



Holland
MICHIGAN

City of Holland Unified Development Ordinance

Chapter 39 of the City Code of Ordinances

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ARTICLE 39-1:

Introduction, Toolbox, and Legal Provisions



SECTION 39-1.01

WHAT IS A UNIFIED DEVELOPMENT ORDINANCE (UDO)?

A. **A Unique Approach in Land Use Regulation**

by combining or referencing all *development* related ordinances and codes. The City of Holland's *Unified Development Ordinance (UDO)* combines the City's existing *Zoning, Streets and Sidewalks, Tree, and Subdivision* ordinances, traditionally divided into multiple ordinances, into a single, graphic-heavy, user-friendly, regulatory document. *UDO* also references additional *development* related codes such as the International Fire Code (IFC) and the Holland Board of Public Works (HBPW) Terms of Service.

B. When to Use UDO. The requirements of *UDO* shall be met for all new construction and for all exterior *renovations, additions, or site alterations*. See [Section 39-12.01](#) to determine the approval process for each project.

C. **UDO Implements the City's Master Plan.**

It does this through *zoning* standard requirements that implement the goals that were developed through public input and adopted by City Council.

UDO is a legal document where the *Master Plan* is a policy document. If there is a conflict between *UDO* and the *Master Plan*, *UDO* shall govern.

D. UDO Promotes Resiliency. Many of the goals of the City's *Master Plan* regard developing a more economically, environmentally, and socially resilient community.

1. **Mixed Use Development.** A primary way to achieve resiliency through *zoning* is by enabling *mixed use development* in most areas of the City.

a. This best planning and zoning practice locates housing close to employment and *amenities*, which promotes resilient practices.

b. *UDO* achieves this by changing all *Commercial Zone Districts* into *Mixed Use Zone Districts* and allows for some *mixed use development* in *residential* and *Industrial Zone Districts* as well.

c. Resilient Practices promoted by *Mixed Use Development*:

- A reduction in the total *vehicle* miles traveled, resulting in lower greenhouse gas emissions, lower community costs, and decreased traffic congestion;
- Complete neighborhoods where residents can live, work, and play;
- Livelier urban spaces with public gathering places and a variety of shops, restaurants, and entertainment;
- Vibrant commercial areas that provide *retail* and *services*;
- Compact *development* that helps preserve open space;
- Efficient use of *services* and infrastructure, resulting in cost savings for the public;
- More non-motorized transportation opportunities, such as walking and bicycling;
- Preserving property values by enabling developers and property owners to gain value from multiple market segments at once;
- Decreased need for pavement, which leads to less stormwater runoff causing flooding and poor surface water quality.

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SECTION 39-1.02 WHAT IS HYBRID ZONING?

- A. **Context Sensitive Approach.** Hybrid Zoning recognizes the need for context sensitive zoning so that each area of the City has purposeful Zone Districts and zoning standards to preserve or enhance the area’s specific character and to enable appropriate uses in that area. UDO implements Hybrid Zoning to seamlessly meld four Zoning Types found throughout the City of Holland. Each Zoning Type is organized by placing more or less emphasis on these zoning elements: **Separation of Uses, Mixed Uses, Character via Form and Design, General and Site Plan Standards, and Process.** See [Section 39-1.02.C](#).
- B. **The 4 Hybrid Zoning Types.**
1. **Conventional Zoning.** This is the traditional, historic *zoning* type, which focuses on the separation of uses. *Zone Districts* following this *zoning* type only allow a mixture of uses on separate properties. An example of a Conventional *Zone District* is LDR Low Density Residential.
 2. **Conventional and Mixed Use Zoning.** This is a new and innovative *zoning* type that enables a small percentage of *mixed uses* on the same property. An example Conventional and *Mixed Use Zone District* is HDR High Density Residential that permits a maximum of 25% of a multifamily *development* to contain certain commercial uses.
 3. **Mixed Use Zoning.** This best practice enables *mixed uses* to be located on the same property, which is extremely important as discussed in [Section 39-1.01.D](#). An example *Mixed Use Zone District* is CMU Corridor Mixed Use where commercial and *residential* uses are permitted and *residential* uses do not have a *density* maximum.
 4. **Form Based Code.** The *Form Based Code Zone District* is broken-up into *Sub-Districts* depending on the context of the area. *Form Based Code* encourages *mixed use development* and is specifically attentive to the form, design, and character of each area. Instead of being organized by *permitted uses* as the other *zoning* types are, *Form Based Code Sub-Districts* are

organized by building and frontage types and by *building envelope* dimensional standards. An example of a *Form Based Code Zone District* is F-CDT Form Based Code Central Downtown which focuses on preserving the character of the Downtown Holland.

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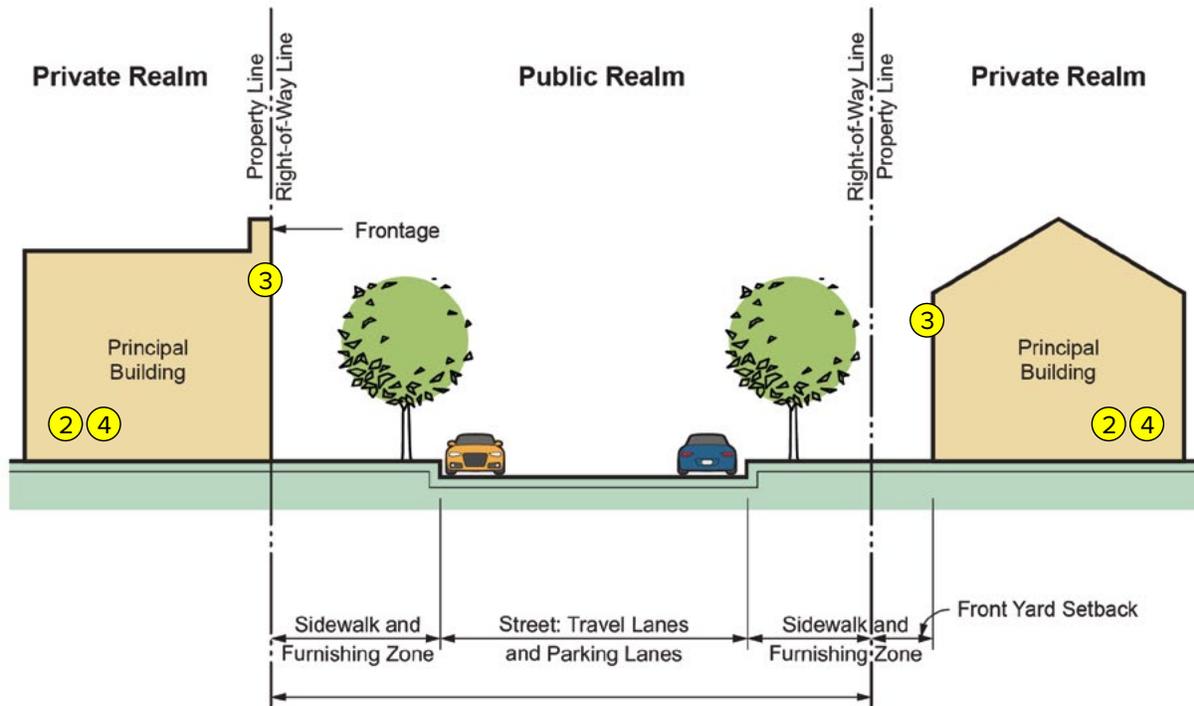
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C. **Hybrid Zoning Types and Zoning Elements.** The graphic below depicts the **4 Hybrid Zoning types** in *UDO*. The importance of each of the zoning elements is depicted by the size of the circles. Each of the City’s Zone Districts are provided below the graphic indicating which Hybrid Zoning type each uses. Section 39-1.05 provides the *Zoning Map* used to determine which *Zone District* each property is located in, within the City.

	CONVENTIONAL ZONING	CONVENTIONAL & MIXED USE ZONING	MIXED USE ZONING	FORM BASED CODE
1 Toolbox				
2 Zone Districts				
3 Form Based Code	Separation of Uses	Separation of Uses	Mixed Uses	Character via Form and Design
4 Add'l Use Standards				
5 Site Design Review Standards	General/ Site Plan Standards	General/ Site Plan Standards	General/ Site Plan Standards	General/ Site Plan Standards
6 Landscaping/ Green Inf.	Character	Character	Character	Mixed Uses
7 Lighting	Mixed Uses	Mixed Uses	Mixed Uses	Separation of Uses
8 Signage	Process	Process	Process	Process
9 General Standards	<ul style="list-style-type: none"> ■ LDR Low Density Residential ■ CNR Cottage Neighborhood ■ MDR Medium Density Residential ■ TNR Traditional Neighborhood ■ A Airport ■ OS Open Space 	<ul style="list-style-type: none"> ■ HDR High Density Residential ■ MHR Manufactured Housing Community ■ I Industrial 	<ul style="list-style-type: none"> ■ NMU Neighborhood Mixed Use ■ CMU Corridor Mixed Use ■ RMU Redevelopment Mixed Use ■ GMU Greenfield Mixed Use ■ PUD Planned Unit Development 	<ul style="list-style-type: none"> ■ F – CDT Central Downtown ■ F – NDT North Downtown ■ F – EDT East Downtown ■ F – WDT Waterfront Downtown ■ F – CENT Centennial ■ F – RM River Michigan ■ F – SIXT Sixteenth Street ■ F – WASH Washington Boulevard ■ F – SSV South Shore Village
10 Streets/ Sidewalks/ Driveways				
11 Subdivision of Land				
12 Processes/ Admin.				
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SECTION 39-1.03 WHAT IS FORM BASED CODE?

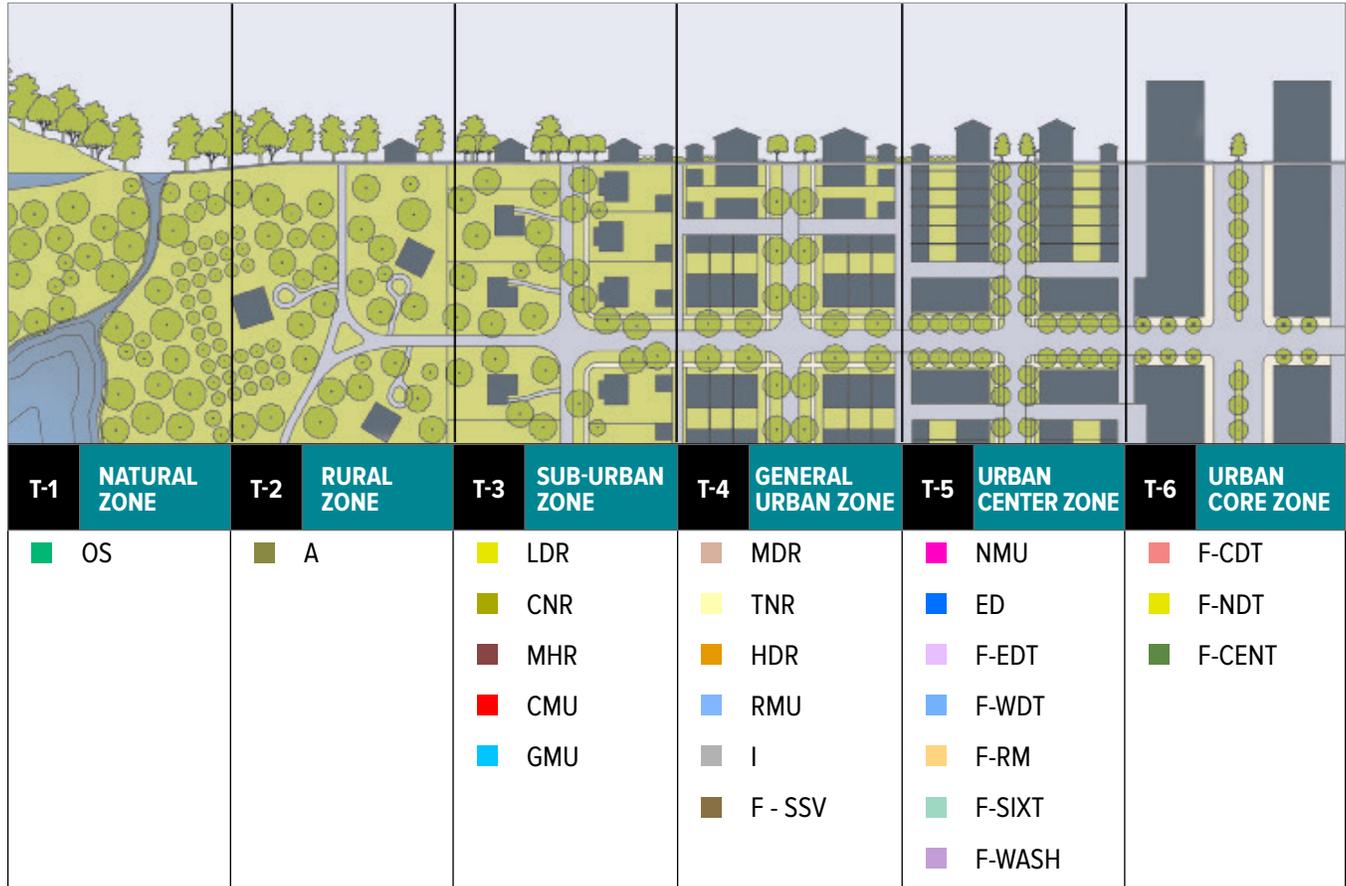
- A. **Organizing Principles.** Unlike the Conventional, Conventional & *Mixed Use*, and *Mixed Use Zoning* Types, which are organized by allowable uses and dimensional standards, the *Form Based Code Zoning* Type is organized by the following principles:
1. **Regulating Plan** which is an additional layer to the *Zoning Map* that establishes the 9 *Form Based Code Sub-Districts* based on the desired character for each area;
 2. **Building Types** allowed in each *Sub-District* that provide the private realm character;
 3. **Frontage Types** allowed in each *Sub-District* that guide how a *building* and the private realm interact with the *public realm*—the *streets and sidewalks*.
 4. **Building Envelopes** for each *Sub-District* that provide dimensional standards;
- B. **This graphic below depicts these organizing principles.** The interaction and coordination of the private and public realms establishes an area’s character. See [Section 39-2.23](#) and [Article 39-3](#) for additional information.



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SECTION 39-1.04 ZONE DISTRICTS ESTABLISHED

A. **The Transect.** In addition to being informed by the *Zoning Types*, the standards for each *Zone District* in *UDO* have also been developed based on **The Transect**. The Transect is a **context-sensitive planning approach** based on, in general, the **decrease of lot sizes and increase of land uses allowed from natural to urban character**. This approach is critical to ensure that the standards set forth in each *Zone District* meet the specific needs of each area, neighborhood or corridor of the City of Holland.



B. **Zone District Boundaries.** The boundaries of the *Zone Districts* are hereby established as shown on the **Zoning Map** in Section 39-1.05. All notations, references, and other information on the map shall be considered fully and completely part of *UDO*.

C. **Classification of Annexed Areas.** Whenever any area is annexed to the City, if such an area was subject to *zoning* regulations at the time of such annexation, the following classifications shall be applied, pending an overall analysis and adoption of new City *zoning* regulations with respect to the area:

1. Areas previously zoned for **industrial uses** shall become an **I Industrial Zone District**.
2. Areas previously zoned for **commercial uses** shall become a **CMU Corridor Mixed Use Zone District**.
3. Areas previously zoned for **residential uses** shall become a **LDR Low Density Residential Zone District**.
4. Areas previously zoned for **agricultural uses** shall become an **LDR Low Density Residential Zone District**.
5. Whenever an **unzoned area** is annexed to the City, such area shall become an **LDR Low Density Residential Zone District**.

Section 1.05

Proposed Zoning Map

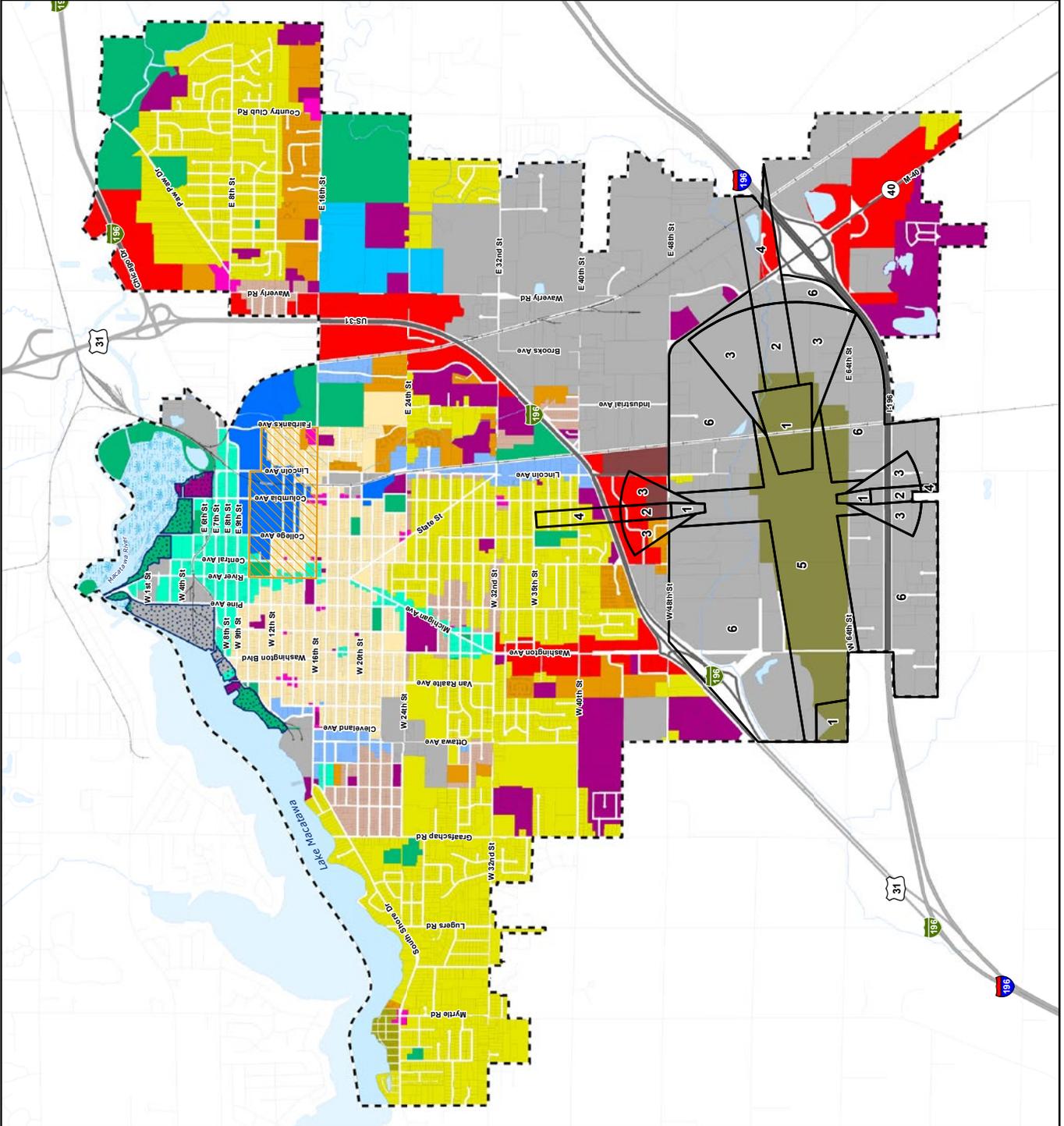
City of Holland, Michigan

July 7, 2021

Legend

- LDR - Low Density Residential
- CNR - Cottage Neighborhood Residential
- MDR - Medium Density Residential
- TNR - Traditional Neighborhood Residential
- HDR - High Density Residential
- MHR - Manufactured Housing Community
- NMU - Neighborhood Mixed Use
- CMU - Corridor Mixed Use
- RMU - Redevelopment Mixed Use
- GMU - Greenfield Mixed Use
- ED - Education
- I - Industrial
- A - Airport
- OS - Open Space
- PUD - Planned Unit Development
- F - Form Based Code
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- Waterfront Overlay District
- Water
- Marsh

*Any white space within the City Limits represents unzoned right-of-way



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SECTION 39-1.06 HOW TO USE UDO

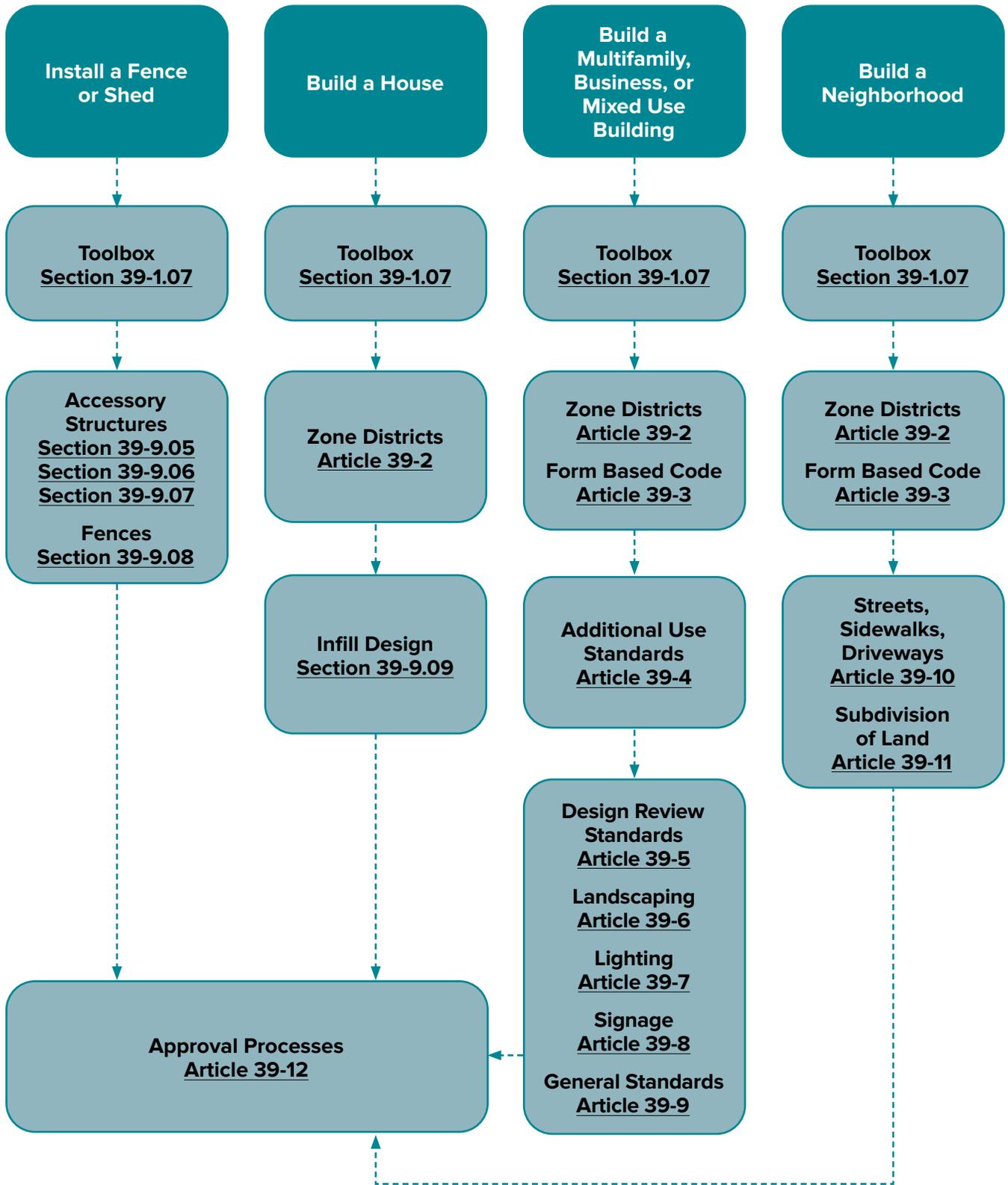
A. Frequently Asked Questions

<p>Which Zone District is my property located in?</p>	<p>See the Zoning Map (Section 39-1.05), which will tell you which <i>Zone District</i> your property is located in.</p>
<p>How do I determine what I can do in my Zone District?</p>	<p>See the Summary Use Table (Section 39-2.03). Determine use details and parking standards per <i>Zone District</i> in Sections 39-2.05-23</p>
<p>How do I determine where my building can be placed on the site and how tall my building can be?</p>	<p>See the Summary Dimensional Standards Tables to determine dimensional standards per <i>Zone District</i> (Section 39-2.04) Determine dimensional standard details per <i>Zone District</i> in Sections 39-2.05-23 F-Form Based Code <i>Zone District</i> properties: See <u>Article 39-3</u></p>
<p>Which property line is which?</p>	<p>See the Toolbox to learn how to determine front, side, secondary street, and rear property lines (Section 39-1.07.C.1)</p>
<p>Which types of fences, sheds, and garages can I build and where can I locate them on my property?</p>	<p>See Accessory Structure and Fence standards (Sections 39-9.05-09).</p>
<p>How many parking spaces do I need to provide?</p>	<p>Each residential unit requires a minimum of 1 parking space. Non-residential parking: See Sections 39-2.05-23 for standards per <i>Zone District</i>.</p>
<p>Which signs can I use and how large can they be?</p>	<p>See Signage standards (Article 39-8).</p>
<p>How do I know what a term in UDO means?</p>	<p>Italicized words are defined in <u>Article 39-14</u> or in the section where the term is used.</p>
<p>How do I obtain approval to construct something on my property?</p>	<p>See <u>Article 39-12</u> to determine applicable review processes and procedures. Section 39-2.02 provides a Review Process table by Application Type.</p>

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

B. Review Processes Flowchart

I WANT TO...



SECTION 39-1.07 TOOLBOX

A. **Intent.** The intent of this **Toolbox Section** is to provide tools to be used to answer the most commonly asked dimensional and other *zoning* questions. While this Section is designed to be comprehensive and stand alone from a regulatory standpoint, there are cross references to more detailed information provided in *UDO*. In the event that there is a conflict between this Section and another section elsewhere in *UDO*, the other section shall govern.

B. **How do I know where I can construct a structure on my property?**

1. **Determine the Building Envelope.** The *building envelope* is the portion of any property where it is legal to construct a *structure*. The *building envelope* is defined by the required *setbacks* and the *building heights* allowed in the *Zone District*. Once the required *setbacks* and heights are determined, the area inside of the required *setback yards* is your *Building Envelope*.

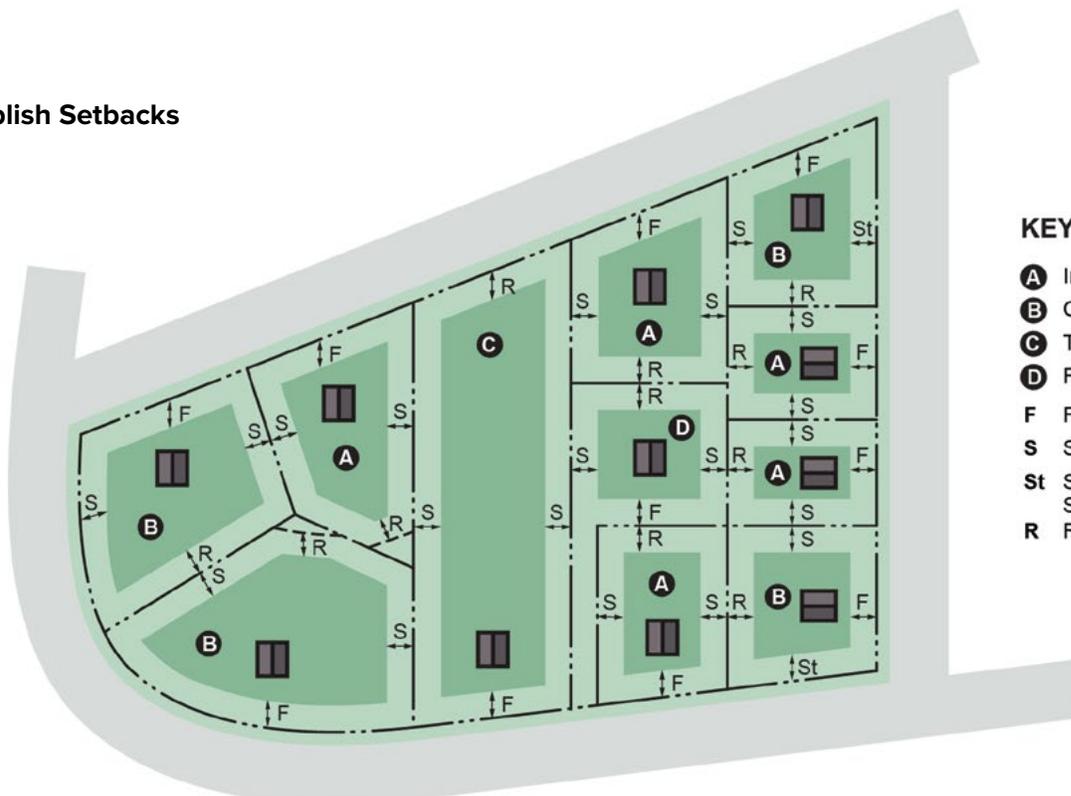
C. **How do I determine what the required setbacks and heights are for my property?**



1. **Determine your Front, Side, Secondary Street, and Rear property lines.**

- a. **Front Property Line** - the shortest *property line* running along a street, except in the TNR District (See [Section 39-1.07.C.2.b](#)).
- b. **Secondary Street Frontage** - the longer street frontage, except in the TNR District (See [Section 39-1.07.C.2.b](#)).
- c. **Rear Property Line** - opposite the *front property line*.
- d. **Side Property Lines** – all other *property lines*.

Establish Setbacks



KEY

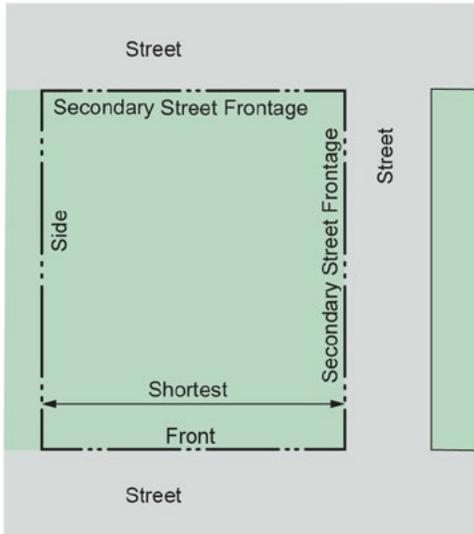
- A** Interior Lot
- B** Corner Lot
- C** Through Lot
- D** Flag Lot
- F** Front Setback
- S** Side Setback
- St** Secondary Street Setback
- R** Rear Setback

1	Toolbox
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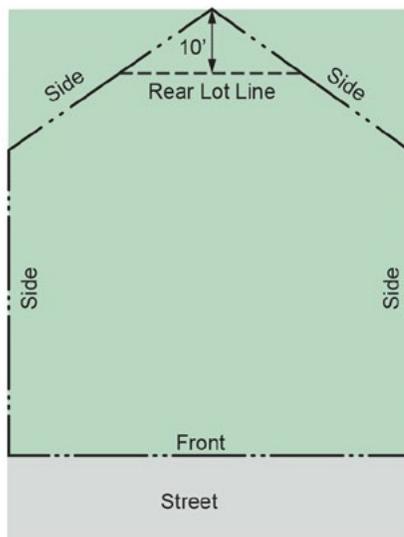
1	Toolbox
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2. **Additional Requirements and Special Circumstances.**

- a. **Corner and Through Lots.** If there are 2 street frontages of **equal dimension**, the Zoning Administrator shall determine the **front property line** based on the orientations of **existing buildings** on the site.



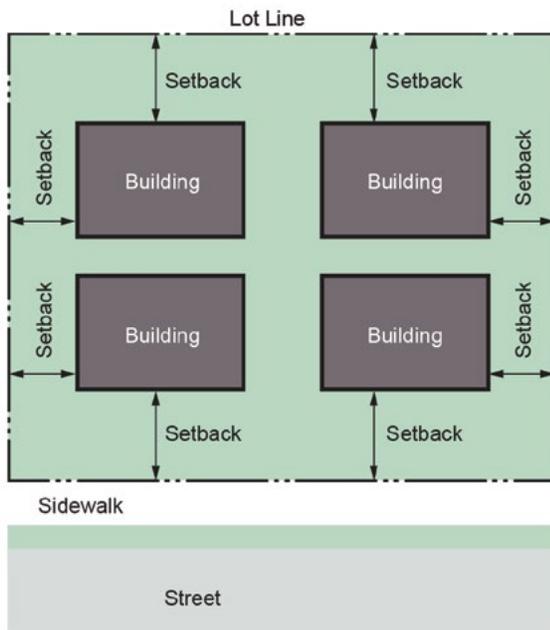
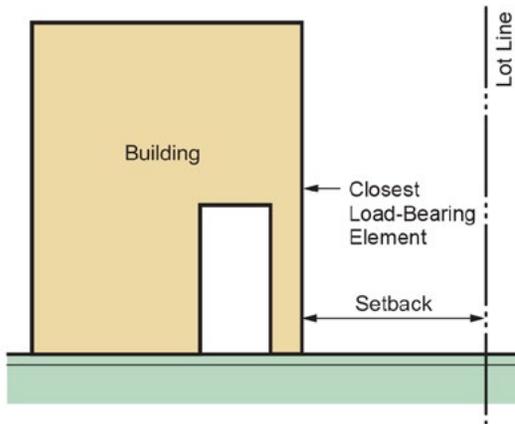
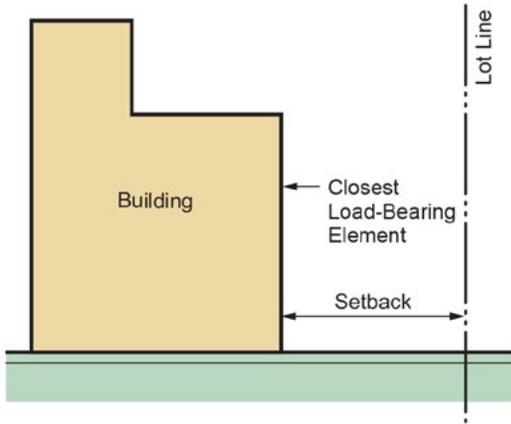
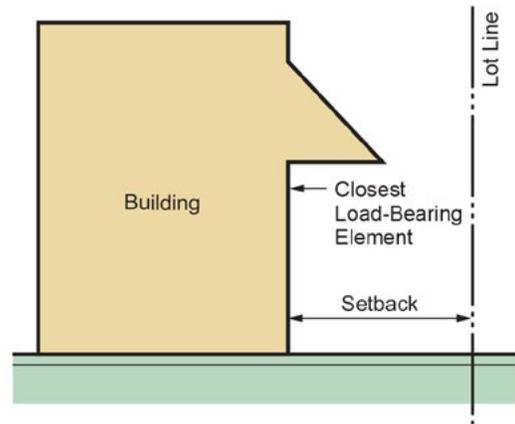
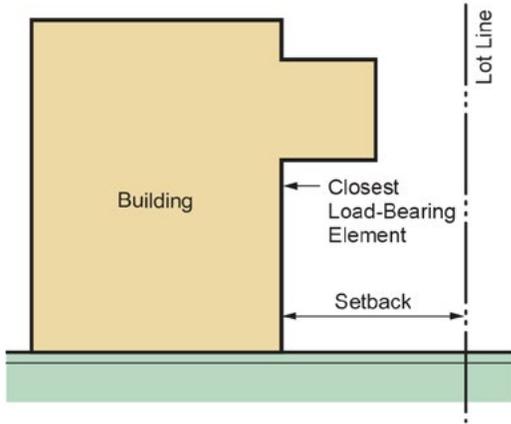
- b. **TNR Corner Lot Exception:** In the TNR District, both street frontages of a *corner lot* shall be considered a *front yard*.
- c. **Irregular, triangular, wedge-shaped, or pointed properties.** To determine the rear setback, the setback shall be measured from an imaginary **10 foot** line drawn parallel to the *front property line*. See the Irregular Property Diagram.



- d. **Alleys are not streets.** A *property line* along an *alley* shall be considered a *rear or side property line* depending on the *alley's* location relative to the *front property line*.

3. **Determine the height and setback standards** for the *Zone District* where the property is located. See [Section 39-2.04](#) Summary Dimensional Standards Table.
4. **How do I measure the required minimum and maximum setbacks?**
- a. A **minimum setback** is the minimum distance that a *structure* can be located from the *property line*, and the **maximum setback** is the maximum distance that a *structure* can be located from the *property line*.
These setbacks are used to preserve and enhance the character of areas and to respond in a context-sensitive way to external variables such as traffic speed or levels of walkability.
- b. **Setbacks** are measured at *grade* along the ground between the *property line* and the **closest load bearing structural element** of the *building*. See [Section 39-1.07.C.4.c](#) *Setback Measurement Diagrams*.
- 1) **More than 1 principal building on a property.** Only the closest *building* to the *property line* shall be subject to the minimum or maximum setback requirement.

c. **Setback Measurement Diagrams**

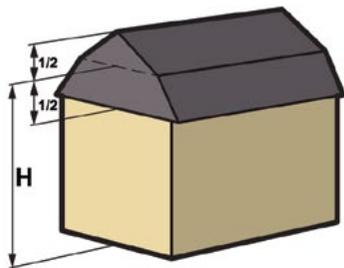


1	Toolbox
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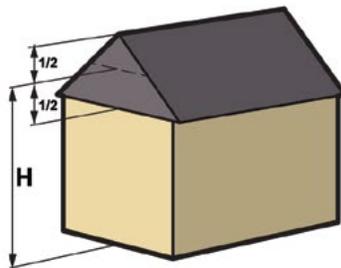
D. How do I measure building heights?

- Feet.** Where *UDO* calls for a maximum *building height*, the height is measured in **feet from grade**.
- Stories.** Where *UDO* calls for a maximum number of stories in the *F-Form Based Code Zone District*: A *story* is either **16 feet** in height or the distance between the floor and the ceiling of a *building*, whichever is less.

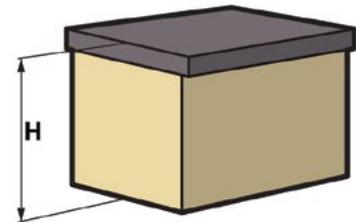
- Flat Roofs.** The height of a flat roof is from *grade* to the highest point of the *building*. *Parapets* are counted in the *building height*, but rooftop equipment is not.
- Gabled and Peaked Roofs.** The maximum height shall be measured to the **mean (middle) height** between the peak and the *eaves*.
- Accessory Structures.** Shall be a maximum of **16 feet**. See [Section 39-9.05](#).



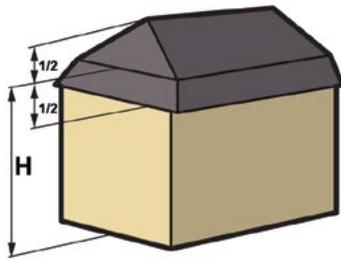
Gambrel Roof



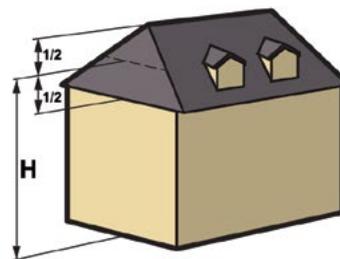
Gable Roof



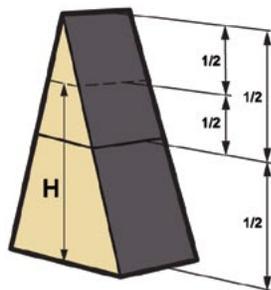
Flat Roof



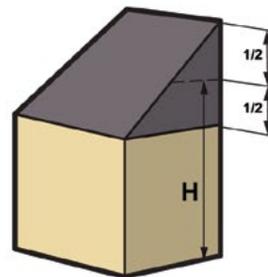
Mansard Roof



Hip Roof



"A" Frame



Studio / Shed Roof

E. How do I determine if my property is large enough to build on?

1. See Section 39-2.04 (Summary Building Envelope Regulations) to determine the **minimum lot size and lot width** of properties in the LDR, CNR, MDR, and TNR Zones Districts or when establishing an Industrial Outlot in the I Zone District. All other Zone Districts are not required to be a minimum size.

a. Measurement Diagrams:



2. **How do I measure my lot width?** The **lot width** is measured along a straight line connecting the *side or secondary street frontage property lines* where the *principal building's required minimum setback* is located.
3. **What if my property is not large enough?** A *variance* application may be submitted to the *Board of Appeals* for review. See Section 39-12.12.C.

- F. What is the minimum allowable size of a single detached dwelling unit?**
500 square feet gross floor area.
- G. What is the minimum allowable width of a single detached dwelling unit?** 22 feet.
- H. What is the minimum allowable size of a dwelling unit in a multi-unit building?**
300 square feet gross floor area.

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SECTION 39-1.08 TITLE

The City of Holland's *Unified Development Ordinance, abbreviated UDO.*

SECTION 39-1.09 PURPOSE

The fundamental purpose of *UDO* is to promote the **health, safety, and welfare of the inhabitants of the City** by:

- A. Promoting the **orderly development** of the City by implementing the goals and action steps identified in the **City of Holland's Master Plan**, following City policies, and identifying land *uses* suitable for properties to protect *allowable uses* against incompatible *uses* of land;
- B. Encouraging **citywide resiliency** through smart, low impact *development* and stormwater management that preserves and **protects the natural and built elements** of the City;
- C. Promoting the **economic progress** of the City by preserving and growing the established commercial business districts and developing additional commercial business and *residential mixed use nodes* throughout the City;
- D. **Preserving and establishing walkable areas** by intentionally focusing on *building form*, urban design, and how the *building frontages interact with the public street*;
- E. Enhancing the **City's multimodal network** and providing for the efficient **movement and parking** of vehicular and non-motorized transportation;
- F. **Beautifying the City** by enhancing its **urban tree canopy** and being attentive to *site design* and *landscaping*; and
- G. **Reducing the hazards** to life and property, promoting traffic safety, and providing protection from the spread of fire and other hazards.

SECTION 39-1.10 INTERPRETATION

- A. The provisions of *UDO* shall be held as **minimum requirements** adopted for the promotion of the **public health, safety, and general welfare** of the residents, businesses, property *owners*, and occupants of the City of Holland. Among other purposes, the provisions of *UDO* are intended to promote the health, safety, economic vitality, and environmental sustainability of the City.
- B. Adoption of *UDO* is **not intended to repeal**, abrogate, annul, or in any way impair or interfere with existing provisions of the City's other laws or Ordinances, **except those specifically repealed** at the time of the adoption of *UDO*.
- C. *UDO* **does not supersede any private restrictions** placed upon property by covenant, deed, or other private agreement more restrictive than *UDO*. Where *UDO* **imposes a stricter restriction** than is imposed by a private restriction, **the provisions of UDO shall govern.**
- D. **Images** in *UDO* are included to aid in the interpretation of the text, but **are not regulatory**. If there is any conflict between an image and text, **the text shall govern.**

SECTION 39-1.11 CONFLICTING REGULATIONS

- A. Whenever any provision of *UDO* imposes **more stringent requirements** than required by the provisions of any other City Ordinance or any County, State, or Federal law or regulation, **then the provisions of UDO shall govern**, except if exempted by State or Federal Statute.
- B. Whenever any provision of *UDO* imposes **less stringent requirements** than required by the provisions of any other City Ordinance or any County, State, or Federal law or regulation, then the **provisions of the other ordinance, law, or regulation shall govern.**

SECTION 39-1.12 SEVERABILITY

The various articles, sections, parts, paragraphs, sentences, and clauses of *UDO* **are hereby declared to be severable**. If any of them are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of *UDO* shall not be affected thereby.

SECTION 39-1.13 LEGAL BASIS

UDO is enacted pursuant to Public Act 110 of the Public Acts of 2006, the Michigan Zoning Enabling Act, as amended, and Public Act 288 of the Public Acts of 1967, the Michigan Land Division Act.

SECTION 39-1.14 COMPLIANCE WITH REGULATIONS

Except as otherwise specified in *UDO* (through **Waiver/Variance/Special Exception** processes), no *structure* or premises shall be used or occupied, and no *building* or part thereof shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered, **except in compliance with the regulations set forth in *UDO***.

SECTION 39-1.15 EFFECTIVE DATE

UDO was adopted by the *City Council* of Holland on July 21, 2021 and became effective on August 11, 2021.

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Holland
MICHIGAN

ARTICLE 39-2:
Zone Districts



SECTION 39-2.01 INTENT

To implement *UDO's* purpose (see Section 39-1.09), this Article specifies the standards required for *land uses, building placement, and automobile and bicycle parking per Zone District and Form Based Code Sub-District.* The **Summary Use Table** (Section 39-2.03) specifies which *land uses* are permitted, permitted with restrictions, permitted with Special Land Use approval, or not permitted in each *Zone District.* Sections 39-2.05-23 provide detailed **Zone District Use and Parking Standards Tables.** The **Summary Dimensional Standards Table** and specific **Zone District Dimensional Standards Tables,** also in Sections 39-2.04-23, provide *building placement standards to promote orderly development.* See Article 39-12 to determine Review Processes.

SECTION 39-2.02 ZONE DISTRICTS ESTABLISHED

The City is divided into **16 Zone Districts** and **9 Form Based Code Sub-Districts,** This Article and its tables are organized by each *Zone District. Form Based Code Sub-District* standards are located in Article 39-3. The City of Holland's *Zone Districts* and *Sub-Districts* are:

Conventional and Mixed Use Zone Districts

- LDR *Low Density Residential*
- CNR *Cottage Neighborhood Residential*
- MDR *Medium Density Residential*
- TNR *Traditional Neighborhood Residential*
- HDR *High Density Residential*
- MHR *Manufactured Housing Community*
- NMU *Neighborhood Mixed Use*
- CMU *Corridor Mixed Use*
- RMU *Redevelopment Mixed Use*
- GMU *Greenfield Mixed Use*
- ED *Education*
- I *Industrial*
- A *Airport*
- OS *Open Space*
- PUD *Planned Unit Development*

F-Form Based Code Zone District and Sub-Districts

- F- CDT *Central Downtown*
- F- NDT *North Downtown*
- F- EDT *East Downtown*
- F- WDT *Waterfront Downtown*
- F- CENT *Centennial*
- F- RM *River Michigan*
- F- SIXT *Sixteenth Street*
- F- WASH *Washington*
- F- SSV *South Shore Village*

Overlay Districts

- Airport Overlay District
- Hope Neighborhood Overlay District
- Waterfront Overlay District

Residential Zone Districts: When UDO uses the term “residential *Zone Districts,*” that means the LDR, CNR, MDR, TNR, HDR, and MHR *Zone Districts* collectively.

The maps in Sections 39-2.05-18 are illustrative only. The regulatory *Zoning Map* is located in Section 39-1.05.

SECTION 39-2.03 SUMMARY USE TABLE

A. Click on a *Zone District* to jump to standards.

USES		LDR	CNR	MDR	TNR	HDR	MHR	NMU	CMU	RMU	GMU	ED	I	A	OS	PUD	F	
Residential Uses	Single Detached Dwelling Unit	P	P	P	P	-	P	-	-	-	P*	P	-	*	-	P*	-	
	Single Attached Dwelling Unit	-	-	-	-	-	-	P*	P*	P	P*	P*	-	*	-	P*	P	
	Two Attached Dwelling Units	-	-	P	P*	P	-	P*	P*	P	P*	P*	-	*	-	P*	P*	
	Three or Four Attached Dwelling Units	-	-	-	P*	P	-	P*	P*	P	P*	P*	-	*	-	P*	P*	
	Five or more Attached Dwelling Units	-	-	-	-	P	-	P*	P*	P	P*	P*	P*	*	-	P*	P*	
	Accessory Dwelling Units (ADUs)	P*	-	P*	P*	-	-	-	-	-	-	P*	-	-	*	-	P*	-
	Manufactured Housing Communities	-	-	-	-	-	P	-	-	-	-	-	-	-	*	-	-	-
	Bed and Breakfast 1-4 Rooms (5-8 Rooms see Section 39-12.12.B)	P	P	P	P	P	P	-	-	-	-	-	-	-	*	-	P*	P
	Child Care In-Home	P	P	P	P	P	P	P*	P*	P*	P*	P*	P*	P*	*	-	P*	P
	Home Occupation/ Business Type 1 and 2	P*	P*	P*	P*	*	-	P*	P									
	Short Term Rentals	P*	P*	P*	P*	P*	P*	P	P	P	P	P	-	P*	*	-	P*	P
Commercial Uses	Retail	-	-	-	-	P*	-	P	P	P	P	P*	P*	*	P*	P*	P	
	Restaurants/Bars	-	-	-	-	-	-	P	P	P	P	P*	P*	*	-	P*	P	
	Services	-	-	-	-	P*	P*	P	P	P	P	P*	P*	*	-	P*	P	
	Offices	P*	P*	P*	P*	P*	P*	P	P	P	P	P*	P	*	P*	P*	P	
	Hospitals	-	-	-	-	-	-	-	S	S	-	P*	-	*	-	P*	-	
	Nursing Homes	-	-	-	-	P	-	-	P	S	S	-	-	*	-	P*	P	
	Child Care Centers	P*	P*	P*	P*	P*	P*	S	P	S	S	P*	S	*	-	P*	P*	
	Drive-Thru's	-	-	-	-	-	-	P*	P	P*	P*	P*	P*	*	-	P*	P*	
	Event Venues	-	-	-	-	P*	P*	S	P	S	P*	P*	P*	*	P*	P*	S	
	Firearm or Archery Ranges	-	-	-	-	-	-	-	S	-	-	-	S	*	-	-	-	
	Funeral Homes	-	-	-	-	-	-	P*	P	-	-	-	-	*	-	-	P*	
	Gas Stations	-	-	-	-	-	-	-	S	-	S*	-	S*	*	-	-	-	
	Outdoor Sales, Outdoor Cafes, and Sidewalk Cafes	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	*	-	P*	P*	
	Public Lodging	-	-	-	-	-	-	-	P	S	S	P*	-	*	-	P*	P	
	Vehicle Repair	-	-	-	-	-	-	S*	P	S	P*	-	P	*	-	-	-	
	Vehicle Sales	-	-	-	-	-	-	S*	P	S	-	-	-	*	-	-	-	
	Vehicle Wash	-	-	-	-	-	-	-	P	S	P*	-	P*	*	-	-	-	
	Vendor Trucks	-	-	-	-	-	-	P*	P	P	P	P*	P*	*	-	P*	P*	
	Outdoor Storage and Processes	-	-	-	-	-	-	-	P*	P*	-	-	P	*	-	-	-	

P Permitted **P*** Permitted with Restrictions **S** Special Land Use **S*** Special Land Use with Restrictions

*See Section 39-2.17 for permitted and special land uses in the A Zone District.

B. Approval Type Details

- 1. Permitted Uses (P)** The use is allowed on properties in the *Zone District*. *Permitted uses* that have specific standards are listed in Section 39-4.02. The **Zone District Use Tables** in Sections 39-2.05-23 provide details.
- 2. Permitted Uses with Restrictions (P*)** The use is allowed in the *Zone District*, but is **subject to restrictions**. These use restrictions are specified in the *Zone District Use Tables* in Sections 39-2.05-23. Some *Permitted Uses with Restrictions* also have specific standards listed in Section 39-4.02.
- 3. Special Land Use (S)** These Uses shall obtain Special Land Use approval from the *Planning Commission*. Special Land Uses required to meet the **Basic Special Land Use Standards** are listed in Section 39-4.03. Special Land Uses required to meet the **Basic Special Land Use Standards** and **Additional Standards** are listed in Section 39-4.04. These are referenced in the **Zone District Use Tables** in Sections 39-2.05-23.
- 4. Special Land Uses with Restrictions (S*)** These Special Land Uses are **subject to restrictions** specified in the **Zone District Use Tables** in Sections 39-2.05-23. They are also required to meet either the **Basic Special Land Use Standards** in Section 39-4.03 or the **Basic and Additional Standards** in Section 39-4.04.



C. Unlisted Uses.

- 1. Uses not listed in a particular Zone District** shall be considered prohibited in that *Zone District* unless the Zoning Administrator determines the proposed use is similar to a *permitted use* in that *Zone District*.
- 2. Uses not listed anywhere in UDO** may be approved only if the Zoning Administrator determines that the use is similar to a *permitted use* in the *Zone District* where the property is located.

1
Toolbox

2
Zone
Districts

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Form
Based
Code

4
Add'l Use
Standards

5
Site Design
Review
Standards

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Landscaping/
Green Inf.

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SECTION 39-2.04 SUMMARY DIMENSIONAL STANDARDS TABLES

If 2 or more dimensions are listed, see the applicable *Zone District* section to determine when each dimension applies. If a section number is referenced, the requirements can be found in that section.

ZONE DISTRICTS: LDR, CNR, MDR, TNR, HDR, MHR							
		LDR	CNR	MDR	TNR	HDR	MHR
Minimums	Front Yard Setback (ft)	30	20/25	25	10	10/25	<u>2.10</u>
	Side Yard Setback (ft)	7	7/20	5	5	20	<u>2.10</u>
	Rear Yard Setback (ft)	25	20	25	25	25	<u>2.10</u>
	Secondary Street Frontage Setback (ft)	20	10	15	7	10/25	<u>2.10</u>
	Building Height (ft)	-	-	-	-	-	-
	Property Area (sf)	7,000	5,000	5,000	5,000/ 9,600/ 14,400/ 19,200	-	<u>2.10</u>
	Property Width (ft)	50	50	40	40/60	-	<u>2.10</u>
Maximums	Front Yard Setback (ft)	-	-	-	25	25/75	-
	Side Yard Setback (ft)	-	-	-	-	-	-
	Rear Yard Setback (ft)	-	-	-	-	-	-
	Secondary Street Frontage Setback (ft)	-	-	-	25	25/75	-
	Building Height (ft)	35	30	35	40	45	35

ZONE DISTRICTS: NMU, CMU, RMU, GMU					
		NMU	CMU	RMU	GMU
Minimums	Front Yard Setback (ft)	2/10	20/25	5	10/25
	Side Yard Setback (ft)	0/5	25	0/15	20
	Rear Yard Setback (ft)	0/10/25	25	0/25	25
	Secondary Street Frontage Setback (ft)	2/10	15	5	10
	Building Height (ft)	-	-	-	-
	Property Area (sf)	-	-	-	-
	Property Width (ft)	-	-	-	-
Maximums	Front Yard Setback (ft)	6/25	-/85	15	25/75
	Side Yard Setback (ft)	-	-	-	0
	Rear Yard Setback (ft)	-	-	-	-
	Secondary Street Frontage Setback (ft)	6/25	-	15	25/75
	Building Height (ft)	35	50	35/48	65

ZONE DISTRICTS: ED, I, A, OS, PUD, F							
		ED	I	A	OS	PUD	F
Minimums	Front Yard Setback (ft)	<u>2.15.B</u>	5/25	<u>2.17</u>	-	<u>2.19</u>	Article 39-3
	Side Yard Setback (ft)	<u>2.15.B</u>	25	<u>2.17</u>	-	<u>2.19</u>	Article 39-3
	Rear Yard Setback (ft)	<u>2.15.B</u>	25	<u>2.17</u>	-	<u>2.19</u>	Article 39-3
	Secondary Street Frontage Setback (ft)	<u>2.15.B</u>	5/25	<u>2.17</u>	-	<u>2.19</u>	Article 39-3
	Building Height (ft)	<u>2.15.B</u>	-	-	-	-	Article 39-3
	Property Area (sf)	<u>2.15.B</u>	-	-	-	<u>2.19</u>	<u>2.20</u>
	Property Width (ft)	<u>2.15.B</u>	-	-	-	<u>2.19</u>	<u>2.20</u>
Maximums	Front Yard Setback (ft)	<u>2.15.B</u>	-	<u>2.17</u>	-	<u>2.19</u>	Article 39-3
	Side Yard Setback (ft)	<u>2.15.B</u>	-	<u>2.17</u>	-	<u>2.19</u>	Article 39-3
	Rear Yard Setback (ft)	<u>2.15.B</u>	-	<u>2.17</u>	-	<u>2.19</u>	Article 39-3
	Secondary Street Frontage Setback (ft)	<u>2.15.B</u>	-	<u>2.17</u>	-	<u>2.19</u>	Article 39-3
	Building Height (ft)	<u>2.15.B</u>	60/100	<u>2.17</u>	35	<u>2.19</u>	Article 39-3

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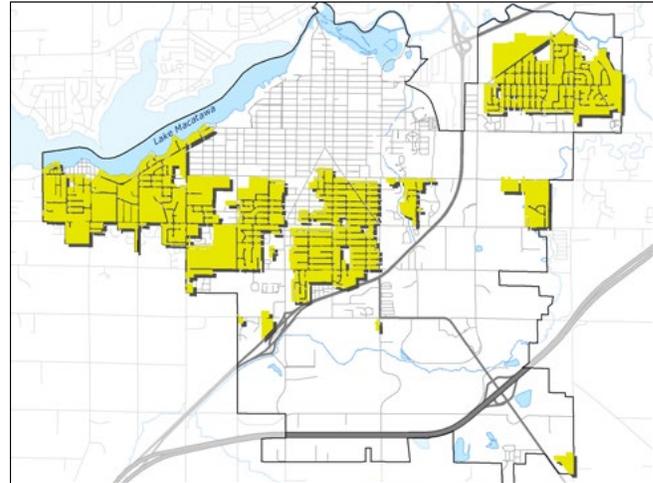
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SECTION 39-2.05 LOW DENSITY RESIDENTIAL ZONE DISTRICT

LDR

A. **Intent:** The LDR Low Density Residential Zone District is intended primarily for *Single Detached Dwelling Units* and detached *Accessory Dwelling Units (ADUs)*. The non-residential uses that are permitted on separate properties have been determined to be compatible with residential uses.



B. LDR Dimensional Standards Table.

SETBACKS AND BUILDING HEIGHT			
		MINIMUM	MAXIMUM
Setbacks	Front Yard	30 ft	-
	Side Yard	7 ft	-
	Rear Yard	25 ft	-
	Secondary Street Yard	20 ft	-
	Building Height	-	35 ft

LOT AREA AND WIDTH		
USE	MIN. AREA	MIN. WIDTH
1 Detached Dwelling	7,000 sf	50 ft
Accessory Dwelling Unit (ADU)	7,000 sf	50 ft
Non-Residential	7,000 sf	50 ft

C. LDR Use and Parking Standards Table.

	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Residential Uses	Single Detached Dwelling Unit	Permitted	1 per dwelling unit	-	9.04
	Accessory Dwelling Unit (ADU)	Permitted	1 per dwelling unit	-	9.07
	Bed and Breakfast	Permitted: 1-4 Guest Rooms 5-8 Guest Rooms: Special Exception	1 per guest room, plus 1 for the dwelling unit	4 spaces	4.02.C 12.12.B Special Exception
	Short Term Rentals	Permitted with Restrictions (See Section 39-4.02.Q)	1 per dwelling unit	-	4.02.Q Chapter 14
	Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	1 per dwelling unit. Type 2: 2 parking spaces available	-	4.02.G 12.12.B Special Exception
	Day Care In-Home	1-6 children permitted; 6+ requires Special Exception	-	-	4.02.D.2-3

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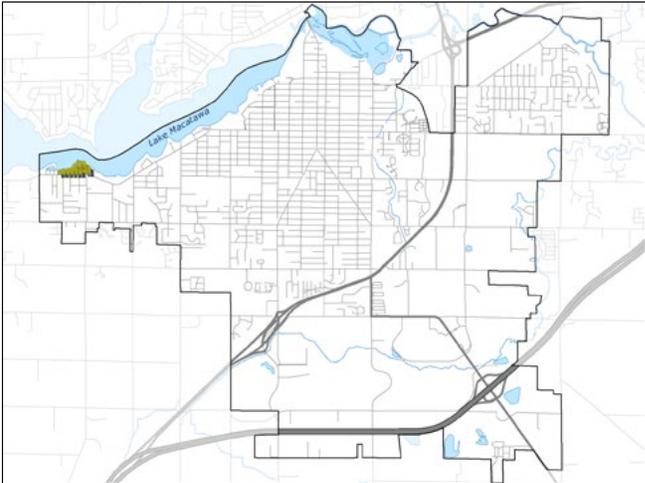
USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES *	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Other Uses	Offices	Permitted Accessory to a Religious Institution or K-12 School	1 per 800 sf	-	-
	Child Care Centers	Permitted Accessory to a Religious Institution or K-12 School	1 per 800 sf	-	<u>4.02.D.1</u>
	Alternative Energy - Solar	Permitted as Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Alternative Energy - Wind	Permitted: 40 feet in height or less Special Land Use: Greater than 40 feet in height Shall be Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Greenhouses	Permitted as Accessory Use	-	-	-
	Government/ Municipal Services	Special Land Use	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public	-
	Institutions of Higher Education	Special Land Use	Approving Authority Determination	Approving Authority Determination	-
	K-12 Schools	Special Land Use Existing Uses Can Expand without Special Land Use Approval	Approving Authority Determination	2 per classroom	-
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination	<u>4.04.F</u>
	Religious Institutions	Permitted	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public	-
Wireless Communication Facilities	Permitted Only when located on an existing structure	-	-	<u>4.02.X</u> <u>4.04.M</u>	

* Where square footage is referenced, it refers to gross building square footage.

SECTION 39-2.06 COTTAGE NEIGHBORHOOD ZONE DISTRICT



A. **Intent:** The CNR Cottage Neighborhood Residential *Zone District* is intended primarily for residential properties in neighborhoods with small *lots*, such as the Central Park Neighborhood. The combination of small *lot* sizes, narrow street *right-of-ways*, and the compact geography of the neighborhood create a residential *Zone District* where, if not controlled through the *Zone District* standards, the *scale* and size of some *buildings* could have negative impacts on adjacent properties. Non-residential *uses* are permitted on separate properties that are deemed compatible with residential *uses*. The Infill Design Review process is required in this *Zone District* to ensure design continuity and character preservation.



B. **CNR Dimensional Standards Table.**

SETBACKS AND PRINCIPAL BUILDING SIZE			
		MINIMUM	MAXIMUM
Setbacks	Front Yard	20 ft (25 ft when abutting a right-of-way less than 33 ft wide)	-
	Side Yard (Residential)	7 ft	-
	Side Yard (Non-Residential)	20 ft	-
	Rear Yard	20 ft	-
	Secondary Street Yard	10 ft	-
Building Size	Building Height	-	30 ft
	Residential Building Size	-	2,500 sf <u>Section 39-2.06.C.2</u>
	Non-Residential Building Size	-	2,500 sf <u>Section 39-2.06.C.3</u>

LOT AREA AND WIDTH		
USE	MIN. AREA	MIN. WIDTH
Single Detached Dwelling Unit	5,000 sf	50 ft
Non-Residential	5,000 sf	50 ft

C. **Additional Standards.**

1. The **Infill Design Review Standards** shall apply in the CNR *Zone District* as described in Section 39-9.09.
2. **Residential Buildings** shall not **exceed 2,500 square feet** in gross floor area.
3. **Non-Residential Buildings** shall not exceed 2,500 square feet in gross floor area unless approved for a Special Exception under Section 39-12.12.B.
4. **Accessory Dwelling Units** are not permitted.
5. The **maximum size** of any *accessory structure* in the CNR district is **576 square feet**.

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D. CNR Use and Parking Standards Table.

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES *	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Residential Uses	Single Detached Dwelling Unit	Permitted	1 per dwelling unit	-	9.04
	Bed and Breakfast	Permitted: 1-4 Guest Rooms 5-8 Guest Rooms: Special Exception	1 per guest room, plus 1 for the dwelling unit	4 spaces	4.02.C 12.12.B Special Exception
	Short Term Rental	Permitted with Restrictions (See Section 39-4.02.Q)	1 per dwelling unit	-	4.02.Q Chapter 14
	Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	Type 1: 1 per dwelling unit. Type 2: 2 parking spaces available	-	4.02.G 12.12.B Special Exception
	Day Care In-Home	Permitted	-	-	4.02.D.2-3
Other Uses	Offices	Permitted Accessory to a Religious Institution or K-12 School	1 per 800 sf	-	-
	Child Care Centers	Permitted Accessory to a Religious Institution or K-12 School	1 per 800 sf	-	4.02.D.1
	Alternative Energy - Solar	Permitted as Accessory Use	-	-	4.02.B 4.04.B
	Alternative Energy - Wind	Permitted: 40 feet in height or less Special Land Use: Greater than 40 feet in height	-	-	4.02.B 4.04.B
	Greenhouses	Shall be Accessory Use Permitted as Accessory Use	-	-	-
	Government/ Municipal Services	Special Land Use	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public	-
	Institutions of Higher Education	Special Land Use	Approving Authority Determination	Approving Authority Determination	-
	K-12 Schools	Special Land Use Existing Uses Can Expand without Special Land Use Approval	Approving Authority Determination	2 per classroom	-
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination	4.04.F

USE		APPROVAL TYPE	MINIMUM AUTO PARKING SPACES *	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Other Uses	Religious Institutions	Permitted	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public	-
	Wireless Communication Facilities	Permitted Only when located on an existing structure	-	-	<u>4.02.G</u> <u>4.04.M</u>

* Where square footage is referenced, it refers to gross building square footage.

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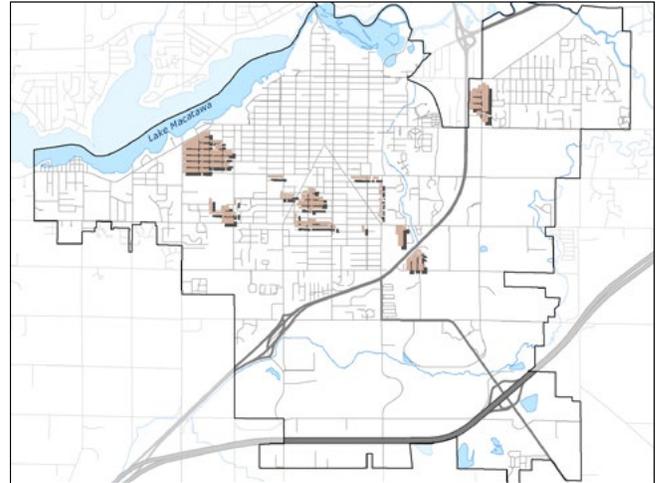
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SECTION 39-2.07 MEDIUM DENSITY RESIDENTIAL ZONE DISTRICT

MDR

A. **Intent:** The MDR Medium Density Residential *Zone District* is intended for one detached dwelling units and two attached dwelling units. To encourage medium density, both dwelling types are permitted on the same size properties. Non-residential uses are permitted on separate properties that are deemed compatible with residential uses.



B. MDR Dimensional Standards Table.

SETBACKS AND BUILDING HEIGHT			
		MINIMUM	MAXIMUM
Setbacks	Front Yard	25 ft	-
	Side Yard – Residential	5 ft	-
	Side Yard – Non-Residential	20 ft	-
	Rear Yard	25 ft	-
	Secondary Street Yard – Residential	16 ft	-
	Secondary Street Yard – Non-Residential	20 ft	-
	Building Height	-	35 ft

LOT AREA AND WIDTH		
USE	MIN. AREA	MIN. WIDTH
Single Detached Dwelling Unit	5,000 sf	40 ft
Two Attached Dwelling Units	5,000 sf	40 ft
Non-Residential	5,000 sf	40 ft

C. MDR Use and Parking Standards Table.

USE		APPROVAL TYPE	MINIMUM AUTO PARKING SPACES	MINIMUM BIKE PARKING SPACES	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Residential Uses	Single Detached Dwelling Unit	Permitted	1 per dwelling unit	-	<u>9.04</u>
	Two Attached Dwelling Units	Permitted	1 per dwelling unit	-	<u>9.04</u>
	Accessory Dwelling Unit (ADU)	Permitted Only on properties with Single Detached Dwelling Units	1 per dwelling unit	-	<u>9.07</u>

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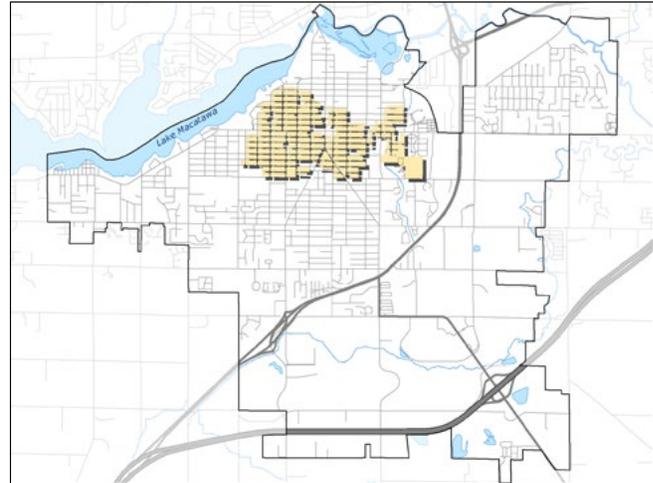
	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES	MINIMUM BIKE PARKING SPACES	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
1 Toolbox					
2 Zone Districts	Residential Uses	Bed and Breakfast	Permitted: 1-4 Guest Rooms 5-8 Guest Rooms: Special Exception	1 per guest room, plus 1 for the dwelling unit	1 per 10 rooms, minimum 4 available to general public <u>4.02.C</u> <u>12.12.B</u> Special Exception
3 Form Based Code		Short Term Rentals	Permitted with Restrictions	1 per dwelling unit	- <u>4.02.Q</u> Chapter 14
4 Add'l Use Standards		Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	Type 1: 1 per dwelling unit. Type 2: 2 parking spaces available	- <u>4.02.G</u> <u>12.12.B</u> Special Exception
5 Site Design Review Standards		Day Care In-Home	Permitted	-	- <u>4.02.D.2-3</u>
6 Landscaping/ Green Inf.		Offices	Permitted Accessory to a Religious Institution or K-12 School	1 per 800 sf	-
7 Lighting	Other Uses	Child Care Centers	Permitted Accessory to a Religious Institution or K-12 School	1 per 800 sf	- <u>4.02.D.1</u>
8 Signage		Alternative Energy - Solar	Permitted as Accessory Use	-	- <u>4.02.B</u> <u>4.04.B</u>
9 General Standards		Alternative Energy - Wind	Permitted: 40 feet in height or less Special Land Use: Greater than 40 feet in height Shall be Accessory Use	-	- <u>4.02.B</u> <u>4.04.B</u>
10 Streets/ Sidewalks/ Driveways		Greenhouses	Permitted as Accessory Use	-	-
11 Subdivision of Land		Government/ Municipal Services	Special Land Use	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public -
12 Processes/ Admin.		Institutions of Higher Education	Special Land Use	Approving Authority Determination	Approving Authority Determination -
13 Non-conformities		K-12 Schools	Special Land Use Existing Uses Can Expand without Special Land Use Approval	Approving Authority Determination	2 per classroom -
14 Definitions		Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination <u>4.04.F</u>
		Religious Institutions	Permitted	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public -
		Wireless Communication Facilities	Permitted Only when located on an existing structure	-	- <u>4.02.X</u> <u>4.04.M</u>

* Where square footage is referenced, it refers to gross building square footage.

SECTION 39-2.08 TRADITIONAL NEIGHBORHOOD ZONE DISTRICT

TNR

A. **Intent:** The TNR Traditional Neighborhood Residential *Zone District* is intended for medium-high *density* of residential units. Allowing up to Four Attached *Dwelling Units* on a single property, TNR standards ensure the preservation and enhancement of the City’s core, urban, historic, and walkable neighborhoods. Non-residential uses are permitted on separate properties that are deemed compatible with residential uses. The Infill Design Review process is required in this *Zone District* to ensure design continuity and character preservation.



B. TNR Dimensional Standards Table.

SETBACKS AND BUILDING HEIGHT			
		MINIMUM	MAXIMUM
Setbacks	Front Yard	10 ft	25 ft
	Side Yard	5 ft	-
	Rear Yard	25 ft	-
	Secondary Street Yard	7 ft	-
	Building Height	-	40 ft

LOT AREA AND WIDTH		
USE	MIN. AREA	MIN. WIDTH
Single Detached Dwelling Unit	5,000 sf	40 ft
Two Attached Dwelling Units	9,600 sf	60 ft
Three Attached Dwelling Units	14,400 sf	60 ft
Four Attached Dwelling Units	19,200 sf	60 ft
Non-Residential	5,000 sf	40 ft

C. Additional Standards Required.

- Hope Neighborhood Overlay District:** See Section 39-2.21 to determine if located in the Hope Neighborhood Overlay District and for requirements.
- The Infill Design Review** standards shall apply in the TNR Zone District as described in Section 39-9.09.
- Education Zone District.** These TNR standards shall apply to *Single Detached Dwelling Units* located in the ED *Zone District* (Section 39-2.15) that are **not owned** by an *Institution of Higher Education*.
- Historic Districts.** Properties in an *Historic District* are also required to adhere to the City Code of Ordinances Chapter 2, Article XV *Historic Districts* and *Historic District Commissions* ordinance.

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D. TNR Use and Parking Standards Table.

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES *	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Residential Uses	Single Detached Dwelling Unit	Permitted	1 per dwelling unit	-	<u>9.04</u>
	Two Attached Dwelling Units	Permitted Limitations: <u>Section 39-2.08.B</u> , <u>Section 39-2.08.C.1</u> , <u>Section 39-2.21</u>	1 per dwelling unit	-	<u>9.04</u>
	Three Attached Dwelling Units	Permitted Limitations: <u>Section 39-2.08.B</u> , <u>Section 39-2.08.C.1</u> , <u>Section 39-2.21</u>	1 per dwelling unit	-	<u>9.04</u>
	Four Attached Dwelling Units	Permitted Limitations: <u>Section 39-2.08.B</u> , <u>Section 39-2.08.C.1</u> , <u>Section 39-2.21</u>	1 per dwelling unit	-	<u>9.04</u>
	Accessory Dwelling Unit (ADU)	Permitted Only on properties with Single Detached Dwelling Units	1 per dwelling unit	-	<u>9.07</u>
	Bed and Breakfast	Permitted: 1-4 Guest Rooms 5-8 Guest Rooms: Special Exception	1 per guest room, plus 1 for the dwelling unit	4 spaces	<u>4.02.C</u> <u>12.12.B</u> Special Exception
	Short Term Rentals	Permitted with Restrictions	1 per dwelling unit	-	<u>4.02.Q</u> Chapter 14
	Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	Type 1: 1 per dwelling unit. Type 2: 2 parking spaces available	-	<u>4.02.G</u> <u>12.12.B</u> Special Exception
Other Uses	Offices	Permitted Accessory to a Religious Institution or K-12 School	1 per 800 sf	-	-
	Child Care Centers	Permitted Accessory to a Religious Institution or K-12 School	1 per 800 sf	-	<u>4.02.D.1</u>
	Alternative Energy - Solar	Permitted as Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Alternative Energy - Wind	Permitted: 40 feet in height or less Special Land Use: Greater than 40 feet in height Shall be Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Greenhouses	Permitted as Accessory Use	-	-	-

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES *	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Other Uses	Government/ Municipal Services	Special Land Use	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public	-
	Institutions of Higher Education	Special Land Use	Approving Authority Determination	Approving Authority Determination	-
	K-12 Schools	Special Land Use Existing Uses Can Expand without Special Land Use Approval	Approving Authority Determination	2 per classroom	-
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination	<u>4.04.F</u>
	Religious Institutions	Permitted	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public	-
	Wireless Communication Facilities	Permitted Only when located on an existing structure	-	-	<u>4.02.X</u> <u>4.04.M</u>

* Where square footage is referenced, it refers to gross building square footage.

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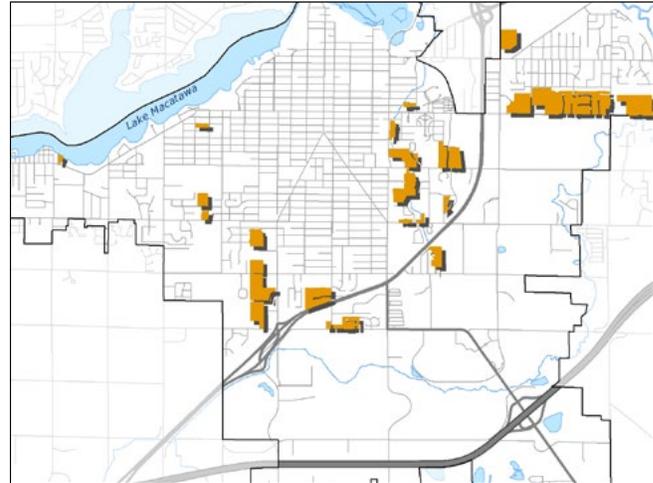
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SECTION 39-2.09 HIGH DENSITY RESIDENTIAL ZONE DISTRICT

HDR

A. **Intent:** The HDR High Density Residential *Zone District* is intended for residential dwellings with 2 or more attached *dwelling units*. To encourage affordability and apartment communities, the HDR *Zone District* encourages residential *developments* with 5 or more units, flexibility in design, and medium-intensity non-residential *uses* to provide *services* to residents.



B. HDR Dimensional Standards Table.

SETBACKS			
		MINIMUM	MAXIMUM
Setbacks	Front Yard – From existing streets	25 ft	75 ft
	Front Yard – From internal/new streets	10 ft	25 ft
	Side Yard	20 ft	-
	Rear Yard	25 ft	-

SETBACKS (CONTINUED) AND BUILDING HEIGHT			
		MINIMUM	MAXIMUM
Setbacks	Secondary Street Yard – From existing streets	25 ft	75 ft
	Secondary Street Yard – From internal/new public streets	10 ft t	25 ft
	Building Height	-	45 ft

C. HDR Use and Parking Standards Table.

USE		APPROVAL TYPE	MINIMUM AUTO PARKING SPACES *	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Residential Uses	Two Attached Dwelling Units	Permitted	1 per dwelling unit	-	<u>9.04</u>
	Three Attached Dwelling Units	Permitted	1 per dwelling unit	-	<u>9.04</u>
	Four Attached Dwelling Units	Permitted	1 per dwelling unit	-	<u>9.04</u>
	Five or More Attached Dwelling Units	Permitted	1 per dwelling unit	1 long term space per 2 dwelling units. 4 short tem spaces for general public.	<u>9.04</u>

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	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES *	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Residential Uses	Bed and Breakfast	Permitted: 1-4 Guest Rooms 5-8 Guest Rooms: Special Exception	1 per guest room, plus 1 for the dwelling unit	4 spaces	<u>4.02.C</u> <u>12.12.B</u> Special Exception
	Short Term Rentals	Permitted Only when Owner-Occupied	1 per dwelling unit	-	<u>4.02.Q</u> Chapter 14
	Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	Type 1: 1 per dwelling unit. Type 2: 2 parking spaces available	-	<u>4.02.G</u> <u>12.12.B</u> Special Exception
	Day Care In-Home	Permitted	-	-	<u>4.02.D.2-3</u>
Commercial Uses	Retail	Permitted when located in same structure as 5 or more dwelling units and not exceed 25% of the total floor area.	1 per 400 sf	1 per 4,000 sf for the first 75,000 sf 1 per 12,500 sf for floor area over 75,000 sf Minimum 4 available to general public	-
	Services	Permitted when located in same structure as 5 or more dwelling units and not exceed 25% of the total floor area.	1 per 400 sf	1 per 5,000 sf, minimum 4 available to general public	-
	Offices	Permitted when located in same structure as 5 or more dwelling units and not exceed 25% of the total floor area.	1 per 400 sf	1 per 5,000 sf, minimum 4 available to general public	-
	Event Venues	Permitted when located in same structure as 5 or more dwelling units and not exceed 25% of the total floor area.	1 per 400 sf	Approving Authority Determination	-
	Child Care Centers	Permitted Accessory to a Religious Institution or K-12 School OR when located in same structure as 5 or more dwelling units and not exceed 25% of the total floor area.	1 per 800 sf	-	<u>4.02.D.1</u>

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES *	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Other Uses	Alternative Energy - Solar	Permitted as Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Alternative Energy - Wind	Permitted: 40 feet in height or less Special Land Use: Greater than 40 feet in height Shall be Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Greenhouses	Permitted as Accessory Use	-	-	-
Other Uses	Government/ Municipal Services	Special Land Use	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public	-
	Institutions of Higher Education	Special Land Use	Approving Authority Determination	Approving Authority Determination	-
	K-12 Schools	Special Land Use Existing Uses Can Expand without Special Land Use Approval	Approving Authority Determination	2 per classroom	-
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination	<u>4.04.F</u>
	Recreation - Indoor	Permitted as Accessory Use	Approving Authority Determination	-	-
	Recreation - Outdoor	Permitted as Accessory Use	Approving Authority Determination	-	-
	Religious Institutions	Permitted	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public	-
	Wireless Communication Facilities	Permitted Only when located on an existing structure	-	-	<u>4.02.X</u> <u>4.04.M</u>

* Where square footage is referenced, it refers to gross building square footage.

