



6:00 PM Planning Commission (Action to be taken by Commission on the following agenda items)

Note: Please be courteous and turn cell phones off during the meeting.

1. **CALL TO ORDER**

2. **ROLL CALL (Excused Absences if Any)**

3. **APPROVAL OF AGENDA - AMENDED**

3A - Approval of the Planning Commission Meeting Agenda for February 20, 2024.

4. **APPROVAL OF MINUTES**

4A – Approval of the Planning Commission Minutes from January 16, 2024.

5. **PUBLIC COMMENT (for items not on the agenda)**

6. **NEW BUSINESS**

6A – Review and Discussion regarding Residential Design Standards

7. **REPORTS FROM ZONING ADMINISTRATOR & CITY OFFICERS**

8. **COMMUNICATIONS FROM COMMISSION MEMBERS**

9. **ADJOURNMENT**

PLEASE NOTE

AUDIENCE PARTICIPATION:

In addition to addressing the Commission during public hearings and under “Public Comment,” members of the audience may address the Commission, on items listed under agenda numbers 6A; please limit your comments to three minutes or less per item. Please step up to the Podium and state your name and address.

The proposed process for items listed under agenda numbers 6A- above shall be as follows:

1. Announcement of the agenda item by the Chairperson.
2. Verbal report provided by staff.
3. Chairperson asks commission members if they have any questions for staff to clarify the staff report.
4. Chairperson opens/closes the floor to receive public comment (if a public hearing is required or if the Chairperson determines public comments is warranted).
5. Motion is made by a commission member and seconded by another commission member.
6. Chairperson then calls on councilmembers to discuss the motion if councilmembers wish to discuss.
7. Chairperson calls for a vote on the item after discussion has occurred.



**City of Allegan
Planning Commission Meeting
January 16, 2024
Allegan City Hall
231 Trowbridge Street, Allegan, MI 49010**

MINUTES

1) Call to Order

The meeting was called to order at 6:00 pm.

2) Attendance

Present: Jason Watts, Roger Bird, Julie Emmons, Traci Perrigo, Jason Ramaker, Teresa Galloway, and one vacant position.

Absent: Alyssa Ramirez and Patrick Westover

Others Present: Joel Dye, City Manager

Motion by Roger Bird, supported by Traci Perrigo to excuse Alyssa Ramirez and Patrick Westover from tonight's meeting. Motion Carried 6-0.

3) Approval of Agenda

Motion by Julie Emmons, supported by Teresa Galloway, to approve the January 16, 2024, Agenda. Motion Carried 6-0.

4) Approval of Minutes

Motion by Teresa Galloway, supported by Julie Emmons, to approve the November 20, 2023, Meeting Minutes. Motion carried 6-0.

5) Public Comment

There was no public comment.

6) New Business

6A – Business Meeting – Election of Chair and Secretary.

Roger Bird Nominated Jason Watts as Chair; there were no more nominations for Chair.

Jason Watts nominated Jason Ramaker as Secretary; There were no more nominations for Secretary.

Motion by Traci Perrigo, supported by Julie Emmons, to approve the slate as presented. Motion Carried 6-0.

6B – Ordinance Text Amendment – Marijuana Processing Facilities.

The Commission received a presentation to amend the City's Zoning Ordinance to allow Marijuana Processing Facilities in the C-2 Zoning District as a Special Use.

Jason Watts opened the floor to public comment. No public comment was given.

Motion by Traci Perrigo, supported by Roger Bird, to approve the zoning text amendment and recommend to the City Council they hold a first reading on the zoning text amendment and schedule public hearing and second reading for February 12, 2024. Motion Carried 6-0.

6C – Special Use Permit for a Marijuana Processing Facility at 633 Hooker Road.

The Commission reviewed a special use application to open a marijuana processing facility at 633 Hooker Road. During their review the Commission reviewed the standards set forth in the zoning ordinance and heard from the applicant regarding their proposed business.

Jason Watts opened the floor to public comment. No public comment was given.

Motion by Traci Perrigo, supported by Roger Bird, to approve the special use permit to open a marijuana processing facility at 633 Hooker Road and recommend to city council that they also approve the Special Use Permit at their February 12, 2024, regular meeting, as long as the zoning ordinance is amended to allow marijuana processing facilities in the C-2 Zoning District. Motion Carried 6-0.

