

## **Part IV Review Processes and Standards**

<b>Article 14</b>	<b>General Review Procedures</b>
<b>Article 15</b>	<b>Special Land Use Permits</b>
<b>Article 16</b>	<b>Planned Unit Developments</b>
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# Article 14. General Review Requirements

## Section 14.1 Intent and Purpose

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The purpose of this article is to establish a uniform set of submittal and review requirements for land development requests and new structures to determine compliance with the provisions of this ordinance.

## Section 14.2 Application Submission, Contents, and Fees

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- A. *Applications.* Information concerning submittal requirements, contents, and fees are available at the Community Development Department. An application is officially accepted when delivered to the Community Development Department during normal office hours.
- B. *Authority to File Applications.* The person having legal authority to take action according to the approval sought shall file an application for development review or approval under the Zoning Ordinance. The person is presumed to be the record owner, purchaser under a sale or option to purchase, or the duly authorized agent of the record owner. Agents may only submit applications where the owner indicates consent in writing.
- C. *Deadline.* For all land use development applications that require Planning Commission or Zoning Board of Appeals review, complete applications shall be submitted by the deadlines established annually by the Planning Commission and Zoning Board of Appeals.
- D. *Contact Person.* The applicant shall designate one person on the application as the primary contact person. The Zoning Administrator will communicate with the contact person about the application and review procedures. The applicant shall notify the Zoning Administrator in writing if there is to be a change in the contact person.
- E. *Content.*
  - 1. The Zoning Administrator is authorized to establish submittal requirements for all land use development applications required by the Zoning Ordinance and to update and amend those requirements as necessary to ensure effective and efficient review. Applicants shall refer to the submittal requirements for each type of land use development application. The applicant shall provide any additional information, documents, or other material relevant to the application that the Zoning Administrator reasonably believes is necessary to evaluate, analyze, and understand the subject matter of the application.
  - 2. The Zoning Administrator may waive, or recommend that certain submittal requirements are waived, to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Zoning Administrator may waive, or recommend waivers, in cases where the projected size, complexity, anticipated impacts, or other factors associated with the proposed development or subdivision clearly justify such waiver.
- F. *Fees.*
  - 1. Fee Schedule. Non-refundable fees are required at the time of the filing of any development application.
  - 2. Administrative Fee. Fees based on a schedule set and posted by the Township Board shall be paid to the Zoning Administrator, who shall remit the same to the Township Treasurer. In addition, special fees per the current fee schedule on file with the Township Clerk shall be paid to the Zoning Administrator, who shall remit the same to the Township Treasurer. An application shall not be determined as complete until required fees are paid.
  - 3. Professional Review Fees. In addition to regularly established fees, the Zoning Administrator may also require an applicant to submit an amount of money determined to be a reasonable estimate of

the fees and costs which may incurred by the township in reviewing and acting upon the review of development proposals, in accordance with an escrow policy adopted by resolution by the Township Board.

- a. The fund shall cover reasonable costs and expenses incurred by the township during and in connection with the review process, such as outside planning, legal, and engineering fees.
- b. The estimated fee shall be submitted prior to any township review of a site plan, PUD, private street, subdivision, condominium, or special land use application. Fees shall be placed in escrow and will be used to pay for outside review costs.
- c. The applicant shall maintain a minimum amount in this fund. Any unused balance shall be refunded to the applicant upon final approval or satisfaction of any conditions of approval.

### **Section 14.3 Permits**

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- A. *Site Plan.* Unless an applicant requests review and approval by the Planning Commission, the Planning Commission decides in its discretion to conduct the review, or the Zoning Administrator in their discretion forwards the application to the Planning Commission for review, review and approval of site plans by the Zoning Administrator is required for the following:
  1. For any use permitted in the C-1, C-2, C-3, I-1, I-2 or O-S Zoning Districts.
  2. For any multifamily dwelling in the R-2A or R-3 Zoning Districts.
  3. For any two-family dwelling in the R-2, R-2A or R-3 Zoning Districts.
  4. For any non-residential and non-farm use in the A, R-1, R-2, R-2A, or R-3 Zoning Districts.
  5. For any community art or community sign in the GW Overlay District.
  6. New parking lots or parking lot expansion projects.
- B. *Zoning Permit Use Compliance.* A change from one permitted use to another, or establishment of a new use, is subject to use compliance review when site improvements such as parking or landscaping are not required by this ordinance.
- C. *Zoning Permit Building Compliance.* For building additions without parking or landscaping required by this ordinance, and without any other site improvements, a site plan is required to confirm building compliance.
- D. *Building Permit.* No building permit shall be issued until all applicable permits required by this ordinance have been issued. Where a site plan has been approved for any use, the terms of the site plan shall be deemed automatically incorporated by reference into any applicable building permit and failure to conform with such site plan shall be a violation of this ordinance and cause for revocation of the building permit.
- E. *Certificate of Compliance.* No certificate of compliance shall be issued until all required site improvements are installed and any applicable conditions of approval are satisfied. No building or structure which is erected, moved, placed, reconstructed, extended, enlarged or altered shall be used in whole or in part until the owner thereof shall have been issued a Certificate of Occupancy by the Township affirming that such building or structure conforms in all respects to the provisions of this ordinance. Such certificate shall only be issued after the work is complete and final inspection has been made.
- F. *Required Improvements Prior to Issuance of an Occupancy Permit.* In approving a site plan, the body or official granting approval may, in addition to other matters, require that all or any part of the improvements, buildings or other elements approved be constructed and completed prior to the issuance of an occupancy permit. In the event these buildings, structures, improvements and other elements are partially completed to a point where occupancy will not impair the health, safety and general welfare of all parties concerned, then the Township may grant an occupancy permit on such reasonable conditions relating to completion as the body or official granting approval shall establish.