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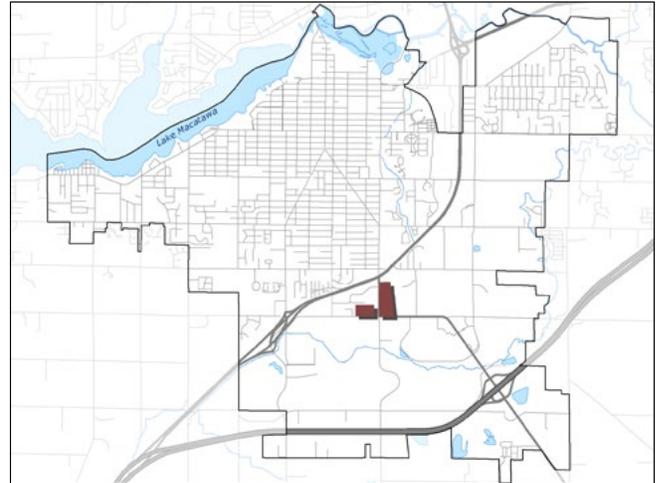
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SECTION 39-2.10 MANUFACTURED HOUSING COMMUNITY ZONE DISTRICT

MHR

A. **Intent:** The MHR Manufactured Housing Community *Zone District* is intended for *manufactured housing* in State-licensed mobile home parks that are safe and attractive and use high-quality materials.



B. MHR Dimensional Standards Table.

SETBACKS AND BUILDING HEIGHT			
		MINIMUM	MAXIMUM
Setbacks	Front Yard	10 ft	-
	Side Yard	25 ft	-
	Rear Yard	25 ft	-
	Secondary Street Yard	10 ft	-
	Building Height	-	35 ft

LOT AREA AND WIDTH		
USE	MIN. AREA	MIN. WIDTH
Manufactured Housing Communities	50 Manufactured Homes	10 Manufactured Homes Per Acre
Community Development Area	10 Acres	-
Open Space	5% of Community	-

C. MHR Use and Parking Standards Table.

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES *	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Residential Uses	Manufactured Housing Communities	Permitted	1 per dwelling unit	-	<u>2.10.D-F</u>
	Single Detached Dwelling Unit	Permitted	1 per dwelling unit	-	<u>9.04</u>
	Accessory Dwelling Unit - Detached	Permitted	1 per dwelling unit	-	<u>9.07</u>
	Bed and Breakfast	Permitted: 1-4 Guest Rooms 5-8 Guest Rooms: Special Exception	1 per guest room, plus 1 for the dwelling unit	4 spaces	<u>4.02.C</u> <u>12.12.B</u> Special Exception

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USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES *	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Residential Uses	Short Term Rentals	Permitted Only when Owner-Occupied	1 per dwelling unit	-	4.02.Q Chapter 14
	Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	Type 1: 1 per dwelling unit. Type 2: 2 parking spaces available	-	4.02.G 12.12.B Special Exception
	Day Care In-Home	Permitted	-	-	4.02.D.2-3
Commercial Uses	Services	Permitted As Accessory to Manufactured Housing Community and shall not exceed 10% of the community complex	1 per 400 sf	1 per 5,000 sf, minimum 4 available to general public	-
	Offices	Permitted As Accessory to Manufactured Housing Community and shall not exceed 10% of the community complex	1 per 400 sf	1 per 5,000 sf, minimum 4 available to general public	-
	Child Care Centers	Permitted As Accessory to Manufactured Housing Community and shall not exceed 10% of the community complex	1 per 800 sf	-	4.02.D.1
	Event Venues	Permitted As Accessory to Manufactured Housing Community and shall not exceed 10% of the community complex	1 per 500 sf	Approving Authority Determination	-
	Alternative Energy - Solar	Permitted as Accessory Use	-	-	4.02.B 4.04.B
Other Uses	Alternative Energy - Wind	Permitted: 40 feet in height or less Special Land Use: Greater than 40 feet in height Shall be Accessory Use	-	-	4.02.B 4.04.B
	Self Storage Facilities	Permitted: As Accessory to Manufactured Housing Community	-	-	4.02.P
	Greenhouses	Permitted as Accessory Use	-	-	-
	Government/ Municipal Services	Special Land Use	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public	-
	Institutions of Higher Education	Special Land Use	Approving Authority Determination	Approving Authority Determination	-

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES *	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Other Uses	K-12 Schools	Special Land Use Existing Uses Can Expand without Special Land Use Approval	Approving Authority Determination	2 per classroom	-
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination	<u>4.04.F</u>
	Recreation - Indoor	Permitted: As Accessory to Manufactured Housing Community	Approving Authority Determination	-	-
	Recreation - Outdoor	Permitted: As Accessory to Manufactured Housing Community	Approving Authority Determination	-	-
	Religious Institutions	Permitted	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public	-
	Wireless Communication Facilities	Permitted Only when located on an existing structure	-	-	<u>4.02.X</u> <u>4.04.M</u>

* Where square footage is referenced, it refers to gross building square footage.

D. Additional Requirements

1. Minimum *setback* for recreational, utility, service, or administrative *buildings* is **20 feet** to exterior *property lines* and **10 feet** to a *manufactured housing* community property.
2. Any portion of a *manufactured housing* community located adjacent to the I, NMU, CMU, RMU, GMU, or F *Zone Districts* shall be fenced or screened to **6 feet** in height.
3. Manufactured homes shall not be occupied unless located on a *manufactured housing* stand and until all provisions of this section have been complied with.
4. Every manufactured home stand shall be provided with supporting concrete piers or a concrete surface and a minimum of **8 tie-down anchors** suitable to prevent uplift or overturning and capable of withstanding a withdrawal force of **4,800 pounds** without failure.
5. Every manufactured home shall be fully skirted within **30 days** of installation on the manufactured home stand.
6. Any manufactured home installed in a *manufactured housing* community shall comply with the construction standards of all State and Local authorities applicable to the construction of manufactured homes and the current standards of the American National Standards Institute for the Construction and Safety of Manufactured Homes.
7. Every manufactured home shall be provided with municipal water and sewer service and with electrical connections. Any utility service, including fuel supply, shall be installed underground.
8. The requirements of Act No. 194 of the Public Acts of 1949, as amended, applicable to *manufactured housing* communities, are made a part of this division the same as if set out herein, and no certificate

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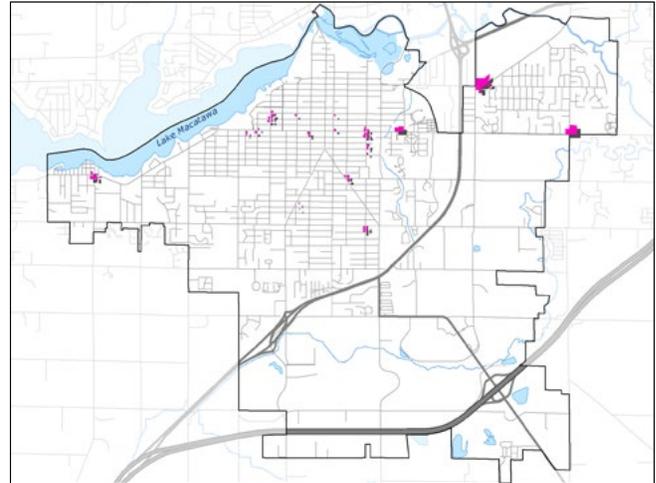
of occupancy shall be issued until such requirements have been met. All provisions of *UDO* and the City of Holland Code of Ordinances, which apply to residential property within the City not in conflict herewith shall apply to *manufactured housing* communities.

- E. **Streets.** Internal circulatory streets within a *manufactured housing* community shall be curbed and drained and shall comply with the following width standards:
1. Circulatory streets with *parking* on both sides: **36 feet wide.**
 2. Circulatory streets with *parking* on one side: **32 feet wide.**
 3. Circulatory streets with no *parking*: **28 feet wide.**
 4. Courts, culs-de-sac and other limited thoroughfare streets within a *development* serving not more than **12** mobile home properties shall be provided with an improved surface and be a minimum of **20 feet** in width.
 5. Except for public streets within a community complex, the responsibility for street maintenance shall be that of the *manufactured housing* community management and shall be adequate to ensure access by emergency *vehicles* at all times.
- F. **Parking.** Where *off-street parking* is provided on individual manufactured home properties, such *manufactured housing* properties shall be provided with paved, vehicular access, which connects the property to a street within the community complex and drained in accordance with public street standards.

SECTION 39-2.11 NEIGHBORHOOD MIXED USE ZONE DISTRICT

NMU

A. **Intent:** The NMU Neighborhood Mixed Use *Zone District* is intended to protect and enhance the economic vitality of Holland's traditional, full-service neighborhoods and to encourage walkability to employment and *amenities* by allowing *mixed use development*. The NMU *Zone District* is specifically intended for nodes of activity with a combination of uses, such as retail, *amenities*, services, and multi-family housing, adjacent to *Residential Zone Districts*.



B. NMU Dimensional Standards Table.

SETBACKS AND BUILDING HEIGHT WEST OF US-31			
		MINIMUM	MAXIMUM
Setbacks	Front Yard	2 ft	6 ft
	Side Yard	0 ft.	-
		10 ft. if property line adjacent to Residential Zone District.	-
	Rear Yard	0 ft.	-
		10 ft. if property line adjacent to Residential Zone District.	-
Secondary Street Yard	2 ft	6 ft	
Building Height		-	35 ft

SETBACKS AND BUILDING HEIGHT EAST OF US-31			
		MINIMUM	MAXIMUM
Setbacks	Front Yard	10 ft	25 ft
	Side Yard	5 ft.	-
		10 ft. if property line adjacent to Residential Zone District	-
	Rear Yard	10 ft.	-
		25 ft. if property line adjacent to Residential Zone District	-
Secondary Street Yard	10 ft	25 ft	
Building Height		-	35 ft

C. Use Allowances.

- Commercial uses are required to be:** Located in the **entire first story** of a building facing the **front street**.
 - Located in **50% of the entire first story** facing of a building facing a **secondary street**.
 - 25 feet in depth** with the exception of a staircase for *residential* uses.
- Residential** uses are permitted in the remaining areas of the *building*.
- A Special Land Use may be approved** by the *Planning Commission* to decrease the amount of *commercial* use if the context of the site deems it appropriate. See Section 39-4.04.G.

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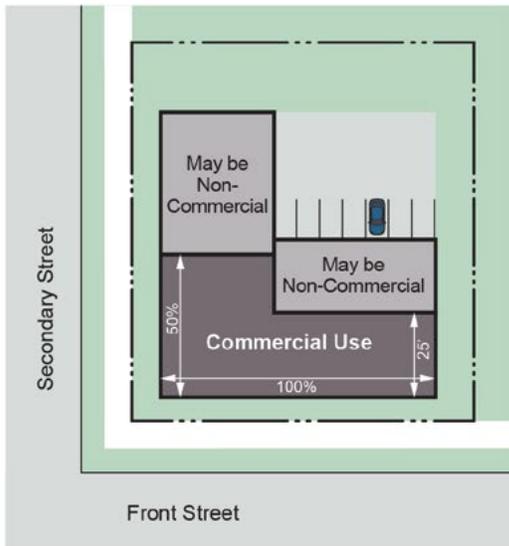
D. NMU Building Design Review Standards.

1. Window Requirements

- a. **First story façades 2 feet to 10 feet above grade** along the front street, and for the first 12 feet along a secondary street, shall be comprised of **60% window glass** with a transparency level of **80% VLT** minimum.
 - b. **Upper story façades** shall be comprised of a minimum of 30% window glass.
 - c. **A Special Land Use may be approved** by the *Planning Commission* to decrease the amount of window glazing if the context of the site deems it appropriate. See Section 39-4.04.G.
2. All *buildings* shall have **1 primary entrance** opening to the adjacent sidewalk of the street where the *building* fronts.
3. **An additional entrance** shall be provided for a side or rear *parking lot*.

- 4. All efforts shall be made to **maximize the amount of commercial window areas** along all street level elevations. Specifically, those areas of the street façade from 2-10 feet above the sidewalk shall be maximized.
- 5. Materials shall be selected for street level *building* façades that are **compatible with the existing character of nearby commercial and mixed use buildings**, while allowing for the opportunity for the use of contemporary materials and design elements.
- 6. Materials selected shall be high quality and durable.
- 7. **Upper story and residential portions of building façades** shall be compatible with other features of the *building* and with the positive attributes and materials of surrounding *properties*.
- 8. **Renovations and alterations** of existing *buildings* shall not make the *building* façade any less conforming to these standards than the existing condition.

Use Allowance and Transparency Requirements



E. NMU Use and Parking Standards Table.

	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Residential Uses	Single Attached Dwelling Unit	Permitted	1 per dwelling unit	-	9.04
	Two Attached Dwelling Units	Permitted	1 per dwelling unit	-	9.04
	Three Attached Dwelling Units	Permitted	1 per dwelling unit	-	9.04
	Four Attached Dwelling Units	Permitted	1 per dwelling unit	-	9.04
	Five or More Attached Dwelling Units	Special Land Use	1 per dwelling unit	1 long term space per 2 dwelling units. 4 short tem spaces for general public.	9.04
	Short Term Rentals	Permitted	1 per dwelling unit	-	4.02.Q Chapter 14
	Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	Type 1: 1 per dwelling unit. Type 2: 2 parking spaces available	-	4.02.G 12.12.B Special Exception
	Day Care In-Home	Permitted	-	-	4.02.D.2-3
Commercial Uses	Retail	Permitted	1 per 800 sf	1 per 4,000 sf for the first 75,000 sf 1 per 12,500 sf for floor area over 75,000 sf Minimum 4 available to general public	-
	Services	Permitted	1 per 800 sf	1 per 5,000 sf, minimum 4 available to general public	-
	Restaurants/Bars	Permitted	1 per 800 sf	1 per 2,000 sf, minimum 4 available to general public	-
	Offices	Permitted	1 per 800 sf	1 per 5,000 sf, minimum 4 available to general public	-
	Child Care Centers	Special Land Use	1 per 800 sf	-	4.02.D.1
	Drive-Thru's	Permitted	Included with Principal Use	-	4.02.E

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USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Commercial Uses	Event Venues	Special Land Use	1 per 500 sf	Approving Authority Determination -
	Funeral Homes	Permitted East of US-31 Only	1 per 300 sf	Approving Authority Determination <u>4.02.F</u>
	Maker Spaces	Special Land Use	1 per 400 sf	Approving Authority Determination -
	Outdoor Sales, Outdoor Cafes, and Sidewalks Cafes	Permitted Outdoor Cafes and Outdoor Sales ONLY	Included with Principal Use	- <u>4.02.K</u>
	Vehicle Repair	Special Land Use for expansion of existing uses	3 per vehicle bay	Approving Authority Determination <u>4.02.S</u> <u>4.04.K</u>
	Vehicle Sales	Special Land Use for expansion of existing uses	1 per 1,000 sf of indoor showroom, plus per 1 per 10 outdoor display spaces	Approving Authority Determination <u>4.02.T</u> <u>4.04.L</u>
	Vendor Trucks	Permitted On private property as part of an Outdoor Cafe	Included with Principal Use	- <u>4.02.V</u>
	Other Uses	Alternative Energy - Solar	Permitted as Accessory Use	-
Alternative Energy - Wind		Permitted: 40 feet in height or less Special Land Use: Greater than 40 feet in height Shall be Accessory Use	-	- <u>4.02.B</u> <u>4.04.B</u>
Oil and Gas Drilling		Permitted	-	- <u>4.02.I</u>
Greenhouses		Permitted as Accessory Use	-	-
Government/ Municipal Services		Special Land Use	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public -
Institutions of Higher Education		Special Land Use	Approving Authority Determination	Approving Authority Determination -
K-12 Schools		Special Land Use Existing Uses Can Expand without Special Land Use Approval	Approving Authority Determination	2 per classroom -

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Other Uses	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination <u>4.04.F</u>
	Recreation - Indoor	Permitted as Accessory Use	Approving Authority Determination	-
	Recreation - Outdoor	Permitted as Accessory Use	Approving Authority Determination	-
	Religious Institutions	Permitted	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public -
	Wireless Communication Facilities	Permitted Only when located on an existing structure	-	-

* Where square footage is referenced, it refers to gross building square footage.

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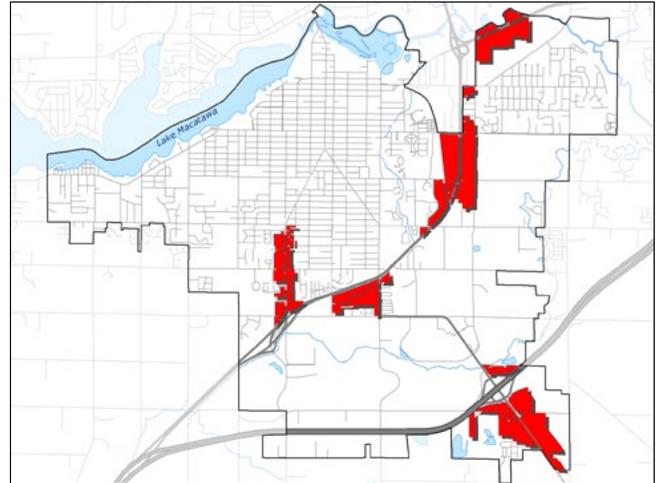
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SECTION 39-2.12 CORRIDOR MIXED USE ZONE DISTRICT

CMU

A. **Intent:** The CMU Corridor Mixed Use Zone District is intended to encourage a broad mix of uses along higher traffic corridors in order to preserve and enhance the economic vitality of the City. Allowing residential uses up to 20% on the ground floor and no maximum *density* requirement above commercial uses will provide additional affordable housing opportunities and convenient, walkable *amenities*, entertainment, and employment. *Vehicle*-oriented commercial uses are also intended for this *Zone District*.



B. CMU Dimensional Standards Table.

SETBACKS AND BUILDING HEIGHT			
		MINIMUM	MAXIMUM
Setbacks	Front Yard – Abutting Washington Avenue:	20 ft	85 ft
	Front Yard – Not abutting Washington Avenue:	25 ft	-
	Side Yard	25 ft*	-
	Rear Yard	25 ft*	-
	Secondary Street Yard	20 ft	-
	Building Height	-	50 ft

C. Use Allowances.

USES	MINIMUM GROUND FLOOR PERCENTAGE	MAXIMUM GROUND FLOOR PERCENTAGE
Commercial	80%	-
Residential	-	20%

D. CMU Use and Parking Standards Table.

USE		APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Residential Uses	Single Attached Dwelling Unit	Permitted	1 per dwelling unit	-	9.04
	Two Attached Dwelling Units	Permitted	1 per dwelling unit	-	9.04
	Three Attached Dwelling Units	Permitted	1 per dwelling unit	-	9.04

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	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Residential Uses	Four Attached Dwelling Units	Permitted	1 per dwelling unit	-	<u>9.04</u>
	Five or More Attached Dwelling Units	Permitted	1 per dwelling unit	1 long term space per 2 dwelling units. 4 short tem spaces for general public.	<u>9.04</u>
	Short Term Rentals	Permitted	1 per dwelling unit	-	<u>4.02.Q</u> Chapter 14
	Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	Type 1: 1 per dwelling unit. Type 2: 2 parking spaces available	-	<u>4.02.G</u> <u>12.12.B</u> Special Exception
	Day Care In-Home	Permitted	-	-	<u>4.02.D.2-3</u>
Commercial Uses	Retail	Permitted	1 per 200 sf	1 per 4,000 sf for the first 75,000 sf 1 per 12,500 sf for floor area over 75,000 sf Minimum 4 available to general public	-
	Services	Permitted	1 per 200 sf	1 per 5,000 sf, minimum 4 available to general public	-
	Restaurants/Bars	Permitted	1 per 200 sf	1 per 2,000 sf, minimum 4 available to general public	-
	Offices	Permitted	1 per 200 sf	1 per 5,000 sf, minimum 4 available to general public	-
	Hospitals	Special Land Use	Approving Authority Determination	Approving Authority Determination	-
	Nursing Homes	Permitted	1.25 per patient room	Approving Authority Determination	-
	Child Care Centers	Permitted	1 per 300 sf	Approving Authority Determination	<u>4.02.D.1</u>

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Commercial Uses	Drive-Thru's	Permitted	Included with Principal Use	-	<u>4.02.E</u>
	Event Venues	Permitted	1 per 500 sf	Approving Authority Determination	-
	Firearm or Archery Range	Special Land Use	1 per 1,000 sf	Approving Authority Determination	<u>4.04.C</u>
	Funeral Homes	Permitted	1 per 300 sf	Approving Authority Determination	<u>4.02.F</u>
	Gas Stations	Special Land Use	1 per 300 sf of retail space, plus 1 per gas pump (located next to the pump)	Approving Authority Determination	<u>4.04.D</u>
	Kennels	Permitted	1 per 300 sf	Approving Authority Determination	<u>4.02.H</u>
	Maker Spaces	Permitted	1 per 400 sf	Approving Authority Determination	-
	Outdoor Sales, Outdoor Cafes, and Sidewalk Cafes	Permitted Outdoor Sales and Outdoor Cafes ONLY	Included with Principal Use	-	<u>4.02.K</u>
	Public Lodging	Permitted	1.1 per guest room	1 per 10 rooms, minimum 4 available to general public	<u>4.02.N</u>
	Vehicle Repair	Permitted	3 per vehicle bay	Approving Authority Determination	<u>4.02.S</u> <u>4.04.K</u>
	Vehicle Sales	Permitted	1 per 1,000 sf of indoor showroom, plus per 1 per 10 outdoor display spaces	Approving Authority Determination	<u>4.02.T</u> <u>4.04.L</u>
	Vehicle Wash	Permitted	10 spaces	Approving Authority Determination	<u>4.02.U</u>
	Vendor Trucks	Permitted	Included with Principal Use	-	<u>4.02.V</u>

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	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
1 Toolbox					
2 Zone Districts	Alternative Energy - Solar	Permitted as Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
3 Form Based Code	Alternative Energy - Wind	Permitted: 40 feet in height or less Special Land Use: Greater than 40 feet in height Shall be Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
4 Add'l Use Standards	Manufacturing – Low Intensity	Special Land Use	1 per 800 sf	1 per 20,000 sf, minimum 4 available to general public	-
5 Site Design Review Standards	Oil and Gas Drilling	Permitted	-	-	<u>4.02.I</u>
6 Landscaping/ Green Inf.	Outdoor Storage and Processes	Permitted as Accessory Use	-	-	<u>4.02.J</u>
7 Lighting	Research and Development	Permitted	1 per 300 sf	Approving Authority Determination	-
8 Signage	Self Storage Facilities	Permitted	0.25 per storage unit	-	<u>4.02.P</u>
9 General Standards	Transportation and Logistics	Special Land Use	1 per 800 sf	Approving Authority Determination	-
10 Streets/ Sidewalks/ Driveways	Warehousing	Permitted	1 per 800 sf	1 per 50,000 sf, minimum 4 available to general public	<u>4.02.W</u>
11 Subdivision of Land	Greenhouses	Permitted	-	-	-
12 Processes/ Admin.	Government/ Municipal Services	Special Land Use	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public	-
13 Non-conformities	Institutions of Higher Education	Special Land Use	Approving Authority Determination	Approving Authority Determination	-
14 Definitions	K-12 Schools	Special Land Use Existing Uses Can Expand without Special Land Use Approval	Approving Authority Determination	2 per classroom	-
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination	<u>4.04.F</u>
	Parking lots as a Principal Use	Special Land Use	-	-	<u>4.02.L</u> <u>4.04.H</u>
	Parking Structures as the Principal Use	Special Land Use	-	-	<u>4.02.M</u> <u>4.04.I</u>

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Other Uses	Recreation - Indoor	Permitted	Approving Authority Determination	-	
	Recreation - Outdoor	Permitted	Approving Authority Determination	-	
	Religious Institutions	Permitted	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public	
	Sexually Oriented Businesses	Permitted On properties where Use Standards can be met	1 per 200 sf	-	<u>4.04.J</u>
	Wireless Communication Facilities	Permitted Only when located on an existing structure	-	-	<u>4.02.X</u> <u>4.04.M</u>

* Where square footage is referenced, it refers to gross building square footage.

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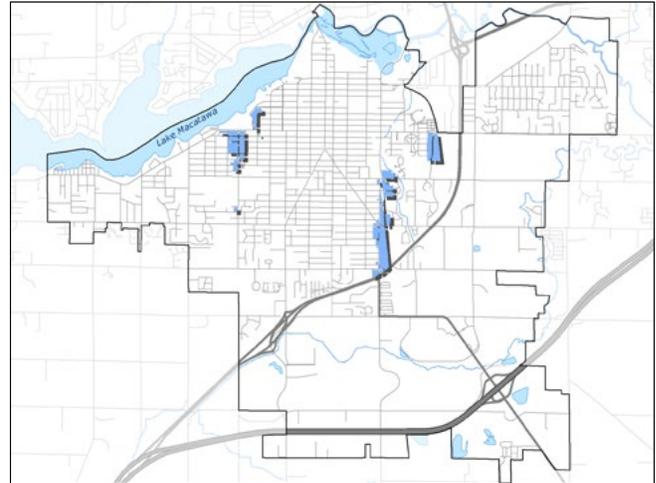
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SECTION 39-2.13 REDEVELOPMENT MIXED USE ZONE DISTRICT

RMU

A. **Intent:** The intent of the RMU Redevelopment Mixed Use Zone District is to promote the *redevelopment* of older industrial and business corridors by allowing a large variety of uses, and all forms of attached residential uses. *Redevelopments* are encouraged to be designed to reflect the informal and quasi-industrial character of the existing *development* in building materials and architectural features. A focus on walkability is central for this *Zone District*.



B. RMU Dimensional Standards Table.

SETBACKS			
		MINIMUM*	MAXIMUM
Setbacks	Front Yard	5 ft	15 ft
	Side Yard	15 ft if adjacent to Residential Zone District. Otherwise, no minimum.	-

SETBACKS			
		MINIMUM	MAXIMUM
Setbacks	Rear Yard	25 ft if adjacent to Residential Zone District. Otherwise, no minimum.	-
	Secondary Street Yard	5 ft	15 ft
	Building Height	-	40 ft

Side and Rear Yard Exceptions. Where an alley, railroad *right-of-way*, or utility easement abuts a *side or rear property line*, 1/2 the width of such space may be counted as part of the required *setback*.

C. RMU Use and Parking Standards Table.

USE		APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Residential Uses	Single Attached Dwelling Unit	Permitted	1 per dwelling unit	-	<u>9.04</u>
	Two Attached Dwelling Units	Permitted	1 per dwelling unit	-	<u>9.04</u>
	Three Attached Dwelling Units	Permitted	1 per dwelling unit	-	<u>9.04</u>
	Four Attached Dwelling Units	Permitted	1 per dwelling unit	-	<u>9.04</u>

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USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Residential Uses	Five or More Attached Dwelling Units	Permitted	1 per dwelling unit	1 long term space per 2 dwelling units. 4 short tem spaces for general public. <u>9.04</u>
	Short Term Rental	Permitted	1 per dwelling unit	- 4.02.Q Chapter 14
	Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	Type 1: 1 per dwelling unit. Type 2: 2 parking spaces available	- <u>4.02.G</u> <u>12.12.B</u> Special Exception
	Day Care In-Home	Permitted	-	- <u>4.02.D.2-3</u>
Commercial Uses	Retail	Permitted	1 per 400 sf	1 per 4,000 sf for the first 75,000 sf 1 per 12,500 sf for floor area over 75,000 sf Minimum 4 available to general public -
	Services	Permitted	1 per 200 sf	1 per 5,000 sf, minimum 4 available to general public -
	Restaurants/Bars	Permitted	1 per 200 sf	1 per 2,000 sf, minimum 4 available to general public -
	Offices	Permitted	1 per 400 sf	1 per 5,000 sf, minimum 4 available to general public -
	Hospitals	Special Land Use	Approving Authority Determination	Approving Authority Determination -
	Nursing Homes	Special Land Use	1.25 per patient room	Approving Authority Determination -
	Child Care Centers	Special Land Use	1 per 300 sf	Approving Authority Determination <u>4.02.D.1</u>
	Drive-Thru's	Permitted On properties where Use Standards can be met.	Included with Principal Use	- <u>4.02.E</u>

	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Commercial Uses	Event Venues	Special Land Use	1 per 500 sf	Approving Authority Determination	-
	Maker Spaces	Permitted	1 per 400 sf	Approving Authority Determination	-
	Outdoor Sales, Outdoor Cafes, and Sidewalks Cafes	Permitted Outdoor Cafes and Outdoor Sales ONLY	Included with Principal Use	-	<u>4.02.K</u>
	Public Lodging	Special Land Use	1.1 per guest room	1 per 10 rooms, minimum 4 available to general public	<u>4.02.N</u>
	Vehicle Repair	Special Land Use	3 per vehicle bay	Approving Authority Determination	<u>4.02.S</u> <u>4.04.K</u>
	Vehicle Sales	Special Land Use	1 per 1,000 sf of indoor showroom	Approving Authority Determination	<u>4.02.T</u> <u>4.04.L</u>
	Vehicle Wash	Special Land Use	10 spaces	Approving Authority Determination	<u>4.02.U</u>
	Vendor Trucks	Permitted	Included with Principal Use	-	<u>4.02.V</u>
Industrial Uses	Alternative Energy - Solar	Permitted as Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Alternative Energy - Wind	Permitted: 40 feet in height or less Special Land Use: Greater than 40 feet in height Shall be Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Manufacturing – Low Intensity	Special Land Use	1 per 800 sf	1 per 20,000 sf, minimum 4 available to general public	-
	Oil and Gas Drilling	Permitted	-	-	<u>4.02.I</u>
	Outdoor Storage and Processes	Permitted as Accessory Use	-	-	<u>4.02.J</u>
	Research and Development	Permitted	1 per 300 sf	Approving Authority Determination	-
	Self Storage Facilities	Special Land Use	-	-	<u>4.02.P</u>

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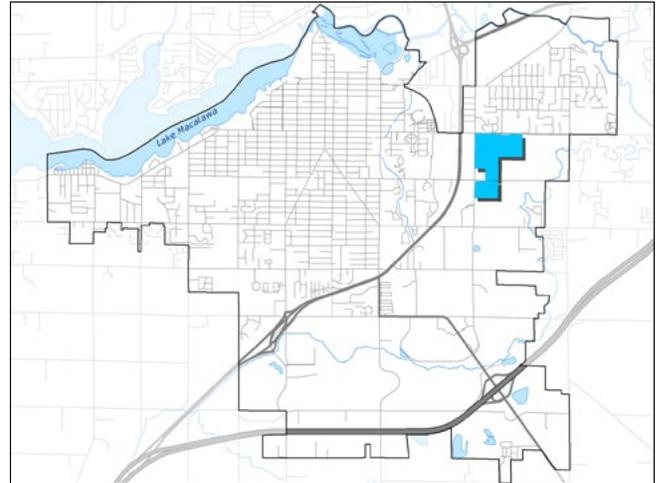
	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Industrial	Warehousing	Permitted	1 per 800 sf	1 per 50,000 sf, minimum 4 available to general public	<u>4.02.W</u>
	Greenhouses	Permitted	-	-	
Other Uses	Government/ Municipal Services	Special Land Use	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public	
	Institutions of Higher Education	Special Land Use	Approving Authority Determination	Approving Authority Determination	-
	K-12 Schools	Special Land Use Existing Uses Can Expand without Special Land Use Approval	Approving Authority Determination	2 per classroom	-
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination	<u>4.04.F</u>
	Recreation - Indoor	Permitted as Accessory Use	Approving Authority Determination	-	-
	Recreation - Outdoor	Special Land Use	Approving Authority Determination	-	
	Religious Institutions	Special Land Use	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public	-
	Wireless Communication Facilities	Permitted Only when located on an existing structure	-	-	<u>4.02.X</u> <u>4.04.M</u>

* Where square footage is referenced, it refers to gross building square footage.

SECTION 39-2.14 GREENFIELD MIXED USE ZONE DISTRICT

GMU

A. **Intent:** The GMU Greenfield Mixed Use Zone District is intended for *mixed use developments* to support existing commercial uses along corridors. This *Zone District* provides standards to ensure that connectivity, walkability, and community amenities are central in the *development* of these *properties*. To accomplish these City goals, new *developments* will be required to provide internal streets and non-motorized connections supported by open space. *Mixed Use buildings* and Missing Middle housing types (townhouses, small apartment *buildings*, etc) are especially encouraged.



B. GMU Dimensional Standards Table.

SETBACKS			
		MINIMUM	MAXIMUM
Setbacks	Front Yard – From Existing Streets	25 ft	75 ft
	Front Yard – From internal/new Streets street	10 ft	25 ft
	Side Yard – Single Detached Dwelling Units	10 ft	-
	Side Yard – All Other Uses	15 ft	-
	Rear Yard	25 ft	-
	Secondary Street Yard – From Existing Streets:	10 ft	75 ft

SETBACKS (CONTINUED) AND BUILDING HEIGHT			
		MINIMUM	MAXIMUM
Setbacks	Secondary Street Yard – From internal/new streets:	10 ft	25 ft
	Building Height	-	35 ft

C. **Additional Standards – Waverly Sub-Area Infrastructure Connections.** All properties in the GMU *Zone District* shall be subject to providing public street, utility, and pathway connections within properties and stubbing at adjacent properties per the guidance from the Waverly Subarea Plan, Article 39-10, staff, and *Planning Commission*. The purpose of this regulation is to intentionally develop a connected, walkable, and urban character for the GMU *Zone District*.

D. GMU Use and Parking Standards Table.

USE		APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Res. Uses	Single Detached Dwelling Unit	Permitted Minimum density six units per acre	1 per dwelling unit	-	9.04
	Single Attached Dwelling Unit	Permitted Minimum density six units per acre	1 per dwelling unit	-	9.04

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	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
1 Toolbox	Residential Uses	Two Attached Dwelling Units	Permitted Minimum density six units per acre	1 per dwelling unit	- <u>9.04</u>
2 Zone Districts		Three Attached Dwelling Units	Permitted Minimum density six units per acre	1 per dwelling unit	- <u>9.04</u>
3 Form Based Code		Four Attached Dwelling Units	Permitted Minimum density six units per acre	1 per dwelling unit	- <u>9.04</u>
4 Add'l Use Standards		Five or More Attached Dwelling Units	Permitted Minimum density six units per acre	1 per dwelling unit	1 long term space per 2 dwelling units. 4 short tem spaces for general public. <u>9.04</u>
5 Site Design Review Standards		Accessory Dwelling Unit (ADU)	Permitted Only on properties with Single Detached Dwelling Units	1 per dwelling unit	- <u>9.07</u>
6 Landscaping/ Green Inf.		Short Term Rental	Permitted	1 per dwelling unit	- <u>4.02.Q</u> Chapter 14
7 Lighting		Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	Type 1: 1 per dwelling unit. Type 2: 2 parking spaces available	- <u>4.02.G</u> <u>12.12.B</u> Special Exception
8 Signage		Day Care In-Home	Permitted	-	- <u>4.02.D.2-3</u>
9 General Standards		Commercial Uses	Retail	Permitted	1 per 200 sf
10 Streets/ Sidewalks/ Driveways	Services		Permitted	1 per 200 sf	1 per 5,000 sf, minimum 4 available to general public -
11 Subdivision of Land	Restaurants/Bars		Permitted	1 per 200 sf	1 per 2,000 sf, minimum 4 available to general public -
12 Processes/ Admin.	Offices		Permitted	1 per 200 sf	1 per 5,000 sf, minimum 4 available to general public -
13 Non-conformities	Nursing Homes		Special Land Use	1.25 per patient room	Approving Authority Determination -
14 Definitions					

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Commercial Uses	Child Care Centers	Special Land Use	1 per 300 sf	Approving Authority Determination <u>4.02.D.1</u>
	Drive-Thru's	Permitted Only on properties abutting 16th Street, 24th Street, or Waverly Avenue.	Included with Principal Use	Approving Authority Determination <u>4.02.E</u>
	Event Venues	Permitted on 2-acre maximum properties	1 per 500 sf	Approving Authority Determination -
	Gas Stations	Special Land Use. Shall only be approved on properties abutting 16th Street, 24th Street, or Waverly Avenue.	1 per 300 sf of retail space, plus 1 per gas pump (located next to the pump)	Approving Authority Determination <u>4.04.D</u>
	Maker Spaces	Permitted on 2-acre maximum properties	1 per 400 sf	Approving Authority Determination -
	Outdoor Sales, Outdoor Cafes, and Sidewalks Cafes	Permitted as an Accessory Use	Included with Principal Use	- <u>4.02.K</u>
	Public Lodging	Special Land Use	1.1 per guest room	1 per 10 rooms, minimum 4 available to general public <u>4.02.N</u>
	Vehicle Repair	Permitted Only on properties abutting 16th Street, 24th Street, or Waverly Avenue.	3 per vehicle bay	Approving Authority Determination <u>4.02.S</u> <u>4.04.K</u>
	Vehicle Wash	Permitted Only on properties abutting 16th Street, 24th Street, or Waverly Avenue.	10 spaces	Approving Authority Determination <u>4.02.U</u>
	Vendor Trucks	Permitted	Included with Principal Use	- <u>4.02.V</u>
Industrial Uses	Alternative Energy - Solar	Permitted as Accessory Use	-	- <u>4.02.B</u> <u>4.04.B</u>
	Alternative Energy - Wind	Permitted: 40 feet in height or less Special Land Use: Greater than 40 feet in height Shall be Accessory Use	-	- <u>4.02.B</u> <u>4.04.B</u>
	Oil and Gas Drilling	Permitted	-	- <u>4.02.I</u>
	Research and Development	Special Land Use	1 per 300 sf	Approving Authority Determination -

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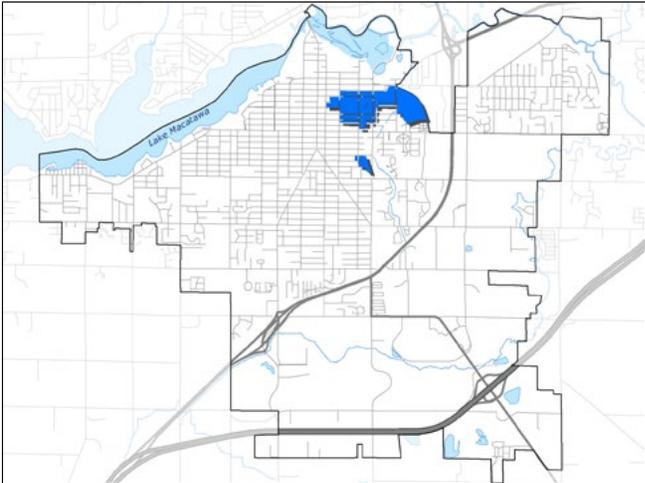
USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Other Uses	Greenhouses	Special Land Use on 2-acre maximum properties	-	-	-
	Government/ Municipal Services	Special Land Use on 2-acre maximum properties.	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public	-
	Institutions of Higher Education	Special Land Use on 2-acre maximum properties Existing Uses Can Expand without Special Land Use	Approving Authority Determination	Approving Authority Determination	-
	K-12 Schools	Special Land Use Existing Uses Can Expand without Special Land Use Approval	Approving Authority Determination	2 per classroom	-
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination	<u>4.04.F</u>
	Parking Structures as the Principle Use	Special Land Use	-	-	<u>4.02.M</u> <u>4.04.I</u>
	Recreation - Indoor	Permitted on 2-acre maximum properties	Approving Authority Determination	-	-
	Recreation - Outdoor	Special Land Use	Approving Authority Determination	-	-
	Religious Institutions	Special Land Use	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public	-
	Wireless Communication Facilities	Permitted Only when located on an existing structure	-	-	<u>4.02.X</u> <u>4.04.M</u>

* Where square footage is referenced, it refers to gross building square footage.

SECTION 39-2.15 EDUCATION ZONE DISTRICT

ED

A. **Intent:** The intent of the ED Education Zone District is to enable a mixture of land uses and activities associated with *Institutions of Higher Education* and in some cases *K-12 schools*. In designating this *Zone District*, it is intended that these Institutions have flexibility to provide a variety of uses to support their educational objectives.



B. **ED Dimensional Standard Table.** No minimum or maximum setbacks for properties owned by an *Institution of Higher Education* or a *K-12 School*.

Properties not owned by an Institution of Higher Education or a K-12 School shall use shall use the setback, height, and property requirements of the TNR Traditional Neighborhood Residential Zone District (Section 39-2.08) and the Hope Neighborhood Overlay District requirements if applicable (Section 39-2.21).

BUILDING HEIGHT		
	MINIMUM	MAXIMUM
Institutions of Higher Education, K-12 Schools, and Buildings with Uses that are accessory to those educational uses.	-	75 ft maximum for educational and accessory use buildings. When these uses adjoin a residential property that is not owned by an educational use, the building height shall not exceed the actual building setback to the property line abutting the residential property.
All Other Buildings	-	45 feet

C. **ED Use and Parking Standards Table.**

	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Res. Uses	Single Detached Dwelling Unit	Permitted	1 per dwelling unit	-	9.04
	Single Attached Dwelling Unit	Permitted Accessory to an Institution of Higher Education	1 per dwelling unit	-	9.04

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	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
1 Toolbox	Residential Uses	Two Attached Dwelling Units	Permitted Accessory to an Institution of Higher Education	1 per dwelling unit	-	<u>9.04</u>
2 Zone Districts		Three Attached Dwelling Units	Permitted Accessory to an Institution of Higher Education	1 per dwelling unit	-	<u>9.04</u>
3 Form Based Code		Four Attached Dwelling Units	Permitted Accessory to an Institution of Higher Education	1 per dwelling unit	-	<u>9.04</u>
4 Add'l Use Standards		Five or More Attached Dwelling Units	Permitted Accessory to an Institution of Higher Education	1 per dwelling unit	1 long term space per 2 dwelling units. 4 short tem spaces for general public.	<u>9.04</u>
5 Site Design Review Standards		Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	Type 1: 1 per dwelling unit. Type 2: 2 parking spaces available	-	<u>4.02.G</u> <u>12.12.B</u> Special Exception
6 Landscaping/ Green Inf.		Day Care In-Home	Permitted	-	-	<u>4.02.D.2-3</u>
7 Lighting		Commercial Uses	Retail	Permitted Accessory to an Institution of Higher Education or K-12 School	1 per 800 sf	1 per 4,000 sf for the first 75,000 sf 1 per 12,500 sf for floor area over 75,000 sf Minimum 4 available to general public
8 Signage	Services		Permitted Accessory to an Institution of Higher Education or K-12 School	1 per 800 sf	1 per 5,000 sf, minimum 4 available to general public	-
9 General Standards	Restaurants/Bars		Permitted Accessory to an Institution of Higher Education or K-12 School	1 per 400 sf	1 per 2,000 sf, minimum 4 available to general public	-
10 Streets/ Sidewalks/ Driveways	Offices		Permitted Accessory to an Institution of Higher Education or K-12 School	1 per 800 sf	1 per 5,000 sf, minimum 4 available to general public	-
11 Subdivision of Land	Hospitals		Permitted Accessory to an Institution of Higher Education or K-12 School	Approving Authority Determination	Approving Authority Determination	-
12 Processes/ Admin.	Child Care Center (not in home)		Permitted Accessory to an Institution of Higher Education or K-12 School	1 per 300 sf	Approving Authority Determination	<u>4.02.D.1</u>
13 Non-conformities						
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	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Commercial Uses	Drive-Thru's	Permitted Accessory to an Institution of Higher Education or K-12 School	Included with Principal Use	-	<u>4.02.E</u>
	Event Venues	Permitted Accessory to an Institution of Higher Education or K-12 School	1 per 500 sf	Approving Authority Determination	-
	Outdoor Sales, Outdoor Cafes, and Sidewalks Cafes	Permitted Accessory to an Institution of Higher Education or K-12 School	Included with Principal Use	-	<u>4.02.K</u>
	Public Lodging	Permitted Accessory to an Institution of Higher Education or K-12 School	1.1 per guest room	1 per 10 rooms, minimum 4 available to general public	<u>4.02.N</u>
	Vendor Trucks	Permitted Accessory to an Institution of Higher Education or K-12 School	Included with Principal Use	-	<u>4.02.V</u>
Industrial Uses	Alternative Energy - Solar	Permitted as Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Alternative Energy - Wind	Permitted: 40 feet in height or less Special Land Use: Greater than 40 feet in height Shall be Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Research and Development	Permitted Accessory to an Institution of Higher Education or K-12 School	1 per 300 sf	Approving Authority Determination	-
	Warehousing	Permitted Accessory to an Institution of Higher Education or K-12 School	-	-	-
Other Uses	Greenhouses	Permitted Accessory to an Institution of Higher Education or K-12 School	-	-	-
	Government/ Municipal Services	Special Land Use	Approving Authority Determination	-	-
	Institutions of Higher Education	Permitted	Approving Authority Determination	Approving Authority Determination	-
	K-12 Schools	Permitted	Approving Authority Determination	2 per classroom	-
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination	<u>4.04.F</u>

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USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Other Uses	Parking lots as a Principal Use	Permitted	-	-	<u>4.02.L</u>
	Parking Structures as the Principal Use	Permitted Accessory to an Institution of Higher Education or K-12 School	-	-	<u>4.02.M</u>
	Recreation - Indoor	Permitted Accessory to an Institution of Higher Education or K-12 School	Approving Authority Determination	-	-
	Recreation - Outdoor	Permitted Accessory to an Institution of Higher Education or K-12 School	Approving Authority Determination	-	-
	Religious Institutions	Permitted	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public	-
	Wireless Communication Facilities	Permitted Only when located on an existing structure	-	-	<u>4.02.X</u> <u>4.04.M</u>

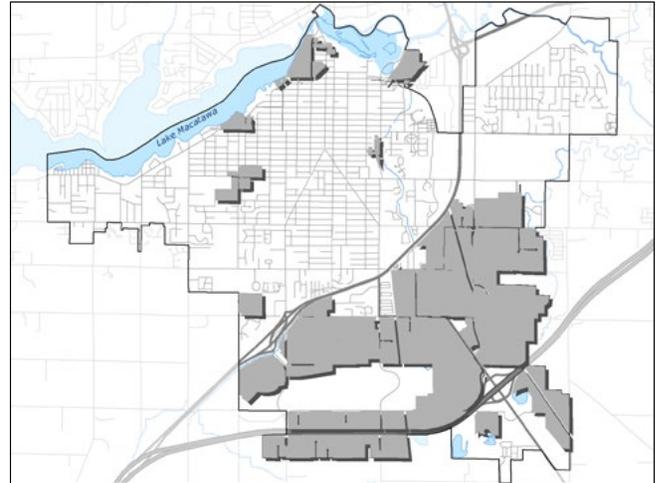
* Where square footage is referenced, it refers to gross building square footage.

D. When established as an integrated element of the educational program, a full range of academic, administrative, assembly, *residential*, recreational and supportive services are permitted, including, but not limited to, the following: Classroom, laboratory, library, gymnasium, student center, office, store, clinic, gallery, *greenhouse*, *parking* areas, chapel, theater, auditorium, dining hall, dormitory, apartment, residence, museum, playing fields and courts, *signs*, sculpture and monuments, and such installations or uses as may be necessary or incidental to utility or mechanical services, maintenance and operations, and safety and security. For the purposes of this division, all such *buildings* or uses which are customary or incidental to an educational function may be referred to as "accessory to an institutional uses," as distinguishable from privately owned *residential* premises which may be included within the ED *Zone District*.

SECTION 39-2.16 INDUSTRIAL ZONE DISTRICT



A. **Intent:** The intent of the I Industrial Zone District is to preserve and enhance the City of Holland’s robust industrial sector, on which the City relies economically for job opportunities. Acknowledging the needs of these businesses, this Zone District also allows for similar uses such as *maker spaces, retail, and restaurants*. These and residential uses are allowed to create *services, amenities, and housing* in close proximity to employment.



B. I Dimensional Standards Table.

SETBACKS			
		MINIMUM*	MAXIMUM
Setbacks	Front Yard – North of 10th Street	10 ft	-
	Front Yard – South of 10th Street	25 ft	-
	Side Yard	25 ft	-
	Rear Yard	25 ft	-
	Secondary Street Yard – North of 10th Street	10 ft	-
	Secondary Street Yard – South of 10th Street	25 ft	-

BUILDING HEIGHT		
	MINIMUM	MAXIMUM
Building Height	-	60 ft Up to 100 ft may be permitted by Special Land Use Approval

LOT AREA AND WIDTH		
USE	MIN. AREA	MIN. WIDTH
Non-Industrial Outlot Properties (Section 39-2.16.D)	10,000	100

Side and Rear Yard Exceptions. Where an alley, railroad *right-of-way*, or utility easement abuts a *side or rear property line*, ½ the width of such space may be counted as part of the required *setback*.

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C. I Use and Parking Standards Table.

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Residential Uses	Five or More Attached Dwelling Units	Permitted in Non-Industrial Outlots. See <u>Section 39-2.16.D.</u>	1 per dwelling unit	1 long term space per 2 dwelling units. 4 short tem spaces for general public.	<u>9.04</u>
	Short Term Rentals	Permitted with Restrictions	1 per dwelling unit	-	<u>4.02.Q</u> Chapter 14
	Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	-	-	<u>4.02.G</u> <u>12.12.B</u> Special Exception
	Day Care In-Home	Requires Special Exception	Included with Dwelling Unit	-	<u>4.02.D.2-3</u> <u>12.12.B</u> Special Exception
Commercial Uses	Retail	Permitted Accessory to an Industrial Use, on lots 1 acre or less, or in Non-Industrial Outlots.	1 per 200 sf	1 per 4,000 sf for the first 75,000 sf 1 per 12,500 sf for floor area over 75,000 sf Minimum 4 available to general public	<u>2.16.D</u>
	Services	Permitted Accessory to an Industrial Use, or in Non-Industrial Outlots.	1 per 400 sf	1 per 5,000 sf, minimum 4 available to general public	<u>2.16.D</u>
	Restaurants/Bars	Permitted Accessory to an Industrial Use, on lots 1 acre or less, or in Non-Industrial Outlots	1 per 200 sf	1 per 2,000 sf, minimum 4 available to general public	<u>2.16.D</u>
	Offices	Permitted	1 per 400 sf	1 per 5,000 sf, minimum 4 available to general public	-
	Child Care Centers	Special Land Use	1 per 300 sf	Approving Authority Determination	<u>4.02.D.1</u>
	Drive-Thru's	Permitted Accessory to an Industrial Use, on lots 1 acre or less, or in Non-Industrial Outlots.	Included with Principal Use	-	<u>2.16.D</u> <u>4.02.E</u>
	Event Venues	Permitted Accessory to an Industrial Use or in Non-Industrial Outlots.	Determined by Planning Commission at Time of Approval	Approving Authority Determination	<u>2.16.D</u>

	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Commercial Uses	Firearms and Archery Ranges	Special Land Use	1 per 1,000 sf	Approving Authority Determination	<u>4.04.C</u>
	Gas Stations	Special Land Use Accessory to an Industrial Use or in Non-Industrial Outlots.	1 per 300 sf of retail space, plus one per pump	Approving Authority Determination	<u>4.04.D</u>
	Maker Space	Permitted	1 per 400 sf	Approving Authority Determination	-
	Outdoor Sales, Outdoor Cafes, and Sidewalks Cafes	Permitted as an Accessory Use	Included with Principal Use	-	<u>4.02.K</u>
	Vehicle Repair	Permitted	None	Approving Authority Determination	<u>4.02.T</u> <u>4.04.L</u>
	Vehicle Wash	Permitted	10 spaces	Approving Authority Determination	<u>4.02.U</u>
	Vendor Trucks	Permitted as Accessory Use	Included with Principal Use	-	<u>4.02.V</u>
Industrial Uses	Alternative Energy - Solar	Permitted	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Alternative Energy - Wind	Permitted Accessory 40 feet or less in height Special Use for principal and higher heights	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Manufacturing – Low Intensity	Permitted	-	1 per 20,000 sf, minimum 4 available to general public	-
	Manufacturing – High Intensity	Special Land Use	-	1 per 20,000 sf, minimum 4 available to general public	<u>4.04.E</u>
	Outdoor Storage and Processes	Permitted	-	-	<u>4.02.J</u>
	Oil and Gas Drilling	Permitted	-	-	<u>4.02.I</u>
	Power Plant (Not Wind or Solar)	Special Land Use	-	Approving Authority Determination	-
	Recycling Collection Center	Permitted	5 spaces	-	<u>4.02.O</u>
Research and Development	Permitted	-	Approving Authority Determination	-	

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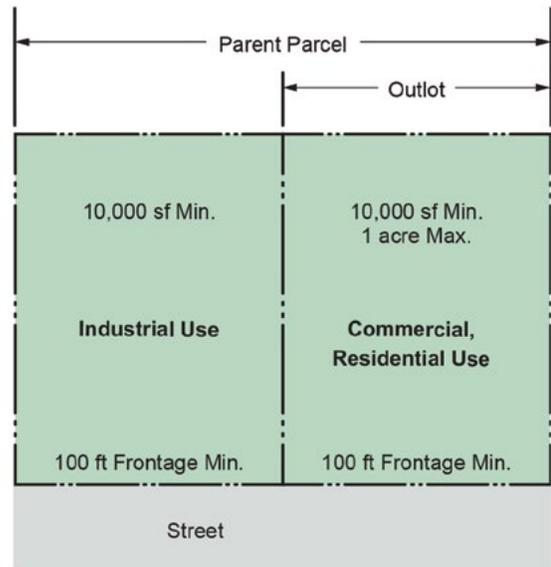
	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Industrial Uses	Self Storage Facilities	Permitted	-	Approving Authority Determination	<u>4.02.P</u>
	Transportation and Logistics	Permitted	-	Approving Authority Determination	-
	Warehousing	Permitted	-	1 per 50,000 sf, minimum 4 available to general public	<u>4.02.W</u>
Other Uses	Greenhouses	Permitted	Included with Principal Use	-	-
	Government/ Municipal Services	Special Land Use	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public	-
	Institutions of Higher Education	Special Land Use	Approving Authority Determination	Approving Authority Determination	-
	K-12 Schools	Special Land Use Existing Uses Can Expand without Special Land Use Approval	Approving Authority Determination	2 per classroom	-
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination	<u>4.04.F</u>
	Parking lots as a Principal Use	Permitted	-	-	<u>4.02.L</u>
	Parking Structures as the Principal Use	Permitted	-	-	<u>4.02.M</u>
	Recreation - Indoor	Permitted Accessory to an Industrial Use or in Non-Industrial Outlots.	-	-	-
	Religious Institutions	Special Land Use	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public	-
	Wireless Communication Facilities	Permitted Accessory 40 feet or less in height Special Use if over 40 ft in height May be accessory or principal use .	-	-	<u>4.02.X</u> <u>4.04.M</u>

* Where square footage is referenced, it refers to gross building square footage.

D. Uses Permitted in Non-Industrial Outlots

shall meet the following standards:

1. The use shall be located on a separate outlot *parcel*, split from a parent *parcel* with an existing *principal use* permitted in the Use Table, Section 39-2.16.C;
2. The **outlot parcel and the parent parcel** shall both be a minimum of **10,000 square feet** and shall have a minimum of **100 feet** of frontage each. The outlot *parcel* shall be a minimum of **1 acre** in area.
3. The parent *parcel* shall retain a minimum **100 feet** of street frontage along a public street.
4. Residential Uses may be permitted on Non-Industrial Outlots by Special Land Use permit, provided they meet the following standards:
 - a. The residential uses shall be buffered from adjacent non-residential uses by the Residential Buffering required in Article 39-6. The required buffering shall be located on the lot containing the residential use.
 - b. The minimum *density* shall be **5 dwelling units per acre**.



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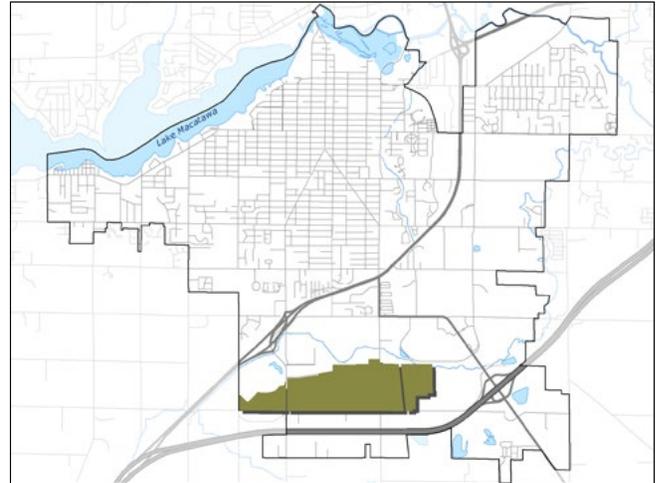
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SECTION 39-2.17 AIRPORT ZONE DISTRICT



A. **Intent:** To allow for the operation and *development* of the West Michigan Regional Airport in compliance with the regulations of the Michigan Aeronautics Code (MAC), the Federal Aviation Administration (FAA), and the City of Holland.



B. A Dimensional Standards Table.

SETBACKS AND BUILDING HEIGHT			
		MINIMUM	MAXIMUM
Setbacks	Front Yard	25 ft from a public street.	
	Side Yard	Shall meet the requirements of the Michigan Aeronautics Code (MAC) and the regulations of the Federal Aviation Administration (FAA).	
	Rear Yard		
	Secondary Street Yard		
Building Height	-	Shall meet the requirements of the Michigan Aeronautics Code (MAC) and the regulations of the Federal Aviation Administration (FAA).	

- C. **Permitted Uses.** All land *uses* meeting the requirements of the Michigan Aeronautics Code (MAC) and the regulations of the Federal Aviation Administration (FAA) shall be considered permitted within the A District.
- D. **Parking Standards.** There shall be no minimum *parking* requirement for any use in the *A Zone District*. However, all *parking* provided on the *site* shall meet the dimensional standards of [Section 39-9.02](#). The City may require the construction of additional *parking* if it finds that the existing *parking* is insufficient for a given use.
- E. **Airport Overlay District.** See [Section 39-2.20](#).

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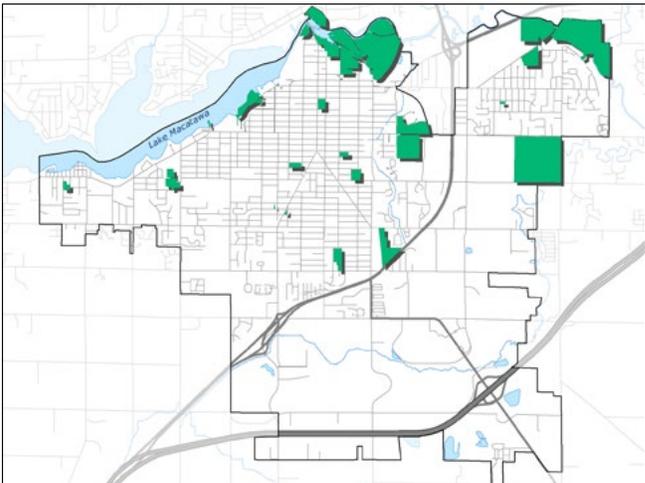
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SECTION 39-2.18 OPEN SPACE ZONE DISTRICT



- A. **Intent:** The OS Open Space *Zone District* is intended to preserve or develop large city parks and *cemeteries*.
- B. **OS Dimensional Standards Table.** Standards apply ONLY to private property adjacent to residential *Zone Districts*.



SETBACKS AND BUILDING HEIGHT			
		MINIMUM	MAXIMUM
Setbacks	Front Yard	10 ft	-
	Side Yard	10 ft	-
	Rear Yard	10 ft	-
	Secondary Street Yard	10 ft	-
	Building Height	10 ft	35 ft

C. **OS Use and Parking Standards Table.**

	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Other Uses	Retail	Permitted as an Accessory Use	Approving Authority Determination	1 per 4,000 sf for the first 75,000 sf 1 per 12,500 sf for floor area over 75,000 sf Minimum 4 available to general public	-
	Offices	Permitted as an Accessory Use	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public	-
	Event Venues	Permitted as an Accessory Use	Approving Authority Determination	Approving Authority Determination	-
	Alternative Energy - Solar	Permitted as an Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Alternative Energy - Wind	Permitted: Accessory 40 feet or less in height Special Use for all other cases. Shall be Accessory Use.	-	-	<u>4.02.B</u> <u>4.04.B</u>

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	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Other Uses	Campground	Permitted	-	-	-
	Cemetery (Public)	Permitted	-	-	-
	Cemetery (Private)	Permitted	-	-	-
	Greenhouses	Permitted	Approving Authority Determination	-	-
	Government/ Municipal Services	Permitted	Approving Authority Determination	Approving Authority Determination	-
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination	<u>4.04.F</u>
	Recreation – Indoor	Special Land Use	Approving Authority Determination	Approving Authority Determination	-
	Recreation - Outdoor	Permitted	Approving Authority Determination	Approving Authority Determination	-
	Wireless Communication Facilities	Permitted: Accessory 40 feet or less in height Special Use for all other cases. Shall be Accessory Use.	-	-	<u>4.02.X</u> <u>4.04.M</u>

* Where square footage is referenced, it refers to gross building square footage.

SECTION 39-2.19 PLANNED UNIT DEVELOPMENT ZONE DISTRICT



A. **Intent.** The intent of the PUD Planned Unit *Development Zone District* is to enable the *development* of creative **mixed use or higher density residential developments** on properties that would not otherwise permit those *uses*. PUDs are intended to provide flexibility to achieve a *development* that is in accordance with the City's *Master Plan*, promotes economic and efficient use of the land, preserves natural resources and open space, and incorporates innovative land use and design, among meeting additional City goals. A PUD shall be approved as either a Conventional PUD or a Cluster PUD. See Sections 39-12.02, 12.07, 12.09 and 12.10.

B. **Criteria for Approval.** A PUD shall only be approved if one of the following requirements are met:

1. The PUD shall include either a mixture of *uses* or a residential *density* that would otherwise not be allowed under the property's existing *Zone District*.
2. The *site* has distinct physical characteristics that makes compliance with the strict requirements of *UDO* impractical.
3. The proposed design of the *development* includes innovative *development* concepts that substantially forward the intent of *UDO* and the City's *Master Plan* or allows for an improved layout of land *uses*, streets, or other *site* features that could not be achieved otherwise under normal *zoning*.

C. **Conventional PUDs.**

1. **Definition.** A Conventional PUD is a Planned Unit *Development* that does not retain a minimum of **25%** of the land area of the *site* as *wetlands*, forested areas, floodplains, woodlands, or any other open space or is not organized around a communal open space area.
2. **Residential Density.** All Conventional PUDs shall contain a minimum of **5 dwelling units per acre**.

3. **Dimensional Requirements.** PUDs shall have *building setbacks* and heights and *lot* sizes that promote walkability, as determined by the *Planning Commission*.
- D. **Streets.** PUDs shall construct new streets in accordance with Article 39-10, Streets, Sidewalks, and Driveways.
- E. **Cluster PUDs.**
 1. **Definition.** A Cluster PUD is a Planned Unit *Development* that either retains a minimum of **25%** of the land area of the *site* as *wetlands*, forested areas, floodplains, woodlands, or any other open space, OR organizes around a communal open space (Bungalow Court). Retaining or organizing around open space creates smaller *lots* with the preserved open space acting as a communal *amenity*. Examples of these *developments* are *Pocket Neighborhoods* and Bungalow Courts.
 2. **Minimum Size.** The Cluster PUD *site* shall be a minimum of **3 acres** in gross property area.
 3. **Minimum Residential Density.** All Cluster PUDs shall contain a minimum of **5 dwelling units per acre**. There shall be no maximum *density*.
 4. **Dimensional Requirements.** *Buildings* in Cluster PUDs shall be a maximum of **6 stories** in height. Proposed property areas shall be evaluated during the PUD approval process to determine if the proposed PUD is consistent with the character of surrounding neighborhoods.



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5. **Bungalow Courts** shall meet the following standards:
- a. **Definition.** Bungalow Courts are clusters of detached single *family dwelling units* gathered around a communal green space. Bungalow Courts shall be organized as condominiums with a homeowner’s association to maintain common areas.
 - b. **Setbacks.** Bungalow Courts shall meet all *setback* requirements from the exterior *property lines*.
 - c. **Entrances.** If a Detached *Dwelling Unit* within a Bungalow Court is within **20 feet** of a public street, it shall have an entrance facing the public street and the communal open space.

Bungalow Court



- F. **UDO Standards.** Unless specifically waived or altered by the PUD Agreement, all *UDO* Articles shall apply to a PUD.
- G. **PUD Use and Parking Standards Table.** The following *uses* may be permitted in a PUD. The *parking* standards listed in this chart shall apply unless specifically waived or increased by the PUD Agreement and by *Planning Commission*.

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Residential Uses	Single Detached Dwelling Unit	May be Permitted	1 per dwelling unit	-	<u>9.04</u>
	Single Attached Dwelling Unit	May be Permitted	1per dwelling unit	-	<u>9.04</u>
	Two Attached Dwelling Units	May be Permitted	1per dwelling unit	-	<u>9.04</u>
	Three Attached Dwelling Units	May be Permitted	1 per dwelling unit	-	<u>9.04</u>
	Four Attached Dwelling Units	May be Permitted	1 per dwelling unit	-	<u>9.04</u>
	Five or More Attached Dwelling Units	May be Permitted	1 per dwelling unit	Approving Authority Determination	<u>9.04</u>
	Accessory Dwelling Unit (ADU)	May be Permitted when property contains a Single Detached Dwelling Unit	1 per dwelling unit	-	<u>9.07</u>
	Bed and Breakfast	Permitted: 1-4 Guest Rooms 5-8 Guest Rooms: Special Exception	1 per lodging unit, plus 1 for the dwelling unit	1 per 10 rooms, minimum 4 available to general public	<u>9.04</u> <u>12.12.B Special Exception</u>

	USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Residential Uses	Short Term Rental	May be Permitted	1 Per Dwelling Unit	-	4.02.Q Chapter 14
	Home Occupation/ Business Type 1 and 2	Type 1 Permitted Type 2 Special Exception	-	-	4.02.G 12.12.B Special Exception
	Day Care In-Home	Permitted	Included with dwelling unit requirement	-	4.02.D.2-3
Commercial Uses	Retail	May be Permitted	1 per 200 sf	1 per 4,000 sf for the first 75,000 sf 1 per 12,500 sf for floor area over 75,000 sf Minimum 4 available to general public	-
	Services	May be Permitted	1 per 200 sf	1 per 5,000 sf, minimum 4 available to general public	-
	Restaurants/Bars	May be Permitted	1 per 200 sf	1 per 2,000 sf, minimum 4 available to general public	-
	Offices	May be Permitted	1 per 200 sf	1 per 5,000 sf, minimum 4 available to general public	-
	Hospitals	May be Permitted	Approving Authority Determination	Approving Authority Determination	-
	Nursing Homes	May be Permitted	1.25 per patient room	Approving Authority Determination	-
	Child Care Centers	May be Permitted	1 per 800 sf	Approving Authority Determination	4.02.D.1
	Drive-Thru's	May be Permitted	-	-	4.02.E
	Event Venues	May be Permitted	Approving Authority Determination	Approving Authority Determination	-
	Maker Spaces	May be Permitted	1 per 400 sf	Approving Authority Determination	-

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USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES*	MINIMUM BIKE PARKING SPACES*	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Comm. Uses	Public Lodging	May be Permitted	1.1 per guest room	1 per 10 rooms, minimum 4 available to general public <u>4.02.N</u>	
	Vendor Trucks	May be Permitted	-	- <u>4.02.V</u>	
Industrial Uses	Alternative Energy - Solar	Permitted as Accessory Use	-	- <u>4.02.B</u> <u>4.04.B</u>	
	Alternative Energy - Wind	Permitted: Accessory 40 feet or less in height Special Use for all other cases. Shall be Accessory Use.	-	- <u>4.02.B</u> <u>4.04.B</u>	
Other Uses	Campground	Special Land Use	-	-	
	Greenhouses	Permitted	Included with Principal Use	Included with Principal Use -	
	Government/ Municipal Services	May be Permitted	Determined by PC at Time of Application	1 per 5,000 sf, minimum 4 available to general public -	
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination <u>4.04.F</u>	
	Parking Structures as the Principal Use	May be Permitted	Approving Authority Determination	- <u>4.02.M</u> <u>4.04.I</u>	
	Recreation - Indoor	May be Permitted	Approving Authority Determination	-	
	Recreation - Outdoor	May be Permitted	Approving Authority Determination	-	
	Religious Institutions	May be Permitted	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public -	
	Wireless Communication Facilities	Permitted Only when located on an existing structure	-	-	<u>4.02.X</u> <u>4.04.M</u>

* Where square footage is referenced, it refers to gross building square footage.

SECTION 39-2.20 AIRPORT OVERLAY DISTRICT

- A. **Intent.** The Airport Overlay District is established in addition to the A Zone District (see Section 39-2.17), and applies to the area shown on the map in Section 39-2.20.E. The intent of the Airport Overlay District is:
1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the West Michigan Regional Airport.
 2. Protect the approaches to the Airport and surrounding airspace from *encroachment* and limit the exposure of impacts to persons, property, or facilities in proximity to the Airport.
 3. Protect vulnerable land *uses* from negative impacts caused by the Airport.
 4. Protect State, Federal, and Local investments in aviation infrastructure.
 5. Regulate and restrict *building sites*, placement of *structures*, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace
- B. **Basis for Regulation.** As part of the Airport Approach Plan process, accident safety zones, land use guidelines, and planning strategies for new *development* were developed. Permitted and prohibited land uses are specified in Section 39-2.20.D and illustrate the application of those provisions. Areas 1 to 5 are taken specifically from the Approach Plan updated by the Michigan Aeronautics Commission and the Michigan Department of Transportation *Office of Aeronautics*. Area 6 has been included as an additional surface area per the Federal Aviation Regulations (FAR) Part 77 - Horizontal Surfaces.
- C. **Airport Overlay Areas.** The Airport Overlay Areas are shown on the map in Section 39-2.20.E and are aligned with the Area Uses and Features Table in Section 39-2.20.D.
- D. **Area Uses and Features Table.** This Table and the standards of the underlying *Zone Districts* shall both govern.

	AREA 1	AREA 2	AREA 3	AREA 4	AREA 5	AREA 6	
Uses	Aviation Uses	P	P	P	P	P	P
	Child Care Center	-	-	P	-	-	P
	Gas Station	-	-	P	P	P	P
	Hospital	-	-	-	-	-	-
	K-12 School	-	-	P	-	P	P
	Low Intensity Manufacturing	-	-	P	-	P	P
	High Intensity Manufacturing	-	-	P	-	P	P
	Nursing Home	-	-	-	-	-	-
	Outdoor Storage and Processes	-	-	P	P	P	P
	Power Plant (non-wind or solar)	-	-	P	P	P	P
	Residential Dwelling Units ^C	-	-	P	P	P	P
	Religious Institution	-	-	P	-	P	P
	Solar Energy Facilities	P	P	P	P	P	P
	Transportation and Logistics	-	-	P	P	P	P

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		AREA 1	AREA 2	AREA 3	AREA 4	AREA 5	AREA 6	
1 Toolbox	Uses	Warehousing	-	-	P	P	P	P
		Wholesale	-	-	P	P	P	P
		Wind Energy Facilities	-	P	P	P	P	P
		Wireless Communications	-	P	P	P	P	P
		Any other use permitted in the underlying Zone District	-	-	P	P	P	P
2 Zone Districts	Site Features	Maximum Structure Height	0 ft	40 ft	40 ft	40 ft	A	B
		Wetlands (man-made)	-	P	P	P	P	P
		Detention Ponds	-	P	P	P	P	P
		Retention Ponds	-	-	-	-	-	-
		Processes that Produce Smoke or Dust	-	-	P	P	P	P
		Vegetation anticipated to exceed 50 feet in height during its lifespan	-	-	-	-	-	P
		Fruit-bearing vegetation	-	-	-	-	-	P
3 Form Based Code								
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5 Site Design Review Standards								
6 Landscaping/ Green Inf.								

Footnotes to Table 2.20.D:

- A** **Area 5.** No structures above grade shall be built in Area 5 within 500 feet of an existing or planned (on the official Airport runway plan) runway centerline. Beyond 500 feet, the maximum height of a structure shall increase by **1 foot for every 7 feet** further from the runway that the structure is located. For example, a structure 640 feet away from the runway shall be permitted to be up to 20 feet in height. Any structure located within Area 5 that is more than 745 feet from the runway centerline shall be exempt from this Section and shall be subject to the height requirements of the underlying Zone District.
- B** **Area 6.** The maximum building height of the underlying Zone District shall apply.
- C** Installing a **manufactured housing unit** on an empty homesite within an existing manufactured housing community shall not require an approval under this Overlay.

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Section 2.20.E

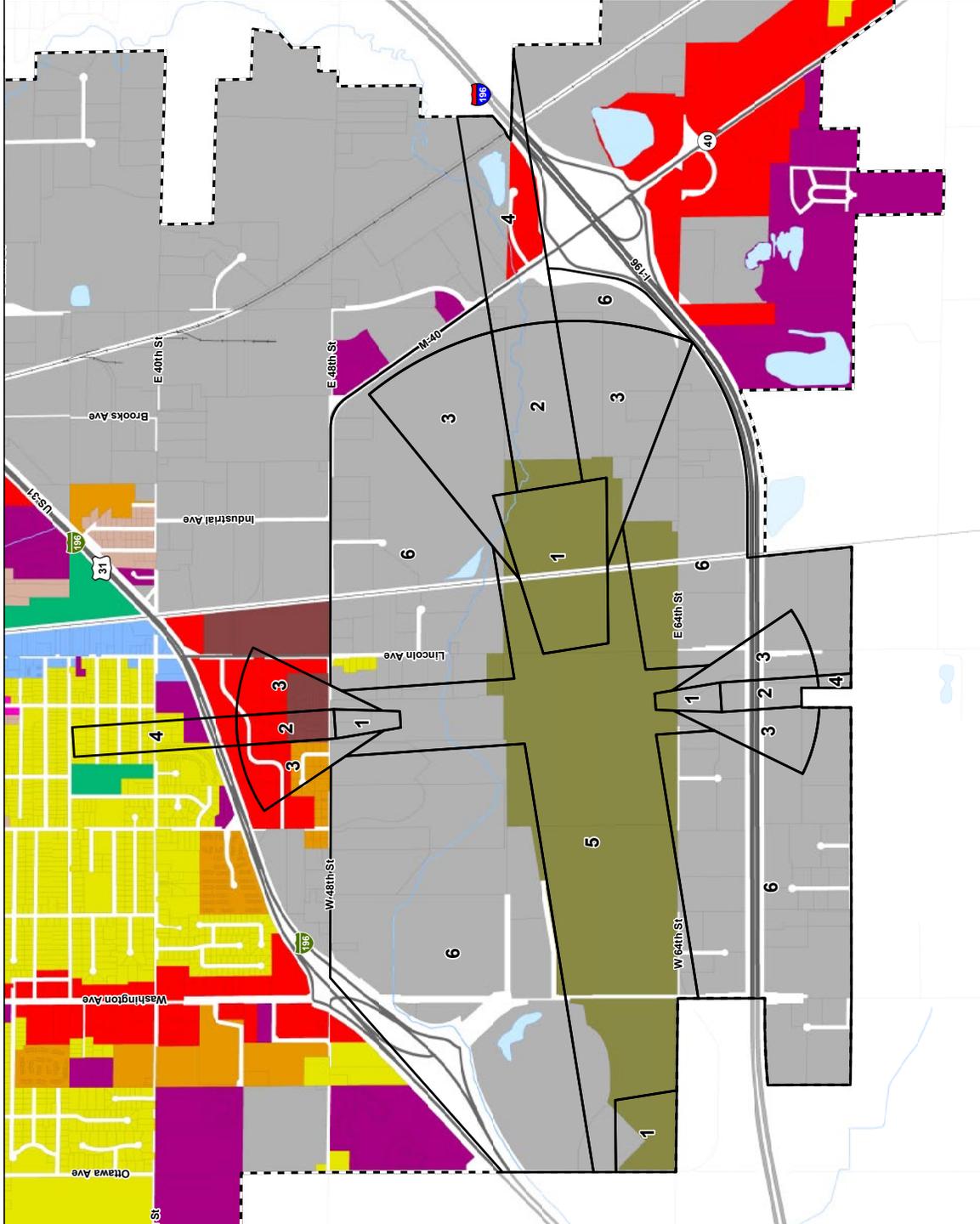
Airport Overlay District

City of Holland, Michigan

March 23, 2021

Legend

- Numbers 1-6: Airport Areas (2.20.D)
- Airport Overlay District
- LDR - Low Density Residential
- CNR - Cottage Neighborhood Residential
- MDR - Medium Density Residential
- TNR - Traditional Neighborhood Residential
- HDR - High Density Residential
- MHR - Manufactured Housing Community
- NMU - Neighborhood Mixed Use
- CMU - Corridor Mixed Use
- RMU - Redevelopment Mixed Use
- GMU - Greenfield Mixed Use
- ED - Education
- I - Industrial
- A - Airport
- OS - Open Space
- PUD - Planned Unit Development
- F - Form Based Code



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F. **Applicability.** Any property that an Airport Overlay District Area boundary includes or intersects shall conform to the Overlay standards when *Site Plan* Review is requested.

1. Properties not in compliance with the Airport Overlay shall be considered *nonconforming* and shall be subject to the provisions of Article 39-13.
2. The requirements of the Airport Overlay shall supersede all other requirements of *UDO*, unless otherwise stated in this Section.
3. Any application to change the underlying *Zone District* for a property within the Airport Overlay shall be reviewed by the West Michigan Airport Authority, who shall issue a recommendation to the *Planning Commission*.

G. **Airport Overlay District Standards.**

1. *Parking* shall be required in the Airport Overlay per the underlying *Zone District*.
2. All exterior light *fixtures* shall be downward facing at a **90 degree angle**, with a concealed and shielded *light source*. No freestanding light pole shall exceed **33 feet in height**, measured from *grade* to the top of the fixture.
3. No electronic message *signs* shall be permitted, except in Area 6, where they shall be restricted to **40 square feet**.
4. All new *structures* proposed within the Airport Overlay District shall obtain a "Determination of No Hazard" from the Michigan Department of Transportation and the Federal Aviation Administration, or submit information to the City confirming they are exempt.

