



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**

3A - Approval of the Planning Commission Meeting Agenda for November 20, 2023.

4. **APPROVAL OF MINUTES**

4A – Approval of the Planning Commission Minutes from October 16, 2023.

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

6. **NEW BUSINESS**

6A - Discussion regarding City of Allegan Zoning Ordinance Update

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
October 16, 2023
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, Alyssa Ramirez, Roger Bird, Julie Emmons, Tom Slocum, Patrick Westover, Traci Perrigo, and Teresa Galloway

Absent: Jason Ramaker

Others Present: Lori Castello, Zoning Administrator PCI, and Joel Dye, City Manager

3) Approval of Agenda

Motion by Tom Slocum, supported by Roger Bird to approve the October 16, 2023, Agenda. Motion Carried 8-0.

4) Approval of Minutes

Motion by Traci Perrigo, supported by Tom Slocum to approve the June 20, 2023, Meeting Minutes. Motion carried 8-0.

5) Public Comment

There was no public comment.

6) New Business

6A – Site Plan Review for Fabricated Components & Assemblies, Inc. to construct a 12,000 square foot building at 603 North Eastern Avenue, Allegan, MI 49010.

Zoning Administrator Castello gave a brief overview of the site plan. During her overview Castello highlighted that a landscaping and lighting plan and a storm water easement should still be submitted for staff approval, and the planning commission can approve parking

requirement reduction.

Motion by Bird, supported by Perrigo to approve the site plan with the following conditions:

1. The applicant submits a landscaping and lighting plan to staff for their review and approval.
2. The applicant submits a storm water easement between their property and the property to the east.
3. The planning commission approves the parking plan as submitted.

Motion Carried 8-0.

6B – Special Use Permit and Public Hearing for Little Tigers Day Care to operate a commercial day care center in the R-2 Residential Zoning District.

Zoning Administrator Castello gave a brief overview of the special use permit, mentioning that this permit requires a public hearing and that after the public hearing, the planning commission will have to forward their recommendation to city council for their review and approval.

The applicant informed the commission that they have a very long wait list at their current location and this additional location will alleviate some of the wait list.

Chairperson Watts opened the public hearing. There being no comment the hearing was closed.

Motion by Perrigo, supported by Bird to approve the special use permit and recommend to city council that they also approve the special use permit for Little Tigers Day Care to operate a commercial day care center at 402 Trowbridge Street in the R-2 Residential Zoning District.

6C – Discussion on updating the City’s Zoning Ordinance.

The Planning Commission reviewed the proposed permitted uses by right and by special permit for the various zoning districts.

8) Reports from Zoning Administrator and City Officers

There were no reports.

9) Communication from Commission Members

There was no communication.

10) Adjournment

Chairman Watts adjourned the meeting at 7:19 PM.

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

R1-A: Low Density Residential

Intent

This zoning district is intended to be comparable to a traditional suburban style neighborhood, offering larger lot and home sizes to accommodate family life with limited local traffic with fewer commercial or institutional uses to detract from the residential setting.

Permitted Uses

Single Family Dwellings Detached

Adult Foster Care Homes

Daycare Homes serving 1-7 children

Government Offices

Elementary and Middle Schools

Publicly or privately owned parks

Home Occupations- Minor

Accessory Structures **subject to section X**

Attached accessory dwelling units

Special Uses, **Subject to section X**

Accessory Dwelling Units- detached subject to Section X(owner occupied)

Bed and Breakfasts with up to 6 guest rooms

Group Daycare Homes serving 8-14 children

Home Occupations- Major

Private Roads and Streets

R1-A: Medium Density Single Family Residential Zoning District

Intent

This zoning district is located closer to the downtown area, oftentimes within historic districts, providing a more traditional city-adjacent single family housing stock. Smaller lots serving single family dwellings with occasional accessory dwelling units arranged in traditional city block grid patterns prevail here. This district also recognizes pre-existing alterations to provide two or more dwellings within a structure that resembles a single-family home, however no additional alterations of this type shall be permitted to preserve the single family character of this district.

Permitted Uses

Single Family Dwellings Detached

Adult Foster Care Homes

Daycare Homes serving 1-7 children

Government Offices

Elementary and Middle Schools

Publicly or privately owned parks

Home Occupations- Minor

Public or Privately Owned Parks

Accessory Structures **subject to section X**

Accessory structures- attached or detached

Special Uses- **Subject to Section X**

Accessory Dwelling Units-

Bed and Breakfasts with up to 6 guest rooms

Group Daycare Homes serving 8-14 children

Home Occupations- Major

Private Roads and Streets

Hospice Care Homes

R-2: Medium Density Flexible Residential Zoning District

Intent

This zoning district is designed to permit additional housing opportunities within existing developed neighborhoods. Additions and alterations to include accessory dwelling units, duplex and attached single family homes are encouraged here. Relaxed lot size and frontage requirements in this district will allow for increased density creating creative spaces to meet changing housing needs.

Permitted Uses

Accessory Dwelling Units- attached- and detached subject to x

Single Family Dwellings- Detached

Single family attached (row houses/condos)

Adult Foster Care Homes

Daycare Homes serving 1-7 children

Government Offices

Elementary and Middle Schools

Publicly or privately owned parks

Home Occupations- Minor

Public or Privately Owned Parks

Accessory Structures **subject to section X**

Special Uses- Subject to Section X

Limited Multi Family Dwelling Units*

Bed and Breakfasts with up to 6 guest rooms

Group Daycare Homes serving 8-14 children

Home Occupations- Major

Private Roads and Streets

Hospice Care Homes

Senior assisted living facilities

Funeral Homes

R-3- High Density Residential Zoning District

Intent

This zoning district is designed to offer many types of housing stock to encourage a vibrant and diverse neighborhood that encourages walkability, higher density, and more affordable housing to accommodate the variety of Allegan residents. Single family homes, duplexes and smaller multifamily developments as well as groupings of smaller single dwelling units on more compact lots with common spaces are encouraged in this district, creating micro-communities within neighborhoods. While traditional garden apartments are permitted, innovative design exhibiting the above characteristics will be given priority.