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## Section 14.4 Review

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### A. *Completeness Review.*

1. Review. All application submissions must be complete prior to processing by the Zoning Administrator.
2. Complete Applications. A complete application includes all the submittal information identified on the application form, unless waived, and any items or exhibits requested by the Zoning Administrator or the Planning Commission that are consistent with the standards and requirements of the Zoning Ordinance.
3. Incomplete Applications. An applicant shall be informed of an incomplete application. The Zoning Administrator shall identify the documents, specifications, and other information needed to make the application complete. An application that has not been revised to meet the completeness requirements shall be considered expired on the 30th day after notification by the Zoning Administrator. The township may retain the application fee paid after this time period.

### B. *Plan Review.* The Zoning Administrator and all applicable reviewing authorities shall review the application and associated materials. The Zoning Administrator or the Planning Commission shall review the application against the requirements of this ordinance. The Zoning Administrator or the Planning Commission shall deny, approve or approve with conditions, application.

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## Section 14.5 Site Plans

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### A. *Requirement.* A site plan shall be based upon a professionally prepared survey.

### B. *Site Plan.*

1. Location, size and type of present buildings or structures to be retained or removed.
2. Location of all proposed buildings, structures or other improvements.
3. Location of existing and proposed streets, drives and parking lots.
4. Location of water and sewer lines.
5. Storm drainage.
6. Topographical features including contour intervals no greater than five (5) feet.
7. Ditches and watercourses.
8. Ground cover and other pertinent physical features of the site such as trees.
9. Proposed landscaping including, in those instances where a greenbelt is required, a detailed landscaping plan for the greenbelt.
10. Location of existing improvements.
11. Location of lot lines.
12. Loading and unloading facilities.
13. Exterior lighting and signs.
14. Location of existing structures on land immediately adjacent to the site within one 100 feet of the site's lot lines.
15. The date, north arrow, and scale. The scale shall not be less than one (1) inch equals 50 feet if the subject property is less than three (3) acres and one (1) inch equals 100 feet if three (3) acres or more.
16. The name and address of the professional individual, if any, responsible for the preparation of the site plan.

C. *Building Information.*

1. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures.
2. Building height and area.

D. *Supplemental Information.*

1. Project narrative.
2. Site development and building construction timeframe.
3. Proposed phasing.
4. Delineation of the one hundred-year floodplain.
5. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land such as an option or purchase contract.
6. Method of financing and commitments or other proof of ability to obtain financing.
7. Additional information which the body or official reviewing and approving the site plan may request which is reasonably necessary to evaluate the site plan.

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## **Section 14.6            Conditions of Approval**

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A. *Applicability.* Conditions which are designed to ensure compliance with the intent of this ordinance and other regulations of the township may be imposed on site plan approval.

B. *Criteria.* Conditions imposed shall be based on the following criteria:

1. Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.
2. Ensure that the use is compatible with adjacent land uses and activities.
3. Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
4. Ensure compatibility between the proposed use or activity and the rights of the township to perform its governmental functions.
5. Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
6. Ensure compliance with the intent of other township ordinances that are applicable to the site plan.
7. Ensure compatibility with other uses of land in the vicinity.

C. *Performance Guarantee.* A performance guarantee in accordance with *Section 18.2* may be incorporated as a condition of approval.

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## **Section 14.7            Construction, Validity, and Expiration**

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A. *Site Plan Approval.* Site improvements shall be commenced within one (1) year after the date of approval of the site plan.

B. *Extension.* The Zoning Administrator may approve two (2) extensions of up to one (1) year each, if requested in writing by the applicant prior to the expiration date of the original approval or first extension. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has

expired prior to construction, the site plan approval shall become null and void.

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# Article 15. Special Land Use Permits

## Section 15.1 Intent and Purpose

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- A. *Intent.* Special land uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics or specific circumstances surrounding the use, may not be desirable or compatible in all locations. Factors such as traffic, hours of operation, noise, odor or similar potential effects require that the special land use be evaluated relative to its appropriateness on a case-by-case basis.
- B. *Purpose.* Special land uses may be permitted within a zoning district, with Planning Commission approval, following a review of the use and its potential impact on its surroundings. This article establishes the review procedures for special land uses and the general standards that must be met for all special land uses.

## Section 15.2 General Requirements

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- A. *Permit.* Special land uses shall be established through a special land use permit. The site plan administratively approved in conjunction with the special land use permit shall become part of the approval record.
- B. *Standards and Requirements.* This article establishes the review procedures for special land uses and the general standards that must be met for all special land uses. Some specific uses are also subject to additional standards and requirements outlined in *Article 9*.
- C. *Concept Plan.* Submittal requirements shall be determined by the Zoning Administrator.
- D. *Public Hearing.* Prior to any action on the application, the Planning Commission shall hold a public hearing in accordance with *Section 18.4*.
- E. *Planning Commission Action.* The Planning Commission shall review the application against the requirements of this ordinance and the review standards of this article. The Planning Commission shall table, deny, approve, or approve with conditions.