H. **WMAA Review.** When *Site Plan* Approval is requested for a *development* within the Airport Overlay District, the West Michigan Airport Authority, or its designated staff person, shall review the *Site Plan* and provide comments to the *Approving Authority* regarding the impact of the proposal on aviation safety. The WMAA shall review the *development* to determine if it will:

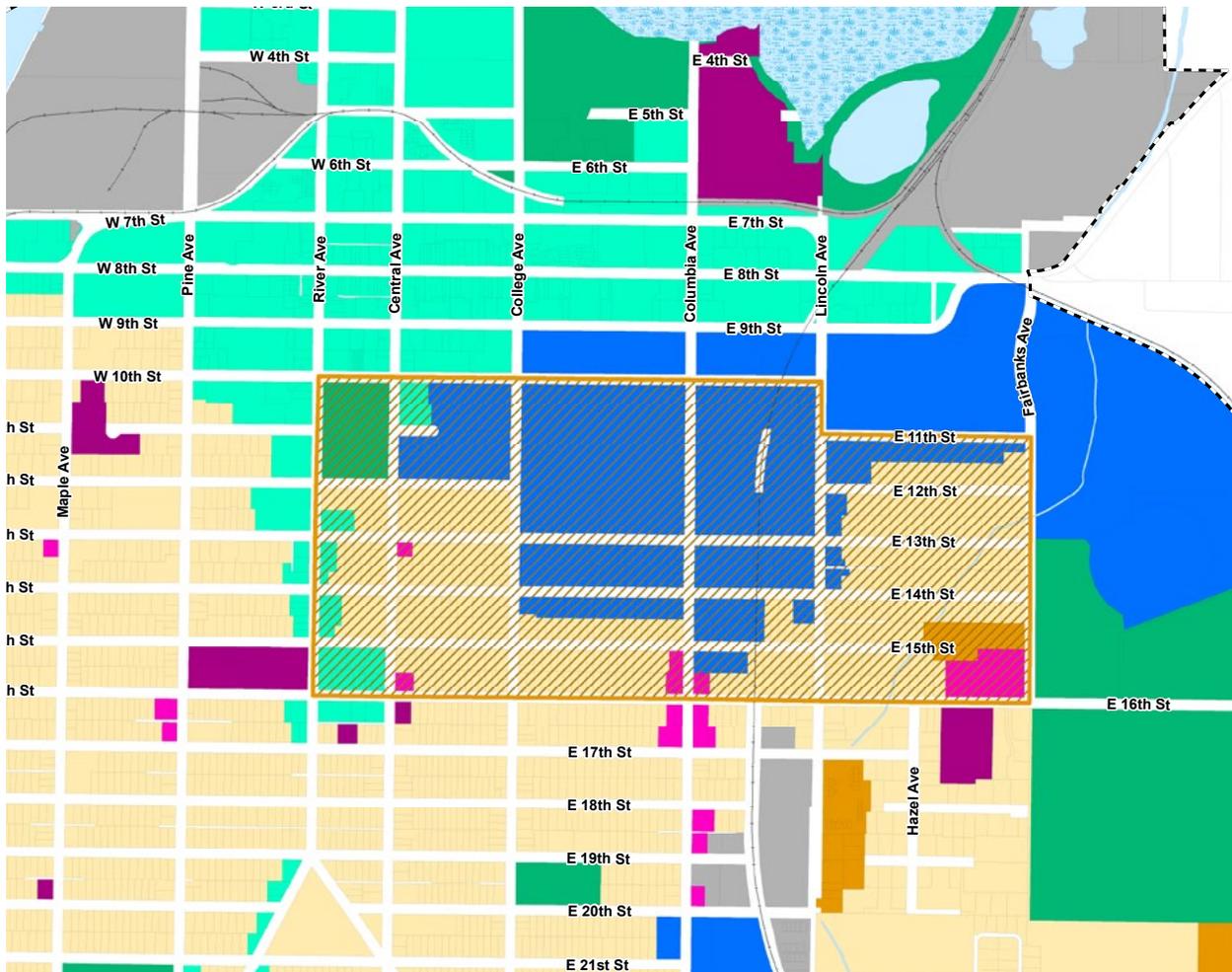
1. Create a significant concentration of people.

2. Create visual obstructions to navigable air space or surfaces due to smoke, steam, dust, *lighting*, or another obstruction that would adversely affect aircraft operational areas and airspace with consideration of the proximity of the *development* to the ends of runways, runway surfaces, and extended runway centerlines.
 3. Be subject to negative impacts from aircraft noise. *Building* construction methods to reduce Airport-related noise may be required.
 4. Potentially attract wildlife that may be hazardous to aviation safety. Methods for designing water bodies to drain dry within 48 hours, putting water detention underground, *landscaping*, and other mitigation techniques to discourage entry and exit of the waterbody by wildlife may be required.
 5. Include storage of flammable or hazardous materials as defined by the Michigan *Building Code*.
 6. In some other means interfere with the operations of the Airport.
- I. **Disclaimer.** The Airport Overlay District does not imply that land *uses* within the vicinity of West Michigan Regional Airport will be free from aircraft noise impacts, aircraft operations, and aircraft overflights. Nor does *UDO* create liability on behalf of the City of Holland, or any *officer* or employee thereof, for incidents that may result from reliance on *UDO*.

SECTION 39-2.21 HOPE NEIGHBORHOOD OVERLAY DISTRICT

- A. **Intent.** To preserve the *Single Detached Dwelling Unit* character in close proximity to those properties located in the *ED Zone District* where higher *density uses* are allowed.
- B. Properties in the Hope Neighborhood Overlay District shall **not be permitted** for the following *uses*:
 - 1. *Dwelling Units* other than *Single Detached Dwelling Unit*.
 - 2. *Accessory Dwelling Units (ADUs)*
 - 3. *Roomers*
- C. **Applicability.** All TNR zoned *properties*; and ED zoned *properties* that are not owned by an *Institution of Higher Education* or a *K-12 School*. All other *Zone Districts* are exempt.
- D. **Hope Neighborhood Overlay District Map**

 Hope Neighborhood Overlay District



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SECTION 39-2.22 WATERFRONT OVERLAY DISTRICT

A. Intent.

1. To implement public desires and a City goal to maintain views of and/or access to the City’s waterfront;
2. To increase the value of waterfront properties;
3. To support the City’s commitments to decrease emissions and to provide for more non-motorized transportation opportunities; and
4. To ensure that future *development* balances private and public interests in the City of Holland’s Waterfront.

B. **Applicability.** All properties abutting Lake Macatawa between Cleveland Avenue and Lincoln Avenue (as extended to the Lake). Properties in the **I Industrial Zone District** are exempt.

C. **Maximum Building and Other Structure Heights and Viewshed Requirements.** To ensure that future *developments* along the water provide opportunities for the public to be able to view and/or access, the City’s waterfront, the following standards shall be met. These standards regulate *building heights* and the placement of *buildings* to maintain views from the nearest parallel street frontage to the waterfront and from the upper stories of vicinity *buildings*. If a **Waterfront Public Access Pathway** is constructed and a **Public Access Easement is granted** to the City, additional stories are permitted and a viewshed requirement is not required since views will occur along the water’s edge.

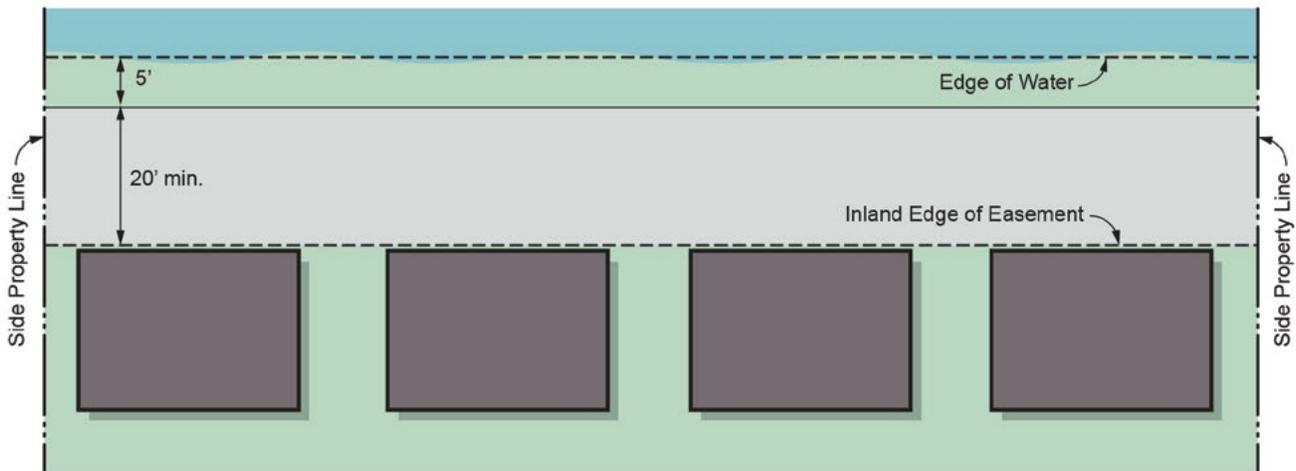
WATERFRONT PUBLIC ACCESS TYPE	BUILDING HEIGHT WITHIN 200 FEET FROM THE WATER	BUILDING HEIGHT MORE THAN 200 FEET FROM THE WATER	OTHER STRUCTURE HEIGHT	VIEWSHED REQUIREMENT
Not Provided	2 stories	4 stories	3 ft	A minimum of 60 ft wide
Waterfront Public Access Easement Provided	4 stories	6 stories	No Maximum	Not Required

D. Definitions.

1. **Viewshed** is a straight line distance between and around *buildings* and *structures* where the water can be unobstructively viewed. Access to the waterfront is granted indirectly for views, but not for use.
2. **Waterfront Public Access Pathway Easement** is a continuous pathway to be constructed and maintained by the property *owner* where an *easement* is granted to the City of Holland to allow for continuous use of the entire pathway. See [Section 39-2.22.E Design Standards](#).
3. **Structure** is any object that extends above *grade*. For the purpose of this section, ‘**Other Structures**’ include *fences*, statues, bushes, or any other item or object that could, in the opinion of the *Planning Commission*, impair views of the water.

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E. **Waterfront Public Access Pathway Design Standards.** If the property owner chooses to construct the Waterfront Public Access Pathway and provide a public access *easement* to the City of Holland, the pathway shall comply with the following standards.



1. **Pathway Elements.**

- a. **Location.** Within **5 feet** of the water's edge, unless another *site* design meeting the intent is approved by *Planning Commission*.
- b. **Width.** **20 feet** minimum.
- c. **Length.** Shall extend continuously from one *property line* to the opposite *property line* along the water.
- d. **Materials.** Shall be constructed and maintained as a single *durable surface*.
- e. **Emergency Access.** The pathway may be used to satisfy fire access road requirements or to otherwise allow for emergency access if the pathway is a minimum of **26 feet** wide and is constructed to withstand emergency *vehicle* load weights as approved by the City of Holland's Fire Marshal.

2. **Waterfront Edge Treatments.** The edge of Lake Macatawa shall be treated with either a Natural or Seawall Edge, unless another *site* design meeting the intent is approved by *Planning Commission*.

- a. **Natural Edge** consisting of *landscaping*, rocks not greater than 2 feet in height, a *berm*, or other treatment approved by *Planning Commission*.
- b. **Seawall Edge** consisting of a maximum **3 foot** high decorative and open *fence*.

3. **Water Access.**

- a. **Discourage swimming.** The Waterfront Edge Treatment shall be designed to discourage swimming and to promote safety.
- b. **Boat access** may be permitted, but is not required. The Waterfront Edge Treatment shall be designed to either encourage or discourage such access.
- c. **Fishing.** May prohibit with signage and private enforcement.

F. **Easement Agreement Requirements and Limitations.**

- 1. The Public Access *Easement* shall only be for the surface of the Pathway and Air Rights up to **25 feet** in height measured from *grade* of the Pathway.
- 2. The *Easement* Agreement shall allow the free passage of the public on foot or on non-motorized *vehicles* continuously from one side of the property to the other, if identified to be used for emergency access.
- 3. The *Easement* Agreement shall restrict the property owner from erecting any barrier to block public access to the *easement*.
- 4. The *Easement* Agreement may restrict the use of motor *vehicles*, other than emergency *vehicles*, if constructed for emergency access.

Section 2.22.G

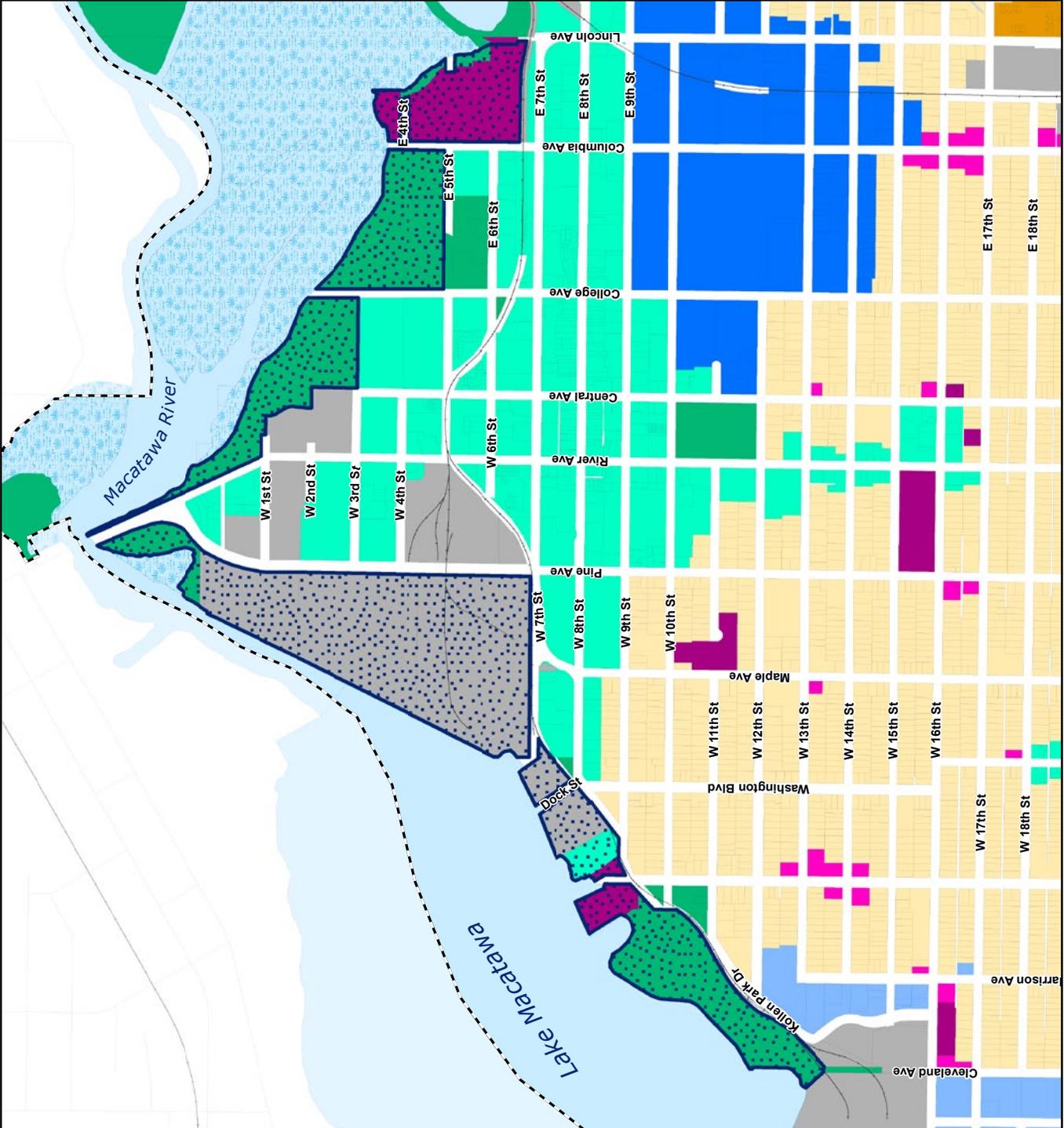
Waterfront Overlay District

City of Holland, Michigan

March 23, 2021

Legend

-  Waterfront Overlay District
-  LDR - Low Density Residential
-  CNR - Cottage Neighborhood Residential
-  MDR - Medium Density Residential
-  TNR - Traditional Neighborhood Residential
-  HDR - High Density Residential
-  MHR - Manufactured Housing Community
-  NMU - Neighborhood Mixed Use
-  CMU - Corridor Mixed Use
-  RMU - Redevelopment Mixed Use
-  GMU - Greenfield Mixed Use
-  ED - Education
-  I - Industrial
-  A - Airport
-  OS - Open Space
-  PUD - Planned Unit Development
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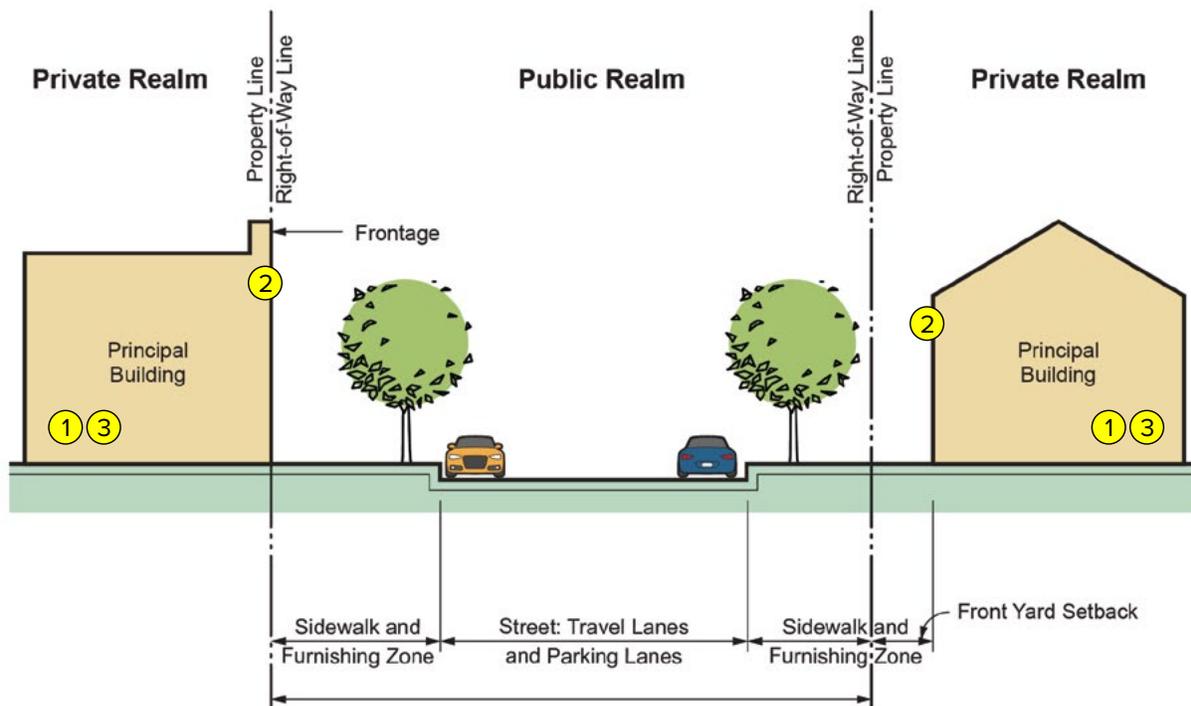
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SECTION 39-2.23 FORM BASED CODE ZONE DISTRICT



- A. **Intent.** The intent of the *Form Based Code* is to preserve, protect, and enhance the individual character of the City of Holland’s key neighborhood business districts, corridors, and Downtown areas. The *Form Based Code* allows for a wide range of uses and encourages vertical *mixed use development*, while also providing standards on *building massing*, form, architectural features, and their relationship to the *public realm*. See [Section 39-1.03.B](#). Rather than being based on Use and Dimensional Standards, the *Form Based Code Zone District* achieves this by regulating *Building Types*, *Building Envelopes*, and *Building Frontage Types* in the 9 *Sub-Districts*. See [Article 39-3](#).
- B. **Character Determined by Interaction of Private and Public Realms.** The graphic below depicts these organizing principles



- 1. **Building Types** allowed in each *Sub-District* that provide the private realm character;
- 2. **Frontage Types** allowed in each *Sub-District* that guide how a *building* and the private realm interact with the *public realm*—the *streets* and *sidewalks*.
- 3. **Building Envelopes** for each *Sub-District* that provide dimensional standards;

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C. Uses and Parking Requirements.

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES	MINIMUM BIKE PARKING SPACES	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Residential Uses	Single Attached Dwelling Unit	Permitted	1 per dwelling unit*	-	9.04
	Two Attached Dwelling Units	Permitted in specific Sub-Districts only.	1 per dwelling unit*	-	Article 39-3 9.04
	Three Attached Dwelling Units	Permitted in specific Sub-Districts only.	1 per dwelling unit*	-	Article 39-3 9.04
	Four Attached Dwelling Units	Permitted in specific Sub-Districts only.	1 per dwelling unit*	-	Article 39-3 9.04
	Five or More Attached Dwelling Units	Permitted in specific Sub-Districts only.	1 per dwelling unit*	1 long term space per dwelling unit. 4 short term spaces for general public.	Article 39-3 9.04
	Bed and Breakfast 1-4 Rooms	Permitted	1 per lodging unit, plus 1 for the dwelling unit*	4 spaces	9.04 12.12.B Special Exception
	Short Term Rental	Permitted	1 per dwelling unit*	-	4.02.C 12.12.B Special Exception
	Home Occupation/ Business Type 1 and 2	Type 1: Permitted Type 2: Special Exception	Type 1: 1 per dwelling unit. Type 2: 2 parking spaces available	-	4.02.Q Chapter 14
	Day Care In-Home	Permitted	-	-	4.02.G 12.12.B Special Exception
Commercial Uses	Retail	Permitted	None in CDT, EDT, CENT 1 per 800 sf in all other Sub-Districts	1 per 4,000 sf for the first 75,000 sf 1 per 12,500 sf for floor area over 75,000 sf Minimum 4 available to general public	-
	Services	Permitted	None in CDT, EDT, CENT 1 per 800 sf in all other Sub-Districts	1 per 5,000 sf, minimum 4 available to general public	-

USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES	MINIMUM BIKE PARKING SPACES	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)	
Commercial Uses	Restaurants/Bars	Permitted	None in CDT, EDT, CENT 1 per 800 sf in all other Sub-Districts	1 per 2,000 sf, minimum 4 available to general public	-
	Offices	Permitted	None in CDT, EDT, CENT 1 per 800 sf in all other Sub-Districts	1 per 5,000 sf, minimum 4 available to general public	-
	Nursing Homes	Permitted	1.25 per patient room	Approving Authority Determination	-
	Child Care Centers	Permitted in specific Sub-Districts only.	1 per 800 sf	Approving Authority Determination	<u>Article 39-3 4.02.D.1</u>
	Drive-Thru's	Permitted in EDT, RM, and SSV. Shall meet requirements of <u>4.02.E</u> . Prohibited in all other Sub-Districts.	Included with Principal Use	-	<u>4.02.E</u>
	Event Venues	Special Land Use	Approving Authority Determination	Approving Authority Determination	-
	Funeral Homes	Permitted in RM and CENT. Prohibited in all other Sub-Districts.	1 per 800 sf	Approving Authority Determination	-
	Maker Spaces	Special Land Use	None in CDT 1 per 800 sf in all other Sub-Districts	Approving Authority Determination	-
	Public Lodging	Permitted	1.1 per guest room	1 per 10 rooms, minimum 4 available to general public	<u>4.02.N</u>
	Vendor Trucks	Permitted as described in <u>Section 39-4.02.V</u>	Included with Principal Use	-	<u>4.02.V</u>
Industrial Uses	Alternative Energy - Solar	Permitted as Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>
	Alternative Energy - Wind	Permitted: 40 feet in height or less Special Land Use: Greater than 40 feet in height Shall be Accessory Use	-	-	<u>4.02.B</u> <u>4.04.B</u>

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USE	APPROVAL TYPE	MINIMUM AUTO PARKING SPACES	MINIMUM BIKE PARKING SPACES	ADDITIONAL STANDARDS (SECTION IN CHAPTER 39)
Other Uses	Greenhouses	Permitted as accessory use	Included with Principal Use	-
	Government/ Municipal Services	Special Land Use	Approving Authority Determination	Included with Principal Use
	Institutions of Higher Education	Special Land Use	Approving Authority Determination	1 per 5,000 sf, minimum 4 available to general public
	K-12 Schools	Special Land Use Existing Uses Can Expand without Special Land Use Approval	Approving Authority Determination	2 per classroom
	Marinas	Special Land Use	Approving Authority Determination	Approving Authority Determination
	Parking lots as a Principal Use	Special Land Use	Approving Authority Determination	-
	Parking Structures as the Principal Use	Special Land Use	Approving Authority Determination	-
	Recreation - Indoor	Permitted	Approving Authority Determination	-
	Recreation - Outdoor	Special Land Use	Approving Authority Determination	-
	Religious Institutions	Special Land Use	Approving Authority Determination	1 per 40 seats in worship space, minimum 4 available to general public
	Wireless Communication Facilities	Permitted Only when located on an existing structure	None	-

Note: Where square footage is referenced, it refers to gross building square footage.

*F-NDT Parking Spaces: 1.2 per dwelling unit



Holland
MICHIGAN

ARTICLE 39-3:

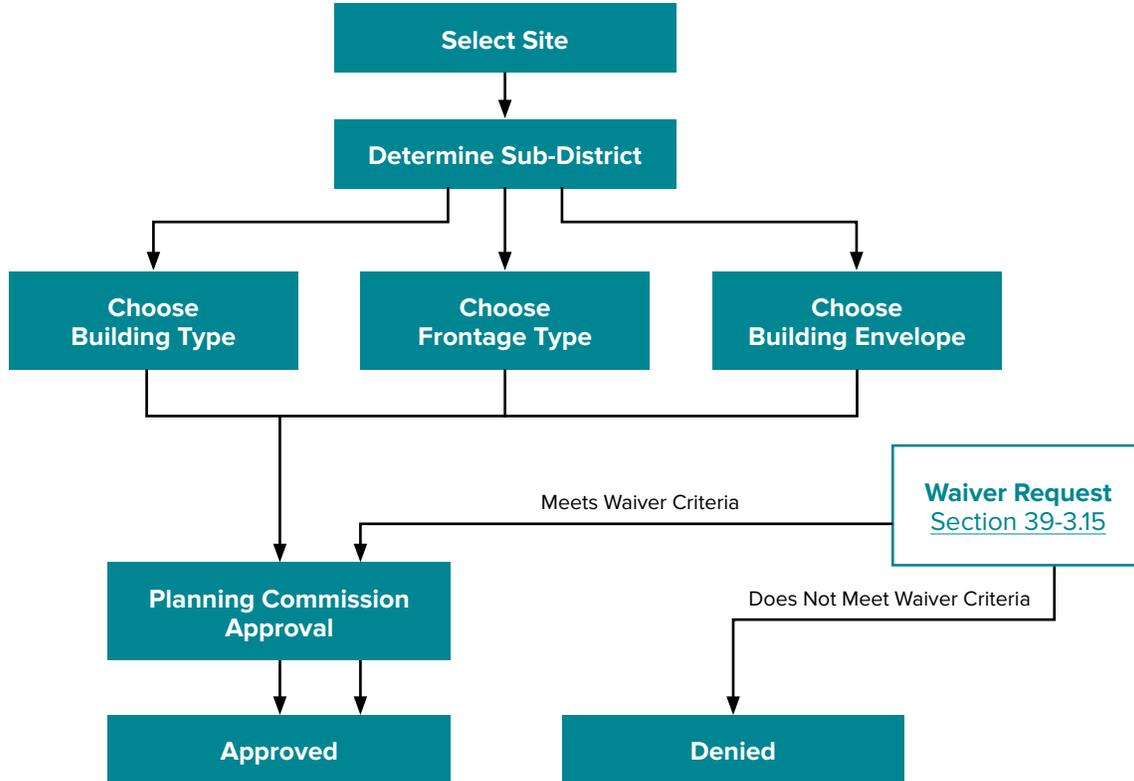
Form Based Code



SECTION 39-3.01 HOW TO USE THE FORM BASED CODE

- A. **Intent.** The intent of the *Form Based Code* is to preserve, enhance, and expand the character of certain areas within the City of Holland through specific design standards.
- B. The F Form Based Code Zone District is subdivided into 9 *Sub-Districts* each with a different existing and/or desired character. This Article is intended to be used in the following manner:
 - 1 **Sub-District.** Locate the property’s *Sub-District* on the **Regulating F Zone District Map**. (See [Section 39-3.03](#)).
 - 2 **Building Types.** Determine which Building Types are permitted in the *Sub-District* and what specific design standards are associated with each. See [Section 39-2.23.C](#) to determine if the desired use/s are permitted (See [Sections 39-3.05-08](#) for Building Types).
 - 3 **Building Frontages.** Determine which *Building Frontages* are permitted in the *Sub-District* and what specific design standards are associated with each. (See [Sections 39-3.09-12](#)).
 - 4 **Building Envelope.** Determine the dimensional standards (setbacks, step back, and height). (See [Sections 39-3.13-14](#)).
 - 5 **Additional Standards and Waiver Requests.** Determine if the additional standards apply to your property and if you desire and qualify for Waiver Requests. (See [Section 39-3.15](#)).
 - 6 **Additional UDO Article Standards.** Determine which additional *UDO* Articles and standards are applicable to the building and *site* design of your property. (See [Sections 39-3.16-17](#)).

Form Based Code Design Process



SECTION 39-3.02 SUB-DISTRICTS

The *Form Based Code* District is divided into 9 *Sub-Districts*, as described below.

SUB-DISTRICT	
	<p>CDT Central Downtown:</p> <p>The intent of the CDT Sub-District is to protect and preserve the historic character and charm of Downtown Holland, while allowing for new investment. The regulations are designed to ensure that new buildings are complementary with the existing urban fabric of the Downtown.</p> <p>Developers for properties located in the Downtown Holland National Historic District shall be required to meet with the Historic Preservation Planner and Senior Planner prior to Site Plan application submittal. See Section 39-12.07.D.6.f.1 for the map.</p>
	<p>NDT North Downtown:</p> <p>The intent of the NDT Sub-District is to enable the expansion of Holland’s existing mixed use and walkable Downtown north to seamlessly provide connections, and to focus on potential redevelopment of properties, especially as multifamily residential.</p>
	<p>EDT East Downtown:</p> <p>The intent of the EDT Sub-District is to encourage the redevelopment of the 8th Street corridor east of Downtown Holland into a walkable and attractive area that both complements the existing Downtown and considers the different context by allowing additional building types, frontage types, and larger setbacks.</p>
	<p>WDT Waterfront Downtown:</p> <p>The intent of the WDT Sub-District is to guide future development along Holland’s waterfront that connects to NDT and CDT, creating a cohesive, mixed use, walkable, waterfront district within a vibrant Downtown.</p>

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SUB-DISTRICT	
	<p>CENT Centennial:</p> <p>The intent of the CENT Sub-District is to activate the Centennial Park area with mixed uses while also making the important connection between CDT and the RM River Michigan Sub-District.</p>
	<p>RM River-Michigan:</p> <p>The intent of the RM Sub-District is to establish a vibrant, mixed use character along a central Holland corridor that complements major institutions, provides destinations of interest, and protects residential neighborhoods.</p>
	<p>SIXT Sixteenth Street:</p> <p>The intent of the SIXT Sub-District is to enhance and expand the existing walkable character, and establish the 16th Street business district as a central mixed use node.</p>
	<p>WASH Washington:</p> <p>The intent of the WASH Sub-District is to preserve the urban and mixed use character of the Washington Square Business District and to establish a mixed use node along "Old Washington" between 28th and 31st Streets.</p>
	<p>SSV South Shore Village:</p> <p>The intent of the SSV Sub-District is to preserve, enhance, and expand the character and charm of the South Shore Village Business District, while allowing for new investment.</p>

Section 3.03

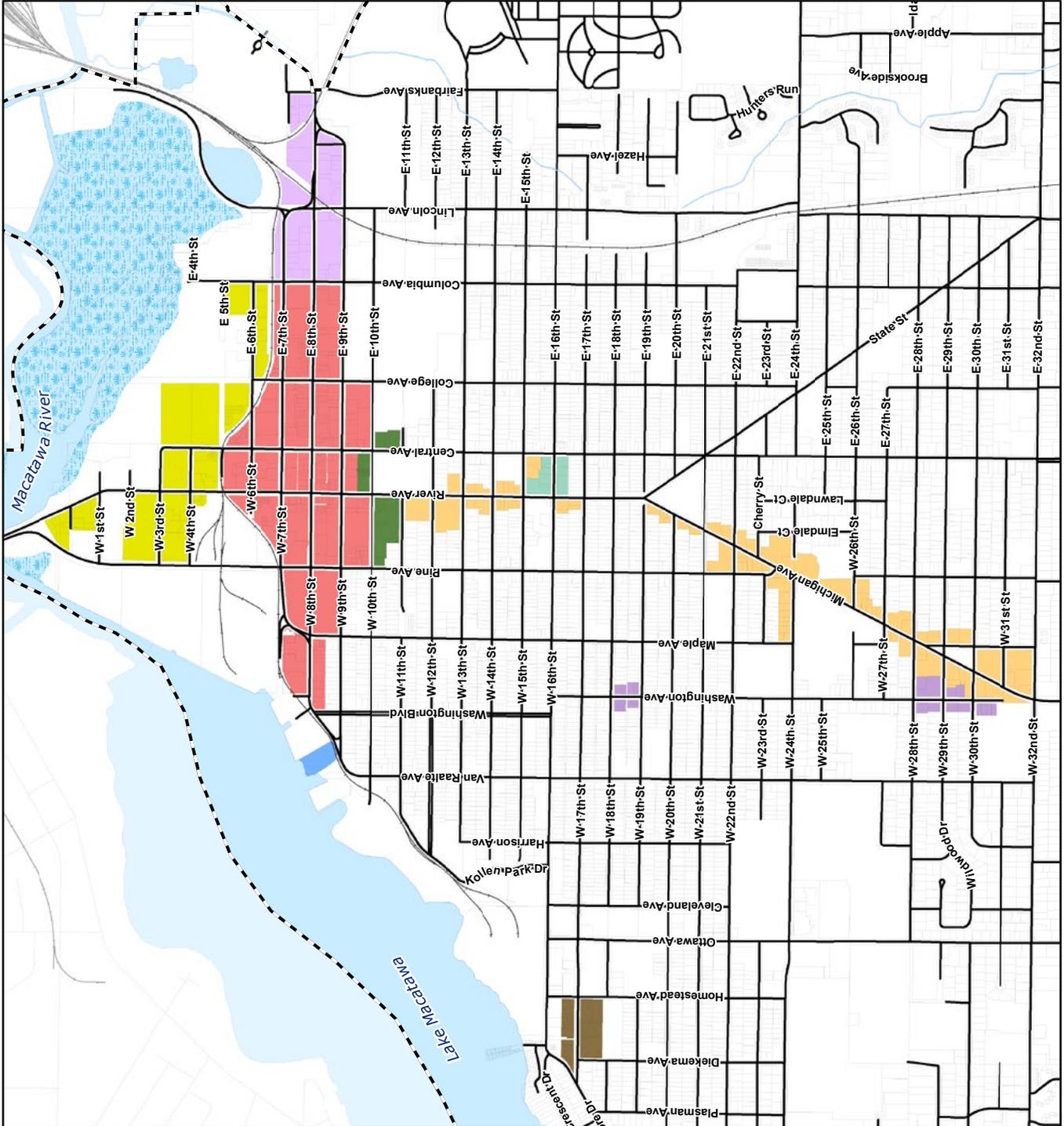
**F - Form Based Code
Sub-District
Regulating Map**

City of Holland, Michigan

March 23, 2021

Legend

- CDT - Central Downtown
- NDT - North Downtown
- EDT - East Downtown
- WDT - Waterfront Downtown
- CENT - Centennial
- RM - River Michigan
- SIXT - 16th Street
- WASH - Washington
- SSV - South Shore Village
- Water
- Marsh



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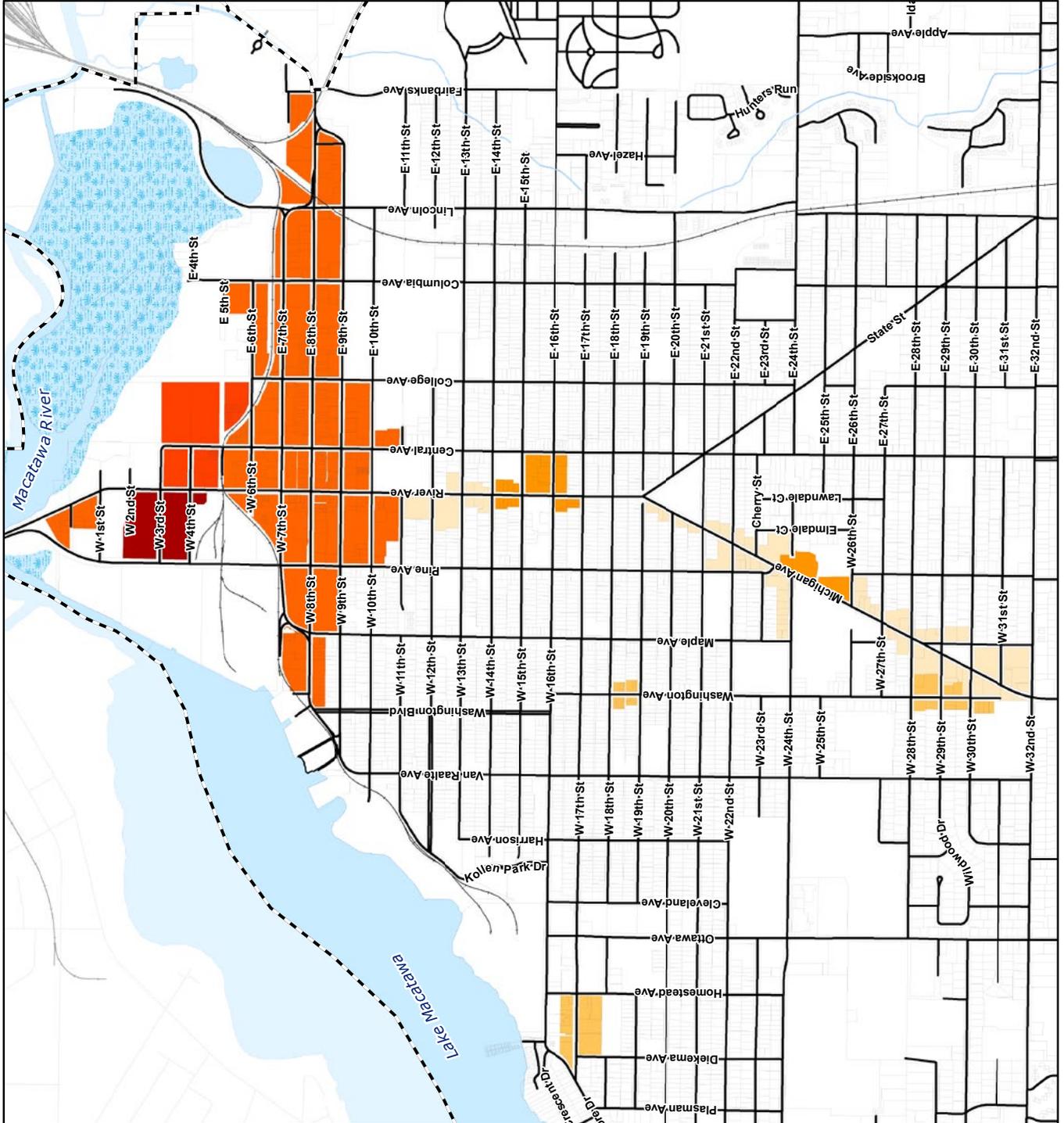
Section 3.04

F - Form Based Code Sub-District Regulating Map Building Height Maximums

City of Holland, Michigan
 March 23, 2021

Legend

- *See Section 2.22
- 2 Stories
- 3 Stories
- 4 Stories
- 6 Stories
- 9 Stories
- 12 Stories
- Water
- Marsh



SECTION 39-3.05 BUILDING TYPES OVERVIEW

BUILDING TYPES	REQUIREMENTS	SUB-DISTRICTS PERMITTED		
<p>Mixed Use</p> 	<ul style="list-style-type: none"> • Be more than 1 <i>story</i>. • Have a commercial first <i>story</i> of at least 16 ft clear height, with an entrance facing the front street. • The commercial first <i>story</i> may be designated for other uses, but shall be designed to accommodate a commercial use. • Have upper <i>stories</i> designed for residential or commercial uses. • Any combination of building types not listed as permitted in another building type shall be considered a mixed use building. 	CDT	NDT	EDT
<p>Commercial</p> 	<ul style="list-style-type: none"> • First <i>story</i> shall be a minimum of 16 ft in height. • Be designed for a commercial use. • Not include any residential units. 	CDT	NDT	EDT
<p>Multifamily (5+ units)</p> 	<ul style="list-style-type: none"> • Have 5 or more attached residential units, sharing interior hallways and exterior entrances. • Not include commercial or other non-residential uses, except for <i>amenities</i> for the residents. 	NDT	EDT	WDT
<p>Multifamily (2–4 units)</p> 	<ul style="list-style-type: none"> • Contain 2, 3, or 4 attached residential units, which may or may not share interior hallways and external entrances. • Have no commercial or other non-residential uses, except for <i>amenities</i> or common space for the residents. 	EDT	RM	WASH

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BUILDING TYPES	REQUIREMENTS	SUB-DISTRICTS PERMITTED		
Townhouse 	<ul style="list-style-type: none"> Be attached single <i>dwelling units</i> in groups of at least 3 units. All <i>dwelling units</i> shall have their own dedicated exterior entrance. All units shall extend from the foundation to the roof of the building. Shall not include commercial or other non-residential uses, except for <i>amenities</i> for residents. 	NDT	EDT	WDT
		RM	WASH	
Parking Structure 	<ul style="list-style-type: none"> Shall include a liner building, at least one story in height, along all street fronting façades, OR shall be completely hidden from view along all streets. All <i>stories</i> shall be designed to screen the parked vehicles from view along all streets. All <i>parking structures</i> in the F District shall be reviewed using the Special Land Use process. 	CDT	NDT	EDT
		WDT	CENT	SIXT
		RM	WASH	SSV
Parking Lot 	<ul style="list-style-type: none"> Shall not have a <i>principal structure</i>. Shall be primarily used for parking cars. 	CDT	NDT	EDT
		WDT	CENT	SIXT
		RM	WASH	SSV

BUILDING TYPES	REQUIREMENTS	SUB-DISTRICTS PERMITTED		
<p>Landmark Buildings</p> 	<p>The <i>Planning Commission</i> may approve a Landmark Building using the <i>Special Land Use Approval</i> process.</p> <p>A Landmark Building shall be exempt from the Building Types and Frontage Type regulations, but shall meet the <i>Building Envelope</i> standards.</p> <p>For these, the <i>Planning Commission</i> may grant a waiver from the maximum <i>building height</i> for an architectural feature such as a cupola or steeple. To approve a Landmark Building, the <i>Planning Commission</i> shall find that:</p> <ul style="list-style-type: none"> • The building contains 1 or more of the following uses: <ul style="list-style-type: none"> a) <i>Religious Institution</i> b) Theater/Performing Arts Space c) Recreational/Sports Facility d) Civic/Municipal Use e) Educational Institution or Use f) Community Institution (such as Library, Museum, or Community Center) • The building addresses all street frontages to promote a safe and attractive pedestrian environment. • The use of the building would be hindered if required to meet the Building Type and/or Frontage Type regulations. 	CDT	NDT	EDT
		WDT	CENT	SIXT
		RM	WASH	SSV

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SECTION 39-3.06 BUILDING TYPES PERMITTED TABLE

BUILDING TYPE	CDT	NDT	EDT	WDT	CENT	RM	SIXT	WASH	SSV
Mixed Use	P	P	P	P	P	P	P	P	P
Commercial	P	P	P	P	P	P	P	P	P
Multifamily (5 Units or more)	X	P	P	P	P	P	X	L	X
Multifamily (2-4 Units)	X	X	P	X	X	P	X	L	X
Townhouse	X	P	P	P	X	P	X	L	X
Parking Structure	S	S	S	S	S	S	S	S	S
Parking Lot	S	S	S	S	S	S	S	S	S
Landmark	S	S	S	S	S	S	S	S	S

- P** Permitted on all properties in *Sub-District*, provided that all requirements of *UDO* are met, as determined by *Planning Commission* during *Site Plan Approval*
- L** Permitted on limited properties in *Sub-District* (see Section 39-3.07), provided that all requirements of *UDO* are met, as determined by *Planning Commission* during *Site Plan Approval*
- S** Requires Special Use Approval by *Planning Commission*, in addition to *Site Plan Approval*
- X** Not Permitted

SECTION 39-3.07 BUILDING TYPE LIMITED LOCATIONS

- A. **Multifamily (5 Units or more):** In WASH, not permitted on *lots* adjacent to Washington Avenue between 18th and 19th Streets (Washington Square Business District).
- B. **Multifamily (2-4 Units):** In WASH, not permitted on *lots* adjacent to Washington Avenue between 18th and 19th Streets (Washington Square business district).
- C. **Townhouse:** In RM, not permitted on *lots* adjacent to 16th Street.
In WASH, not permitted on *lots* adjacent to Washington Boulevard between 18th and 19th Streets (Washington Square Business District).

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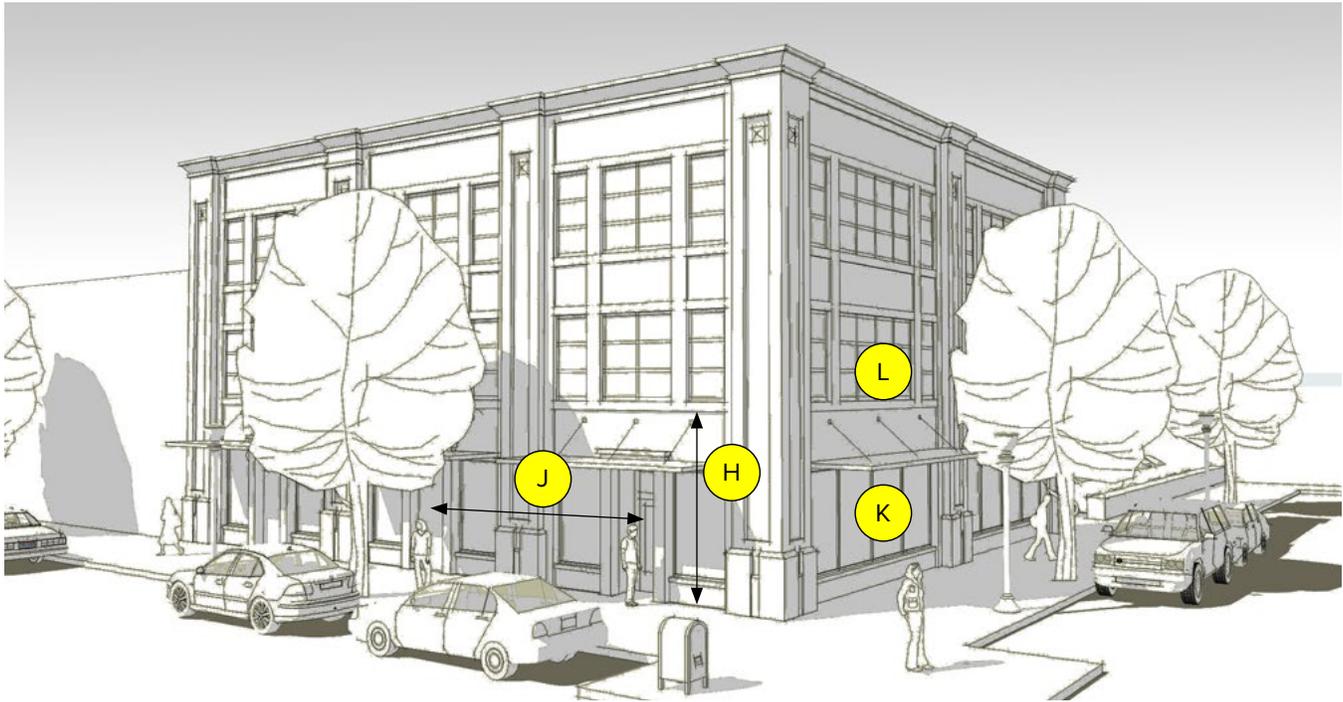
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SECTION 39-3.08 BUILDING TYPE STANDARDS

Mixed Use Building



REQUIREMENTS

- A. Shall be a minimum of **2 stories**.
- B. The **commercial** first story may be designated for other uses, but shall be designed to accommodate a **commercial** use.
- C. Upper stories shall be designed for **residential** or **commercial** uses. **Residential** units shall not be located on stories below **non-residential** uses.

PERMITTED USES

- D. **First Story – Adjacent to Front street:** Retail or Office. (*Event Space* is generally permitted, but shall not be permitted on the first story in the CDT, CENT, and WASH Sub-Districts.)
- E. **First Story – Adjacent to Secondary Street:** Retail, Office, or Event space.
- F. **Upper Stories:** Office, Residential, Event space or Public Lodging.
- G. Any combination of uses not listed as permitted in another building type shall be considered a *mixed use* building type.

DESIGN STANDARDS

- H. **Commercial** first story shall be a minimum of **16 feet** in height.
 - I. The **commercial** first story shall extend the entire width of the *building*, as viewed from any public street.
- J. Ground-story **commercial** space shall have entrances a minimum of every **60 feet** along all streets.
- K. The first story shall maintain a minimum of **60% window glass between 2 feet and 10 feet** from *grade* along streets, except for parking entrance openings.

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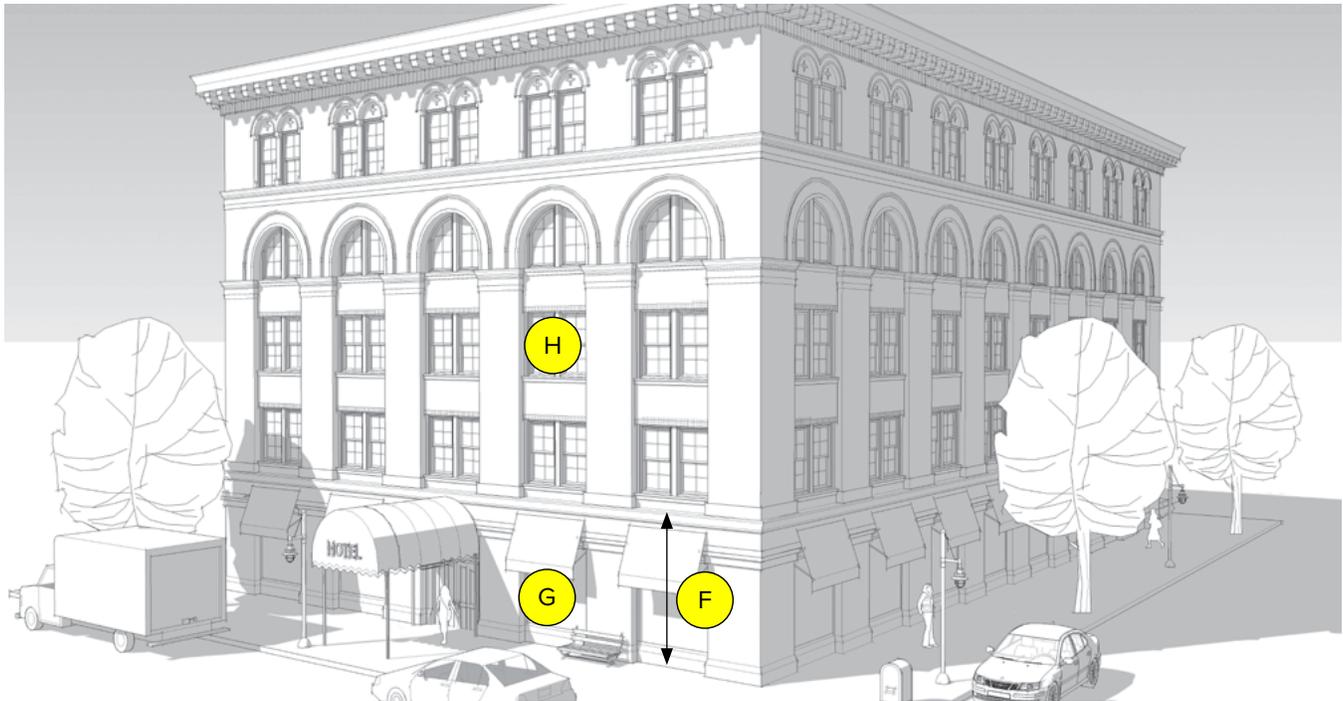
DESIGN STANDARDS, CONTINUED

- L.** For **upper stories**, there shall be a minimum of **30% window glass**, as measured from one end of the wall to other, and from floor to ceiling of each *story*.
 - The maximum distance between any two windows shall be **5 feet**.
 - The maximum distance between a window and the edge of the wall shall be **10 feet**.
- M.** All first *story* windows and windows facing towards a public street shall be designed so that the entire window allows at least **80% Visible Light Transmission (VLT)**. Portions of the window covered by permitted window signage shall be exempt from these requirements.
- N.** **Parking** may be located within, underneath, or behind the *building*, but, when located on the first floor, shall not be located within **20 feet of the front street**. Parking entrance openings shall not face the *front street*. The space between the parking and the *front street* shall be used for **retail, office, event space, and/or building circulation**, in order to create a “*liner building*” and screen the parking from view along the *front street*.



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Commercial Building



REQUIREMENTS

- A. Shall have **1 or more commercial** uses.
- B. **Residential** units are **prohibited**.

PERMITTED USES

- C. **First Story – Adjacent to Front street:** Retail, Office, or Event space, except not in the CDT, CENT, and WASH Sub-Districts.
- D. **First Story – Adjacent to Secondary street:** Retail, Office, or Event space.
- E. **Upper Stories:** Office, Event space, or Lodging.

DESIGN STANDARDS

- F. The first story shall be a minimum of **16 feet** in height.
- G. The first story shall maintain a minimum of **60% window glass between 2 feet and 10 feet** from grade along **front streets**. This requirement shall also apply to the first story façade along a **secondary street** except for openings for parking entrances.
- H. For **upper stories**, there shall be a minimum of **40% window glass**, as measured from one end of the wall to other, and from floor to ceiling of each story.
 - The maximum distance between any two windows shall be **5 feet**.
 - The maximum distance between a window and the edge of the wall shall be **10 feet**.
- I. All first story windows and windows facing towards a public street shall be designed so that the entire window allows at least **80% Visible Light Transmission (VLT)**.
- J. **Parking** may be located within, underneath, or behind the building, but, when located on the first floor, shall not be located within **20 feet of the front street**. Parking entrance openings shall not face the **front street**. The space between the parking and the **front street** shall be used for **retail, office, event venue, and/or building circulation**, in order to create a **“liner building”** and screen the parking from view along the **front street**.

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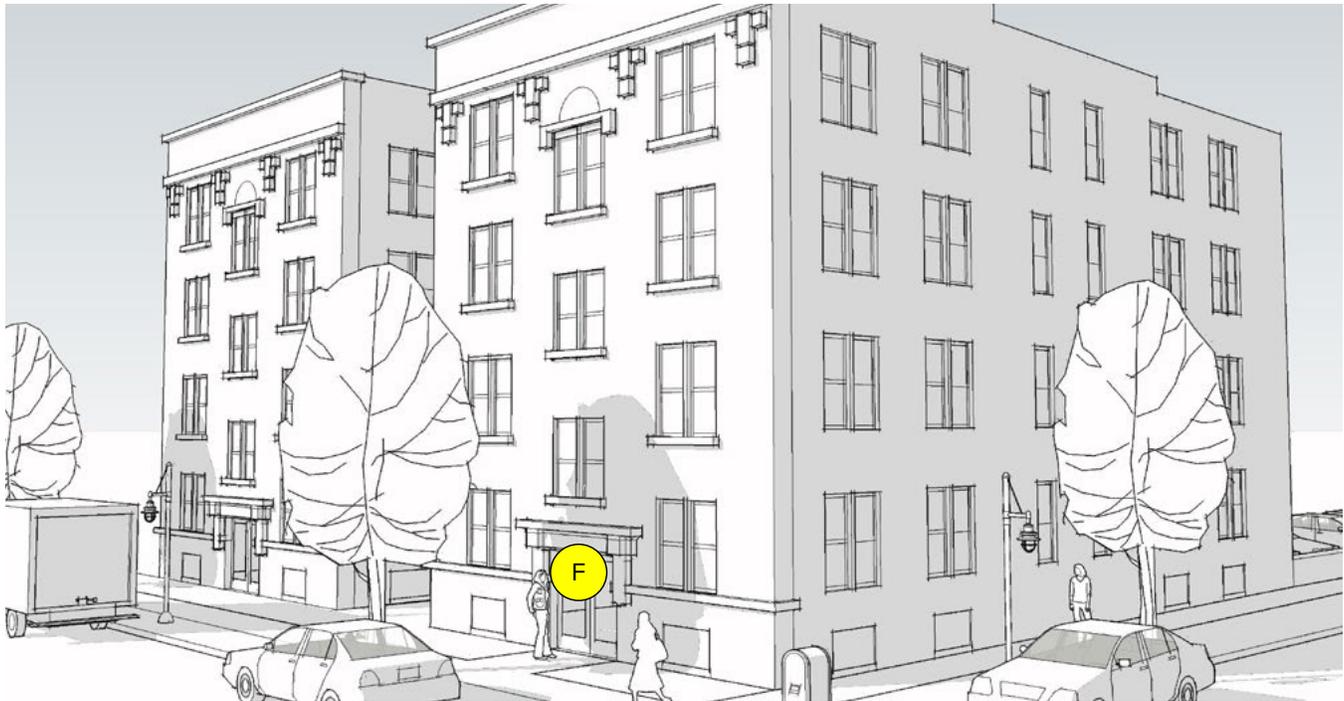
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Multifamily Building (5 Units or More)



REQUIREMENTS

- A. Shall have **5 or more residential** units that share interior hallways and exterior entrances.
- B. **Non-residential** uses are prohibited except for resident *amenities*.

PERMITTED USES

- C. **First Story – Adjacent to Street:** *Residential*, Parking, or *amenities*/common space for residents.
- D. **First Story – Not Adjacent to Street:** *Residential*, Parking, or *amenities*/common space for residents.
- E. **Upper Stories:** *Residential* or *amenities*/common space for residents.

DESIGN STANDARDS

- F. There shall be a main building entrance on the **front street**. Units with individual entrances shall be considered Townhouses.
- G. For all *stories*, there shall be a minimum of **30% glass**, measured from one end of the wall to other and from floor to ceiling each *story*.
 - The maximum distance between any two windows shall be **5 feet**.
 - The maximum distance between a window and the edge of the wall it is on shall be **10 feet**.
- H. **Parking** may be located within, underneath, or behind the building, but, when located on the first floor, shall not be located within **20 feet of the front street**. Parking entrance openings shall not face the *front street*. The space between the parking and the *front street* shall be used for **retail, office, event space, and/or building circulation**, in order to create a “*liner building*” and screen the parking from view along the *front street*.
- I. **Vehicle doors** and associated driveways shall be located to minimize safety hazards to pedestrians.

Vehicle doors shall not be permitted fronting the following streets:

 - 8th Street
 - S. River Avenue
 - Michigan Avenue
 - Washington Avenue
 - 16th Street between S. River and Central Avenues
 - 18th Street between Homestead and South Shore Drives

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Multifamily Building (2-4 Units)



REQUIREMENTS

- A. Shall contain **2, 3, or 4 residential** units, which may share interior hallways and external entrances.
- B. **Non-residential** uses are prohibited except for residential *amenities*.

PERMITTED USES

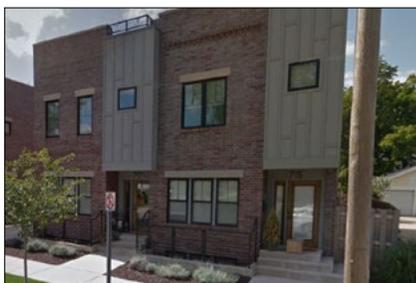
- C. **First Story – Adjacent to Street:** *Residential, or amenities/common space* for residents.
- D. **First Story – Not Adjacent to Street:** *Residential, or amenities/common space* for residents.
- E. **Upper Stories:** *Residential, or amenities/common space* for residents.

DESIGN STANDARDS

- F. **Parking** may be located in attached or detached garages or behind *buildings*. However, the main building shall have a continuous *first story* façade, and shall not be elevated on “stilts” above a parking lot.
- G. **Vehicle doors** and associated driveways shall be located to minimize safety hazards to pedestrians.

Vehicle doors shall not be permitted facing the following streets:

- 8th Street
- S. River Avenue
- Michigan Avenue
- Washington Avenue
- 16th Street between S. River and Central Avenues
- 18th Street between Homestead and South Shore Drives



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Townhouse Building



REQUIREMENTS

- A. Townhouse units shall be constructed in a group of at least 3, be attached to each other, and be separated by interior walls.
- B. All units shall extend from the foundation to the roof of the building.
- C. **Non-residential** uses are prohibited except for residential *amenities*.

PERMITTED USES

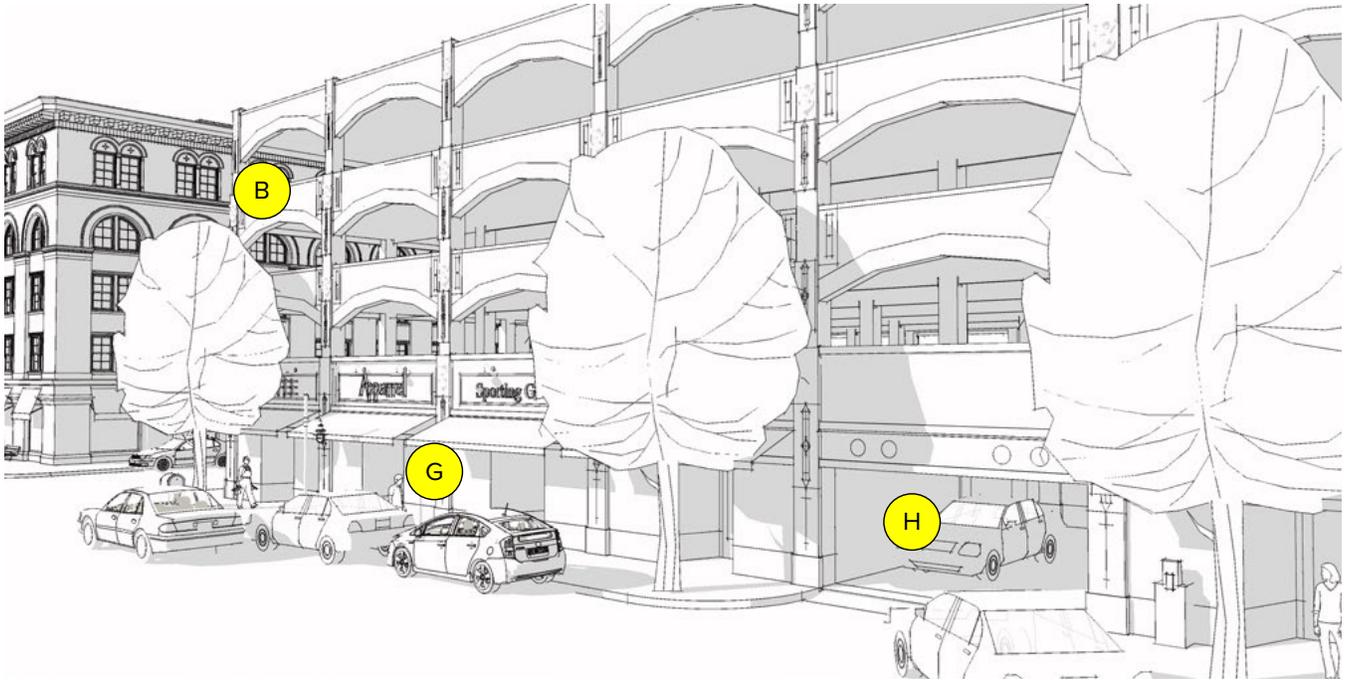
- D. **First Story – Adjacent to Street:** *Residential or amenities.*
- E. **First Story – Not Adjacent to Street:** *Residential or amenities.*
- F. **Upper Stories:** *Residential or amenities*

DESIGN STANDARDS

- G. Each unit shall have **its own dedicated entrance off of the front street**, an approved internal street, or a *courtyard/green space*.
- H. **Vehicle doors** and associated driveways shall be located to minimize safety hazards to pedestrians.
Vehicle doors shall not be permitted facing the following streets:
 - 8th Street
 - S. River Avenue
 - Michigan Avenue
 - Washington Avenue
 - 16th Street between S. River and Central Avenues
 - 18th Street between Homestead and South Shore Drives



Parking Structure



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REQUIREMENTS

- A. Shall be primarily used for parking cars.
- B.** Shall be a minimum of 2 stories above grade, but may also include levels below grade.
- C. All stories shall be designed to **screen the parked vehicles** from view along all streets.
- D. A parking structure in a building with non-parking uses above the first story shall be subject to the **requirements of the building type** that most closely matches the proposed design, rather than these requirements.
- E. Parking structures shall require Special Land Use approval in all Sub-Districts.

PERMITTED USES

- F. **Parking Structure Building types** shall not front 8th Street in CDT. If they are located on a lot that fronts 8th Street, there shall be another allowable Building Type between the parking garage and 8th Street, and the parking garage shall not be visible from 8th Street.
- G.** **Parking Structure Building types** shall be required to have a Frontage Type allowable within the Sub-District.

The Frontage Type shall be associated with a use compatible with the Frontage Type, and shall not be a “false front” to hide parking. One parking entrance/exit shall be permitted per street frontage.

DESIGN STANDARDS

- H.** **Vehicle doors** and associated driveways shall be located to minimize safety hazards to pedestrians and to ensure safe turning movements for entering and exiting cars.
- I. Shall be designed aesthetically to **complement the surrounding area**, in the opinion of the *Planning Commission*.



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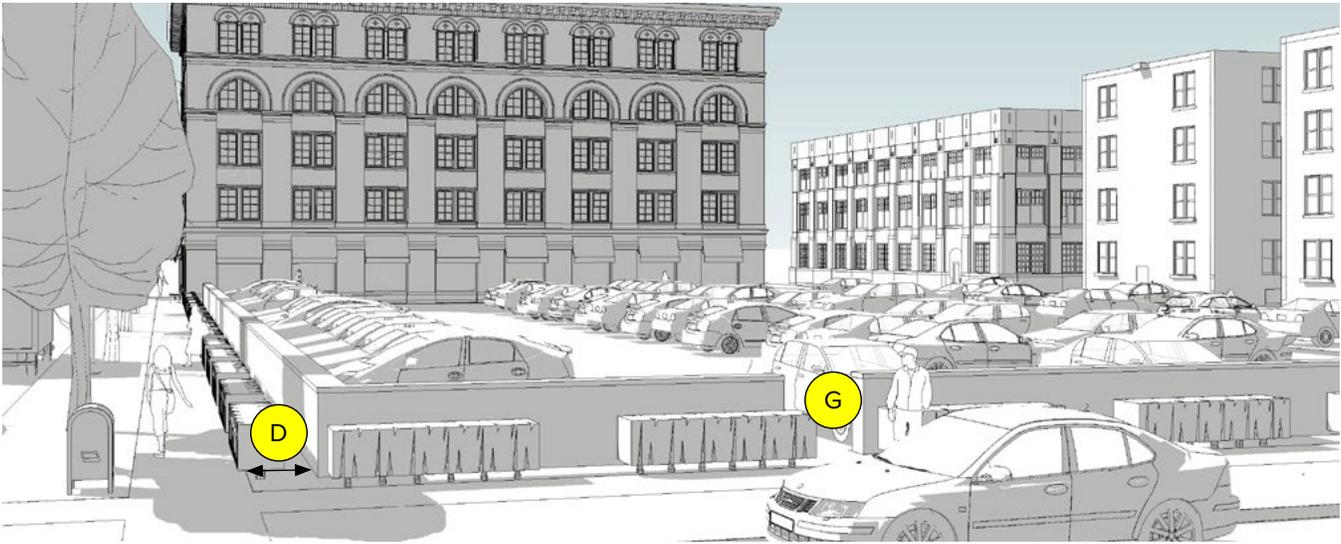
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REQUIREMENTS

- A. Shall not have a *principal structure*.
- May have an *accessory structure* for an attendant constructed of materials consistent with surrounding *buildings*.
- B. Shall only be used for the short-term parking of cars.
- C. *Commercial repair work* shall not occur in any *parking lot*.

DESIGN STANDARDS

- D. **Parking lots** shall be set back a minimum of **10 feet** from any **street fronting property line**. The *Planning Commission* may reduce this setback to **5 feet** if a 4-foot-high masonry wall is erected along the street-fronting property line.
- E. *Parking lots* shall be set back a minimum of **10 feet** from side or rear *property lines*. This setback may be reduced by the *Planning Commission*.
- F. *Parking lots* shall meet all applicable landscape requirements of *UDO*. See [Article 39-6](#).
- G. *Parking lots* shall have at least one **pedestrian entrance** along all road frontages. The *Planning Commission* may determine that the automobile entrance is sufficient for a given frontage, but may not waive the requirement to have an entrance on all frontages.
- H. **Standards A-G** shall apply to all *parking lots* in the *F Zone District*, regardless of if there is a *principal structure* on the property. [Section 39-9.02](#) shall also apply to all *parking lots* within the *F District*.
- I. Special Land Use Approval for *parking lots* as a principal use with no other *principal structure* shall only be approved if the *Planning Commission* determines the *parking lot* is necessary to support nearby uses and the *parking lot* will not negatively impact the surrounding area.



Landmark Buildings

LANDMARK BUILDING DESIGNATION

A. The *Planning Commission* may approve, by Special Land Use Approval, a proposed new building as a **Landmark Building**.

A Landmark Building shall be exempt from the Building Type and Frontage Type regulations, but shall meet the *Building Envelope* standards.

For this building type only, the *Planning Commission* may grant a waiver from the maximum *building height* for an architectural feature, such as a cupola or steeple. To be approved as a Landmark Building, the *Planning Commission* shall find that:

- 1) The building contains one or more of the following uses:
 - a) *Religious Institution*
 - b) Theater/Performing Arts Space
 - c) Recreational/Sports Facility
 - d) Civic/Municipal Use
 - e) Educational Institution or Use
 - f) Community Institution (such as Library, Museum, or Community Center)
- 2) The building addresses all street frontages to promote a safe and attractive pedestrian environment.
- 3) The proposed use of the building would be significantly hindered in a building designed to meet the Building Type and Frontage Type regulations.



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SECTION 39-3.09 FRONTAGE TYPE OVERVIEW

FRONTAGE	REQUIREMENTS	SUB-DISTRICTS		
<p>Shopfront</p> 	<ul style="list-style-type: none"> • Shall be designed to accommodate commercial uses. 	CDT	NDT	EDT
<p>Lobby</p> 	<ul style="list-style-type: none"> • Has one entrance that accesses all uses within the building. The single entrance shall lead to a communal lobby that grants access to the <i>dwelling units</i> or <i>non-residential</i> uses within the building. 	CDT	NDT	EDT
<p>Forecourt</p> 	<ul style="list-style-type: none"> • A portion of the façade is close to the frontage line and the central portion of the façade is set back, creating a garden area. • This type should be used in conjunction with other frontage types. 	CDT	NDT	EDT
<p>Arcade</p> 	<ul style="list-style-type: none"> • An Arcade projects over the first floor property line and supports either habitable space or a <i>canopy</i>. • The Arcade shall not be less than 12 ft deep and shall meet all front setback requirements. 	CDT	NDT	EDT
<p>Common Yard</p> 	<ul style="list-style-type: none"> • A Common Yard is a landscaped frontage along streets. • This type is conventional for Multifamily (2-4 units) or Townhouses. 	NDT	EDT	WDT
		RM	WASH	

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SECTION 39-3.10 FRONTAGE TYPES PERMITTED TABLE

BUILDING TYPE	CDT	NDT	EDT	WDT	CENT	RM	SIXT	WASH	SSV
Shopfront	P	P	P	P	P	P	P	P	P
Lobby	P	P	P	P	P	P	X	L	X
Forecourt	L	P	P	P	P	P	X	L	X
Arcade	L	P	P	P	X	X	P	L	X
Common Yard	X	L	L	L	X	L	X	L	X

P Permitted on all properties in *Sub-District*, provided that all requirements of *UDO* are met, as determined by *Planning Commission* during *Site Plan* Approval

L Permitted on limited properties in *Sub-District* (see [Section 39-3.11](#)) provided that all requirements of *UDO* are met, as determined by *Planning Commission* during *Site Plan* Approval

S Requires Special Use Approval by *Planning Commission*, in addition to *Site Plan* Approval

X Not Permitted

SECTION 39-3.11 FRONTAGE TYPE LIMITED CIRCUMSTANCES **L**

A. Lobby:

- In **WASH**, not permitted between 18th and 19th Street.

B. Forecourt:

- In **CDT**, not permitted on *lots* adjacent to 8th Street.
- In **WASH**, not permitted between 18th and 19th Street.

C. Arcade:

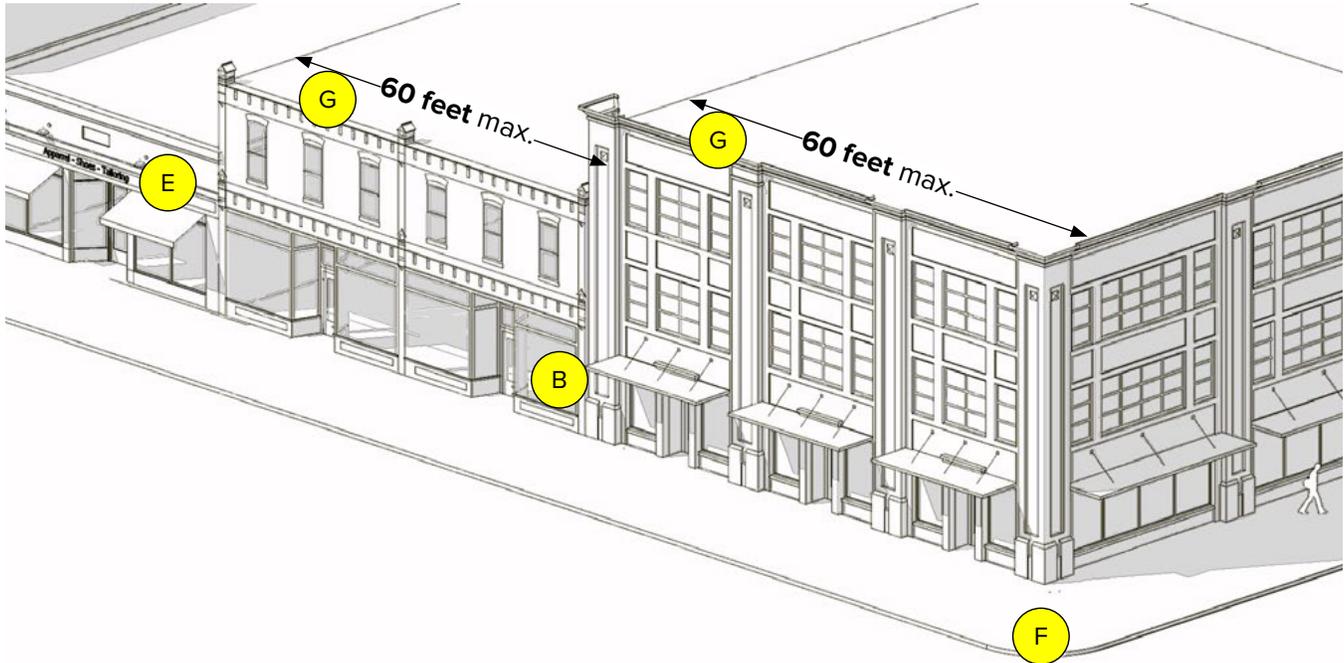
- In **CDT**, not permitted on *lots* adjacent to 8th Street.
- In **WASH**, not permitted between 18th and 19th Street.

D. Common Yard:

- In **WASH**, not permitted between 18th and 19th Street.
- In all *Sub-Districts*, must be used in conjunction with Residential (2-4 units) or Townhouse *Building Types*.

SECTION 39-3.12 FRONTAGE TYPE STANDARDS

Shopfront Frontage



FRONTAGE TYPE

- A. Designed to accommodate **retail** or **commercial** uses.

REQUIREMENTS

- B. Shall be constructed with a minimum of **60%** transparent glass between **2 feet** and **10 feet** above **grade** at the sidewalk.
- C. Shall include a main entrance recessed a minimum of **3 feet** from the **property line** along the **front street**.
- D. The entrance recession may exceed the maximum setback requirement by up to **3 feet**.

DESIGN STANDARDS

- E. **Sign bands** shall be **24 inches to 36 inches in height**, centered immediately above the ground **story** windows and extend for a minimum of **80%** of the **façade**. See **Article 39-8**.
- F. Shall include a continuous public sidewalk extending along all plate glass at the ground **story**.
- G. If more than 60 feet wide, shall be required to have **at least one entrance per 60 feet of frontage**, and must have a **parapet or roofline** at the top of the **building** that extends to a different height at least every 60 feet.

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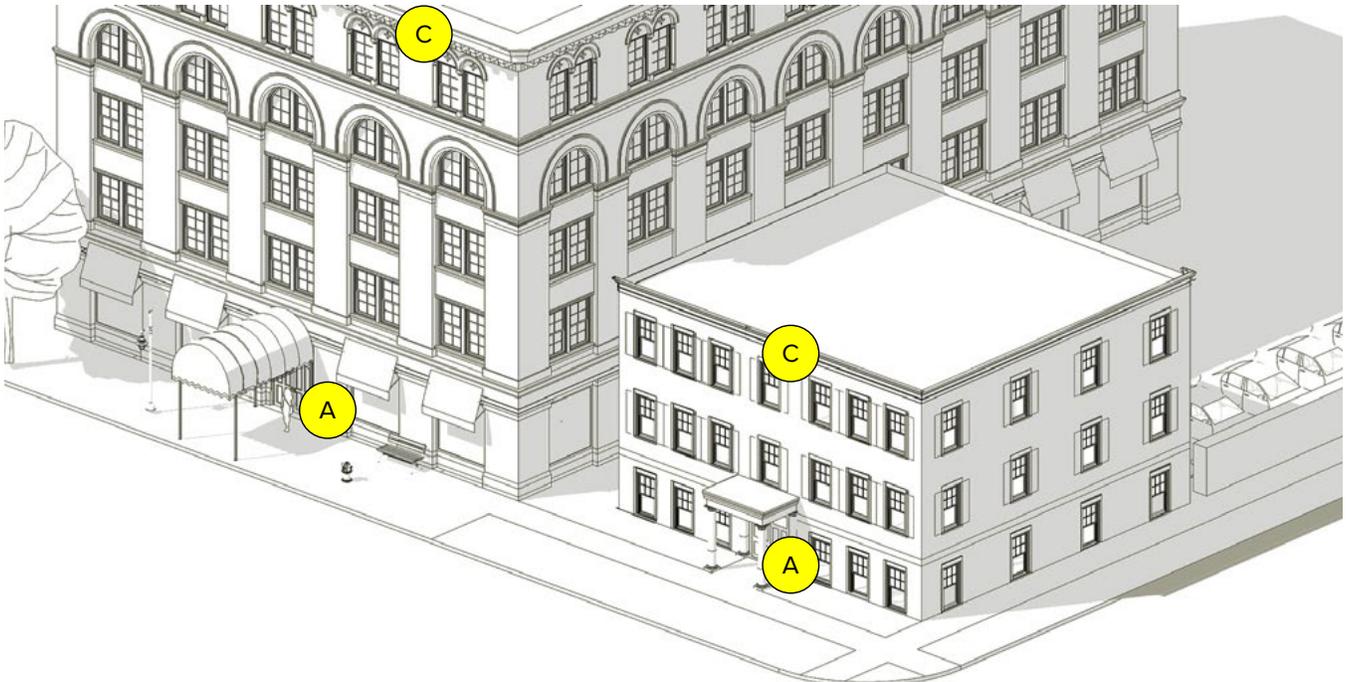
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Lobby Frontage



FRONTAGE TYPE

A. Shall be designed with a pedestrian entrance along the **front street** to access all uses within the **building**.

REQUIREMENTS

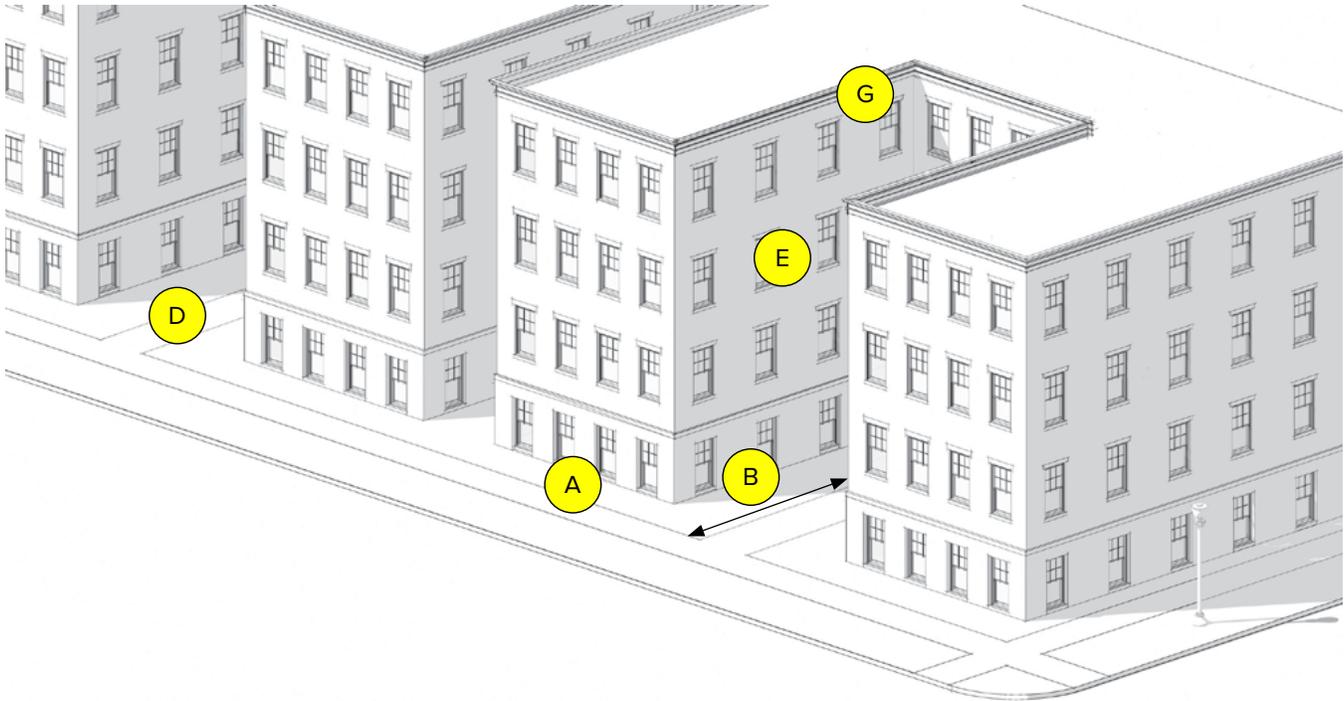
B. Shall include a **lobby area** immediately behind the **building** entrance granting access to all uses.

