

SECTION 39-12.08 SPECIAL LAND USE REVIEW PROCESS

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Definitions

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	Article 39-2
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	5.11.B.1
Sustainability Principles Checklist	Required	Required, unless otherwise determined by CNS	–

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