## Section 15.3 General Standards of Approval

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- A. *Standards of Approval.* The Planning Commission shall review the particular circumstances and facts applicable to each proposed special land use with respect to the following standards:
  - 1. The use will be harmonious and appropriate with the existing or intended character and land uses in the general vicinity.
  - 2. The use will be served adequately by public services and facilities, including, but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.
  - 3. The use will not involve operations, materials and equipment that will be detrimental, hazardous, or disturbing to any persons, property or the general welfare due to traffic, noise, smoke, fumes, glare, vibration, or odors.
  - 4. The use will be consistent with the intent and purposes of this ordinance and the Holland Charter Township Comprehensive Plan.
  - 5. The use will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and topographic modifications, which result in maximum harmony with adjacent areas.

6. The use will not result in traffic congestion, nor have an adverse impact on roads, nor cause hazards.
7. There is need for the proposed use within the township, and the use will not be detrimental to the community.

B. *Approval.* If the Planning Commission finds that the standards in general have been met, in addition to confirming compliance with all other zoning requirements, the permit shall be issued.

## **Section 15.4            Conditions of Approval**

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A. *Intent.* Reasonable conditions may be required with the approval of a special land use permit. These may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity can accommodate increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner

B. *Requirements.* Conditions imposed shall meet all the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the township and the landowner. The township shall maintain a record of conditions which are changed.

## **Section 15.5            Amendments**

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A. *Amendments.* Changes to site plan concepts that are associated with special land uses that are inconsistent with the intent of the Planning Commission's approval, or conditions of approval, shall be processed in accordance with the review and approval procedures of this article as if it were a new application.

B. *Amendments of Reclassified Uses.* Any use lawfully established by right but subsequently reclassified as a special land use on or after the effective date of this ordinance is not a nonconforming use. Any change to a special land use requiring site plan review shall be processed in accordance with this article.

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## Section 15.6 Permits, Validity, and Compliance

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- A. *Permit.* A special land use permit, with all associated benefits, conditions and required security shall run with the land. Any change of property ownership does not invalidate the special land use approval; provided, all conditions of approval continue to be met.
- B. *Validity.* A special land use permit shall be valid for as long as the approved special land use continues in accordance with the terms and conditions of the approved permit. The special land use permit shall expire on the occurrence of one (1) or more of the following conditions:
1. If replaced or superseded by a subsequent special land use permit.
  2. If replaced or superseded by a permitted use.
  3. If the applicant requests the rescinding of the special land use permit.
  4. Site improvements are not commenced within one (1) year after the date of approval of the site plan.
- C. *Compliance.* Ongoing conformance with the terms and conditions of the approved permit is required.
- D. *Extension.* The Zoning Administrator may approve two (2) extensions of up to one (1) year each, if requested in writing by the applicant prior to the expiration date of the original approval or first extension. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the special land use approval shall become null and void.

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## Section 15.7 Appeals and Variances

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The Planning Commission's decision regarding approval or denial of a special land use application may not be appealed to the Zoning Board of Appeals. However, prior to consideration of a special land use, a variance to a dimensional requirement related to the building or property in question may be filed with the Zoning Board of Appeals.

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## Section 15.8 Restrictions on Resubmittal

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A special land use application that has been denied may not be re-submitted for one (1) year from the date of denial, except when new evidence or information found sufficient by the Zoning Administrator justifies an earlier re-application.

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# Article 16. Planned Unit Developments

## Section 16.1 Intent and Purpose

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- A. *Intent.* The intent of this article is to offer an alternative to conventional development and traditional zoning districts by permitting flexibility in the regulations for development by authorizing Planned Unit Developments (PUD). The standards in this article are intended to promote and encourage development on lots of record that are suitable in size, location, and character for the uses proposed while ensuring compatibility with adjacent land uses.
- B. *Base Zoning District.* The base zoning district is the zoning district applicable to the subject property. The PUD review process is applied to lands that are traditionally zoned but allows for consideration of flexibility of zoning requirements applicable to the base district as well as those development requirements that apply to all properties, regardless of zoning.
- C. *Purpose.* The PUD process is provided as a design option to allow for one (1) or more of the following:
1. Innovative land development in terms of variety, design, layout, and type of structures constructed;
  2. Efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
  3. Adaptive re-use of significant or historic buildings;
  4. Mixed use development projects and/or mixed use buildings;
  5. Preservation and protection of significant natural features, open space, and cultural/historic resources;
  6. Promote efficient provision of public services and utilities;
  7. Minimal adverse traffic impacts and accommodate safe and efficient pedestrian access and circulation;
  8. Convenient recreational facilities;
  9. Use and improvement of land where site conditions make development under conventional zoning difficult or less desirable; and
  10. Open Space Development option, per *Section 16.3 E.*
- D. *Design Flexibility.* The PUD process and standards provide for flexibility in design and permit variation of the specific bulk, area, and in some situations, the density requirements of the Zoning Ordinance on the basis of the Preliminary PUD Development Plan, subject to the approval of the PUD. A PUD shall not be sought primarily to circumvent the standards and requirements of the applicable base zoning districts.