DESIGN STANDARDS

C. The **building** shall have a **parapet or roofline** which shall be varied in height and architectural style every **100 feet** of width.

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Forecourt Frontage



FRONTAGE TYPE

- A. Shall be designed so a portion of the façade meets the **front street** setback and where the central portion is set back farther to create a garden area.

REQUIREMENTS

- B. The recessed portion shall extend a minimum of **20 feet** in width along the front façade.
- C. Main entrances shall be located in either the portion of the *building* that is not recessed or the recessed portion.
- D. A **4 foot wide paved walkway** shall be provided connecting the recessed entrances of the *principal building* to the sidewalk along the **front street**.
- E. Shall include windows at all habitable levels overlooking the yard revealed by the *building* recess.

DESIGN STANDARDS

- F. Maximum **front setback** requirements shall not apply to the recessed area.
- G. Exterior **building walls** defining the garden area shall be treated as façades to include detail consistent with the façade along the **front street**.

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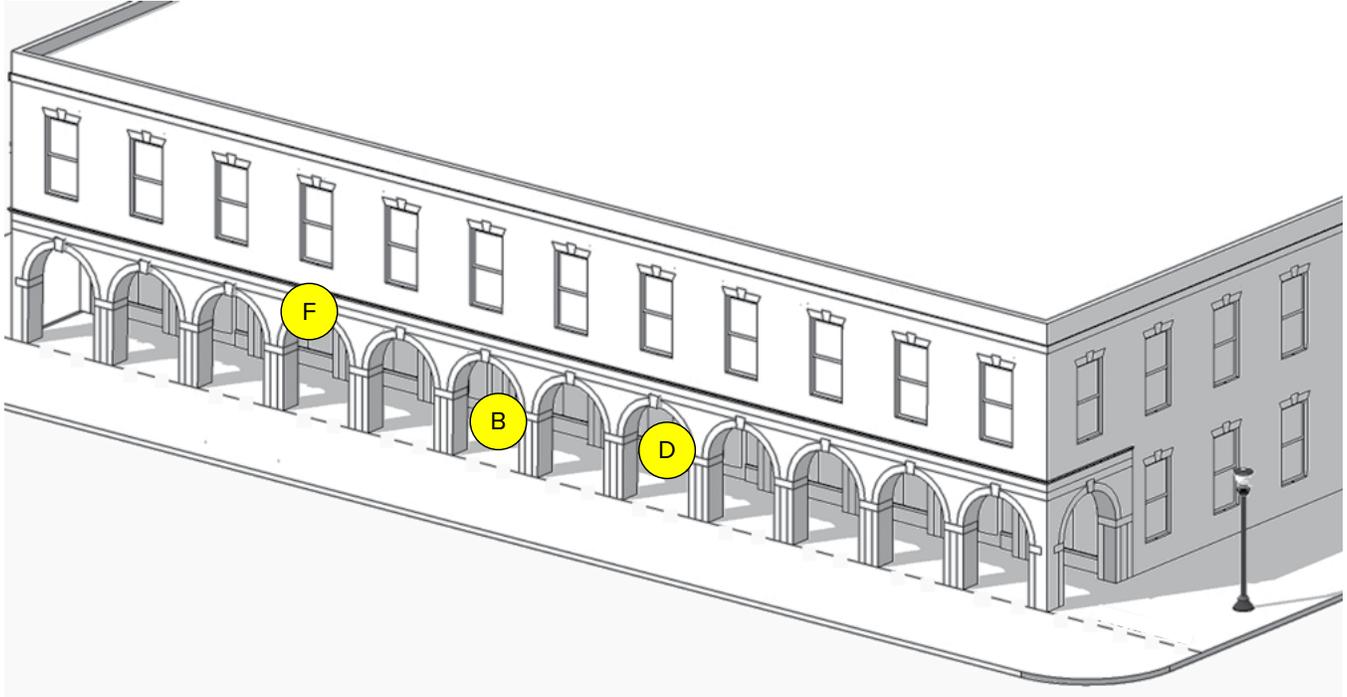
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Arcade Frontage



FRONTAGE TYPE

- A. Shall be designed with a row of columns that supports habitable space, or a *canopy*, projecting over the first *story* façade to the *property line*.

This type is conventional for a first-story **retail** use.

REQUIREMENTS

- B. Shall be a minimum of **12 feet deep** along the **front street** and/or **secondary street**.
- C. Shall project only over private property.
- D. The first *story* of the *building* behind the row of columns shall meet all requirements of the Shopfront Frontage Type.
- E. A **Public Access Easement** shall be granted to the City of Holland for sidewalk access.

DESIGN STANDARDS

- F. Shall provide a vertical clearance of a minimum of **8 feet above grade**.
- G. The front of the columns shall be used to calculate required setbacks.

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Common Yard Frontage



FRONTAGE TYPE

- A. Shall be designed to have a landscaped frontage along the **front street** and/or **secondary street**.

REQUIREMENTS

- B. Shall provide a continuous lawn and trees between *buildings* and between *buildings* and sidewalks.
- C. Shall provide a minimum **4 foot wide** paved walkway connecting the main entrance of the *principal building* to the sidewalk along the **front street**.

DESIGN STANDARDS

- D. Lawn areas shall be mowed regularly and maintained.
- E. See Landscape Standards, [Article 39-6](#).

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SECTION 39-3.13 BUILDING ENVELOPE OVERVIEW TABLE

SUB-DISTRICT	SETBACKS (FEET)									HEIGHT (STORIES)	
	FRONT STREET			SECONDARY STREET		INTERIOR SIDE B C		REAR C		MIN	MAX
	FIRST FLOOR		4TH + STORY STEP BACK	MIN	MAX	MIN	MAX	MIN	MAX		
MIN	MAX	MIN	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	
CDT Central Downtown	0	6	15	0	6	0 or 15 D	0 or 15	0	—	2	6
NDT North Downtown	5	10	15	5	10	0	—	0	—	2	6, 9, or 12
EDT East Downtown	5	10	15	5	10	0	—	0	—	2	6
WDT Waterfront Downtown A	5	10	15	5	10	0	—	0	—	2	2, 4, or 6
CENT Centennial	5	10	15	5	10	0 or 15	—	0	—	2	6
RM River— Michigan	10	15	—	10	15	10	—	25	—	1	2 or 4
SIXT 16th Street	0 or 10 E	6 or 15 E	—	0 or 10 E	6 or 15 E	0	—	0	—	2	4
WASH Washington	0	6	—	0	6	0 or 15	—	0	—	1	3
SSV South Shore Village	50	55	—	10	—	0 or 15	0, or No Max	0	—	1	3

Footnotes to Table 3.13

- A** For additional requirements, see [Section 39-2.22 Waterfront Overlay District](#).
- B** See [Section 39-9.02](#) for restrictions on side yard parking.
- C** **Along rear property lines**, adjacent to an LDR, CNR, MDR, TNR, HDR, or MHR Zone District, a setback of at least **10 feet** AND a **6 foot** high screening fence along the property line are required.
- D** A **15 foot** side setback may be permitted to allow for a public pathway to the rear of the site. See [Section 39-3.14](#).
- E** **Along River Avenue**, a minimum setback of **10 feet** shall apply.

For regulations with multiple dimensions in this chart, see [Section 39-3.14](#) for specific situations when each dimension applies.

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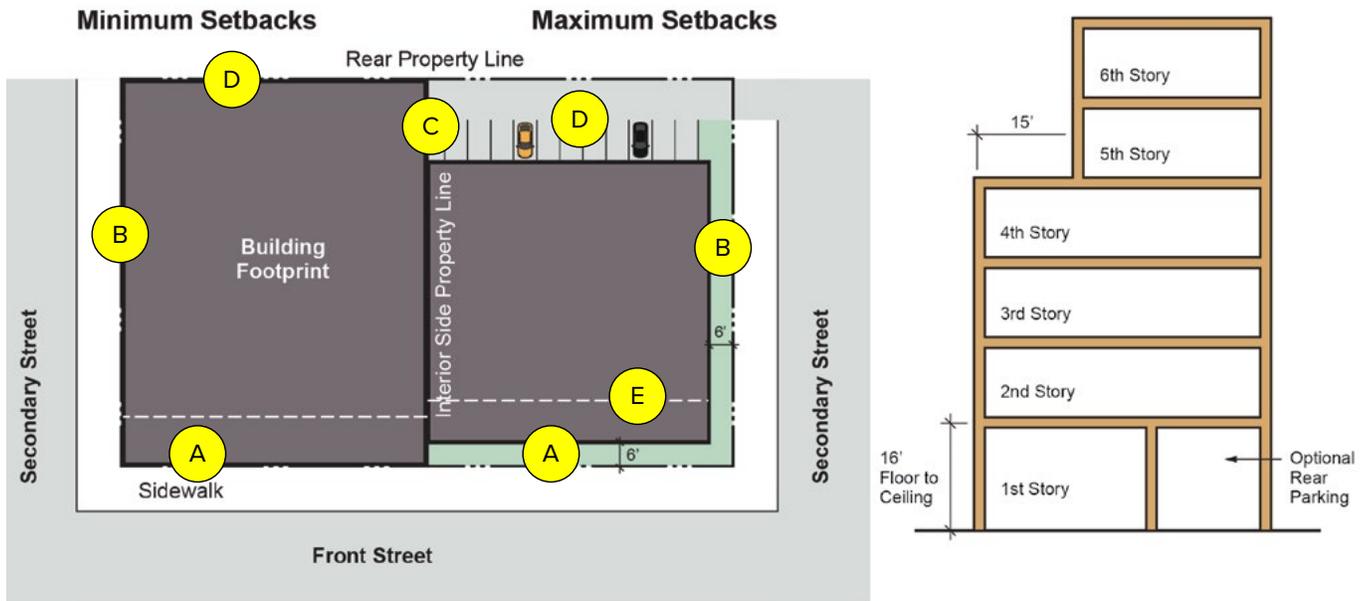
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SECTION 39-3.14 BUILDING ENVELOPE STANDARDS

CDT: Central Downtown



A FRONT STREET SETBACK (FIRST FLOOR)	
MINIMUM:	0 feet
MAXIMUM:	6 feet
B SECONDARY STREET SETBACK (FIRST FLOOR)	
MINIMUM:	0 feet
MAXIMUM:	6 feet
C INTERIOR SIDE SETBACK (FIRST FLOOR)	
OPTION 1:	Min. 0 feet, max. 0 feet Exception: If adjacent to LDR, MDR, or TNR <i>Zone Districts</i> : <ul style="list-style-type: none"> 10 foot setback, with 6 foot high solid fence along <i>property line</i>.
OPTION 2: PUBLIC THROUGH PATHWAY	15 foot side setback permitted if: <ul style="list-style-type: none"> Side <i>property line</i> is a minimum of 150 feet from any intersection or existing <i>property line</i> that has chosen Option 2. Shall have an unobstructed pathway of at least 8 feet in width running the entire length of the setback. Shall be open and available to the public, and have public <i>amenities</i> such as seating, fountains, <i>landscaping</i> and/or public art. Outdoor dining for <i>restaurants</i> is also encouraged. The <i>property owner</i> shall dedicate a public access easement to the City.

D REAR SETBACK (FIRST FLOOR)	
MINIMUM:	0 feet
MAXIMUM:	No maximum
E UPPER STORY STEP BACK	
REQUIRED AFTER 4 TH STORY	15 foot minimum step back from first <i>story building line</i> on the <i>front street</i> ; or, 6% of <i>building depth</i> , whichever is less
BUILDING HEIGHT	
MINIMUM:	2 <i>stories</i>
MAXIMUM:	6 <i>stories</i>

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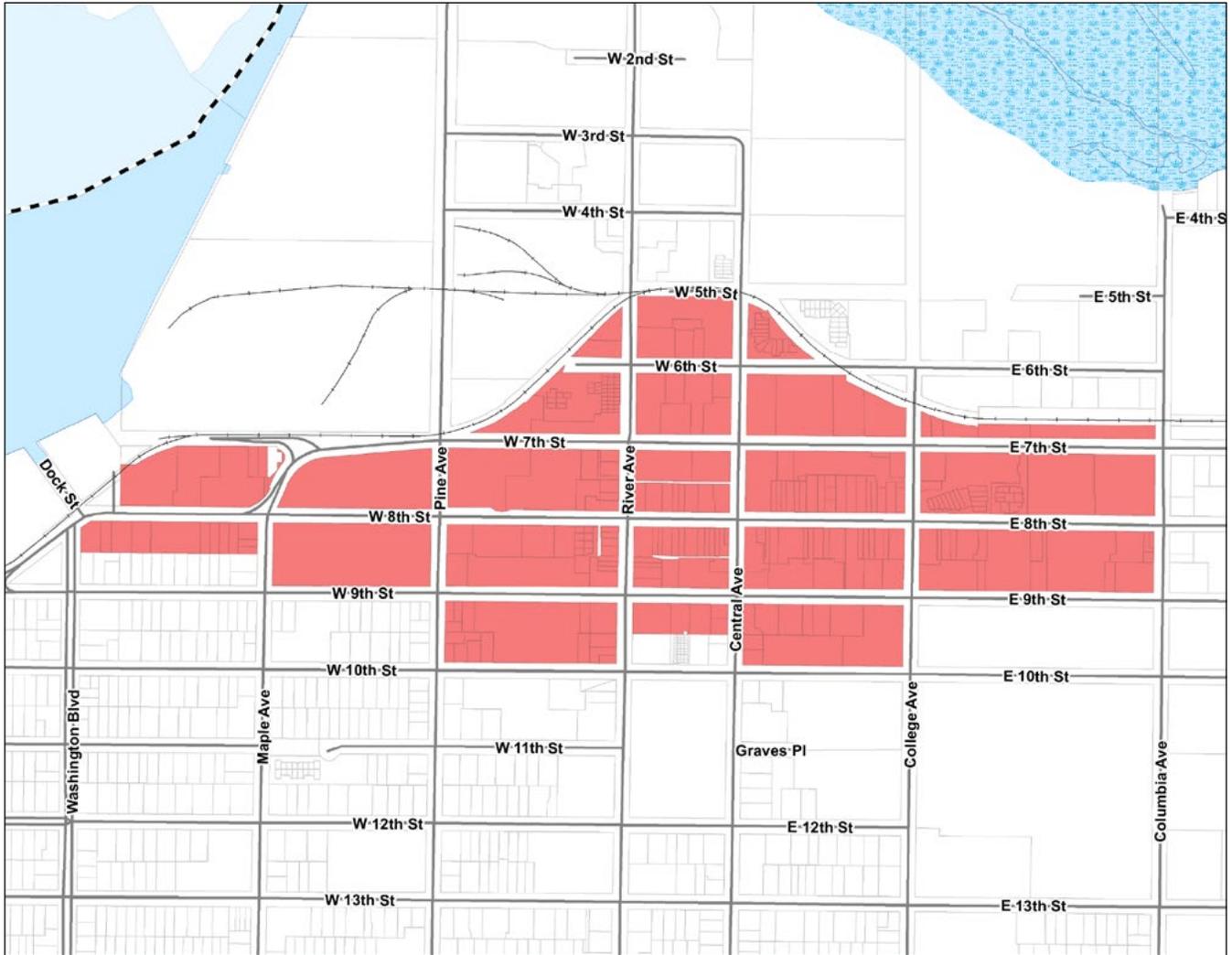
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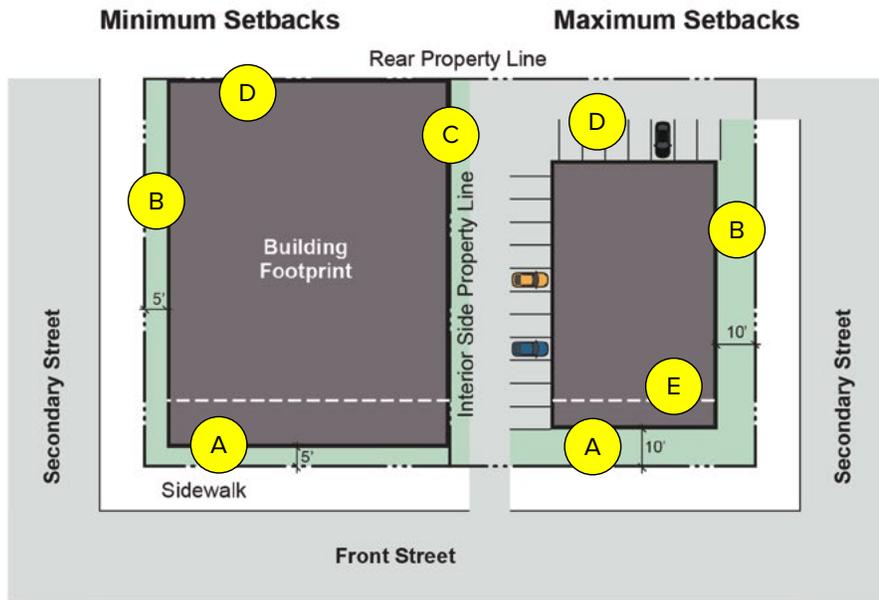
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NDT: North Downtown



A FRONT STREET SETBACK (FIRST FLOOR)	
MINIMUM:	5 feet
MAXIMUM:	10 feet
B SECONDARY STREET SETBACK (FIRST FLOOR)	
MINIMUM:	5 feet
MAXIMUM:	10 feet
C INTERIOR SIDE SETBACK (FIRST FLOOR)	
ADJACENT TO RESIDENTIAL:	Minimum 10 foot setback and 6 foot high screening fence required at property line.
ADJACENT TO NON-RESIDENTIAL:	No minimum, no maximum. See Section 39-9.02 for <i>side yard</i> parking standards.
D REAR SETBACK (FIRST FLOOR)	
MINIMUM:	0 feet , except adjacent to TNR, LDR, or MDR, where there shall be a 30 foot minimum setback.
MAXIMUM:	No maximum

E UPPER STORY STEP BACK	
REQUIRED AFTER 4 TH STORY	15 foot minimum step back from first story <i>building</i> line on the <i>front street</i> ; or, 6% of <i>building</i> depth, whichever is less
BUILDING HEIGHT	
MINIMUM:	2 stories
MAXIMUM:	6 stories
	See <i>Building Height Map</i> in Section 39-3.04

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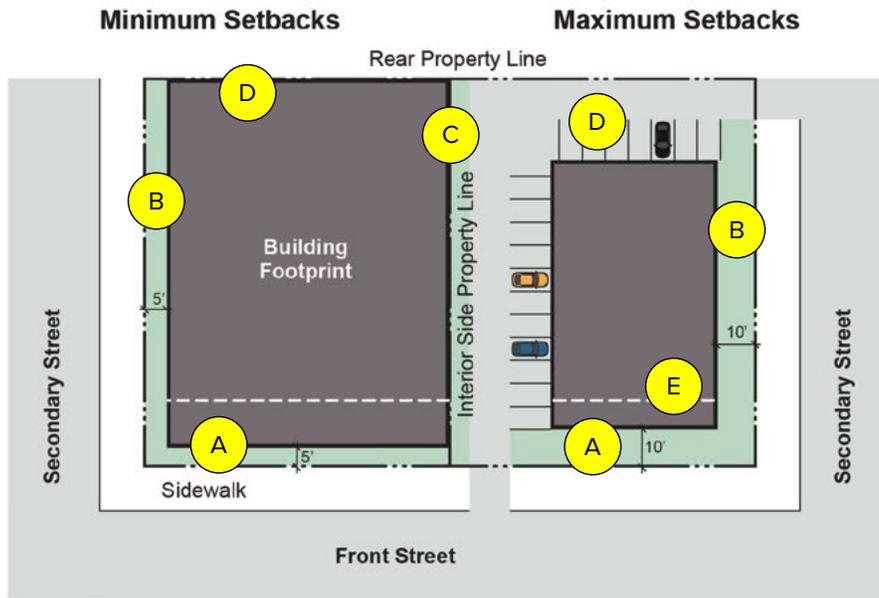
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EDT: East Downtown



A FRONT STREET SETBACK (FIRST FLOOR)	
MINIMUM:	5 feet
MAXIMUM:	10 feet
B SECONDARY STREET SETBACK (FIRST FLOOR)	
MINIMUM:	5 feet
MAXIMUM:	10 feet
C INTERIOR SIDE SETBACK (FIRST FLOOR)	
ADJACENT TO RESIDENTIAL:	Minimum 10 foot setback and 6 foot high screening fence required at property line.
ADJACENT TO NON-RESIDENTIAL:	No minimum, no maximum. See Section 39-9.02 for <i>side yard</i> parking standards.
D REAR SETBACK (FIRST FLOOR)	
MINIMUM:	0 feet , except adjacent to TNR, LDR, or MDR, where there shall be a 30 foot minimum setback.
MAXIMUM:	No maximum

E UPPER STORY STEP BACK	
REQUIRED AFTER 4 TH STORY	15 foot minimum step back from first <i>story building line</i> on the <i>front street</i> ; or, 6% of <i>building depth</i> , whichever is less
BUILDING HEIGHT	
MINIMUM:	2 stories
MAXIMUM:	6 stories

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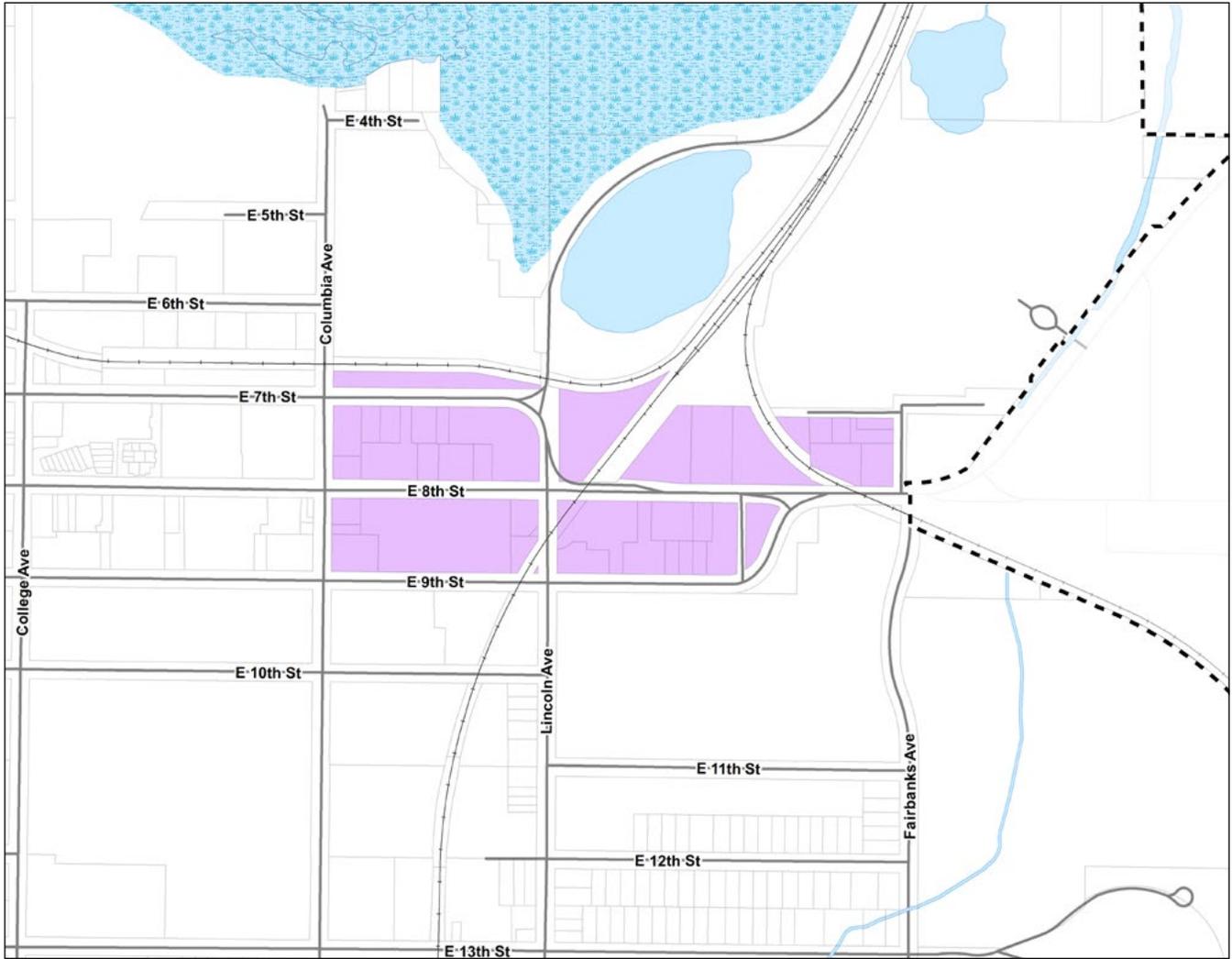
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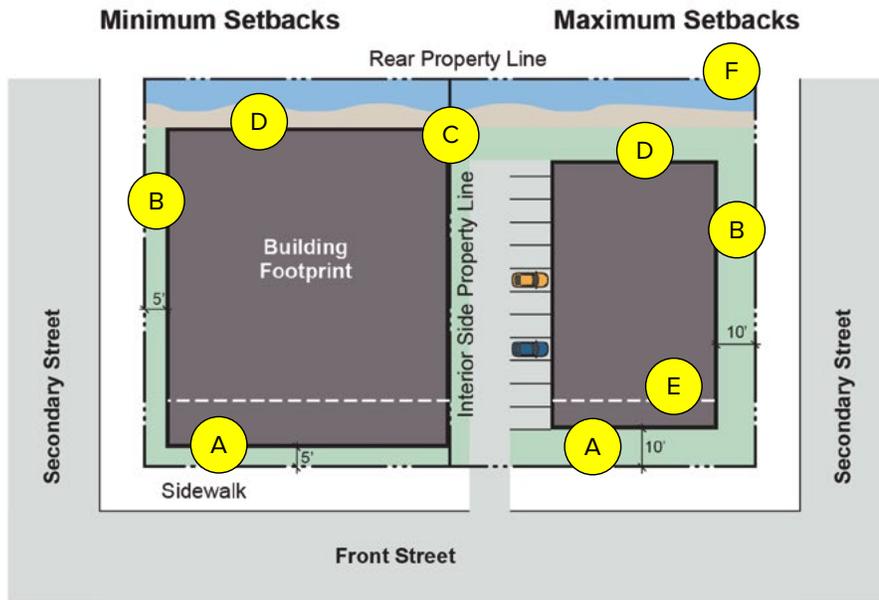
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WDT: Waterfront Downtown



A FRONT STREET SETBACK (FIRST FLOOR)	
MINIMUM:	5 feet
MAXIMUM:	10 feet
B SECONDARY STREET SETBACK (FIRST FLOOR)	
MINIMUM:	5 feet
MAXIMUM:	10 feet
C INTERIOR SIDE SETBACK (FIRST FLOOR)	
ADJACENT TO RESIDENTIAL:	Minimum 10 foot setback and 6 foot high screening fence required at property line.
ADJACENT TO NON-RESIDENTIAL:	No minimum, no maximum. See Section 39-9.02 for <i>side yard</i> parking standards.
D REAR SETBACK (FIRST FLOOR)	
MINIMUM:	0 feet , except adjacent to TNR, LDR, or MDR, where there shall be a 30 foot minimum setback.
MAXIMUM:	No maximum

E UPPER STORY STEP BACK	
REQUIRED AFTER 4 TH STORY	15 foot minimum step back from first <i>story building line</i> on the <i>front street</i> ; or, 6% of <i>building depth</i> , whichever is less
BUILDING HEIGHT	
MINIMUM:	2 stories
MAXIMUM:	6 stories 4 stories if the entire footprint of the <i>building</i> is within 200 feet of the ordinary high water mark of Lake Macatawa.
F WATERFRONT	
See Section 39-2.22 Waterfront Overlay District	

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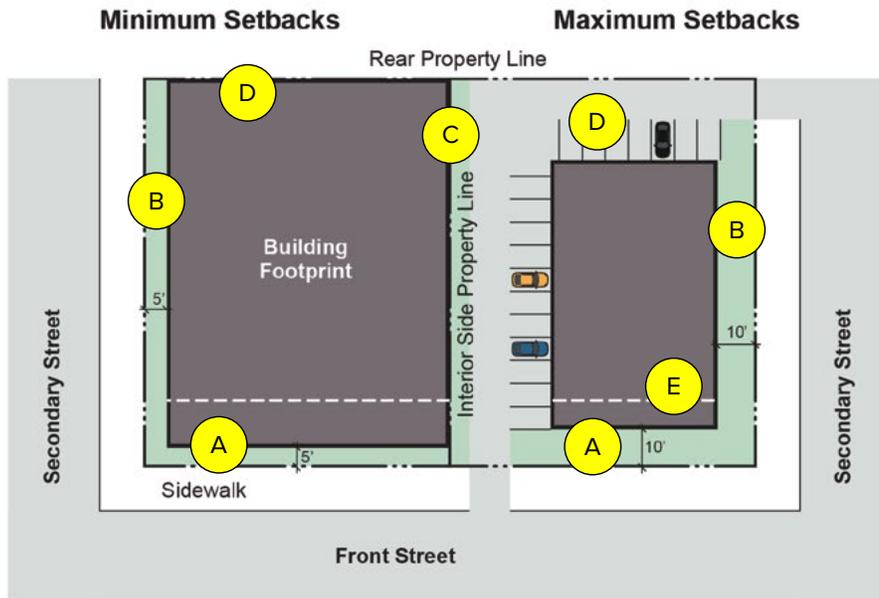
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CENT: Centennial



A FRONT STREET SETBACK (FIRST FLOOR)	
MINIMUM:	5 feet
MAXIMUM:	10 feet
B SECONDARY STREET SETBACK (FIRST FLOOR)	
MINIMUM:	5 feet
MAXIMUM:	10 feet
C INTERIOR SIDE SETBACK (FIRST FLOOR)	
ADJACENT TO RESIDENTIAL:	Minimum 10 foot setback and 6 foot high screening fence required at property line.
ADJACENT TO NON-RESIDENTIAL:	No minimum, no maximum. See Section 39-9.02 for <i>side yard</i> parking standards.
D REAR SETBACK (FIRST FLOOR)	
MINIMUM:	0 feet
MAXIMUM:	No maximum

E UPPER STORY STEP BACK	
REQUIRED AFTER 4 TH STORY	15 foot minimum step back from first <i>story building line</i> on the <i>front street</i> ; or, 6% of <i>building depth</i> , whichever is less
BUILDING HEIGHT	
MINIMUM:	2 stories
MAXIMUM:	6 stories

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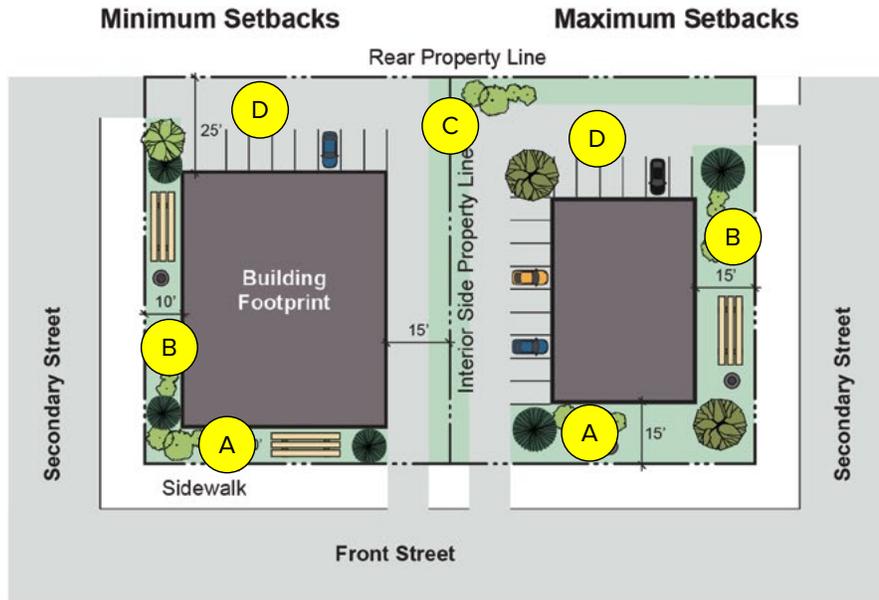
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RM: River-Michigan



A FRONT STREET SETBACK (FIRST FLOOR)	
MINIMUM:	10 feet
MAXIMUM:	15 feet All front street yards shall be landscaped and include a minimum of 1 public amenity such as a bench, trash can, or public art. Parking in the <i>front yard</i> is prohibited, but access driveways are permitted. See Section 39-9.02.
B SECONDARY STREET SETBACK (FIRST FLOOR)	
MINIMUM:	10 feet
MAXIMUM:	15 feet All <i>secondary street</i> yards shall be landscaped and include a minimum of 2 public amenities such as benches, trash cans, or public art, unless the <i>lot</i> contains a single <i>family home</i> . Parking in the <i>secondary street</i> yard is prohibited, but access driveways are permitted.
C INTERIOR SIDE SETBACK (FIRST FLOOR)	
MINIMUM:	15 feet
MAXIMUM:	No maximum. See Section 39-9.02 for <i>side yard</i> parking standards.

D REAR SETBACK (FIRST FLOOR)	
MINIMUM:	25 feet
MAXIMUM:	No maximum
UPPER STORY STEP BACK	
Not required	
BUILDING HEIGHT	
MINIMUM:	1 <i>story</i>
MAXIMUM:	4 stories: Adjacent to S.River Avenue, between 14 th and 18 th Streets, and Adjacent to Michigan Avenue between 24 th and 26 th Streets 2 stories: All Other <i>Lots</i>

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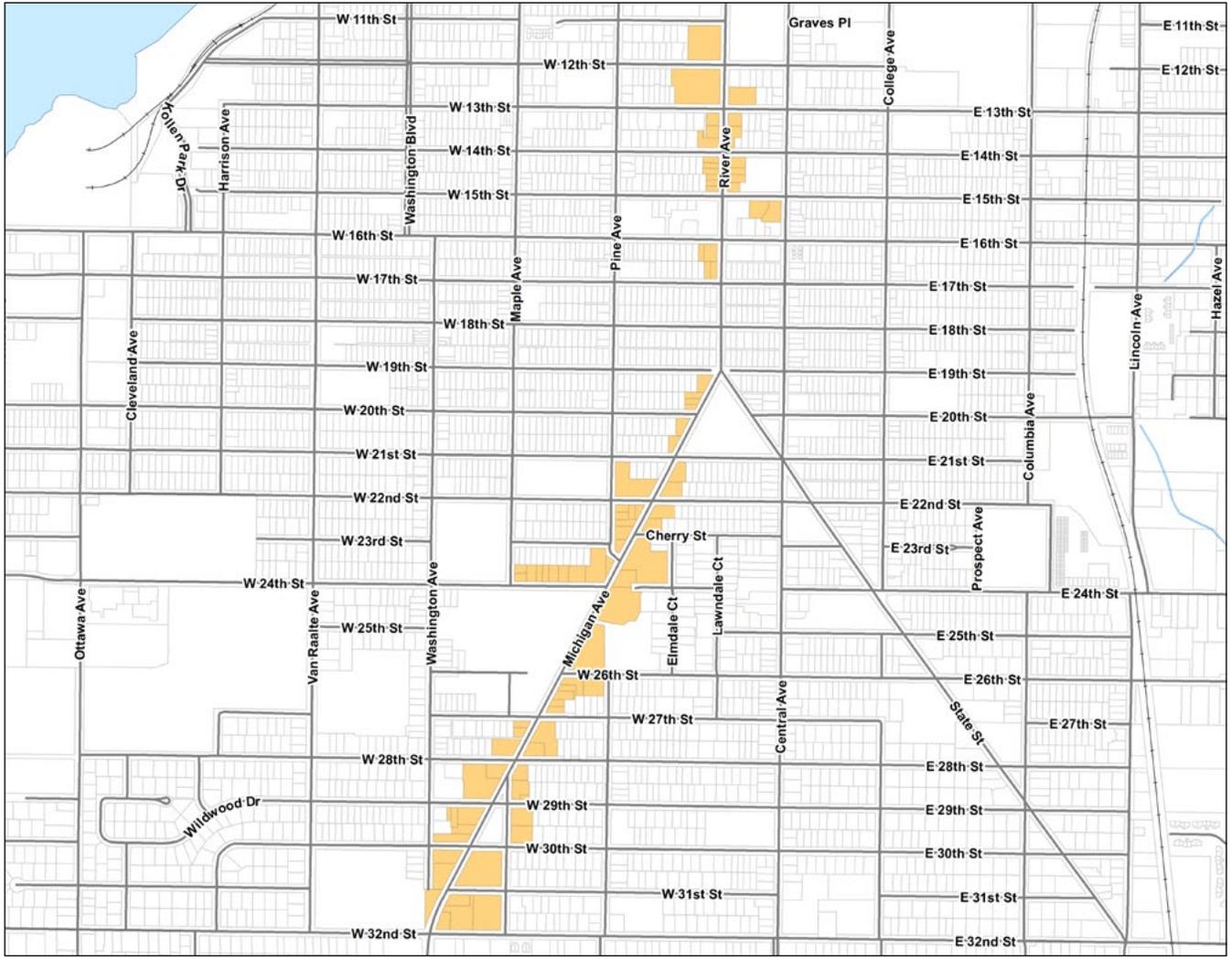
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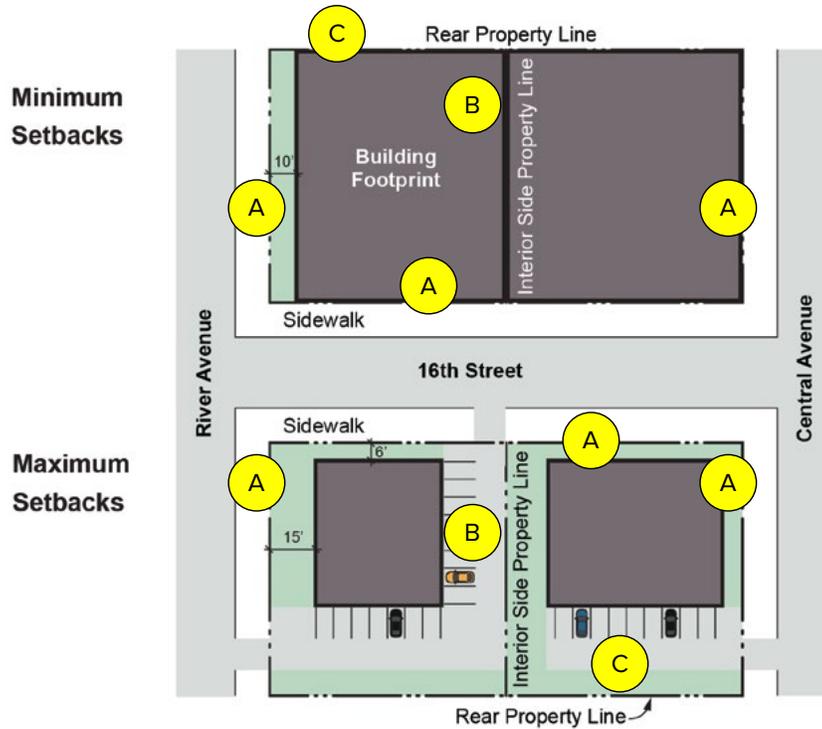
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SIXT: 16th Street



A STREET SETBACKS (FIRST FLOOR)		
OTHER STREETS	MINIMUM:	0 feet
	MAXIMUM:	6 feet
RIVER AVE.	MINIMUM:	10 feet
	MAXIMUM:	15 feet
B INTERIOR SIDE SETBACK (FIRST FLOOR)		
ADJACENT TO RESIDENTIAL:	15 feet minimum, no maximum.	
ADJACENT TO NON-RESIDENTIAL:	No minimum, no maximum. See Section 39-9.02 for <i>side yard</i> parking standards.	
C REAR SETBACK (FIRST FLOOR)		
MINIMUM:	0 feet, except adjacent to <i>Residential Zone Districts</i> , where there shall be a 30 foot minimum setback.	
MAXIMUM:	No maximum	

UPPER STORY STEP BACK	
Not required	
BUILDING HEIGHT	
MINIMUM:	2 stories
MAXIMUM:	4 stories

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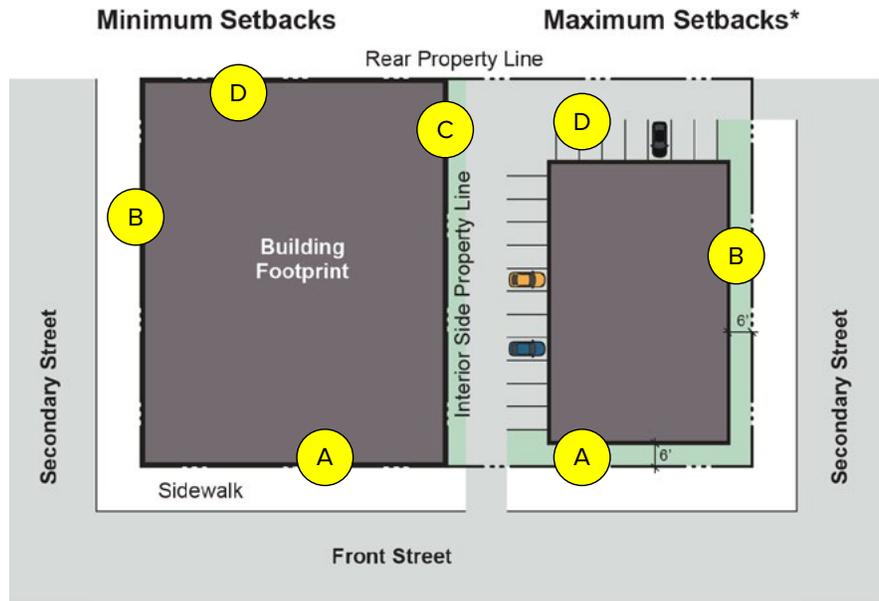
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WASH: Washington



*No side setback is permitted between 18th and 19th Streets

A FRONT STREET SETBACK (FIRST FLOOR)	
MINIMUM:	0 feet
MAXIMUM:	6 feet
B SECONDARY STREET SETBACK (FIRST FLOOR)	
MINIMUM:	0 feet
MAXIMUM:	6 feet
C INTERIOR SIDE SETBACK (FIRST FLOOR)	
BETWEEN 18 TH AND 19 TH STREETS:	Must be built to side <i>property line</i> .
OTHER PROPERTIES:	No minimum, no maximum
ADJACENT TO RESIDENTIAL:	15 ft minimum, no maximum.
D REAR SETBACK (FIRST FLOOR)	
MINIMUM:	0 feet
MAXIMUM:	No maximum

UPPER STORY STEP BACK	
Not required	
BUILDING HEIGHT	
MINIMUM:	1 story. All 1 story buildings shall have a parapet at the top of the front façade extending a minimum of 4 feet above the roofline.
MAXIMUM:	3 stories

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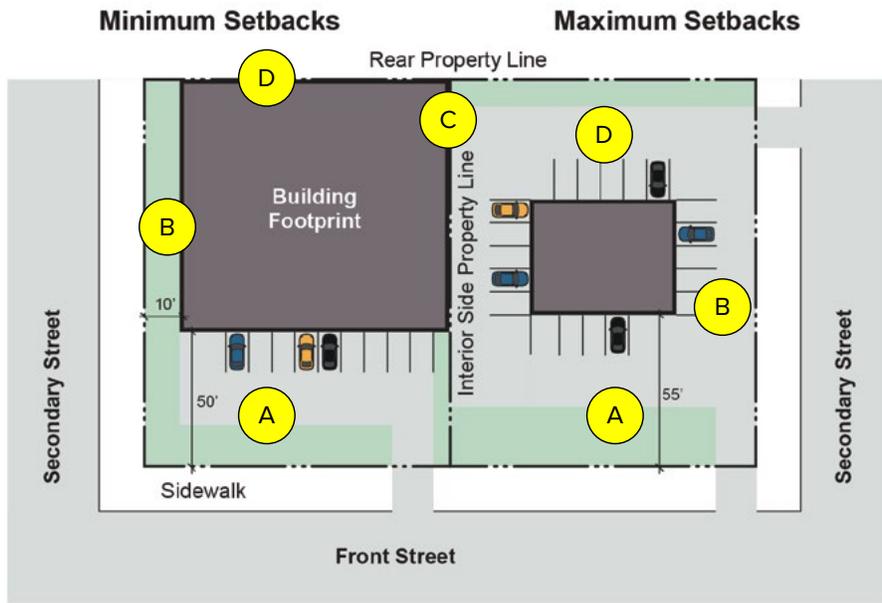
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SSV: South Shore Village



A FRONT STREET SETBACK (FIRST FLOOR)	
MINIMUM:	50 feet
MAXIMUM:	55 feet
B SECONDARY STREET SETBACK (FIRST FLOOR)	
MINIMUM:	10 feet
MAXIMUM:	No maximum
C INTERIOR SIDE SETBACK (FIRST FLOOR)	
ADJACENT TO RESIDENTIAL:	Minimum 10 foot setback and 6 foot high screening fence required at property line.
ADJACENT TO NON-RESIDENTIAL:	No minimum, no maximum. See Section 39-9.02 for <i>side yard</i> parking standards.
D REAR SETBACK (FIRST FLOOR)	
MINIMUM:	0 feet
MAXIMUM:	No maximum

UPPER STORY STEP BACK	
Not required	
BUILDING HEIGHT	
MINIMUM:	1 story
MAXIMUM:	3 stories

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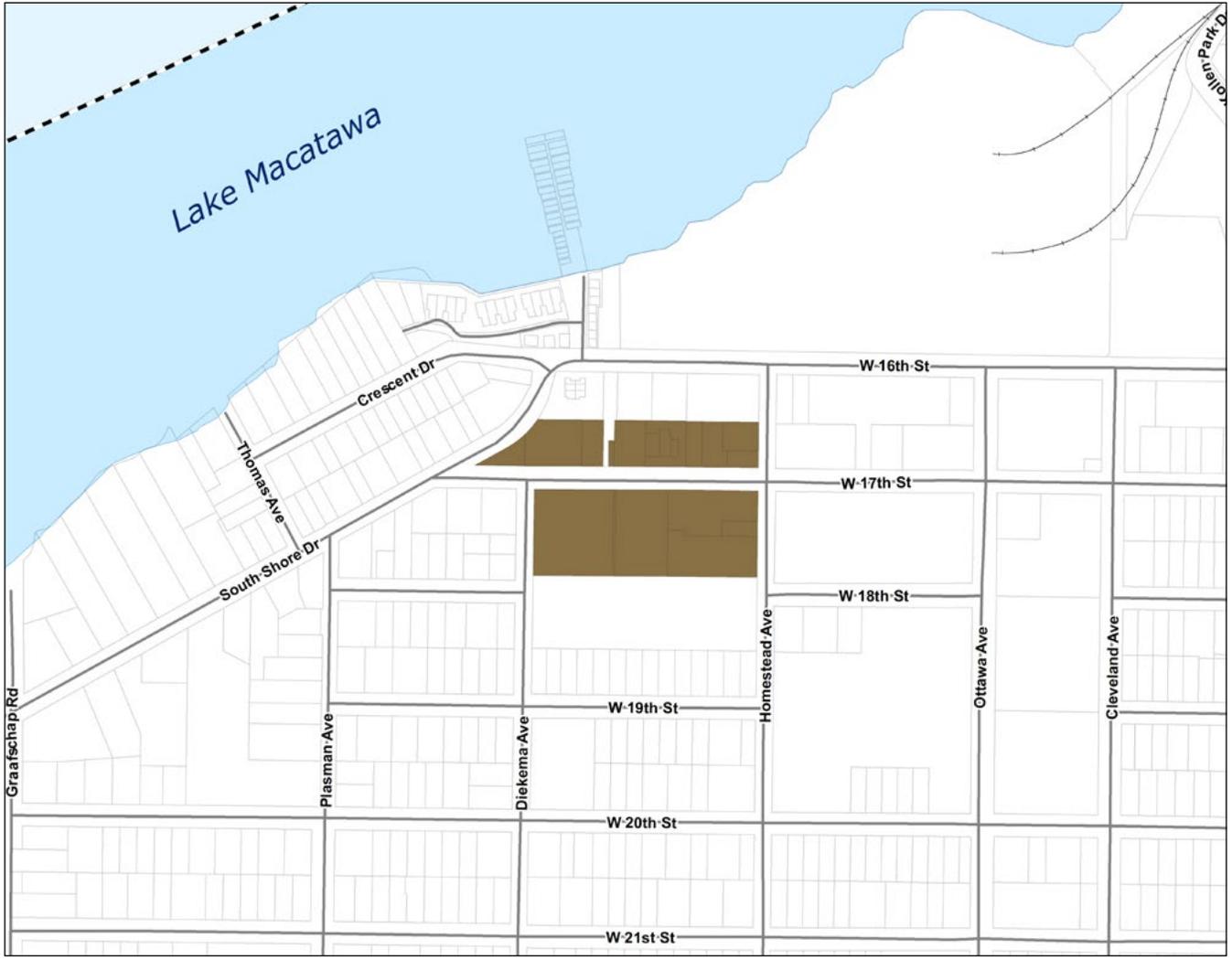
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SECTION 39-3.15 WAIVERS

- A. **A maximum of 3 Waiver Requests are permitted for the following standards:**
 - 1. **Setbacks.** A maximum of **2 setback** Waiver Requests are permitted; however, 1 setback Waiver Request shall be for a *building* corner setback.
 - 2. **Entrances** every **60 feet** in *building* width.
 - 3. Percentage of **window glass** required.
 - 4. **Window location.**
 - 5. Percentage of Visible Light Transmission (**VLT**) required.
 - 6. **Sign** location.
- B. **Waiver Requests for all other standards in Article 3 are not permitted.**
- C. **Planning Commission** shall grant a Waiver Request if, in the opinion of *Planning Commission*, the following criteria are met:
 - 1. **One of the following criteria is met:**
 - a. There are two or more standards in Article 39-3 that cannot be met simultaneously when applied to the *building* or property;
 - b. The *building* or property is subject to a unique circumstance, not caused by the *owner*, developer, or designer, that renders compliance with a standard of this Article impossible or not practical; or,
 - c. The Waiver Request is meant to increase the walkability of the *Sub-District*.
 - 2. **Both of the following criteria are met:**
 - a. The *building* and *site* design clearly still meet the intent of the *Form Based Code* even though all standards will not be met; and
 - b. The Waiver will not create an unsafe and/or unwelcoming pedestrian environment.

SECTION 39-3.16 ONE STORY BUILDING HEIGHT

The front façade of a *1 story building* shall be a minimum of **16 feet** in height. In all *F Sub-Districts*, up to **4 feet** of the height may be a **parapet** that extends above the roof, extending the full width of the *building*. The *parapet* may include architectural changes in height.

SECTION 39-3.17 CORNER TREATMENTS

Regardless of *Building* or *Frontage Type*, all *building* corners at street intersections shall include corner architectural features designed to provide a welcoming gateway to the block. *Buildings* at intersections shall also have an entrance facing the corner. Acceptable corner architectural features include the following. The *Planning commission* may approve alternate architectural features upon determining that they meet the intent of this section.

- Peaked or decorative roof.
- Additional glass.
- Clocktower or similar feature.
- Support column for upper floors.
- Vertical façade differentiation so that the corner stands out.

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Holland
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ARTICLE 39-4:

Additional Use Standards



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.

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, and I *Zone Districts*
11. **Parking lots as a Principal Use** – ED and I *Zone Districts*
12. **Parking Structures as the Principal Use** – ED and I *Zone Districts*
13. **Public Lodging** – CMU, 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 *Zone District*
20. **Vehicle Wash** - CMU, RMU, and I *Zone Districts*, and GMU *Zone Districts*
21. **Vendor Trucks** – NMU, CMU, RMU, GMU, 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*

B. Alternative Energy

1. **Wind Energy Turbines up to 40 feet in Height (small scale)**
 - 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 *1 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.B.
- 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 6** 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 a *family child care* provider’s home. Related children to the adult member of the *family child care* home provider may also be cared for and are included in the 6 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 **7 to 12** minor children are supervised and cared 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 *group child care* provider’s home. Related children to the adult member of the *group child care home* provider may also be cared for and are included in the 12 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.B.7.

E. **Drive-Thru's**

- 1. **Zone Districts Permitted:** NMU, CMU, RMU, GMU, ED, I, PUD, and F
- 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, 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
 - c. **Home Based Business Type 2:** *Board of Appeals* Special Exception
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
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 <u>Section 39-4.02.G.3.e-f</u> , or as determined by the Board of Appeals
Inspections per Chapter 14	See <u>Section 39-4.02.G.3.b</u>	See <u>Section 39-4.02.G.3.b</u>	See <u>Section 39-4.02.G.3.b</u>
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**.

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

1. **Outdoor Sales**

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



Outdoor Sales



Outdoor Cafe



Sidewalk Cafe

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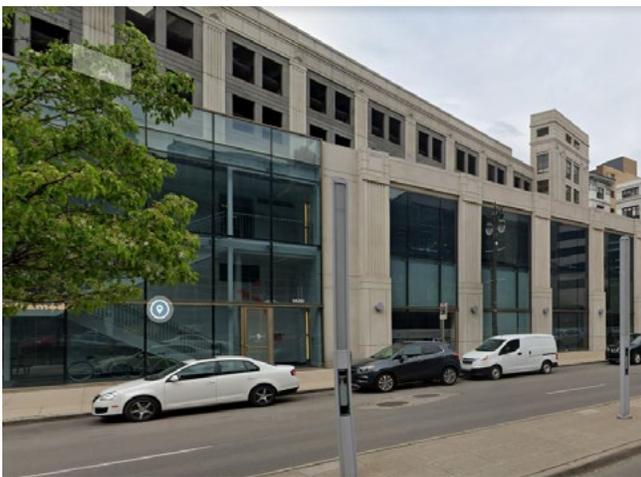
c. **Standards:**

- 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) 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.
- 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 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. **Additional Review Processes:** *Special Land Use* approval in RMU and GMU Zone Districts per Section 39-4.03.A.12
4. **Standards:**
 - a. Each unit shall contain a bathroom and at least 1 bedroom with a minimum *gross floor area* of **250 square feet**. Guests shall not establish *permanent* residence for more than 30 days within any calendar year.
 - b. **F, RMU, GMU, and ED Zone Districts:** all rooms shall be accessed by interior hallways.
 - c. Shelters shall be considered a Public Lodging use.
 - d. 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*.

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- 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*.
- 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 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, ED, 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
- 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.

e. **Garage or Yard Sales:** shall be allowed up to 3 times per calendar year, with each sale lasting no more than 4 consecutive days.

4. **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

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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.

V. Vendor Trucks

1. **Zone Districts Permitted:** CMU, RMU, GMU, I, PUD and F *Zone Districts* (other than F Sub-Districts listed in Section 39-4.02.V.4.a below).
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.
 - b. **On Public Property and Streets:** Permitted as a temporary use when approved by the City Manager
 - c. **On City-Owned properties:** Shall be reviewed and may be approved by *City Council*.
4. **Standards:**
 - a. Shall be permitted as either a permanent or a temporary use.
 - b. **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;
 - 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.

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, RMU, GMU, and I *Zone Districts*
 2. **Dwelling Units: over 4 units** – NMU *Zone District*
 3. **Event Spaces** – NMU 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. **Nursing Homes** – RMU and GMU *Zone Districts*
 11. **Power Plants- Non-Wind or Solar** – I *Zone District*
 12. **Public Lodging** – RMU and GMU *Zone Districts*
 13. **Recreation (Indoor)** – OS *Zone District*
 14. **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*.

15. **Religious Institutions** – RMU, GMU, I, and F *Zone Districts*
 16. **Research and Development** – GMU *Zone District*
 17. **Transportation and Logistics** – CMU *Zone District*
- B. **Summary of The Basic Special Land Use Standards** (Section 39-12.08)

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*.

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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**.

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

A. List of Special Lands 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 and I *Zone Districts*
4. **Manufacturing – (High Intensity)** – I *Zone District*
5. **Marinas** – All *Zone Districts*
6. **NMU Commercial Buildings** – 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*

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 *dB* (*Lmax*) (*dB* 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 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.

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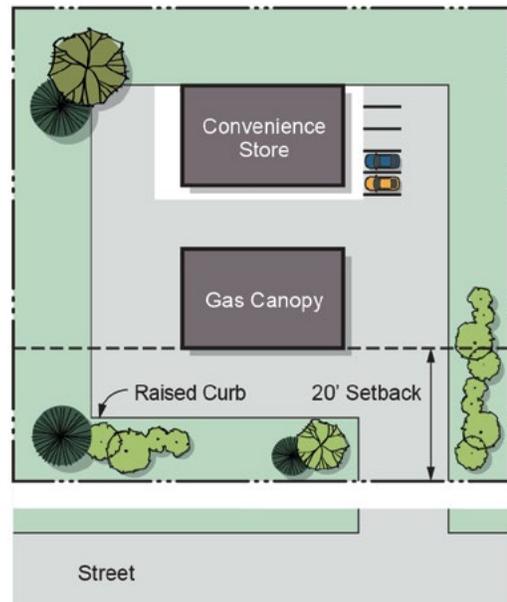
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- 5) The interior of the *building* shall be **impenetrable** to the discharge of any bullet or other projectile shot or discharged in the range.
- 6) **Audible noise** from the discharge of any *firearm* shall comply with the requirements of **Chapter 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* (see [Section 39-12.12](#) and [Section 39-12.13](#))
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:**
 - 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 Commercial Buildings

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.D](#).

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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.B.5.
 - 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*
- 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.

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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.



Holland
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ARTICLE 39-5:
Site Design
Review Standards



SECTION 39-5.01 INTENT

- A. The intent of this Article is to summarize site design requirements for *development* requiring *Site Plan* approval and to be a point of reference for staff and *Planning Commission* while conducting Site Plan reviews and preparing reports.
- B. The standards of this Article are generally summaries of detailed requirements located in other *UDO* articles or in other ordinances, codes, and policies. Section 39-5.11 and Section 39-5.12 provide those detailed requirements in this Article.
- C. In the event that there is a conflict between this Article and the referenced *UDO* articles or in other ordinances, codes, and policies, the other *UDO* articles or other ordinances, codes, and policies shall govern.
- D. The following standards are included and referenced in this Article:
1. 5.02 Utility Services (Reference to Holland Board of Public Works (HBPW) Terms of Service)
 2. 5.03 Stormwater Management (Reference to *UDO* Article 39-6 and Chapter 29)
 3. 5.04 Landscaping (Reference to *UDO* Article 39-6)
 4. 5.05 Traffic Circulation, Driveways, Streets, and Sidewalks (Reference to *UDO* Article 39-10)
 5. 5.06 Fire Access (Reference to International Fire Code)
 6. 5.07 Lighting (Reference to *UDO* Article 39-7)
 7. 5.08 Parking, Loading, and Unloading (Reference to *UDO* Article 39-9)
 8. 5.09 Bicycle Parking (Reference to *UDO* Article 39-9)
 9. 5.10 Signage (Reference to *UDO* Article 39-8)
 10. 5.11 Building Materials and Environmental Quality (Full Standards)
 11. 5.12 Dumpsters and Waste Disposal (Full Standards)

SECTION 39-5.02 HBPW UTILITY SERVICES

All *buildings* shall be served by public water, sanitary sewer, and electric *utilities* and may be eligible for communication services. Non-domestic *buildings* may be required to meet pollution control requirements. These are all managed by the Holland Board of Public Works (HBPW). *Developments* shall not overburden public facilities or *utilities* as determined by the City or HBPW. All *utilities* shall be designed, planned, and installed per the City of Holland and HBPW requirements following the most current Holland Board of Public Works' Terms of Service found at: <https://hollandbpq.com/en/customer-service/terms-of-service>.

A. Water and Wastewater

1. **New taps** on existing public water and sewer mains shall be performed to meet HBPW specifications.
2. Documentation of **backflow prevention** shall be submitted with application, if applicable.
3. Assessments, frontage, trunkage, and meter fees shall be **paid prior** to the issuance of a Certificate of Occupancy.
4. The *property owner* shall be responsible for **a connection** from the *building* to the public sewer connection and shall meet HBPW and State Plumbing Code requirements.
5. All sanitary sewer system *uses* shall meet the requirements outlined in the Holland Sewer Use Ordinance, Chapter 29 of the City of Holland Code of Ordinances.
6. **Private fire service mains** that supply hydrants shall be a minimum of **6 inches** in diameter.
7. **Utility Easements**, if required, shall be granted and fully executed prior to service.

B. Pollution Control

1. **Non-Domestic Customer Requirements for New Construction, Additions, or Renovations:**
 - a. A **monitoring manhole** is required for all non-domestic customers. It shall be installed on the *owner's property*. All wastewater shall pass through the manhole before connecting to the main sewer. Only one connection to the main sewer will be permitted for each *building*.
 - b. In the case of additions or *renovations* to an existing *building*, all new sewer lines shall tie into existing sewer lines a minimum of **10 feet** before the monitoring manhole to ensure proper wastewater sampling.
 - c. Monitoring manholes shall meet HBPW **accessibility requirements** and the monitoring manhole's design requires approval by HBPW prior to installation.
 - d. Any food service facility shall be required to discharge all wastewater (with the exception of dishwasher and sanitary wastewater) through a **minimum 1,000-gallon, three chamber interceptor** to help capture all fats, oil, and grease before wastewater discharges to a sanitary sewer. Interceptor design requires approval by HBPW prior to installation.
 - e. Any *building* with the **potential to discharge petroleum-based oil** to the sanitary sewer system is required to install a minimum **1,000-gallon, three chamber oil interceptor**. Interceptor design requires approval by HBPW prior to installation.
 - f. **Discharge** of uncontaminated process water, stormwater, uncontaminated cooling water, surface water, groundwater, roof runoff, or subsurface drainage to the sanitary sewer system is prohibited.
 - g. The *applicant* shall provide a **written request** to the HBPW Pollution Control Division to be considered for any **waiver** to the requirements listed above.

C. Electric

1. **Undergrounding** of all Electric Services to new *buildings* and *redevelopments* of existing *buildings* shall be required unless otherwise waived by the Holland Board of Public Works (HBPW).
2. **Utility Easements** shall be granted and fully executed prior to energization of electrical service.
3. **Unobstructed Access to Equipment.** The *applicant* shall **show on the Site Plan** and place equipment in a manner to provide unobstructed access to HBPW.
4. **Clear Vision.** Equipment shall not interfere with vision or traffic circulation.

D. Communication Services

1. Communication Services shall **include** broadband, telecom, and cable.
2. All new Communication Services shall be installed **underground**.
3. The *applicant* shall **provide building** penetration for all planned Communication Service conduits.
4. **Cabling guidelines and best practices** to consider when designing new *buildings* are located at: <https://www.hollandbpw.com/en/cablingguidelines>
5. **Utility Easements**, if required, shall be granted and fully **executed** prior to service.

SECTION 39-5.03 STORMWATER MANAGEMENT (ARTICLE 39-6 AND CHAPTER 29)

- A. **Stormwater Permit.** In addition to *Site Plan* approval, a Stormwater Permit shall be obtained from the **City Engineer** prior to *Building Permit* issuance. The Stormwater Permit application is available on the Transportation Services Department website or by calling the Department.

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B. Items Required to Obtain a Stormwater Permit:

1. **Site Plans** showing all existing and proposed stormwater improvements for the *site*. The location and size of all existing and proposed surface and subsurface stormwater facilities shall be provided.
2. **Stormwater Calculations** shall be provided to demonstrate compliance with the **3 primary requirements** of the City’s Stormwater Ordinance, listed below. Reference Chapter 29 of the City Code of Ordinances.
 - a. Flood Protection
 - b. Channel Protection
 - c. Water Quality
3. **Grading plan** showing existing and proposed topography of the *site*.
 - a. **Properties less than or equal to 1 acre** shall have 1-foot contour intervals.
 - b. **Properties greater than 1 acre** shall have 2-foot contour intervals.
4. **Plan showing stormwater flow paths** for the **10 year** storm event and a storm event that exceeds the **100 year** storm event.
5. **Additional items** as required by the City Engineer.

C. Basic Stormwater Standards:

1. *Site Plans* shall comply with the City’s stormwater ordinance (Chapter 29) as well as the latest edition of the City’s Stormwater Standards Manual.
2. **Tulip City Inter-County Drain Board** approval shall be obtained when the *site* is located in the Tulip City Inter-County Drainage District.

- D. Structural Green Infrastructure** shall be used to meet the Stormwater Ordinance to the greatest extent practicable, in the opinion of the City Engineer and the *Approving Authority*. See Article 39-6 and Chapter 29 of the Code of Ordinances.

1. A **list** of the Structural Green Infrastructure Best Management Practices (BMPs) to be used shall be provided in the required Written Project Summary submitted with the *Site Plan* application.

- E. Retention and Detention Pond Amenities** shall be incorporated into the overall *site* design by designing them to provide *site amenities*. Specific *site* design elements shall be reviewed to determine if, in the opinion of the City Engineer and the *Approving Authority*, the proposed *amenity* and the location of the Pond meets the intended benefit. See Article 39-6.

SECTION 39-5.04 LANDSCAPING (ARTICLE 39-6)

- A. Street trees** shall be provided **every 30 feet** within the *right-of-way* along all of the *site*’s street frontages and along any new street. Existing street *trees* shall be clearly indicated on the required **separate Landscape Plan**. *Trees* may be placed further into the *site*, or *ornamental trees* may be used if overhead utilities or another obstruction is present, when approved by the *Approving Authority*. See Section 39-6.02.C.
- B. Landscape islands** are required in *parking lots* after **every 20 parking spaces** and shall include a minimum of **1 tree** and a permitted *ground cover*. See Section 39-6.02.D
- C. Internal parking lot landscaping** shall be provided at **1 square foot per 20 square feet** of *parking* lot surface. See Sections 39-6.02.D-E.
- D. Building perimeter landscaping** is required along all walls facing a street or *parking lot*. See Section 39-6.02.F.
- E. A Landscaping Buffer** is required to provide a buffer between residential and non-residential *uses*. See Section 39-6.02.I.

SECTION 39-5.05 TRAFFIC CIRCULATION, DRIVEWAYS, STREETS, AND SIDEWALKS (ARTICLE 39-10)

- A. Traffic Circulation and Driveways.** Site design and construction shall reasonably protect residents and occupants of adjacent *properties* from traffic congestion.
1. **Unobstructed Access.** The *Site Plan* shall show either unobstructed frontage on a public street or shall show a public street, private street, or driveway to provide public access to the project *site*.
 2. **Traffic Study Required** if proposed uses are anticipated to generate **100** or more peak hour trips or **750** or more total daily trips. The Traffic Study shall be performed by a licensed professional traffic operations engineer (PTOE) and shall provide volume and crash data for the frontage streets and for adjacent streets. The City Engineer may also request a full Traffic Study be completed regardless of trip generation or may waive this requirement.
 3. **Access Management** via connections of *parking lots* and/or limitations on curb cuts is preferred and may be required.
 4. **Alignment of Driveways** in specific places relative to other driveways or streets is preferred and may be required.
 5. **Driveway Lanes and Widths.** Shall be determined based on the anticipated trip data. The City Engineer may require additional or fewer lanes or decreases or increases to the driveway widths.
 6. **Ingress and Egress Turns.** Turns may be limited or prohibited by the City Engineer if corner clearance, sight distance, driving spacing, or another element is determined to be inadequate.
 7. **Turning Radius Drawings** are required on a *Site Plan* for internal *site* circulation and driveways. Drawings may be required to show the turning radius at street intersections.

B. Streets.

1. **Public Streets may be required in site design.** The *Planning Commission* and the City Engineer have the discretion to require the construction and dedication of public streets in accordance with City, State, and Federal street standards.
2. **Private Streets may be permitted** if they are constructed to public street standards for any use other than Residential with 1-4 *Dwelling Units*.
3. **Stub Streets may be required** at *property lines* for future street connections.
4. **Dead End Streets shall only be permitted** when determined by the *Approving Authority* that it is necessary due to a topographical or other physical *site* constraint.
5. **Street Improvements.** On-site and adjacent street improvements, such as deceleration and acceleration lane provisions, center turn lanes, bypass lanes, traffic signals, curb radii requirements, *clear vision areas*, driveway throat widths, and driveway and street intersection slope requirements, **may be required** by the City Engineer or *Approving Authority*.
6. **Corner Vision Clearance** shall be determined as sufficient by the City Engineer.

C. Sidewalks.

1. **Public Sidewalks** shall be required in the site design if not existing. The *Planning Commission* and the City Engineer have the discretion to require the construction and dedication of public sidewalks in accordance with City, State, and Federal sidewalk standards.
2. **Street Frontage.** Sidewalks shall be provided in the *right-of-way* of a *site's* street frontage or inward onto the *site* if necessary. A **Public Access Easement** shall then be granted to the City of Holland when not in the *right-of-way*.
3. **New Streets.** Sidewalks shall be provided on both sides of any new public or private street. The *Approving Authority* may determine that sidewalk is only necessary on one side of the street.

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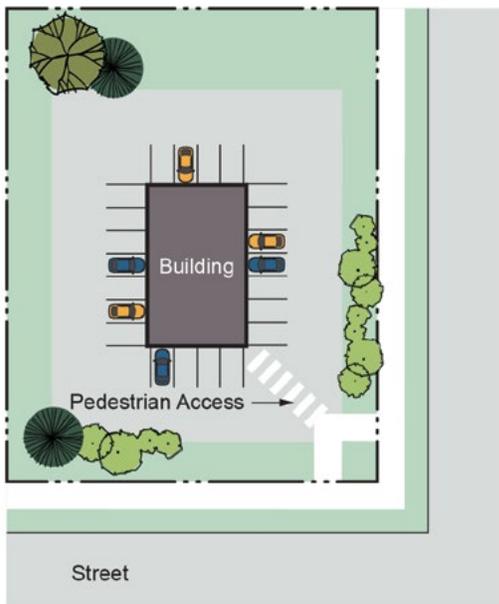
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4. **Width.** Sidewalks shall be a minimum of **6 feet** wide (**8 feet** wide in the F-CDT *Zone District*).
5. **Construction.** Sidewalks shall be a minimum of **4 inches thick** and shall be poured using Michigan Department of Transportation (MDOT) standards with a limestone mix concrete.
6. **Sidewalks crossing driveways** shall be **6 inches thick** and shall be poured separately from the driveway approach.
7. **Installation** of sidewalks shall be by a concrete/sidewalk contractor.
8. **Slope Elevation.** Sidewalks shall be set at an elevation above the adjacent curb head and sloped to a **maximum of 2%**.
9. **ADA standards** shall be complied with for all sidewalks.
10. **Pedestrian Access.** Sidewalks shall extend into *parking lots* with a marked pedestrian access strip leading to the *building* entrance, and shall be designated on a *Site Plan*. See image below.



D. Non-Motorized Paths / Bicycle Facilities

1. **Public Pathways and Bicycle Facilities** may be required in the *site* design. The *Planning Commission* and the City Engineer have the discretion to require the construction

and dedication of these facilities in accordance with City, State, and Federal non-motorized standards.

2. **Two-way, Off-Street Non-Motorized Pathways** are encouraged alongside the required sidewalk, throughout a *site*, and to make connections to adjacent *sites* and may be required as part of the City's Non-Motorized Transportation Plan.
3. **Bicycle Parking** shall be required as indicated in Article 39-2, Section 39-5.09, and in Section 39-9.03.

SECTION 39-5.06 FIRE ACCESS (INTERNATIONAL FIRE CODE)

- A. **Emergency Services.** The design and construction of *developments* shall reasonably protect the ease and routine of emergency services into and out of the *site*. The Fire Marshal may require *site* design elements to ensure this requirement is met.
- B. **Fire Apparatus Access Roads** are required on every *site* and shall meet the following requirements:
 1. **Shall be 26 feet wide** minimum, exclusive of shoulders (IFC Appendix D.105.2)
 2. **Shall have a 13 foot, 6 inch** minimum overhead clearance;
 3. **Shall extend to within 150 feet** of all portions of the exterior of the *building*. The distance may be increased if the Fire Marshal finds that:
 - a. The *building* is equipped throughout with an automatic inside sprinkler system.
 - b. The *building* has less than two Group R3 or Group U occupancies.
 - c. Topography or *grades* do not permit it.
 4. **If the Access Road is longer than 150 feet**, a turnaround area shall be provided and approved by the Fire Marshal. Turning radius and approach angles are specified in the International Fire Code and are subject to Fire Department apparatus specifications.

5. **Gates** for access roads shall be a minimum **20 feet in width**, shall slide or swing, and shall meet all requirements of IFC Appendix D.103.5.
6. **Construction Materials** for access roads shall be **all-weather** concrete or asphalt and designed and maintained to support the imposed loads of fire equipment.
7. Shall be **signed as** “Fire Access Road.”
8. **Aerial Fire Apparatus Access Roads** are required when the vertical distance between the *grade* plane and the highest roof surface **exceeds 30 feet**. (IFC Appendix D.105)
 - a. 1 of the required access roads shall be located between 15 to 30 feet from the *building*;
 - b. Positioned parallel to one entire side of the *building*;
 - c. Overhead utilities shall not be located over the aerial access road or between the aerial access road and the *building*.
9. **If 2 Fire Apparatus Access Roads are required.** They shall be placed a distance apart equal to or greater than one half the length of the maximum overall diagonal dimension of the lot to be served, measured in a straight line between accesses. (Appendix D.104.3) See Section 39-5.06.C.

C. Fire Apparatus Access Roads Table (IFC Appendix D.104 and D.106)

STRUCTURE OR USE SITE	REQUIREMENT	IF ALL BUILDINGS ARE EQUIPPED WITH AUTOMATIC SPRINKLER SYSTEMS
Structures greater than 30 ft or 3 stories in height	2 means of access per structure	Not applicable
Structures 62,000 to 124,000 gross sf in area	2 fire access roads	1 fire access road
100-200 Multifamily Dwelling Units	2 fire access roads	1 fire access road

STRUCTURE OR USE SITE	REQUIREMENT	IF ALL BUILDINGS ARE EQUIPPED WITH AUTOMATIC SPRINKLER SYSTEMS
Over 200 Multifamily Dwelling Units	2 fire access roads	2 fire access roads
1 or 2 Dwelling Unit Developments exceeding 30 Units	2 fire access roads	1 fire access road

D. Site Plan and Construction shall include:

1. **Fire Access Road** locations and construction materials;
 2. **Security gates** and **fire flow** requirement locations;
 3. **Lock box** locations on any *structure* that has fire service features such as alarms, suppression systems, elevators, or anything else deemed essential for immediate access;
 4. **Signage** depicting fire service features on doors to rooms with fire department connections, riser standpipes, or other fire service features;
 5. **Commodity classification** of items to be stored, if applicable, to determine sufficiency of proposed suppression system;
 6. **Hydrant Placement** shall comply with these requirements:
 - a. Minimum **400 feet** from all portions of a non-sprinkled *building*, as measured by an unobstructed hose route around the *building*.
 - b. Minimum **600 feet** from all portions of a sprinkled *building*, as measured by an unobstructed hose route around the *building*.
- E. New Addresses** shall meet the following requirements:
1. Legible and visible from the street;
 2. Arabic numbers;
 3. **4 inches** high with a minimum stroke width of 0.5 inches;
 4. Contrasted with their background;

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5. A *freestanding sign* containing the address shall be required if the *principal building* is not visible from the road.

SECTION 39-5.07 EXTERIOR LIGHTING (ARTICLE 39-7)

- A. A **photometric lighting map and manufacturer lighting details** are required if any exterior *lighting* is proposed.
- B. **Maximum Light Levels and Temperature:**
- 0.5 foot-candles** on any *property line* abutting a residential use with 1-4 *dwelling units*.
 - 10 foot-candles** anywhere on a *site*.
 - 4,000 degrees Kelvin on a CCT Scale.**
- C. **Non-Residential Properties.** Exterior *lighting* shall be reduced to only the level needed for security during non-business hours.
- D. **Light Pole Height. 20 feet** maximum height if located **within 200 feet** of a residential use in the LDR, CNR, MDR, TNR, HDR, or MHR *Zone Districts*. Light *fixtures* in the **Airport Overlay District** shall comply with Section 39-2.20. **For all other light fixtures**, the maximum height shall be the maximum *building height* allowable in the *Zone District*.
- E. **Shielded.** All exterior *lighting* shall be shielded to reduce *glare* and to deflect light away from all adjacent *properties*.
- F. **Downward Facing.** All outdoor *lighting*, unless otherwise specified, shall be downward facing to reduce *glare* and shall be arranged to direct and deflect light away from adjacent *uses*.
- G. **Decorative Post-Top Lighting.** A maximum of 18% of light may trespass above the 90-degree angle.
- H. **Safety.** All streets, sidewalks, *parking lots*, and common areas or facilities shall be sufficiently illuminated to ensure the security of *property* and the safety of persons using such areas.
- I. **Ground lighting** is allowed, provided it does not produce *glare* on adjacent *properties*.
- J. **Signs.** Exterior illumination of *signs* shall be directed downward to not interfere with the vision of persons on adjacent *properties* and streets. (See Article 39-8)

- K. **Maintained.** Light *fixtures* shall be maintained to not constitute a hazard or nuisance.
- L. **Protect.** The design and construction of *developments* shall reasonably protect residents and occupants of adjacent *properties* from light *glare*.

SECTION 39-5.08 PARKING, LOADING, AND UNLOADING (ARTICLES 39-2, 39-6.02.D, 39-9)

- A. **Off-Street parking, loading, and unloading shall meet the following requirements:**
- Parking spaces required.** See Article 39-2.
 - 1 space required per *dwelling unit* citywide. Except in F-NDT. See Section 39-2.23.C.
 - For other *uses*, the number of spaces required is based on *building square footage*.
 - Parking lot layout and internal/external landscaping.** See Sections 39-5.04.B-C and Article 39-6
 - Parking lot and drive aisle design.** See Article 39-9
- B. *Shared parking* and cross access of *parking lots* is encouraged to meet the City's **Low Impact Development** goals and to reduce traffic.
- C. **Parking Space and Drive Aisle Size Minimums:**
- Parking Spaces:** 8 feet width and 160 square feet.
 - 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.**
- 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.

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;
 3. *Structure* addition resulting in an increase of non-residential *gross floor area* of **20%** or more.
 4. **Exempt.** Multifamily *developments* where each attached *dwelling unit* is designated a **private garage**, carport, or *accessible* and secure storage space that is a minimum of **80 square feet** in area.
- B. **Bicycle Parking Facility Types.**
1. **Short Term.** Bicycle Racks shall be used for public bicycle *parking* and shall meet the following requirements.
 - a. See Bicycle *Parking Space* Table Section 39-9.03.D.1.
 - b. Shall be located outdoors in well-lit areas within **100 feet** of the nearest publicly *accessible building* entrance of the use it is intended to serve, and be clearly visible from the street.
 - c. **Inverted “U” Style Racks or Similar Design:** Racks shall be anchored to a durable surface, be a minimum **3 feet** in height and **2 feet** in length, be arranged in rows or alignment, and meet the other requirements in Section 39-9.03. Each space shall be a minimum of **2 feet** wide by **6 feet** long.
 2. **Long Term.** Covered bicycle facilities shall be provided for employee and/or resident *parking*, and shall meet the following requirements.
 - a. See Bicycle *Parking Space* Table Section 39-9.03.D.1.
 - b. Reasonably shelter bicycles from the natural elements by locating them inside or under covered *structures*;
 - c. Permanently be anchored to the ground or to a *structure*;
 - d. The cover shall be a minimum **8 feet** above the surface it is attached to.
 - e. May be located in the required **Side or Rear Yard setbacks** provided the facility is a minimum of **3 feet** from the *property line*. Not permitted in the required *Front Yard setback*.