6D – Review and Discussion regarding the Residential Infill Ordinance

The Commission reviewed a DRAFT ordinance that would regulate the design of new residential structures and the design of significant alterations to residential structures in the City of Allegan as an alternative to the Historic District Regulations in the City of Allegan. The Commission agreed to continue this review at their February Meeting.

8) Reports from Zoning Administrator and City Officers
None.

9) Communication from Commission Members
There was no communication.

10) Adjournment

Motion by Roger Bird, supported by Teresa Galloway to adjourn the meeting at 7:25 PM.

**Respectfully submitted by
Joel Dye, City Manager**



City of Allegan
City Manager's Office
269.673.5511
231 Trowbridge Street
Allegan, MI 49010

MEMORANDUM

TO: City of Allegan Planning Commission
FROM: Joel Dye, City Manager
REVIEWED BY: N/A
DATE: February 20, 2024

SUBJECT: Discussion on proposed Residential Development Standards

Action Requested:

It is requested that the Planning Commission discuss the enclosed Residential Development Standards.

Background:

Over the past few months, the Planning Commission and staff have worked on developing Residential Development Standards. Staff has also engaged the City Attorney in this discussion. Included in this report is a redlined copy with comments from staff and the attorney and a clean copy of the proposed ordinance.

Attachments:

Redline Copy of the Residential Development Standards
Clean Copy of the Residential Development Standards

**CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND SECTIONS 300 AND 1616 OF THE CITY OF ALLEGAN ZONING ORDINANCE, AND TO REPEAL SECTIONS 902 AND 1500.01, TO ABOLISH THE HISTORIC PRESERVATION DISTRICT (HPD) AND ESTABLISH UPDATED RESIDENTIAL DEVELOPMENT STANDARDS TO PRESERVE THE CHARACTER OF RESIDENTIAL NEIGHBORHOODS

The City of Allegan Ordains:

Section 1. Amendment. Sections 300 and 1616 of the City of Allegan Zoning Ordinance are amended to read as follows:

Sec. 300. Establishments of Districts.

The City of Allegan is hereby divided into the following districts:

R-1 Single Family Residential – Low Density District

R-2 Single Residential – Medium Density District

R-3 Multi-Family Residential District

R-4 Mobile Home Residential Park District

C-1 Central Business District

C-2 General Commercial District

C-3 Restricted Commercial District

M-1 Manufacturing District

PGL Public and Government Land Uses District

PUD Planned Unit Development District

FPL Flood Plain District – Overlay

WHP Wellhead Protection Area – Overlay

Sec. 1616. Residential Development Standards.

A. Purpose. This section is intended to:

1. Protect the visual character and economic stability of residential neighborhoods;
2. Preserve and protect the public welfare and property values;
3. Eliminate design incompatibility, promote complementary design, and enable a diversity of styles that maintain the attractiveness of 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. Any person wishing to undertake a project that involves one or more of the following shall not do so without first obtaining a residential design review permit from the Zoning Administrator:

