



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 March 18, 2024.

4. **APPROVAL OF MINUTES**

4A – Approval of the Planning Commission Minutes from February 20, 2024.

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

6. **NEW BUSINESS**

6A – Public Hearing and Review of a Proposed Amendment to Section 402 and 1707.33 of the City’s Zoning Ordinance to regulate temporary marijuana events in the City of Allegan.

6B – Residential Design Standards Discussion

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.
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**City of Allegan  
Planning Commission Meeting  
February 20, 2024  
Allegan City Hall  
231 Trowbridge Street, Allegan, MI 49010**

**MINUTES**

1) Call to Order

The meeting was called to order at 6:01 p.m.

2) Attendance

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

Absent: None

Others Present: Joel Dye, City Manager and Jason Derry, PCI – Zoning Administrator

Motion by Roger Bird, supported by Teresa Galloway to excuse Traci Perrigo from tonight's meeting. Motion Carried 7-0.

3) Approval of Agenda

Motion by Roger Bird, supported by Julie Emmons, to approve the February 20, 2024, Agenda. Motion Carried 7-0.

4) Approval of Minutes

Motion by Roger Bird, supported by Julie Emmons, to approve the January 16, 2024, Meeting Minutes. Motion carried 7-0.

5) Public Comment

There was no public comment.

Traci Perrigo entered the meeting at 6:07 p.m.

6) New Business

6A – Review and Discussion regarding the Residential Design Standards

The Commission reviewed an updated DRAFT ordinance that would regulate the design of new construction and significant alterations to one- and two-family residential structures in the City of Allegan. During this review the Commission asked staff to create a process where the zoning administrator can kick the review to the Planning Commission and asked staff to schedule a public hearing for an upcoming Planning Commission meeting.

8) Reports from Zoning Administrator and City Officers

City Manager Joel Dye updated the Commission on conversations he is having with residential developers as well as his participation in regional housing partnerships.

9) Communication from Commission Members

Chairman Jason Watts commended City Manager Joel Dye for helping clear a private tree from a house on the corner of Pine and Cutler that fell during the recent snow storm and was blocking a sidewalk.

10) Adjournment

Chairperson Jason Watts adjourned 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: March 18, 2024

SUBJECT: Public Hearing and Review of a Proposed Amendment to Section 402 and 1707.33 of the City's Zoning Ordinance to regulate temporary marijuana events in the City of Allegan.

### Action Requested:

It is requested that the Planning Commission hold the required public hearing and discuss a Proposed Amendment to Section 402 and 1707.33 of the City's Zoning Ordinance to regulate temporary marijuana events in the City of Allegan.

### Background:

The City of Allegan recently received an application from Jason Bello requesting that the City of Allegan amend their zoning ordinance to allow temporary marijuana events. Specifically, Mr. Bello has been in contact with the Allegan County Fairgrounds to host the event at their facility.

Lori Castello, Zoning Administrator for the City of Allegan, has developed a draft ordinance amendment to Section 402 and 1703.33 of the City's Zoning Ordinance to allow this type of event. We have also published a public notice for a public hearing to be held during your meeting on March 18, 2024.

In addition to the proposed changes to the zoning ordinance, the city council will have to make changes to Chapter 31 of the City's Code of Ordinances as well. If the amendments to the zoning ordinance are passed by the Planning Commission, it is the intent of city staff to bring both amendments tot City Council for a first reading at their March 25, 2024, meeting.

### Attachments:

Proposed Amendments to Section 402 and 1707.33 of the City's Zoning Ordinance  
Proposed Amendments to Chapter 31 of the City's Code of Ordinances

**Amendment to Zoning Ordinance Sections:**

**Table of Uses Section 402.01-** add \*Temporary Marijuana Events to be permitted by Special Use subject to the standards in Article XVII

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**1707.33.B.13-** add standards for “Temporary Marijuana Events”:

Proposed Language:

1707.33.B.13. Temporary Marijuana Events are permitted only as expressly permitted herein subject to the following standards as well as the standards in Section 1800: Special Use Procedures herein, and Division 3 of the City of Allegan Municipal Codes:

a. Temporary Marijuana events shall be permitted only on privately owned parcels (single or a combination of) over 50 acres in size (limit basically to county fairgrounds- not allow in any/all areas in PGL.)

b. All consumption areas must be located the larger distance of:

1. 100 feet from the nearest non-associated property line,
2. 100 feet from the nearest non-associated dwelling unit.

c. Hours of operation are limited to 18 hours each day of operation.

d. Overnight storage of any marijuana products or materials, or waste materials shall be prohibited at the site.

e. Consumption and sales areas must be properly screened so as not to be visible from the right of way or adjoining parcels.