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SECTION 39-5.10 SIGNAGE (ARTICLE 39-8)

- A. **Site Plans.** Placement of **freestanding signage** shall be included in the *Site Plan* and shall include a delineation of the *Clear Vision Corner*.
- B. **Planned Unit Developments (PUD)** shall have professional *sign* specifications included with the application to be reviewed and approved by *Planning Commission*.
- C. **Sign Permit.** All *signs* shall require a *sign* permit, in addition to *Site Plan* approval, from the *Zoning Administrator*. If located in the *Form Based Code* Sub-Districts CDT, NDT, EDT, WDT, or CENT, *signs* shall be reviewed by the Design Review Board (DRB) and shall require a permit from the Downtown Development Authority (DDA).

SECTION 39-5.11 BUILDING MATERIALS AND ENVIRONMENTAL QUALITY

- A. **Building Materials**
 - 1. **Sheet Metal Prohibited.** Sheet metal or building materials that resemble sheet metal shall be prohibited in all *Zone Districts* except for I Industrial.
 - 2. **Specify Building Materials** on the required **Elevation Plan**. Color renderings may be required by the *Approving Authority*.
 - 3. **Design.** All building materials shall be high-quality and shall complement adjacent existing *buildings*.
- B. **Noise.** All *developments* shall be designed and constructed to reasonably protect residents or occupants of adjacent *properties* from the emission and transmission of *noise*. **Protection of residents** living on-site from *noise* shall occur through submittal of a **STraCAT Summary Report** as specified below.
 - 1. **A Sound Transmission Classification Assessment Tool (STraCAT) Summary** is required for residential *uses* with **5 or more Attached Dwelling Units** to ensure *building* materials will sufficiently suppress external traffic noise. The *applicant* shall

input the *building* material specifications as required by the tool and input the **Ambient Noise Level decibels** as specified below. The *Approving Authority* may require a different decibel requirement and shall specify the decibel level for a *Planned Unit Development (PUD)*.

- 2. **Ambient Noise Levels.** Ambient *noise* levels shall be inputted into the Federal Department of Housing and Urban *Development's* (HUD) STraCAT tool based on the location of the *property*. These decibel levels are provided in the Community and Neighborhood Services Department's most recent Ambient Noise Level Policy.
- 3. **Construction noises.** The demolition, erection, alteration, or repair of any *structure*, and the excavation of streets shall follow the *Noise Ordinance* in Chapter 19 of the City's Code of Ordinances.
- C. **Dust and Air Pollution.** Dust and other types of air pollution that can be borne by the wind from the use shall be controlled through appropriate *landscaping*, sheltering, paving, wetting, collecting, or other means, and these means shall be identified on the *Site Plan*.
- D. **Protect Residents and Adjacent Properties.** The design and construction of *developments* shall also reasonably protect residents or occupants of adjacent *properties* from smoke, dirt, litter, odors, vibration, overcrowding of people, sanitation, glare, and heat off-site, and other similar considerations.
- E. **Hazardous Materials**
 - 1. **Storage.** The *applicant* shall state any hazardous materials that will be stored on-site. Fire Department approval of the storage method is required.
 - 2. **Hazardous Materials and Waste.** The use, storage, handling, transport, discharge, and disposal of hazardous materials shall comply with applicable Federal, State, and Local laws.
 - 3. **Chemical List.** *Developments* where chemicals will be present shall provide a list of chemicals with their application.
 - 4. **Odors.** No use may emit odors of an intensity and character as to be detrimental to the public health, safety, and welfare.

SECTION 39-5.12 DUMPSTERS AND WASTE DISPOSAL RECEPTACLES

- A. **Required.** Dumpsters or another means of waste disposal, approved by the *Approving Authority*, is required for any *development* requiring a *Site Plan* review.
- B. **Enclosure.** Refuse shall be enclosed within a high-quality, durable enclosure, using similar materials as used for the *principal building*. A permanent, 6 foot minimum enclosure shall be on 3 sides of the dumpster. The **4th side** of the enclosure shall be equipped with a gate the same height as the enclosure.
- C. **Screening.** Dumpsters shall be *screened* by landscaping from view of adjoining *properties* and public streets.
- D. **Site Location.**
1. **From Structures. 10 feet minimum** from a *structure* unless a closer distance is approved by the Fire Marshal.
 2. **Side or Rear Yard Required Setbacks.** Dumpsters shall be **permitted** in the required *side or rear yard setbacks*. Dumpsters need not comply with the *setback* requirements for *accessory structures* in Section 39-9.05. They shall **not be permitted** in the required Front or Secondary Street *Setbacks*.
 3. **Dumpsters shall not Encroach** into a required parking area and shall be clearly *accessible* to servicing *vehicles*.
- E. **Concrete Pad.** Dumpsters shall be located on a concrete pad **extending a minimum of 10 feet** in front of the Dumpster enclosure.
- F. **Additional.** Any internal refuse shall be wheeled out to the curb for pick-up, and all waste disposal shall comply with the requirements of **Chapter 27** of the City of Holland Code of Ordinances.



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ARTICLE 39-6:

Landscaping and Green Infrastructure

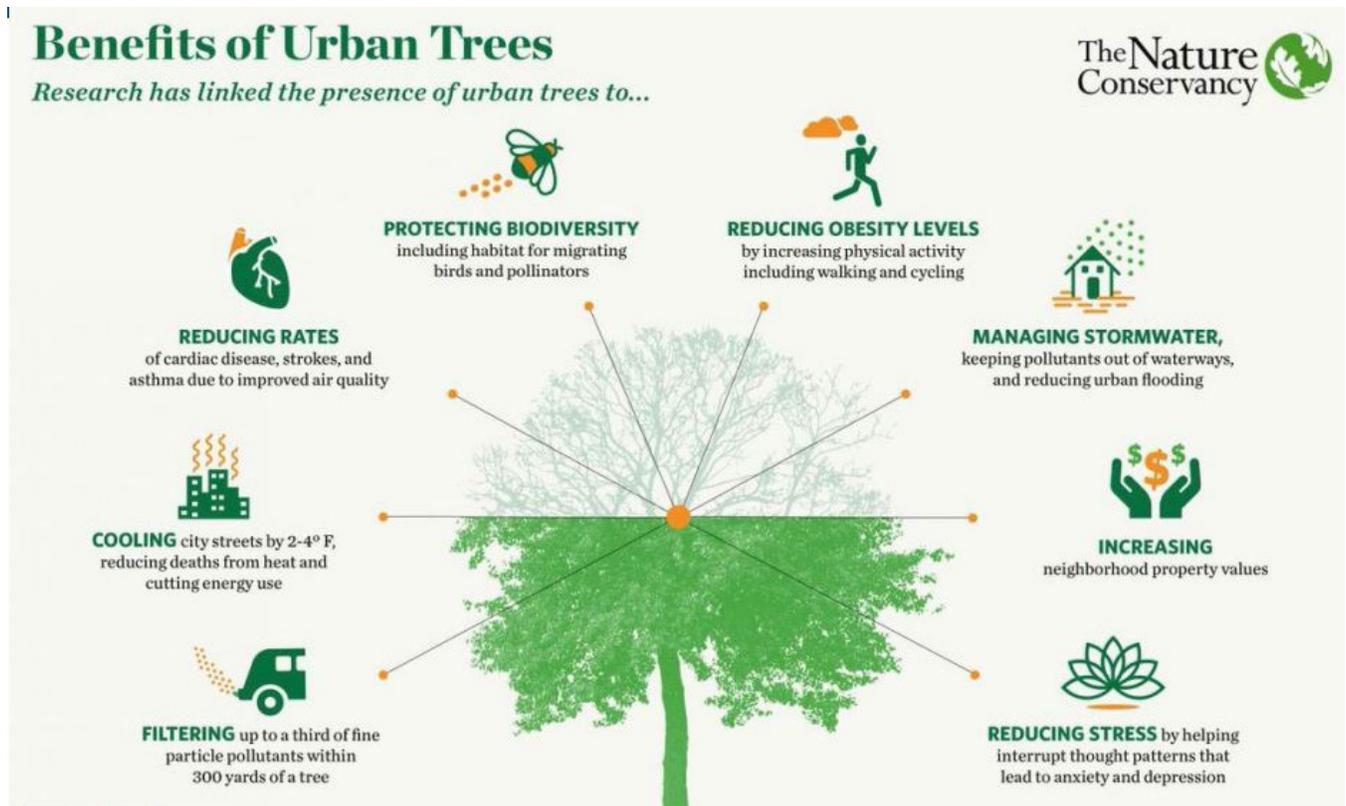


SECTION 39-6.01 INTENT

A. The intent of this Article is to ensure the long-term environmental sustainability of the City of Holland by applying standards that preserve and enhance the City’s *tree* and *landscaping* coverage and enable *developments* to meet **Low Impact Development (LID)** goals by incorporating Green Infrastructure into *site* design. LID assists the City in reaching its goals to decrease flooding events, erosion, and pollutants entering the waterways, and to protect ground and surface water quality by infiltrating, filtering, storing, and detaining stormwater runoff close to its source. These investments yield multiple benefits toward *building* city resilience, as indicated in detail below.

B. Benefits of Low Impact Development (LID) Standards

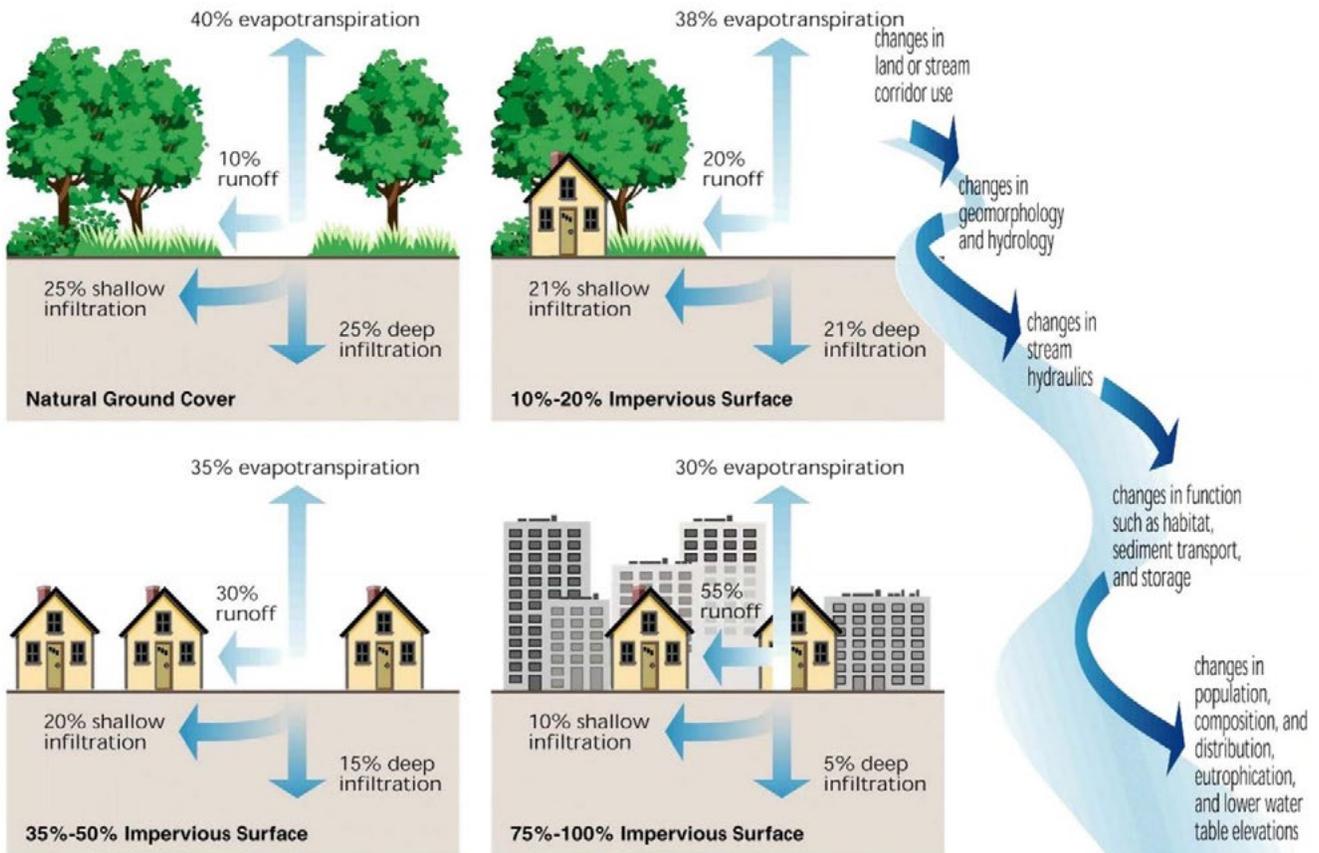
1. **Preserve, Protect, and Enhance the City’s Urban Tree Canopy.** One of the City’s sustainability and resiliency goals is to preserve, protect, and enhance the City of Holland’s urban *tree canopy*. This provides numerous natural benefits for air and water quality, prevents the urban heat island effect, reduces harmful UV radiation, lowers heating and cooling costs, mitigates soil erosion and stream pollution, and ensures long-term environmental sustainability, since planting *trees* remains one of the cheapest and most effective means of drawing excess CO2 from the atmosphere.



Source: The Nature Conservancy

2. **Promote Surface Infiltration.** LID is achieved through site design that promotes surface water infiltration when impervious surfaces (buildings, parking lots, etc.) are clustered to preserve undeveloped, landscaped, or tree-covered pervious surfaces (Natural Green Infrastructure), and when site design includes a balanced mixture of pervious and impervious surfaces, combined with Structural Green Infrastructure. Both allow stormwater to enter into the ground (infiltrate) and into conventional infrastructure pipes and waterways more slowly, which reduces the threat of local flooding and the amount of pollution that reaches waterways.

Surface Infiltration Process



Source: FISRWG (10/1998). *Stream Corridor Restoration: Principles, Processes, and Practices*

- Minimize Erosion.** In urban areas, increased volume and velocity of stormwater runoff causes erosion of both the land surface and the streambank. As erosion occurs, the path of the waterway changes and is more likely to intrude onto private *properties*, destabilize the land, and affect the roots of *trees*, making them unable to provide their full benefits.

Local Erosion Example



Tulip Intercountry Drain, Holland, MI

Source: Macatawa Area Coordinating Council (MAAC)



Source: United States Environmental Protection Agency

4. **Decrease Pollutants.** Increased *impervious surface* area does not allow rain and snowmelt to soak into the ground. This leads to excess stormwater runoff that washes pollutants off of *impervious surfaces* and carries them into the City’s lakes and streams as shown in the image titled “Urban Wet Weather Flows.” Pollutants from urban runoff include oil, grease, and toxic chemicals from motor *vehicles*, pesticides from lawns, viruses and bacteria from pet waste, road salts, heavy metals from roof shingles and motor *vehicles*, and thermal pollution from *impervious surfaces*. These pollutants can harm fish and wildlife populations, kill native vegetation, foul drinking water, and make recreational areas unsafe and unpleasant. (EPA. <https://www.epa.gov/nps/nonpoint-source-urban-areas>)
5. **Decrease Flooding.** In a 1-inch rainstorm, about 4,000 gallons of water falls on a typical residential lot in the City of Holland, which is enough to fill a swimming pool. In most *development designs*, about two thirds of that water flows directly to storm drains.

Local Flooding Example



Homes along Lake Macatawa, 2020
Source: WOOD-TV

6. **Additional LID Benefits**
 - a. Increase *property values*
 - b. Increase *retail sales*
 - c. Energy savings
 - d. Reduce infrastructure costs
 - e. Reduce costs associated with flooding
 - f. Reduce water bills
 - g. Protect Biodiversity
 - h. Increase mental health and worker productivity
 - i. Reduce crime

C. **Site Design to Achieve LID Goals.** To ensure LID goals are met, the following standards are required, which shall be further specified in this Article:

1. Landscape Requirements
2. *Impervious Surface Maximums* for certain *Zone Districts*
3. Green Infrastructure Requirements

Traditional Parking Lot Design



Source: Kent County Drain Commissioner

Preferred: LID Parking Lot Design



Source: Kent County Drain Commissioner

Traditional “Big Box” Site Layout



Source: Kent County Drain Commissioner

Preferred: Equivalent LID Site Layout



Source: Kent County Drain Commissioner

SECTION 39-6.02 LANDSCAPE REQUIREMENTS

A. **Applicability.** The following *developments* shall comply with the *landscape* requirements in this Article:

1. **New construction** on any *property* requiring *Site Plan* approval;
2. **Building additions** on any *property* requiring *Site Plan* approval;
3. **New parking lots** or reconfigurations of *parking lots*, deemed significant enough by

the *Approving Authority*, and requiring *Site Plan* approval;

4. **Street construction** or reconstruction.
5. **Residential Dwellings with 1-4 Units shall only be subject** to the *Street Tree* requirements of *Section 39-6.02.C*. The *Zoning Administrator* and *City Engineer* may waive this requirement if deemed unnecessary.

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B. Landscape Requirements Table. The table below summarizes the *landscape* requirements, which are further specified in Section 39-6.02.C-G. A *Airport Zone District* is exempt from these requirements.

LANDSCAPING TYPE	REQUIREMENTS
Trees along Street Frontage	1 tree per 30 ft
Parking Lot Interior	1 sf of landscaping per 20 sf of pavement.
Parking Lot Islands	1 island with a tree per 20 spaces. Parking lots under 20 spaces exempt. Waiver may be permitted per Section 39-6.02.D.2.e
Parking Lot Perimeter	1 sf of landscaping per 20 sf of pavement
Building Perimeter	Along all walls visible from a street or parking lot, required for buildings with a front setback greater than 2 ft
Residential Buffer	Required when property is adjacent to a Residential Zone District
Green Infrastructure	Site Design meeting the requirements of Sections 39-6.06-08.

C. Street Trees Along the Right-of-Way.

1. Requirements.

- a. **1 street tree per 30 linear feet** measured at the center of each tree.
- b. **Minimum 2.5 caliper** in size as measured at **4.5 feet** above *grade*.
- c. **Existing street trees** may be counted towards street *tree* requirements when stated and shown on the *Site Plan*.
- d. **Street Trees shall be planted** in the *right-of-way* between the *property line* and the street unless the *applicant* states why this is not practical and shows an alternative on the *Site Plan*. The alternative shall be to either locate the *trees* a maximum of **10 feet** from the *right-of-way* line or allow the planting of *ornamental trees* depending on the described rationale. The alternative will be reviewed and may be approved by the *Approving Authority*.

e. **Urban Streets** or when planting *trees* into concrete or brick, the following requirements shall be followed:

- 1) Street *trees* shall be planted in accordance with MISS DIG and avoid impacts with existing utilities.
- 2) Street *trees* planted in the public *right-of-way* become the *property* of the City of Holland.
- 3) Streets *trees* shall be planted to not damage brick pavers and not interfere with snowmelt systems.
- 4) Street *trees* shall be irrigated with drip irrigation bubbles.
- 5) Street *trees* shall be planted in raised beds or in frames, as shown in the graphic.

Do This:



Don't Do This:



Street Tree Types:

- Columnar if close to buildings
- Maple if able to grow out for a tree canopy
- Ornamental trees where approved
- Do not use Locust trees in brick pavers

2. **Species.** Species shall be approved if they, in the opinion of the *Approving Authority*, meet these standards:
 - a. Are not listed in Section 39-6.02.G.3.
 - b. Are generally resistant to salt, insects, diseases, damage, and drought.
 - c. Provide adequate shade and aesthetics;
 - d. Are not anticipated to damage street, non-motorized, or utility infrastructure with their root or branch systems.

D. Interior Parking Lot and Parking Lot Islands shall meet the following requirements:

1. **1 square foot** of interior *parking lot landscaping* is required per **20 square feet** of *parking lot* pavement.
2. *Parking lot* islands are required every **20 parking spaces** minimum and shall meet the following requirements:
 - a. 250 square feet in size minimum;
 - b. Include a minimum of 1 *tree* each; and
 - c. Include additional *landscaping*, an approved *ground cover*, and/or structural green infrastructure. See Sections 39-6.06-08;
- d. **Width Minimums:**
 - 1) **No pedestrian pathway:** 7 feet
 - 2) **Pedestrian pathway:** 11 feet. The pathway shall be a minimum 5 feet wide, with a minimum of 3 feet of *landscaping* on each side of the pathway.
- e. **Waiver.** A waiver may be approved by the *Approving Authority* to reduce the amount of *parking lot* islands required if the proposed interior *parking lot landscaping* still meets the intent of this Section.
- f. **Curbs.** *Parking lot* islands shall have curbs, unless the island is designed as a vegetated swale, in which case curbs may be eliminated or inlets may be constructed within the curb to allow for stormwater flow. Vegetated swale design shall be approved by the City Engineer.

Parking Lot Island Rain Garden, 16th St.



Source: Macatawa Area Coordinating Council

- E. **Parking Lot Perimeter Landscaping** shall meet the following requirements:
 1. **1 square foot** of perimeter *parking lot landscaping* is required per **20 square feet** of *parking lot* pavement;
 2. Shall be planted surrounding *parking lots* and consist of a mixture of *landscaping* and permitted *ground cover* types; and
 3. Street *trees* shall count towards both street *tree* and *parking lot* perimeter requirements.
- F. **Building Perimeter Landscaping** shall meet the following requirements:
 1. Shall be planted along **building walls visible** from a public street or from a *parking lot*.
 2. Shall consist of a **mixture of landscaping** and approved *ground cover* types.
 3. Plantings shall be in the *building setback* when the *building* has a *setback* of **2 feet** or greater. Plantings may be in an **above ground planter** when the *building* is **setback between 2 to 6 feet** from the street fronting *property line*.
 4. **Waiver.** The *Approving Authority* may waive these requirements if determined the design, use, or context of the *property* does not necessitate any or all *building* perimeter *landscaping*.

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G. Trees and Ground Cover Type Requirements.

1. Minimum Size at Planting.

PLANT MATERIAL	MINIMUM PLANT SIZE	WHERE MEASURED
Canopy/ Shade Trees	2.5 in. caliper	4.5 ft above grade
Ornamental Trees	2.0 in. caliper	4.5 ft above grade
Evergreen Trees	5 ft height	Highest Point, including Leaves or Flowers
Shrubs	3 ft height	Highest Point, including Leaves or Flowers

2. Ground Cover Types and Requirements.

- a. **Native Vegetation:** These are listed in the Michigan State University Native Plants and Ecosystem Services Southern Lower Peninsula Regional Plant List, or those species that occurred within nearby municipal boundaries prior to European settlement, according to available historical and scientific evidence. These species shall not require pesticide and herbicide applications, in order to eliminate toxicity to local wildlife and aquatic habitats.
- b. **Xeriscape:** Landscape that reduces or eliminates the need for irrigation. Xeriscape plants range from succulents to leafy, flowering *trees*.
- c. **Rain garden plantings:** No additional requirements.
- d. **Perennial and Annual Flowers:** No additional requirements.
- e. **Mulch: 1 shrub per 50 square feet** shall be planted on *Parking Lot Islands* in addition to a *tree*. **10% of a *Parking Lot Island* shall be a mulch planting bed with flowers or flowering shrubs.** Turf grass shall only supplement other *ground cover* types to provide a multispecies landscape to increase biodiversity.

Native Plants



Source: *Rethinking the American Lawn, Ottawa County Planning and Performance Improvement*

- f. **Rocks and stones are not permitted as a primary ground cover** and may only be used in *building* perimeter maintenance strips and in limited situations where mulching may otherwise be problematic with storm drainage plans, as approved by the *Approving Authority*.
3. **Prohibited Species** are invasive species artificially introduced to West Michigan, are non-native, and are capable of out-competing and displacing native vegetation. Any species on the Michigan Department of Natural Resources list of invasive species shall be prohibited, in addition to those listed on the following table. Existing prohibited species shall be identified on a *Site Plan* and shall not count towards *landscape* requirements.

COMMON NAME	BOTANICAL NAME
Amur Maple	Acer Ginnala
Autumn Olive	Elaeagnus Umbellata
Black Locust	Robinia Spp.
Box Elder	Acer Negundo
Common Buckthorn	Rhamnus Cathartica
Common Reed	Phragmites australis
Flowering Rush	Butomus umbellatus
Garlic Mustard	Alliaria petiolata
Giant Knotweed	Polygonum sahalinensis (Fallopia sachalinensis)
Glossy Buckthorn	Rhamnus Frangula
Japanese Barberry	Berberis Thunbergii
Japanese Knotweed	Fallopia japonica
Lombardy Poplar	Populus nigra var. italica
Multiflora Rose	Rosa Multiflora
Purple Loosestrife	Lythrum salicaria
Russian Olive	Elaeagnus Angustifolia
Spotted Knapweed	Centaurea Biebersteinii
Tree of Heaven	Ailanthus Altissima
White Mulberry	Morus alba

H. Tree Replacement Requirements.

1. **Applicability.** Lots half an acre in size or greater, where five or more *trees* are proposed to be removed. These *trees* include:
 - a. *Deciduous trees* over **6 inches** in *Diameter Breast Height (DBH)*;
 - b. Coniferous *trees* over **10 feet** in height;
 - c. Healthy and non-invasive *trees*.
2. **Definition of “Removed Tree.”** The destruction, relocation, or cutting of a *tree* so that no portion larger than a stump remains intact on the *site*, or the mutilation of a *tree* to the point of near certain death.
3. **Replacement Requirements.** *Trees* shall either be replaced onsite at a ratio of **1 replacement tree per 5 removed trees**, or a Payment in Lieu of *Trees* shall be made per the requirements of [Section 39-6.02.H.4](#). Replacement *trees* shall comply with the following:
 - a. **Deciduous** replacement *trees* shall be a minimum **3 inches DBH** at planting
 - b. **Coniferous** replacement *trees* shall be a minimum **10 feet** in height.
 - c. **Prohibited species** listed in [Section 39-6.02.G.3](#) shall not be used as replacement *trees*.
 - d. Replacement *trees* may be **counted as required trees** to meet other requirements of this section.
 - e. Replacement *trees* shall be **indicated on the Site Plan** and planted in locations that, in the opinion of the *Approving Authority*, would have the **greatest impact on reducing urban heat islands** to make the City more resilient.
4. **Payment in Lieu of Trees.** In lieu of planting *trees* on *site*, the *applicant* may pay a replacement fee per *tree* to the City of Holland to plant *trees* elsewhere within the City per the City’s *Tree Replacement Policy*. The fee per *tree* shall be **\$300 per tree**.
5. **Professional Tree Survey.** To verify the *trees* that shall be replaced, the *applicant* shall submit a professional **Tree Survey** performed by a licensed Arborist, **specifying which trees meet** and do not meet the applicability requirements of [Section 39-6.02.H.1](#). The *applicant* shall then **only be required to replace** or provide a Payment in Lieu of *Trees* for those specified.
6. **No Professional Tree Survey.** The applicant shall either replace or provide a Payment-in-Lieu-of-Trees per the standards in [Section 39-6.02.H.3](#) **for all trees, regardless of if they meet the applicability requirements** in [Section 39-6.02.H.1](#). The number of *trees* proposed for replacement shall be approved by the *Approving Authority*.
7. **Exempt Activities.**
 - a. **Tree trimming** and other routine maintenance that does not result in the destruction, mutilation, relocation, or cutting of a *tree* leaving more than a stump intact.
 - b. **Emergency removal** or trimming of *trees* made necessary by a natural disaster, where the removal of the *tree* would prevent injury or damage to persons or *property*.
 - c. *Trees* removed or trimmed by **Public Utilities**, Public Agencies, or when located in Seasonal *Tree Farms*.
- l. **Residential Buffers** are required when the *property* is located directly adjacent to a Residential *Zone District*.
 1. Buffering shall be required along **all property lines** separating a multifamily, non-residential use, or a mixed use *development* and a Residential *Zone District*. This requirement shall also apply if the *development* is located in a Residential *Zone District*.
 2. **Buffering Options.**
 - a. **Wall.**
 - 1) Minimum **6 feet** in height.
 - 2) **Solid or opaque** and constructed from one of the following materials: masonry, brick, vinyl, or wood.

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b. **Berm.**

- 1) *Berm* slopes shall not exceed a **4 to 1 horizontal to vertical ratio**, with a top width of at least ½ the *berm* height, and a maximum height of **3 feet** above the base of the *berm*.
- 2) *Berm* slopes shall be **stabilized** with an approved *ground cover* type and be located outside of *clear vision areas*.

c. **Evergreen Screen.**

- 1) An *evergreen screen* shall consist of a row of **evergreen trees**, forming a complete *screen* as viewed from the adjacent residential property.
- 2) *Evergreens* shall be a minimum **5 feet** in height at the time of planting.

d. **Landscape Buffer Area.**

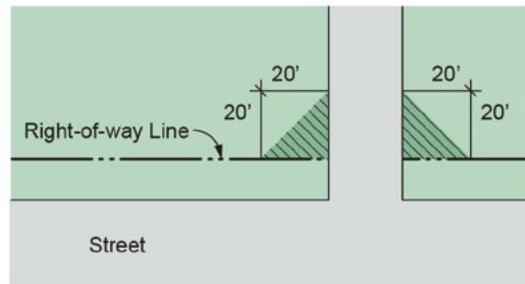
- 1) **Size.** Shall be a minimum **20 feet wide** and shall extend along the entire *property line*.
- 2) **Trees.** Shall include a minimum of **1 tree per 500 square feet** of landscape area. If the Landscape Buffer Area is less than 500 square feet, then 1 *tree* shall be required.
- 3) **Shrubs.** Shall include a minimum of **4 shrubs per 500 square feet** of landscape area.

e. **Preserved Woodlands.**

- 1) Shall be a minimum **20 feet wide** and shall extend along the entire *property line* abutting the residential *property*.
- 2) At least **90%** of existing *trees* 6 inches in *Diameter Breast Height (DBH)* or greater shall be retained.

J. **Clear Vision Corners Required.**

1. **Definition.** A triangle formed on *properties* located at intersection corners in required front or secondary street *setbacks*.
2. **Measurement.** Established as a triangle formed by two points, each a **minimum of 20 feet** from the intersection of the *property line* and the line connecting the points.
3. **Height Maximum.** *Landscaping* shall be a maximum of **3 feet** in height within a Clear Vision Corner.



K. **Additional Landscape Requirements:**

1. **Species Variety.** The Landscape Plan shall not contain more than **33%** of any single plant species. Landscape Plans with less than **15 required plantings** shall be exempt from this requirement.
2. **Stabilization.** All landscape planting areas shall be stabilized and maintained with seed, *sod*, *ground covers*, *mulch*, or other approved materials to prevent soil erosion and allow stormwater infiltration. *Mulch* shall be spread in a manner that avoids soil compaction and shall not overflow into public *right-of-ways*.
3. **Protection of Trees During Construction.** For **every 1 inch of DBH**, there should be **1 foot radius of protection**. Appropriate guards shall be maintained around all existing *trees* to be retained. Remaining *trees* shall have sufficient room for their root *structures* to be maintained during construction and in *Site Plan* design.

4. **Timing of Planting.** All required plant material shall be planted prior to issuance of a final **Certificate of Occupancy**. In the event that the *development* is completed during a time of year when planting is impractical, a temporary Certificate of Occupancy may be issued with a deadline for installing the required *landscaping* and obtaining a permanent Certificate of Occupancy. A **performance guarantee** in the amount of the remaining improvements may be required.
5. **Completion of Improvements.** *Tree stakes, tree ties, and tree wrap* shall be **removed** after completion of the initial growing season.

SECTION 39-6.03 MAINTENANCE OF LANDSCAPING AND GREEN INFRASTRUCTURE

- A. *Property owners* shall take all reasonable measures to keep all *landscaping* alive and thriving and shall provide the following:
 1. **A Maintenance Plan** shall be included in the required Written Project Summary stating which measures will be used to meet this requirement. This Plan is separate from the **Chapter 29** Stormwater Ordinance required maintenance agreement.
 2. **Irrigation of Trees and Shrubs is required.** The *Approving Authority* may not require all *landscaping* to be irrigated, if requested, and if adequate Green Infrastructure is otherwise provided, as determined by the *Approving Authority*.
 3. **Kept Neat.** All landscape materials, manufactured materials, and green infrastructure shall be kept in a neat, orderly, and thriving manner, free from debris and refuse.
 4. **Removal of Plant Material.** All diseased, unhealthy, and dead plant material or Green Infrastructure shall be removed immediately and replaced. Replacement *landscaping* shall be installed at or as close as possible to the size of the *landscaping* at the time of its removal.

5. **Minimum Height of Branches over Sidewalk.** A branch hanging over a public sidewalk or street shall be a minimum **7 feet above grade** and shall be maintained by the *property owner*. This maintenance shall include removal of dead branches or stubs that are or may become a menace to people on the public sidewalk or street.
6. **Not permitted on Publicly Owned Trees:**
 - a. Wearing spurs when climbing *trees* unless done by a designated City of Holland employee or contractor.
 - b. Wires shall not be attached to any *tree*.
 - c. *Signs* shall not be attached to any *tree*.
7. **Trees shall not be removed from the right-of-way** without permission of City of Holland’s Parks and Recreation Department.

SECTION 39-6.04 IMPERVIOUS SURFACE MAXIMUMS

- A. **Maximum Impervious Surface Allowance.** *Impervious surfaces* shall not exceed the maximum percentage for these *Zone Districts*. An increase in the *impervious surface* percentage may be provided upon request if the *Approving Authority* deems it necessary.

OS	HDR	CMU	GMU	RMU	I
20%	70%	80%	70%	80%	80%

- B. **Required Open Space.** All areas not covered by *buildings*, parking areas, driveways, walkways, pedestrian plazas, other *impervious surfaces*, or water surfaces shall be planted with living vegetation, including *canopy trees, shrubbery*, and allowable *ground cover* types (Section 39-6.02.G.2).

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SECTION 39-6.05 GREEN INFRASTRUCTURE AND STORMWATER MANAGEMENT SITE DESIGN REQUIREMENTS

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A. **Intent.** To meet the City of Holland’s sustainability and resiliency goals, *development* needs to diversify the ways that stormwater runoff is collected, infiltrated, stored, and treated. Continued reliance solely on conventional infrastructure (water runoff into pipes and ponds) has proven to be unsustainable, especially with an increase in large storms and built *development*. The use of **Green Infrastructure Best Management Practices (BMPs)** has proven to be effective in working in conjunction with conventional infrastructure to mimic natural processes and to meet **Low Impact Development site design**.

B. **Chapter 29 Stormwater Ordinance and UDO Relationship.** Most *developments* shall be required to obtain a **Stormwater Permit** from the City Engineer in addition to obtaining *Site Plan* approval. **Chapter 29, Article VI** (Stormwater Ordinance) in the City’s Code of Ordinances provides specific engineering standards to meet the ordinance and obtain a Stormwater Permit and references the *applicant* to the City of Holland’s Stormwater Standards Manual for additional stormwater designs and details.

C. **This section of UDO** requires the *applicant* to meet the Stormwater Ordinance requirements in specific ways that are critical for **site design and achieving Low Impact Development goals**. The 2 ways these requirements do this are through the use of **Structural Green Infrastructure Best Management Practices** and by making retention and detention ponds *amenities* in addition to being used for stormwater storage.

D. **Structural Green Infrastructure Requirement:**

1. Structural Green Infrastructure Best Management Practices (BMPs) shall be used to the **maximum extent** practicable to comply with the **Chapter 29** Stormwater Ordinance, the adopted Stormwater Standards Manual, and to obtain a required Stormwater Permit. Credits are provided when using Green Infrastructure BMPs to meet the Stormwater Ordinance and are determined through Stormwater Permit Calculations.

2. **Non-Structural BMPs** are encouraged to be used in addition to using the required Structural Green Infrastructure BMPs.
3. **Additional Best Practices** include managerial and certain other structural and non-structural BMPs that are encouraged to be used in addition to the required Structural Green Infrastructure BMPs. These are listed in Section 39-6.08.

E. **Examples of Green Infrastructure BMPs**

1. **Structural Green Infrastructure Best Management Practices (BMPs)** are stormwater management and treatment techniques where devices are constructed for temporary storage and treatment of stormwater runoff. **The following Structural Green Infrastructure BMPs shall be approved** in meeting the requirement in Section 39-6.05.C.
 - a. **Pervious Durable Surface.** Section 39-6.06
 - b. **Rain Garden / Bioretention.** Section 39-6.07.A
 - c. **Vegetated Swale / Bioswale.** Section 39-6.07.B
 - d. **Vegetated Green Roof.** Section 39-6.07.C
 - e. **Tree Box Filter.** Section 39-6.07.D
 - f. **Constructed Filter.** Section 39-6.07.E
 - g. **Vegetated Filter Strip.** Section 39-6.07.F
2. Additional Structural Green Infrastructure BMPs are listed in **Appendix 3 of the City’s Stormwater Standards Manual as ‘LID and Small Site Structural Best Management Practices.’** Other Structural Green Infrastructure BMPs may be requested and approved by the *Approving Authority*.
3. **Non-Structural Green Infrastructure BMPs** are stormwater treatment techniques that use natural measures to manage and treat stormwater and do not involve the construction or installation of devices.

These types are encouraged, but are not required or countable in meeting the requirement of this section. They include:

- a. Native Revegetation
- b. Minimized Soil Compaction
- c. Natural Flow Paths and Sensitive Area Preservation
- d. *Wetland* Preservation
- e. *Tree* Preservation

F. Retention and Detention Pond Amenities

1. **Intent.** To incorporate retention and detention ponds into the overall site design by designing them to be **site amenities**.
2. **Definitions.** A **Retention Pond** is a permanent wet pond **without** a positive surface outlet, or a temporary wet pond that drains dry through infiltration into the ground, which is used to manage stormwater runoff. A **Detention Pond** is a permanent wet pond **with** a surface outlet, or a temporary wet pond that drains dry through the use of stormwater infrastructure.
3. **Design standards.**
 - a. **Retention or Detention Ponds** shall provide an *amenity* in the *site's* design that in the opinion of the *Approving Authority* provides a benefit beyond the storage of stormwater; and
 - b. **The location** of the Retention or Detention Pond shall, in the opinion of the *Approving Authority*, be able to amply benefit the proposed users of the *site*.
4. **Examples** of approvable *amenities* are:
 - a. **Permanent Wet Pond:**
 - 1) Fountain;
 - 2) Bench or benches;
 - 3) Walking path around or over the pond.
 - b. **Temporary Wet Pond:**
 - 1) Park space with benches;
 - 2) Walking path around, on, or over the pond.

SECTION 39-6.06 PERVIOUS DURABLE SURFACES

- A. **Intent.** The use of pervious surfaces in *site* and street design **mimics natural** ground water infiltration, decreases the amount of post-construction stormwater runoff, and implements Low Impact Development (LID).
- B. **Pervious Definition.** A surface covering the ground that **allows the infiltration** of water into the ground and provides stormwater treatment and storage without a surface outlet. Also referred to as “permeable” or “porous.”
- C. **Pervious Durable Surface Types.** The following types of pervious surfaces shall be permitted to meet the durable paving requirements in Section 39-9.02 and are also a type of **Structural Green Infrastructure**.
 1. **Grass Pavers:** Used for areas with occasional parking. Not permitted for high-use areas.
 2. **Permeable Interlocking Concrete Pavers**
 3. **Resin-Bound Paving**
 4. **Permeable Clay Brick Pavers:** Used for areas with pedestrian and vehicular traffic.
 5. **Permeable Asphalt**
 6. **Permeable Concrete**
 7. **Plastic Grids:** These grids help reinforce driveways, *parking lots*, and fire lanes. Plastic grids can also be planted with *grass*. Used for areas with occasional parking. Not permitted for high-use areas.
 8. **Any type not listed** but approved by the City Engineer and the *Approving Authority*.

Pervious and Non-Pervious Split Parking Lot, Hope College



Source: Drummond Carpenter, PLLC

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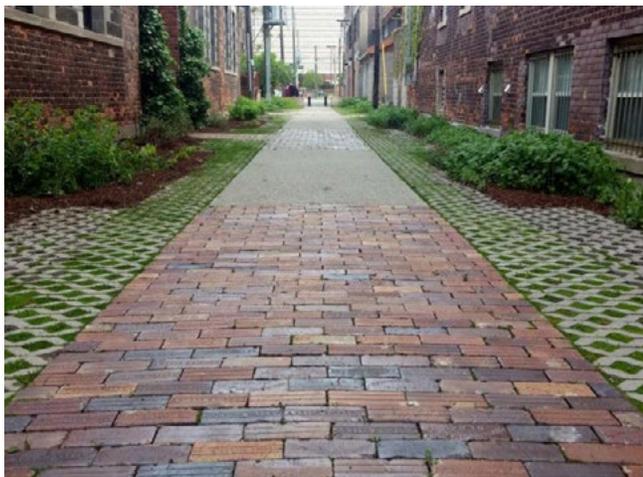
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Pervious Parking Lane



Source: *Stormwater Solutions*

Permeable Grass Pavers, Detroit, MI



Source: *Sierra Club*

Grass Pavers, Detroit, Michigan



Source: *JSTOR*

D. Benefits of Pervious *Durable Surfaces*

(Source: 'Introduction to Green Infrastructure Techniques and Opportunities', Drummond Carpenter, PLLC):

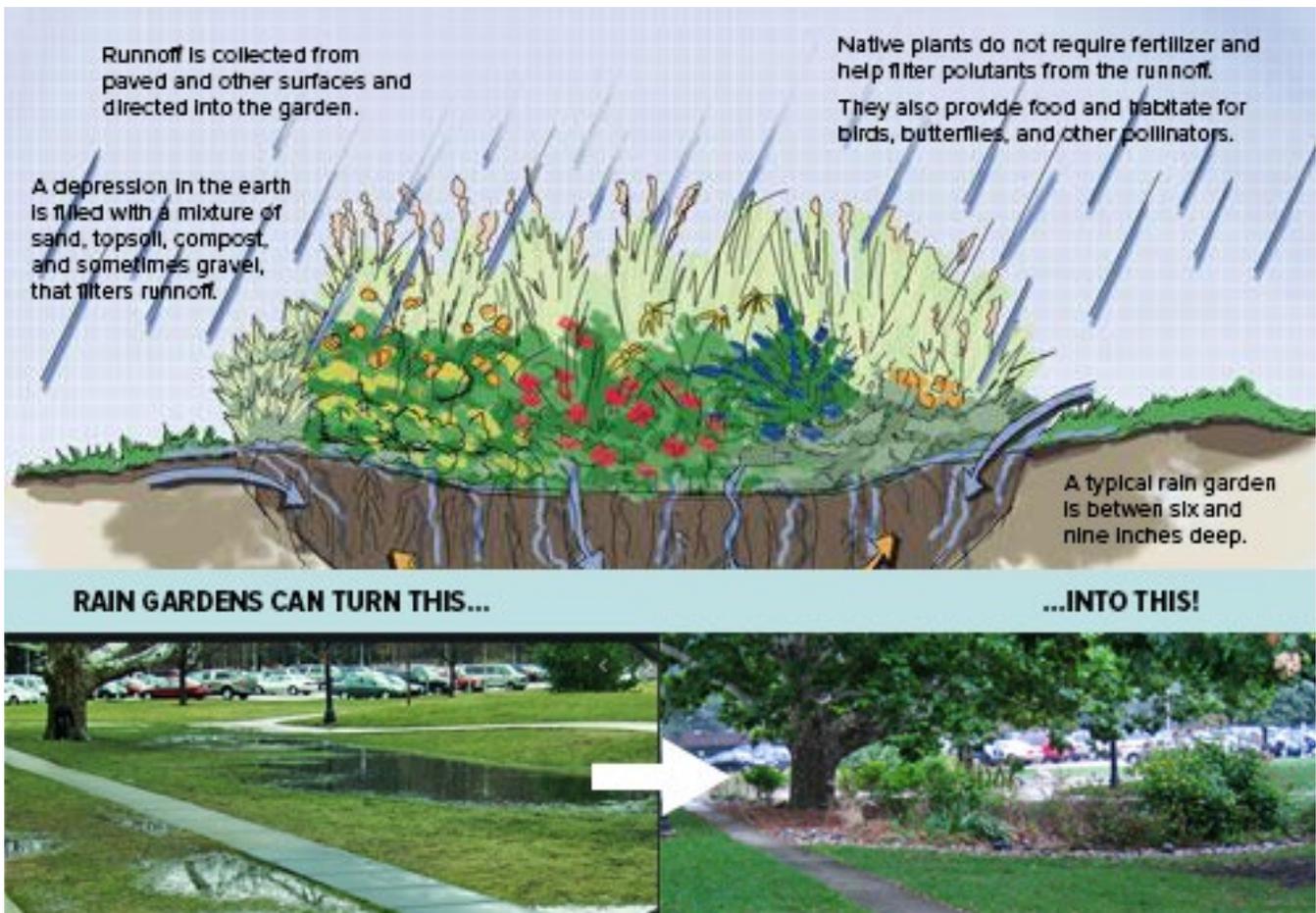
1. Eliminates or minimizes runoff.
2. Recharges groundwater.
3. Traps suspended solids and pollutants.
4. Melting water seeps through the pavement instead of freezing to increase slip and fall protection.
5. Reduces surface temperatures and, therefore, the heat island effect.
6. Eliminates the need for retention basins and water collection areas.
7. Eliminates costs for retention basins, curbs, gutters, and other water collection installations.
8. In winter conditions, typically requires much less salt or other de-icing products than traditional pavement types.
9. Lower installation costs (no underground piping, storm drains, or sloping/grading needed).
10. Low life-cycle costs with an equal life expectancy to that of regular concrete (20 to 40 years when correctly installed).

SECTION 39-6.07 ADDITIONAL EXAMPLES OF STRUCTURAL GREEN INFRASTRUCTURE BEST MANAGEMENT PRACTICES (BMPS)

A. **Rain Gardens**, also called bioretention facilities, provide stormwater treatment, water storage, and uptake with or without a surface outlet. They are best used in drainage areas and can be used in a combination with an underdrain BMP to provide extended detention for channel protection. See *Tree Box*, Section 39-6.07.D. Rain gardens are designed to reduce the stormwater flow rate, quantity, and pollutant load of runoff from *impervious surfaces* to manage water on-site. Rain gardens **rely on plants** and natural or engineered soil medium to retain stormwater and increase infiltration, while remediating and filtering pollutants carried by urban

runoff. They also provide a method to reuse and optimize water, reducing the need for additional irrigation. Rain gardens decrease ambient air and water temperature to reduce the urban heat-island effect.

1. **Common locations** for Rain gardens are in or along a:
 - a. *Parking lot island*
 - b. *Parking lot perimeter*
 - c. *Field of turf grass*
 - d. *Street*



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Parking Lot Island Rain Garden



Parking Lot Perimeter - Curb Cut Rain Garden



Source: MACC

Field Rain Garden



Source: MACC

Street Bioretention/Rain Gardens



Source: Drummond Carpenter

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B. **Vegetated Swales** are similar to rain gardens, but they focus more on **channeling stormwater off from streets and parking lots** whereas rain gardens focus on retaining water on *site*. This BMP is a stormwater conveyance designed to slow, filter, and infiltrate stormwater and are used for small drainage areas with concentrated water flow. A vegetated swale is typically designed with sufficient **bottom slope** to convey water while filtering it.

Vegetated Swale Examples



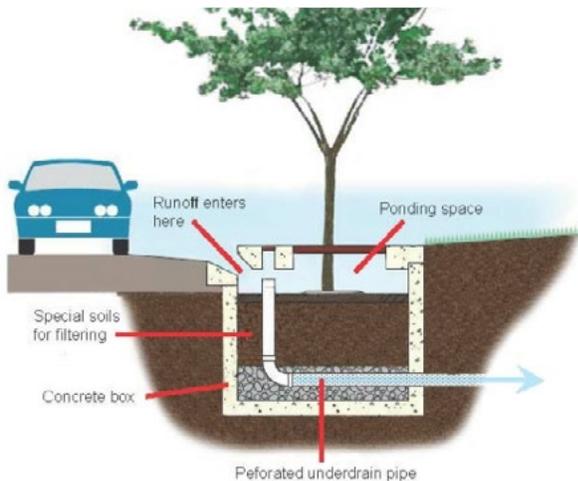
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C. **Vegetated Green Roofs** provide stormwater treatment and water storage with a surface overflow. They are most practical for flat or slightly sloped rooftops. They provide a stormwater buffer, purify the air, reduce ambient temperature, regulate indoor temperatures, save energy, and encourage biodiversity.

D. **Tree Filter Boxes and Planter Boxes** are infiltration filters that combine Structural Green Infrastructure BMPs, Non-Structural Green Infrastructure BMPs, and a **perforated underdrain pipe**, to retain and filter water. They are most often used on the sides of or center of streets and in **parking lot islands**.

Tree Filter Box



Source: *Water Environment Federation Stormwater Report*

Green Roof Aerial



Haworth Corporate Headquarters, Holland, MI
Source: www.greenroofs.com

Tree Filter Box



Source: *Water Environment Federation Stormwater Report*

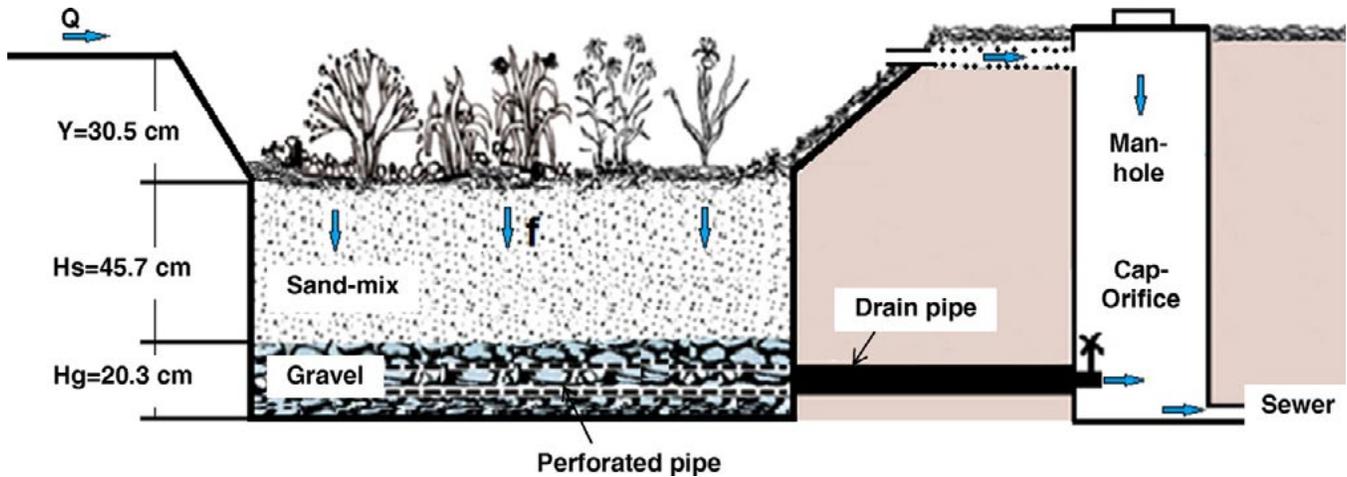
Trees planted with pervious pavement reduce stormwater flow and reduce associated pollution.



Source: *Water Environment Federation Stormwater Report*

- E. **Constructed Filters** are **underdrained structures or excavated areas** containing a layer of sand, compost, organic material, peat, or other media that reduce pollutant levels in stormwater runoff by filtering sediments, metals, hydrocarbons, and other pollutants before the stormwater reaches the underdrain to be routed to the storm sewer system. Constructed filters are suitable for *sites* where **infiltration is not possible** or practical. **Any one of the aforementioned bioretention BMPs** can also operate as a constructed filter if it has an impervious bottom/sides and includes an underdrain.

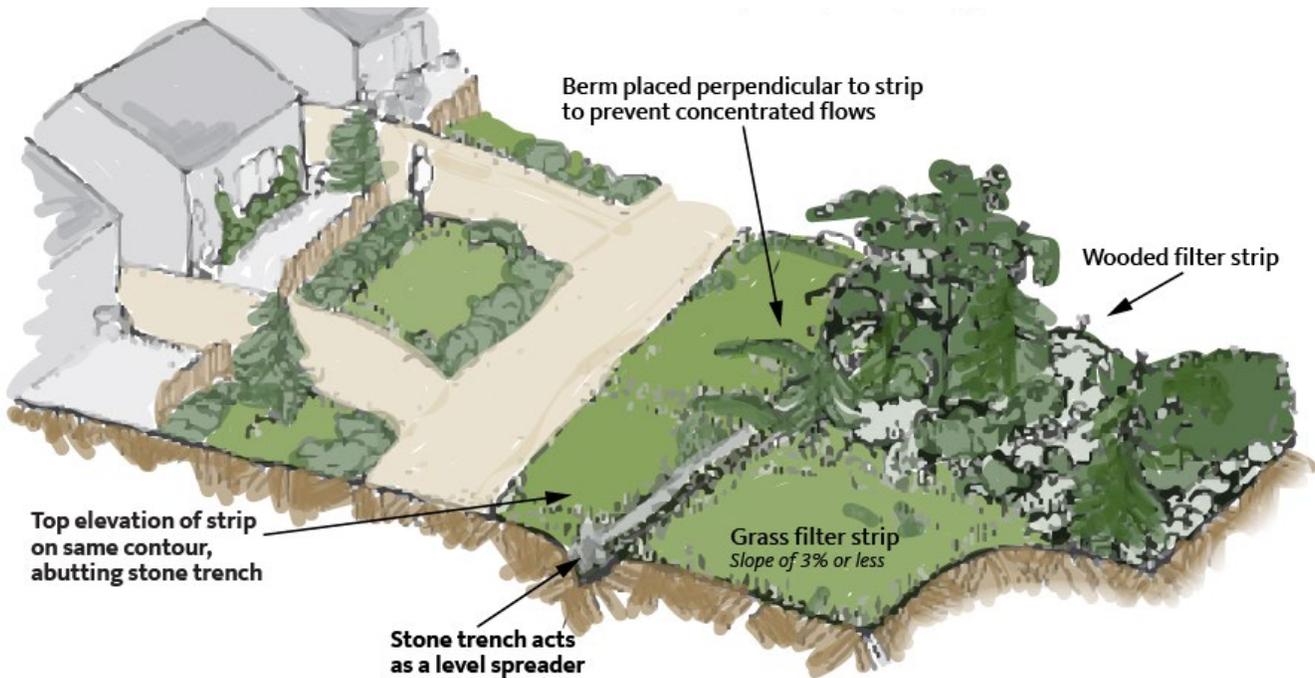
Constructed Filter graphic



Source: ASCE Library, Journal of Hydrologic Engineering, Vol 20, No 10

- F. **Vegetated Filter Strips** are permanent, maintained **strips of vegetation** designed to slow runoff velocities and filter out sediment and other pollutants from urban stormwater. Filter strips require the presence of **sheet flow** across the strip, which can be achieved through the use of level spreaders. Frequently, filter strips are designed for pretreatment where runoff is directed from a *parking lot* into another BMP.

Vegetated Filter Strip. Slope design may vary from site to site.



Source: Oregon State University Extension

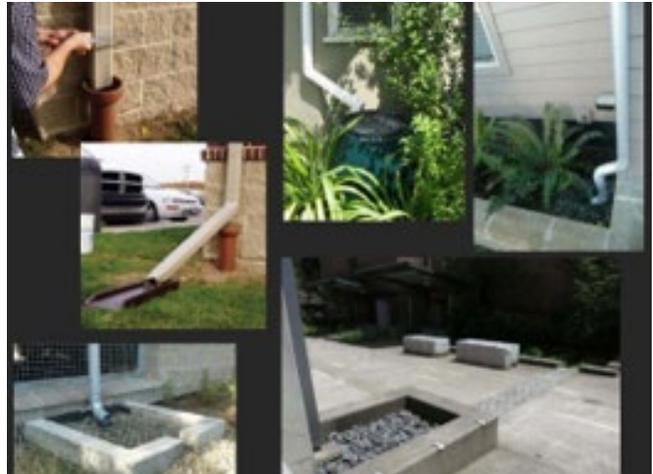
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SECTION 39-6.08 ADDITIONAL BEST PRACTICES

A. The following stormwater management and Green Infrastructure practices are encouraged by UDO because all uses impact sustainability and can assist in meeting the City of Holland's Low Impact *Development* (LID) goals.

1. Composting
2. Planting of *trees* on residential *properties*
3. *Mulching* of bare soil
4. Lawn reduction
5. Water-efficient *landscaping*
6. Washing cars on a lawn area
7. Downspout extensions to direct water away from a *building* foundation, directed into the lawn, landscape, or a rain garden
8. Water Harvesting: use of rain barrels or other mechanisms to collect and store rainwater from roofs to use for irrigation
9. Residential Rain Gardens

Downspout Extensions



Source: Drummond Carpenter, PLLC

Rain Barrel



Source: Drummond Carpenter, PLLC

Residential Rain Garden



Source: Drummond Carpenter PLC

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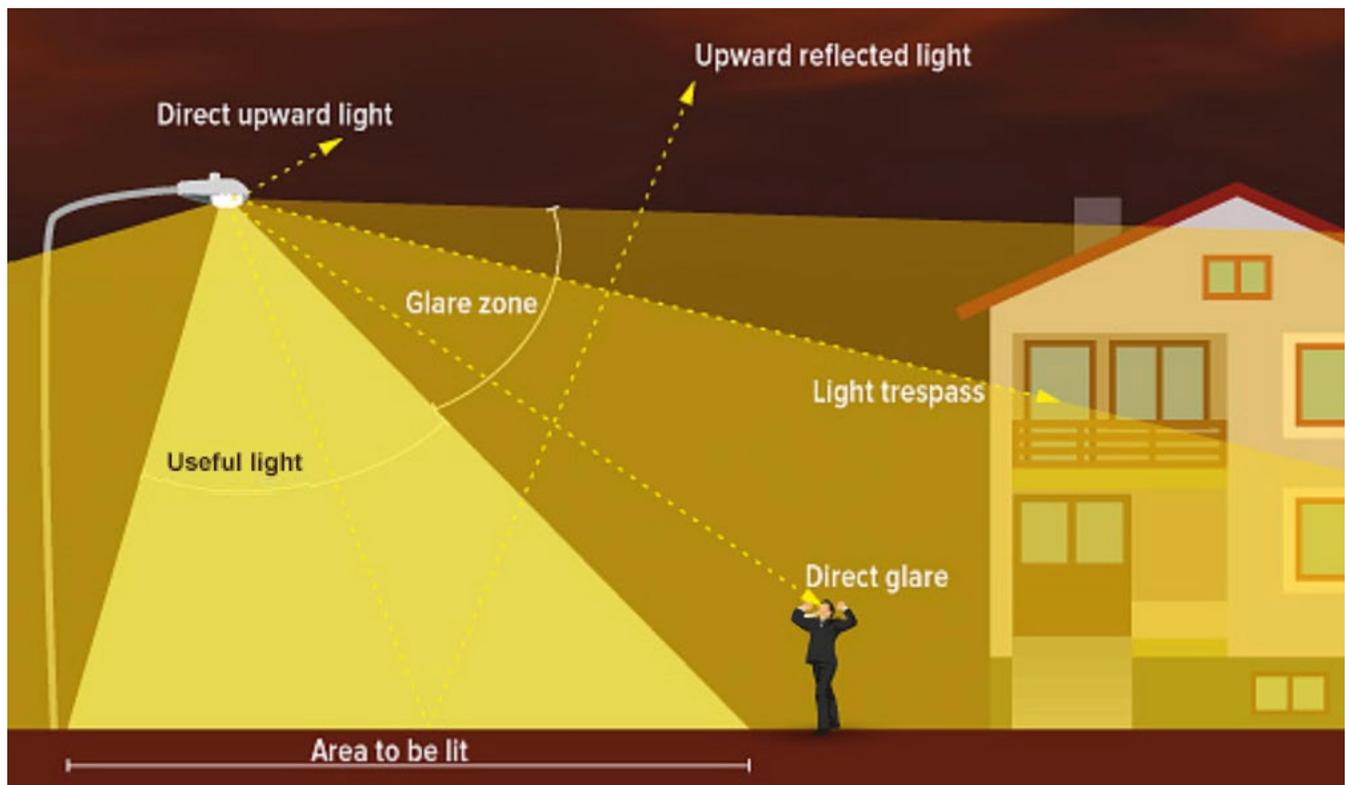
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ARTICLE 39-7: Lighting



SECTION 39-7.01 INTENT

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- A. **To provide sufficient *lighting*** for outdoor areas ensuring the security of property and the safety of people in *parking facilities*, walkways, driveways, *building* entrances, loading areas, and common areas.
- B. **To prevent adverse effects** of inappropriate *lighting*, including *glare*, *light trespass* onto adjoining properties, light pollution, *sky glow*, and energy waste.
- C. **To mitigate light pollution** to align with “dark sky” environmental initiatives as much as possible.
- D. To encourage energy efficient lighting and the conservation of energy throughout the City of Holland.
- E. **Light Pollution Diagram.** The image below shows how light pollution results from *fixtures* that are not oriented directly downward. The slight angle of the *fixture* in the image allows light to escape above the level of the *light source* and into the sky. This is the source of “*sky glow*” that create a nighttime ambient light and interferes with human sleep patterns and the natural ecosystem.



Source: darksky.org

SECTION 39-7.02 APPLICABILITY

A. The provisions of this Section shall apply to all properties requiring *Site Plan* approval.

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

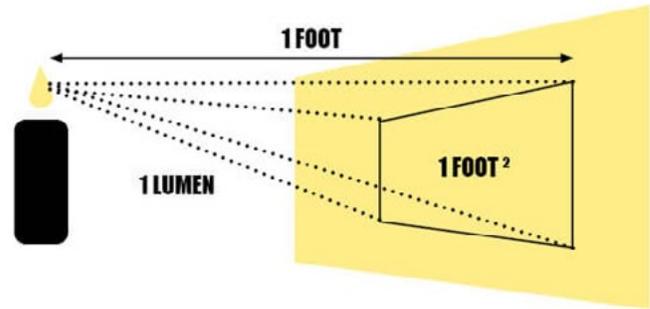


This graphic is meant to be illustrative and is not regulatory in and of itself.

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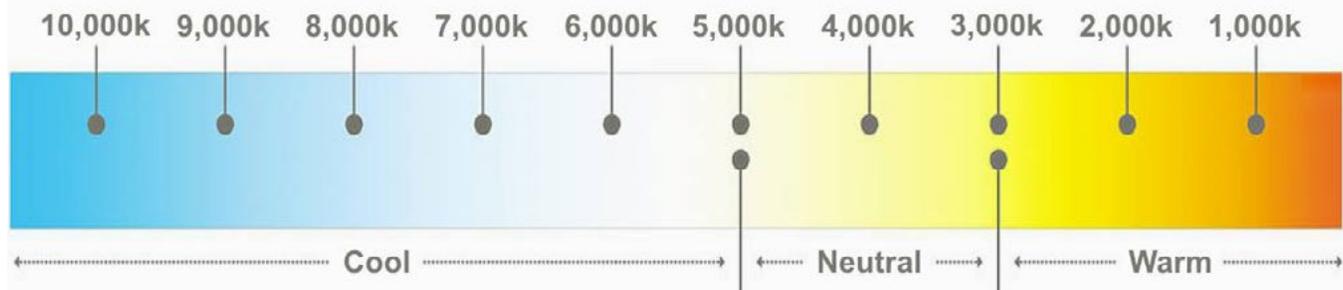
SECTION 39-7.03 MAXIMUM AND MINIMUM LIGHT LEVELS

- A. **Light levels** shall be measured in *foot-candles*, which are equal to **1 lumen per square foot**, as demonstrated in the graphic to the right.
- B. **Maximum Property Line Foot-Candles** shall be **0.5 foot-candles** on any *property line* abutting a residential use with *1-4 dwelling units*.
- C. **Maximum Site Foot-Candles** shall be **15 foot-candles** anywhere on any property.
- D. **Maximum Light Temperature** for all *fixtures* shall be a maximum of **4,000 degrees Kelvin** on CCT Scale.



1 LUMEN / SQFT = 1 FOOTCANDLE

Correlated Color Temperature (CCT) Scale



Source: Lighting Superstore

- E. **A Photometric Plan** of the entire property including property lines shall be submitted with *Site Plan* applications when outdoor *lighting* is proposed. The photometric plan shall show light levels at a minimum of **10-foot intervals** throughout the *site*. An example of a **Photometric Plan** is pictured below. See Section 39-12.09.



Source: Rand Construction

SECTION 39-7.04 GENERAL REQUIREMENTS FOR LIGHT FIXTURES

- A. **Downward Facing.** All outdoor *lighting*, unless otherwise specified herein, shall be downward facing to reduce *glare* and shall be arranged to direct and deflect light away from adjacent *uses*.
- B. **Decorative Post-Top Lighting.** A maximum of **18%** of light may trespass above the **90-degree** angle.
- C. **Location.** Light poles shall be located in a manner that will not interfere with pedestrian, bicycle, or *vehicle* circulation.
- D. **Height** shall be the **maximum building height allowed in the Zone District** unless the freestanding light fixture is **within 200 feet** of a Residential Zone District, then the height shall be **20 feet maximum**. Light fixtures in the Airport Overlay District shall comply with Section 39-2.20.
- E. **Ornamental Lighting** is intended to set a mood, create a play of shadows, or highlight a given area or element. It is not permitted for signage, advertising, *parking lots*, working areas, safety, or security. Ornamental *lighting* shall be a **hidden source** but shall not need to be directed downward 90-degrees if it is designed to directly illuminate a *building*, *landscaping*, or *structure*. Ornamental *lighting* shall not have any movement or simulation of movement or change color. Each ornamental *lighting fixture* shall be a **maximum of 2000 lumens**.
- F. **Lighting of Signs:** See [Article 39-8](#).

SECTION 39-7.05 PROHIBITED LIGHTING

- A. **Search lights** for advertising purposes;
- B. **Flashing, pulsating, moving, chasing, or strobing lights**, or any other lights that move or simulate movement;
- C. **Any light that creates glare** outside of the *site* the *fixture* is located, including lights shining from inside a *building*.

SECTION 39-7.06 EXEMPT LIGHTING

- A. The following light *fixtures* shall be **exempt** from this Article:
 1. **Temporary Lighting** necessary for construction work or emergencies, which is discontinued immediately upon completion of the construction work or abatement of the emergency. Light *fixtures* may remain in place and not be activated except for emergencies.
 2. **Special Temporary Non-Commercial Lighting**, provided it is used for a maximum of 90 days.
 3. **ED Zone District Lighting**, except for *lighting* within *parking lots*, which shall still be subject to this Article.
 4. **Publicly-owned** outdoor recreational use *lighting*.
 5. **County, State, or Federal government-required lighting**, including, but not limited to, Airport *lighting* and *lighting* of *Wireless Communication Towers*.
 6. **Street Lighting**. Shall be determined by the Holland Board of Public Works.
 7. **Freestanding Light Fixtures less than 18 inches** tall and not upward-directed.
 8. **In-ground Lighting** designed to promote pedestrian safety.
 9. **Underwater Lighting** for fountains, swimming pools, and other bodies of water shall be exempt from the lamp type and shielding provisions of this Article, but shall comply with all other regulations.
 10. **U.S. flag lighting**, as recommended by the Flag Code, provided the spotlights illuminate only the flag and shall be a maximum of **7000 lumens**.

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SECTION 39-7.07 WAIVERS BY SPECIAL LAND USE APPROVAL

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- A. The provisions of this may be waived by **Special Land Use Approval** by the *Planning Commission*. The *Planning Commission* shall only approve the Special Land Use if it is determined that the *lighting* in question meets the criteria in Section 39-12.08.D. If the *fixture* approved through Special Land Use Approval is removed, then the Special Land Use shall be considered void, and a new Special Land Use shall be required prior to the installation of any light *fixture* on the *site* that does not conform to this Article.



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ARTICLE 39-8: Signage



SECTION 39-8.01 INTENT

Signs perform an important function in identifying and promoting businesses, services, neighborhoods, events, economic development, and other matters of interest to the public.

The intent of this Article is to regulate all *signs* within the City of Holland to ensure that they are appropriate for their respective uses, they keep with the neighborhood characteristics as recognized and promoted by the City of Holland's *Master Plan*, they prevent traffic hazards, they provide safe conditions for pedestrians, and they protect public health, safety, and general welfare by:

- A. **Setting standards** and providing uniform regulations that permit reasonable use of *signs*;
- B. **Preserving the various characteristics** found within the *Zone Districts* and neighborhoods throughout the City of Holland, regardless of *sign* content. In preserving the character of the various neighborhoods, *signage* shall be **scaled appropriately** whereby properties with frontage on wide *streets* with higher speed limits are permitted larger *signs* than narrow *streets* with lower speed limits;
- C. Prohibiting the erection of *signs* that **may create a hazard** to pedestrians and motorists in terms of number, size, illumination, and location.
- D. **Avoiding excessive amounts of signs** so that the existing *signs* provide adequate identification and direction while minimizing clutter, unsightliness, and confusion; and
- E. **Establishing a clear process** for requiring permits for *signs*, allowing some *signs* without permits, and allowing legally *nonconforming signs* to continue without jeopardizing the useful life of the *sign*.

SECTION 39-8.02 PERMITS REQUIRED

- A. **A Permit is required** to erect, alter, place, or replace any *sign* or *sign structure* as regulated and required by this Article or by the City's Code of Ordinances. A permit is also required for substantial maintenance or repair to an existing *nonconforming sign*.
- B. **To obtain a sign permit**, an application shall be filed with Community and Neighborhood Services. **Exception:** Sign permits in the CDT, NDT, EDT, WDT and CENT Sub-Districts of the *F Zone District* shall be reviewed and issued by the Downtown Development Authority (DDA).
- C. **The Design Review Board (DRB)** shall review all *signs* in the CDT, NDT, EDT, WDT and CENT Sub-Districts of the **F Zone District**. See [Section 39-8.08](#).

SECTION 39-8.03 SIGNS EXEMPT FROM PERMITS

The following *signs* may be installed or erected without a permit:

- A. **Government signs**
- B. **Public K-12 school signs** where the State Superintendent has exclusive jurisdiction.
- C. **Placards**
- D. **Historic markers** placed under the authority of the Local, State, or Federal government.
- E. **Address numbers**
- F. **Hours of operation** and other similar business information.
- G. **Window signs** applied to the **interior** of the window/door glass.
- H. **Window signs** applied to the **exterior** of the window/door glass where the **sign does not exceed 15%** of the glass area. Windows that are immediately adjacent, on the same wall face of the same *building*, may be averaged together.
- I. **Non-commercial flags**

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- J. **Advertising flags** at non-residential properties with a maximum size of **15 square feet**, with one per business per *street frontage*. Other types of *flags*, or multiple *flags* shall be allowed as a *temporary sign* with a permit.
- K. **Non-commercial signs** in all *Zone Districts* subject to the following:

STREET FRONTAGE	TOTAL SIZE	HEIGHT	NUMBER
Up to 60 linear ft	12 sf	6 ft	No limit on the number of signs, but the total area of all signs added together shall not exceed the “total size.”
61-200 linear ft	24 sf	6 ft	
201-400 linear ft	32 sf	6 ft	
Over 400 linear ft	64 sf	6 ft	

- L. **One temporary sign** per special event at non-residentially used properties in the LDR, CNR, MDR, or TNR *Zone Districts*, provided that the *sign* is not displayed for more than **2 weeks** per event.
- M. **Handicap Signage** with the international symbol of accessibility or van *accessible* recognized logo for **Americans with Disability Act (ADA)** compliance and accessibility.
- N. *Signs* in conjunction with a **construction project**, subject to the size chart in the tables in Section 39-8.04. *Signs* shall be removed upon approval of the permit work or upon issuance of a Certificate of Occupancy.
- O. **Traffic direction signs** at commercial properties less than 6 square feet in area and 6 feet in height.
- P. **Temporary signs for advancing the public interest**, for a prescribed amount of time, when authorized by City Council.
- Q. **Downtown Development Authority (DDA) Signs**.
- R. **Writing or logos** that are an integral part of a fabric umbrella, used primarily to provide shade or cover to customers.

S. **Murals:** There are two type of *murals*, referred to as *Type 1* and *Type 2*.

1. **Definitions.**
 - a. **Type 1:** A design or representation that does **not contain** promotional or commercial advertising painted or drawn on a wall.
 - b. **Type 2:** An original, one-of-a-kind, unique design or representation that contains **limited references** to the establishment, product, or service provided on the *site*, which is painted or drawn on a wall on that *site*.
2. **Type 1 and Type 2 Murals in all Zone Districts shall not be considered a sign**, and shall not be required to obtain permits, but shall be subject to the restrictions set forth in this subsection.
3. **Prior to installation** of a *mural*, the *property owner* shall request a **determination from the Zoning Administrator** of whether the proposed design is a *sign*, or a *Type 1 mural*, or a *Type 2 mural*.
4. **The Design Review Board (DRB)** shall review the design if the proposed location is within the CDT, NDT, EDT, WDT, and CENT Sub-Districts of the **F Zone District**.
5. **Based on the review of the design:**
 - a. If the proposed design is determined to be a **sign**, the *applicant* shall comply with all requirements of this Article.
 - b. If the proposed design is determined to be a **Type 1 mural**, no further review or action is necessary.
 - c. If the proposed design is determined to be a **Type 2 mural**, the *mural* shall comply with the following requirements:
 - 1) The graphics, words, and/or symbols referencing the establishment, product, or service are **limited in scope and dominance**, and not readily construed as commercial advertising. References shall be subtle and integrated into the overall *mural*.

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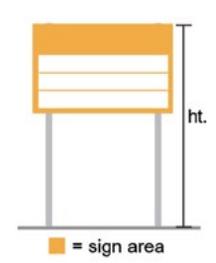
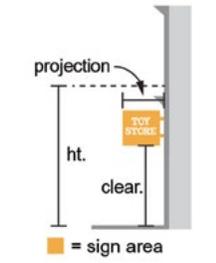
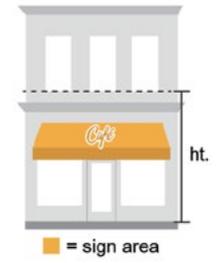
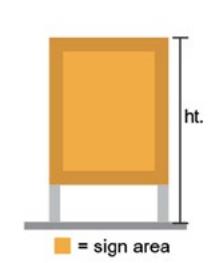
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- 2) For purposes of this subsection, “limited in scope and dominance” shall mean that the graphics, words, or symbols that reference the establishment, product, or service **do not exceed 20%** of the *mural* area, and shall be integrated throughout the *mural* and not placed in a concentrated area or a manner where it becomes a prominent advertisement.
- 3) The references to an establishment, product, or service are **not in the form of traditional building signage**. Traditional *signs* on the same wall shall be reviewed separately under applicable *sign* requirements.



SECTION 39-8.04 PERMITTED SIGNS BY ZONE DISTRICT TABLE

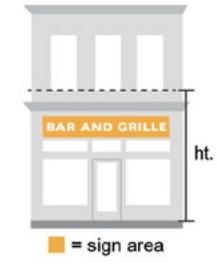
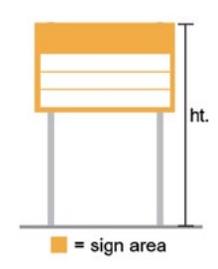
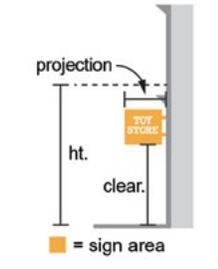
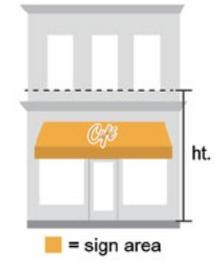
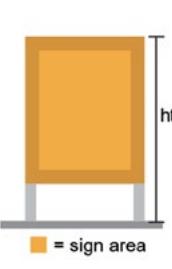
See Article 39-14 for definitions of *sign* types.

ZONE DISTRICTS: F-CDT, F-NDT, F-EDT, F-WDT, F-CENT					
Regulation	WALL SIGN A B C	FREESTANDING SIGN C	PROJECTING SIGN	AWNING/CANOPY/ MARQUEE D	TEMPORARY FREESTANDING SIGN E
Examples					
Maximum Height	Signs shall be placed below the 2nd floor windowsill, unless waived by the DRB. See Section 39-8.08	6 ft	Signs shall be placed below the 2nd floor windowsill, unless waived by the DRB. See Section 39-8.08	Signs shall be placed below the 2nd floor windowsill, unless waived by the DRB. See Section 39-8.08	48 in
Maximum Size	1 sf per linear foot of building width, up to 32 sf per sign	32 sf	6 sf	2 sf per linear foot of building width	30 in deep, 30 in wide
Maximum Number	1 per business, per street or parking frontage	1 per property	1 per business per street frontage; no more than 1 per 25 feet of building width	1 per face of the awning, canopy, or marquee	1 per business
Minimum Setback	N/A	N/A	Projecting signs that extend over the public right-of-way shall comply with Section 39-8.10.B. Projecting signs shall not project more than 36 in from the face of a building or wall	Awnings, canopies, marquees, and projecting signs that extend over the public right-of-way shall comply with Section 39-8.10.B.	Shall be within 1 ft of the building. Shall leave at least 6 ft of unobstructed sidewalk.
Diagram					

- A** Wall signs shall be contained within the boundaries of the wall and **shall not extend beyond the edge of the wall, nor above the roof line** of a building.
- B** For wall signs, the distance between the face of the wall and the face of the sign **shall not be more than 12 in.** If the distance is greater than 12 in, the sign shall be considered a projecting sign.
- C** Reader boards are allowed on a wall or a freestanding sign, but **not on both signs** at one property.
- D** Signs shall be affixed **flat to the face** of the awning or canopy.
- E** **Temporary movable** freestanding signs shall be subject to the requirements of Section 39-8.07.
- F** Signs in a PUD Zone District will be allowed using the standards of this chart. See Section 39-8.02.

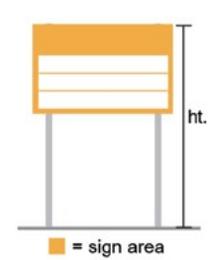
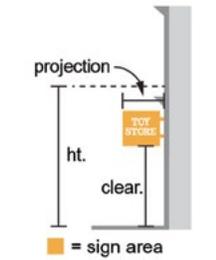
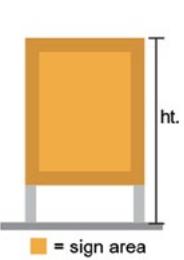
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ZONE DISTRICTS: NMU, RMU, F-RM, F-SIXT, F-WASH, F-SSV

Regulation	WALL SIGN A B C	FREESTANDING SIGN C	PROJECTING SIGN	AWNING/CANOPY/ MARQUEE D	TEMPORARY FREESTANDING SIGN E
Examples					
Maximum Height	N/A	5 ft	Awnings, canopies, marquees, and projecting signs that extend over the public right-of-way shall comply with Section 39-8.10.B .	Awnings, canopies, and marquees shall not project more than 48 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	48 in
Maximum Size	1 sf per linear foot of building width	25 sf on streets with a speed limit of 10 – 35mph. 50 sf on streets with a speed limit greater than 35mph.	6 sf	2 sf per linear foot of building width	30 in deep, 30 in wide
Maximum Number	1 per business, per street or parking frontage	1 per property	1 per business, per street or parking frontage	1 per face of the awning, canopy, or marquee	1 per business
Minimum Setback	May only be placed on a wall facing a street or parking area	5 ft	Projecting signs that extend over the public right-of-way shall comply with Section 39-8.10.B . Projecting signs shall not project more than 36 in from the face of a building or wall	Awnings, canopies, marquees, and projecting signs that extend over the public right-of-way shall comply with Section 39-8.10.B . Awnings, canopies, and marquees shall not project more than 48 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	Shall be within one foot of the building. Shall leave at least 6 ft of unobstructed sidewalk.
Diagram					

- A** Wall signs shall be contained within the boundaries of the wall and **shall not extend beyond the edge of the wall, nor above the roof line** of a building.
- B** For wall signs, the distance between the face of the wall and the face of the sign **shall not be more than 12 in**. If the distance is greater than 12 in, the sign shall be considered a projecting sign.
- C** Reader boards are allowed on a wall or a freestanding sign, but **not on both signs** at one property.
- D** Signs shall be affixed **flat to the face** of the awning or canopy.
- E** **Temporary movable** freestanding signs shall be subject to the requirements of [Section 39-8.07](#).
- F** Signs in a PUD Zone District will be allowed using the standards of this chart. See [Section 39-8.02](#).

