUD Application items** and the criteria in Section 39-2.19.
 - a. **Site Plan** as specified in Section 39-12.05 and Section 39-12.07.
 - b. **Planned Unit Development Agreement** detailing the following.
 - 1) *Site Plan* details;
 - 2) Conditions of *Site Plan* Approval;
 - 3) A description of the property.
 - 4) A description of the *permitted uses* of the property, the *density* or intensity of use permitted, and the maximum height and size of *buildings* permitted;
 - 5) History of previous PUD Agreements and amendments approved;
 - 6) Actions taken by the *Planning Commission* and *City Council*;
 - 7) Review and explanation of all special provisions agreed to by the *applicant* and City during the course of the review of the PUD *Site Plan* proposal;
 - 8) An explanation of all public improvements to be undertaken by the *applicant* or the City in conjunction with the proposed PUD;
 - 9) Confirmation that the proposed *development* meets the provisions of *UDO*, other ordinances or codes, and the *Master Plan*;
 - 10) Duration of the Agreement and terms under which a termination date, if applicable, may be extended by mutual agreement.
 - c. **If Rezoning is Not Needed:** The Planning Commission Review Process, per Section 39-12.05 and Section 39-12.07.

- d. **If Rezoning is Needed:** The applicant shall follow these Review Processes:
 - 1) *Planning Commission* Review: Section 39-12.05 and Section 39-12.07.
 - 2) *City Council* Rezoning Review: Section 39-12.10.D.1.
2. **Condominium Application Review Processes.**
 - a. **There are 2 Condominium Development Methods:** *Site* Condominiums and Traditional Condominiums.
 - b. **Site Plans** shall meet the requirements specified in Article 39-11 and in Section 39-12.09.
 - c. **Condominium Documents.** The proposed Master Deed, including the Condominium Bylaws and the Condominium *Subdivision Plat*, require approval prior to permit issuance. The recorded version of these aforementioned documents shall be submitted to CNS promptly after recording.
 - d. **Condominium Review Process.** The *Approving Authority* is determined based on the zoning district. See Section 39-12.02 process review table.

- E. **Application Types Requiring a Recommendation by Planning Commission to City Council for Final Determination.**
1. **Rezoning.** See Section 39-12.10.D.1
 2. **Text or Map Amendments.** See Section 39-12.10.D.2.
 3. **Street Vacations** when associated with a *Site Plan*. See Section 39-12.10.D.3
 4. **Subdivision Plats.** See Section 39-12.10.D.4

1	Toolbox
2	Zone Districts
3	Form Based Code
4	Add'l Use Standards
5	Site Design Review Standards
6	Landscaping/ Green Inf.
7	Lighting
8	Signage
9	General Standards
10	Streets/ Sidewalks/ Driveways
11	Subdivision of Land
12	Processes/ Admin.
13	Non-conformities
14	Definitions

- D. **Application for Certificate of Occupancy.** Following completion of *site* work and construction, the *applicant* may apply to the Community and Neighborhood Services Department for a Certificate of Occupancy. It shall be the **applicant’s responsibility** to ensure any Conditions of Approval have been met and to contact the *Building* Inspectors and City Planner for **building and site inspections**. A Certificate of Occupancy is required prior to any occupancy of the property.
- E. **Property Maintenance after Approval.** It shall be the responsibility of the property *owner* to maintain the property in **accordance with the approved site design** on a continuing basis until the property is razed, new *UDO* standards supersede the standards the *Site Plan* approval was based on, or a new *site* design is approved. Any property *owner* who **fails to maintain** an approved *Site Plan* shall be deemed in **violation** of the provisions of *UDO* and shall be subject to the Violations and Penalties specified in Section 39-12.13.

SECTION 39-12.12 BOARD OF APPEALS PROCESSES AND PROCEDURES

- A. **Intent.** The *Board of Appeals* shall have the authority to approve Special Exceptions, *Variances*, *Nonconforming Structures*, *Uses*, and *Properties*, and hear Appeals on determinations made by the *Zoning Administrator* and the *Planning Commission*. They shall use the processes specified in this Section.
- B. **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 *Board of Appeals* meeting. Applications shall only be accepted if all required contents are provided.

- C. **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 Section 39-12.07 for noticing requirements pertaining to Administrative and *Planning Commission* reviews.
- D. **Special Exceptions.** The *Board of Appeals*, after a *Public Hearing*, shall have the power to grant a Special Exception for the following circumstances, and based on the following criteria. Special Exceptions shall not be considered *Variances*, as specified in Section 39-12.12.E, and shall instead be subject to the approval criteria described in each Special Exception type below.
1. **Accessory Dwelling Units (ADUs).** This is applicable when a noticed property *owner* requests an ADU be reviewed as a Special Exception. See Section 39-9.07 ADUs.
 - a. **Criteria of Approval:** The *Board of Appeals* may approve the ADU if it determines that the standards specified in Section 39-9.07.D are met.
 2. **Type 2 Home Based Business.** This is applicable when an *applicant* modifies certain regulations as shown in Table 4.02.G.3.a., such as employees, allowable floor area, on-site customers, etc.
 - a. **Criteria of Approval:** The *Board of Appeals* may approve the *Type 2 Home Based Business* if it determines that the standards specified in Section 4.02.G are met.
 3. **Along or Within:** This is applicable when an *applicant* requests a **vertical or horizontal extension of a building** along or within the established *setback* line that will result in a nonconforming *setback* in the *side or rear yard*.
 - a. **Criteria for Approval:** The *Board of Appeals* may approve the request if it finds find that the proposed use

1
Toolbox

2
Zone
Districts

3
Form
Based
Code

4
Add'l Use
Standards

5
Site Design
Review
Standards

6
Landscaping/
Green Inf.

7
Lighting

8
Signage

9
General
Standards

10
Streets/
Sidewalks/
Driveways

11
Subdivision
of Land

12
Processes/
Admin.

13
Non-
conformities

14
Definitions