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**( 1707.33.C- repeal this section.)**

## Division 3 --Standards for Temporary Marijuana Events.

### Section 31-10. Temporary Marijuana Events.

#### 31-11. Authorization Required.

- a. Temporary Marijuana Events may only be authorized to operate within the City of Allegan as an authorized Special Use and pursuant to the following standards and restrictions.
  1. *Submission.* An application for a Temporary Marijuana Event may only be submitted to the City of Allegan by a Marijuana Event Organizer as defined and licensed by the State of Michigan.
  2. *Duration of Event.* A Temporary Marijuana Event may not exceed the duration as approved by City Council, and in no case shall exceed 72 hours.

#### 31-12. Application Process.

- a. The Licensed Marijuana Event Organizer shall submit the following items to the Clerk for consideration:

1. The Application for Temporary Marijuana Event as approved and provided by the City of Allegan. (*We will need to draft this form. Notes: INCLUDE MAX ATTENDEE NUMBER ON APP, HOURS OF OPERATION, HOURS OF AMPLIFIED/V QUIET HOURS, STAFFING, SECURITY PLANS) Event name, organizer proof of licensure)*

2. An application fee as determined by the fee schedule of the City of Allegan

3. A Site Plan indicating the layout of the event, including, but not limited to, the following:

- A. An overlay of the property on which the event is proposed to take place, and surrounding parcels within 300 feet, with indications of nearest non-associated dwelling units, entrances and other structures/facilities of interest.

- B. Location of all entrances to the event for both pedestrians and automobiles.

- C. Emergency access points

- D. Location, type of surface and number of spaces of off-street parking available for the event

- E. Separation methods for isolating vehicle traffic from pedestrian areas for safety

- F. Location of all proposed sales and/or consumption areas, with distances to nearest property lines and non-associated dwelling units, including any proposed shelters, tents or other structures

- G. Any filtration or other proposed devices to control odor nuisance from neighboring parcels

- H. Location of restroom facilities

- I. Location of information/medical/emergency service area

J. Location of any area producing amplified music, announcements etc.

K. location and process for marijuana waste disposal

4. Additional items required:

A. proof of licensure by LARA

B. event insurance

C. restoration bond

i. Unless waived by the city council, a bond or other surety shall be required to save the city harmless from any claim or damage arising out of the entertainment to reimburse the city for actual, reasonable expenses incurred in protecting the health, safety and welfare of the public or persons attending the entertainment.

ii. Such bond and/or other surety may be in cash and in an amount to reasonably secure the city, the public and private owners as well as the county and state, if their help is necessary, from any damage or personal injuries or liability and any added costs rendered necessary by the entertainment, or by a bond with sureties satisfactory to the city, and personal liability and property damage policies may be required if necessary to protect the aforesaid persons.

b. The City Clerk shall transmit a copy of the application to the city zoning administrator or other designee who shall prepare and publish a notice of Public Hearing for a Special Use to be held at the next available Planning Commission meeting. The Zoning Administrator or designee shall review the application for completeness, and collaborate with City Public Safety department heads to provide input to the Planning Commission.

c. The review and approval process shall be compliant to the standards in Section 1800, Special Use Procedures, in the City of Allegan Zoning Ordinance.



Fee \$350.00

Paid  Date: \_\_\_\_\_



City of Allegan  
231 Trowbridge St.  
Allegan, MI 49010  
Ph. (269) 673-5511

# City of Allegan Zoning Ordinance Text Amendment Application

## 1. Applicant Information

Contact Name: Jason Bello  
Address: 11000 W McNichols Rd Suite 323-1699 City: Detroit State: MI Zip: 48221  
Ph.: (702) 340 - 6365 Email: Jason@theflowerexpo.com

## 2. Amendment Request Information

Description of proposed amendment: \_\_\_\_\_

**For Allegan, MI to allow for Marihuana Event Organizers to conduct Marihuana events, adhering to C.R.A Law on an individual basis as approved by the counsel or from this point forward.**

If proposed amendment is related to existing Ordinance ~~Text~~ language, please include the section number(s), description of said language, and reason(s) for proposing alternative language: \_\_\_\_\_

**N/A**

Changed/changing conditions in the City, County, region, etc. supporting the proposed amendment: \_\_\_\_\_

**N/A**

Other comments: \_\_\_\_\_

**We believe that Marihuana events conducted in a legal and professional manner can be positively socially, and economically impactful to the city.**

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(Continue on additional page if needed)

**4. Return this form and supporting materials on or before application deadline to:**

Professional Code Inspections of Michigan, Inc.  
Lori Castello  
1575 142<sup>nd</sup> Ave  
Dorr, MI 49323  
Ph. (616) 877-2000  
Email: [lcastello@pcimi.com](mailto:lcastello@pcimi.com)

In order for your application to be presented in front of the City of Allegan Planning Commission, the deadline for submitting your application and supporting materials is at least thirty (30) days prior to the meeting that you wish your application to be considered. The City of Allegan Planning Commission meets the third Monday of every month at 6:00pm at City Hall (231 Trowbridge St., Allegan, MI 49010). To view the City of Allegan’s public meeting calendar, please visit [cityofallegan.org](http://cityofallegan.org).

If you have any questions regarding this form, please contact Professional Code Inspections at (616) 877-2000.

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For Office Use Only

	<b>Required</b>	<b>Approved/Denied</b>	<b>Date</b>
<b>Planning Commission Hearing</b>	Yes <input type="checkbox"/>	Approved <input type="checkbox"/> Denied <input type="checkbox"/>	
<b>City Council Hearing</b>	Yes <input type="checkbox"/>	Approved <input type="checkbox"/> Denied <input type="checkbox"/>	

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zoning Administrator Signature: \_\_\_\_\_ Date: \_\_\_\_\_



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: March 18, 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.

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.
  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 detached single-family dwelling or two-family dwelling.
  6. ~~Re~~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 ~~circumstances~~. 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.

D. Standards. The following standards shall apply to any alteration or construction of any structure or portion thereof of the structure or property 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:

1. Basement dwellings: A dwelling unit may ~~not~~ be located entirely within the basement of a building or structure, provided the unit meets the requirements of the State of Michigan Construction Codes. Change from "basement" to a less restrictive standard. Roger asked why we limit these if they can meet access/ceiling height requirements. Allowed in the basement if the space meets building code for a livable space.
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.

**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 [LC10]**: If this happens, nonconforming rules kick in. Let's just define "substantial alteration" and leave this out if you're ok with that.

**Commented [JD11]**: What about Rogers old house on Maple....how do we allow creative housing.

**Commented [LC12R11]**: 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 [JD13]**: 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 [LC14R13]**: 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.

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.
- ~~12.~~11. 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.
- ~~13.~~12. Roof Style and Pitch: Shall be architecturally consistent with the prevailing neighborhood character.
- ~~14.~~13. Building Separation: Shall be consistent with the character of the neighborhood.
- ~~15.~~14. Orientation: Front façades and primary entrances of principal structures shall face a street.
- ~~16.~~15. Garages and Accessory Dwelling Units/Structures: Garages and Accessory Dwelling Units/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.~~

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;
  - 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

Commented [LC15]: 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 [NC16]: This would seem to be a better name than "infill permit" if these standards are applying to the whole City.

issuance of a permit to the extent doing so is necessary to ensure the satisfaction of one or more applicable standards.

- 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 Zoning Administrator and applicant have the authority to refer a residential design permit to the City of Allegan Planning Commission.

F.

- 1. The applicant may appeal the Zoning Administrator's Planning Commission'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 Planning Commission's determination as appropriate based upon the standards of Section 1805 of the City of Allegan Zoning Ordinance

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

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Commented [LC17]: 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 [NC18R17]: 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 [LC19R17]: 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 [LC20R17]: 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.

**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**

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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

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2. Preserve and protect the public welfare and property values;
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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. 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 be located entirely within the basement of a building or structure,, provided the unit meets the requirements of the State of Michigan Construction Codes.
  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.

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.
1. 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.
2. 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 Zoning Administrator and applicant have the authority to refer a residential design permit to the City of Allegan Planning Commission.

1. The applicant may appeal the Planning Commission’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 Planning Commission’s determination based upon the standards of Section 1805 of the City of Allegan Zoning Ordinance

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