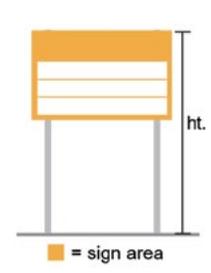
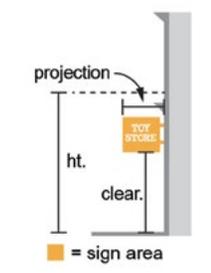
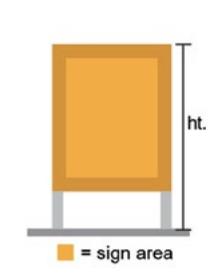
ZONE DISTRICTS: CMU, GMU

Regulation	WALL SIGN A B C	FREESTANDING SIGN C	PROJECTING SIGN	AWNING/CANOPY/ MARQUEE D	TEMPORARY FREESTANDING SIGN E
Examples					
Maximum Height	N/A	25 ft	Projecting signs shall not project more than 36 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	Awnings, canopies, and marqueses shall not project more than 48 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	48 in
Maximum Size	10% of the wall area, for each wall where signs are placed	75 sf per sign	6 sf	2 sf per linear foot of building width	30 in deep, 30 in wide
Maximum Number	No Maximum	1 sign if 300 or fewer ft of frontage; 2 signs if more than 300 ft of frontage	1 per business per street frontage	1 per face of the awning, canopy, or marquee	1 per business
Minimum Setback	N/A	12 ft	Projecting signs shall not project more than 36 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	Awnings, canopies, marqueses, and projecting signs that extend over the public right-of-way shall comply with Section 39-8.10.B.	Shall be located on private property, within 1 ft of the building.
Diagram					

- A** Wall signs shall be contained within the boundaries of the wall and **shall not extend beyond the edge of the wall, nor above the roof line** of a building.
- B** For wall signs, the distance between the face of the wall and the face of the sign **shall not be more than 12 in**. If the distance is greater than 12 in, the sign shall be considered a projecting sign.
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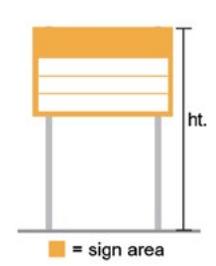
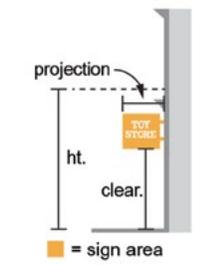
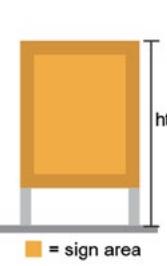
ZONE DISTRICT: OS, A

Regulation	WALL SIGN A B C	FREESTANDING SIGN C	PROJECTING SIGN	AWNING/CANOPY/ MARQUEE D	TEMPORARY FREESTANDING SIGN E
Examples					
Maximum Height	N/A	6 ft	Projecting signs shall not project more than 36 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	Awnings, canopies, marquees, and projecting signs that extend over the public right-of-way shall comply with Section 39-8.10.B.	48 in
Maximum Size	10% of the wall area, for each wall where signs are placed	32 sf per sign	6 sf	2 sf per linear foot of building width	30 in deep, 30 in wide
Maximum Number	No Maximum	2 per property	1 per tenant, per building wall	N/A	1 per business
Minimum Setback	N/A	12 ft	Projecting signs shall not project more than 36 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	Awnings, canopies, and marquees shall not project more than 48 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	Shall be located on private property, within 1 ft of the building.
Diagram					

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- D** Signs shall be affixed **flat to the face** of the awning or canopy.
- E** **Temporary movable** freestanding signs shall be subject to the requirements of Section 39-8.07.
- F** Signs in a PUD Zone District will be allowed using the standards of this chart. See Section 39-8.02.

ZONE DISTRICTS: LDR, CNR, MDR, TNR

Signs in these zones only allowed with non-residential uses.

Regulation	WALL SIGN A B C	FREESTANDING SIGN C	PROJECTING SIGN	AWNING/CANOPY/ MARQUEE D	TEMPORARY FREESTANDING SIGN E
Examples					
Maximum Height	N/A	6 ft	N/A	N/A	48 in
Maximum Size	12 sf	32 sf per sign	6 sf	2 sf per linear foot of building width	30 in deep, 30 in wide
Maximum Number	1 per street frontage	2 per property	1 per building wall	1 per face of the awning, canopy, or marquee	1 per property
Minimum Setback	N/A	Signs less than 16 sf shall be required to be set back 12 ft from all property lines. Signs greater than 16 sf shall be set back at the minimum setback for the Zone District for principal buildings.	Projecting signs shall not project more than 36 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	Awnings, canopies, and marquees shall not project more than 48 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	Shall be located on private property, within 1 ft of the building.
Diagram					

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- F** Signs in a PUD Zone District will be allowed using the standards of this chart. See [Section 39-8.02](#).

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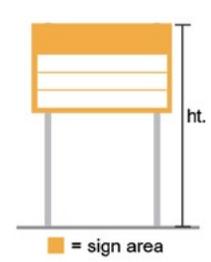
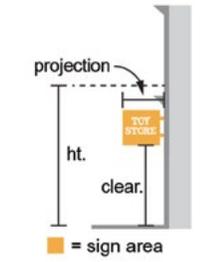
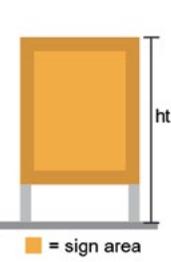
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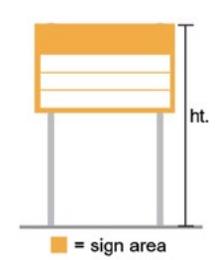
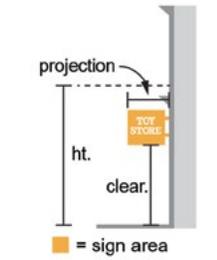
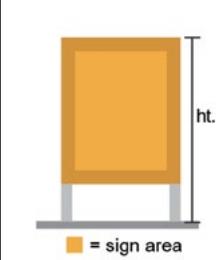
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ZONE DISTRICTS: HDR, MHR

Regulation	WALL SIGN A B C	FREESTANDING SIGN C	PROJECTING SIGN	AWNING/CANOPY/ MARQUEE D	TEMPORARY FREESTANDING SIGN E
Examples					
Maximum Height	N/A	6 ft	Projecting signs shall not project more than 36 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	N/A	48 in
Maximum Size	12 sf	32 sf per sign	6 sf	2 sf per linear foot of building width	30 in deep, 30 in wide
Maximum Number	1 per street frontage	2 per property	1 per building wall	1 per face of the awning, canopy, or marquee	1 per building
Minimum Setback	N/A	Signs less than 16 sf shall be required to be set back 12 ft from all property lines. Signs greater than 16 sf shall be set back at the minimum setback for the Zone District for principal buildings.	Projecting signs shall not project more than 36 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	Awnings, canopies, and marquees shall not project more than 48 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	Shall be located on private property, within 1 ft of the building.
Diagram					

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- F Signs in a PUD Zone District will be allowed using the standards of this chart. See [Section 39-8.02](#).*

ZONE DISTRICT: I					
Regulation	WALL SIGN A B C	FREESTANDING SIGN C	PROJECTING SIGN	AWNING/CANOPY/ MARQUEE D	TEMPORARY FREESTANDING SIGN E
Examples					
Maximum Height	N/A	10 ft	Projecting signs shall not project more than 36 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	Awnings, canopies, and marquees shall not project more than 48 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	48 in
Maximum Size	10% of the wall area, for each wall where signs are placed	75 sf per sign	6 sf	2 sf per linear foot of building width	30 in deep, 30 in wide
Maximum Number	No Maximum	1 sign if 300 or fewer ft of frontage; 2 signs if more than 300 ft of frontage	1 per storefront or 1 per street frontage if building does not have storefronts	1 per face of the awning, canopy, or marquee	1 per business
Minimum Setback	N/A	25 ft or principal building setback	Projecting signs shall not project more than 36 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk. Awnings, canopies, marquees, and projecting signs that extend over the public right-of-way shall comply with Section 39-8.10.B.	Awnings, canopies, and marquees shall not project more than 48 in from the face of a building or wall and shall maintain a clearance of at least 8 ft from the public sidewalk.	Shall be located on private property, within 1 ft of the building.
Diagram					

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PUD PLANNED UNIT DEVELOPMENT ZONE DISTRICT:

1. *Signs* shall generally comply with the *sign* requirements of the closest *Zone District*. *Planning Commission* may approve variations when rationale is provided.
2. Professional *sign* specifications shall be included with a PUD application to be reviewed and approved by *Planning Commission*.
3. A *Sign* Permit shall be obtained from the Zoning Administrator prior to erecting *signage*.
4. **PUD Zones created prior to UDO:** *Signage* shall be installed as approved by the *Planning Commission* in the original development plan, or subsequent modifications. Requested *signage* that does not meet the requirements of the development plan shall be reviewed by the Planning Staff and the original *development* plan modified. Significant or substantial *signage* changes shall be referred to the *Planning Commission* for approval.

ED EDUCATION ZONE DISTRICT:

All *signs* in the *ED Zone District* shall require a permit, unless otherwise exempted. *Signs* shall have no height or area restrictions and have a zero *setback* from the *property line*. *Signs* in this *Zone District* are intended primarily to be of such size, *scale* and location to serve this pedestrian-oriented community.

SECTION 39-8.05 ADDITIONAL SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

The following signs are permitted in the **NMU, CMU, RMU, GMU, I, A, and F Zone Districts**, in addition to those described in Section 39-8.04. These *signs* shall also be permitted in the **PUD Zone District**, unless specifically prohibited by the PUD agreement.

- A. **Temporary Signs.** Temporary displays containing pennants, streamers, *banners*, *balloons*, *balloon signs*, *feather signs* and other similar *temporary signs* are allowed, subject to a *sign* permit, provided:
1. They shall not be displayed for more than **14 consecutive days**;
 2. No more than **2 permits** will be issued per **calendar year**, per *parcel* of land;
 3. **Size and Location:** *Signs* shall comply with yard and height requirements for similar *signs* in the *Zone District*.
- B. **Drive-Thru Restaurant Signs.** Additional *signage* is allowed for *drive-thru restaurants* with the following standards:
1. **Maximum 32 square feet** per *sign*;
 2. **Shall not be readable** from the public *right-of-way*;
 3. **Speakers** shall be directed **away from residential uses**.
- C. **Neighborhood Commercial District Identifier Sign.** A *sign* used for the purpose of identifying an established neighborhood commercial area shall be permitted with the following standards:
1. The neighborhood commercial area shall be comprised of **2 or more storefront businesses on 2 or more separate properties**;
 2. The size, type, and location of the *sign(s)* is **compatible** with the neighborhood commercial district in which the *signs* will be located;

3. The *signs* will **enhance the identification** of the established neighborhood commercial area and benefit all businesses;
 4. Maximum of **2 signs** of similar design, located in or near the established neighborhood commercial area;
 5. *Signs* shall be located on **private property**;
 6. **Freestanding signs** shall not exceed a maximum of **6 feet** in height and **25 square feet** in area and shall not create a visibility hazard for motorists or pedestrians;
 7. **Wall signs** shall not exceed a maximum of **25 square feet** in area and shall be placed on the front façade or side of a *building*.
- D. **Directional Signage at Commercial or Industrial Complexes.** Additional *signage* may be installed for the purpose of directing traffic, in addition to other allowed *signs*, with the following standards:
1. The *property* shall contain **2 or more commercial/industrial buildings**;
 2. *Signs* shall be placed at the **interior** of the *parcel* and **shall not be readable** from the public right-of-way;
 3. **1 sign** is permitted per *property*;
 4. **Maximum Size:** 12 square feet.

SECTION 39-8.06 ILLUMINATED AND ELECTRONIC SIGNS

- A. **All signs may be internally or externally illuminated**, except for *movable freestanding signs*. If externally illuminated, the **source of light shall be enclosed** and directed to prevent light from shining directly onto traffic or residential *properties*.
- B. **Signs shall not** scroll, flash, blink, oscillate, or have any other appearance of movement.
- C. **Electronic Reader Board Signs**
1. Electronic *reader board signs*, otherwise known as Electronic Message Centers (EMCs), shall have an instantaneous change between messages, with a **minimum 7 second** delay between displays.

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2. Electronic *reader board signs* are **not permitted** within the CDT, NDT, EDT, WDT, and CENT Sub-Districts of the F Zone District.
3. Electronic *reader board signs* are permitted on a **wall or freestanding sign**, but **not on both signs** at one property.
4. **Glare shall be reduced and/or minimized** in such a manner as to maintain an appropriate level of contrast during the day and at night.

SECTION 39-8.07 TEMPORARY MOVABLE FREESTANDING SIGNS

A. Standards.

1. **Attachment.** The *sign* shall not be attached to a *building*, secured to the ground, nor permanently attached to any element, including, but not limited to, trees, *signs*, light poles, planters, etc.
2. **Location.** A *movable freestanding sign* shall be placed within **1 foot** of the *building* that contains the business using the *sign*. The *sign* may be placed on private *property* or within the public *right-of-way*.
3. **Clear Public Sidewalk.** There shall be provided at all times, an unobstructed, straight public sidewalk aisle of **6 feet in width**. A *movable freestanding sign* shall not be placed in a manner that obstructs or impedes pedestrian traffic or sidewalk plowing/cleaning or create a visibility hazard for vehicular, bicycle, and/or pedestrian traffic.
4. **Construction.** All *movable freestanding signs* shall be constructed of wood, metal, or other similarly durable material approved by the Community and Neighborhood Services Department (CNS). *Movable freestanding signs* shall have adequate support to prevent tipping or movement of the *sign* and shall not present a tripping hazard to pedestrians.
5. **Illumination.** *Movable freestanding signs* shall not be illuminated.

B. Limitations on Display.

1. *Movable freestanding signs* shall be displayed **only during the hours in which the business it promotes is open**. The entire *sign structure*, including *sign* panel and supporting *structure*, shall be removed and placed indoors during those hours not on display.
2. **In the CDT, NDT, EDT, WDT, and CENT Sub-Districts of the F Zone District**, *movable freestanding signs* shall not be displayed one hour before a Tulip Time Festival parade, during such parade, and one hour after such parade.

SECTION 39-8.08 DESIGN REVIEW BOARD (DRB)

- A. **All signs in the CDT, NDT, EDT, WDT, and CENT Sub-Districts of the F Zone District**, except *movable freestanding signs*, shall be approved by the Design Review Board (DRB).
- B. **Standards for DRB Sign Approval.** Prior to the issuance of a permit, the DRB shall find that all of the following standards are met, and shall document the findings. **Findings of the DRB are advisory** and may be appealed to the *Board of Appeals*. For purposes of interpretation, the DRB shall use **local design guidelines**, as may be amended, and the context of surrounding *buildings* and *signage* in determining whether a proposed *sign* meets the following standards.
 1. A *sign* shall be consistent with the **architectural characteristics** of the *building* upon which it is placed.
 2. A *sign* shall **not in any way obstruct or destroy** unique architectural features of the *building* upon which it is placed nor of surrounding *buildings*.
- C. **Additional Authority.** The DRB shall also have the power to do the following within the **CDT, NDT, EDT, WDT, and CENT** Sub-Districts of the *F Zone District*:
 1. **Waivers.** Waive certain requirements for the following types of *signs*:

- a. **Wall Signs.** This type of *sign* may be located above the second floor windowsill if the DRB determines that the proposed location is compatible with the architecture of the *building* and surrounding area.
 - b. **Awning, Canopy, Marquee Signs.** These *signs* may be located above the second floor windowsill, or may project more than **4 feet** beyond the face of a *building*, if the DRB determines that the proposed location is compatible with the architecture of the *building* and surrounding area.
 - c. **Projecting Signs.** These *signs* may be located above the second floor windowsill if the DRB determines that the proposed location is compatible with the architecture of the *building* and surrounding area.
2. **Sign Calculations.** The DRB shall limit the total area of **all signs added together**, so that the total *signage* on a wall face does not exceed **2 square feet per linear foot of building wall width**. *Freestanding signs, movable freestanding signs, temporary signs, and flags* shall not be included in this calculation.
3. **Approved Signs Not Specifically Listed.** *Sign* types that are not specifically listed in [Section 39-8.04](#) may be permitted by the DRB provided they meet the following criteria:
- a. **Determination of Similar Sign Type.** The DRB shall determine which type of *sign* listed in [Section 39-8.04](#) is most similar to the *sign* being proposed.
 - b. **Size.** The maximum area of the proposed *sign* shall not exceed the maximum for the “most similar” *sign* type determined in [Section 39-8.08.C.3](#).
 - c. **Number of Signs.** The maximum number of *signs* shall not exceed the maximum for the “most similar” *sign* type determined in [Section 39-8.08.C.3.a](#).
 - d. **Compliance with All Other Requirements.** The *sign* shall not violate any provision of this Article, other than not being listed as a permitted *sign* type in [Section 39-8.04](#).



SECTION 39-8.09 PROHIBITED SIGNS

- A. **Pennants, streamers, banners, balloons, or feather signs as permanent signs.** These *signs* shall be permitted in some cases as *temporary signs*. [Section 39-8.05.A](#).
- B. *Signs* that employ any **flashing, moving, oscillating, blinking, or variable intensity light**, such as rolling, fading, moving, or animated parts that are designed to give the appearance of movement.
- C. **Roof signs.**
- D. **Billboards and off-premise advertising signs.**
 - 1. **Multi-tenant signs** located on a shared access drive **shall not be** considered off-premise *signs*.
 - 2. Conforming *signs* that have **subsequently been separated from their original parcel may continue** to be used as originally intended and shall not be considered off-premise *signs*.
 - 3. **Joint Signage.** Adjacent *property owners* may enter into a written agreement to have joint *signage*. Such *signage* **shall not be** considered off-premises. No additional *sign* area for any individual *property* shall be granted due to a joint *signage* agreement.
- E. A business that has been closed for **60 consecutive days** shall ensure that all of their *signs* are removed from the *property*.
- F. **Any vehicle (including trailers)** with the primary function of acting as a *sign*, unless a *temporary sign* permit has been issued.
- G. **Any sign not specifically permitted** by this Article, except as permitted by the DRB in the CDT, NDT, EDT, WDT, and CENT Sub-Districts of the F Zone *District*.

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SECTION 39-8.10 GENERAL SIGN PROVISIONS

A. **Sign Erector's License.** A *sign* installer shall obtain an annual *sign* erector's license from the City Clerk prior to installing any **permanent sign that has a vertical height greater than the horizontal setback** from any *property line*.

1. **Applications shall include public liability and property damage insurance** documentation in the amounts specified in Chapter 2 of the City Code of Ordinances. Every policy of insurance required by this section shall bear an endorsement to the effect that the insurer shall notify the licensee and the City Clerk in writing at least **10 days** prior to the expiration of such policy.
2. The City may proceed with legal action to **suspend or revoke the license** if the licensee shall at any time fail to comply with the provisions of this Article or shall fail to comply with any written directions of the *Building Official* and Zoning Administrator, based upon the provisions of this Article.

B. **Revocable License Agreement Required for Signs Projecting Over Right-of-Way.** *Projecting signs, awnings, canopies, and marquees* which extend over the *City right-of-way* shall have a clear space of **8 feet** from the bottom of the *structure* to the ground. A Revocable License Agreement from *City Council* is required prior to obtaining a permit. The following are exceptions to this requirement:

1. **Flags projecting over the right-of-way** shall be attached to the wall of the *building* at least **6 feet** above the adjacent *grade*, shall not project more than **3 feet** from the face of the wall, and shall maintain a clear space of **8 feet** from the bottom of the *flag* to the ground.
2. **Temporary movable freestanding signs.**

C. **Light poles, utility poles, or another supporting member of a building or property shall not be used** for the placement of any *sign* unless the *owner* of the pole or supporting member has given permission for such use and the *sign* conforms to all requirements of this Article.

- D. A *sign* shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristic, **interfere with, obstruct the view of, or be confused** with any authorized **traffic signs, signal, or device**, or constitute a nuisance.
- E. **Adverse Impact of Article.** Any person adversely affected by the provisions of this Article, with the exception of those provisions relating to licensing and permits, may apply for a *Variance* from the *Board of Appeals* as described in Section 39-12.12.C.
- F. **Savings Clause.** If any section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Article. The *City Council* hereby declares that it would have adopted this Article in each section, subsection, sentence or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

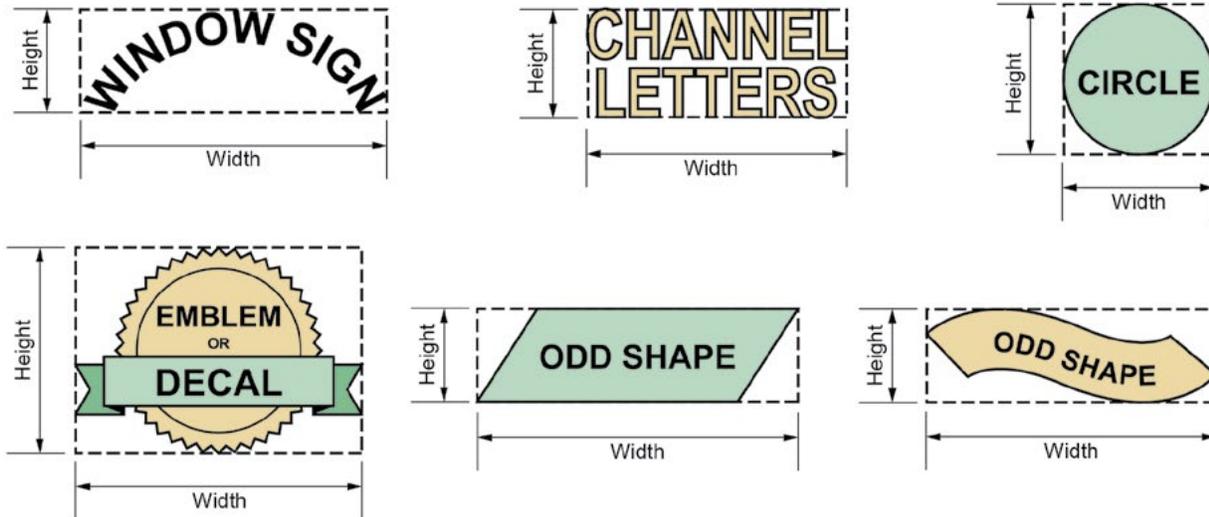
SECTION 39-8.11 UNITS OF MEASUREMENT

Signs shall be measured as follows:

- A. **A single-faced sign** shall be measured within a **single, continuous perimeter** composed of either the smallest square, rectangle, or circle which encloses the extreme limits of writing, representation, emblem, logo, frame (if part of the sign), or any other figure of similar character.
- B. **Framing around a sign shall be included** in the overall *sign* calculation if it is an integral material or color to the *sign*. An "integral material" shall be one that is part of the specific *sign*, rather than an architectural detail or a *sign* frame that could remain in place even if the *sign* was replaced by another *sign*.
- C. **The support structure of a sign shall not be included** in the overall area.
- D. **A multi-faced sign** shall be calculated by measuring each *sign face* and adding them together.

- E. **If 2 sign faces are placed back-to-back**, this shall be measured and counted as one sign. If one of the *sign faces* is larger, the *sign* area shall be calculated using the larger of the 2 faces.
- F. **If 2 sign faces are placed back-to-back and separated by more than a 45-degree-angle**, each face shall be calculated independently, and they shall be counted as a multi-faced *sign*.

- G. **The height** of a *sign* shall be measured as the **vertical distance from the highest point of the sign to the grade** of the ground immediately beneath the *sign*.
- H. **The setback** of a *sign* shall be measured from the **leading edge of the sign** to the property line.



SECTION 39-8.12 MAINTENANCE OF SIGNS

- A. **All signs shall be maintained free of** peeling paint or paper, sun fading, staining, rust, or other conditions which **impair the legibility of such sign**. Routine maintenance shall not require a permit. Exact replacement of faded or worn letters, and similar repairs, shall be considered routine maintenance.
- B. **Any signs permitted** by the provisions of this Article, including all supports, braces, guys, and anchors, shall be **maintained in conformance with this Article** and in such a manner so as not to cause a hazard to the public.

SECTION 39-8.13 NONCONFORMING SIGNS

- A. **Nonconforming signs may not be expanded, enlarged, or extended;** however, they **may be maintained and repaired** to continue the useful life of the *sign*.
- B. **A nonconforming sign may be diminished in size**, and may have the message or design changed.
- C. **Any nonconforming sign, sign structure, or frame substantially destroyed** by neglect, deterioration, fire, accident, or other casualty loss (**50% or more**) shall not be restored or rebuilt unless it conforms to this Article.
- D. **A nonconforming sign removed for maintenance or repair**, with a permit, shall be **reinstalled within 90 days**.

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SECTION 39-8.14 PENALTIES

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- A. **Unsafe Signs.** If the Zoning Administrator determines any *sign* is unsafe or constitutes a hazard to the public, such as obstructing vision of *vehicle* drivers or pedestrians, they may have the *sign* removed or require its immediate removal.
- B. **Signs in Violation of UDO.** If the Zoning Administrator determines any *sign* has been constructed, erected, or maintained in violation of the provisions of this Article, they may have the *sign* removed or require its immediate removal.
- C. **Unauthorized Signs on Public Property.** Any *sign* placed or erected in a public *right-of-way* or other public land, without being specifically approved, shall be deemed an unlawful *sign*. The City shall remove such *sign* or require its immediate removal, and shall not be required to notify any party of the removal of the *sign* in advance.
- D. **Civil Infraction.** A person who violates or fails to comply with a notice to remove the *sign* under this Article is responsible for a Class II Civil Infraction and is subject to the civil fines set forth in the schedule of fees and charges adopted in Chapter 12 of the Code of Ordinances or any other fee that may be imposed by the court. Each act of violation and each day upon which such violation occurs shall constitute a separate violation.



Holland
MICHIGAN

ARTICLE 39-9:
General Standards



SECTION 39-9.01 INTENT

The intent of this Article is to provide general regulatory *zoning* requirements for all *Zone Districts*, or specified *Zone Districts*, to ensure orderly *development*. Specifically, this section includes the following regulations:

- A. **Off-Street Parking and Loading Requirements** (Section 39-9.02), in order to ensure that all land *uses* in the City are provided with an appropriate amount of *parking*, and that *parking lots* are designed and maintained to be safe, sustainable, and attractive. Sufficient *parking* is necessary to ensure economic viability and efficient mobility, but excess *parking degrades* the built environment, creates safety hazards for pedestrians, bicyclists, and *vehicles*, and damages the natural environment. In addition to the standards in Section 39-9.02, required *parking spaces* by use and *Zone District* can be found in Article 39-2.
- B. **Bicycle Parking Requirements** (Section 39-9.03), in order to ensure that *bicycle parking* is provided to support land *uses* throughout the City. The use of bicycles for transportation reduces automobile congestion and greenhouse gas emissions, while also providing exercise and recreation for City residents. Therefore, *UDO* encourages increased bicycle usage by requiring *bicycle parking* for certain uses, just as automobile *parking* is required. In addition to the standards in Section 39-9.03, required *bicycle parking spaces* by use and *Zone District* can be found in Article 39-2.
- C. **Principal Dwelling Units** (Section 39-9.04), in order to ensure that housing in the City is safe, sanitary, and built to modern standards, while encouraging a variety of housing types to be constructed. The provisions in Section 39-9.04 support other standards throughout *UDO* regarding the *development* of housing in the City.
- D. **Accessory Structures Requiring Setbacks** (Section 39-9.05), in order to establish clear regulations for the construction of *accessory structures*. *Accessory structures* serve an important function in a variety of land uses—especially residential and industrial uses—but regulations are needed to ensure they are

located and designed to promote safety and efficient use of land, and not to create burdens on neighboring properties.

- E. **Accessory Structures Allowed in Required Setbacks** (Section 39-9.06), in order to establish clear regulations for the construction of certain types of *accessory structures* that, by their form or function, require separate regulations from those found in Section 39-9.05.
- F. **Accessory Dwelling Units (ADUs)** (Section 39-9.07), in order to establish clear regulations for the construction of *dwelling units* within *accessory structures*. *Accessory Dwelling Units* are an important aspect of the housing market, allowing for additional housing units (frequently at an attainable price point) within neighborhoods, without altering community character. However, *Accessory Dwelling Units* must be regulated to ensure that they are safe, meet standards for modern residential dwellings, and do not negatively impact neighboring properties.
- G. **Fences** (Section 39-9.08), in order to establish clear regulations for the construction of *fences* throughout the City. *Fences* create privacy and security and can be an attractive addition to the built environment. However, if not properly designed, they can also create negative impacts on surrounding properties.
- H. **Infill Design Review Standards** (Section 39-9.09), in order to protect the essential character of Holland’s neighborhoods, and meet the intent described in Section 39-9.09.A.
- I. **Fair Housing Accommodation Standards** (Section 39-9.10), in order to meet the intent described in Section 39-9.10.A and ensure that the regulations of *UDO* do not infringe on the right of residents with disabilities to have their housing units adapted to their needs.
- J. **Boarders** (Section 39-9.11), in order to meet the intent described in Section 39-9.11.A by creating regulations to allow *owners* of *dwelling units* to rent out individual bedrooms, while ensuring that safe housing conditions and neighborhood character are preserved.
- K. **Essential Services** (Section 39-9.12), in order to ensure that *Essential Services*, as defined in Section 39-9.12.A, are provided efficiently to

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residents of the City, and that the regulations of *UDO* are not an impediment to the orderly and safe provision of those services.

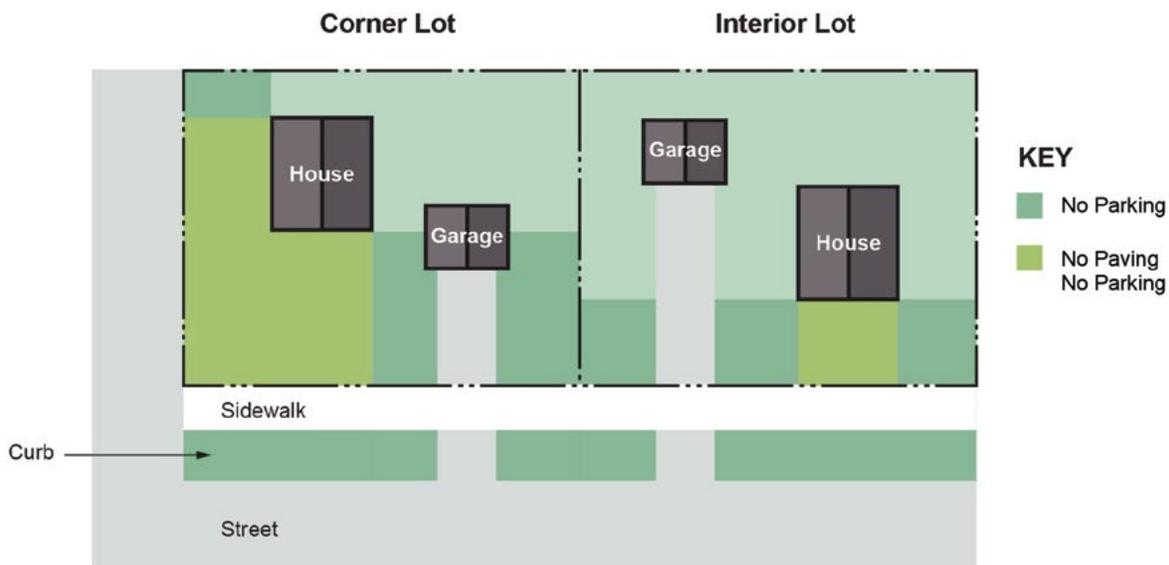
- L. **Medical Marihuana** (Section 39-9.13), in order to protect the rights of residents under the Michigan Medical Marihuana Act of 2008, while protecting neighborhood character and preventing negative impacts on neighboring properties. Section 39-9.13 clarifies the *zoning* status of *uses* authorized by Public Act 281 of 2016 and Initiated Law 1 of 2018.

SECTION 39-9.02 OFF-STREET PARKING AND LOADING REQUIREMENTS

A. **Parking for Residential Dwellings with 1-4 Units**

1. **Number of Spaces Required.** The number of required *parking spaces* shall be determined in accordance with each *Zone District*. Article 39-2.
2. **Location.** All required *parking spaces* shall be located on the property. ED and F *Zone Districts* are exempt from this requirement.
3. **Front Yard.** *Vehicles* in *front yards* shall be parked on a conforming or legal *nonconforming* driveway or *parking space*. For *corner lots*, both street frontages shall be considered *front yards*.

Parking Areas with Sidewalk and Curb



4. **No Parking between Structure and Right-of-Way.** *Parking* areas in *front yards* shall not be located between a residential *structure* and the street *right-of-way*, or in the front corner on a *corner lot*. **Exceptions:** A driveway to a *vehicle* entrance of a garage; an expanded driveway width or turnaround when set back a minimum of **25 feet** from the *property line*.
5. **Durable Surface.** All driveways and *parking* areas shall be paved with a *durable surface*. For driveways over **200 feet** long that serve only one *dwelling unit*, only the 200 feet of driveway closest to the street shall be paved. **Exceptions:** Recreational *vehicles* parked in side and *rear yards* and *vehicles* that are stored and not driven on a regular basis do not need to be parked on a *durable surface*.
6. **Permitted Vehicles.** *Parking* shall be limited to the following *vehicles*:
 - a. Passenger motor *vehicles* that accommodate less than 10 passengers;
 - b. Motorcycles;
 - c. Recreational *vehicles*;
 - d. Trucks or buses not exceeding 2 tons in carrying capacity.

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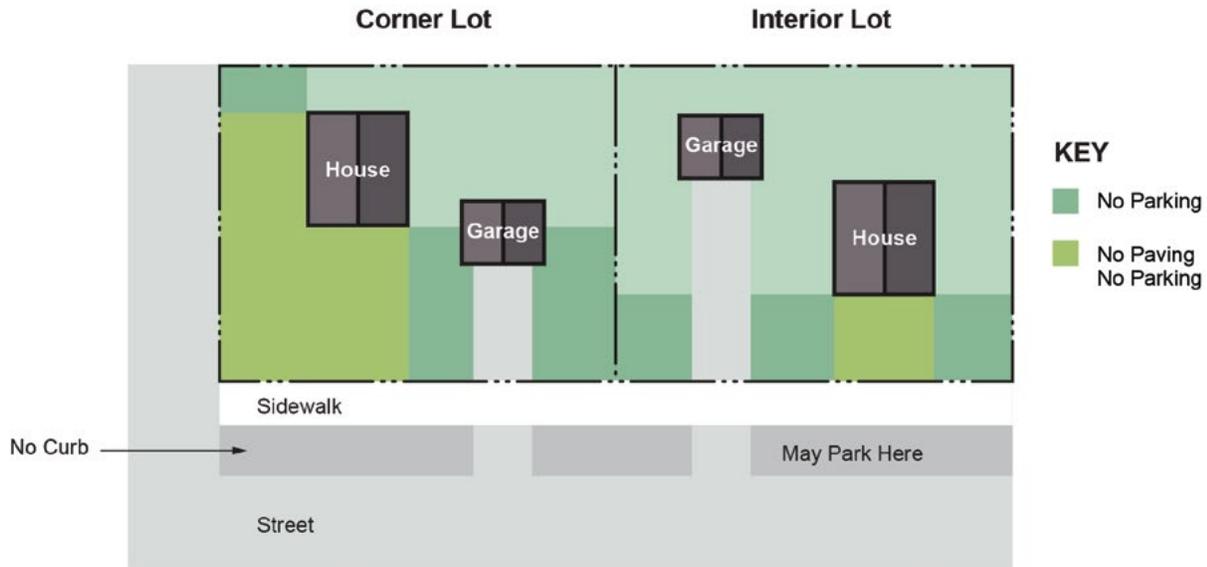
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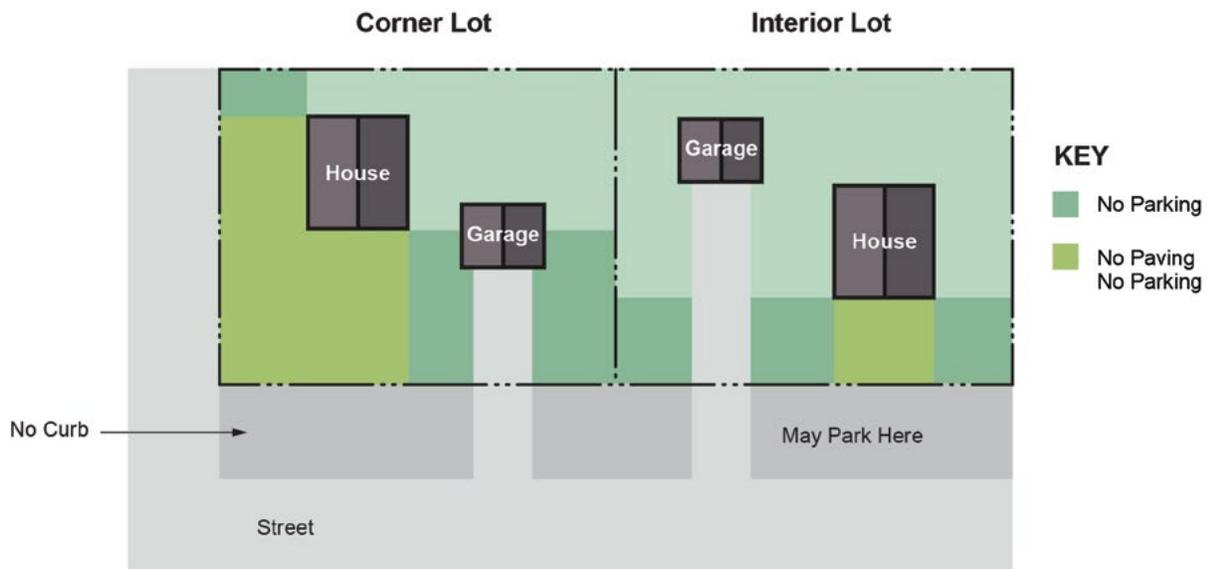
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Parking Areas with Sidewalk and No Curb



Parking Areas without Sidewalk and Curb

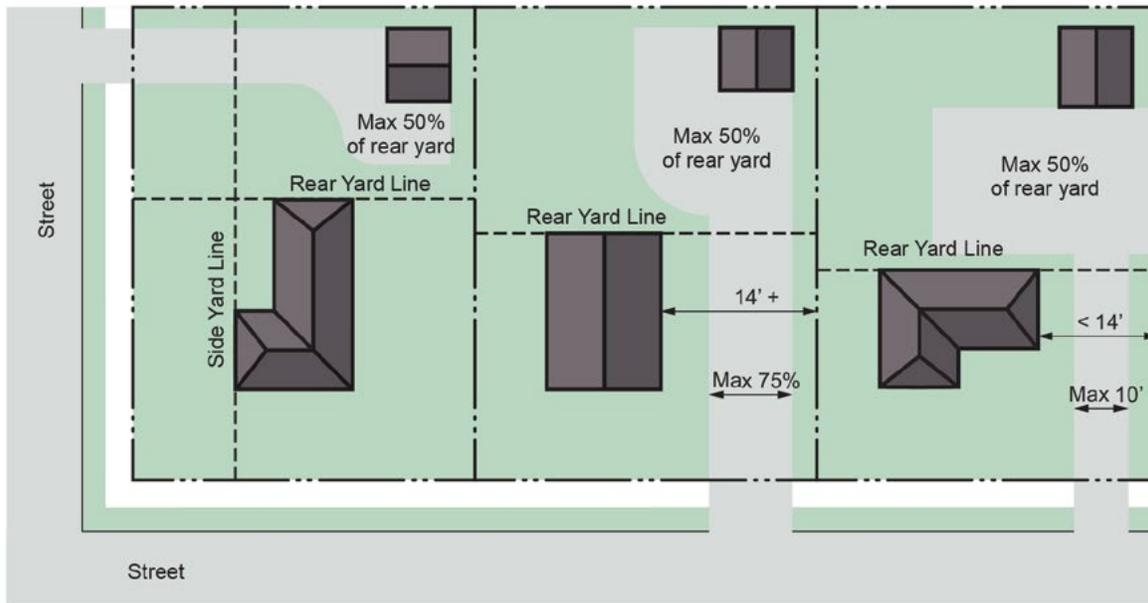


- 7. **TNR Zone District Only - Rear and Side Yard Paving.** Residential properties in the TNR Traditional Neighborhood Residential *Zone District* shall be subject to the following requirements:
 - a. **Side Yard:** Up to **75% paving** in one *side yard* only. For a *side yard* less than 14 feet in width, paving may be a maximum **10 feet** wide.
 - b. **Corner Lots:** Up to **50% paving** in side and *rear yards*. Paving shall be set back a minimum of **10 feet** from a street

right-of-way line except for a driveway connecting to the street.

- c. **Rear Yard:** Up to **50% paving**.
- d. **Hope Neighborhood Overlay District.** Properties in the Hope Neighborhood Overlay District with more than **50% paving** in the rear yard shall provide a *fence* or adequate *landscaping* to reduce the *glare* of headlights onto neighboring properties. See [Section 39-2.21 Hope Neighborhood Overlay District](#) and [Section 39-9.08 Fences](#).

TNR Side and Rear Paving



B. Parking for All Uses other than Residential Dwellings with 1-4 Units

1. **Parking Spaces Required.** The number of required *parking spaces* shall be determined in accordance with each *Zone District*. See [Article 39-2](#). Requirements may be modified under certain circumstances by the *Approving Authority*.
2. **Durable Surfaces.** All *parking areas*, access lanes, driveways, *loading areas*, and other *vehicle maneuvering areas* shall be paved with a *durable surface*.
3. **Setback Requirements.** All *off-street parking spaces* and drive aisles shall be set back a minimum of **10 feet** from all *property lines* when adjacent to a residential *Zone District*.
 - a. The *Approving Authority* may reduce the *setback* to a minimum of **5 feet** from a *side or rear property line* when a:
 - 1) **6 foot fence** or approved vegetative *screening* is erected along the *property line*;
 - b. **A setback shall not be required if:**
 - 1) Adjacent *uses* are both non-residential or *mixed use*; or,

- 2) There are shared driveways or aisles connecting 2 or more properties not less than 30 feet in width.

4. Parking Spaces and Drive Aisles.

- a. **Off-street parking facilities containing 4 or more spaces** shall be designed, constructed, and maintained in accordance with the following requirements:

1) Parking Space Size.

- a) **Width:** Minimum of 8 feet
- b) **Area:** Minimum of 160 square feet

2) Drive Aisle Widths.

- a) **One-way:** 12 feet minimum
- b) **Two-way:** 24 feet minimum

5. **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 be **minimized** to provide for a walkable character without large *parking lots* separating uses. The following requirements shall be met:

- a. *Parking* shall only occur on one side of the *building*;

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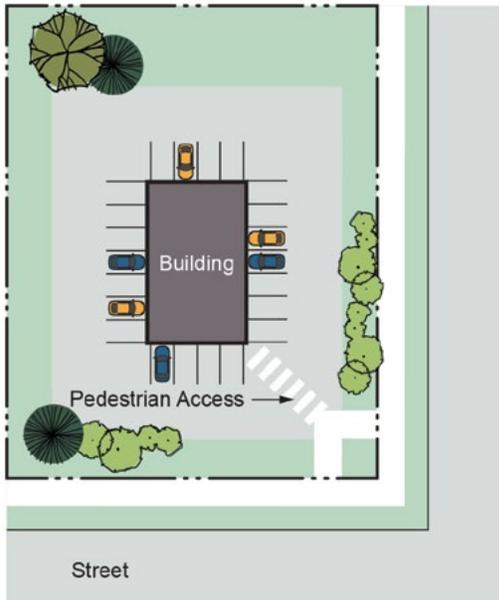
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b. The *parking lot* shall be a maximum of **44 feet** in width to accommodate a 24 foot wide two-way aisle and 1 row of *parking*.

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.

C. 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.

3. **Shared Loading and Unloading.** Shared loading facilities may be substituted for individual loading spaces serving businesses on separate properties provided the following conditions are met:
 - a. Each business served shall have access to the shared *loading area*;
 - b. A *building* shall only be served by a shared *loading area* that is within **300 feet**;
 - c. The *Approving Authority* may modify these conditions under certain circumstances.

4. **Exempt.** Multifamily *developments* where each attached *dwelling unit* is designated a private garage, carport, or *accessible* and secure storage space that is a minimum of **80 square feet** in area.

- C. **Bicycle Parking Facility Types.** The Bicycle *Parking Space* Table in Section 39-9.03.D.1 (and Article 39-2) specifies the number of **Public Spaces required for short-term parking** and the number or percentage of **Covered Spaces required for long-term** employee and/or resident *parking*. This subsection provides the definitions, standards, design requirements, and examples of each.

1. **Short Term Public Bike Parking Facilities.** Bicycle parking facilities within **100 feet** of the nearest publicly *accessible building* entrance of the use they are intended to serve. These spaces shall at a minimum be available to the public during business hours. These facilities shall also be required to meet the following requirements:
 - a. Be located in outdoor, well-lit areas, clearly visible from the street;
 - b. Be securely anchored to a *durable surface*;
 - c. Each space shall be a minimum of **2 feet** wide by **6 feet** long, with a minimum vertical clearance of **8 feet**.
 - d. A pedestrian-*accessible* walkway shall be provided between the outdoor bicycle *parking facility* and the primary *building* entrance. Public sidewalks may be used to meet this requirement.
 - e. An aisle width of a minimum of **5 feet** shall be provided adjacent to any bicycle *parking facility* to allow for bicycle maneuvering;
 - f. This facility type may be located in *vehicle parking* areas but shall not conflict with traffic circulation.
 - g. This facility type may be located in the public *right-of-way* upon approval of a Revocable License Agreement (**RLA**) by *City Council*.
 - h. **Bicycle Rack Design Requirements.** The Short Term Public Bike Parking Facilities shall generally be designed as a **bicycle rack** unless otherwise approved by the *Approving Authority*. Bicycle racks shall adhere to the following standards:

SECTION 39-9.03 BICYCLE PARKING

- A. **Intent.** The intent of this section is to provide safe and adequate bicycle facilities for the temporary and long-term storage of bicycles at *uses* requiring *Administrative or Planning Commission Site Plan* review. To accomplish this, this section specifies the required type, number, and location of bicycle *parking spaces* required on a *site*. These requirements are designed to promote and encourage the safety and general welfare of the community by:
 1. Promoting an energy-efficient mode of transportation;
 2. Encouraging a healthy lifestyle by promoting and accommodating the use of bicycles; and,
 3. Providing safe and adequate bicycle facilities for all types of bicycle users, including those who rely on bicycling as their primary mode of transportation.
- B. **Applicability.** Bicycle *parking* shall be provided for the following **developments** requiring an *Administrative or Planning Commission Site Plan* review:
 1. *New Structure*;
 2. *Structure* addition resulting in an increase in residential units of 20% or more;
 3. *Structure* addition resulting in an increase in non-residential *gross floor area* of 20% or more.

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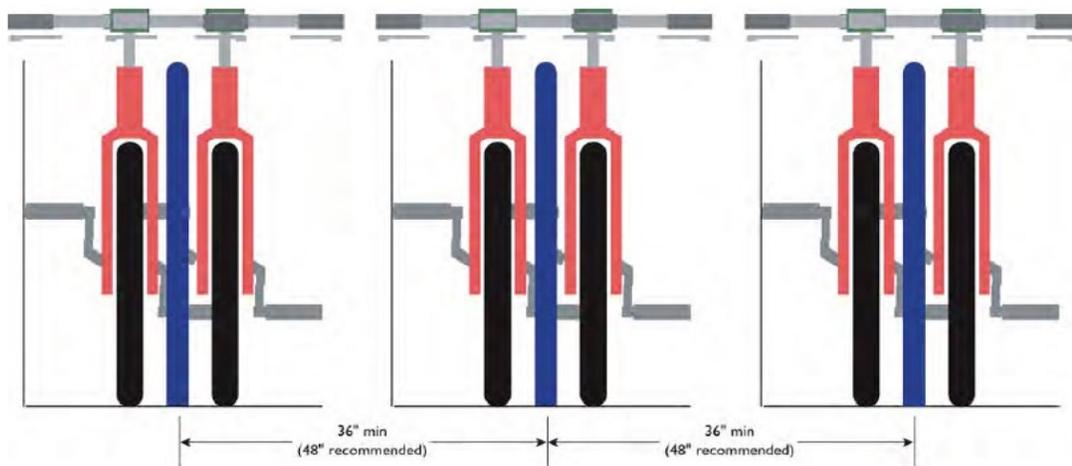
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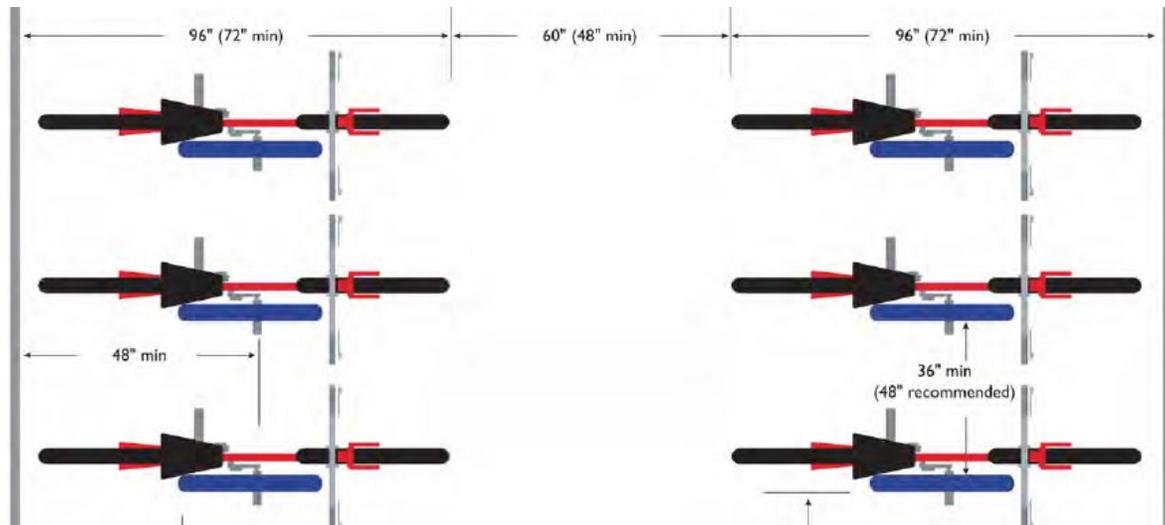
- 1) Inverted “U” Style Racks or similar design is required;
- 2) Racks shall be **36 inches** from the base to the top of the rack and shall be a minimum **24 inches** in length;
- 3) Each rack shall provide each bicycle *parking space* with at least **2 points of contact** for a standard bicycle frame and be designed to accommodate **2 bicycles**;
- 4) Racks shall be located at a minimum of **2 feet** from any adjoining wall and a minimum of **4 feet** from any street or back of curb.
- 5) The rack shall have rounded, non-abrasive surfaces and corners;

- 6) The facility shall be incorporated whenever possible into *building* design and coordinated with the design of street furniture when provided (benches, lights, planters, and other pedestrian *amenities*).
- 7) **Arranged in Rows or in Alignment.** Bicycle racks shall generally be arranged either in **rows** (where bicycles are parked side-to-side) or in **alignment** (where bicycles are parked end-to-end). Where racks are arranged in **rows**, they shall be spaced a minimum of **3 feet apart** on-center. Where racks are arranged in **alignment**, they shall be spaced a minimum of **8 feet on-center**. See Figures below.

Bicycles Parked in Rows



Bicycles Parked in Alignment



i. Examples of Permitted Short Term Bicycle Racks.



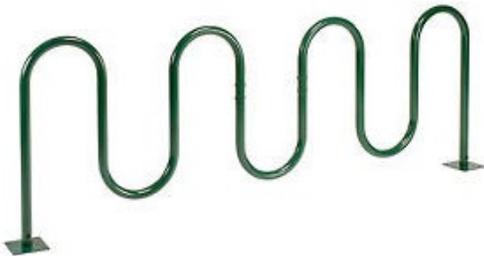
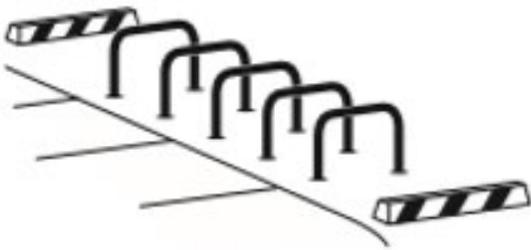
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j. Examples of Short Term Bike Racks NOT Permitted



2. **Long Term Bicycle Parking facilities** are covered spaces provide long term bicycle parking facilities that, at a minimum, reasonably shelter bicycles from the natural elements by locating them inside or under principal or *accessory structures*. Covered bicycle *parking* facilities shall:
 - a. Be required when the total number of required bike parking spaces equals **5 or greater**;
 - b. Be permanently anchored to the ground or to a *structure*;
 - c. Be a minimum of **8 feet** above the surface it is attached to and shall, in the opinion of the *Approving Authority*, be designed to protect the bicycles in the event of inclement weather.
 - d. Not be located within the required *Front Yard setback*.
 - e. Be **lockable** where possible.

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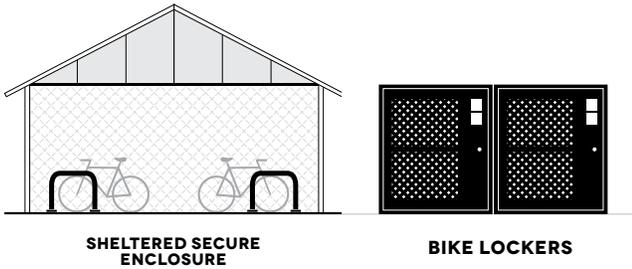
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- f. Be located within the required **Side** or **Rear Yard setbacks** provided the facility is a minimum of **3 feet** from the *property line*.
- g. **Design Standards.** Shall meet the design standards specified in Section 39-9.03.C.1.a-j.
- h. **Bicycle Racks.** The design of bicycle racks shall follow the standards specified in Section 39-9.03.C.1.h
- i. **Examples of Long Term Covered Bicycle Parking.**



Source: Association of Pedestrian and Bicycle Professionals



j. **Examples of Long Term Covered Bicycle Parking Not Permitted.**



D. **Bicycle Parking Space Standards:** Bicycle parking spaces in Bicycle Parking Facilities shall be provided in accordance with this Table. **A minimum of 4 public bicycle spaces shall be provided for all uses.** See Article 39-2 Use and Parking Tables for the bicycle parking space standards per use and Zone District.

1. **Bicycle Parking Space Table.**

	SHORT TERM SPACES	LONG TERM SPACES	
Residential	1-4 Dwelling Units	N/A	N/A
	Manufactured Housing, Short Term Rentals, or Home Based Businesses	N/A	N/A
	Multi-Family (5+ Dwelling Units) or Mixed Use Structures in the NMU, RMU, and F Zone Districts	4 spaces for public	1 per dwelling unit
	Multi-Family (5+ Dwelling Units) or Mixed Use Structures in all other Zone Districts	4 spaces for public	1 per 2 dwelling units
Commercial / Industrial	Retail - less than 75,000 sf	1 space per 4,000 sf of building	20% of required spaces with 60% accessible to the public
	Retail - greater than 75,000 sf	1 space per 12,500 sf of building	20% of required spaces with 60% accessible to the public.
	Office/Personal Services/Medical/ Dental Clinic/Hospital	1 space per 5,000 sf of building	20% of required spaces with 60% accessible to the public.
	Restaurant/Bar	1 space per 2,000 sf of building	20% of required spaces with 60% accessible to the public.
	Public Lodging, Bed & Breakfast	1 space per 10 rooms of building	20% of required spaces with 60% accessible to the public.
	Manufacturing	1 space per 20,000 sf of building	90% of required spaces with 5% accessible to the public
	Warehousing	1 space per 50,000 sf	90% of required spaces with 5% accessible to the public.
	Properties located within a recognized commercial district	Determined by Approving Authority at time of application	Determined by Approving Authority at time of application
	Other Commercial/Industrial uses	Determined by Approving Authority at time of application	Determined by Approving Authority at time of application
	Civic, Public, Institutional	Government/Public uses	1 space per 5,000 sf of building
K-12 Schools		2 spaces per classroom	20% of required spaces with 60% accessible to the public.
Religious Institutions and Event Venues		1 space per 20 seats	5% of required spaces with 75% accessible to the public.
Bus, rail terminals/hubs		Spaces for 5% of projected peak A.M. period ridership	N/A
Other Civic/Public uses not listed		Determined by Approving Authority at time of application	Determined by Approving Authority at time of application

2. **Shared Bicycle Parking Facilities.** For *sites* containing multiple uses or tenants or for uses on adjacent properties, a single bicycle *parking facility* may be provided as long as the total number of bicycle *parking spaces* provided is **equal to or greater than the sum of all of the separate uses** combined, and the bicycle *parking facility* is located within **200 feet** of each participating *structure* or property. Agreements to share such facilities shall be evidenced to the *Approving*

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Authority by a deed, lease, contract, reciprocal *easement*, or similar written instrument establishing the shared use, and including ongoing maintenance.

3. **Additional Bicycle Parking Space Determination Standards.**
 - a. Where no requirement is designated and the use is not comparable to any of the listed uses, bicycle *parking* requirements shall be determined by the *Approving Authority* based on the capacity of the facility and its associated uses.
 - b. When the calculation of required rate(s) yields a fractional value, the fraction shall be rounded to the nearest whole number.
 - c. *Mixed use developments* shall calculate the total number of required spaces using the appropriate use category for each use in the *development*.
 - d. *Developments* with multiple *buildings* shall calculate space requirements for each *building*.
 - e. For non-residential uses, when the total number of spaces required equals 4 or fewer, the requirement may be met by providing solely publicly available short-term spaces.

4. **Reduction of Required Vehicle Spaces.** The number of required *vehicle parking spaces* on a *site* may be **reduced by 1 vehicle parking space for every 4 bicycle parking spaces installed on a site** in compliance with this section. *Vehicle parking spaces* may not be reduced by more than 10% of the total number of required *vehicle parking spaces*.

- E. **Waivers from Bicycle Parking Requirements.** The requirements in this section may be reduced or waived with approval by the *Approving Authority* to the extent that the *applicant* can demonstrate the requirement is unnecessarily stringent or impractical due to the characteristics of the:
 1. **Use, structure, or facility** resulting in a reduced projected frequency of bicycle use; and/or,
 2. **Site or area** preclude the installation of bicycle *parking* facilities.

- F. **Existing public bicycle parking facilities** provided by the City may be permitted to count towards a portion of the bicycle spaces required for non-residential uses, as determined by the *Approving Authority*. To be eligible, the existing spaces shall be on the same block and on the same side of street as the property. Eligibility shall be evaluated upon request by the *Approving Authority*.

SECTION 39-9.04 PRINCIPAL DWELLING UNITS

- A. **Definition.** A *Principal Dwelling Unit* includes *single detached dwelling units* as well as attached dwellings with 1 or more units. These *Dwelling Units* function as the *principal use* on a *site*.

B. Detached Dwelling Units.

1. **Gross Floor Area: 500 square feet minimum.** This requirement may be waived in a *Planned Unit Development* by the *Approving Authority*.
2. **Width: 22 feet minimum width** measured horizontally from one end of the gross floor area to the other end on an element. This requirement may be waived in a *Planned Unit Development* by the *Approving Authority*.
3. **Pitched Roof Required. 60% of the structure** of a *single detached dwelling unit* shall be constructed with a pitched roof that has a **minimum slope of 3 inches of rise for every 12 inches of horizontal dimension** (3:12 slope).
4. **Foundation.** All *single detached dwellings* shall be constructed on a permanent, continuous foundation.
5. **Exempt.** Manufactured homes located in a licensed *manufactured housing* community shall be exempt from this section.

C. Attached Dwelling Units.

1. **Gross Floor Area: 300 square feet minimum.**
2. **Storage Space Required: 200 cubic feet** of storage space shall be provided for each unit when there are **5 or more attached dwelling units** located on a single property.

The storage space shall have a floor area of at least **18 square feet** and may either be within the *dwelling unit* or in a common space located in the same *building* as the unit.

- D. **Conversions of Principal Dwelling Units.** A conversion from a *single detached dwelling unit* to attached *dwelling units* or from attached *dwelling units* to a *single detached dwelling unit* shall be permitted by the Zoning Administrator and as allowed by the *Building Code*.
1. **Zone Districts Permitted:** Conversions are permitted in any *Zone District* where the converted use is permitted.

SECTION 39-9.05 ACCESSORY STRUCTURES REQUIRING SETBACKS

- A. **Definition.** An *accessory structure* is a subordinate *structure* on the same property as a *principal structure*, such as a shed or garage.
- B. **Accessory Structures for Residential Dwellings with 1-4 Units**
1. **Maximum Number of Accessory Structures per Property.**

ACRES	MAXIMUM NUMBER OF ACCESSORY STRUCTURES
2 or less	2
Greater than 2	4

2. **Height.** *Accessory structures* shall be a maximum of **16 feet** in height, as measured to the mean (middle) height between the peak and the *eave*. See Section 39-1.07.D. **Exception:** Properties in a *Historic District* may have additional height, up to 20 feet, to meet the architectural style of the home with a Certificate of Appropriateness (CoA).
3. **Setbacks.**
 - a. **Front Yard.** *Accessory structures* shall not be located in the required *front yard setback*.
 - b. **Side and Rear Yards.** Shall be located a minimum of **3 feet** from all side and *rear property lines*.

- c. **Secondary Street Frontage Yard.** Shall have the same minimum *setback* as required for *principal structures*. **Exception:** Garages with *vehicle access* off the street shall be set back a minimum of **16 feet**.
 - d. **Other Structures.** Shall be located a minimum of **3 feet** from any other *structure* on the property (principal or accessory).
 - e. **Use of Attic Space.** Any upper *story* or attic space in an *accessory structure* shall **not be usable** for any purpose other than light storage. The bottom chord of the trusses or the ceiling joists shall be designed for a live load not to exceed **20 pounds** per square foot. This section shall not apply if the upper *story* is approved as an *Accessory Dwelling Unit* (ADU). See Section 39-9.07.
4. **In the CNR Zone District,** the **maximum footprint** of any *accessory structure* shall be **576 square feet**.

- C. **Accessory Structures for All Uses other than Residential Dwellings with 1-4 Units**
1. There shall be **no maximum number** of *accessory structures*.
 2. **Height:** *Accessory structures* shall be a maximum of **20 feet** in height, as measured to the mean height between the peak and the *eave*. See Section 39-1.07.D.
 3. **Setbacks:**
 - a. **Front Yard:** *Accessory structures* shall not be located in the required *front yard setback*.
 - b. **Side and Rear Yards:** Shall be located a minimum of **10 feet** from all side and *rear property lines*.
 - c. **Secondary Street Frontage Yard:** Shall have a minimum *setback* from the *secondary street frontage* of **16 feet**.
 - d. **Between Structures.** Shall be located a minimum of **10 feet** from any principal or other *accessory structure* on the property.

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- e. Accessory Structures **120 square feet** or less in area and **12 feet or less** in height shall have a minimum setback requirement of 3 feet from all lot lines.

SECTION 39-9.06 ACCESSORY STRUCTURES ALLOWED IN REQUIRED SETBACKS

- A. **Placement.** The placement of these *accessory structures* is deemed to be consistent with the intent and purpose of maintaining open residential *yards*. Therefore, they shall not be required to meet the *setbacks* for *accessory structures*, except as required in this section.

B. **Uncovered Porches, Stairs, Patios, and Decks.**

1. **Height.** Maximum **3 feet** in height.
2. **Setbacks.** Shall be required to meet **50%** of the minimum *setback* requirement for the *Zone District* when located in the front, *secondary street*, side, or *rear yards*, but shall be set back a minimum of **2 feet** from all *property lines*.
3. **Exempt.** If at *grade*, the *structure* shall be exempt from this section and all *setback* requirements.

C. **Permanent Equipment.**

1. **Types Allowed:** HVAC (Heating, Ventilation, Air-Conditioning), Emergency Generators, and other similar equipment.
2. **Setbacks.** Equipment shall be setback a minimum of **2 feet** from the side and *rear property lines* and a minimum of **5 feet** from a *secondary street property line*. Shall not be permitted in *front yards*.

D. **Architectural Features.**

1. **Types.** *Bay Windows*, *Chimneys*, *Awnings*, and other similar features.
2. **Wall Face Allowance.** **25%** maximum of each wall face.
3. **Projection from Wall.** **3 feet** maximum.
4. **Setback.** Shall be setback a minimum of **3 feet** from all *property lines*.

- E. **Eaves.** May project **3 feet** from the wall face and shall be setback **3 feet** from all *property lines*.
- F. **Uncovered Barrier - Free Access Ramps.** Shall be setback a minimum of **3 feet** from all *property lines*.
- G. **Swimming Pools.**
1. **Setback.** Shall be setback a minimum of **3 feet** from the rear and *side property lines*. Shall not be permitted in front or *secondary street yards*.
 2. **Additional Requirements.** Swimming pools shall meet the requirements of **Chapter 14** of the Code of Ordinances and the Michigan Building Code.
- H. **Fences.** Section 39-9.08.
- I. **Miscellaneous Structures.**
1. **Types allowable in any yard.** Arbors, trellises, *landscaping*, *yard* ornaments, statues, flagpoles, laundry drying lines or devices, pole-mounted lights, *signs* as permitted by Article 39-8, *fences* per Section 39-9.08, barbecues, picnic tables, playground equipment, rain barrels, refuse storage facilities in accordance with **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. **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.

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 is an accessory residential unit of a lesser size than

the principal dwelling that includes a kitchen, a sleeping area, and full bathroom facilities. located on the same property as a principal single detached *dwelling unit*.

- B. **Zone Districts Permitted:** LDR, MDR, TNR, HDR, and PUD provided they are only on properties with single detached *dwelling units* 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 of 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 principal dwelling unit.
 - 3. **Scaled elevations** of all sides of the ADU, including windows, doors, porches, and other exterior features.
 - 4. **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 **300 foot radius** of the subject property with a description of the ADU request. See Section 39-12.06.C.
 - 5. **Approving Authority.** The **Zoning Administrator** shall be the *Approving Authority*. A **notified property owner** may

request, however, that a **Special Exception public hearing** and review be held by the *Board of Appeals* when the *Zoning Administrator* is provided with a written communication describing the specific reasons for the request. The *Board of Appeals* may approve an ADU subject to conditions of approval as it deems necessary to ensure compatibility with adjoining or nearby residential properties, or to protect the health, safety, and general welfare.

- D. **Standards for Approval:** The *Zoning Administrator* or *Board of Appeals* shall review the ADU using the following standards:
 - 1. **Number Allowed. 1 ADU** maximum shall be permitted on a property.
 - 2. **Location and Setbacks.**
 - a. **Front Yard:** An ADU shall not be permitted in a required front *setback*.
 - b. **Side and Rear Yards:** Shall meet the minimum *side yard setback* for *principal structures* in the *Zone District*. See Article 39-2.
 - c. **Secondary Street:** An ADU shall meet the minimum *secondary street yard setback* for *principal structures* in the *Zone District*. See Article 39-2.
 - 3. **Size.** An ADU may be 300-720 square feet in gross floor area and shall not exceed 1/3 of the principal dwelling unit's gross floor area.
 - 4. **Height.** An ADU located on the first floor shall have a maximum average height of **12 feet**. An ADU located on the second-floor shall have a maximum average height of **22 feet**.
 - 5. **Occupancy.** Either the principal residence or the ADU shall be **owner-occupied**. A maximum of **2 people** shall occupy an ADU. An ADU shall not be sold separately.
 - 6. **Property Requirements.**
 - a. An ADU shall only be constructed on a property with a *single detached dwelling unit*.
 - b. A property with an ADU shall **not have** a *Short Term Rental* or a *Bed and Breakfast* on the same property.

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- c. **An ADU** shall count towards the maximum number of permitted *accessory structures* on the *lot*, as described in Section 39-9.05.B.1.
- d. An ADU shall **not be allowed** in the area defined as the Hope Neighborhood Overlay District. See Section 39-2.21.
- e. An ADU shall be connected to an approved water and sewer system.
- f. The utilities for the ADU shall not be metered separately.

7. Impact.

- a. An ADU located in any *Zone District* shall receive an Infill Design Review per Section 39-9.09 to ensure character compatibility with the neighborhood;
- b. The ADU shall not result in an excessive increase in traffic, *parking* congestion, or noise;
- c. The placement, orientation, and location of the windows and doors of the ADU shall not infringe on the privacy of the surrounding neighborhood;
- d. Adequate *landscaping* and/or a **6 foot** high *fence* shall be installed to *screen* an ADU from an adjacent property when the ADU is located on the ground floor.

E. Post Approval Requirements. Construction may commence on an ADU following approval by the *Zoning Administrator* or *Board of Appeals*, Infill Design Review approval if applicable. and the issuance of a *Building Permit*. After ADU construction is complete, and a Certificate of Occupancy has been obtained, the property *owner* shall **record a document with the County Register of Deeds** notifying potential buyers of the property requirements specified in this section.

SECTION 39-9.08 FENCES

A. General Standards. These standards shall apply to *fences* as an *accessory structure* in all *Zone Districts*.

- 1. **Permit.** A permit from the *Zoning Administrator* is required prior to construction or installation of any *fence*.

- 2. **Gates.** Gates shall not swing over public sidewalks.
- 3. **Drainage Easement Restriction.** Only chain link *fences* are permitted within a *drainage easement*.
- 4. **30 feet from a property line.** A *fence* may be installed at the maximum height allowed in the *Zone District*, if located at least 30 feet from the front or *secondary street property line*.
- 5. **Floodway.** *Fences* shall not be permitted within a floodway.
- 6. **Pools.** *Fences* that serve as an enclosure for a swimming pool shall meet the permit requirements and standards of the State of Michigan *Building Code* and the height and *setback* requirements of Section 39-9.05.
- 7. **Measuring Fence Height.** The *fence* body determines the *fence* height, and is measured from the **grade below** the *fence*, to the top of the *fence* body. Posts may be up to **6 inches** above the *fence* body. There will be an additional tolerance of up to 3 inches due to *grade* changes along the *fence*.
- 8. **Exempt.** Free-standing *fence* sections less than **16 feet** in length are considered *landscaping* and not a *fence*. These features shall not require a permit but shall meet all required *setbacks*.

B. Specific Standards.

- 1. **Unrestricted Height.** *Fences* of unrestricted height shall be allowed for recreational fields and other *uses* as determined by the *Zoning Administrator* or by the *Approving Authority* during the *Site Plan* review process.
- 2. **Flag Lots.** The *owner* of a *flag lot* may request permission from the *Zoning Administrator* for approval to install a *fence* in their front or *side yard*, if the same *fence* could be legally installed in the side or *rear yard* of the adjoining property.
- 3. **Through properties** are permitted a **6 foot tall fence** in the designated *rear yard*. If there are 2 street frontages of equal dimension, the *front property line* shall be along the street where a minimum of **40%**

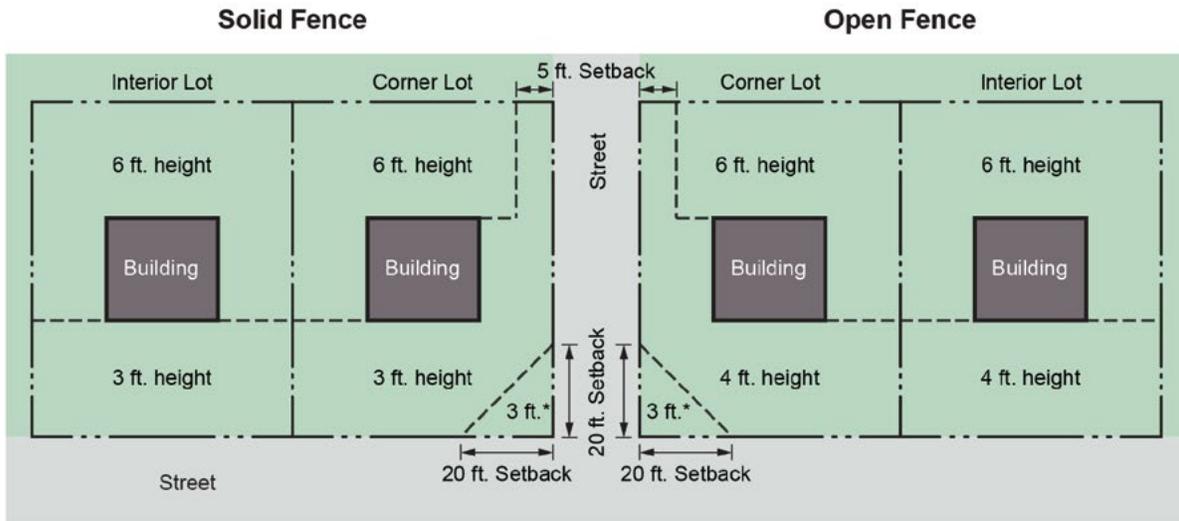
of the *buildings* along the same side of the street face and the **rear property line** shall be opposite.

4. **Historic District.** Additional approval from the *Historic District Commission* is required within a *Historic District*.

C. **Minimum Setbacks.**

1. **Front Yard: 1 foot** from the *property line* when a public sidewalk exists.

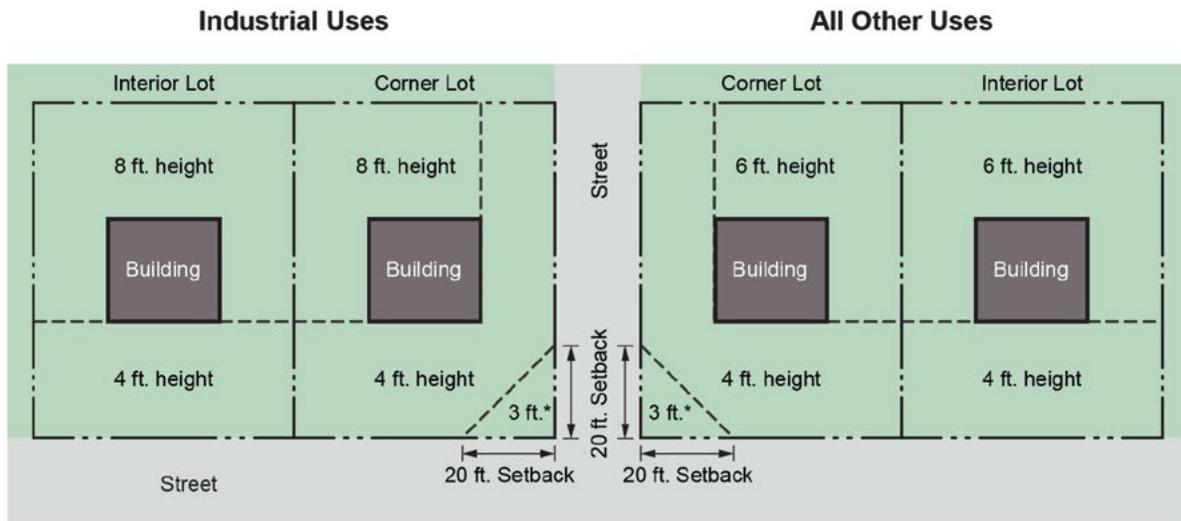
Maximum Fence Heights (Residential)



2. **Secondary Street Frontage Yard:** Same as for the *front yard*. See chart in [Section 39-9.08.F](#) for additional allowances for *Residential structures*.
3. **Side or Rear Yard:** No minimum *setback*.
4. **Clear Vision Corner:** Measured as **20 feet** on each street corner. *Clear Vision corners* shall not have a *fence or landscaping* taller than **3 feet** in height.

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Maximum Fence Heights (Non-Residential)



* Clear Vision Corner

D. Fence Materials and Maintenance.

1. *Fences* shall be constructed of wood, wrought-iron, bricks, masonry, plastic, or other materials designed for permanent outdoor fencing;
2. Wood *fences* shall be constructed of cedar, redwood, or other decay-resistant wood;
3. *Fences* shall be maintained in good repair and safe condition.

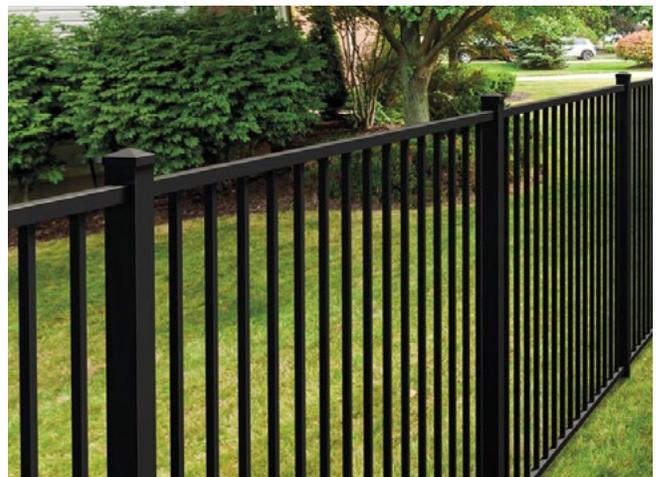
4. Peeling, flaking, and chipped coating shall be eliminated and surfaces shall be recoated;
5. Slats in chain link *fence*, barbed, razor, concertina, electrified and similar wire *fence*, as well as fabric, tarps, and materials not traditionally used for fencing are prohibited.

E. Fence Types:

1. **Open Fence.** A free-standing *fence* that is **more than 50% open** when viewed from an angle perpendicular to the *fence*.



Split Rail



Metal Open Fence

2. **Solid Fence.** A freestanding *fence* or wall that is **50% or less open** when viewed from an angle perpendicular to the *fence*. The *fence* shall provide reasonable sound blocking properties.



Vinyl Privacy Fence



Brick Wall

F. Fence Height Maximums.

	RESIDENTIAL (1-4 DWELLING UNITS)		INDUSTRIAL USES		ALL OTHER USES	
	SOLID	OPEN	SOLID	OPEN	SOLID	OPEN
Front yard	3 ft	4 ft	4 ft		4 ft	
Side yard	6 ft		8 ft		6 ft	
Behind the principal structure on the secondary street frontage	6 ft with a 5 ft setback from the property line		N/A	N/A	N/A	N/A
Rear yard	6 ft		8 ft		6 ft	
Clear Vision Area	3 ft		3 ft		3 ft	

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SECTION 39-9.09 INFILL DESIGN REVIEW STANDARDS

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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.

h. **Exception:** Construction subject to *Historic District Commission* approval shall not be subject to this section.

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.

C. Standards.

1. **Building Setbacks:** *Front yard 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

or stained in a manner generally compatible with other *buildings* on the property and with the neighborhood character.

8. **Porches:** Whether enclosed or not, shall be similar in design to existing porches in the neighborhood. **Enclosed porches** may be allowed when the prevailing character of the neighborhood includes open front porches as long as the design is consistent with those porches that are open.
9. **Roof style and pitch:** Shall be architecturally consistent with the prevailing neighborhood character.
10. **Building Separation:** Shall be consistent with the character of the neighborhood.
11. **Orientation:** Front façades and primary entrances of *principal structures* shall face a street. Garages and *Accessory Dwelling Units* shall be oriented consistent with the character of garage orientations in the neighborhood.
12. **Alleys:** If the property has access to an *alley*, *vehicle* access to the property may be limited to the *alley*.