## Section 16.2 Qualifying Conditions

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- A. *Master Plan.* The proposed PUD shall be consistent with the Holland Charter Township Comprehensive Plan.
- B. *Unified Control.* The PUD shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as an integral unit.
- C. *Recognizable Benefit.* The applicant shall demonstrate that the PUD provides at least four (4) of the following site design elements, which could not be attained through a project designed under conventional zoning:
1. Mixed-use development with residential and non-residential uses or a variety of housing types;
  2. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or

- rear of the site;
3. High quality architectural design beyond the site plan requirements of this ordinance;
  4. Extensive landscaping beyond the site plan requirements of this ordinance;
  5. Preservation, enhancement, or restoration of natural resources (trees, slopes, wetland areas, water views, etc.);
  6. Preservation or restoration of significant or historic resources;
  7. Provision of open space or public plazas or features;
  8. Efficient consolidation of poorly dimensioned lots of record or property with difficult site conditions (e.g. topography, shape, etc.);
  9. Effective transition between higher and lower density uses, and/or between non-residential and residential uses; or allowing incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach;
  10. Shared vehicular and pedestrian access between properties or uses;
  11. Mitigation to offset impacts on public facilities (such as street improvements); or
  12. Significant use of sustainable building and site design features such as: water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.

### **Section 16.3      Zoning Requirements**

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#### **A. Uses.**

1. Base Zoning District Uses. Any use permitted by right or by special land use in the base district where the PUD is proposed may be permitted in the PUD.
2. Approval. Approval of a PUD shall include the identification of the specific uses permitted within the PUD, and only those uses approved through this process shall be permitted. Land use shall be consistent with the Holland Charter Township Comprehensive Plan in all cases.
3. Rezoning. Should the applicable base zoning district not permit a desired use, rezoning shall be necessary. Where the Holland Charter Township Comprehensive Plan recommends a different zoning district than the current zoning, a rezoning of the base zoning district consistent with the plan may be considered concurrently with the PUD.

#### **B. Requirements by Type of PUD.** This article authorizes Residential, Commercial and Office, Mixed Use, and Industrial and Research Park PUDs.

1. Residential. For projects that include single-family dwellings, the Preliminary PUD Development Plan narrative shall state minimum spatial requirements for single-family lots. A PUD shall be compliant with base residential district spatial standards unless deviations from the minimum standards and requirements of the base zoning district are approved.
2. Commercial and Office. Developments shall meet the area, height, and placement requirements of the base commercial and office districts unless deviations from the minimum standards and requirements of the base zoning district are approved.
3. Mixed Use. Residential and non-residential uses may be permitted in combination to create an integrated, mixed-use development. Each use in a mixed-use development (containing both residential and commercial development) shall meet the height, area, and placement requirements of the zoning district that corresponds to each element of the proposed development.

4. **Industrial and Research Parks.** Developments shall meet the area, height, and placement requirements of the base industrial districts unless deviations from the minimum standards and requirements of the base zoning district are approved. The minimum size of any lot in an industrial or research park shall be 40,000 square feet. The minimum dimension of any side of such lot shall be 200 feet.
- C. **Deviations from Minimum Requirements.** Zoning district regulations applicable to a land use in a PUD may be altered from the applicable requirements of the base district(s), including spatial, landscaping, lighting, signs, and parking requirements. The applicant for a PUD shall identify, in writing, all intended deviations being proposed from the base zoning district. These adjustments may be permitted only if they will result in a higher quality of development or better integration of the proposed use(s) with surrounding uses. The application shall demonstrate and justify how the proposed deviations achieve the purposes of PUD expressed in *Section 16.1 C*, *Section 16.2 C*, and the recommendations of the Holland Charter Township Comprehensive Plan.
- D. **Density.**
  1. **Parallel Plan.** Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision or site condominium plan, meeting all applicable township requirements. The township shall review the design and determine the number of buildable lots that could be feasibly constructed, taking into consideration any wetlands, easements, right-of-way, or other non-buildable land, to determine net allowable density.
  2. **Increase.** The township may grant a density bonus of up to 20 percent from the maximum number of units based on the parallel plan based on the merits of the proposal.
- E. **Open Space Development Option.**
  1. **Intent.** This section is intended to carry out the provisions of “open space preservation” section of the Michigan Zoning Enabling Act.
    - a. Lands satisfying certain criteria may be developed, at the option of the landowner, with the same number of dwellings on a smaller portion of the land that could otherwise be developed under existing ordinances, laws, and rules on the entire land area. The balance of the land must be preserved as open space.
    - b. This development option is intended to accommodate lots of record that have physical assets such as tree stands, unique topographic conditions, water and/or swamp areas, or other readily identifiable land characteristics which should be preserved, or lots of record where such development could provide a transitional area of low density residential use between a higher density residential use or any nonresidential use of land. Land designated for this development option must either be platted under the provisions of the Michigan Land Division Act or must comply with the Condominium Act (Act 59 of 1978, as amended) and all township ordinances.
  2. **Process.** For a landowner to exercise the open space preservation option of the Michigan Zoning Enabling Act, the land involved must be processed as a Planned Unit Development (PUD).

