



Zoning Administrator Use Only

Date Received: _____

____ Minor Home Occupation

____ Major Home Occupation

PC Hearing Date (if Major) _____

APPLICATION FOR HOME OCCUPATION

Applicant Name: _____ Address: _____

P.P.#: 03-51- _____ - _____ - _____ Zoning District: _____

Applicant Phone Number: _____ Email: _____

What is the nature of the surrounding area? _____

What is the nature of the Home Occupation? _____

What are the proposed Days and Hours of Operation? _____

Please indicate the proposed number of employees that do not reside in the home: _____

How will your products or services reach your customers? _____

If there will be any deliveries of materials to the residence in relation to the business please describe the bulk and frequency of them here: _____

Please describe any materials used in the home occupation which will be stored on the premises and their intended location: _____

Please attach a site plan to this application that shows the following information:

___ A description of employee parking and workforce staging plans (if applicable)

___ A site plan with lot, building and parking lines and dimensions.

___ A total square footage of the home and/or accessory structures to be utilized for the Home Occupation

Affidavit: I am the owner or occupant of the above address and have read and understand Section 1703 of the City of Allegan Zoning Ordinance. Should my application be approved by the Zoning Administrator or Planning Commission, I understand that any expansion in activity, area, or volume of my approved Home Occupation requires additional approval. I further understand that any activity, area, or volume of my Home Occupation that exceeds the approved activity may result in revocation of my permit by the Planning Commission and will be considered a violation of the Zoning Ordinance and a nuisance per se.

Applicant Signature: _____ Date: _____

Please return the completed application to City Hall or mail to PCI, 1565 142nd Ave. Dorr, MI 49323

1703 Home occupations

It is the policy of the City of Allegan to encourage entrepreneurship and a reasonable, nonintrusive degree of activity within residential areas during normal business hours. Such activity contributes to the vitality of the community, economy and increases safety within neighborhoods. However, excessive commercial activity, such as traffic, odors, deliveries and signage, within a neighborhood may undermine its residential character. The intent of this section is to establish reasonable standards to regulate home occupation activities that are compatible with the residential character of a neighborhood.

A. Minor home occupation: A minor-home occupation is a home occupation as defined herein, which would normally not be apparent to neighbors living in the vicinity, such as providing piano lessons to one student at a time. A minor home occupation shall be permitted in any residential district, subject to the following conditions. Minor home occupations:

1. Must be registered with the Zoning Administrator. Registration shall be provided on forms developed by the City and may require a fee as determined by the City Council. Such registration shall document that the minor home occupation shall be conducted in accordance with the terms of this section.
2. Must be conducted entirely within a residential building or within an accessory structure, and must not be evident in any way from the street or from any neighboring premises.
3. Must not change the character of the building in which it is conducted and must not constitute, create or increase a nuisance.
4. Must be carried on only by the inhabitants of the building plus not more than one non-resident.
5. Except as otherwise provided in subsection (15) below, must employ only mechanical equipment which is similar in power and type used for household purposes and hobbies.
6. Must not generate noise, vibrations, smoke, dust, odor, heat, or glare which are detectable beyond the property lines. Furthermore, the home occupation shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
7. Must provide sufficient solid waste receptacles sufficiently screened and maintain the property free of debris.
8. Must not devote more than twenty-five (25) percent of the principal building to such home occupation, and an accessory building shall not be used for a minor home occupation
9. Must not require parking spaces in excess two (2) spaces, located in the driveway, or if on-street parking is available, on the street directly adjacent to the property. City of Allegan XVII-5 Article XVII – Standard Zoning Ordinance for Specific Uses
10. Must not generate vehicle trips in excess of ten (10) trips per day.
11. [reserved]
12. No more than two customers, clients, students or patients shall be on the premises in which a home occupation is located at any one time.
13. Visits by customers, clients, students or patients to a dwelling unit in which a home occupation is located shall be limited to between the hours of 7:00 am to 8:00 pm, local time.
14. All building, housing, fire and other local or state codes and ordinances shall be adhered to for home occupations.
15. A registered primary caregiver, as defined by and in compliance with the General Rules of the Michigan Department of Community Health (the "General Rules"), the Michigan Medical Marihuana Act (the "Act"), and the requirements of this section, shall be allowed as a minor home occupation. Nothing in this section, or in any companion regulatory section adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting immunity from prosecution for growing, sale, consumption, use, distribution or possession of marihuana not in strict compliance with the Act and the General Rules. Also, since federal law is not affected by the Act or the General Rules, nothing in this section, or in any companion regulatory section adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting immunity from criminal prosecution under federal law. The Act does not protect users, caregivers or the owners of properties on which medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