D. Review Procedures.

1. An application shall be submitted to the Community and Neighborhood Services Department (CNS) that includes:
 - a. **Site Plan** with scaled dimensions showing the placement of all *structures*;
 - b. **Elevation sketches** that are detailed and scaled or photographs of the front and side elevations of all proposed *structures*;
 - c. Additional information as reasonably necessary to assure compliance with standards.
2. CNS shall provide public notice to all properties **within 300 feet** of the infill property.
3. CNS shall approve, approve with conditions, or deny an application within **21 days, but not sooner than 15 days**, after public notice is given. This time period may be extended upon mutual agreement of the *applicant* and the City. In the absence of a

decision within the specified time period, as may be extended, an application shall be denied without prejudice.

4. **For infill properties also requiring site plan approval,** *Planning Commission* shall conduct the Infill Design Reviews and provide approval the development also receives *Planning Commission Site Plan* Approval.

E. Appeals Procedure.

1. Any noticed resident may request that the *Planning Commission* undertake the Infill Design Review instead of the CNS Department, if a written request is received by the CNS Department no later than **15 days** after the notice was postmarked.
2. **Appeal of CNS Decision:** The *applicant* or a noticed resident may appeal a CNS Department decision no more than **10 days** after approval by providing a written request to the *Planning Commission*.
 - a. If a noticed resident appeals the CNS decision, they shall specify how the proposed design, in their opinion, does not meet the standards of this section. The appeal shall stay all further proceedings and shall be heard by the *Planning Commission* at its next regularly scheduled *public hearing*. The *Planning Commission* shall review only the resident's specified concerns with the proposed design to determine if the design meets the standards of this section, in the opinion of *Planning Commission*. *Planning Commission* shall then sustain or modify the CNS Department's determination.
3. **Appeal of a Planning Commission Decision:** The *applicant* may appeal the *Planning Commission* decision within **10 days** of the *Planning Commission* decision by providing a written request to the *Board of Appeals*. The appeal shall stay all further proceedings and shall be heard by the *Board of Appeals* at its next regularly scheduled *public hearing*. The *Board of Appeals* shall then sustain or modify the *Planning Commission's* determination.
4. **Appeal of a Board of Appeals Decision:** The *applicant* may appeal the *Board of Appeals* decision to Circuit Court.

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F. Definitions.

1. **Infill Property:** The property to be considered for Infill Design Review.
2. **Neighborhood:** Shall be generally defined as within **300 feet** in either direction along street frontages, unless otherwise defined by CNS due to unique characteristics of the immediate surroundings. CNS shall notify the *applicant* of any change to the definition of “neighborhood” for a given application.

SECTION 39-9.10 FAIR HOUSING ACCOMMODATION POLICY

A. Intent. It is the policy of the City of Holland, pursuant to the Federal Fair Housing Act and the Michigan Elliot Larsen Civil Rights Act (hereafter “fair housing laws”), to provide individuals with disabilities reasonable accommodation in rules, practices, and procedures to ensure equal access to housing and to facilitate the *development* of housing for individuals with disabilities. The intent of this section is to provide a procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief from the application of *zoning* regulations, policies, practices, and procedures that will further the City’s compliance with fair housing laws and provide greater opportunities for the *development* of critically needed housing for individuals with disabilities.

B. Definitions. For purposes of this section, the following terms shall be defined as:

1. **Eligible Person.** A person who is an individual with a disability, their representative, or a developer or a provider of housing for individuals with disabilities.
2. **Individual with a Disability.** Someone who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone with a record of such impairment. This term shall not include current, illegal use of, or addiction to, a controlled substance as defined in 21 U.S.C. § 802.

3. **Person.** An individual, partnership, limited-liability company, corporation, or other entity.
4. **Reasonable Accommodation.** Providing eligible persons with flexibility in the application of *zoning* regulations, policies, practices, and procedures, or even granting *Variances* from certain requirements, when it is necessary to eliminate barriers to equal housing opportunities.
5. **Request for Reasonable Accommodation.** A request by any individual with a disability, their representative, a developer or a provider of housing for individuals with disabilities, when the application of a *zoning* regulation, policy, practice, or procedure acts as a barrier to fair housing opportunities.

C. Notice of Fair Housing Assistance Policy.

1. **Notice of the availability of reasonable accommodation** shall be prominently displayed at public information counters in the Community and Neighborhood Services Department, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Community and Neighborhood Services Department.
2. The notice shall indicate that the Community and Neighborhood Services Department will provide an *applicant* with **assistance in filing a request** for reasonable accommodation or an appeal from a decision on such request so that the process is *accessible*.

D. Application Process.

1. **The Board of Appeals** shall have the jurisdiction and power to grant a **Special Exception** from the non-use requirements of the *Zoning* requirements in *UDO* where necessary to provide reasonable accommodation to allow individuals with disabilities to have reasonable access to housing in the City of Holland.
2. A Special Exception is **not necessary** for State-licensed **adult foster care** homes to the extent that State law preempts local *zoning* and may exist legally without the Special Exception.

3. An eligible person may request a reasonable accommodation in *zoning* regulations, policies, practices, and procedures.
4. **Timing of Application.** A request for reasonable accommodation in regulations, policies, practices, and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

E. Required Contents of Application Requests

for reasonable accommodation shall be made in writing and shall be filed with the *Zoning* Administrator providing the following information:

1. **Name and address** of the individual(s) requesting reasonable accommodation, or property *owners* if different;
2. **Address and parcel number** of the property for which the accommodation is requested;
3. **Evidence** that the request is for an individual with a disability under fair housing laws;
4. **Description of the requested accommodation** and the regulation(s) or procedure(s) for which accommodation is sought;
5. **Reason** that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling;
6. **All alternative accommodations** and other options have been considered by the *applicant*;
7. Evidence of whether the **property is within 500 feet** of another property granted accommodations for use by 5 or more unrelated persons under this section;
8. The written consent of the property *owner*.

F. **Confidentiality:** Any information identified by an *applicant* as confidential shall be retained in a manner so as to respect the privacy rights of the *applicant* and shall not be made

available for public inspection; except as may be required by the Michigan Freedom of Information Act.

G. Decisions and Notice to Applicant.

1. The **Board of Appeals** shall issue a decision on a request for reasonable accommodation **within 45 days** from the date a complete application has been filed with the Clerk and may either grant, grant with modifications or conditions, or deny a request for reasonable accommodation in accordance with the criteria below.
2. If necessary to reach a determination on the request for reasonable accommodation, the *Board of Appeals* may request further information from the *applicant* consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the 45-day period to issue a decision is stayed until the *applicant* completely responds to the request.
3. If the *Board of Appeals* fails to render a decision on the request for reasonable accommodation within the 45 days from the date a complete application has been filed with the *Zoning* Administrator, the request shall be deemed granted.
4. **The written decision of the Board of Appeals** shall explain in detail the basis of the decision, including its findings on the criteria set forth in Section 39-9.10.G. The decision shall give notice of the *applicant's* right to appeal and to request reasonable accommodation in the appeals process as set forth below. A copy of the decision shall be provided to the *applicant* or sent to the *applicant* by first class mail.
5. The written decision of the *Board of Appeals* shall be final unless an *applicant* appeals it to the Circuit Court.
6. **Effect of Zoning Pending a Determination.** While a request for reasonable accommodation is pending, all *zoning* regulations, policies, practices, and procedures otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

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7. **Appeals.** An *applicant* may appeal a decision by the *Board of Appeals* as provided by statute.

SECTION 39-9.11 BOARDERS

- A. **Intent.** The intent of this section is to enable a property *owner* to rent out **1 room in their dwelling unit to a single boarder** in addition to rooms occupied by a single *family*. Compliance with this section is required prior to renting a room.
- B. **Application.** To request permission for **1 boarder**, the property *owner* shall submit the following information:
 1. **A written description** of the request that includes the property address, property *owner's* name, address, and phone number;
 2. **A dimensioned Site Plan**, delineating areas designated for *off-street parking*, with one *parking space* designated for the boarder;
 3. **A dimensioned building floor plan** of the *dwelling unit*, delineating a minimum of **200 square feet** of area that will be dedicated for use by the boarder;
 4. **A written summary** of any physical changes that will be made to the *building* to accommodate the boarder. Physical changes resulting in additional *dwelling units* shall be prohibited.
- C. **Approval Criteria.**
 1. **The Zoning Administrator shall review** the request and ensure that the property conforms in all respects with *zoning*, housing, *building*, plumbing, heating, and electrical codes, including *Historic District* regulations if applicable, and any other codes or regulations of the City applicable to the construction or rental of residential *dwelling units*. The property shall be registered and inspected as required by **Chapter 14** of the Code of Ordinances.
 2. **Habitable Floor Area.** The floor area of the dwelling, exclusive of unfinished *basement* or attic space, shall have a minimum of **200 square feet** of habitable area dedicated exclusively for use by the

boarder. Areas dedicated to the boarder shall have interior access to common areas, including living and kitchen areas.

3. **Utilities shall not be separately metered** for each sleeping room.
4. Allowing a boarder **shall not increase** the number of *dwelling units*.
5. Boarders **shall not be allowed** in the **Hope Neighborhood Overlay District**. See Section 39-2.21.
- D. **Approval Time Frame.** Within **5 business days** of receiving a written request, the *Zoning Administrator* shall review the approval criteria and provide a written notification to the property *owner* either approving or denying the request and shall provide the reasons if denied.
- E. **Penalty.** Violations of this Section shall be administered as provided in Sections 14-4.34 (a) and 14-4.38 of the City's Code of Ordinances.

SECTION 39-9.12 ESSENTIAL SERVICES

- A. **Definition.** See Article 39-14 Definitions.
- B. **Examples.** Utility wires and pipes, electrical transformers, lift stations, etc.
- C. **Zone Districts permitted.** *Essential Services* are allowed in all *Zone Districts* without *zoning* approval.

SECTION 39-9.13 MEDICAL MARIHUANA (MARIJUANA)

- A. **Definitions.** The following definitions shall apply to this section:
 1. **Marihuana.** This term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, MCLA § 333.7106, as is referred to in the Michigan Medical Marihuana Act, PA 2008, Initiated Law (the "Act"), at Section 3(d), MCLA § 333.26423(d). The term "medical marijuana" shall have the same meaning.

2. **Medical use of marihuana.** The acquisition, cultivation, manufacture, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a person's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCLA § 333.26423(d).
 3. **Primary caregiver.** A person who qualifies as a primary caregiver as defined in MCLA § 333.26423(g).
 4. **Qualifying patient.** A person who qualifies as a qualifying patient as defined in MCLA § 333.26423(h) and (k).
- B. Medical use of marihuana.** No property in any *Zone District* shall be used for the medical use of marihuana except as provided in this Section. The *Board of Appeals* may not grant a *Variance* from the requirements of this section.
- C. Medical use of Marihuana by a Qualifying Patient.**
1. A qualifying patient may use their principal residence for their own medical use of marihuana. There shall not be more than 12 marihuana plants per qualifying patient residing in a single dwelling. There shall not be more than a total of 72 marihuana plants in a dwelling for all resident qualifying patients.
 2. The medical use of marihuana by qualifying patients shall comply with all applicable requirements for Primary Caregivers in Section 39-9.13.D.
- D. Medical use of marihuana by a Primary Caregiver.** A primary caregiver may engage in the medical use of marihuana only as a medical marihuana *Home Occupation* as authorized in this Section and in Article 39-2. A primary caregiver may also be a qualifying patient.
1. **Procedure for Approval:**
 - a. A primary caregiver who meets the criteria for a medical marihuana *home occupation* under this section shall be allowed only if the property *owner* or tenant first obtains a permit from the *Zoning Administrator*, subject to ongoing compliance with this Section.
 - b. The application shall not require the name or address of a qualifying patient or primary caregiver. The application shall require the consent of a property *owner*. The application shall be on a form prescribed by the *Zoning Administrator*.
 - c. The *Zoning Administrator* shall issue a permit for a Medical Marihuana *Home Occupation* **within 15 calendar days** if the *Zoning Administrator* determines that:
 - 1) The application is complete; and,
 - 2) The *applicant* complies with this section.
 - d. **Confidentiality.** Pursuant to MCLA § 333.26426, the name and address of a qualifying patient and primary caregiver, as such, shall not be released to the public, but shall be kept confidential, except to the extent authorized or required by the Act, or to the extent required by the Michigan Freedom of Information Act, or by another law. The location of a Medical Marihuana *Home Occupation* may be disclosed to law enforcement personnel. This section shall not be interpreted to require that the name of a tenant or property *owner* be kept confidential.
 - e. **Appeals.** Appeals from the *Zoning Administrator's* decision shall be made to the *Board of Appeals*.
- 2. Design and Operational Requirements.**
- a. A Medical Marihuana *Home Occupation* shall be clearly accessory to the principal residential use of the dwelling.
 - b. The Medical Marihuana *Home Occupation* shall be limited to a maximum of **50%** of the floor area of one *story* of the dwelling.
 - c. All activities of the Medical Marihuana *Home Occupation*, including storage, shall be conducted entirely within the interior of the dwelling. No outside storage is permitted.
 - d. Materials, supplies, and merchandise shall be stored in a manner that does not pose a safety hazard to the dwelling, dwelling occupants, or adjoining

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properties and occupants, and shall not result in a change of use of the property or an activity prohibited by the Michigan *Building Code*.

- e. There shall be no exterior alteration in the residential character of the premises in connection with the Medical Marihuana *Home Occupation*.
- f. The Medical Marihuana *Home Occupation* shall not generate noise, vibrations, smoke, dust, odor, heat, or *glare* detectable beyond the *property lines* and not in other *dwelling units* on the same *parcel* of property. Furthermore, the Home 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 *dwelling unit* in a residential *Zone District* used for residential purposes.
- g. No signage is permitted for a Medical Marihuana *Home Occupation*.
- h. There shall be a maximum of 1 medical Medical Marihuana *Home Occupation* per dwelling.
- i. There shall be not more than 1 primary caregiver engaged in the medical use of marihuana per dwelling.
- j. A Medical Marihuana *Home Occupation* shall not have employees who do not reside in the dwelling. The primary caregiver shall reside in the dwelling.
- k. No marihuana may be kept on *site* for persons other than qualifying patients (a) who have currently designated the primary caregiver as their primary caregiver, or (b) who currently reside in the dwelling.
- l. Marihuana shall be kept in a fully enclosed, **locked** room or enclosure *accessible* only by the primary caregiver.
- m. If a room with windows is utilized as a marihuana growing location, any **lighting** methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ **shielding methods**, without alteration to the exterior of the residence, to prevent ambient light spillage.

n. An *owner* or tenant shall arrange for, and comply with, an **inspection** conducted to determine compliance with this Section, prior to operation of a Medical Marihuana *Home Occupation*.

- o. A Medical Marihuana *Home Occupation* shall comply with all other applicable Local and State laws and regulations, including, but not limited to, *building*, electrical, plumbing, mechanical, and maintenance codes and permit requirements under such codes and within the Act.
- p. There shall be no visits by qualifying patients or other medical marihuana users generated by the Medical Marihuana *Home Occupation* (other than persons who reside in the dwelling). There shall be no on-site pickup or delivery of medical marihuana by qualifying patients, other medical marihuana users, or others. There shall be no deliveries in public *right-of-ways* or on public property.
- q. The *Home Occupation* shall not require additional on-street or *off-street parking*.
- r. The delivery and pickup of goods and materials used and/or produced in the operation of the Medical Marihuana *Home Occupation* shall be limited to the customary delivery and pickup of mail and packages common to residential property. Such deliveries and pickups shall not require a *vehicle* larger than a step-type van.
- s. The Medical Marihuana *Home Occupation* shall not be within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12 or within 100 feet of a public or private youth center or public swimming pool.

E. **Annual Renewal of Permit.** A permit for a Medical Marihuana *Home Occupation* shall be renewed **annually** upon determination that the Medical Marihuana *Home Occupation* continues to comply with the criteria of this Section. The *applicant* for renewal shall arrange for, and comply with, an inspection conducted to determine compliance with this Section.

- F. **No Immunity from Prosecution.** Nothing in this Section, nor any companion regulatory provision or other provision of the Holland City Code, is intended to grant, nor shall be construed as granting, immunity from criminal prosecution for the cultivation, sale, consumption, use, distribution, or possession of marihuana which is not in strict compliance with the Act and the general rules and this Section.
- G. **Federal preemption.**
1. Since Federal law is not affected by the Act, nothing in this Section, or in any companion regulatory provision or any other provision of *UDO*, is intended to grant, nor shall be construed as granting, immunity from criminal prosecution under Federal law. Neither *UDO* nor the Act protects users, caregivers, or *owners* of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.
 2. In the event that it is determined by judicial or other legal action that the provisions of the Act are preempted by Federal law and/or invalid, all the rights granted under this section shall be deemed null and void.
- H. **City regulations.** The Community and Neighborhood Services Department may adopt or amend rules pursuant to Chapters 1-7 of the City of Holland Code of Ordinances, subject to approval by *City Council*, as necessary to govern the procedures and interpretation of this Section.
- I. **Uses Permitted Under Public Act 281 of 2016 (Commercial-Scale Medical Marihuana).** Nothing in this section shall be taken to authorize or permit Marijuana *uses* regulated under Public Act 281 of 2016 within the City of Holland.
- J. **Uses Permitted Under Initiated Law 1 of 2018 (Recreational Marijuana).** Marijuana establishments, as authorized by, and defined in, the Michigan Regulation and Taxation of Marijuana Act (“MRTMA”), are prohibited in all *Zone Districts*, and shall not be permitted as *home occupations of businesses* under *UDO*.

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Holland
MICHIGAN

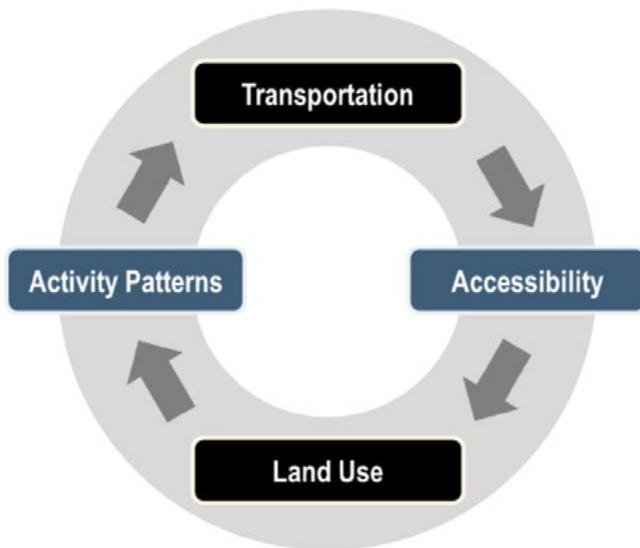
ARTICLE 39-10:

Streets, Driveways, and Sidewalks

10

SECTION 39-10.01 INTENT

- A. Intent.** The intent of this Article is to apply the City of Holland’s adopted **Complete Streets Resolution** by providing street and sidewalk design standards for new *developments*, and to ensure that citywide *development* creates the least amount of traffic congestion as possible.
- B. Connection between Land Use and Transportation Infrastructure.** Land use and transportation are linked because land use *development* leads to more activity, which leads to the need for more streets and sidewalks to carry additional multimodal traffic, which leads to the need for additional driveways to access more *properties*, which then leads to more land use ability.



Land uses and transportation infrastructure are **also linked** when maintaining, restructuring, or constructing streets, driveways, and sidewalks. Neighborhood and street corridor characteristics are established by the type of transportation infrastructure provided, the land uses permitted, and where *structures* are located.

High-traffic streets attract and are appropriate for intensive business uses, whereas **lower-traffic, often narrower streets** are more attractive and appropriate for residential uses. Streets designed to be safe and welcoming for pedestrians and bicyclists **attract more mixed use development**, which supports walkable

retail uses, while high-traffic, *vehicle-centric* streets attract vehicular land uses, such as *Drive-Thru’s* and *Gas Stations*.

- C. Best Practices.** This Article provides requirements that will ensure **orderly development** by applying best practices for *site* design, constructing new streets and driveways, and installing sidewalks on new streets and in the *right-of-way* of all street fronting *properties*.

SECTION 39-10.02 SITE DESIGN

- A. Intent.** The intent of this section is to provide the basic requirements required for *site* design and *Site Plan* approval.
- B. Unobstructed Property Access.** All *properties* shall have unobstructed access on a public street or a private street meeting the requirements of Section 39-10.03, or a driveway shall be constructed to provide public access to the *property* per the requirements of Section 39-10.05.
- C. Sidewalks** along all *property* street frontages are required per the requirements of Section 39-10.04.
- D. Stub Streets** to *property lines* may be required by the *Approving Authority* for future public street connections between *properties*. These stub streets shall generally be located every **300 feet**. That distance may be minimized or increased by the *Approving Authority*.
- E. Half-Width Streets** shall be **prohibited** except where essential to the future *development* of a *property* or *subdivision*. Wherever a half-width street is adjacent to an undeveloped *property* or to a tract to be subdivided, the other half of the street shall be platted with a private easement within such *property* or tract.
- F. Traffic Study Requirement.**
1. A Traffic Study shall be conducted for any *development* expected to generate more than **100 peak hour trips** or more than **750 Average Daily Trips (ADT)**.
 2. The **Traffic Study Report** shall be submitted to the City Engineer and the Community and Neighborhood Services Department for review at the time of *Site Plan* application.

3. **Review of Reports** shall be done by the City Engineer and may be reviewed by the City's Traffic Engineer Consultant. All fees associated with this review shall be the responsibility of the *applicant*.
4. **Infrastructure Improvement determinations** (on-site and adjacent to the *site*) shall be made by the City Engineer based on the Traffic Study Report, the Traffic Engineer's recommendations, and tripped warrants. These improvements shall be made at the same time the *development* is constructed and shall be paid for by the *applicant*.
5. The City Engineer may require a Traffic Study for any other *Site Plan* application or may waive this requirement.

3. **All streets** shall be designed to allow sufficient access for emergency *vehicles* by providing a minimum of **26 feet width of durable surface** that is able to withstand the standard emergency equipment weight.
4. **Public Street Connections.** All new streets shall connect to an existing public street or be part of a new street network that connects to an existing public street, unless the only available street connection to the *property* is a private street.

B. Public Street Standards

1. **Right-of-Way Width Table.** See Section 39-10.07 Street Classifications. These widths may be decreased in certain contexts if approved by the City Engineer.

RESIDENTIAL STREETS	COMMERCIAL, MIXED USE CORRIDOR, AND INDUSTRIAL STREETS	URBAN STREETS
66-86 feet	86-120 feet	66-100 feet

2. **Minimum Cross Section Construction Requirements Table**

	LOCAL STREET	MAJOR STREET
Sand Subbase	12 inches	18 inches
Aggregate Base	6 inches	6 inches
Asphalt	4.5 inches	6 inches

C. Street and Right-of-Way Elements.

- a. **Private Street Waiver** shall only be granted by the *Planning Commission* when the street provides access within a single lot that will be subdivided into a *Site Condominium*, and there will be suitable provisions for the lots to maintain, repair, and replace the streets through a private association, unless otherwise recommended by the City Engineer and the Community and Neighborhood Services Department. **Private streets providing access to over 4 dwelling units shall be built to Public Street Standards.** See Section 39-10.03.B.
1. **Dead Ends Prohibited.** Dead end streets are prohibited unless the *applicant* demonstrates to the satisfaction of the *Approving Authority* there is a physical, legal, or environmental preservation reason why a dead end street is required. If constructed, dead ends shall end in a cul-de-sac or a hammer head, the sizes of which shall be determined based on the context by the City Engineer and the *Approving Authority*.
2. **Gated Communities Prohibited.** All streets shall be open and available to the general public for access to the *properties* served by the street. Streets shall not be barricaded, gated, or blocked in any way to prevent access by the general public.

SECTION 39-10.03 GENERAL STREET REQUIREMENTS

A. Public and Private Streets.

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3. **Street Names.** All street names shall be approved by the City’s Assessing Office.
4. **Encroachments.** Encroachments of structures or landscaping on a street, alley or sidewalk are not permitted. See Section 22-22 of the Code of Ordinances.
5. **Suspending Objects Over Public Right-of-Way.** Nothing shall be suspended over any sidewalk or street unless expressly authorized in UDO or approved as a Revocable License Agreement (RLA) from *City Council*.
6. **Street Vacations.** Proposed street vacations shall be reviewed and approved by *City Council* using the processes outlined in Section 39-12.10.D.3
7. **Right-of-Way Permits.** Repair or modification to any street, sidewalk, crosswalk, driveway approach, or curb, and excavations or openings in or under any street, alley, or public place shall require a Right-of-Way Permit from the Transportation Services Department prior to commencing such work. See Section 22-13 of the Code of Ordinances.
8. **Future Right-of-Way.** The Planning Commission may designate sections of street maintained by the City of Holland for “Future *Right-of-Way*” to accommodate street widening, provision of infrastructure, such as a sidewalk or non-motorized pathway, and/or to address safety concerns. The “Future *Right-of-Way*” line designated by the Planning Commission shall be considered the *front property line* for all *parcels* included in the Future *Right-of-Way* area for the purposes of UDO. The minimum length of any street corridor designated for Future *Right-of-Way* shall be **300 feet**. Prior to designating a Future *Right-of-Way* area, the Planning Commission shall hold a public hearing, as described in Article 39-12, and notify, by mail, all *property owners* within the Future *Right-of-Way* area at least **15 days** in advance of the public hearing.

D. **City Engineer and Ottawa County Road Commission Standards.** For all aspects of street design and construction not described in UDO, the standards of the Holland City Engineer and the standards of the Ottawa County Street Commission shall govern.

E. **Variances from this Article.** The *Board of Appeals* (BOA) shall have the authority to grant *variances* from this Article.

SECTION 39-10.04 SIDEWALK REQUIREMENTS

- A. **Sidewalks shall be installed** within the *right-of-way* along the street frontage of a *property* whenever a *Site Plan* approval is required or when a Residential Dwelling with 1-4 Units is built and along both sides of a newly constructed street.
1. **Exceptions.**
 - a. Sidewalk may be permitted to be installed on **private property** with a public access easement granted to the City of Holland if *right-of-way* is not available.
 - b. **Sidewalk Waiver.** The sidewalk requirements of Section 39-10.04.A shall only be waived by the Approving Authority and the City Engineer if a written request is provided by the applicant and after the following considerations and findings have been made:
 - 1) The location of the existing sidewalk and its proximity to the sidewalk to be constructed;
 - 2) The existence of grades, open ditches, and topographical features of the lot which would render the sidewalk impractical, constitute an unreasonable hardship, or would be a deterrent to the preservation and enjoyment of a substantial property right of the applicant;
 - 3) Special circumstances or conditions, including but not limited to lot size, configuration, and proximity of inconsistent uses which would mitigate against the strict construction of sidewalk by the City, private property owners, or developers within reasonable proximity of the residence;

- 4) The granting of the waiver would not be detrimental to the public health, safety, or general welfare and would not create a precedent which would prevent the enforcement of the ordinance for similar conditions or situations in the area in which the property is located;
- 5) A waiver not limited by a specific duration shall be deemed unspecified in length, but shall not be considered a permanent waiver of sidewalk requirements nor revoke in any way the right of the City to order, install, or assess for sidewalks in accordance with other sections of the Code of Ordinances upon a determination that conditions are necessary for the construction of sidewalk in accordance with public need, health, safety, and general welfare;
- 6) In permitting a waiver, conditions of approval may be imposed that are necessary to meet the intent of this subsection or to preserve the public health, safety, and general welfare.

B. Sidewalks shall be:

1. **6 feet wide minimum** (8 feet wide minimum in the F-CDT Sub-District)
2. **Included on Site Plans** with dimension lines and thickness
3. **Constructed 4 inches thick** and shall be poured using Michigan Department of Transportation (MDOT) standards with a limestone mix concrete. **Sidewalks crossing driveways** shall be **6 inches thick** and shall be poured separately from the driveway approach.
4. **Sloped to a maximum of 2%** and set at an elevation above the adjacent curb head
5. **ADA standards** compliant
6. **Extended into a parking lot** with a marked pedestrian access strip leading to the *building* entrance
7. **Installed** by a concrete/sidewalk contractor

C. Sidewalk Hazards.

1. Snow, ice, dirt, rubbish, obstructions, and other nuisances shall not remain on sidewalks for more than 24 hours.
2. The owner or occupant of the abutting premises shall be responsible to remove these nuisances and shall put salt, sawdust, sand or other abrasive on ice within 12 hours of its formation on the sidewalk.
3. Sidewalk openings. See Section 22-21 of the Code of Ordinances.

SECTION 39-10.05 DRIVEWAY REQUIREMENTS

- A. Intent.** The intent of this section is to regulate orderly *development* and minimize traffic congestion by applying best practice standards to regulate **how many driveways** (curb cuts) are permitted, driveway width, and distances between curb cuts on streets that access Residential Dwellings with 1-4 Units (Residential Curb Cuts) and on streets that access All Other Uses (Other Use Curb Cuts).

B. General Requirements.

1. **A driveway or parking space** shall be made accessible to a public street, or to a private street if approved by the *Approving Authority*.
2. **Driveway approaches** shall only be installed in conjunction with approved curb cuts and driveway approach regulations as specified in Sections 39-10.05.C-D.
3. **Driveway width measurements** shall be made at the *right-of-way* line.
4. **Driveway flares.** An additional flare of **3 feet** for residentially used properties and an additional flare of **5 feet** for non-residentially used properties are allowed in addition to the maximum width at the right-of-way line.
5. **Permit required.** A Right-of-Way permit shall be obtained from the Transportation Services Department prior to connecting a driveway to any public street, alley or public place.

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C. Residential Driveways.

1. **Driveway Requirement Table.** Width restrictions are measured at the *right-of-way* line for purposes of this section.

LOT WIDTH	NUMBER OF DRIVEWAYS	MAXIMUM DRIVEWAY WIDTH	MINIMUM DISTANCE BETWEEN DRIVEWAYS
Less than 40 ft	1	10 ft	N/A
40 up to 50 ft	1	20 ft	18 ft
	2	10 ft each	18 ft
50 up to 100 ft	1	20 ft	25 ft
	2	20 ft	25 ft
	3	10 ft	25 ft
Greater than 100 ft	1	20 ft	30 ft
	2	20 ft	30 ft
	3	10 ft	30 ft
	More than 3 (Up to 1 per 50 feet of frontage)	10 ft	30 ft

2. **Distance from Intersections.** The City Engineer may prohibit curb cuts within a given distance of an intersection to ensure safety at the intersection. The City Engineer shall make such determinations on an intersection-by-intersection basis.
3. **Functional Boundary Areas.** Residential driveways shall not be located within **50 feet** of the *right-of-way* line of an intersection street unless all of the lot frontage is located within the functional boundary area. If all the lot frontage is located within the functional boundary area, the residential driveway shall be located as far as possible from the adjacent street intersection.

D. Commercial, Industrial, Mixed Use, and Multifamily Development Driveways

1. **Driveway Requirement Table.** These requirements may be modified by the City Engineer and the *Approving Authority*.

	DRIVEWAY SPACING ON SAME SIDE OF STREET	DRIVEWAY SPACING ON OPPOSITE SIDES OF STREET	DRIVEWAY DISTANCE FROM INTERSECTIONS
Two-Lane Street	100 ft	100 ft	150 ft
Multi-Lane Street	150 ft	250 ft	250 ft

2. **Driveway spacing on the same side of the street** is measured from edge of driveway to edge of driveway.
3. **Driveway alignment across from each other.** Driveways shall either be aligned with those directly across the street or offset a sufficient distance from those across the street to achieve the minimum spacing standards as measured from centerline to centerline. See the table in [Section 39-10.05.D.1.](#)
4. **Access management.** The City of Holland encourages, and may require, cross access connections to driveways since driveway access points are the main location of crashes and congestion, and their location and spacing directly affect the safety and functional integrity of the street network.

Access Management and Cross Access

Encourage



Avoid



5. **Acceleration and Deceleration Lanes.** Driveways shall not be constructed along acceleration or deceleration lanes and tapers connected to a public road unless no other reasonable access point is available, and if approved by the City Engineer.
6. **Turns Limited or Prohibited.** The City Engineer and *Approving Authority* may prohibit or limit turns out of driveways and/or require driveway geometrics to aid traffic circulation.

7. Minimum Driveway Sight Distances Table

EXISTING STREET SPEED LIMIT	DRIVEWAY SAFE SIGHT DISTANCE
25 mph	300 ft
30 mph	360 ft
35 mph	420 ft
40 mph	480 ft
45 mph	540 ft
50 mph	600 ft
55 mph	660 ft

8. **Ottawa County Road Commission Procedures and Regulations for Permitted Activities.** All additional regulations specified in this document shall be met unless otherwise approved by the City Engineer and *Approving Authority*.

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SECTION 39-10.06 STREET NETWORK REQUIREMENTS BY ZONE DISTRICT

- A. **Intent.** The intent of this section is to ensure the orderly *development* of the City Holland’s street network by requiring specific standards to be met in determining the location of new street intersections and how many streets can be connected to an existing street. These standards, in addition to the driveway and curb cut standards in Section 39-10.05, are essential to minimize additional traffic congestion.
- B. **Context Sensitive.** These Zone District specific standards follow the **context sensitive** planning approach described in Section 39-1.04.A.
- C. **Street Network Standards.** These requirements shall be met for all **properties** that have a **minimum of 300 feet** in any dimension that propose new streets. All standards shall be rounded to the nearest whole number.

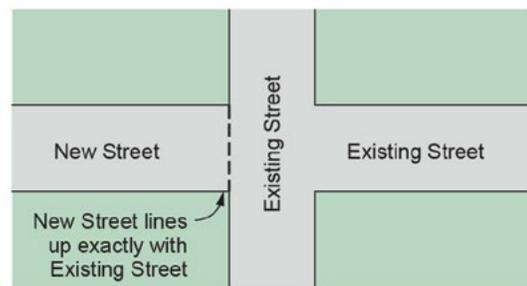
	NEW STREET INTERSECTION DISTANCE FROM EXISTING INTERSECTIONS ^B	NUMBER OF STREET CONNECTIONS TO EXISTING STREETS (BASED ON WIDTH OF PROPERTY LINE ALONG EXISTING STREET) ^D
LDR	0 or 150 ft	1 per 300 ft
CNR	0 or 150 ft	1 per 300 ft
MDR	0 or 150 ft	1 per 300 ft
TNR	0 or 150 ft	1 per 300 ft
HDR	0 or 150 ft	1 per 300 ft
MHR	^C	^C
NMU	0 or 150 ft	1 per 300 ft
CMU	0 or 300 ft	1 per 600 ft
RMU	0 or 150 ft	1 per 300 ft
GMU ^A	0 or 150 ft	1 per 300 ft
ED	0 or 150 ft	1 per 300 ft
I	0 or 300 ft	1 per 600 ft
A	0 or 300 ft	1 per 600 ft
OS	0 or 300 ft	1 per 600 ft
F	0 or 150 ft	1 per 300 ft
PUD	Determined in PUD Agreement	Determined in PUD Agreement

Footnotes to Table 10.06.C.

- ^A **GMU Greenfield Mixed Use Zone District.** Public Streets shall be required to establish a street network and connections within and through properties and tie into the internal street network. The **Waverly Sub-Area Plan** shall be used to guide the location of these Public Streets. If the adjacent property the street is proposed to connect to is undeveloped, a stub street shall be constructed.
- ^B “0 feet” shall mean **extending an existing street across an intersection** where it currently ends, creating a 4-way intersection. See graphic to the right.
- ^C See Section 39-2.10.
- ^D **The street may be replaced** by a pedestrian walkway or non-motorized pathway, if approved by the Approving Authority. The walkway or pathway shall be exempt from the street design requirements of this Article but shall be a **minimum of 26 feet wide** to allow for emergency vehicle access, unless determined otherwise by the Fire

Marshal and Approving Authority.

“0 Feet” from Existing Street



SECTION 39-10.07 STREET CLASSIFICATIONS FOR STREET DESIGN STANDARDS

A. **Intent.** Street Design Standards and intentionally planning and constructing the Street Realms per the requirements of Section 39-10.08, is necessary to ensure best practices are used to preserve, enhance, and establish character in neighborhoods and along corridors. These **Street Design Standards** are organized by Street Classifications based on the City of Holland’s Act 51 Map and its differentiation between **Major and Local Streets**. The following define each Street Classification used in the tables located in Sections 39-10.08.D-F and provide examples.

B. **Residential Streets.** Residential Streets shall be defined as those where the surrounding *properties* are predominantly zoned **LDR, CNR, MDR, TNR, HDR, or MHR**. They are characterized by slow speeds, pedestrians, activity in *front yards*, and high levels of bicycle usage.

1. **Major Residential Streets.** Examples: Pine St., S. River Ave., South Shore Dr., and Century Ln. (when lined with residential *buildings*).



Pine Street

2. **Local Residential Streets.** Examples include: E. 13th St., W. 25th St., Colonial Ct., Bluebell Dr., and Grandview Ave.



Grandview Avenue

- C. **Commercial, Mixed Use Corridor, and Industrial Streets.** These streets shall be defined as those where the surrounding *properties* are predominantly zoned **CMU, I, A, and, for Major Streets only, GMU**. They are characterized by high traffic volumes, relatively high speeds, truck traffic, multi-lane configurations, and dedicated turning lanes.

1. **Major Commercial, Mixed Use Corridor, and Industrial Streets.** Examples: Michigan Ave., S. Washington Ave., Waverly Ave., 48th St., and 64th St. Highways maintained by the Michigan Department of Transportation, such as US-31, also fit in this category.



Waverly Avenue

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2. **Local Commercial, Mixed Use Corridor, and Industrial Streets.** Examples: Lincoln Ave., Ottawa Ave., Century Ln. (when lined with non-residential *buildings*), Industrial Ave., 40th St. (east of US-31), and Veterans Dr.



40th Street

- D. **Urban Streets.** Urban Streets shall be defined as those where the surrounding *properties* are predominantly zoned **TNR, NMU, RMU, GMU, and F for only Local Streets.** These streets are characterized by slow speeds, *on-street parking* (where allowed), high pedestrian activity, frequent intersections/crosswalks, and, in some cases, high bicycle usage.

1. **Major Urban Streets.** Examples: 7th St., 8th St., 9th St., 16th St. (west of Fairbanks Ave.), River Ave., and State St.



8th Street

2. **Local Urban Streets.** Examples: Washington Ave. (in Washington Square), 6th St., 10th St., Central Ave., and Columbia Ave.



Washington Avenue in Washington Square

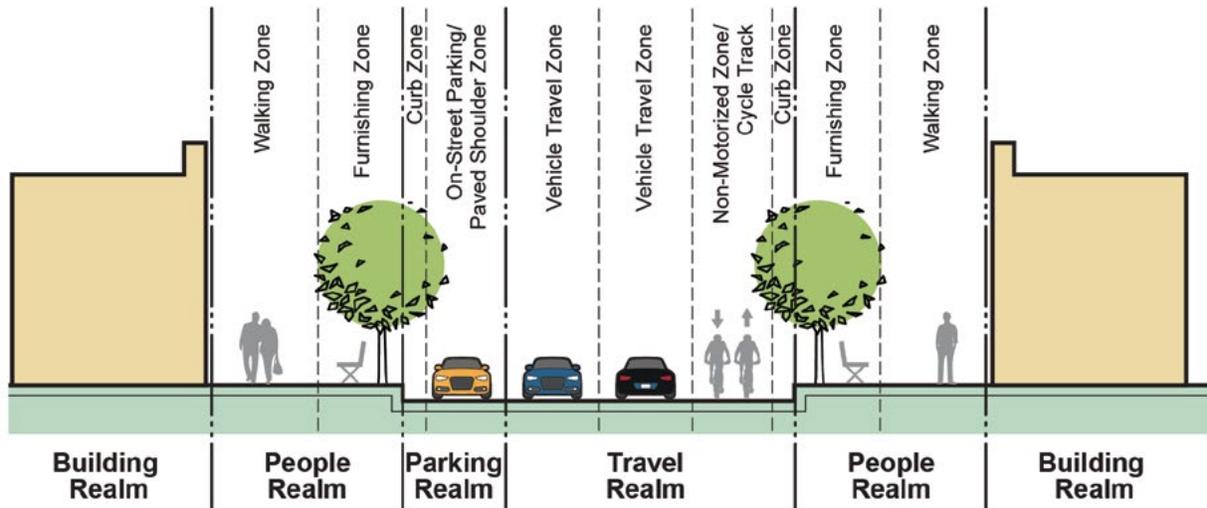
SECTION 39-10.08 STREET DESIGN STANDARDS

- A. **Intent.** The intent of this Section is to ensure street planning, construction, and reconstruction apply best practices to meet the City of Holland’s **Complete Streets Resolution** and to further the City’s *Master Plan* goals and action steps to **provide multimodal transportation infrastructure.** Requiring standards to be met in the **3 Street Realms** outlined below accomplishes these goals.
- B. **3 Street Realms.** Shall be regulated by the specific standards of this Section organized by the Street Classifications defined in Section 39-10.07. **A Street Design Plan** shall be submitted with a *Site Plan* application when a **new street** is proposed. See Section 39-12.02 and Sections 39-12.06-09. There are 3 Street Realms located within a street’s cross section. **Each Realm is further made-up of Feature Zones.** See the graphic in Section 39-10.07.B.3.

- 1. People Realm:** The People Realm is the portion of the *right-of-way* used by pedestrians as a **sidewalk.** The People Realm includes the following **Feature Zones:** Walking Zone and Furnishing Zone, which includes *lighting, landscaping, Street Trees, snow storage, and amenities* such as benches, trash cans, public art, or outdoor dining. **Crosswalks** are also considered part of the People Realm.
- 2. Parking Realm:** The *Parking Realm* is located between the People and Travel Realms and is primarily for the *parking* and loading/unloading of *vehicles.* The *Parking Realm* includes the following **Feature Zones:** Curb Zone and *On-street Parking* or Paved Shoulder Zone.
- 3. Travel Realm:** The Travel Realm is the portion of the street where *vehicles* and non-motorized **vehicles travel,** including through lanes and turning lanes. The Travel Realm shall be enhanced visually and operationally through **landscaped medians,** pavement markings, and on street non-motorized *vehicle lanes* or pathways

in accordance with the City of Holland’s Non-Motorized Transportation Plan. The Travel Realm includes the following **Feature Zones**: *Vehicle Travel Zone* (including bicycle lanes or cycle tracks) and *Vehicle Travel Turning Zone*.

Street Realms



C. **Tables in Sections 39-10.08.D-F.** The following tables provide standards that are specific to the **Street Realms** (People, Parking, and Travel) and the **Feature Zones** of each. These tables are further organized by street classifications. When a priority is included, the following shall apply.

1. **High Priority:** This street design element should be present in nearly all situations. For a new street in a private *development*, all high priority street design elements shall be included for the street design to be approved.
2. **Medium Priority:** This street design element may be required by the *Approving Authority* in certain situations within a given Street Classification. For a new street in a private *development*, the *Approving Authority* may require a medium priority street design element be installed.
3. **Low Priority:** This street design element will likely not be required, though it may be encouraged. For a new street in a private *development*, the *Approving Authority* may determine that a proposed low priority street design element is not necessary.

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D. People Realm Design Standards and Guideline Minimums.

1. Walking Zone (Sidewalks, Non-Motorized Pathways, and Crosswalks)

	RESIDENTIAL		COMMERCIAL, MIXED USE CORRIDOR, AND INDUSTRIAL		URBAN	
	MAJOR	LOCAL	MAJOR	LOCAL	MAJOR	LOCAL
Sidewalk Width	6 ft	6 ft	8 ft recommended 6 ft minimum	6 ft	6 ft (8 ft in F-CDT Sub-District)	6 ft (8 ft in F-CDT Sub-District)
Non-Motorized Pathway Width (Guideline)	12 ft	10 ft	12 ft	12 ft	12 ft	10 ft
Attributes	Sidewalks on both sides of all streets	Sidewalks on both sides of all streets	Sidewalks on both sides of all streets or 12-foot Non-Motorized Pathway on one side of the street	Sidewalks on both sides of all streets	Sidewalks on both sides of all streets in Business Districts, allow for sidewalk cafes and other storefront amenities	Sidewalks on both sides of all streets in Business Districts, allow for sidewalk cafes and other storefront amenities
Crosswalks	Striped Bump Outs on Higher Traffic Corridors	Striped in high traffic or high pedestrian areas	Striped and Signalized Pedestrian Refuges (Guideline)	Striped Bump Outs on Higher Traffic Corridors	Striped Bump Outs Signalized when necessary Pedestrian Refuges (Guideline)	Striped in high traffic or high pedestrian areas

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2. **Landscaping/Snow Storage/Amenity Zone.** The following design standards shall apply to the area **between the Walking Zone and the Curb or On-Street Parking Zones**. The required **5 foot** width spacing between the edge of pavement and the sidewalk shall be unpaved and planted with native plantings or *grass*. The use of rocks in this area is prohibited.

	RESIDENTIAL		COMMERCIAL, MIXED USE CORRIDOR, AND INDUSTRIAL		URBAN	
	MAJOR	LOCAL	MAJOR	LOCAL	MAJOR	LOCAL
Width	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Attributes	Approved Ground Cover Type Section 39-6.02.G 1 street tree per 30 ft	Approved Ground Cover Type Section 39-6.02.G 1 street tree per 30 ft.	Approved Ground Cover Type Section 39-6.02.G 1 street tree per 30 ft.	Approved Ground Cover Type Section 39-6.02.G 1 street tree per 30 ft.	Dependent on Context. City shall define appropriate plantings and design. 1 street tree per 30 ft. If not landscaped, provide with amenities (benches, trash cans, decorative lighting, etc.)	Dependent on Context. City shall define appropriate plantings and design. 1 street tree per 30 ft. If not landscaped, provide with amenities (benches, trash cans, decorative lighting, etc.)

E. Parking Realm Design Standards.

1. **On-Street Parking Zone**

	RESIDENTIAL		COMMERCIAL, MIXED USE CORRIDOR, AND INDUSTRIAL		URBAN	
	MAJOR	LOCAL	MAJOR	LOCAL	MAJOR	LOCAL
Space Dimensions	8 ft wide and 160 sf minimum	8 ft wide and 160 sf minimum	8 ft wide and 160 sf minimum	8 ft wide and 160 sf minimum	8 ft wide and 160 sf minimum	8 ft wide and 160 sf minimum
Attributes	Parallel, need not be striped except on higher traffic corridors	Parallel and either Striped or Unstriped	Parallel and Striped Diagonal only on urban slow speed streets and slip streets	Parallel and Striped	Parallel and Striped Diagonal only on urban slow speed streets and slip streets Striped	Parallel Striped if necessary due to traffic or parking volumes
Priority	Medium	Medium	Low	Medium	High	High

2. **Curb Zone** standards shall be required by City Engineer and *Approving Authority* in accordance with the City’s Transportation Plan.

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F. Travel Realm Design Standards

1. Through Lane Zone

	RESIDENTIAL		COMMERCIAL, MIXED USE CORRIDOR, AND INDUSTRIAL		URBAN	
	MAJOR	LOCAL	MAJOR	LOCAL	MAJOR	LOCAL
Lane Width	10-12 ft	10-11 ft	11-12 ft	10-12 ft	10-12 ft	10-11 ft
Number of Lanes	2-3	2	3 or 5	2-3	2-3	2
Bicycle Lanes/ Cycle Tracks	6 ft min. width per direction	5 ft min. width per direction	6 ft min. width per direction	6 ft min. width per direction	6 ft min. width per direction	6 ft min. width per direction

2. Turn Lane Priorities

	RESIDENTIAL		COMMERCIAL, MIXED USE CORRIDOR, AND INDUSTRIAL		URBAN	
	MAJOR	LOCAL	MAJOR	LOCAL	MAJOR	LOCAL
Continuous Left Turns	Medium	Low	Medium	Medium	Medium	Low
Intersection Left Turns	Medium	Low	Medium	Medium	Medium	Low
Right Turns	Low	Low	Medium	Medium	Low	Low

3. **Median Design and Priorities.** Medians beautify street corridors and contribute to safe and efficient access management, traffic calming, and safety.

	RESIDENTIAL		COMMERCIAL, MIXED USE CORRIDOR, AND INDUSTRIAL		URBAN	
	MAJOR	LOCAL	MAJOR	LOCAL	MAJOR	LOCAL
Attributes	Used for decorative purposes and/or traffic calming Should contain landscaping, trees, and/or green infrastructure Should have crossovers at least every 150 feet	Used for decorative purposes and/or traffic calming Should contain flowers and shrubs Should have crossovers at least every 150 feet	Used to control turning movements ("Michigan Lefts") where appropriate Landscaping, trees, and/or streetlights if possible	Used for decorative purposes and/or traffic calming Should contain landscaping, if possible Should have crossovers at least every 150 feet	Used for decorative purposes and/or traffic calming Should contain landscaping, trees, and/or green infrastructure Should have crossovers at least every 150 feet	Used for decorative purposes and/or traffic calming Should contain landscaping, trees, and/or green infrastructure Should have crossovers at least every 150 feet
Priority	Low	Low	Medium	Low	Medium	Low

G. **Structural Green Infrastructure Best Management Practices (BMPs) in Street Design.** The following BMPs shall be used as guidelines and, although not required, are **strongly encouraged** to further push the needle towards meeting the City of Holland’s **Low Impact Development** goals by creating a network of what are often referred to as Vital Streets.

1. **Curb Inlets.** Constructing inlets into street curbs or sloping the street for non-curbed streets can be used in conjunction with rain gardens, vegetated swales, street-side ditches and other BMPs. The *Approving Authority* may permit streets to be built without curb and gutter if it is determined that there is no safety or aesthetic reason to require curbs and if a Structural Green Infrastructure BMP shall be used.
2. **Median Structural Green Infrastructure.** Streets can be sloped and medians can be designed for stormwater to drain into them. Medians should include a recessed area to serve as a vegetated swale or rain garden and should be planted with native plants that thrive in wet environments and are tolerant towards salts and pollutants.



3. **Pervious Parking Lanes.** *On-street parking* lanes are encouraged to be constructed of pervious pavement. See [Section 39-6.06](#).



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ARTICLE 39-11:

Subdivision of Land



SECTION 39-11.01 INTENT

A. The intent of this Article is to:

1. Provide general standards pertaining to the division, *subdivision* and condominiumizing of land,
2. Define these processes of parceling land,
3. Specify and reference standards and
4. Review processes for each to ensure orderly *development* throughout the City of Holland and to protect public health, safety, and general welfare.

SECTION 39-11.02 SUBDIVISION OF LAND PROCESSES AND STATE ACTS TABLE

TABLE OF PROCESSES, STATE ACTS, AND UDO SECTIONS		
SUBDIVISION OF LAND TYPE	STATE ACT	UDO SECTIONS (CHAPTER 39 OF CODE OF ORDINANCES)
Land Division	Michigan Land Division Act	<u>11.03, 11.04</u>
<i>Subdivision</i> Plat	Michigan Land Division Act	<u>11.03, 11.05, 12.10.D.4</u>
Site Condominium	Michigan Condominium Act	<u>11.03, 11.06, 12.07.E.2</u>
Traditional Condominium	Michigan Condominium Act	<u>11.03, 11.07, 12.07.E.2</u>

SECTION 39-11.03 GENERAL SUBDIVISION OF LAND STANDARDS

All parceling of existing *lots, parcels, or tracts* of land (“*lots*”) shall meet the required standards of this section. *Lots* that do not comply with the standards in this Article are *nonconforming* properties and they may not be further divided or subdivided. See Article 39-13.

- A. **A lot shall not be divided**, altered, or reduced to make *lot* area and/or width **less than the minimum required** in the table below. A *lot* in a *Zone District* without an area or width minimum shall meet all other standards of this Section and the standards in Article 39-2.

LOT SIZES AND WIDTH MINIMUMS		
ZONE DISTRICT	MINIMUM PROPERTY AREA (SF)	MINIMUM PROPERTY WIDTH (FEET)
CNR	4,500	45
TNR	5,000	40
LDR	7,000	50
MDR	5,000	40

- B. **Corner lots** for residential use shall meet the *front yard building setback* from both street frontages. This shall be considered when determining *lot* size.
- C. The Community and Neighborhood Services Department shall review the City’s **Master Plan, Street Plan, Utility Plan or other plans or ordinances** to ensure each requested *lot* division, alteration, or combination complies with applicable requirements.
- D. Approval shall be withheld of a *lot* division, alteration, or combination, if any resulting *lot* is determined to be **unsuitable for the permitted use** due to a topographical or other physical reason.
- E. All *lots* created by a division, alteration, or combination shall have direct and immediate deeded **frontage on a street unless approved as a Flag Lot** by the *Board of Appeals* as a Special Exception. See Section 39-12.12.B.5.
- F. **Street, Driveway, and Sidewalk** standards shall be met as specified in Article 39-10.
- G. **Barrier strips** to prevent or control access to streets **shall be prohibited** except when approved by the *Approving Authority*. **Alleys** may be approved if a minimum of **20 feet** wide or **26 feet** wide if it provides the only Fire Apparatus Access Point to any *lot*.
- H. **Subdivisions and Site Condominiums:**

1. **Protection of Important Natural Features.** The arrangement of *lots*, units, and streets shall preserve to the greatest extent practicable watercourses, *wetlands*, flood-prone areas, and wildlife habitat.
2. **Arrangement of Lots and Units.** The size and arrangement of *lots* and units shall reflect and perpetuate the **existing development pattern** of the surrounding neighborhood. *Lots* and units shall be created in such a way as to enable their *development* pursuant to the requirements of *UDO* and ensure a clear transfer of title. **Interior lot or unit lines** extending from a street, shall be perpendicular or radial to the street *right-of-way* line to the greatest extent practicable.
3. **Major Street Frontages.** For *Subdivisions* and Site Condominiums abutting or containing a **major street**, the *Approving Authority* may require marginal access streets, reverse frontage with screen planting in a non-access way along the *rear property line*, deep *lots*, units with rear service *alleys*, or other treatments as may be necessary for adequate protection to residential properties and to separate of through and local traffic.
4. **Connectivity of Streets and Sidewalks.** The established grid of interconnected streets and sidewalks shall be maintained and extended to the greatest extent practicable. All streets shall be in compliance with the applicable street design and construction standards in Article 39-10.
5. **Dedication of Streets.** Streets in *Subdivisions* and Site Condominiums shall be designed and built to the City's **public street standards** and shall be dedicated to the City upon completion of a *Subdivision* or Site Condominiums unless Planning Commission determines otherwise based on the criteria specified in Section 39-10.03.
6. **Dedication of Easements.** *Subdivisions* and Site Condominiums shall provide dedications of *easements* to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains, and other installations of a similar character for the purpose of

providing *public utility services*, including conveyance of sewage, potable water and stormwater runoff across, through and under the property subject to said *easement*, and excavation and refilling of ditches and trenches necessary for the location of such installations.

SECTION 39-11.04 LAND DIVISION PROCESS

- A. **Definition.** In a Land Division, an *applicant* applies to **divide an existing unplatted parcel** or tract of multiple *parcels* in accordance with Sections 108-109b of the Land Division Act, MCL 560.108-.109b, and related provisions of the Land Division Act. The Act requires that any division of a *parcel* or tract, as defined in the Act, that would result in any **lot of less than 40 acres** be approved by the local unit of government before the resulting *parcels* are marketed, sold or reflected in a document recorded with the county register of deeds. **The number of allowable lot splits** is dependent on the size of the “Parent *Parcel*” or “Parent Tract”, as applicable, as of **March 31, 1997**.
- B. **Approval Process.**
 1. **Application.** An application for a Land Division can be obtained from the Assessing Office and shall be filed with the Assessing Office. The Assessor and the *Zoning Administrator*, and others if applicable, shall review the application and the Assessor shall approve or reject the requested Land Division.
 2. **The following items shall be submitted with the application:**
 - a. **Evidence of ownership** interest in the property subject to the proposed split or combination;
 - b. **A legal description** and evidence establishing that the Parent *Parcel* was lawfully in existence on March 31, 1997;
 - c. **Evidence the split shall not exceed the maximum number** of divisions allowed under the Land Division Act;

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- d. **A Survey** indicating that the *lot(s)* meets the area and width minimums required in [Article 39-2](#) and Section 11.03.A if applicable, and indicating that the *lots* shall be **accessible** by a street, *easement* or other approved means of access;
- e. **Evidence that there are no outstanding property taxes** or special assessments on the land subject to the application.

SECTION 39-11.05 SUBDIVISION PLATS

- A. **Definition.** A *Subdivision* plat is used when the property is proposed to be divided pursuant to the *subdivision* provisions of the Michigan Land Division Act into platted *lots*.
- B. **Subdivision Review Considerations.** See [Section 39-11.03](#)
- C. **Application and Review Process.** Final Determination required by *City Council*. See [Section 39-12.10.D.4](#)

SECTION 39-11.06 SITE CONDOMINIUMS

- A. **Definition.** A Site Condominium is a Condominium created pursuant to the Condominium Act, MCL 559.101 et seq. whose **units are separate parcels of land** (*sites*) on which *structures* for independent occupation are erected. Units within a Site Condominium may be intended for residential, commercial, or industrial uses.
- B. **Site Condominium Review Considerations.** See [Section 39-11.03](#).
- C. **Application and Review Process.** See [Section 39-12.07.E.2](#)

SECTION 39-11.07 TRADITIONAL CONDOMINIUMS

- A. **Definition.** A Traditional Condominium is a Condominium created pursuant to the Condominium Act, MCL 559.101 et seq., whose units are defined in the Master Deed, but **are not separate parcels of land** (*sites*). Units within a Traditional Condominium may be intended for residential, commercial, or industrial uses.
- B. **Traditional Condominium Review Considerations.** See [Section 39-12.07.E.2](#).
- C. **Application and Review Process.** See [Section 39-12.07.E.2](#).



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ARTICLE 39-12:

Application Review Processes and Administration

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SECTION 39-12.01 INTENT

A. This Article establishes the processes used for the review of *development* applications.
How to use this Article:

1. Determine the **Review Process** required per application type from the table in Section 39-12.02.
2. **Learn about the Approving Authorities** for each review process in Section 39-12.03.
3. **Zoning Permits Review Process:** See Section 39-12.04.
4. **For All Other Review Processes:** General Review Process requirements in Section 39-12.05.
5. **Administrative Review Process:** Section 39-12.06.
6. **Planning Commission Review Process:** See Section 39-12.07. **Special Land Use Review Process:** Section 39-12.08.
7. **Determine the application materials and Site Plan components** required per review process from the tables in Section 39-12.09.
8. For application types requiring **City Council or Board of Appeals Review**, see Section 39-12.10 and Section 39-12.12 respectively.
9. **Post-Site Plan Approval requirements.** See Section 39-12.11.
10. **Violations Information:** See Section 39-12.13.

SECTION 39-12.02 REVIEW PROCESSES AND APPROVING AUTHORITIES TABLES

ALL ZONE DISTRICTS						
APPLICATION TYPE	ZONING ADMINISTRATOR/ ZONING PERMIT	ADMINISTRATIVE REVIEW STAFF	PLANNING COMMISSION	CITY COUNCIL	BOARD OF APPEALS	OTHER REQUIRED APPROVAL
Site Improvements with no structural changes	Final Determination	-	-	-	-	-
Accessory Dwelling Units	Final Determination	-	-	-	Final Determination if Special Exception Requested	Infill Design Review if not in Historic Districts HDC Approval in Historic Districts Noticed neighbors may request Board of Appeals Special Exception
Signs (other than in PUD, A, & F Zone Districts)	Final Determination	-	-	-	-	HDC Approval in Historic Districts

ALL ZONE DISTRICTS						
APPLICATION TYPE	ZONING ADMINISTRATOR/ ZONING PERMIT	ADMINISTRATIVE REVIEW STAFF	PLANNING COMMISSION	CITY COUNCIL	BOARD OF APPEALS	OTHER REQUIRED APPROVAL
Fences (other than in PUD, A, & F Zone Districts)	Final Determination	-	-	-	-	HDC Approval in Historic Districts
Special Land Uses	-	Recommendation	Final Determination	-	-	Public Workshop in PUD and F Zone Districts DDA Recommendation for F Sub-Districts Downtown.
Rezoning & Conditional Rezoning	-	Recommendation	Recommendation	Final Determination	-	Public Outreach Workshop (Exempt Rezoning to LDR, MDR, or CNR) DDA Recommendation for Downtown F Sub-Districts
Text Amendment (UDO or Master Plan)	-	Recommendation	Recommendation	Final Determination	-	-
Special Exception	-	-	-	-	Final Determination	-
Variance	-	-	-	-	Final Determination	-
Non-conformities	-	-	-	-	Final Determination	-
UDO Interpretation	-	-	-	-	Final Determination if Appealed	-
Lot Split or Combination	Final Determination	-	-	-	-	Assessor Approval
Site Condominium	-	Recommendation	Final Determination	-	-	Public Outreach Workshop
Traditional Condominium	-	Recommendation	Final Determination	-	-	Public Outreach Workshop
Subdivision Plat	-	Recommendation	Recommendation	Final Determination	-	Public Outreach Workshop

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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
Residential Dwellings with 1-4 Units (new and additions)	Final Determination	-	-	-	-	Infill Design Review (CNR and TNR) HDC Approval in Historic Districts
New Non-Residential Buildings	-	Recommendation	Final Determination	-	-	Infill Design Review (CNR and TNR) HDC Approval in Historic Districts
Non-Residential Building Additions	Less than 1,000 sf Final Determination	1,000 sf or greater Final Determination	-	-	-	HDC Approval in Historic Districts
Conversions of Residential Dwelling Units	Final Determination	-	-	-	Final Determination if Special Exception Requested	HDC Approval in Historic Districts
HDR Only New Buildings with 5 or more Residential Dwelling Units and Mixed Uses	-	Recommendation	Final Determination	-	-	-

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ZONE DISTRICTS: NMU, CMU, RMU, GMU, ED						
APPLICATION TYPE	ZONING ADMINISTRATOR/ ZONING PERMIT	ADMINISTRATIVE REVIEW STAFF	PLANNING COMMISSION	CITY COUNCIL	BOARD OF APPEALS	OTHER REQUIRED APPROVAL
New Mixed Use Non-Residential	1,000 sf or less	Greater than 1,000 sf				Noticed neighbors may request Planning Commission Review
5+ Unit Residential Buildings	Final Determination	Final Determination	-	-	-	
Building Additions	10,000 sf or less or in ED Final Determination	Final Determination in all other cases	-	-	-	Noticed neighbors may request Planning Commission Review
GMU Only Multiple Residential Detached Dwellings with 1-4 Units	-	Recommendation	Final Determination	-	-	-
ED Only Single Residential Detached Dwellings with 1-4 Units	Final Determination	-	-	-	-	-
Outdoor Cafes (Private Property)	Final Determination	-	-	-	-	-
Sidewalk Cafes (Public Property)	Final Determination	-	-	-	-	Approval of Insurance and Indemnification by City Attorney

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ZONE DISTRICT: I						
APPLICATION TYPE	ZONING ADMINISTRATOR/ ZONING PERMIT	ADMINISTRATIVE REVIEW STAFF	PLANNING COMMISSION	CITY COUNCIL	BOARD OF APPEALS	OTHER REQUIRED APPROVAL
East or South of US-31 New Buildings	Less than 1,000 sf Final Determination	1,000 sf or greater Final Determination	-	-	-	Noticed neighbors may request Planning Commission Review
West or North of US-31 New Buildings	Less than 1,000 sf Final Determination	1,000 sf or greater NOT adjacent to a Residential Zone District: Final Determination 1,000 sf or greater and adjacent to Residential Zone District: Recommendation	1,000 sf or greater and adjacent to Residential Zone District Final Determination	-	-	Noticed neighbors may request Planning Commission Review
Building Additions	10,000 sf or less Final Determination	Greater than 10,000 sf Final Determination	-	-	-	Noticed neighbors may request Planning Commission Review

ZONE DISTRICT: A						
APPLICATION TYPE	ZONING ADMINISTRATOR/ ZONING PERMIT	ADMINISTRATIVE REVIEW STAFF	PLANNING COMMISSION	CITY COUNCIL	BOARD OF APPEALS	OTHER REQUIRED APPROVAL
New Buildings	Final Determination	-	-	-	-	West Michigan Airport Authority Recommendation
Site Improvements with no changes to principal building	Final Determination	-	-	-	-	West Michigan Airport Authority Recommendation
Signs and Fences	Final Determination-	-	-	-	-	West Michigan Airport Authority Recommendation

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.

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- 5 Site Design Review Standards
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ZONE DISTRICTS: F-WDT, NDT, CDT, EDT, AND CENT

APPLICATION TYPE	ZONING ADMINISTRATOR/ ZONING PERMIT	ADMINISTRATIVE REVIEW STAFF	PLANNING COMMISSION	CITY COUNCIL	BOARD OF APPEALS	OTHER REQUIRED APPROVAL
New Buildings or Additions	-	Less than 500 sf: Final Determination 500 sf or greater: Recommendation	500 sf or greater: Final Determination	-	-	If 500 sf or greater: Public Outreach Workshop & DDA Recommendation Less than 500 sf: Noticed Neighbors may request Planning Commission Review
Accessory Buildings (Not in conjunction with Site Plan)	200 sf or less Final Determination	Over 200 sf Final Determination	-	-	-	Noticed neighbors may request Planning Commission Review
Form Based Code Standards Waiver	-	Recommendation	Final Determination	-	-	-
Signs and Fences	Final Determination	-	-	-	-	DRB Review

- 1 Toolbox
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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
New Buildings or Additions	-	Less than 500 sf: Final Determination 500 sf or greater: Recommendation	500 sf or greater: Final Determination	-	-	Less than 500 sf: Noticed Neighbors may request Planning Commission Review
Accessory Buildings (Not in conjunction with Site Plan)	200 sf or less Final Determination	Greater than 200 sf Final Determination	-	-	-	Noticed neighbors may request Planning Commission Review
Outdoor Cafes (Private Property)	Final Determination	-	-	-	-	-
Sidewalk Cafes (Public Property)	Final Determination	-	-		-	Approval of Insurance and Indemnification by City Attorney
Form Based Code Standards Waiver	-	Recommendation	Final Determination	-	-	-
Signs and Fences	Final Determination	-	-	-	-	-

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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*, *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*. **These staff members** 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 Police Chief or their designated staff; 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.

- 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 6 regular members, 2 alternate members and a non-voting *City Council Liaison*.
- 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*.
- 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.
- H. **Design Review Board (DRB).** The DRB 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, 3 design professionals and one *City Council Liaison*.
- 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 PERMIT REVIEW PROCESS

- A. **Zoning Permit** applications are reviewed the *Zoning* Administrator and the *Board of Appeals*.
- B. **Zoning Permit Types.**
1. **Application Types** in [Section 39-12.02](#); and
 2. **Land Use Change** applications for existing *structures*.
- 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. Depending on the Application Type, additional approvals may be required along with *Zoning* Permit issuance. The following items shall be provided in a *Zoning* Permit application:
1. **Application;**
 2. **Scaled Plot Plan** with all property lines, *setbacks*, dimensions, location of drives and parking areas, and existing and proposed *structures*. A non-scaled, sketched Plot Plan may be permitted upon *Zoning* Administrator determination;
 3. **Scaled Floor Plan** shall be required for interior changes of use, Accessory Dwelling Units, and other similar construction. A non-scaled, sketched Floor Plan may be permitted upon *Zoning* Administrator determination;
 4. **Additional information**, plans, testimony, and/or evidence the *Board of Appeals* or *Zoning* Administrator may request to review the application.

- D. **Public Notices of Applications.** Upon receipt of applications requiring public notice, as specified in [Section 39-12.02](#), the *Zoning* Administrator 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** of the property about the proposed project and that they may request a *Public Hearing* and Special Exception determination by the *Board of Appeals* if a detailed, written request including the reasons why they have made this request is provided to the *Zoning* Administrator.
- E. The **Public Notice** shall inform residents of their right to request a *Public Hearing* with the *Board of Appeals*. This request shall be **in writing** and shall include a **detailed description** of the reason for the request.
- F. **Appeals of Zoning Administer 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.E](#). 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](#).

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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 **30 days** prior to the Planning Commission meeting or **15 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 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 *Planning Commission* 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.

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 39-12.12.E. 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.E.
 4. **PUD Planned Unit Developments** not requiring a *rezoning* as specified in Section 39-12.07.E.
 5. **Planning Commission Setback Waiver.** A *setback* waiver may be considered for approval by the *Planning Commission* when evidence is provided that:
 - a. **An environmental hardship** exists on the property that prevents compliance with all *setback* requirements for that *Zone District*;
 - b. The *development* will not be able to be constructed without the setback waiver;
 - c. The *setback* requested is the **least setback** needed to make the *development* viable.
 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 Hearing** and shall then affirm, reverse, or otherwise modify the original Administrative Review Determination, stating its finding and reasons for its action. A written copy of such findings, reasons, and actions shall be provided to the *applicant* and filed with the City Clerk.

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C. **Planning Commission Processes and Procedures.**

The following processes and procedures shall be met during a *Planning Commission Review*:

1. **The General Review Process** standards specified in Section 39-12.05 shall be met for all *Planning Commission Review Application Types*.
2. **Public Notice of Planning Commission Application Types.** Per Section 39-12.05.D, **15 days prior** to the *Public Hearing*, a written public notice shall be mailed to all property owners and occupants within a **300-foot radius** of the *site's* property lines and notice shall be sent to the City's **newspaper** of regular circulation for publication. Public notice for *Planning Commission Review Applications* shall include the following information:
 - a. The address of the subject property or properties;
 - b. The application type;
 - c. The nature of the *development*;
 - d. The date and location of the *Planning Commission Public Hearing*;
 - e. Contact information to provide public comment for *Planning Commission* consideration;
 - f. Notice that the City of Holland will provide necessary services and auxiliary aids at the *Public Hearing* to individuals with disabilities, upon request a minimum of **7 days** prior to the *Public Hearing*.
3. **Planning Commission Public Hearing.** The *Planning Commission* shall hold a *Public Hearing* to receive public comment on the *development* proposal.
4. **Application Determinations.** Following the *Public Hearing*, one of the following Application Determinations shall be made by the *Planning Commission*.
 - a. **Approve.** The *Planning Commission* shall approve a *development* application upon determination that an application is complete and the proposed *development* is in compliance with the standards and requirements of *UDO* and other ordinances, codes, and laws.

- b. **Approve with Conditions.** The *Planning Commission* shall approve a *Site Plan* application contingent on the *applicant* meeting specified Conditions of Approval if **minor modifications** are needed and if additional ordinance or code items need to still be met.
 - c. **Deny.** The *Planning Commission* shall deny an application upon determination that the proposed *development* 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.
 - d. **Table.** Upon determination that an application is incomplete and/or the application is not ready to be Approved, Approved with Conditions, or Denied, or upon request by the *applicant*, the *Planning Commission* may keep the *Public Hearing* open and table consideration of an application until a future *Planning Commission* meeting.
 - e. **Recording of Action at Planning Commission Meeting.** Each action taken shall be recorded in the minutes of the *Planning Commission* meeting including points of discussion and additional conditions imposed by the *Planning Commission* in conjunction with an approval. For **Special Land Use and Rezoning applications**, the minutes shall record the findings of fact relative to each application and the grounds for the action taken.
5. **Appeals of Planning Commission Review Decisions.** 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. *Board of Appeals* shall hold a *Public Hearing* and shall then affirm, reverse, or otherwise modify the original *Planning Commission Review Determination*, stating its finding and reasons for its action. A written copy of such findings, reasons, and actions shall be provided to the *applicant* and filed with the City Clerk. Challenges to a *Rezoning* and appeals to a *Special Land Use* decision shall be made to the Circuit Court.

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6. **Additional Meetings if Applicable.** The following meetings may be required depending on the Application Type and the *Zone District* of the subject property:

- a. **Concept Plan Framework Meeting.**
A *Concept Plan* Framework Meeting shall be required with Community and Neighborhood Services (CNS) planning staff to review the framework and context of the proposed *development*, *site*, and/or *rezoning* to ensure the eventual *Site Plan* will meet *UDO*, other ordinances and laws, and the goals of the City. Additional meetings may be required or requested. This Framework Meeting may be waived by CNS staff if determined unnecessary.
- b. **Administrative Review Team Meeting.**
See [Section 39-12.05.B](#).
- c. **Planning Commission Study Session.**
The *applicant* shall present proposed *development* information, including *Site Plans* and *building* elevation plans or renderings, to the *Planning Commission* during the Study Session prior to the application submittal to obtain *Planning Commission* feedback. The *Planning Commission* shall not take any formal action at this meeting.
- d. **Public Outreach Workshop.** A Public Outreach Workshop shall be required for the following Application Types:
 - 1) New Construction in a Downtown *Form Based Code Sub-District* (F-CDT, F-NDT, F-EDT, F-WDT, and F-CENT).;
 - 2) Planned Unit Developments (PUDs);
 - 3) *Rezoning* of a property or properties to any *Zone District* other than LDR, CNR, and MDR.
 - 4) **Requirements:** A mailed notice to property owners and occupants within a minimum radius of **600 feet** from all *development site* property lines shall be provided a **minimum of 15 days prior** to the Workshop and to the DDA if located in a Downtown *Form Based Code Sub-District*. A **written summary** shall be provided by the applicant in the *development* application stating

what was discussed and how the public’s feedback was incorporated into the final *Site Plan* design.

- e. **Downtown Development Authority (DDA) Recommendation.** An *applicant* shall be required to present a proposed *development* to the DDA if the subject property is located in a Downtown *Form Based Code Sub-District* (F-CDT, F-NDT, F-EDT, F-WDT, F-CENT). The DDA shall provide a written recommendation to the *Planning Commission*, which shall be included in the Staff Report.
- f. **National Register Historic Downtown District Meeting.** An *applicant* is required to meet with the Historic Preservation Planner and the Senior Planner if the subject property is located in the **F-CDT Sub-District** and is in the National Register Historic Downtown District per the **map** on [page 292](#). The intent of this meeting is to review the proposed *development’s building* design alignment with the United States Secretary of the Interior’s Standards of the Treatment of Historic *Buildings*. The Planners may recommend design changes to improve historic compatibility. Comments and recommendations shall be included in the Staff Report to the *Planning Commission*.

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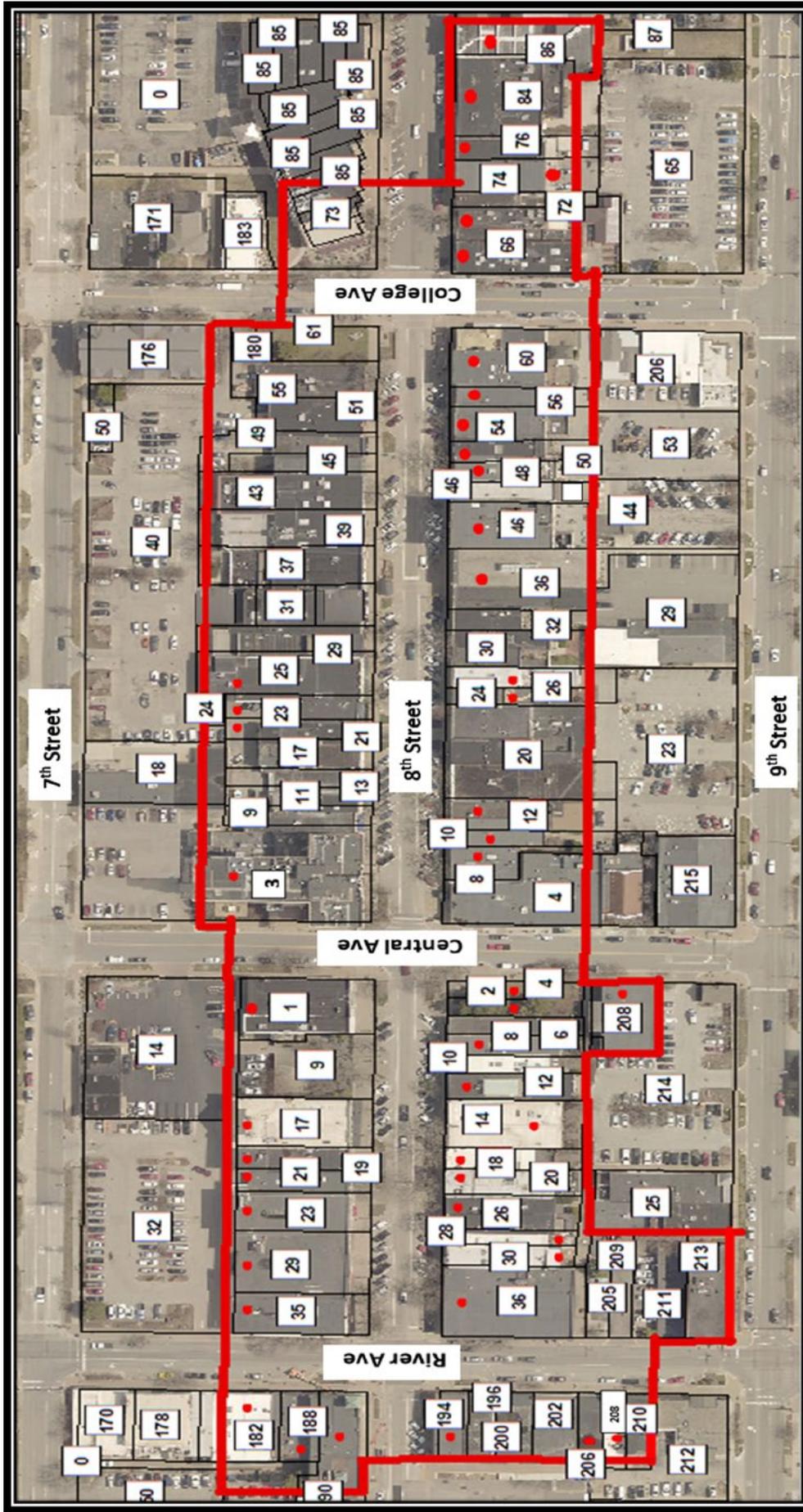
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National Register Historic Downtown District Map (Section 39-12.07.C.6.f.1.)



● Contributing Properties

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.

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

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SECTION 39-12.08 SPECIAL LAND USE REVIEW PROCESS

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A. **Intent.** Special Land Uses are uses that have **unique characteristics that require special consideration** by the *Planning Commission* in relation to the welfare of adjacent properties and the community as a whole. The intent of this Section is to specify which review standards shall be considered by the *Planning Commission* in making its determination.

B. **Special Land Use Types.** There are **2 types** of Special Land Uses:

1. Special Land Uses required to meet the **Basic Special Land Use Standards** per Section 39-12.08.D. See Section 39-4.03 for use details.
2. Special Land Uses required to meet the Basic Special Land Use Standards per Section 39-12.08.D and Specific Special Land Use Standards per Section 39-4.04.

C. **Planning Commission Review Process.** Special Land Uses shall be required to follow the:

1. **General Review Process Requirements** specified in Section 39-12.05;
2. **Planning Commission Review Process Requirements** specified in Section 39-12.07;
3. **Basic Special Land Use Standards** specified in Section 39-12.08.D; and
4. **Specific Special Land Use Standards** specified in Section 39-4.04, if applicable.

D. **Basic Special Land Use Standards.** *Planning Commission* shall review these standards in making a Special Land Use application determination:

1. **UDO.** The proposed use and the *Site Plan* are consistent with the intent and standards of *UDO*.
2. **Master Plan.** The proposed use and *Site Plan* meets the goals, objectives, action steps, and the intent of the City of Holland's *Master Plan*.
3. **Adjacent Use Compatibility.** The proposed use shall be designed, constructed, operated, and maintained to be compatible with adjacent uses. The *site design* of the

proposed use shall minimize the impact of *site* activity in relationship to adjacent properties by considering the following:

- a. The location and *screening* of **traffic circulation and parking areas**;
 - b. **The location and screening of outdoor storage, outdoor activity, outdoor work areas, and mechanical equipment**;
 - c. **Structure massing, placement, and construction materials** of construction of the proposed use;
 - d. **Enhanced landscaping and other site amenities.** Additional *landscaping* over and above the requirements of Article 39-6 may be required as a condition of approval for a Special Land Use.
 - e. **Hours of Operation.** Approval of a Special Land Use may be conditioned upon operation within specified hours to help mitigate any potential impacts on surrounding properties.
4. **Impact on Traffic.** The proposed arrangement of streets, driveways, sidewalks, and non-motorized pathways respects the existing *development* pattern, limits access points, meets the requirements in Article 39-10, and the Special Land Use will not impose a significant amount of additional traffic. **A Traffic Study shall be required**, unless waived by the City Engineer.
5. **Detrimental Effects.** The Special Land Use shall not create excessive traffic, noise, vibration, smoke, fumes, odors, dust, *glare* or light that may be detrimental to adjoining properties or create a public nuisance.
6. **Public Services.** The Special Land Use shall be adequately served by public infrastructure and utilities.
- E. **Effect of Special Land Use Approval.** Upon approval, the property of the Special Land Use shall be deemed a **conforming use** permitted in the *Zone District* it is proposed, subject to conditions imposed and the Final Determination of the *Site Plan*. Such approval shall **affect only the property** or portion thereof where the proposed use is located and shall remain valid regardless of change of property ownership.