## Section 16.4 Review Procedure

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- A. **PUD Review Steps.** Review of Planned Unit Development proposals shall be processed in accordance with the following steps:
  1. **Preliminary PUD Development Plan.**
    - a. Pre-application conference.
    - b. Preliminary PUD development plan submission.
    - c. Planning Commission review, public hearing, and recommendation.
  2. **Final PUD Development Plan.**
    - a. Final PUD development plan submission.

- b. Planning Commission review, public hearing (if determined), and recommendation.
- c. Township Board review, public hearing, and decision.

## Section 16.5 Preliminary PUD Development Plan

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- A. *Pre-Application Conference.* The purpose of a pre-application conference with the Zoning Administrator is to review the concept of the proposed PUD, discuss the review process, and determine the eligibility of the request.
1. Conference Request. A request for a pre-application conference shall be made to the Zoning Administrator.
  2. Requirement Materials. As part of the pre-application conference, the applicant shall submit a copy of a site plan that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.
  3. Guidance. The Zoning Administrator shall advise the applicant of the conformance of the PUD concept with the objectives of the township, whether the concept qualifies under the requirements of this article, and whether the general concept is substantially consistent with the Holland Charter Township Comprehensive Plan. Formal action shall not be taken at a pre-application conference and statements made at the pre-application conference shall not be considered binding commitments or an approval of the concept.
- B. *Preliminary PUD Development Plan Submission Requirements.* Applications for PUD review approval shall include 11 copies of the following materials at least 30 days prior to the meeting at which the Planning Commission will review the application. The Zoning Administrator may, subject to the concurrence of the Planning Commission, waive any of the application requirements contained in this section if it is determined that such information is not necessary to determine compliance with the provisions of this article.
1. Preliminary PUD Development Plan.
    - a. Name of the development, the applicant's name, the preparer's name, date of preparation, written and graphic scale (not to exceed one (1) inch equals 50 feet), north arrow, property lines and dimensions, and size of property in acres.
    - b. Small scale sketch of properties, streets and uses within one-half (½) mile of the PUD.
    - c. Zoning and use of all abutting properties and of properties across any public or private street from the PUD site, including all structures within 100 feet of the property lines of the PUD development area.
    - d. Existing natural features of the site, including predominant vegetative cover, existing drainage ways, 100-year flood hazard boundary area, shorelines, if applicable, and existing topography at a maximum of five-foot contour intervals.
    - e. Existing right-of-way lines and edge of street pavement, names of abutting public streets, proposed access driveways and parking areas, and proposed layout of new public or private streets.
    - f. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed or eliminated.
    - g. Layout and typical dimensions of proposed lots, building setback lines, footprints, and dimensions or proposed buildings and structures; identify uses proposed within the planned unit development, and the acreage allotted to each use. For residential developments, the number, type, and density of proposed dwelling units.
    - h. If the planned unit development is to be constructed in phases, identify the areas included in each phase. For residential uses identify the number, type, and density of proposed dwelling units within each phase.



2. Supplemental Information.
    - a. A narrative statement describing the overall objectives of the development and how the proposal satisfies the intent and conditions of *Section 16.1 C*, *Section 16.2 C*, *Section 16.3 C*, and the Holland Charter Township Comprehensive Plan.
    - b. A legal description of the land to be included in the planned unit development.
  3. Application and Fee. A completed application form, supplied by the Zoning Administrator, and payment of the applicable application fee.
- C. *Planning Commission Review.*
1. Initial Review. The Planning Commission shall review the preliminary development plan at a regular or special meeting. Upon determination by the Planning Commission that the application meets the requirements of this article, a public hearing shall be set. Notice of the public hearing shall conform to the requirements of Section 103 of the State of Michigan Zoning Enabling Act and *Section 18.4*.
  2. Public Hearing and Decision. The Planning Commission shall review the preliminary PUD development plan in consideration of public hearing comments, technical reviews from township staff and consultants, correspondence from applicable review agencies, and compliance with the standards of this article, and other applicable township standards and requirements. The Planning Commission shall approve, approve with conditions or deny the preliminary PUD development plan. The decision shall be based on the following:
    - a. Whether all applicable provisions of this article are met;
    - b. Whether the proposed PUD meets the intent of this article, as outlined in *Section 16.1*;
    - c. Whether the qualifying conditions in *Section 16.2 C* are met; and
    - d. Whether the standards of approval in *Section 16.8* are met.
  3. Conditions. The recommendations of the Planning Commission concerning the preliminary development plan may include, but need not be limited to, the following:
    - a. Additions, deletions or changes to the preliminary development plan which are deemed necessary in order to comply with the standards for approval in *Section 16.8*.
    - b. Request for additional information to be provided as part of the final development plan submittal.
  4. Applicant. A copy of the recommendations pertaining to the preliminary development plan shall also be transmitted to the applicant and the Township Board.