Permitted Uses

Accessory Dwelling Units- attached
Single Family Dwellings- Detached
Single family attached (row houses/condos)
Limited Multi Family Dwelling Units
Multi Family attached
Multi Family detached
Senior assisted living facilities
Adult Foster Care Homes
Daycare Homes serving 1-7 children
Government Offices
Elementary and Middle Schools
Publicly or privately owned parks
Home Occupations- Minor
Hospice Care Homes
Accessory Structures attached and detached **subject to section X**

Special Uses- Subject to Section X

Bed and Breakfasts with up to 6 guest rooms
Group Daycare Homes serving 8-14 children
Home Occupations- Major
Private Roads and Streets
Funeral Homes
Assembly halls

R-4: Manufactured Housing Development Zoning District

Intent

This district is intended to provide for the location and regulation of manufactured housing communities. It is intended that manufactured housing communities be provided with necessary community services in a setting that provides a high quality of life for residents and residential development standards consistent with all other residential districts in the City of Allegan. This use shall be located in areas where it will be compatible with adjacent land uses. Determining the appropriate location for a manufactured housing community is a uniquely challenging task and may have a crucial impact on adjacent and surrounding land uses. A manufactured housing community contains specific site conditions unlike other types of residential development. Sites with an abundance of natural features such as forested areas, wetlands, and steep slopes and sites without the road and utility infrastructure to support a high-density living environment are not found to be suitable for the development of a manufactured housing community.

Within the R-4 District, manufactured housing communities shall be governed by this Section, by the requirements of the Act 96 of the Public Acts of 1987, as amended and the standards set forth in the Rules and Regulations promulgated by the Manufactured Housing Commission, including Part 9, Community Construction. The intent of this Section is to provide for manufactured home development, of long-term duration of stay, in areas which are developed in a manner which takes into account such special characteristics as locational needs, site layout and design, demand upon community services, and the relationship to and effect upon surrounding uses of land, and conformance to the City of Allegan Master Plan. All manufactured home developments shall comply with the applicable requirements of Public Act 96 of 1987, as amended. The controlling standards in this Section are not designed to generally exclude mobile homes of persons who engage in any aspect pertaining to the business of mobile homes or mobile home parks.

Permitted Uses

Manufactured/mobile home communities
Offices as an accessory to a MH community
gathering spaces/clubhouses as an accessory to a MH community
Home occupations minor
General open space/park

Special Uses- Subject to Section X

Private roads and streets

OS- Open Space Zoning District

Intent

This zoning district is intended to protect tracts of land within the City for recreational or preservation purposes. Public or private parks, playgrounds, green spaces, walking trails and similar very low intensity uses will be encouraged here with the goal of providing residents access to outdoor recreation, and to recognize existing well heads, flood zones or other sensitive lands unsuitable for intense development.

Permitted Uses

- Cemeteries- publicly owned
- Emergency Services
- Fairgrounds
- Farming
- Govt offices
- Natural Resource Harvesting & Management
- Parking lots
- Public or privately owned parks

Special Uses- Subject to Section X

Cell, radio, television, and renewable energy installations*(separate)*

Trailer and RV parks

C-1- Central Business Zoning District

Intent

This district is intended to revive and preserve the central part of the city where downtown shopping, government offices, general services, civic and cultural uses are located. Development in the C-1 District will be pedestrian-oriented with an active street life, retail activities, and common open spaces for community gatherings. It will be a place where people collect primarily for shopping, retail, entertainment and community events. Street level activities will focus on restaurants, entertainment, services and shopping, while upper stories of downtown will provide a diverse range of office space and residential opportunities. Buildings will contribute to a relatively continuous street wall and surface parking will be limited. The Central Business District is characterized by its "downtown" appearance and pedestrian scale (people walking from place to place, storefront window displays, etc.). Supportive of the Central Business District character is Allegan's role as the county's seat of government. It is the intent of the city to promote, preserve and enhance this central character and its viability in accordance with the development goals and policies of the city's comprehensive planning program.

Permitted Uses:

Craftsman/limited industrial

Daycare commercial

Emergency Services

Events Facility

Funeral Home

General Entertainment

General Merchandise

General Offices

General open space/park

General Services

Government offices

Home occupations minor

Hotel/motel/travel lodge/inns

Laundry mats

Medical and Veterinary Offices

Microbrewery

Zoning district intents-uses

Multitenant commercial

Parking lot- *Accessory and public only?*

Restaurant dine in/order out

Senior assisted living facility

School elem/middle

School- high school

School- higher education

Transportation facilities

Special Uses

Animal boarding

Light assembly

Marijuana research

Marijuana adult recreational dispensary

Marijuana microbusinesses

Private Roads and Streets

C2 Intent

The General Commercial District, C-2, is intended to provide locations for a wide variety of retail goods and retail services businesses to supplement the Central Business District. These uses are best served along higher volume streets and highways to minimize impact on neighborhoods, schools, parks, etc. This district also offers opportunities for businesses with characteristics that would be adverse to either the Central Business District or Restricted Commercial Districts such as gasoline service stations, fast food restaurants and other uses requiring drive through services or large parking areas. These uses require careful site planning and design to minimize their impact on traffic and the surrounding neighborhoods.

Permitted Uses:

Craftsman/limited industrial

Daycare commercial

Emergency services

Events Facility

General Entertainment

General Merchandise

General open space/park

General Offices

General Services

Govt offices

Home occupations minor

Hospital

Hotel/motel/travel lodge/inn

Laundrymats

Medical and Veterinary Offices

Microbrewery

Mixed use Building first floor comm/second + floor residential

Multitenant commercial

Parking lot

Zoning district intents-uses

Personal storage

Restaurant dine in/order out

Special Uses

Animal boarding

Marijuana research

Marijuana adult recreational dispensary

Marijuana microbusinesses

Outdoor sales lots

Vehicle service/gas stations

Private roads and streets

C3 Intent

This district is a limited retail and service district designed for the purpose of providing local convenience shopping to meet the daily needs of the neighborhood. Uses which are not necessary to serve the neighborhood, and/or which might be harmful to nearby residences, are not permitted. Development and buildings in this district should provide pedestrian linkages so as to encourage pedestrian activity between retail and service uses and adjacent neighborhoods. Careful planning will result in context-sensitive design techniques to ensure that non-residential uses are complementary without adverse effects on both immediately adjacent and neighborhood residents.

Permitted Uses:

Emergency Services

Govt offices

Medical offices

Neighborhood merchandise

Special Uses:

Neighborhood personal services

Private roads and streets

Zoning district intents-uses

CIM- Commercial/Industrial Mixed Use:

Intent

The CIM district is designed for lighter impact industrial uses as well as those commercial uses which require additional space for operation, parking and outdoor sales and display. “Big Box Stores”, car dealerships, nursery/garden supply and similar retail centers, along with lighter industrial uses that do not require intensive use of infrastructure, and are not incompatible with passenger vehicle traffic are encouraged.

Permitted Uses:

Animal boarding

Daycare commercial

distribution/warehousing/packing centers

Emergency Services

Garden Centers

Govt offices

Hospice

Hospital

Hotel/motel/travel lodge

Light assembly

Medical and Veterinary offices

Outdoor sales lot

Personal storage

Professional offices

School- higher education

Senior assisted living facilities

Transportation facilities

Trucking Terminals

Warehouse merchandise

Wholesale commercial goods

Zoning district intents-uses

Special Uses:

Vehicle service/gas station

manufacturing/assembly

Marijuana research

Marijuana adult recreational dispensary

Marijuana microbusinesses

Marijuana grow

Marijuana transport

Private roads and streets

Industrial zoning district (IND). Intent

The Industrial District is intended to include manufacturing, assembling and finishing activities which have minimal or no nuisance potential to the surrounding non-manufacturing areas. The preferred form of future industrial development is the industrial park concept. Within such a development the overall character may be a combination of industrial uses supplemented by research and office facilities. Businesses and facilities requiring minimal passenger vehicle access outside of employees and in need of larger scale utilities are primarily encouraged, while those uses that do not require intense infrastructure are discouraged in these areas. In all cases, however, local, state and federal environmental regulations and constraints must be met on a continuing basis.

Permitted Uses:

- Animal boarding
- Automotive and Heavy Equipment Repair
- Commercial Daycare
- Dry cleaning plants
- Emergency Services
- Farming
- General industrial distribution/warehousing/packing
- General industrial- manufacturing/assembly
- Govt offices
- Light assembly
- Pharmaceutical operations
- Rehabilitation centers
- Trucking Terminals
- Transportation facilities

Special Uses:

- Junkyards

Zoning district intents-uses

Heavy industrial manufacturing

Heavy industrial natural resource extraction

Heavy industrial- waste

Marijuana grow

Marijuana transport

Marijuana research

Marijuana adult recreational dispensary

Marijuana microbusinesses

Private roads and streets

Sexually oriented businesses

Service quarters/watchmen quarters

Any operation listed in this section permitted uses by right or by SUP that includes outdoor sales, storage or display of equipment, merchandise or processing areas.

Zoning district intents-uses

Airport Intent

The Airport zoning district recognizes the necessity of restricting development that could infringe upon air traffic and related activities and designates the district to limit and prohibit incompatible uses and structures.

Permitted uses

Airports and publicly owned accessory structures

Emergency Services

Govt offices

Special Uses

Privately owned structures used as accessories for the airport

Article x Definitions

1. Usage

- A. For the purpose of this ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word “herein” means this ordinance; the word “regulation” means the regulations of this ordinance; and the words “this ordinance” shall mean “the ordinance text, tables and maps included herein, as enacted or subsequently amended.”
- C. A “person” includes a corporation, a partnership, and an unincorporated association of persons such as a club; “shall” is always mandatory; a “lot” includes a plot or parcel, a “building” includes a structure; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
- D. The “city” is the City of Allegan in the county of Allegan, State of Michigan; and “city council,” “board of appeals,” and “planning commission” are respectively the City Council, Boards of Zoning or Construction Appeals, and Planning Commission of the City of Allegan.

2. Words and terms defined

Section 201.1 “A”.

Abandonment: A land use is considered to have been abandoned when any of the following conditions apply:

- A. Utilities such as water, gas, and electric have been disconnected.
- B. The property, buildings and grounds have fallen into disrepair - i.e. the owner has been prosecuted under the dangerous building ordinance or for demolition by neglect under the historic district ordinance.
- C. Signs or other indications of the existence of the nonconforming use have been removed.
- D. Equipment or fixtures necessary for the operation of the use have been removed.
- E. The use of the property has been changed to another use.
- F. The ownership of the property has been reverted to the government for failure to pay taxes.

Access: The provision for ingress and egress of vehicles from an abutting property to an adjacent street.

Accessory building: A building or structure located on the same lot with the principal or main building, or a portion thereof. An accessory building is detached from the main building. Where a structure is attached to a main building in a manner by a wall or roof, it shall be considered a part of the main building. No converted mobile structure or vehicle shall be used as an accessory building, such as, but not limited to, a mobile office, a mobile home, a bus, a semi-trailer, a boat, or railroad cars, etc.

Accessory Dwelling Unit (“ADU”): A dwelling unit that is smaller in size and secondary to the main dwelling unit on a property.

- ~~1. Attached apartment: The second dwelling unit after conversion in the R-1 and R-2 zoning districts which is not an ADU that is attached to by addition to or created by an alteration within an existing principal dwelling unit, owner-occupied but which may be rented as a home occupation by the owner.~~
- 2. Detached: An ADU that is constructed or created via alteration as a separate structure.**

Accessory use: A use customarily incidental and subordinate to the principal use or structure, and located on the same lot with such principal use or structure.

Adult foster care: A governmental or non-governmental building having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care does not include any of the following:

- A. Nursing homes and hospitals licensed Article 17 of Act 368 of the Public Acts of 1978, as amended;
- B. Hospitals for persons with mental disabilities or a facility for the developmentally disabled operated by the department of mental health under Act 258 of the Public Acts of 1974, as amended;
- C. County infirmary operated by a county department of social services under section 55 of Act 280 of the Public Acts of 1939, as amended;
- D. A child care institution, children’s camp, foster family home, or foster family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended;
- E. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care; and
- F. A veteran’s facility created by Act 152 of the Public Acts of 1885, as amended.

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Agricultural Equipment, Services and Supply: A business involving the sales and/or rental of agricultural supplies, accessories or services.

Agri-tourism & Retail: A secondary retail or service business connected to a farm designed to provide a destination for visitors, including but not limited to tours.

Alterations: Any change, addition, or modification in construction or type of occupancy; and any change in the roof or supporting members of a building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.”

Airport: An area of Land designated and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Animal: Domestic: Animal shall mean dog, cat, bird, reptile, mammal, fish or any other creature.

Animal: Livestock

Animal: Wild

Animal Boarding: A business involving the temporary care, breeding or training of horses and domestic animals; the facility may include both indoor and outdoor spaces.

Attic: The area between roof framing and the ceiling of the rooms below that is not habitable, but may be reached by ladder and used for storage or mechanical equipment. Improvement to habitable status shall make it a story.

Section 201.2 “B”.

Bar or tavern: An establishment or part of an establishment used primarily for the sale or dispensing of alcoholic beverages by the drink.

Basement or cellar: A portion of a building having more than ~~five (5)~~ four and one half (4 ½) feet below grade.

Bed and breakfast: A use which is subordinate to the principal use as a single-family dwelling and a use in which ~~up to six (6) guest~~ sleeping rooms and breakfast area provided in return for payment.

~~**Boarding, lodging or rooming house:** A single family structure where more than two (2) but fewer than six (6) rooms are provided for lodging for compensation and for definite periods of time; with one kitchen facility and where meals are provided without service or ordering of individual portions from a menu.~~

~~**Botanic gardens:** A facility for the observation, demonstration and training of the cultivation of flowers, fruits, vegetables or ornamental plants.~~

Bottom land: the land area of an inland lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water. P.A. 346 or 1972 [MCL 281.951 et seq., MSA 11.475(1) et seq.]

Buildable area: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building code: The various codes of the City that regulate construction and require building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the City of Allegan pertaining to building and building regulation.

Building height: The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck or mansard roofs; and to the mean height level between the eaves and ridge, hip and gambrel roofs. (See illustrations #1 and #2 below).

ILLUSTRATION #1 - BUILDING HEIGHT REQUIREMENTS

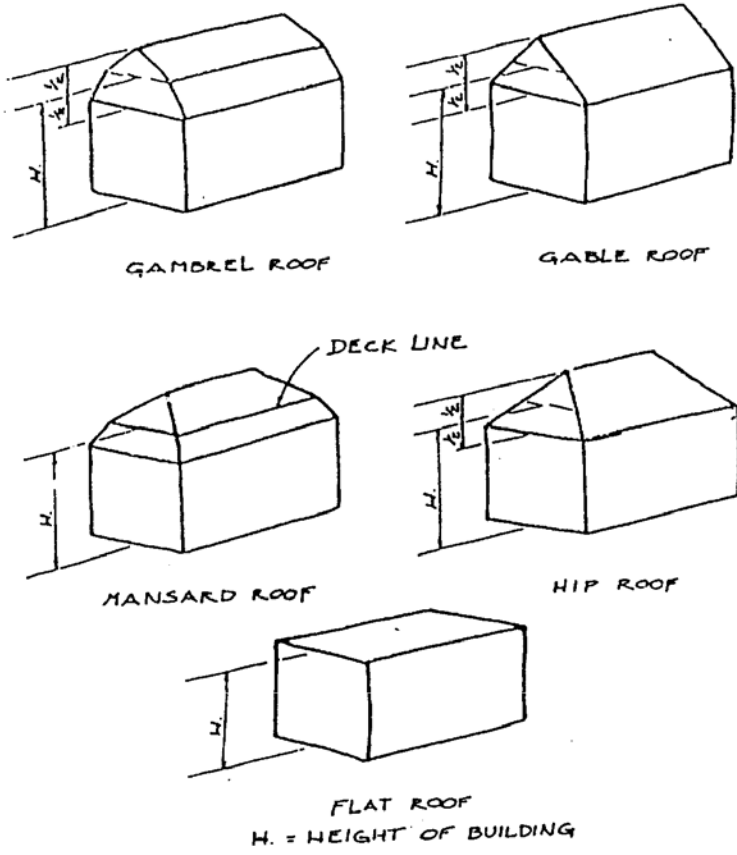
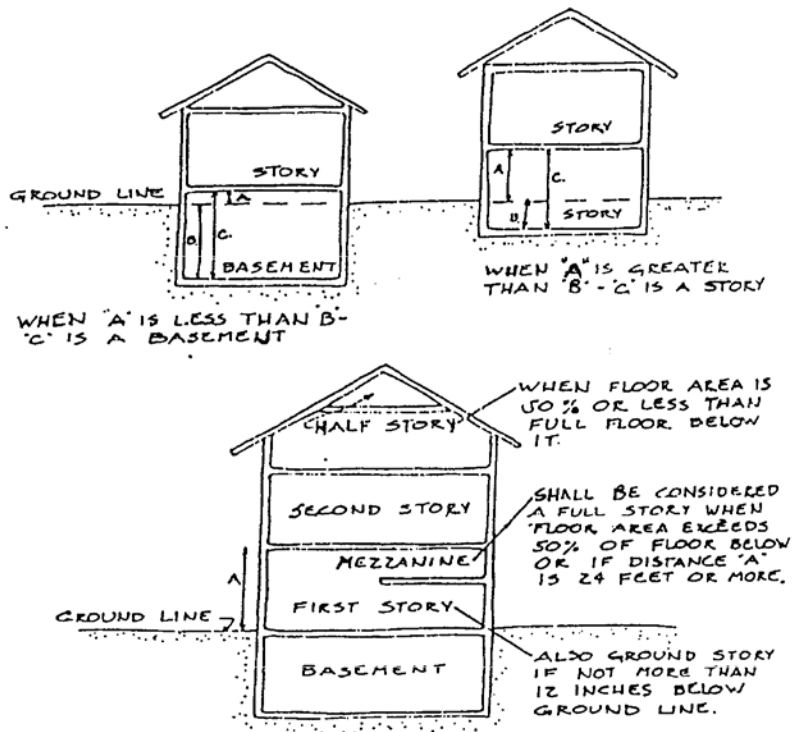


ILLUSTRATION #2 - STRUCTURAL TERMINOLOGY



Building inspector (or building official): The person designated by the City Council to administer the provisions of the adopted building code for the City.

Building, main or principal: A building in which is conducted the principal use of the lot on which it is situated.