- F. **Special Land Use Variances and Appeals.**
The *Board of Appeals* shall have the authority to consider *Variances* to *UDO* standards associated with a Special Land Use application, but shall not have authority to impose Conditions of Approval. Appeals of Special Land Uses shall go to the Circuit Court.
- G. **Special Land Use Amendment.** *Planning Commission* may approve a Special Land Use amendment when a new application, a revised *Site Plan*, and additional items (as requested), are provided to the Community and Neighborhood Services Department.
1. **Planning Commission Review Processes.**
Planning Commission, with CNS staff recommendation, shall determine which

of the following Review Processes shall be used for the Special Land Use Amendment review based on the nature of the proposed amendment.

- a. **Site Plan Review Process** as specified in Section 39-12.05 and Section 39-12.07. This review process may be used when the proposed amendment would **not change the nature** of the use and/or would not affect the intensity of the use.
- b. **Special Land Use Review Process** as specified in Sections 39-12.08.A-F. This review process may be used when the proposed amendment **would change the nature** of the use and/or would result in an increase in the intensity of the use.

SECTION 39-12.09 APPLICATION AND SITE PLAN COMPONENTS REQUIRED

- A. The table below specifies the Application and a *Site Plan* Components required for the Administrative or *Planning Commission* Review Processes. See Article 39-5 for the **Site Design Summary**.

	PLANNING COMMISSION REVIEW	ADMINISTRATIVE REVIEW	REFERENCE IF APPLICABLE (SECTION IN CHAPTER 39)
Application & Supplementary Information (1 Hardcopy & an Electronic Copy)			
Property Address & Parcel Number	Required	Required	–
Contact Information - Applicant, Property Owner, Design Professional, & Legal Representative, if applicable	Required	Required	–
Applicant Signature & Date of Application Submittal	Required	Required	–
Application Fee	Required	Required	–
Name of Proposed Development , Phases, Number of Dwelling Units	Required, if applicable	Required, if applicable	–
Zone District & Use - Existing & Proposed, if applicable	Required	Required	<u>Article 39-2</u>
Written Project Summary	Required	Required	
Proof of Property Option or Ownership	Required	Required	
Sound Transmission Classification Assessment Tool (STraCAT) Summary	Required, if applicable	Not Applicable	<u>5.11.B.1</u>
Sustainability Principles Checklist	Required	Required, unless otherwise determined by CNS	–

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1 Toolbox				
2 Zone Districts	Public Outreach Summary Report	Required, if applicable	Not Applicable	<u>12.07.D.6.d</u>
3 Form Based Code	Traffic Study	Required, if applicable	Required, if applicable	<u>10.02.F</u>
4 Add'l Use Standards	Pre-Application Concept Plan (Framework Meeting)	Required	May be requested	<u>12.07.C.6.a</u>
	Pre-Application Basic Engineered Plan (Administrative Review Team Meeting)	Required	Required	<u>12.05.B</u>
Site Plan Components Required				
Basic Site Plan Information				
5 Site Design Review Standards	2 Folded, Full Site Plan Hardcopies and Electronic Copy (smaller or larger sizes shall not be accepted)	Required	Required	–
6 Landscaping/ Green Inf.	Scale Engineer Scale Minimum 1 inch = 20 feet	Required	Required	–
	Legend & North Arrow on Cover Sheet	Required	Required	–
7 Lighting	Property Address on Cover Sheet	Required	Required	–
Site Plan Sheets Required in this Order				
Introductory Site Plan Sheets				
8 Signage	Cover Sheet with scaled Location Map	Required	Required	–
	Survey	Required	Required	–
9 General Standards	Demolition & Removal - All site features including structures, pavement, landscaping, etc.	Required	Required	–
Civil Site Plan Sheet				
10 Streets/ Sidewalks/ Driveways	Structures: Existing, proposed, and future structures clearly delineated and marked with Gross Floor Area	Required	Required	–
11 Subdivision of Land	Square Footage of Propety and Structures , percentage of impervious / pervious pavement	Required	Required	<u>Article 39-2</u> <u>Article 39-6</u>
	Property lines , setbacks, streets, sidewalks, driveways - Delineation & Dimensions	Required	Required	<u>Article 39-2</u> <u>Article 39-9</u>
12 Processes/ Admin.	Driveways & Curb Cuts - Delineation & Dimensions	Required	Required	<u>Article 39-5</u> <u>Article 39-10</u>
13 Non-conformities	Parking Spaces and Drive Aisles - Delineation & Dimensions	Required	Required	<u>Article 39-2</u> <u>9.02</u>
	Loading / Unloading Areas	Required, if applicable	Required, if applicable	<u>9.02</u>
14 Definitions	Bicycle Parking Spaces - Delineation & Dimensions	Required	Required	<u>9.03</u>

	PLANNING COMMISSION REVIEW	ADMINISTRATIVE REVIEW	REFERENCE IF APPLICABLE (SECTION IN CHAPTER 39)
Fire Access Roads - Delineation & Dimensions	Required	Required	<u>5.06</u>
Refuse Receptacles (Pad & Enclosure) - Delineation & Dimensions	Required	Required	<u>5.12</u>
Fences - Location & Height	Required	Required	<u>Section 39-12.05.D 1</u>
Signage - Freestanding sign location & height	Required, if applicable	Required, if applicable	<u>Article 39-8</u>
Clear Vision Corner Areas - Delineation & Dimensions	Required	Required	<u>Section 39-12.05.D 1</u>
Utility Plan Sheet			
Fire Hydrants - Delineation & Dimensions of Existing and Proposed	Required	Required	<u>5.06</u>
Fire Access Roads - Delineation & Dimensions	Required	Required	<u>5.06</u>
Overhead & Underground Utilities - Delineation & Dimensions; Indication if Relocation or Modification Proposed	Required	Required	<u>Section 39-5.02</u>
Transformers, HVAC, and Other Equipment - Delineation & Dimensions	Required	Required	<u>Section 39-5.02</u>
Electric & Communication Service Connections - Existing & Proposed Location and Conduit Sizes	Required	Required	<u>Section 39-5.02</u>
Points of Demarcation - Path to and Location of	Required	Required	<u>Section 39-5.02</u>
Utility Easements - Delineation & Dimensions of Existing & Proposed	Required	Required	<u>Section 39-5.02</u>
Water Main and Laterals - Existing & Proposed Locations & Sizes	Required	Required	<u>Section 39-5.02</u>
Sanitary Sewer Mains - Existing & Proposed Locations & Sizes	Required	Required	<u>Section 39-5.02</u>
Monitoring Manhole location & size for Non-Residential Developments	Required, if applicable	Required, if applicable	<u>Section 39-5.02</u>
Stormwater Drainage Sheet (Also see: Chapter 29 Code of Ordinances)			
Topography at 2-foot Contours	Required, if applicable	Required, if applicable	<u>Article 39-5</u> <u>Article 39-6</u>
Existing Water Bodies & Wetlands - Delineation & Dimensions	Required, if applicable	Required, if applicable	<u>Article 39-5</u> <u>Article 39-6</u>
Existing Stormwater Drainage Infrastructure - Delineation & Dimensions	Required, if applicable	Required, if applicable	<u>Article 39-5</u> <u>Article 39-6</u>
Site Grading & Drainage Pattern - Existing & Proposed	Required, if applicable	Required, if applicable	<u>Article 39-5</u> <u>Article 39-6</u>

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1 Toolbox				
2 Zone Districts	Structural Green Infrastructure - Delineation & Dimensions if known	Required, if applicable	Required, if applicable	<u>Article 39-5</u> <u>Article 39-6</u>
Landscape Plan Sheet				
3 Form Based Code	Legend	Required	Required	<u>Article 39-6</u>
	Landscaping, Berms, Fences, Retaining Walls, Buffers, and Ground Cover (existing & proposed) - Delineation & Dimensions	Required	Required	<u>Article 39-6</u>
4 Add'l Use Standards	Structural Green Infrastructure	Required	Required	<u>Article 39-6</u>
	Overhead and Underground Utilities	Required	Required	<u>Article 39-6</u>
5 Site Design Review Standards	Street Trees - (Delineation, Caliper, and Spacing Measurement)	Required	Required	<u>Article 39-6</u>
	Parking Lot - External - Proposed plantings, Ground Cover & Dimensions	Required	Required	<u>Article 39-6</u>
6 Landscaping/ Green Inf.	Internal Parking Lot Islands- Proposed plantings, Ground Cover & Dimensions	Required	Required	<u>Article 39-6</u>
	Pervious & Impervious Surface - (Percentages)	Required	Required	<u>Article 39-6</u>
7 Lighting	Building Perimeter - sf of areas	Required	Required	<u>Article 39-6</u>
8 Signage	Screening - Types and Dimensions	Required	Required	<u>Article 39-6</u>
9 General Standards	Soil Specifications - depth, type/mix, pH, open soil surface area	Required	Required	<u>Article 39-6</u>
	Planting & Maintenance Methods	Required	Required	<u>Article 39-6</u>
	Clear Vision Corners	Required	Required	<u>Article 39-6</u>
10 Streets/ Sidewalks/ Driveways	Snow Storage	Required	Required	<u>Article 39-6</u>
	Tree Survey	Required, if applicable	Required, if applicable	<u>Article 39-6</u>
11 Subdivision of Land	Root Protection Plan	Required, if applicable	Required, if applicable	<u>Article 39-6</u>
	Rationale for Diversions from Required Standards, i.e. Overhead Utilities	Required, if applicable	Required, if applicable	<u>Article 39-6</u>
12 Processes/ Admin.	Pavement Plan Sheet			
	Cross Sections of Proposed Streets, Driveways, Sidewalks, Non-Motorized Pathways, etc.	Required	Required	<u>Article 39-10</u>
13 Non-conformities	Pavement Materials - Delineation	Required	Required	<u>Article 39-10</u>
14 Definitions	Turning Radius - Drawings & Measurements (Design Vehicle & Aerial Fire Apparatus, if applicable)	Required, if applicable	Required, if applicable	<u>Article 39-10</u>

	PLANNING COMMISSION REVIEW	ADMINISTRATIVE REVIEW	REFERENCE IF APPLICABLE (SECTION IN CHAPTER 39)
Traffic Circulation Arrows & Pavement Markings, if applicable	Required	Required	<u>Article 39-10</u>
Photometric Lighting Map			
Professionally Completed	Required, if applicable	Required, if applicable	<u>Article 39-7</u>
Lighting Fixtures - Locations, Number, Type, Cut-Off Percentage	Required, if applicable	Required, if applicable	<u>Article 39-7</u>
Foot-Candles - on site and to property lines	Required, if applicable	Required, if applicable	<u>Article 39-7</u>
Manufacturer Lighting Specifications - IMAGES REQUIRED	Required, if applicable	Required, if applicable	<u>Article 39-7</u>
Structure Elevations			
Architectural Elevations of all Proposed Structures, including receptacle enclosures	Required	Required	<u>5.12</u> (receptacles)
Heights of all Proposed Structures	Required	Required	<u>Article 39-2</u>
Building Materials - include colors if known	Required	Required	<u>5.11</u>
Window Percentages	Required, if applicable	Required, if applicable	<u>Article 39-3</u>
Window Visible Light Transmission (VLT) - Percentage	Required, if applicable	Required, if applicable	<u>Article 39-3</u>
Colored Renderings	May be Required	Preferred	-
Street Design for New Streets			
Street Realms	Required, if applicable	Required, if applicable	<u>10.08.B</u>
Feature Zones	Required, if applicable	Required, if applicable	<u>10.08.B</u>
Sidewalks and/or Non-Motorized Pathways	Required, if applicable	Required, if applicable	<u>10.08.B</u>
Crosswalks	Required, if applicable	Required, if applicable	<u>10.08.B</u>
On-Street Parking	Required, if applicable	Required, if applicable	<u>10.08.B</u>
Bicycle Lanes or Cycle Tracks	Required, if applicable	Required, if applicable	<u>10.08.B</u>
Travel Lanes	Required, if applicable	Required, if applicable	<u>10.08.B</u>
Medians	Required, if applicable	Required, if applicable	<u>10.08.B</u>

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SECTION 39-12.10 CITY COUNCIL FINAL DETERMINATION AND REVIEW PROCESSES

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A. **Intent.** This Section specifies which Application Types require *City Council* Review. The General *City Council* Review Process is required for all Application Types and Specific Review Processes are required per Application Type.

B. **Application Types Requiring City Council Review and Final Determination.**

1. **Rezoning of Property**
2. **Text Amendment** to *UDO* or to the *Master Plan*
3. **Street Vacations** as part of a proposed *Site Plan*
4. **Subdivision Plats**

C. **General City Council Review Process**

1. **Planning Commission Recommendation.** The *Planning Commission* shall provide to *City Council* a Recommendation of Approval or Denial for an Application Type listed in Section 39-12.10.B.
2. **Documentation.** A Resolution and additional documentation shall be prepared by the Community and Neighborhood Services Department on behalf of *Planning Commission* and provided to *City Council* for consideration.
3. **Multiple Council Meetings.** *City Council* may require a First Reading of the application at a public meeting prior to a vote.
4. **City Council may Approve, Table, or Deny** applications.

D. **Specific Review Processes per Application Type.**

1. **Rezoning of a Property Review Process.** *Rezoning* applications may be made in combination with a *Site Plan*, PUD, or Condominium application, or separately, provided a Concept Plan is included in the application. The following **requirements** shall be met within this Review Process:

- a. **General Review Process** requirements as specified in Section 39-12.05;
- b. **Planning Commission Review Process** requirements as specified in Section 39-12.07;
- c. **Planning Commission shall provide a Recommendation to City Council based on the following Approval Criteria, which City Council shall use in their Final Determination:**
 - 1) The application request is aligned with the intent of *UDO*;
 - 2) The application request will further the comprehensive planning goals of the City of Holland as stated in the City's most recently adopted *Master Plan*;
 - 3) The application request will not result in unlawful exclusionary *zoning* or spot *zoning*;
 - 4) The proposed *Zone District* is consistent with the Future Land Use Map of the City's *Master Plan*;
 - 5) The existing or proposed use can meet *UDO* standards required of the proposed *Zone District*;
 - 6) The proposed *Zone District* is consistent with the trends in land *development* in the general vicinity of the subject property.
- d. **PUD Planned Unit Development Rezoning.** See Section 39-12.07.E.1.
- e. **Condominium Rezoning.** See Section 39-12.07.E.32.
- f. **Conditional Rezoning Agreement.** An *applicant* shall have the option of applying for a Conditional *Rezoning* whereby the *applicant* voluntarily offers certain *site-specific* regulations, set forth in a Conditional *Rezoning* Agreement, that are equally or more limiting than the regulations that would apply to the property under the proposed *Zone District*. Conditional *Rezoning* Agreements shall not be amendable. A Conditional *Rezoning* and Agreement

shall only be approved if the standards specified in Section 39-12.10.D.1.c are met.

2. **Text or Map Amendments Review Process.**

The *City Council* may amend, supplement, or change any elements of *UDO* and the *Master Plan*, including, but not limited to text, graphics, photographs, and maps, pursuant to the authority and procedures set forth in the Michigan *Zoning Enabling Act*, P.A. 110 of 2006, and as amended, and in the Michigan *Planning Enabling Act*, P.A. 33 of 2008, and as amended.

3. **Street Vacation Review Process associated with a Site Plan.**

Street Vacation applications associated with a *Site Plan* shall be reviewed under the processes specified in Section 39-12.05 and Section 39-12.07 and shall also follow the process specified below:

a. **Notification to City Departments.**

The Community and Neighborhood Services Department (CNS) shall notify the Transportation Services Department (TSD) and the Assessing Office (AO) of a proposed Street Vacation.

b. **Survey.** The *applicant* shall submit a survey and legal description of the proposed *right-of-way* to be vacated to CNS to disseminate to TSD and AO.

c. **Assessing Office (AO) Review and Cost Determination.** The AO shall review the proposed *right-of-way* to be vacated and shall determine a fair market value for the subject land.

d. **Transportation Services Department (TSD) Review.** The TSD shall review the application and determine the impact the proposed vacation is likely to have on mobility, safety, and transportation efficiency in the City. The TSD shall provide comments and a recommendation to be included in the Staff Report provided to *Planning Commission*.

e. **Community and Neighborhood Services (CNS) Review.** CNS shall review the application and determine the impact of the proposed Street Vacation on the physical *development*, economic vibrancy, and health, safety,

and general welfare of the City, and how the proposed Street Vacation would impact the proposed *Site Plan*. CNS shall provide comments and a recommendation to be included in the Staff Report to *Planning Commission*.

f. **Planning Commission Recommendation to City Council.**

1) *Planning Commission* shall review all *Site Plans* that include a Street Vacation per the specifications of Section 39-12.05 and Section 39-12.07, including those that would normally have been reviewed and approved Administratively;

2) The Street Vacation Review Process shall conclude prior to the *Planning Commission* approving the *Site Plan* and recommending approval of a Street Vacation;

3) *Site Plans* may be approved conditioned on *City Council* approval of a Street Vacation.

g. **City Council Scheduling of Public Hearing.**

The Clerk's Office shall notice the *City Council's* Street Vacation *Public Hearing* in the City of Holland's newspaper of regular circulation once per week for **3 weeks** in advance of the *Public Hearing*.

h. **City Council Public Hearing and Action.**

City Council shall hold the required *Public Hearing* and shall Approve, Approve with Conditions, or Deny the application. An approval shall be accompanied by a Resolution of Street Vacation, the survey, and the legal description.

i. **Financial Obligations** shall be coordinated with the City Attorney, the Assessing Office, and the Clerk's Office.

j. Street Vacation applications **not associated with a Site Plan shall not be reviewed under UDO.** Contact the Transportation Services Department directly for those.

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4. **Subdivision Plat Review Process.**

- a. Following a recommendation from *Planning Commission*, *City Council* shall review the **Preliminary Plat** and provide the *applicant* with preliminary comments per MCL 560.112;
- b. **City Council shall make a determination on the Preliminary Plat** pursuant to MCL 560.120 applying the criteria of MCL 560.105, following intra-agency review;
- c. **City Council shall approve the Final Plat** if it is **unchanged** from the Preliminary Plat and if it conforms to the provisions of the Land Division Act per MCL.560.167.
- d. **Plat Amendments or Divisions of a platted lot** shall receive a recommendation from *Planning Commission* and a Final Determination shall be made by *City Council* pursuant to MCL 560.222-229 and MCL 560.263 respectively.
- e. **Review Components.**
 - 1) **Subdivision Plat applications** shall be reviewed and a determination shall be made using the processes specified in Section 39-12.05, Section 39-12.07, and Section 39-12.11.
 - 2) **Preliminary and Final Plat Plans** shall comply with the *Site Plan* requirements specified in Section 39-12.09 and shall also include the following information:
 - a) **Total acreage** of the proposed *development* and the number of *lots* proposed;
 - b) **Exact boundary lines** of the *development* by bearings and distances with such measurements tied into an existing reference point and the boundaries of contiguous properties;
 - c) **Location, widths, and names** of all existing or previously platted but unimproved streets, or other *right-of-ways*, parks, and other public open spaces, permanent *buildings* and *structures*, *easements*, and section and corporate lines within

the proposed *development* and to a distance of **100 feet** beyond the tract.

- d) **Location and size** of existing sewers, water mains, culverts, or other underground facilities within the proposed *development* and to a distance of **100 feet** beyond the proposed *Subdivision Plat*; also indicate such data as *grade* invert elevations, and locations of catch basins, manholes, and hydrants.
- e) **A vicinity map** drawn at a *scale* of **1 inch equals 600 feet**, showing boundary lines of adjoining developed and undeveloped properties within an area bounded by the nearest arterial streets or other natural boundaries, identifying the type of use and ownership of surrounding land, and showing alignments of existing streets.

SECTION 39-12.11 POST SITE PLAN APPLICATION APPROVAL REQUIREMENTS

- A. **Application for a Stormwater Permit.** In addition to obtaining *Site Plan* and *Rezoning* approval, if applicable, the *applicant* shall apply for a Stormwater Permit from the Transportation Services Department per **Chapter 29** of the City Code of Ordinances and Section 39-6.06 of *UDO*.
- B. **Other Permits.** It shall be the responsibility of the *applicant* to obtain all other applicable City, County, State, or Federal permits required prior to issuance of a *Building Permit*.
- C. **Application for a Building Permit.** After obtaining *Site Plan* approval, a Stormwater Permit, and any other required permits, the *applicant* may apply to the Community and Neighborhood Services Department for a *Building Permit*. *Building Permits* for construction in a *Condominium development* shall not be issued until a copy of the recorded Master Deed has been supplied to the CNS Department.

- 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 **30 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.C, 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. **Conversions in LDR** from a *Single Detached Dwelling Unit* to *Two Attached Dwelling Units*. This is applicable when a noticed property *owner* requests a conversion be reviewed as a Special Exception. See Section 39-9.04.D.
 - a. **Criteria of Approval:** The *Board of Appeals* may approve the conversion if it determines that the standards specified in Section 39-9.04.D and Section 39-9.07.D are met.
 3. **Along and 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*.

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- a. **Criteria for Approval:** The *Board of Appeals* may approve the request if it finds find that the proposed use is conforming, the *encroachment* is in character with the existing neighborhood, and the extension of the *building* will not be detrimental to adjoining properties or to the neighborhood.
- 4. **Substandard Residential Lot Setback Reduction:** This is applicable when an *applicant* requests a reduction in *setbacks* for the construction or renovation of a *building located on an existing lot of record* that does not meet the minimum standards of the *Zone District* where it is located.
 - a. **Criteria for Approval:** The *Board of Appeals* may reduce the side *setback*, *lot* width and/or *lot* area requirements if they determine, with evidence provided by the *applicant*, that **60%** or more of the *lots* within **300 feet** of the *property line* along the same side of the street are developed at a lesser front, rear, or *side yard*, *lot* width and *lot* area than required in the *Zone District*; the *encroachment* is in character with the existing neighborhood; the *encroachment* will not be detrimental to adjoining properties or to the neighborhood; and the proposed dwelling unit shall not be erected, built, or constructed less than **10 feet** from adjoining *dwelling units*.
- 5. **Flag Lots:** This is applicable when a *property owner* requests to divide a *parcel* of land into 2 or more *lots* so as to situate **one lot behind another**, in its relation to a public street.
 - a. **Criteria of Approval:** The *Board of Appeals* may approve a *Flag Lot* request if it determines the following:
 - 1) The proposed *Flag Lot* shall have a **20 foot wide** legal access to a *public street*;
 - 2) The *lots* shall meet the area and width requirements of the *Zone District* they are located within. For purposes of calculating *lot* size and area, no portion of the *lot* that is less than **40 feet** in width shall be considered;
- 3) The property split shall be compatible and harmonious with the established character of adjacent and nearby residentially developed lands and shall not have a detrimental effect on the reasonable enjoyment of adjacent properties;
- 4) The additional curb cut will not, in the opinion of the *Board of Appeals*, have a negative impact on traffic safety and efficiency;
- 5) The property shall be served by City water and sewer; and
- 6) The split must comply with the Land Division Act, *Master Plan*, *Street Plan*, *Utility Plan* or other plans or Code of Ordinances applicable to the use or division of land, and shall conform with all of the provisions thereof.
- 6. **Fair Housing Accommodations:** This is applicable when an *UDO* requirement would be an impediment to providing reasonable accommodation to individuals with disabilities, based on the standards of [Section 39-9.10](#).
 - a. **Criteria for Approval:** The *Board of Appeals* may waive requested *UDO* requirements if it determines that **all of the following are met:**
 - 1) The requested accommodation is necessary to make housing available to an individual with disabilities under the Fair Housing Laws and will be used by an individual with disabilities protected under Fair Housing Laws;
 - 2) The requested accommodation would not impose an undue financial or administrative burden on the City;
 - 3) The requested accommodation would not require a fundamental alteration in the nature of the City's *zoning* requirements;
 - 4) There is not an alternative accommodation which may provide an equivalent level of benefit to the *applicant*.

- 5) **If it is for a Recovery Residence**, the *Board of Appeals* shall take the following into consideration when making their decision:
- a) If the recovery residence is State-licensed as a substance use disorder facility;
 - b) If it is managed under an established entity that conducts its own inspections and has its own standards for the benefit of occupants, e.g., CARF International, National Alliance for Recovery Residences (NARR) or any equivalent entity having similar requirements for membership.
 - c) The proposed on-site management of the property;
 - d) How the requested accommodation will benefit the people in the program; and
 - e) Whether the property is within **500 feet** of another property that provides similar accommodations for **5 or more** unrelated persons.
7. **Group Child Care Home:** To allow a private home to care for and supervise **7 to 12** minor children for periods of less than 24 hours a day and for more than 4 weeks during a calendar year by an unrelated adult.

a. **Criteria for Approval:**

- 1) The *applicant* shall demonstrate that all criteria in Section 39-4.02.D is met;
- 2) The *applicant* shall provide an application with the items specified in Section 39-12.04.C and the following items:
 - a) **Sketch floor plan** of floors and rooms proposed for use in the Child Care operations;
 - b) **Location of drives** and parking areas serving the premises;

- c) **Location and heights** of any walls, *fences*, or landscape barriers, including location of gates and types of construction material; and
 - d) **Location of all outside play areas** to be used in the Child Care program and identification of any portion of the exterior premises that will be specifically excluded from use or access by Child Care activities;
- 3) The *Board of Appeals* may grant a Special Exception permitting the use of the residence as a Group Child Care Home if it finds, based on the evidence submitted by the *applicant* and the *Public Hearing*, that all of the following exist:
- a) The Group Child Care Home shall be located on a *site* with a **minimum of 5,000 square feet** of *lot* area and the proposed *site* shall contain a minimum of **100 square feet per child of usable outdoor play area**. For purposes of this Section, usable outdoor play area shall be defined as the area located on the *lot* behind the established *front yard setback* of the home that is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool. The area shall be free from sharp gravel, glass, or cinder, and shall be well-drained.
 - b) The access drive for the Group Child Care Home is not a shared driveway unless the *applicant* shall file the written consent of the abutting property *owner*.
 - c) The proposed Group Child Care Home shall be **inspected** for compliance with the **Chapter 14** of the Code of Ordinances. Additional code inspection may be required as is necessary to determine compliance with regulations that are now or may be determined to be specifically applicable to group

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child care, and for which the City has been determined to be the enforcing agency.

- d) The proposed use of the residence for group child care shall not change the essential character of the surrounding residential area, and shall not create a nuisance in fact or law relating to vehicular parking, noise, additional congestion, or *density* in excess of residential *uses* of the property in the *Zone District*.
- e) The grant of the Special Exception would not impair the health, safety, welfare, or reasonable enjoyment of adjacent or nearby residential properties.

8. **Bed and Breakfasts with 5-8 Guest Rooms.**

a. **Criteria for Approval:**

- 1) The *applicant* shall demonstrate that all criteria in Section 39-4.02.C is met;
- 2) The property size shall be a minimum of **15,000 square feet**;
- 3) **Landscaping and screening** in the form of natural vegetation and/ or fencing shall be provided to buffer and soften the view from neighboring residential properties between parking areas and adjacent residential uses.

9. **Non-Residential Uses in CNR –** Non-residential *uses* in CNR shall be a maximum of **2,500 sf** unless a **Special Exception** is approved for a greater size. This pertains to new construction or additions.

a. **Criteria for Approval. A Special Exception** shall be granted only if the *Board of Appeals* determines that:

- 1) The *applicant* has established, with the submittal of photographs, drawings, and elevation plans, that the proposed *structure* (including seasonal, temporary, and *accessory*

structures), and uses associated with the *structures* **will not adversely affect** adjacent properties with respect to the emission and transmission of noise, smoke, dust, dirt, litter, odor, vibration, light *glare*, traffic congestion, emergency services, drainage, erosion, light and ventilation, surface and groundwater quality, overcrowding of persons, sanitation, property values, general appearance, character, and other similar considerations;

- 2) The *development* project will comply with the *site design*, *landscaping*, *setback*, buffering, and *lighting* of *off-street parking* area requirements in *UDO*;
- 3) Sufficient *off-street parking* is provided for the proposed use;
- 4) The City Engineer has approved drainage plans for the proposed *structure* or expansion;
- 5) The *structure* has been approved under the Infill Design Review Process pursuant to Section 39-9.09.

b. **Conditions of Approval.** The *Board of Appeals* may approve the Special Exception subject to such additional conditions or restrictions as it deems necessary to assure compatibility with adjoining or nearby residential property, or to protect the health, safety, and general welfare of the neighborhood and community, including, but not limited to, the maximum number of *vehicles* allowed on-site.

E. **Use and Non-Use Variances** may be granted by the *Board of Appeals*, after a *Public Hearing*.

- 1. **Use Variance.** Use Variances are required when an applicant wants to use a property for a purpose not allowed by *UDO* in the *Zone District* where the property is located.
- 2. **Granting of a Use Variance.** Use Variances may be granted by the *Board of Appeals* only in cases where the *applicant*

demonstrates, in the official record of the Public Hearing, that undue hardship exists by showing all of the following:

- a. The *building, structure, or land* **cannot be reasonably used** for any of the uses permitted by right or by *Special Land Use* approval in the *Zone District* in which it is located;
 - b. The need for the requested *Variance* is **due to unique circumstances** or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the *applicant's* personal or economic hardship;
 - c. The proposed use will not alter the essential **character** of the neighborhood;
 - d. The need for the requested *Variance* is **not the result of actions of the property owner** or previous property owner (self-created).
3. **Non-Use Variances**, also called Dimensional *Variances*, are required for the construction, structural change, or alteration of a *building or structure* when the *applicant* cannot meet the strict dimensional requirements, or any other non-use related standards of UDO.
4. **Granting of a Non-Use Variance.** A Non-Use *Variance* may be granted by the Board of Appeals only when the *applicant* demonstrates, in the official record of the *Public Hearing*, that practical difficulty exists by showing all of the following:
- a. The need for the requested *Variance* is **due to unique circumstances** or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the *applicant's* personal or economic difficulty.
 - b. The need for the requested *Variance* is **not the result of actions of the property owner** or previous property owners (self-created).
 - c. That **strict compliance** with regulations governing area, *setback*, frontage, height, bulk, *density*, or other dimensional requirements will **unreasonably prevent the property**

owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

- d. The requested *Variance* is the **minimum Variance necessary** to do substantial justice to the *applicant* and to other property owners in the district.
 - e. The requested *Variance* will **not cause an adverse impact** on surrounding property, property values, or the use and enjoyment of property in the neighborhood or *Zone District*.
- F. **Nonconforming Uses and Structures.** Some *nonconforming uses* and *structures* may be **modified, changed or expanded after a Public Hearing by the Board of Appeals.** *Nonconforming uses* may continue, but shall not be encouraged where they are incompatible with other approved uses in the *Zone District*. *Nonconforming structures* may be enlarged or altered as long as the proposed change does not extend the life of the *structure* longer than originally designed. The Board of Appeals shall approve the requested changes after they determine, based on the factors below, that the modification, change or expansion will not be more incompatible, detrimental or create additional nuisance factors than the previous *nonconforming use or structure*.
1. **Nonconforming Uses may be changed to another nonconforming use** if the *applicant* can demonstrate that the proposed use will not:
 - a. Adversely impact neighboring *properties* or decrease the value;
 - b. Increase *density* or congestion;
 - c. Be a general nuisance;
 - d. Increase the amount of radioactivity, vibration, noise, odor, heat or other adverse factors;
 - e. Create a general nuisance to neighbors or in the neighborhood;
 - f. Require increased *off-street parking*, which would be detrimental to neighboring *properties*;
 - g. Impact the health, safety and welfare of adjacent *properties*.

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2. **Damaged Uses and Structures.**
 A *nonconforming use* and/or *structure* that is damaged, deteriorated, or destroyed by fire, flood, wind, or other calamity at a value **more than the State Equalized Value (SEV)** at the time of destruction, **may be restored** if the *Board of Appeals* finds the following conditions are met:

- a. Restoration of the *structure* and/or use will not substantially extend the probable duration of the *nonconforming structure* and/or use;
- b. Restoration of the *structure* or use will be done with similar *building* materials, structural layout and design, construction methods, *fixtures*, and mechanical equipment, thereby limiting the possibility that such restoration will substantially extend the probable duration of the *structure* or use;
- c. Circumstances are such that the land occupied by the nonconforming *structure* or use cannot reasonably meet the criteria of the *Zone District*.

G. Appeal of Determinations.

1. **Zoning Administrator.** The *Board of Appeals* shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by the *Zoning Administrator*. Such an appeal shall be requested by the *applicant* or an aggrieved party.
2. **Planning Commission:** The *Board of Appeals* shall have the authority to hear and decide appeals of *Planning Commission* determinations per Section 39-12.07.C.5.
3. **Text and Map Interpretations.** The *Board of Appeals* shall have authority to hear and decide requests for text interpretations of *UDO* where it is alleged that there is an error made by the *Zoning Administrator* in their interpretation. The *Board of Appeals* shall make such decisions so that the intent of *UDO* shall be observed. Text interpretations shall be limited to the issues presented and shall be based upon a reading of *UDO* as a whole and shall not have the effect of amending *UDO*.

H. Board of Appeals Procedures.

1. **Consent of All Property Owners Required.**
 An application to the *Board of Appeals* shall be made with the written consent of all **owners of the property subject to the application**, or their legal representative, except for an appeal by a party challenging an approval granted to a third-party *applicant* for such *applicant's* property.
2. **Stay of Proceedings.** An appeal filed under this Article shall stay all proceedings in furtherance of the action appealed unless the *Building Official* certifies to the *Board of Appeals*, after notice of appeal has been filed, that by reason of fact stated in the certificate a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the *Board of Appeals* or by the Circuit Court on application, after notice to the *Building Official* and on due cause shown.
3. **Review Criteria.** In hearing and deciding appeals, the *Board of Appeals* review shall be based on the record presented to the *Board of Appeals*.
4. **Decision by the Board of Appeals.**
 The concurring vote of a majority of the membership of the *Board of Appeals* shall be necessary to reverse any order, requirement, decision, or determination of an official, board, or commission made in the administration of *UDO*, to decide in favor of an *applicant* on any matter upon which the *Board of Appeals* has authority.
 - a. **Disposition and Duration of Decisions.**
 The *Board of Appeals* may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the *Board of Appeals* jurisdiction, and shall have all of the powers of the official, board, or commission from whom the appeal is taken, subject to the *Board of Appeals'* scope of review, as specified in *UDO* and/or by law. The *Board of Appeals* may remand a case for further proceedings and decisions, with or without instructions.

- b. **Period of Validity.** Any decision of the *Board of Appeals* favorable to the *applicant* shall remain valid only as long as the information and data relating to such decision is found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the *Board of Appeals* shall be valid for a period not longer than **1 year**, unless otherwise specified by the *Board of Appeals*, and within such period of effectiveness, actual on-site improvement of property in accordance with the approved plan, and the relief granted, under a valid *building* permit, shall be commenced or the grant of relief shall be deemed void.
5. **Conditions.** The *Board of Appeals* may impose reasonable conditions in connection with an affirmative decision on an Appeal, Interpretation or *Variance* request. Conditions imposed shall meet the following requirements:
- a. Be designed to protect the health, safety and welfare and the social and economic well-being of those who will use the property or activity under consideration, residents and property owners adjacent to the subject property or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the intent of *UDO*, be related to the standards established in *UDO*, and be necessary to ensure compliance with those standards.
 - d. Conditions imposed with respect to the approval of a *Variance* shall be recorded as part of the *Board of Appeals* minutes, and shall remain unchanged except upon the mutual consent of the *Board of Appeals* and the property owner following public notice and *Public Hearing* as required.
 - e. The *Board of Appeals* shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies, and other information.

- 6. **Record of Proceedings.** The City of Holland shall prepare and keep **minutes** of the *Board of Appeals* proceedings, showing the findings, decisions, conditions, if any. The minutes shall be within the ultimate authority, and shall be the responsibility of, the Clerk or designee and shall be subject to approval of the *Board of Appeals*. The official records of the *Board of Appeals* proceedings shall be filed with the City Clerk and shall be public records.
- 7. **Appeal of a Board of Appeals Decision.** Appeals of a *Board of Appeals* decision shall be made to the Circuit Court in accordance with State law.
- 8. **Application Reconsideration.** If an application to the *Board of Appeals* is denied, **no like application** shall be considered, unless;
 - a. 6 months or more has lapsed since the date of denial on the previous application; or
 - b. The new appeal is based upon materially changed plans.

SECTION 39-12.13 VIOLATIONS AND PENALTIES

- A. **Approvals and Permits Required.** No person shall commence excavation for, construction of, or demolition of any *building*, *structure*, or *parking* area, or make structural changes in any existing *building* or *structure*, without first obtaining the required approval and permit from the *Approving Authority* or Authorities. All construction shall be in compliance with the provisions of *UDO*, the approved *Site Plan*, and **Chapter 6** and **Chapter 14**, Article II of the Code of Ordinances, as well as any additional applicable provisions.
- B. **Notice of Violation.** When a violation of the *Unified Development Ordinance (UDO)* is found, notice of the violation shall be provided as follows:
 - 1. **Service.** Notice of violation shall be **served upon the owner of record**, provided that such notice shall be deemed to be properly served upon such *owner* if a copy thereof is delivered to him or her personally, or if he or she is not found, by leaving a

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copy thereof at his or her usual place of abode with a person of suitable age and discretion, who shall be informed of the contents thereof, or by sending a copy thereof by mail to his or her last known address, or, if the letter with the copy is returned showing it has not been delivered to him or her, by posting a copy thereof in a conspicuous place or on or about the *structure* affected by the notice.

2. **Contents.** Whenever the enforcing officer determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation, of any provision of the *Unified Development Ordinance (UDO)*, he or she shall give notice of such violation or alleged violation to the person responsible therefor. Such notice shall:

- a. Be in writing;
- b. Include a description of the real estate sufficient for identification;
- c. Specify the violation which exists and the remedial action required; and
- d. Allow a reasonable time for the performance of any act it requires.

3. **Noncompliance; Legal Action or Proceeding.** In case any notice of violation is not complied with within the time set forth in the notice, the enforcing officer may issue a citation or pursue appropriate legal action against the person responsible for the violation, ordering him or her:

- a. To restrain, correct or remove the violation or refrain from any further execution of work;
- b. To restrain or correct the erection, installation or alteration of such *building*;
- c. To require the removal or work in violation;
- d. To prevent the occupation or use of the *building, structure* or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of the *Unified Development Ordinance (UDO)*, or in violation of a plan or specification under which an approval, permit or certificate was issued;

- e. To comply with the penalty provisions of *UDO*; or
- f. To pay the attorney fees and costs incurred by the City with respect to the action or proceeding at law or in equity and the administrative expense incurred by the City in efforts to enforce the notice of violation.

C. **Violations Declared to be a Nuisance, Unlawful, an Offense, or a Misdemeanor.** Any *building* erected, altered, moved, razed or converted or any use carried on, in violation of any provision of *UDO* or the Code of Ordinances is hereby declared to be a nuisance per se. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provision of *UDO* shall be punished as provided in **Chapter 1, Section 10—General Penalty; Continuing Violations**—of the Code of Ordinances (Section 1-10). Each day that a violation is permitted to exist shall constitute a separate offense.

D. **Violations Declared a Civil Infraction.** Violations of the following sections shall be declared a **Class II Civil Infraction** and shall be subject to the civil fines set forth in the schedule of fees and charges adopted in **Chapter 2, Section 118—Schedule of Civil Fines Established**—of the Code of Ordinances (Section 2-118) or any other relief that may be imposed by the Court:

- 1. Home Occupations and Home Based Businesses ([Section 39-4.02.G](#))
- 2. Signage ([Article 39-8](#))
- 3. Parking for Residential Dwellings with 1-4 Units ([Section 39-9.02.A](#))

E. **Continuance.** Each act of violation and each day upon which such a violation occurs shall constitute a separate violation.



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ARTICLE 39-13:

Nonconforming Uses, Structures, and Properties

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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.

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* shall only be permitted if the following standards are met:
1. The expansion shall not make the *structure* less conforming;
 2. The minimum *parking* requirements for all uses on the *property* shall be met. See [Article 39-2](#);
 3. The expansion shall not be made to the portion of the *building* that is *nonconforming*. **For instance**, the portion of the *building* extending into the required *setback* shall not be expanded in height unless approved by the *Board of Appeals* as a Special Exception; and

- 4. Any expansion of a *structure* shall conform to the present *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 Special Exception.** A *nonconforming structure* damaged or destroyed by fire, flood, wind, other calamity, neglect, or deterioration to an extent greater than the SEV of the *structure*, may be restored to its original size and location by Special Exception approval if the *Board of Appeals* finds the following conditions are met:
 - 1. Repair, maintenance, or *restoration* of the *structure* will not substantially extend the probable duration of the *nonconforming structure*. *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*; and
 - 2. The *nonconforming structure* cannot reasonably meet the standards of the *Zone District* due to an unusual circumstance with respect to the *property*.
- 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*.

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Note: Commonly used and technical terms that are **italicized** in *UDO* are defined in this Article. In the event that a word or phrase is not defined in this Article, the City shall use the definition as stated in the most recent edition of Webster's New World Dictionary.

A

Accessible: Public spaces, buildings, and facilities that accommodate people with special needs or disabilities.

Accessory Building or Structure: A subordinate building or structure on the same property as a principal building, such as a shed, garage, or carport.

Accessory Dwelling Unit: A detached or attached dwelling unit, with a kitchen, sleeping area, and full bathroom facilities, used as a permanent dwelling.

Accessory Use: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the principal use on the same property.

Adaptive Reuse: Conversion of a building into a use other than what it was designed for, such as changing a warehouse into gallery space or housing.

Adult Foster Care Facility: A dwelling or establishment that provides supervision, assistance, protection, or personal care and room and board to an adult. This does not include a licensed home for the aged, nursing home, or a mental hospital.

Air Easement: The ownership or control of airspace development rights over property, such as a building or balconies projecting over public right-of-way areas, such as streets.

Alley: A public or private right-of-way that provides access from a street to the rear or side yards of properties. Alleys are usually located at mid-block locations between two street and provide access to garages and yard areas. An alley is not considered a street.

Amenity: Design features that are valued by the users of a building or public space, such as open space, clubhouses, landscaping, outdoor seating, and public art.

Americans with Disabilities Act of 1990 (ADA): The Federal law that requires public buildings and facilities, including transportation facilities and private property that is open to the public, to be accessible to persons with disabilities.

Applicant: The person or entity requesting an approval under UDO. The owner of a property that is subject to an application for approval under UDO shall always be considered the applicant, although they may designate a representative to complete the application and communicate with the Approving Authority on their behalf.

Approving Authority: The person, agency, committee, or entity responsible for reviewing and making a determination on an application under UDO.

Average Daily Traffic (ADT): The average number of vehicles passing a fixed point in a 24-hour period; a conventional measurement of traffic volume.

Awning: A rooflike shelter of canvas or other material extending over a doorway that is meant to provide protection from precipitation and the sun.

B

Balcony: An open-air outdoor portion of an upper floor that typically projects from a building wall, but may also be recessed with the building mass.

Basement: The portion of a building that is partly or wholly below finished grade. A basement shall not be counted as a floor or story.

Bay or Bay Window: An interior portion of a building that extends beyond the building's exterior wall and is not supported from below by vertical columns or piers.

Bed and Breakfast: An owner-occupied single detached dwelling unit licensed to provide overnight sleeping accommodations and to serve breakfast to paying guests.

Bike Locking Capacity: The total number of bicycles that can be locked to the Bike Locking Facilities provided on a site, per the manufacturer's specifications.

Bike Locking Facility: A sturdy, secured object designed for the locking and securing of bicycles.

Boarding House: A dwelling with one kitchen where individual rooms are rented out for more than 30 days per occupant and the occupants of the dwelling do not live as a single family.

Board of Appeals: The Board authorized by Section 601 of the Zoning Enabling Act (or the equivalent section of a successor statute) to hear and approve variances, appeals, and interpretations, as described in Article 39-12 and in the Zoning Act. As authorized by the Zoning Act, the Board of Appeals may also be designated to perform other duties, such as the approval of Special Exceptions.

Building: A structure with a roof, either temporary or permanent, that is used (or built) for the shelter or enclosure of persons, possessions, or property.

Building Footprint: The placement, shape, and size of the ground floor of a structure on a property.

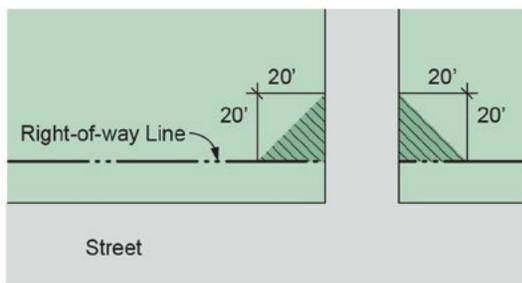
Building Height, measured: The vertical distance measured from grade to the highest point of the roof deck for flat roofs, to the deck line of mansard roofs, and to the average height between the eave and peak for gable, hip, and gambrel roofs.

C

Cemetery: Land used for the burial of the dead, including columbariums and mausoleums.

City Council: The elected legislative body of the City of Holland. The City Council is the Approving Authority for Rezoning, Text Amendments, and additional applications.

Clear Vision Corner: The area at the intersection of two streets within a required setback, measured 20 feet on each street along the property line where there shall be no fence or planting over 3 feet in height to enable an unobstructed view of approaching traffic.



Cluster Development: A Planned Unit Development design that concentrates buildings in specific areas on a site to allow the remaining property to be used for recreation, common open space, and preservation of environmental resources. Units are grouped on smaller parcels than zoning would otherwise permit, but the overall allowable density for the larger site is maintained.



Commercial: The use of property, or space within a building, for retail sales, office work, service provision, or similar businesses where goods or services are sold or provided directly to the consumer. As used in UDO, "commercial" shall not include industrial or manufacturing businesses.

Common Entry: A shared entrance for access to upper floor units and/or multiple ground floor tenants.

Complete Streets: Streets that are designed and operated within a network that enables safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.

Concept Plan: A flexible, generally full color plan type that allows applicants to get preliminary feedback from staff and Planning Commission on various details of a proposed project.

Cornice: A top of a wall or building element made evident by an assembly of projecting moldings that strike a definitive limit to that section of the building

Courtyard: Courtyards are accessed with a sidewalk connected to the public sidewalk, and may be approved in all Zone Districts. Courtyards are also a component of the Forecourt Façade Type in Form Based Code Sub-Districts that

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is an open space defined by building walls on three sides and open to the street on the fourth side. The courtyard is not covered by a roof and extends the entire height of the building.

Crop Cultivation: The use of land for non-animal agricultural purposes, including farming, pasturage, and orchards. Shall also include the cultivation of vegetables or fruit for commercial purposes on a property of one acre or greater.

D

Density: The gross number of dwelling units per acre of land calculated by dividing the number of dwelling units on a site by the gross square footage of the site.

Development: The construction, reconstruction, remodeling or conversion of buildings or other site features on a property to change or enhance the use, increase the number of units, or re-purpose the property.

Design Guidelines: A tool that defines appropriate architectural and urban design elements desired or required in specific areas of the City; design guidelines are used in the review of development proposals in the Form Based Code Zone District, Neighborhood Mixed Use Zone District, and Planned Unit Developments.

Drive-Thru: Driveways, windows, and signage associated with a commercial use for the provision of goods and services directly to people in motor vehicles.

Durable Surface: A surface consisting of asphalt, concrete, permeable pavement, grass pavers or another similar stable, dustless surface. Crushed concrete, crushed asphalt, gravel, and other similar materials are not considered a durable surface.

Dwelling Units, Principal: A building or portion thereof occupied wholly as the permanent residence or sleeping place by one or more people. A Dwelling Unit contains at a minimum a kitchen, sleeping area, and full bathroom facilities.

Single Detached Dwelling Unit: A dwelling unit that is not within the same structure as another dwelling unit, often referred to as a Single-Family Home.

Single Attached Dwelling Unit: A dwelling unit within the same structure as a commercial use or uses, but with no other dwelling units in the building. An example is a single apartment located above or behind a retail store.

Two Attached Dwelling Units: Two dwelling units that are both principal uses and can be owned or leased separately. Examples include duplexes, or two attached townhomes.

Three or Four Attached Dwelling Units: Three or four dwelling units that are all principal uses and can be owned or leased separately. An example is a small multifamily building and three attached townhomes on the same property.

Five or More Attached Dwelling Units: Five or more dwelling units that are all principal uses and can be owned or leased separately. An example is a multifamily apartment building.

E

Easement: A grant of one or more of the property rights by a property owner to and/or for the use by the public or another person or entity.

Eave: The projecting overhang along the edge of a roof.

Encroachment: The portion of a building, structure, equipment, or sign that intrudes into a required setback, right-of-way or easement.

Engineered Plan: Less flexible than a Concept Plan, but not as concrete as a Site Plan, this plan type provides utility and stormwater details and dimension lines for all setbacks and street widths.

Environmental Impact: Influence of a development on the natural or built environment; Environmental Impact Statements (EIS) are designed to measure the impact of a proposal and to recommend appropriate mitigation strategies.

Essential Services: A public or private utility or service that provides electricity, water, sewage removal, gas, communication services, or similar services.

Event Venue: Commercial use designed for temporary gatherings of people for entertainment, collaboration, celebration, or other reasons. Examples include: Banquet facilities, community centers, and meeting facilities.

The following uses **shall not fall** under this definition: movie theaters, bowling alleys, arcades, and similar uses, which shall be considered “Recreation – Indoor” and religious institutions, which shall be considered “Religious Institutions.”

F

Feature Zones: The individual parts of a street or other transportation corridor that are designed for a specific function, in order to allow for safe travel by automobiles, pedestrians, transit, and non-motorized vehicles. Examples of Feature Zones include the Walking Zone, the Furnishing Zone, the Parking Zone, and the Vehicle Travel Zone.

Form Based Code: An ordinance that regulates the form and scale of buildings in the private realm in relation to the public realm. The Code is presented in written and diagrammatic form. The Form Based Code (F) Zone District is organized by Regulating Maps and their designation of Sub-Districts, Building Types, Building Frontages, and Building Envelopes, and is located in Article 39-3 of UDO.

Building Envelope: The area a building can be constructed within after accounting for setback and height requirements.

Building Frontage Type: Architectural features that dictate how a building interacts with the street and generally the pedestrian users of that street. **Form Based Code**

Building Frontage Types: Shopfront, Lobby, Forecourt, Arcade, and Common Yard.

Building Type: The type of building that includes the uses a building is designed to include. **Form Based Code Building Types:** Mixed Use, Commercial, Multifamily (5 Units or More), Multifamily (2-4 Units), Townhouse, Parking Structure, Parking Lot, and Landmark Building.

Regulating Plans: Zoning Maps that only depict the Form Based Code Sub-Districts and the building height maximums for each Sub-District.

Sub-District: The 9 Sub-Districts that comprise the Form Based Code (F) Zone District.

Family: A person or group of people meeting at least one of the following descriptions:

1. A person living alone;
2. 2 or more people related by blood, marriage, adoption, or guardianship customarily living together as a single housekeeping unit in a dwelling unit using common cooking facilities as distinguished from a group occupying a hotel, club, religious or institutional building, boarding or lodging house, or fraternity or sorority house;
3. 1 or 2 people living together, with or without children related by birth, adoption or guardianship, as a single housekeeping unit in a dwelling unit using common cooking facilities as distinguished from a group occupying a hotel, club, religious or institutional building, boarding- or lodging house, or fraternity or sorority house; or
4. Up to 4 unrelated people (including boarders) living together as a single housekeeping group in a dwelling unit using common cooking facilities.

Fence: A barrier, railing, buffer or other upright structure, typically of wood, metal or vinyl, enclosing an area of ground, marking a boundary, screening an activity, or creating a visual or physical barrier.

Firearms and Archery Range: An indoor facility that provides opportunities for the safe shooting of firearms and/or arrows.

Floor Area, Gross: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and measured from the exterior faces of the exterior walls. Garages shall not be included in Gross Floor Area.

Floor Area, Habitable: The area of a building just for living, sleeping, eating or cooking. Bathrooms, closets, halls, storage, garages, and similar areas are not considered habitable.

Funeral Home: A building or part thereof used for human funeral services. The building may contain space and facilities for embalming and the performance of other services used in preparation

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of the dead for burial, the performance of autopsies, and other surgical procedures, the storage of caskets, funeral urns, and other related vehicles, and other accessory uses as authorized by State law.

G

Gas Station: A facility designed or used for the retail sale of liquid fuel that is stored in underground tanks and dispensed directly into vehicles or approved containers. Convenience stores may be associated with this use.

Gardening: The cultivation of vegetables, fruit, or vegetation on a property equal to or less than one acre.

Government Uses: Uses owned and operated by a public entity. Examples include public parks, public parking lots, government administration buildings, post offices, and Holland Board of Public Works.

Grade: A reference plane representing the ground level adjoining a building or structure used for the purpose of regulating the height of a structure measured at the level of the ground adjacent to, or immediately below, or at the street centerline closest to the structure.

Greenhouse (Nursery): An enclosed structure used for the growing and cultivation of flowers, *shrubbery*, vegetables, *trees*, and other horticultural goods.

H

Historic District: An area, or group of areas not necessarily having contiguous boundaries that contain one structure or group of structures that are related by history, architecture, archaeology, engineering or culture, and require additional review prior to obtaining a building permit.

Home Occupation: A business, occupation, or profession that results in a product or service that is clearly an accessory, incidental, and secondary use of a residential dwelling unit with no exterior evidence that a business is being conducted from the premises.

Home Based Business (Types 1 & 2): A home-based business, occupation, or profession that results in a product or service that is clearly an

accessory, incidental, and secondary use of a residential dwelling unit, which has no employees that live off-site, which does not engage in any on-site retail sales (Type 1) or may engage in limited retail sales (Type 2).

Hospital: An institution licensed by the Michigan Department of Health and Human Services (MDHHS) to provide in-patient and out-patient medical and surgical services for the sick and injured, and may include related facilities (i.e. laboratories, medical testing services, central service facilities, and staff offices).

I

Impervious Surface: Any hard-surfaced area that does not readily absorb water, including but not limited to, roofs, parking and driveway areas, sidewalks, and paved recreational areas. Synonymous with non-pervious surface and impermeable pavement.

Institution of Higher Education: An institution that provides full-time or part-time education beyond high school. Examples include: Universities, community colleges, vocational schools, including cosmetology and truck driving, and art schools.

J

There are no definitions beginning with J.

K

K-12 School: A facility that provides a curriculum for Kindergarten through High School instruction. Accessory uses, such as gymnasiums, athletic fields, and cafeterias, shall be considered part of the K-12 School. This definition shall not include testing centers or tutoring centers, which shall be considered "Services."

Kennel: Any lot or premises where three or more dogs over six months of age are boarded and/or housed for compensation.

L

Landscaping: The treatment of the ground surface with live plant materials such as: grass, ground cover, trees, shrubs, vines, and other horticultural vegetation. A required landscape site design may include decorative non-living materials, such as wood chips, crushed stone, boulders, or mulch accessory to live plant material. Structural features such as fountains, pools, statues, and benches shall also be considered a part of ‘landscaping,’ but only if provided in combination with live plant material. Artificial plant materials and other items shall not be counted toward meeting the requirements for landscaping. Commonly used landscaping terms are defined as follows:

Berm: A continuous, raised earthen mound, with a flattened top and sloped sides, capable of supporting live plant materials.

Caliper: The trunk diameter of a nursery tree in inches, measured twelve (12) inches above grade.

Diameter at Breast Height (DBH): The trunk diameter of a mature tree in inches measured four and one-half (4 ½) feet above grade. Where a mature tree is on a slope, the 4 ½ foot measurement shall be made on the uphill side of the tree. On multi-stem trees, the largest diameter stem shall be measured.

Grass: Any of a family of plants having jointed stems, narrow sheathing leaves, and seed-like grains normally grown as permanent turf lawns in West Michigan.

Ground Cover: Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

Hedge: A row of evergreen or deciduous shrubs planted close enough to form a solid barrier.

Mulch: A layer of wood chips, dry leaves, straw, hay, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, and/or aid plant growth.

Parking Lot Landscaping: A landscaped area located in and around a parking lot to improve pedestrian and vehicular traffic

safety, reduce heat island effect, guide traffic movement, and enhance the appearance of the parking lot.

Retaining Wall: A wall or similar device used at a grade change to hold the soil on the uphill side of the wall from slumping, sliding, or falling. Examples include: segmental walls, masonry walls, poured-in-place concrete walls, boulder walls, stacked railroad ties, and pre-split rock walls.

Screen or Screening: A wall, fence, or vegetation (or a combination of all) of sufficient height, length, and opacity to form a visual barrier.

Shrub: A self-supporting (deciduous or evergreen) woody plant normally branched near the base, bushy, and less than 15 feet in height.

Topsoil: Surface soil, usually including the organic layer, in which plants have most of their roots.

Tree: A self-supporting (deciduous or evergreen) woody plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in West Michigan.

Deciduous Tree: A tree variety that sheds its foliage at the end of the growing season.

Evergreen Tree: A tree variety whose foliage persists and remains green throughout the year.

Ornamental Tree: A deciduous tree that is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of 25 feet or less.

Shade Tree: A deciduous tree that has a mature crown spread of 25 feet or greater, and has a trunk with at least 5 feet of clear stem at maturity.

Lighting: The following definitions shall apply to lighting:

Diffuser: A device used to distribute light from a source.

Drop Lens: A type of diffuser that extends below the shield or other opaque element of a light fixture.

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Foot-Candle: Illuminance produced on a surface 1 foot from a uniform point source of one candela or when 1 lumen is distributed into an area of one square foot.

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Fully Shielded Fixture: A lighting fixture that is shielded or constructed so that all light emitted is projected downward.

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Glare: The sensation produced by a light source that is significantly brighter than the light level of the surrounding area which the eyes are adapted, causing annoyance, discomfort, or loss in visual performance or visibility.

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Light Source: The source of electric light.

Light Trespass: Light falling where it is not wanted or needed (also called spill light).

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Luminaire: A complete lighting unit consisting of at least one light source and all other required parts designed to distribute the light, to position and protect the light source, and to connect the light source to the power supply.

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Lumens: The unit of luminous flux, equal to the luminous flux emitted in a unit's solid angle by a point source of one candle intensity.

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Recessed Canopy Fixture: An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with, or recessed within, the ceiling.

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Sky Glow: The effect of multiple unshielded light fixtures projecting light into the atmosphere that creates an unnaturally bright hue in the night sky, obscuring the view of celestial objects.

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Tube Light: Any light fixture that has the appearance of a "tube" of light, including neon, LED, or other lighting types.

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Liner Buildings: A series of smaller buildings that are part of a glass facade of a larger structure or are commercial standalone perimeter structures positioned to break up the mass of the structure. Typically used in conjunction with Parking Structures.

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Live-Work Building: A use that contains both a dwelling unit and a maker space or office within the same, single, leasable or for-sale unit.

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Loading Area: A designated, off-street, paved area for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

Lot: A tract of land occupied, or intended to be occupied, or utilized by principal and accessory buildings, yards and/or open space.

Corner Lot: A lot fronting intersecting streets.

Flag Lot: A lot that lies at the end of a long driveway. A Flag Lot may lie behind residences, buildings, or open land, and it is usually not visible from a street.

Through Lot: A property fronting on two streets, but not at the intersection of streets.

Lot of Record: A parcel of land, the dimensions and configuration of which are shown on a Subdivision Plat recorded in the offices of the County Register of Deeds and the City of Holland, or a lot or parcel described by metes and bounds. Accuracy of which is attested to by a land surveyor registered and licensed in the State of Michigan and is recorded with the County Register of Deeds and the City of Holland.



Maker Space: Commercial space designed to be used for small-scale, low-impact artisan production of wholesale goods, including but not limited to artwork, foodstuffs, beverages, jewelry, and other handcrafted small-batch products. Any use that in the opinion of the Approving Authority includes

processes that cause negative impacts on surrounding properties due to noise, odor, dust, or vibration, shall be considered “Manufacturing.”



Manufactured Housing: A dwelling unit substantially built, constructed, assembled, and finished at an off-site location from the premises where it is to be located.

Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials.

Low Intensity Manufacturing: Manufacturing uses that meet the definition of Manufacturing, but not High Intensity Manufacturing.

High Intensity Manufacturing: A use meeting the definition of manufacturing that, in the opinion of the Approving Authority, could have a substantial negative impact on surrounding residents, businesses, and/or the environment by virtue of any of the following: noise, dust, odor, vibration, aesthetics, truck traffic, rail traffic, structure height, environmental contamination, or causing land on neighboring properties to become unstable or unbuildable.

Marina: A facility for storing, servicing, fueling, berthing, securing, and launching of private or commercial pleasure craft that may include the sale of fuel and incidental supplies for the boat owner, crews, and guests, and small boats for rental/launching.

Massing: The scale and proportions of a building or object.

Medical or Dental Clinic: A commercial use that provides medical or therapeutic care to patients. Examples include: Doctor offices, Urgent Care Clinics, medical treatment facilities, medical testing facilities, medical counseling facilities, dentist offices, outpatient surgery centers, ophthalmologists, massage clinics, medical administration offices, and veterinary clinics.

Massage Clinic: Any establishment where body massage is regularly practiced on the human body by professionals licensed by the State of Michigan. For the purposes of UDO, massage clinics shall be considered “Medical or Dental Clinics.”

Master Plan: A comprehensive, long-range plan for a municipality. When referred to in UDO, the Master Plan shall refer to the most recently adopted Master Plan for the City of Holland.

Mixed Use: Provides a vertical mix of uses generally with ground floor commercial uses and upper floors for non-retail commercial or residential uses.

N

Nonconforming: A building, structure, use, or property that lawfully existed at the time of the adoption of UDO (or an amendment to UDO that directly applied to the state of being in question) that does not conform to one or more of the regulations in UDO.

Nonconforming Building or Structure: A building, structure, or portions thereof that lawfully existed at the effective date of UDO, or a subsequent amendment, which does not meet one or more regulations of the Zone District in which it is located.

Nonconforming Property: A Lot of Record that does not meet the dimensional requirements of UDO or amendments thereof.

Nonconforming Use: A use that lawfully existed prior to the effective date of UDO or amendments thereof, that do not conform to one or more of the regulations in UDO.

Nursing Home: A facility, excluding a hospital, public lodging, or a facility created by Act No. 152 of the Public Acts of 1885, that provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity. A correctional facility is not considered a nursing home.

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Office: A commercial use for the provision of services to customers or for administrative duties relating to an organization or business.

The following uses shall not be included in this definition:

- The direct sale of products to customers on site, and bank branches, which shall be considered “Retail,”
- Public administrative offices, which shall be considered “Government/Public Uses,”
- Buildings dedicated solely to offices of Institutions of Higher Education, which shall be considered “Institutions of Higher Education,”
- Medical offices, which shall be considered “Medical or Dental Clinics,” and
- Uses requiring large fabrication or testing facilities, which shall be considered “Research and Development.”

Outdoor Storage and Processes: The keeping of industrial or commercial materials or equipment. Also, the conducting of manufacturing, deconstruction, or other industrial processes, outside of an enclosed structure.

Owner: Any person, agent, firm, partnership, or other entity recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of a person. This definition shall also include the executor or administrator of the estate of a person if ordered to take possession of real property by a court.

Ownership: The designated person or entity listed on the tax rolls maintained by the City of Holland for a structure or building. For a property owned by a partnership, limited liability company or corporation, each partner, member, trustee or shareholder shall be deemed to have an ownership interest for purposes of regulating short-term rental units.

Owner-Occupied: A dwelling unit that has been approved for Principal Residence Exemption by the City of Holland Assessor.



Parapet: A part of the building wall that extends above the roof, typically located on flat roof buildings. Parapet heights are measured from the roof deck to the top of the parapet.

Parcel: See [Lot](#)

Parking: The temporary storage of an operable, licensed motor vehicle. Parking may be limited in duration by a property owner, the City, or another entity with jurisdiction over a parking lot.

Parking Facility: An inclusive term including both parking lots and parking structures.

Parking Lot with No Other Principal Use: An off-street parking area that is not located on the same property as the principal use it serves or on any property that does not have another principal use.

Parking, Long Term Bike: A bicycle parking facility that reasonably shelters bicycles from the natural elements by locating them inside or under principal or accessory structures.

Parking, Off-Site: Parking dedicated to a particular use, but not located on the same property as the use it is dedicated to.

Parking, On-Site: Parking located on the same property as a principal use, and dedicated to that use.

Parking, Off-Street: Parking located outside of a public right-of-way, and on a public or private property.

Parking, On-Street: Parking located within a public right-of-way, authorized by the entity with jurisdiction over the right-of-way.

Parking, Shared: Parking designated to meet UDO’s minimum parking requirements for more than one use.

Parking, Short Term Bike: A bicycle parking facility located within 100 feet of the nearest publically accessible building entrance, and available to the public during business hours.

Parking Space: An area of definite length and width for parking a vehicle, which is fully accessible for such purposes.

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Parking Space, Accessible: A parking space meeting the dimensional and locational requirements of the Americans with Disabilities Act to be considered an accessible (sometimes called “barrier free”) parking space.

Parking Structure: A structure or a part or a structure used exclusively for the parking or storage of motor vehicles.

Pervious Surface: An area maintained in its natural condition or covered by a material that permits infiltration or percolation of water into the ground. Synonymous with porous or permeable.

Planning Act: The Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, or any successor acts.

Planning Commission: The Commission authorized by Section 11 of the Planning Act (or the equivalent section of a successor statute), and Article 3 of **Chapter 2** of the City Code of Ordinance to draft, administer, and enforce the City’s Master Plan and Zoning Ordinance. The Planning Commission shall act as an Approving Authority or recommending authority under UDO.

Power Plant – Non Wind or Solar: A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, or nuclear power, into electrical energy or steam.

Property: Synonymous with the term “lot.”

Property Line: The boundaries of a lot are described as follows:

Front Property Line: The property line with the narrowest street frontage of the lot. If there are 2 street frontages of equal width, the Zoning Administrator shall determine the Front Property Line

Secondary Street Frontage: Any property line abutting a street that does not meet the definition of Front Property Line.

Rear Property Line: The property line opposite from the Front Property Line. In the case of irregular, triangular, or wedge-shaped lots, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, 10 feet in length, positioned as far from the front lot line as possible.

Side Property Line: Any property line that does not meet the definition of “Front Property line”, “Secondary Street Frontage”, or “Rear Property Line.”

Pocket Neighborhood: A cluster of residential, commercial, and/or mixed use buildings surrounding or surrounded by green or natural space.

Pocket Park: A small park in an urban area.

Principal Structure: The structure containing the primary use of the property.

Public Hearing: A meeting where the public shall be permitted to speak on an order of business on the meeting agenda.

Public Lodging: A facility offering transient lodging accommodations at a daily or weekly rate to the general public with services such as restaurants, meeting rooms, and recreational facilities. Examples include: Hotels, motels, hostels, and extended-stay hotels that do not meet the definition of a dwelling unit.

Public Realm: The area between the façade of a building and the corresponding façade of the building across the street, which is typically defined by the street right-of-way lines.

Public Utility: An entity authorized to provide utilities or infrastructure for the purpose of transportation, water, sewer, stormwater, gas, electric, communications, and other similar services.

Q

There are no definitions beginning with Q.

R

Redevelopment: Any expansion, addition, renovation, or major change to an existing building, structure or aspect of development. Redevelopment can also mean the reconstruction of a previously developed multi-property area to have new character, using new construction and renovation of existing buildings.

Recreation – Indoor: An indoor facility for leisure, exercise, and/or entertainment. Examples include: Bowling alleys, arcades, indoor playgrounds, fitness centers, sports arenas, and movie theaters.

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Recreation – Outdoor: An outdoor facility for leisure, exercise, and/or entertainment. Examples include: Parks, golf courses, nature preserves, go-carts, batting cages, sports facilities, and ice rinks.

Recreational Vehicle: The following shall be considered a recreational vehicle:

1. A camper, motor home, pop up camper trailer, or other similar camping unit;
2. A boat, jet ski, snowmobile, ATV or similar “toy” either on or off of an open, unenclosed trailer, specifically designed for transporting that “toy;”
3. An open, unenclosed, single axle trailer not exceeding 8 ½ x 9 feet or 76.5 square feet in area.

Religious Institution: A use where people regularly assemble for religious activity. Examples include: A church, synagogue, temple, mosque, or similar religious facility. Accessory uses such as K-12 schools, event venues, or offices, may be approved as part of the Religious Institution.

Renovation: The modernization or updating of an existing structure. Rehabilitation and restoration are types of renovation.

Rehabilitation: The act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

Restoration: The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Research and Development: A use within an engineering or testing laboratory that does not involve the mass manufacture, fabrication, processing, or sale of products.

Residential: The use of property, or space within a building, for the purpose of human habitation that meets the requirements and definitions of UDO and the Building Code to be considered one or more “dwelling units.”

Restaurant: A commercial use where the principal business is the sale of food and beverages to customers. Examples include: Full-service

restaurants, fast food restaurants, cafes, bars, and microbreweries/distilleries/wineries. The City may determine that the manufacturing portion of the use is sufficiently large enough to be considered a manufacturing use.

The following uses shall not fall under this definition: Tasting counters at grocery stores, which shall be considered “Retail”; tasting counters at manufacturing and/or wholesale facilities, which shall be considered “Manufacturing” or “Wholesale,” depending on the principal use of the site.

Retail: A commercial use that sells goods of merchandise to the public on-site. Examples include: Grocery/convenience/beverage stores, clothing/shoe/accessory stores, book/music/video/electronics stores, hardware stores, and art galleries with art for sale.

The following uses shall not fall under this definition: Gas Stations, which shall be considered “Gas Stations”; and Real Estate brokerages, which shall be considered “Services.”

Rezoning: The process described in UDO for changing the designation of a parcel to a different Zone District.

Right-of-Way: A street, alley or other thoroughfare or easement permanently established for the passage of persons or vehicles and under the legal authority of the municipality or agency having jurisdiction over said passage. The right-of-way includes all elements between the legally designated right-of-way lines, regardless of whether a portion of the right-of-way overlaps with private property. Within the right-of-way, the City (or other entity with jurisdiction over the right-of-way) may build or allow to be built, infrastructure and amenities to serve the public interest, including: streets, non-motorized pathways, roadways, walkways, parking spaces, signage, traffic signals, landscaping, and amenities (i.e. benches, tables, garbage cans, etc.).

Roof Line: The top edge of a roof or building parapet, whichever is higher, excluding cupolas, chimneys or other minor projections.

S

Scale: The size and shape of a building or other element of the built environment, relative to its surroundings and to the people who interact with it. Example: Pedestrian scale is based on comfortable walking dimensions and automobile scale is designed to be experienced from a moving automobile.

Screening: A method of visually shielding or obscuring an abutting or nearby structure, property or use from another by using fencing, walls, berms, gates, building features, or plantings of sufficient height, length, and opacity to form a visual barrier.

Self Storage Facility: Enclosed space for rent to the general public to store non-perishable goods.

Services: A commercial use offering technical or specialized services. Examples include: Law offices, engineering services, small electronics repair, Real Estate brokerages, and hair salons.

Setback: The minimum and maximum horizontal distance that a building, structure, or parking lot shall be from any property line. If there are two or more principal buildings on a property, the closest building to the property line shall be subject to the setback requirement.

Sexually Oriented Business: A retail, event, indoor recreation, or personal service business where 25% of the floor area is dedicated to, 25% or more of the inventory is composed of, or 25% of the gross revenues derive from items or activities predominantly characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or sexual activities.

Specified Anatomical Areas: (Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or a female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts OR sex acts, actual or simulated, including vaginal or anal intercourse, oral stimulation of human genitals, or masturbation, OR excretory functions

Short Term Rental: A dwelling unit for rent in part or in its entirety for less than 30 consecutive days per occupant and shall be in compliance with **Chapter 14** of the City of Holland Code of Ordinances.

Sign (Signage): A device, structure, fixture, or placard using graphics, symbols and/or written copy, designed specifically for the purpose of identifying an establishment, product, service or activity. The following are definitions of types of signs and terms related to signage:

Awning or Canopy Sign: A sign fixed to or integral with the surface of an awning or canopy.

Balloon: An object composed of an inflatable, nonporous bag.

Banner: A fabric, plastic, or other object made of nonrigid material without an enclosing structural framework.

Billboard: A sign that contains a message or advertises an establishment, product, service, space or activity not available on the lot where the sign is located. For purposes of UDO, a movable freestanding sign is not considered a billboard or off-premises advertising sign.

Directional Sign: A sign that provides directions or instructions for the use on the lot where the sign is located, such as parking or exit and entrance signs.

Essential Services: Signs that provide directions to or notices of equipment and accessories reasonably necessary for the furnishing of utility service or for the public health, safety or general welfare by public utilities or municipal departments.

Flag: A piece of fabric with a distinctive design, logo, emblem or words.

Feather Flag: A piece of fabric, typically taller than it is wide, with a distinctive design, logo, emblem or words that is specifically designed and used to draw attention to a product, service or location.

Freestanding Sign: A permanent sign not anchored or secured to a building or the ground and designed to be placed during business hours and moved inside when not in use.

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Government Sign: A temporary or permanent sign erected by the City of Holland, Allegan or Ottawa Counties, or the State or Federal government; including temporary signs as necessary in conjunction with the improvement of public infrastructure.

Marquee: A sign affixed flat against the surface of a marquee.

Movable Freestanding Sign: A freestanding sign not anchored or secured to a building or the ground.

Murals:

Type 1: A design or representation that does not contain promotional or commercial advertising painted or drawn on a wall.

Type 2: An original, one-of-a-kind unique design or representation that contains limited references to the establishment, product or service provided on the site, which is painted or drawn on a wall on that site.

Neighborhood Commercial District Identifier:

A sign located at, near, or within the boundary of an established neighborhood commercial area solely identifying the name and/ or logo of the neighborhood commercial area.

Nonconforming: A permanently installed sign that is legally existing at the original installation, which does not conform to the current height, size, area or location requirements of UDO.

Placard: A sign that provides notices of a public nature, i.e., “No Trespassing.”

Permanent: A sign that has a permanent location on the ground or that is attached to a structure having a permanent location that meets the structural requirements for signs as established in the Building Code.

Projecting: A double-faced sign attached to a building or wall.

Reader Board: A portion of a sign changed periodically either manually or electronically.

Roof: A sign erected above the roofline of a building.

Sign Face: The area of a sign that displays a message, including the extreme limits of writing, emblem, logo, and similar representation.

Temporary Sign: A sign intended for a limited period of display, typically less than 30 days.

Wall: A single-faced sign painted or attached directly to and parallel to the exterior wall of a building.

Window: A sign placed on the glass of a window or door that is used for advertising or identification, and is intended to be viewed from the outside of the building.

Wayfinding: A temporary or permanent information system, installed or erected by the City of Holland or the Downtown Development Authority, for the purpose of guiding citizens and tourists and identifying specific places and parking areas.

Site: The location of a development or redevelopment project that may include one or multiple properties.

Site Condominium Unit: A portion of land within a condominium development project designed and intended for separate ownership and use, as described in the master deed for the condominium. A Site Condominium Unit shall be considered the same as a lot or property for purposes of UDO.

Site Improvement: Any building, structure, work of art, landscaping, parking lot, or other item constituting an increase in the value of a property.

Site Plan: A plan prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site design features proposed for a specific parcel of land.

Solar Energy Facility: A device that provides the collection, storage, and distribution of solar energy for space heating, cooling, or power generation, including both the solar panels and all accessory structures.

State Equalized Value (SEV): Half of the True Cash Value of a structure as set by either the county or the State.

Stepback: A setback of an exterior wall of an upper story behind the exterior walls of the floors below.

Story: The distance between any two adjacent floors or floor lines, measured as the distance between the finished floor and finished ceiling (or bottom of exposed structure).

Streetscape: The distinguishing character of a particular street as created by its width, degree of curvature, paving materials, design of the street furniture, and forms of surrounding buildings.

Street, Front: The narrowest street frontage of a property, as measured along the right-of-way which runs along a parcel's Front Property Line. If there are two street frontages of equal length, the Zoning Administrator shall determine a front street.

Street Corridors: Any street meeting the definition of "Urban Major" or "Commercial, Mixed Use Corridor, or Industrial Major" in [Article 39-10](#).

Street, Local: A street designated as "Local" on the City of Holland Act 51 Map.

Street, Major: A street designated as "Major" on the City of Holland Act 51 Map or a street within the City of Holland that is under the jurisdiction of the Michigan Department of Transportation.

Street Design Plan: This is a required Site Plan sheet when a new or reconstructed street is proposed. The Street Design Plan shall include a street cross-section depicting the three Street Realms and the Feature Zones proposed. This Plan shall also include construction specifications.

Street Realms: The three Street Realms are the People, Parking, and Travel Realms. Each Realm is comprised of Feature Zones.

Street, Secondary: Any street frontage of a property that does not meet the definition of "Street, Front."

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground. Examples include: Principal and accessory buildings, towers, decks, fences, walls, antennae, swimming pools, and signs.

Subdivision Plat: The process of laying out a parcel of raw land into lots, blocks, streets, and public areas. Its purpose is to transform raw land into distinct building lots for recordation in local land records, sale, and development.

T

Traffic Impact Study: An analysis of the volume of traffic anticipated to be generated by a given land use or development proposal. The study includes the impacts of additional volume, such as congestion, accidents, and changes to the street network's Level of Service.

Transparency (Structure): The presence and percentage of glass to allow the interior of a building to be viewed from the street. Transparent glass is not heavily tinted or glazed and shall be measured by the following:

Visible Light Reflectance (VLR): The percent of total visible light that is reflected by a glazing system. The lower the number, the less visible light is reflected, making the glass more transparent.

Visible Light Transmittance (VLT): The percent of total visible light that is transmitted through a glazing system. The higher the number, the more visible light is transmitted, making the glass more transparent.

Transportation and Logistics: A use primarily for loading and unloading trucks.

U

Unified Development Ordinance (UDO): This Ordinance, including all 14 Articles, and all subsequent amendments that may be adopted by City Council.

Universal Design: Design accessible to "all" people, regardless of age, disability, etc.

Use: The purpose for which land, lots, or buildings are designed, arranged, intended, or occupied, maintained, let, or leased.

Accessory Use: A use that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot or site condominium unit as the principal use to which it is related.

Permitted Use: A use that is permitted on every lot or site condominium unit in a Zone District, provided that all requirements of UDO are met, as verified through the required review process by the Approving Authority.

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Principal Use: The main use of land and buildings and the main purpose for which land and buildings exist.

Prohibited Use: A use that is not allowed, and cannot be approved, on any lot or site condominium unit within a Zone District.

Restricted Use: A use that is permitted within a Zone District only on designated properties or in designated circumstances. Additionally, all requirements of UDO shall be met, as verified through the required review process by the Approving Authority.

Special Land Use: A use that is permitted within a Zone District through Planning Commission approval based on it meeting context sensitive requirements.

V

Variance: A modification of the literal provisions of UDO when granted by the Board of Appeals when strict enforcement of UDO would cause practical difficulties owing to circumstances unique to the individual property where the variance is granted.

Vehicle: Every device in, upon, or by which any person or property is or may be transported on a street. Devices exclusively moved by human power, used exclusively on stationary rails or tracks, and mobile homes, are not considered vehicles.

Vehicle Repair: An enclosed building where the following services may be carried out: General repairs, engine re-building, collision services, and painting of vehicles.

The following uses shall not be included under this definition: Bicycle repair or lawnmower repair, which shall be considered “Retail.”

Vehicle Sales: A building or premises used primarily for the sale of new or used automobiles and other motor vehicles. Examples include: New and used car sales, recreational vehicle sales, motorcycle/powersport sales, construction equipment sales, and boat sales.

The following uses shall not fall under this definition: Bicycle sales and lawnmower sales, which shall be considered “Retail.”

Vehicle Wash: A building or portion thereof or an area of land where automobiles are washed.

W

Warehousing: Storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

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.

Secondary Street Yard: The open space between the wall or element of the building and the secondary street frontage property line.

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.

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