## **Section 16.6 Final PUD Development Plan**

- A. *Final PUD Development Plan.* After approval of the preliminary PUD development plan, a final PUD development plan shall be submitted to the Planning Commission for review and approval. A final development plan may be submitted and approved for the entire PUD or for any phase or portion of the development.
1. Contents. The final development plan shall include all of the following information; the Zoning Administrator may, subject to the concurrence of the Planning Commission, waive any of the application requirements contained in this section if it is determined that such information is not necessary to determine compliance with the provisions of this article.
    - a. Name of the development, the applicant's name, the preparer's name, date of preparation, written and graphic scale (not to exceed one (1) inch equals 20 feet), north arrow, property lines and dimensions, and size of property in acres.
    - b. Small scale sketch of sufficient size and scale to allow the planning commission to determine the precise location of the PUD within the township.
    - c. Zoning and use of all abutting properties and of properties across any public or private street

from the PUD site, including all structures within 100 feet of the property lines of the PUD site.

- d. Existing right-of-way lines, names of abutting public streets, proposed access driveways and parking areas with parking calculations, and proposed right-of-way widths and pavement widths and location of new public or private streets.
- e. If a multiphase planned unit development is proposed, identify the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
- f. Location of all proposed buildings, structures, or other improvements.
- g. Proposed locations of utility services (with sizes), including storm drainage, and any public or private easements.
- h. Existing and proposed lot lines, with bearings and dimensions, and building setback lines.
- i. Proposed grading plan, identifying proposed ground elevation contours at two-foot intervals, overlaid on existing contours.
- j. Proposed landscaping with common plant names, sizes, number and location. Berms are to be shown with elevations from the average grade around the berm.
- k. Exterior lighting, including specifications for style, location, and height of lighting fixtures.
- l. Size, design, and location of proposed signs.

- B. *Planning Commission.* The Planning Commission shall review the final development plan and make a report and recommendation to the Township Board concerning the PUD request. The report shall state the conclusions of the Planning Commission concerning the request, the basis for the Planning Commission's recommendation to the township board, and any conditions or restrictions relevant to an affirmative decision. Before making its report and recommendation, the Planning commission may hold a public hearing on the PUD and, if it does so, it shall give notice in accordance with *Section 18.4* and the Michigan Zoning Enabling Act.
- C. *Township Board Review.* On receipt of the Planning Commission's report and recommendation, the Township Board shall review the application and the report and recommendation of the Planning Commission and then act to grant or deny the final PUD development plan. However, before acting, the Township Board shall hold a public hearing on the proposed final PUD development plan and give notice in accordance with *Section 18.4* and the Michigan Zoning Enabling Act. In acting the Township Board shall prepare a written report stating its conclusions on the request for approval of the proposed final PUD development plan, the basis of its decision, the decision, and any conditions relating to an affirmative decision.

## Section 16.7 Required Improvements

- A. *Issuance of Occupancy Permit.* In approving a final PUD development plan, the Township Board may, in addition to other matters, require that all or any part of the improvements and other elements of the project be constructed and completed prior to the issuance of an occupancy permit. In the event that buildings, improvements or other elements are partially completed to a point where occupancy will not impair the health, safety, and general welfare of all parties concerned, the Zoning Administrator may, in accordance with the provisions of this ordinance relating to authorization of a special use, grant an occupancy permit on such reasonable conditions relating to completion as the Township Board shall establish. The Zoning Administrator may also exercise discretion and decline to determine whether or not an occupancy permit should be granted and refer any such decision concerning the conditional occupancy permit to the Planning Commission.
- B. *Financial Guarantees.* To ensure compliance with the zoning ordinance and any conditions imposed thereunder, the Township Board may, in granting approval of a PUD, require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township covering the estimated cost of improvements associated with the PUD, be deposited with the Clerk of the Township to

ensure faithful completion of the improvements.

## Section 16.8 Standards of Approval

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A preliminary PUD development plan shall only be approved if it complies with each of the following standards as well as applicable standards established elsewhere in this article:

- A. *Intent and Qualification.* The proposed PUD complies with the intent and the applicable qualifying conditions of Sections 16.1 C and 16.2 C of this article, respectively.
- B. *Uses.* The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with the Holland Charter Township Comprehensive Plan.
- C. *Design.* The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
- D. *Character.* The PUD shall not change the essential character of the surrounding area.
- E. *Impact.* The PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- F. *Public Service Capacity.* The PUD shall not place demands on public services and facilities more than current or anticipated future capacity.
- G. *Utilities.* Underground utilities, including telephone and electrical systems, are required within the limits of all PUDs. Appurtenances to these systems, which can be effectively screened, may be exempt from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

## Section 16.9 Amendments

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- A. *Minor Changes.* A minor change to an approved final PUD development plan may be approved by the Zoning Administrator per the requirements of this section, if already approved by the Township Board. A change that would alter any specified conditions imposed as part of the original approval shall not be considered as a minor change. Minor changes include the following:
  - 1. Reduction of the size of any building and/or sign.
  - 2. Movement of buildings or signs by no more than 50 feet, provided the required setbacks are not reduced.
  - 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
  - 4. Changes in floor plans of up to 10 percent of the total floor area that do not alter the character of the use or increase the amount of required parking.
  - 5. Internal rearrangement of a parking lot that does not affect the number of parking spaces, access locations, or design.
  - 6. Changes required or requested by the township, county, or other state or federal regulatory agency to conform to laws or regulations.
- B. *Other Minor Changes.* A change that is not considered minor may be submitted to the Planning Commission to determine if the change is minor in scope and/or effect and that the change would not alter the basic design or intent of the approved PUD. If the Planning Commission determines that the proposed change is minor, the Zoning Administrator shall be authorized to approve it administratively.
- C. *Major Changes.* A change that the Zoning Administrator or Planning Commission determines is not minor must be submitted as an amendment to the PUD and shall be processed in the same manner as a final PUD development plan review process.