Building line: A line parallel to the front line, or parallel to a line connecting the intersection of the front line with the side lot lines if the front line is not a straight line, or

~~the line designated as a building line on an approved plat of subdivision, and which marks the location at or behind which a building may be built.~~

Building permit: A permit signifying compliance with the provisions of this ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the City of Allegan.

~~**Building, Temporary:**~~ ~~The only buildings classified as ‘temporary’ under this ordinance are construction offices and construction tool shed placed on a property during construction of a permanent structure and removed after completion of construction; sales tents and trailers used for seasonal sales on commercial use property; and tents for weddings, funerals and parties.~~

Section 201.3 “C”.

Cell tower: A tower, pole or similar structure that supports telecommunication antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed or on a building or other structure.

Cemetery: A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Certificate of occupancy: A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

~~**Commercial equipment and supply:**~~ ~~A retail use involving the large-scale sale of goods marketed primarily to commercial businesses, but available to the general public. This use may include bulk sales and frequent commercial vehicle and consumer traffic. Examples of uses include building materials, hardware and garden supplies; heating and plumbing sales and service; and machine sales and rental.~~

Commercial vehicle: A vehicle having a gross vehicle weight greater than one (1) ton designed for transportation of commodities, merchandise, produce, freight, animals, or passengers.

Comprehensive master plan: The adopted official statement of the City of Allegan that sets forth (in words, maps, illustrations, and/or tables) goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within Allegan and that includes a unified physical design for the public and private development of land and water.

Condominium: That portion of a condominium project designed and intended for separate ownership and use.

Construction: The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than the normal maintenance shall constitute construction.

Convalescent or nursing home: A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein seven (7) or more persons are cared for. Said home shall conform and qualify for license under state law.

Craftsman/Limited Industrial: A manufacturing use involving small-scale production or assembly with little to no noxious by-products that typically includes a showroom or small retail outlet, up to 30,000 square feet in size with no more than 10,000 square feet utilized for manufacturing.

~~**Conversion:** Conversion takes place when a dwelling which has been structurally configured or used as a single family dwelling is structurally changed or used as a dwelling with two (2) units.~~

Section 201.4 “D”.

Day Care, Commercial: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

~~A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.~~

~~B.A. A facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for the children are attending religious services.~~

~~**Day Care Facility Home(6-7 clients):** A private home in which one (1) but not more than six seven (67) minor children are received for care and supervision for periods of less than twenty-four~~

(24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Day Care, Group (7-12 clients): A private home in which more than seven (7) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

Day Care Facility, Commercial:

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Density: The number of dwelling units per acre of land.

Drive-in/Drive-Thru: An establishment so developed that its retail or service character incorporates a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

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Driveway: A privately owned minor way used by vehicles and pedestrians for access to a single lot or facility.

~~Dwelling or Dwelling Unit: A building or part thereof containing living, sleeping, housekeeping accommodations and sanitary facilities for occupancy by one or more families.~~

Dwelling, multiple-family: A building or portion thereof, used or designed for occupancy by more than two (2) families living independently of each other. This definition does not include single-family attached dwellings or two-family dwellings.

Dwellings, single-family attached: A group of three (3) or more single-family dwelling units which are joined consecutively by a common party wall, but not a common floor-ceiling. Each unit shall have its own outside entrance. For the purposes of this ordinance, dwellings such as semi-detached and rowhouses, shall be deemed a single-family attached dwellings.

Dwelling, single-family detached: A unit exclusively for use by one (1) family which is entirely surrounded by open space or yards on the same lot.

Dwelling, two-family: A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

~~Dwelling or dwelling unit: A building or part thereof containing living, sleeping, housekeeping accommodations and sanitary facilities for occupancy by one or more families.~~

Section 201.5 "E".

Efficiency unit (studio): A dwelling unit consisting of one (1) room, exclusive of bathroom, hallway, closets and the like.

Emergency Services: Public services serving the general health safety and welfare such as police, fire, and ambulance services.

Essential public services: The erection, construction, alteration or maintenance of public utilities by municipal departments or commissions of underground or overhead gas, electrical, steam, or water transmission, or distribution systems, collection, communication, supply, or disposal systems (including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchanges and/or repeater buildings, electric substations, gas regulators, stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

Events Facility: A facility regularly available for rental by an individual, group or business for meetings, conferences, service organizations, seminars, lectures and private events that may include limited accommodations for attendees or members.

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Section 201.6 “F”.

Family: A single individual doing his/her own cooking, and living upon the premises as a separate, housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate, housekeeping unit in a domestic relationship based on birth, marriage or other domestic bond as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel. This definition shall not include any society, club, fraternity, group, coterie, or organization, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature. Family units may also be defined as a group of individuals residing together for the specific purpose of rehabilitation and recovery from physical, mental or emotional injury or substance abuse, regardless of timespan, according to the Americans with Disability Act of 1990 as amended.

Farming: A Use of land involving the raising and caring of crops or domestic farm Animals for the purpose of selling or distributing food products or by-products to distribution facilities, including the associated facilities or structures for growing, harvesting, storing, and housing domestic farm Animals, crops and other materials.

Fence: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

~~**Firearms dealers:** Business that solely involves the sale, lease or transfer of firearms at wholesale or retail.~~

Flood hazard area: That area subject to flooding on the average of one in every hundred years based on information supplied by the U.S. Department of Housing and Urban Development, Federal Insurance Administration [Federal Emergency Management Agency].

Floor area: the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls or from the center line of walls separating two (2) buildings.

Funeral Home: A business involving the preparation of human and Animal remains for burial, cremation, display and other rituals connected with burial or cremation.

Section 201.7 “G”.

Garage, automotive commercial: Any premises available to the public and used solely for the storage of operable motor driven vehicles eligible to be licensed under Michigan law for remuneration, hire, ~~or sale,~~ and where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt, or reconstructed. To qualify as a garage, automotive commercial, the premises must comply with any state licensing requirements.

Garage: A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

Garden Center: A retail use involving the sale of plants, gardening supplies and associated equipment that requires both permanent outdoor storage of goods and temporary outdoor displays. Rental and maintenance of small machinery and equipment may be included as a secondary use. ~~This use occupies an area of no more than 7,500 square feet.~~

~~**General Entertainment:** An entertainment use for residents of the greater community or region. It typically occupies 5,000 or more square feet, and includes neighborhood entertainment uses, bowling alleys, concert halls, movie theaters (no drive-in) and skating rinks.~~

~~**General Industrial: Warehousing, Packing and Distribution:** A general industrial use involving substantial commercial vehicle access and large scale indoor or outdoor storage of goods typically between production and the market.~~

~~**General Industrial: Manufacturing and Assembly:** A general industrial use involving the production of goods from raw materials or the assembly of finished products that can result in noise and other non-noxious byproducts. General Manufacturing and Assembly Uses include all Craftsman Industrial Uses~~

General Merchandise: A retail use involving the sale of goods ~~such as, but not limited to: to residents living in the community, many of which will access the store by vehicle. These uses occupy between 5,000 and 30,000 square feet and include Neighborhood Merchandise Uses; appliances, and electronic sales, and service, department stores, home furnishing sales and rental; paint, drapery and floor coverings; and liquor stores.~~

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General Open Space/Parks: A use of land, private or publicly managed, for passive or active recreation for community residents. This use involves at least 2 acres and part or all of the facilities may be illuminated for use after dark. Parking facilities, food and beverage service and spectator facilities are commonly included.

General Services: A service use providing daily conveniences to residents living in the community, many of which will access the store by vehicle. These uses occupy between 5,000 and 30,000 square feet. Examples of uses include Neighborhood Personal Services, catering services, computer repair and maintenance, and home furniture and equipment repair.

General Rules of the Michigan Department of Community Health: General Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133, issued in connection with the Michigan Medical Marihuana Act, as amended.

Government Offices: A building or unit within a building or complex operated by a government entity for the benefit of the residents of the community that primarily includes general office space with public access typically limited to reception areas, help desks, or designated meeting spaces.

Grade: The established grade of the street or sidewalk shall be the elevation of the top of the curb at the mid-point of the front of the lot. The elevation is established by the city's engineer or building inspector [official].

Greenbelt or buffer strip: The strip of land not less than ten (10) feet in width which is maintained with trees acceptable to the building inspector [official] a minimum of six (6) feet in height, spaced not more than ten (10) feet apart; or a hedge row of suitable shrubs not more than four (4) feet in height.

Section 201.8 **"H"**.

Hazardous materials: Any materials that have been declared to be hazardous to any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

Heavy Industrial: Manufacturing: A heavy industrial Use involving the production of goods from raw materials, typically resulting in noise, odor and/ or noxious by-products and involving frequent commercial vehicle access and outdoor storage of materials or products.

Heavy Industrial: Natural Resource Extraction: A heavy industrial use involving the exploration and extrapolation of minerals, including solids such as coal and ore; liquids such as crude petroleum and gases such as natural gases. This also includes quarrying; well operations; milling, such as crushing, screening, washing and flotation and other processes

typically conducted at the extraction site or as part of the extraction process. The site may have buildings housing offices or equipment, outdoor storage of materials and machinery and frequent commercial vehicle access.

Heavy Industrial: Waste: A heavy industrial use involving the sorting, storage and disposal of goods and by-products. Facilities may have large-scale outdoor storage; buildings for administrative offices, storage, processing waste or service of machinery and frequent commercial vehicle access. Examples of uses include crematories, hazardous waste or chemical storage facilities, incinerators, landfills, refuse systems, waste and salvage storage or management, and scrap and waste materials management.

Home occupation: Any occupation, profession or activity carried out for gain from a residential property that is clearly subordinate and incidental to the residential nature of the property, and which may involve business activities generally conducted at other locations, or the sale or exchange of services at the residential property.

Home occupation, major: A Home Occupation as defined herein that may be apparent to neighbors by virtue of activities on site, signage, outdoor storage or modifications to structures or grounds.

Home occupation, minor: A Home Occupation as defined herein that, under normal circumstance, is not apparent to neighbors.

Hospice: A residential facility providing palliative and supportive medical and health services to meet the needs of the terminally ill and their families in a residential setting.

Hospital: A licensed facility providing medical care and health services to the community. The services may be housed in a building or cluster of buildings and typically include inpatient and outpatient care, offices, laboratories, training facilities, food services for customers, and a gift shop.

Section 201.9 “I”.

Reserved.

Section 201.10 “J”.

Junk yard: Any lot or parcel, building, or structure used in whole or in part for the storage, collection, processing, or disposal of scrap, worn-out, waste, or discarded materials of whatsoever kind or nature

Section 201.11 “K”.

Reserved.

Section 201.12 “L”.

Laundry: A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersion only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

Lawn furniture: Lawn furniture shall include planters, traditional seating or other articles used in readying an area such as a patio for occupancy or use.

Library/ Museum: A facility providing accessed structure housing educational, cultural, artistic or historical information, resources, and exhibits.

Light Assembly: The assembly or production of goods that takes place primarily through hand tools or household-light commercial level equipment, which does not result in the production or emanation of noise, fumes, odors, dust or vibration beyond the space in which such equipment and activity takes place.

Loading berth: An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred twenty-eight (528) square feet in area.

Lot: A plat, plot or parcel of land occupied, or designed to be occupied by one (1) building, and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used with such buildings. A lot may or may not be the land shown on a duly recorded plat.

Lot area: Area of a lot bounded by lot lines.

Lot, corner: A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an angle of less than one hundred thirty-five (135) degrees.

Lot coverage: The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, pavement area, or swimming pools.

Lot line: A boundary line of a lot.

Lot line, front: The exterior line or right-of-way of a road on which the lot fronts or abuts.

Lot line, rear: Any lot line, other than the front lot line, which is parallel or nearly parallel to the front lot line.

Lot line, side: Any lot line nor a front or rear lot line.

Lot of record: A lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot width: The distance between side lot lines measured at and along the building line as defined herein.

Section 201.13 “M”.

Manufactured home: A dwelling which is transportable in one (1) or more sections, that is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Michigan statute, and administrative rules promulgated thereunder.

Manufactured housing community: A use which is a parcel of land under the control of a person upon which three or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary manufactured home or trailer.

Manufacturing and Assembly: A general industrial use involving the production of goods from raw materials or the assembly of finished products that can result in noise and other non-noxious by-products. General Manufacturing and Assembly Uses include all Craftsman Industrial Uses

Marihuana, also known as Medical Marihuana, also known as Marijuana, also known as Cannabis: That term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in the Michigan Medical Marihuana Act. Any other term pertaining to marihuana used in this ordinance and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

Marihuana Collective or Cooperative, also known as Compassion Club: Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made

available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term "collective" or

“cooperative” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act or the General Rules of the Michigan Department of Community Health. A "marihuana collective or cooperative" shall not include the following uses: a State-licensed health care facility; a State-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, compassion club, collective or cooperative within the City.

Marihuana Dispensary or Dispensary: Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act or the General Rules of the Michigan Department of Community Health. A "marihuana dispensary" shall not include the following uses: a State-licensed health care facility; a State-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, compassion club, collective or cooperative within the City.

Medical office: A facility in which medical, dental, veterinary (without kenneling or boarding services), health or related providers maintain offices and provide services to patients on an outpatient basis.

Medical Use of Marihuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act.

Michigan Medical Marihuana Act: PA 2008, Initiated Law 1, MCL 333.26421 *et seq.*, as amended.

Motel, hotel, or travel lodge: A building or a series of attached, semi-detached, or detached rental units providing long term or transient lodging with motor vehicle parking in an area contiguous to the building.

Multi-tenant commercial establishment: A building housing more than one business operated under common management, or a unified grouping of individual businesses, served by a common circulation and parking system.

Section 201.14 “N”.

Natural Resource Harvesting & Management: A use of land for the growing and harvesting of natural resources, such as timber, that involves low-impact harvest activity and long-range cultivation and management plans.

Neighborhood Entertainment: A small-scale entertainment use located primarily for neighborhood residents living within walking distance. This use occupies less than 5,000 square feet and includes arcades, billiard halls, dance halls or live theaters.

Neighborhood Merchandise: A retail use involving the small-scale sale of goods to neighborhood residents living within walking distance. These uses occupy less than 5,000 square feet and include antique shops, apparel stores, art supplies, bicycle sales and repair, drug/pharmacy stores, flower shops, convenience stores, produce market, bakeries, and similar uses.

Neighborhood Open Space/Parks: A use of land, public or privately managed, for passive or active recreation for neighborhood residents living within walking distance. This use involves less than two (2) acres and is not illuminated for use after dark. Due to its size, no more than one (1) ball court or field is likely to exist.

Neighborhood Personal Services: A service use providing daily conveniences to Neighborhood residents living within walking distance. These uses occupy less than 5,000 square feet and include banks, spas, beauty or barber shops, dance studios or yoga, health clubs, laundromats or dry cleaners, pet grooming, printing and photocopying, tanning salons, tailoring, video rentals and similar uses.

Night Watchmen’s/ Service Quarters: Up to two (2) residential dwelling units typically developed with a commercial or industrial use to house security staff.

Nonconforming lot of record (substandard lot): A lot lawfully existing at the effective date of this ordinance, or affecting amendment, and which fails to meet the minimum area, minimum lot width, minimum frontage, access, and other requirements of the zoning district in which it is located.

Nonconforming structure: A structure, or portion thereof, lawfully existing at the effective date of this ordinance, or affecting amendment, and which fails to meet any of the minimum yard setbacks, lot coverage or dimensional requirements of the zoning district in which it is located.

Nonconforming use: A use lawfully existing in a building or on land at the effective date of this ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

Section 201.15 “O”.

Open air business: A business including the sales or display of retail merchandise or services outside of a permanent structure.

Open space: That area of a lot, parcel or property, which remains unbuilt, is landscaped or essentially unimproved and which is not used for parking, storage or display.

Outdoor sales lot: A retail use where a significant portion of the goods are stored or displayed outside during both business and non-business hours. Outdoor sales lots include automobile and truck sales; automobile, truck and trailer rental; boat and recreational sales and rental; and manufactured home dealerships.

Owner: A person who is the legal title holder or land contract purchaser of the property which is the subject of the conversion.

Section 201.16 “P”.

Parking Lot: A parcel of land that does not contain a permitted Building Type and is solely used for the temporary parking of vehicles.

Personal Storage: A business providing leased, individual spaces for the storage of household goods.

~~**Pharmaceutical Preparations:** An industrial business engaged in the research, production, assembly, storage or transfer of pharmaceuticals.~~

~~**Planned industrial parks:** A development of land, used primarily for general industrial manufacturing and assembly uses, that is under unified control and is planned and developed as whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open space, and other site features and improvements.~~

Planning commission: The Allegan City Planning Commission which has been authorized by the city council to carry out the powers and responsibilities of planning commissions as authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

~~**Police and Fire Emergency Services:** A facility providing public safety and emergency services that primarily includes offices with limited public access and frequently includes training facilities, locker rooms, and limited overnight accommodations.~~

Porch: An unenclosed, covered area projecting from and connected to a building which is not used for livable space.

~~**Post Office:** A publicly accessed facility for the collection and distribution of mail and packages and the selling of supplies and mail related products.~~

Principal building: A building in which is conducted the principal use of the lot on which it is located.

~~**Private gathering facility:** A facility for private prearranged gatherings by invitation only for such activities as meetings, conferences, weddings, club meetings, fashion shows, children birthday parties, teas or similar use wherein compensation is paid for the use of the facility for said activities.~~

~~**Professional Office:** A facility used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include ancillary services for by office workers, such as a coffee shop or child care facilities.~~

Section 201.17 **“Q”**.

Reserved.

Section 2001.18 **“R”**.

Recreational vehicles: A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, (Act 419, Michigan P.A. of 1976, as amended).

~~**Religious Institutions:** Places of assembly owned or maintained by an organized and registered non-profit religious organization for the purpose of regular gatherings for semi-public and private worship services gatherings, including, but not limited to, including churches, mosques, synagogues, temples, shrines, meetinghouses and pagodas religious institutions, club or fraternity lodges, and related accessory services or uses such as Schools, daycare facilities, food pantries, soup kitchens, homeless emergency shelters or other outreach uses designed to serve social welfare needs, are excluded as primary uses.~~

~~**Research and development facility:** A research and development facility is any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of~~

~~new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given~~

~~product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full-scale production.~~

Restaurant: A retail establishment selling food and drink primarily for consumption on the premises.

Road frontage: The length of the lot line which borders a public or private road.

Road or street, private: An irrevocable easement running with the land to one (1) or more owners of adjacent properties which provides access to those adjacent properties and which is not dedicated for general public use ~~or maintained by the City of Allegan or other public entity.~~

Road or street, public: Any public right-of-way which provides vehicular access to adjacent properties.

Section 2001.19 “S”.

School: Elementary/Middle: An education facility for Grades K (kindergarten) through eight (8).

School: High School: An education facility for Grades nine (9) through twelve (12).

School: Higher & Continuing Education: An education facility offering post-secondary school educational activities and programs, which may or may not be tied to a degree program.

~~**Rehabilitation and Senior Assisted Living Facilities:** A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of senior citizens generally of sixty (60) or more years of age who need help with activities of daily living, which may or may not include a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, and where the emphasis of the facility remains residential.~~

Setback: The horizontal distance from a lot line inward toward the part of the building nearest to that lot line.

Site plan review and approval: The submission of plans for review and approval, as required by this ordinance.

~~**Shooting and Archery Range:** An establishment providing training facilities and space for target practice with bow and arrows or firearms. The facility may or may not include an indoor firearm range and/or be associated with a private club.~~

Sexually oriented business: An establishment engaged in providing services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Special use permit: A permit for a use that would not be appropriate generally without restriction throughout the zoning district; but which, if controlled as to the number, area, intensity, location or relation to the city, ~~would not~~ may be potentially developed without adversely affect to the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provide in this ordinance for them are met.

Specified anatomical areas: These shall include:

- A. Less than completely and opaquely covered human genitals, anus and female breasts at or below the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: These shall include:

- A. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- B. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy; or
- C. Masturbation, actual or simulated; or
- D. Excretory functions as part of or in connection with any of the activities set forth in (1), (2) or (3) above.

Story: That portion of a building included between the upper surface of the next floor above, or if there is no floor above, then the space between such floor and the ceiling or roof above; ~~Lower levels with more than 50% of the distance between floor and ceiling located above overall surrounding average grade. provided, however, that where the floor level of the first story is at least five (5) feet below the adjoining finished grade, the space shall be considered a basement and not counted as a story.~~

Structural changes or alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground; including, but not limited to, buildings, driveways, fences, signs and walls.

Subgrade: For commercial buildings on ground that slopes to the rear, where a rear entrance is one floor below the front entrance at street level.

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Section 201.20 “T”.

Temporary Building: (see Building, Temporary)

Through Lot: A lot that fronts upon two (2) more or less parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Trailer & RV Park: A Use of land for the temporary parking of recreational vehicles or trailers for entertainment or recreational purposes. The site may include individual vehicle utility connections and a primary structure for park administration.

Transportation Facilities: A business involving the transport of passengers that may include a station with offices, food and beverage service and platforms for arrivals and departures; short and long term parking facilities; maintenance facilities and vehicle storage, such as a bus terminal or railroad facility.

Trucking Terminal: ~~A building, structure or land that is used primarily for parking, loading and accessory maintenance to fleet vehicles for the purpose distribution of goods.~~

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Section 201.21 “U”.

Reserved.

Section 201.22 “V”.

Variance: Permission to depart from the literal requirements of this Zoning Ordinance.

Vehicle Service/Gas Station: A business involving the servicing of vehicles and/or the storage and distribution of gasoline and/or vehicle washing. A convenience store may also be included as a secondary use, as well as, the sales of propane and kerosene.

Vehicle Supply: A retail use involving the sale of automotive parts and accessories that does not include any on-site vehicle service.

Section 201.23 “W”.

Warehouse Merchandise: A retail use involving the large-scale sale of goods to residents living within the region. It is almost exclusively accessed by vehicle and therefore additional consideration should be given to parking and traffic issues. The goods sold may be of the same type or a variety of types. ~~For example, “Big Box Stores” are considered warehouse merchandise centers for the purpose of this ordinance, and occupy a space of greater than 30,000 square feet.~~

Warehousing, Packing and Distribution. A general industrial use involving substantial commercial vehicle access and large-scale indoor or outdoor storage of goods typically between production and the market.

Section 201.24 "X".

Reserved.

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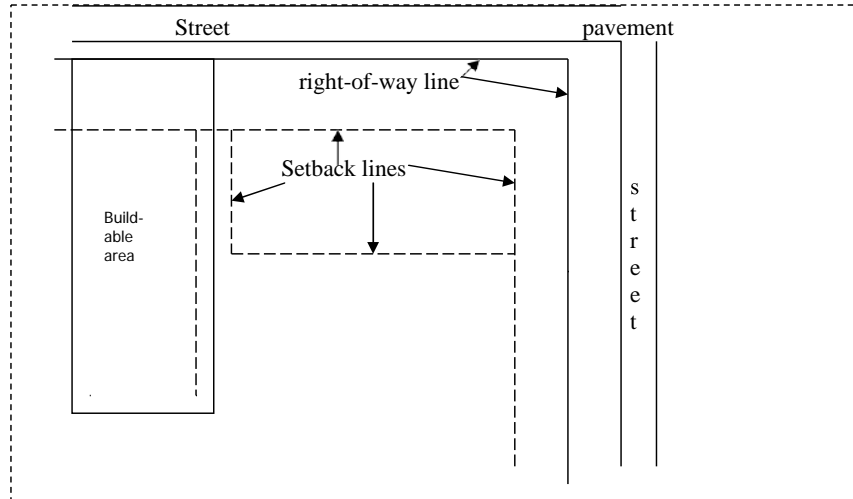
Section 201.25 “Y”.

Yard: required ~~side, rear, front~~: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. *Front*: An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front property line, lot line, or right-of-way line.
- B. *Rear*: An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line, lot line, or right-of-way line, except as otherwise provided in this ordinance. between rear plane of the principal building and rear property line
- C. *Side*: An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line, or right-of-way line.

Yard, Required: Also known as “setback”: the minimum permitted distance between a structure and the related lot line or Right of Way.

Illustration No. 3



Section 201.26 "Z".

Zoning Administrator: The person designated by the City Council to administer the provisions of the adopted zoning ordinance for the City.

Zoning board of appeals (ZBA): The Allegan City Zoning Board of Appeals (ZBA), the members of which have been duly appointed by the city council and which is authorized as a body to interpret, hear appeals, and grant variances only in accordance with the provisions of this ordinance.