- a. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- b. A registered primary caregiver must be located outside of a 1,000-foot radius from any school or library, as defined by the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7410, and from any City park and the Allegan County fairgrounds, to ensure community compliance with federal "Drug-Free School Zone" requirements as such areas are commonly used to impart instruction to children in grades kindergarten through 12.
- c. Not more than one primary caregiver shall be permitted to service qualifying patients on a parcel.
- d. Not more than five qualifying patients shall be assisted with the medical use of marihuana within any given calendar week. City of Allegan XVII-6 Article XVII – Standard Zoning Ordinance for Specific Uses
- e. All medical marihuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the City Building Official and the City Police Department.
- f. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting or watering devices that support the cultivation, growing or harvesting of marihuana are located.
- g. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 pm to 7:00 am, local time, shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
- h. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, or where the storage of any chemicals such as herbicides, pesticides and fertilizers occurs, shall be subject to inspection and approval by the City Fire Department to ensure compliance with applicable provisions of the fire code.

B. Major home occupation: A major home occupation shall be a home occupation that cannot meet the requirements above and as defined herein; and shall be subject to the following standards.

1. The operator of a proposed major home occupation shall attach an operational plan for the home occupation to the application for zoning approval to the Zoning Administrator. A proposed major home occupation shall require Planning Commission approval. The operational plan shall provide the following information:
 - a. The hours the major home occupation will operate.
 - b. A description of employee parking and workforce staging plans.
 - c. A site plan with lot, building and parking lines and dimensions.
 - d. A description of the shipping and delivery requirements of the major home occupation.
 - e. A description of any material used in the major home occupation which will be stored on the premises.
2. The on site activities associated with the major home occupation shall be fully conducted within the personal residence or accessory buildings of the person engaging in the major home occupation. Such activities shall not exceed 25% of the floor area of the dwelling nor more than 50% of the floor area of any accessory building.
3. The activities of the major home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be bothered by the existence of the major home occupation.
4. In addition to the occupants of the residence and not more than two (2) nonresident employees. A major home occupation may employ other persons, provided their work activities are undertaken at locations other than the location of the major home occupation.
5. The Planning Commission may establish limits on the outdoor storage, size and parking of equipment or vehicles to preserve the residential character of the neighborhood. No outdoor storage of materials or scrap is permitted.
6. Not more than one (1) automobile associated with the major home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the major home occupation is taking place and parking for not more than two (2) automobiles may be constructed in addition to the area of the driveway in existence prior to the establishment of the major home occupation.

7. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopier machine, paint, printing, arts and craft supplies or heating fuel, the major home occupation shall not involve the generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 229.433 et. seq.), or use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910.2 (Dept. of Labor Regulations).
8. Any increase in the nature or activities of a major home occupation shall be regarded as a new major home occupation and shall require a new application and site plan review by the Planning Commission.
9. Failure to fulfill the terms of the approved major home occupation, the site plan, and its attachments, shall be grounds for the Planning Commission to review the major home occupation permit at a public hearing and, the Planning Commission may revoke the major home occupation permit. If a major home occupation permit is revoked any continuation of such use shall be considered a violation of the ordinance and a nuisance per se.