**Section 16.10 Expiration and Extension**

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- A. *Validity and Expiration.* Approval of the final PUD development plan by the Township Board shall confer upon the owner the right to proceed with construction for a period not to exceed one (1) year from date of approval.
- B. *Timeframe.* Each development shall be under meaningful construction within one (1) year after the date of approval of the final development plan.
- C. *Termination of Rights.* Upon expiration, the approval shall automatically become null and void and all rights of development based on the plan shall terminate.
- D. *Extension.* The Zoning Administrator may approve two (2) extensions of up to one (1) year each, if requested in writing by the applicant prior to the expiration date of the original approval or first extension. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the final PUD development plan approval shall become null and void.

**Section 16.11 Appeals and Variances**

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The Zoning Board of Appeals shall have no jurisdiction to hear appeals of or make interpretations of any decisions regarding this article or proposed preliminary or final development plan. Additionally, no variances may be requested for requirements within an approved PUD.

# Article 17. Site Condominium Developments

## Section 17.1 Intent and Purpose

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- A. *Purpose.* The purpose of this article is to regulate projects that divide real property under a contractual arrangement known as site condominium. New and conversion site condominium projects shall conform to the requirements of this ordinance, all other applicable township regulations, and the Condominium Act (P.A. 59 of 1978, as amended). Each site condominium project shall be reviewed in a manner consistent with equivalent projects within the same zoning district.
- B. *Equivalency.* Site condominium plans regulated by this article shall be considered equivalent to a platted subdivision for the purposes of enforcing the township's zoning requirements. The intent of this article is to ensure that site condominium plans are developed in compliance with all applicable standards of this ordinance and the design requirements of the Chapter 30, Subdivisions, except that the review procedures and application requirements of this article shall apply.
- C. *Applicability.* Traditional condominium projects shall be reviewed in accordance with *Article 14* and are not subject to the requirements of this article.

## Section 17.2 Site Condominium Unit Requirements

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- A. *Site Condominium Units.* Site condominium units shall be permitted under this article, subject to conformance with the development district standards of this ordinance. Site condominium units and projects in any residential district shall comply with all setback, height, coverage, and area restrictions in the same manner as those standards would be applied to platted lots in a subdivision, subject to the requirement of the applicable Agricultural (*Article 3*) and Residential (*Article 4*) Districts. The site condominium unit shall be treated as a "lot of record" under this ordinance.
- B. *Area Computation.* The minimum area of the site condominium unit shall be equivalent to the minimum lot area and lot width requirements for the development district where the project is located. Areas within a public or private street right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum site condominium lot area or determination of dwelling density for a site.
- C. *Relocation of Lot Boundaries.* The relocation of boundaries or any other change in the dimensions shall be considered an amendment to the site condominium plan. Relocation of site condominium lot boundaries, as permitted in the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of the zoning district in which the lot is located. Minor amendments include lot line and boundary adjustments and may be approved by the Zoning Administrator. Major amendments shall be reviewed by the Planning Commission and Township Board.

## Section 17.3 Review Procedure

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- A. *Review Steps.* Review of site condominium plans shall be processed in accordance with the following steps:
  - 1. Site Condominium Concept Plan and Pre-Application Conference.
  - 2. Preliminary Site Condominium Plan.
    - a. Plan submission.
    - b. Planning Commission review and recommendation.
    - c. Township Board review and decision.
  - 3. Construction Plans and Outside Permitting.
  - 4. Final Site Condominium Plan.

- a. Planning Commission review and recommendation.
- b. Township Board review and decision.

## **Section 17.4 Site Condominium Concept Plan**

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- A. *Pre-Application Conference.* The purpose of a pre-application conference with the Zoning Administrator is to review the concept of the proposed development, discuss the review process, and determine the eligibility of the request. This step is optional.
1. Conference Request. A request for a pre-application conference shall be made to the Zoning Administrator.
  2. Requirement Materials. As part of the pre-application conference, the applicant shall submit a copy of a site plan that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.
  3. Guidance. The Zoning Administrator shall advise the applicant of the conformance of the site condominium concept plan with the objectives of the township, whether the concept qualifies under the requirements of this article, and whether the general concept is substantially consistent with the Holland Charter Township Comprehensive Plan. Formal action shall not be taken at a pre-application conference and statements made at the pre-application conference shall not be considered binding commitments or an approval of the concept.