1. Construction of any new detached single-family dwelling or two-family dwelling.

2. Construction or relocation on the site of a detached single-family dwelling or two-family dwelling, when the accessory structure is greater than 200 square feet in area.
 3. Enclosure of a front porch on a detached single-family dwelling or two-family dwelling,
 4. Addition of a new story to a detached single-family dwelling or two-family dwelling.
 5. Substantial changes to increase the height of any story or the overall height of a a detached single-family dwelling or two-family dwelling.
 6. Full or partial demolition, reconstruction or substantial alteration of a detached single-family dwelling or two-family dwelling. if 50% or more of the exterior shell is demolished or substantially altered due to fire, storm, or other For purposes of this Ordinance, “Substantial Alteration” shall be defined as any exterior and/or structural changes that include addition, removal or relocation of rooflines, doors and windows on the front face of the home and other specifically named alterations listed herein.
 7. Movement of any a detached single-family dwelling or two-family dwelling, from one parcel to another, when the destination parcel is within the City limits.
- C. Exemptions. This section shall not apply to manufactured or mobile homes located within designated manufactured home parks.
1. Standards. The following standards shall apply to any alteration or construction of any structure or portion thereof that is being constructed, reconstructed, or otherwise altered by the applicant’s proposed project. (In other words, applicants are not required to retroactively bring unaltered portions of an existing structure into compliance with these standards). For purposes of this subsection, the word “neighborhood” means the area within 300 feet in either direction along street frontages or to the nearest cross street, whichever is nearer: Basement dwellings: A dwelling unit may not be located entirely within the basement of a building or structure.
 2. Foundations: A dwelling must be firmly attached to a permanent continuous foundation which complies with the applicable provisions of the building code as enforced by the City and be of similar composition and character of surrounding neighborhood. Metal skirting is prohibited.
 3. Building Setbacks: Front yard building setbacks shall comply with the setback requirements in the underlying zoning district.
 4. Height: Building height shall comply with the height requirements in the underling zoning district.
 5. First floor elevation height: The height of the dwelling’s first floor elevation shall not be higher than the average height of the first floor elevations of the principal structures on each side of the subject property. The first floor elevation shall be measured as the height above the average ground elevation from the centerline of the fronting street across the width of the parcel.
 6. Scale: Finished floor elevations, height of exposed basement walls, and front yard grade elevations shall be similar to those of adjacent dwellings.
 7. Width and general proportions: The width and general proportions of the dwelling shall be consistent with or similar to the character of the neighborhood.
 8. Interior height: Floor to ceiling height shall be a minimum of 7 ½ feet as measured from finished floor to lowest point of a ceiling. Finished upper story or attic spaces with areas of less than 7 ½ feet shall have only the portion of the area meeting the minimum height areas considered for total floor area calculations.
 9. 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.

10. 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. Dwellings that are partially or fully constructed off site shall have any wheels, pulling mechanisms, skirts, tongues or other appendages designed for transportation removed prior to placement on a foundation. Materials used for construction shall be new or have re-use be approved by the Zoning Administrator prior to installation.
11. Steps and porches: All dwellings shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation difference of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of 2 points of ingress and egress. 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.
12. Roof Style and Pitch: Shall be architecturally consistent with the prevailing neighborhood character.
13. Building Separation: Shall be consistent with the character of the neighborhood.
14. Orientation: Front façades and primary entrances of principal structures shall face a street.
15. Garages and Accessory Structures: Garages and Accessory Structures shall be oriented consistent with the character of garage orientations in the neighborhood.
16. Alleys: If the property has access to an alley, vehicle access to the property may be limited to the alley.
17. Demolition: Unless significant deterioration has made it impractical to repair a structure, as determined by a licensed architect, a structure shall not be demolished in whole or in part. Economic factors may be considered for structures that are not considered historically significant properties. Historically significant properties for the purposes of this section include the following (Insert the ones we REALLY care about here- OR refer to another section where this is defined.)

D. Review Procedures.

1. Applications for residential design review permits shall be submitted to the Zoning Administrator and shall include the following:
 - 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. The Zoning Administrator shall review applications in accordance with any applicable standards provided in subsection D above and, if such standards are satisfied, shall grant the requested permit. The Zoning Administrator may impose reasonable requirements on the issuance of a permit to the extent doing so is necessary to ensure the satisfaction of one or more applicable standards. Should the Zoning Administrator find that one or more standards has not been met, however it could potentially be approved without substantial detriment to the neighborhood, the Planning Commission has the authority to consider the proposal as a Special Use Permit, subject to the regulations in Section (Whatever the SUP section is... 1801 off the top of my head maybe?)

3. Residential design permits are valid for 18 months. If a building permit is not issued within the 18-month approval period, the residential design permit expires. The Zoning Administrator may grant an extension of up to one year upon a showing of good cause.

E. Appeals Procedure.

1. The applicant may appeal the Zoning Administrator’s decision to the Zoning Board Appeals by filing an appeal application within 21 days of the date on which the Zoning Administrator issued a decision on the residential design review application.
2. The Zoning Board of Appeals shall review the application and may affirm, reverse, or modify the Zoning Administrator’s determination as appropriate.

Section 2. Repeal. Sections 902 and 1500.01 of the City of Allegan Zoning Ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

CERTIFICATION

As the duly appointed city clerk of the City of Allegan, Allegan County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Allegan City Council at its meeting of _____, 2024.

Roger Bird, Mayor

Michaela Kleehammer, City Clerk

PC Hearing: _____, 2024

Introduced: _____, 2024

Adopted: _____, 2024

Published: _____, 2024

Effective: _____, 2024

**CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

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- M-1 Manufacturing District
- PGL Public and Government Land Uses District
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A. Purpose. This section is intended to:

1. Protect the visual character and economic stability of residential neighborhoods;
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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. Any person wishing to undertake a project that involves one or more of the following shall not do so without first obtaining a residential design review permit from the Zoning Administrator:

1. Construction of any new detached single-family dwelling or two-family dwelling.

Commented [NC1]: We need to keep this amendment to section 300 in order to fully repeal the HPD

Commented [JD2]: Complimentary design and diversity of styles is opposing ideas....is this okay nick?

Commented [LC3R2]: You can have both- for example you could have a modern style 2 story in a primarily 2 story area- it can be different but not clash- if it were something super ornate then it would not be complementary... think about in the HD where we don't want new construction to compete or create a false sense of history.

Commented [NC4]: Since this would no longer be confined to an overlay district, we would need to be very clear about what we're talking about. My sense is that we're talking about only single-family and two-family dwellings, but correct me if I'm wrong.

Commented [JD5R4]: Also I do not believe, that this should apply to accessory dwelling units (ADUs). ADUs are typically smaller and secondary in nature when compared to the primary residential structure. There should be another set of standards for ADUs.

Commented [LC6R4]: Nick- That is fine as more than that triggers site plan review anyway. Joel- I agree.

2. Construction or relocation on the site of a detached single-family dwelling or two-family dwelling, when the accessory structure is greater than 200 square feet in area.
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Commented [JD7]: What if someone just wants to demolish an existing building and there was no fire, storm or other circumstance?

Commented [LC8R7]: I added a provision to require review for demolition as well.

Commented [LC9R7]: I think we can do this because the goal is to create and preserve affordable housing- and by razing old houses to build mcmansions we are not working toward that main goal. Nick- Am I too far out of city authority? I think as long as it is a goal of the master plan (and it is) to keep affordable housing we could defend this.

Commented [NC10R7]: Regulating demolition in-and-of-itself makes me nervous. This ordinance is otherwise defensible because it's regulating the character of a new use. But when you start regulating just demolition, that's no longer the case. There's no question that an empty field is compatible with the surrounding uses. I would strongly recommend not trying to regulate demolition, but instead only regulating the new use that later goes on the property after demolition.

Commented [LC11]: If this happens, nonconforming rules kick in. Let's just define "substantial alteration" and leave this out if you're ok with that.

Commented [JD12]: What about Rogers old house on Maple....how do we allow creative housing.

Commented [LC13R12]: We would be able to allow it because we can consider different styles so long as it doesn't compete with the existing housing stock in that area- see above comments about complementary and diverse co-existing. I also took out all of the current standards that specifically prohibit places like his, such as minimum roof pitch, eaves, width, etc. I think with this language we will also be able to remove the minimum floor area requirements too when we gut the rest of the ZO.

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Commented [JD14]: What if the basement has the appropriate ingress/egress access? I am thinking of garden apartments in New York City or Detroit (my son actually lived in one and it wasn't too bad, except my wife's worry that someone was going to kick in the window when walking by on the sidewalk).

Commented [LC15R14]: Basement as defined in the ZO definitions calls out any story that has the interior floor level more than 5 feet below grade. Garden or Terrace level would still be permitted. (I know we talked about this on the phone but I wanted to catch up here for Nick's sake.

9. 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.
10. 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. Dwellings that are partially or fully constructed off site shall have any wheels, pulling mechanisms, skirts, tongues or other appendages designed for transportation removed prior to placement on a foundation. Materials used for construction shall be new or have re-use be approved by the Zoning Administrator prior to installation.
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Commented [LC16]: I think we need to have a different section entirely for ADUs- it's starting to feel like we are trying to cover too many different things in one section. Thoughts?

Commented [NC17]: I strongly recommend against this for the reasons stated above and in prior memos. If the City wants to regulate demolition for historic preservation purposes, it needs to keep the HDC.

Commented [NC18]: This would seem to be a better name than "infill permit" if these standards are applying to the whole City.

E.D. Review Procedures.

1. Applications for residential design review permits shall be submitted to the Zoning Administrator and shall include the following:
 - 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;
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2. The Zoning Administrator shall review applications in accordance with any applicable standards provided in subsection D above and, if such standards are satisfied, shall grant the requested permit. The Zoning Administrator may impose reasonable requirements on the

issuance of a permit to the extent doing so is necessary to ensure the satisfaction of one or more applicable standards. Should the Zoning Administrator find that one or more standards has not been met, however it could potentially be approved without substantial detriment to the neighborhood, the Planning Commission has the authority to consider the proposal as a Special Use Permit, subject to the regulations in Section (Whatever the SUP section is... 1801 off the top of my head maybe?)

3. Residential design permits are valid for 18 months. If a building permit is not issued within the 18-month approval period, the residential design permit expires. The Zoning Administrator may grant an extension of up to one year upon a showing of good cause.

F.E. Appeals Procedure.

1. The applicant may appeal the Zoning Administrator's decision to the Zoning Board Appeals by filing an appeal application within 21 days of the date on which the Zoning Administrator issued a decision on the residential design review application.
2. The Zoning Board of Appeals shall review the application and may affirm, reverse, or modify the Zoning Administrator's determination as appropriate.

Section 2. Repeal. Sections 902 and 1500.01 of the City of Allegan Zoning Ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: _____
 NAYS: _____
 ABSTAIN: _____
 ABSENT: _____

CERTIFICATION

As the duly appointed city clerk of the City of Allegan, Allegan County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Allegan City Council at its meeting of _____, 2024.

 Roger Bird, Mayor

 Michaela Kleehammer, City Clerk

PC Hearing: _____, 2024
 Introduced: _____, 2024
 Adopted: _____, 2024
 Published: _____, 2024
 Effective: _____, 2024

Commented [LC19]: I think it would be better to give the ZA the option of referring an application to the PC if there are concerns... and then if the applicant isn't happy with the PC's decision they should take it to court. I don't see how anyone could really meet ZBA standards for relief from these standards since they are intentionally reviewed on a very location specific standard. I think it would be setting us up for failure. I also am not a fan of the ZBA having authority to overturn a board's decision in general, but that's just my 2 cents. 😊

Commented [NC20R19]: We could add the option for PC referral if you'd like. However, it's not possible to provide for appeals straight to circuit court (unless all residential construction is made a special use, which I would strongly recommend against because it would likely be seen as too onerous). Under state law, the ZBA has jurisdiction over appeals from all zoning decisions with only two exceptions: (1) special uses where the ordinance deprives the ZBA of such jurisdiction; and (2) PUDS where the ordinance deprives the ZBA of such jurisdiction.

Commented [LC21R19]: Doh! That's right. Yes I think we allow it to go to the PC first. Would it be to onerous to require a SUP for anything that the ZA determines does not meet the requirements? I have seen that happen for other things and it works... someone could still ask the ZBA to overturn the ZA decision, but more likely they would take the path of lesser resistance and go for a Special Use... much lower standard of evidence for approval. I don't think we would have to make ALL construction do that- just what can't be approved administratively. Thoughts?

Commented [LC22R19]: I think if we did this we would need to create some standards to trigger it other than just ZA consideration because we aren't supposed to have much grey area authority to avoid entering the arbitrary and capricious zone... so it may not be possible, but boy it would be nice if we could just trigger that 300' notice and see if it would be so terrible rather than sending them to the ZBA where idk how they could meet the standards for approval, pretty much ever.

Commented [NC23R19]: There would need to be specifically enumerated characteristics of the proposal that make it an SAU. The SAU can't be used as an ad hoc alternative for the variance process. See Whitman v. Galien Township, 808 N.W.2d 9, 17 (Mich. Ct. App. 2010)