## **Section 17.5 Preliminary Site Condominium Plan**

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- A. *Review.* Prior to recording of the Master Deed of the site condominium project as required by the Condominium Act, (P.A. 59 of 1978, as amended), each site condominium project shall be subject to review and approval by the Planning Commission and the Township Board. The plan shall include all information required in this section.
- B. *Preliminary Site Condominium Plan Submission Requirements.* Applications for review shall include 12 copies the following materials at least 30 days prior to the meeting at which the Planning Commission will review the application. The Zoning Administrator may, subject to the concurrence of the Planning Commission, waive any of the application requirements contained in this section if it is determined that such information is not necessary to determine compliance with the provisions of this article.
1. Preliminary Site Condominium Plan. The plan shall be prepared by a licensed architect, licensed professional surveyor, or licensed professional engineer and shall bear the signature and seal of the licensed architect, licensed professional surveyor, or licensed professional engineer. The plan is not required to contain detailed project design plans prepared by the appropriate licensed design professional. Such project design plans are filed, as part of the construction permit application, with the applicable enforcing agency.
  2. Contents. The preliminary site condominium plan shall be reproductions of original drawings. A complete plan shall include all of the following:
    - a. A cover sheet. The cover sheet shall list all documents included in the preliminary site condominium plan.
    - b. A survey plan. The survey plan shall be signed and sealed by the licensed professional surveyor preparing the boundary survey for the site condominium project.
    - c. A floodplain plan, if the site condominium lies within or abuts a floodplain area.
    - d. A site plan.
    - e. Utility plan.
    - f. Floor plans.
    - g. The size, location, area, and horizontal boundaries of each site condominium unit.

- h. A number assigned to each site condominium unit.
  - i. The vertical boundaries for each unit comprised of enclosed air space.
  - j. Building sections showing the existing and proposed structures and improvements including their location on the land. Any proposed structure and improvement shown shall be labeled either "must be built" or "need not be built". To the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping, or an access road, these items shall be shown and designated as "must be built", but the obligation to deliver these items exists whether or not they are so shown and designated.
  - k. The nature, location, and approximate size of the common elements.
3. Application and Fee. A completed application form, supplied by the Zoning Administrator, and payment of the applicable application fee.
- C. *Planning Commission Review and Public Hearing*.
1. If complete and basically in conformance with applicable Township requirements, the Zoning Administrator shall cause a notice of a public hearing to be published for a future agenda of a Planning Commission meeting according to Planning Commission guidelines.
  2. The Planning Commission shall consider the preliminary site condominium plan in a public hearing, which shall be noticed in accordance with Sec. 103 of the Michigan Zoning Enabling Act (PA 110 of 2006). The Planning Commission shall review the proposed site condominium plan against the applicable standards and requirements of this ordinance and the requirements and approval standards referenced in *Section 17.8*.
  3. Following the public hearing, the Planning Commission shall recommend approval, approval with conditions, or rejection of the preliminary site condominium plan to the Township Board.
- D. *Township Board Review*.
1. The Township Clerk shall schedule a review of the Planning Commission's recommendation by the Township Board at the next available regular meeting following the Planning Commission's recommendation on the preliminary site condominium plan.
  2. Following receipt of a recommendation from the Planning Commission, the Township Board shall review the proposed site condominium plan against the applicable standards and requirements of this ordinance and the requirements and approval standards referenced in *Section 17.8* and approve, deny, or approve with conditions.
  3. Conditions of approval shall be satisfied by the applicant within the time set by the Township Board or the approval of the preliminary site condominium plan shall be determined to be not valid.

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## **Section 17.6 Construction Plans**

- A. *Plan Requirements and Review Procedure*. Construction plans shall be submitted and approved administratively. Plans shall be submitted and reviewed in accordance with *Chapter 30, Subdivisions, Article IV Improvements, Sections 30-171 to 30-175*.

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## **Section 17.7 Final Site Condominium Plan**

- A. *Outside Agency Permits or Approvals*. The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies and construction plan approval prior to submittal of a final site condominium plan.
- B. *Contents*. In addition to the requirements for the preliminary site condominium plan, the final site condominium plan shall include the information required for construction plans
- C. *Township Board Review*. If the final site condominium plan conforms substantially to the approved preliminary site condominium plan and satisfies any applicable conditions of approval, the Township

Board shall give final approval to the plan, after a review and recommendation by the Planning Commission.

### **Section 17.8 Standards and Requirements**

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- A. *Design Standards.* Site condominium developments are subject to the same design standards as platted subdivisions and shall be reviewed against the standards listed in *Chapter 30, Subdivisions, Article III Design Standards.*
- B. *Setbacks.* The setback requirements of the applicable zoning district shall establish the required interior and perimeter setbacks for the site condominium development. Such setbacks shall be measured from the perimeter of the site condominium lot, road right-of-way line, or road easement to the nearest part of the building envelope.
- C. *Utility Connections.* Each site condominium unit shall be separately connected to available public water supply and sanitary sewer systems.

### **Section 17.9 Amendments, Expiration, and Validity**

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- A. *Amended Documents.* Amendments to any site condominium document that significantly impact the approved site condominium site plan, or any conditions of the site condominium site plan approval, shall be submitted to the Planning Commission and Township Board for review and decision prior to the issuance of a building permit.
- B. *Validity.* Site improvements shall be commenced within one (1) year after the date of approval of the Final Site Condominium Plan.
- C. *Extension.* The Zoning Administrator may approve two (2) extensions of up to one (1) year each, if requested in writing by the applicant prior to the expiration date of the original approval or first extension. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the Final Site Condominium Plan approval shall become null and void.
- D. *Rescinding Approval of a Site Condominium Plan.* Site condominium plan approval may be rescinded by the Township Board, following a review and recommendation from the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval.