

CITY OF MUSKEGON

CITY COMMISSION MEETING

November 12, 2024 @ 5:30 PM

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440**

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS, AWARDS, AND PRESENTATIONS:**
 - A. YEARS OF SERVICE AWARDS** Employee Relations
- ☐ **PUBLIC COMMENT ON AGENDA ITEMS:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes** City Clerk
 - B. Fireworks Display for NYE Ball Drop** City Clerk
 - C. Resolution for Charitable Gaming License - Kids Belong** City Clerk
 - D. Request to amend the planned unit development (PUD) at Harbour Towne to allow for the construction of 28 new condo units. SECOND READING** Planning
 - E. ATM for Muskegon Farmers Market** City Clerk
- ☐ **PUBLIC HEARINGS:**
- ☐ **UNFINISHED BUSINESS:**
- ☐ **NEW BUSINESS:**
 - A. Amendment to Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts.** Planning

- B. Amendment to Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts. Planning
- C. Amendment to Article II of the zoning ordinance to create a definition for accessory dwelling unit. Planning
- D. Amendment to Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename the single-family residential district. Planning
- E. Amendment to Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units. Planning
- F. Amendment to Article XX of the zoning ordinance to allow the conversion of single-family houses into duplexes and triplexes. Planning

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC COMMENT ON NON-AGENDA ITEMS:**

- ▶ **Reminder: Individuals who would like to address the City Commission shall do the following:**
- ▶ Fill out a request to speak form attached to the agenda or located in the back of the room.
- ▶ Submit the form to the City Clerk.
- ▶ Be recognized by the Chair.
- ▶ Step forward to the microphone.
- ▶ State name and address.
- ▶ Limit of 3 minutes to address the Commission.

☐ **CLOSED SESSION:**

☐ **ADJOURNMENT:**

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE CITY OF MUSKEGON AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

To give comment on a live-streamed meeting the city will provide a call-in telephone number to the public to be able to call and give comment. For a public meeting that is not live-streamed, and which a citizen would like to watch and give comment, they must contact the City Clerk's Office with at least a two-business day notice. The participant will then receive a zoom link which will allow them to watch live and give comment. Contact information is below. For more details, please visit:

www.shorelinecity.com

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting with twenty-four (24) hours' notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or by calling the following:

Ann Marie Meisch, MMC. City Clerk. 933 Terrace St. Muskegon, MI 49440. (231)724-6705.

clerk@shorelinecity.com



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: November 12, 2024	Title: YEARS OF SERVICE AWARDS															
Submitted by: Dwana Thompson, Employee Relations Director	Department: Employee Relations															
Brief Summary: Years of Service Awards for staff achievements in 5 year increments from 5years to 25years of service. Certificate will be given by the Mayor																
Detailed Summary & Background:																
Goal/Focus Area/Action Item Addressed: <u>Key Focus Areas:</u> <u>Goal/Action Item:</u>																
Amount Requested:	Budgeted Item: <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 15%;">Yes</td> <td style="width: 10%;">X</td> <td style="width: 15%;">No</td> <td style="width: 10%;"></td> <td style="width: 15%;">N/A</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> </table>	Yes	X	No		N/A										
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Fund(s) or Account(s):	Budget Amendment Needed: <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 15%;">Yes</td> <td style="width: 10%;"></td> <td style="width: 15%;">No</td> <td style="width: 10%;">X</td> <td style="width: 15%;">N/A</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> </table>	Yes		No	X	N/A										
Yes		No	X	N/A												
Recommended Motion: N/A																
Approvals: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Immediate Division Head</td> <td style="width: 10%; text-align: center;"> ☐ </td> <td style="width: 20%;"></td> </tr> <tr> <td>Information Technology</td> <td style="text-align: center;"> ☐ </td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td style="text-align: center;"> ☐ </td> <td></td> </tr> <tr> <td>Communication</td> <td style="text-align: center;"> ☐ </td> <td></td> </tr> <tr> <td>Legal Review</td> <td style="text-align: center;"> ☐ </td> <td></td> </tr> </table>	Immediate Division Head	☐		Information Technology	☐		Other Division Heads	☐		Communication	☐		Legal Review	☐		Guest(s) Invited / Presenting: No
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Information Technology	☐															
Other Division Heads	☐															
Communication	☐															
Legal Review	☐															

2024

SERVICE AWARD RECIPIENTS

25 Years Edward Peabody (FIL)
Charles Tazelaar (PKS)
Michael Vandermolen (IT)
Terees Williams (PSB)

15 Years Phillip Dill (POL)
Scott Liskey (POL)

10 Years Logan Anderson (POL)
Joseph Buthker (DPW)
Troy Edmondson (FIR)
James Farrar (WSM)
Austin Stordahl (POL)
Peggy Straley (Inc Tx)

5 Years Mason Adkins (POL)
Steven Chartier (FIR)
Teairra Clark (PKS)
Devon DeVries (FIR)
Jason Dionne (FIR)
Daniel Duffy (FIR)
Jacob Dyer (FIR)
Joshua Eaton (POL)
Jacob Eckholm (PLN)

5 Years Jordan Grabinski (FIR)
Jennie Griswold (Inc Tx)
Jason Hruskach (FIR)
Jeffery Klochack (HWY)
Todd Laisure (PKS)
Ambur Lenartowicz (FIN)
Cory McCleary (WSM)
Hayden Nickell (FIN)
Donald Nunez (HWY)
Samantha Pastoor (FIR)
James Petrie (FIL)
Justin Prowant (PKS)
Samuel Schmitt (FIR)
Adam Tiefenbach (FIR)
Alex Vanderwall (POL)
Ryan VanNett (PKS)
Kyle Visser (FIR)
Peter Wills (MGR)

***Congratulations and
Thank You!***

***We congratulate, and thank each of you with
deepest gratitude for your distinguished service,
loyalty, and dedication to the Citizens and
Staff of the City of Muskegon***



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: November 12, 2024	Title: Approval of Minutes															
Submitted by: Ann Meisch, City Clerk	Department: City Clerk															
Brief Summary: To approve minutes of the October 22, 2024, City Commission Meeting.																
Detailed Summary & Background:																
Goal/Focus Area/Action Item Addressed: <u>Key Focus Areas:</u> <u>Goal/Action Item:</u>																
Amount Requested:	Budgeted Item: <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>	Yes		No		N/A	X									
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Yes		No		N/A	X											
Recommended Motion: Approval of the minutes.																
Approvals: <table border="1"><tr><td>Immediate Division Head</td><td></td><td></td></tr><tr><td>Information Technology</td><td></td><td></td></tr><tr><td>Other Division Heads</td><td></td><td></td></tr><tr><td>Communication</td><td></td><td></td></tr><tr><td>Legal Review</td><td></td><td></td></tr></table>	Immediate Division Head			Information Technology			Other Division Heads			Communication			Legal Review			Guest(s) Invited / Presenting: No
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CITY OF MUSKEGON

CITY COMMISSION MEETING

October 22, 2024 @ 5:30 PM

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440**

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, October 22, 2024. Pastor Mackenzie Jager, from First Presbyterian Church, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Mayor Ken Johnson, Vice Mayor Rebecca St.Clair, Commissioners Jay Kilgo, Willie German, Jr., Rachel Gorman, Katrina Kochin, and Destinee Keener (arrived at 5:55 p.m.), City Manager Jonathan Seyferth, City Attorney John Schrier, and City Clerk Ann Marie Meisch

2024-87 HONORS, AWARDS, AND PRESENTATIONS

A. Introduction of New Staff to Community and Neighborhood Services- Lakshmee Persaud Community & Neighborhood Services

Welcoming Lakshmee Persaud to the City of Muskegon as our New Community Development Specialist for the Community and Neighborhood Services Department.

PUBLIC COMMENT ON AGENDA ITEMS

Public comments received.

2024-88 CONSENT AGENDA

B. Land Bank - Trade Parcels Planning

The Muskegon County Land Bank sold 1694 Pine to the City in error. They would

like to trade that property for 1221 Sanford.

1694 Pine was purchased by Development Services from the Muskegon County Land Bank for \$3,500. We were then notified that this address was already pledged in a Purchase Agreement to Allen Edwin in their workforce rental program. The Land Bank proposed a trade for 1221 Sanford. Development Services is agreeable to that trade. 1221 Sanford is of similar size and condition. The Land Bank will cover any costs associated with the transaction.

STAFF RECOMMENDATION: To authorize the Code Coordinator, Samantha Pulos, to facilitate the trade of 1694 Pine and 1221 Sanford, with the Muskegon County Land Bank.

E. Parks Restroom Improvements DPW- Parks

Staff is requesting authorization to contract with the low bidder, Muskegon Quality Builders, in the amount of \$38,525 for park restroom improvements for McCrea, Beukema & Seyferth Park.

Through our parks master plan survey, we received feedback that our residents desire improvements to some of our park restrooms. The most in need at this time (and the parks with the highest amount of feedback for improvements) are Seyferth, Beukema and McCrea. \$100,000 was budgeted through the adopted Parks Capital Improvement Plan for these improvements. Upgrades include installing porcelain fixtures and removing stainless steel, masonry work for ADA improvements and installing new partitions, to name a few. Our department would like to select the lowest bidder, Muskegon Quality Builders, at \$38,525. The remainder of the budgeted funds will be redirected to new and other capital improvement projects as needed.

Bid Tab

Muskegon Quality Builders: \$38,525

Bultsma Construction Co.: \$69,731

STAFF RECOMMENDATION: Authorize staff to contract with Muskegon Quality Builders in the amount of \$38,525 for park restroom improvements for McCrea, Beukema & Seyferth Park.

F. Reese Pavilion Construction DPW- Parks

Staff seeks authorization to enter into a contract with Patron Construction in the amount of \$51,010 for construction of a pavilion at Reese Park.

The Parks department recently applied for and received a CDBG grant from the Economic Development division for \$20,000 for a pavilion at Reese Park. The demand for this project was first raised by the Boys & Girls Clubs of Muskegon Lakeshore. Our local BGC holds a summer camp at this location and a shaded outdoor area would greatly improve the quality of their program as we do not have usable space at the park that is out of the elements. The pavilion will also be an affordable rental option for our residents (between \$30 to \$60), as this

park has great amenities for birthday parties or family gatherings. This project is included in the adopted Parks Capital Improvement Plan and the cost above the CDBG grant will come from funds devoted to that effort. Staff recommends the lowest bidder, Patron Construction, for \$51,010.

Bid Tab

Patron Construction: \$51,010

North Shore Property Solutions: \$59,500

Muskegon Quality Builders: \$74,851

Sinclair Recreation: \$78,880

American Athletix: \$108,137

Midwest Construction Group: \$176,385

STAFF RECOMMENDATION: Authorize staff to enter into a contract with Patron Construction in the amount of \$51,010 for construction of a pavilion at Reese Park.

G. Resolution to Urge the United States Department of the Interior to Approve the Petition of the Grand River Bands of Ottawa Indians for Federal Acknowledgment. Manager's Office

Seeking commission approval of a resolution to urge the United States Department of the Interior to approve the petition of the Grand River Bands of Ottawa Indians for Federal Acknowledgment.

STAFF RECOMMENDATION: Adopt the Resolution to urge the United States Department of the Interior to approve the petition of the Grand River Bands of Ottawa Indians for Federal Acknowledgment.

H. Vacation of the Remaining Portion of the Alley Between 2nd St and 3rd St, South of Webster Ave and North of Muskegon Ave. Planning

The applicant owns the former "Corner" building at the corner of Muskegon/3rd. They have requested to vacate the remaining portion of the alley that dead ends at the eastern edge of their property. The applicant does not intend on building over the alley. However, they would like to limit car access through the area with landscaping planters and/or art pieces. They are also considering a decorative walkway that would lead pedestrians towards the Muskegon Museum of Art.

Vacating an alley relinquishes the City's interest in the alley. However, a utility easement would still remain in effect. After vacating the alley, the land would be owned by everyone in the block. No permanent structures would be allowed over the former alley until it has been replatted. There are sanitary and storm sewers located in the alley. The City must maintain an easement to this infrastructure once the alley is vacated. Any approval of the vacation should be contingent upon the City retaining a utility easement.

The Planning Commission unanimously (8-0, 1 member absent) recommended in favor of vacating the alley with the condition that the City retains a utility easement with the same boundaries as the alley being vacated.

STAFF RECOMMENDATION: I move that the request to vacate the remaining portion of the alley between 2nd St and 3rd St, south of Webster Ave and north of Muskegon Ave, be approved with the condition that the City retains a utility easement with the same boundaries as the alley being vacated.

I. Equipment Replacement - Plow Trucks Public Works

Staff is requesting approval to purchase two replacement plow trucks.

Two replacement plow trucks will be purchased for the City's equipment fleet. The cab and chassis for two trucks will be purchased from West Michigan International for \$108,928.78 each. The build of the boxes and underbody scraper blades will be done by Truck and Trailer Specialties for a price of \$99,882.00 each. One of the truck builds will include a new V-Box salt spreader for \$34,945.00 to replace an older existing unit that is becoming difficult to repair. The cab and chassis for this truck will be purchased through the Sourcewell contract; the build of the box and underbody scraper blade will be purchased under the MiDEAL contract. Sourcewell and MiDEAL are purchasing collectives that publicly bid items to offer the best value to member organizations.

	Quantity	Unit Price	Total
Cab & Chassis	2	\$108,928.78	\$217,857.56
Box & Underbody	2	\$99,882.00	\$199,764.00
V-Box Salt Spreader	1	\$34,945.00	\$34,945.00
Total			\$452,566.56

The total cost of \$452,566.56 is a budgeted expense from the Equipment Fund for this fiscal year (2024-2025).

STAFF RECOMMENDATION: I move to authorize staff to purchase two new plow trucks through West Michigan International and Truck & Trailer Specialties for \$452,566.56.

K. Amendment to the Zoning Ordinance - Definition of Short-Term Rental (SECOND READING) Planning

A definition for short-term rental in the zoning ordinance is necessary for the creation of a short-term rental ordinance.

Proposed definition:

Short-Term Rental - A property in which a tenant is allowed to lease the dwelling unit, without a host, for periods of less than 28 days but more than 24

hours in return for remuneration. A rental in which the host resides on premises shall not be considered a short-term rental, but shall still register with the City. The Planning Commission unanimously (5-0, with 4 members absent) voted to recommend approval of the definition of short-term rental.

STAFF RECOMMENDATION: I move to approve the request to amend Article II of the zoning ordinance to create a definition for short term rental as proposed.

M. Climate Action Plan Contract Manager's Office

Staff is requesting authorization to enter into a contract with Fresh Coast Climate Solutions to prepare a Government Operations Climate Action Plan for our organization. The [Plan](#) will be used to manage Greenhouse Gas (GHG) risks and help identify targeted reduction opportunities with the goal of eliminating the organization's GHG emissions by 2040.

In April 2023, the City Commission passed a resolution declaring the city's commitment to climate action initiatives and to combat the impact of climate change on our community and planet. The city intends to reduce its organizational GHG emissions through deliberative budget, policy, and administrative actions.

In February 2024, a [Government Operations Greenhouse Gas Inventory](#) was completed. Results of this Inventory are intended to inform the development of a Climate Action Plan.

Staff received (6) proposals and are recommending the services of Fresh Coast Climate Solutions based on qualifications of team, scope of work, price of proposal, project management, and location of the firm. Fresh Coast Climate Solutions has significant experience conducting these services across the state (Sterling Heights, Ann Arbor, Dearborn, Flint, Grand Haven), ability to complete the work plan on time, and offers a good value.

Bids received are as follows:

- \$24,766.50 – GZA Geoenvironmental, Inc.
- \$49,000 – Fresh Coast Climate Services
- \$50,000 – Rafteslis
- \$50,315 – EcoMotion
- \$52,800 – Blue Strike
- \$114,400 – Energy Sciences

The City has received approval of a \$75,000 Community Energy Management Program grant through EGLE. These funds will offset the cost of the contract. A budget amendment will be required to account for both income from the grant and an expense related to the contract.

STAFF RECOMMENDATION: I move to authorize staff to contract with Fresh Coast Climate Solutions in the amount of \$49,000 to prepare a Climate Action Plan for our organization.

O. Amendment to the Real Estate Purchase and Sale Agreement for 2675 Olthoff Drive Economic Development

2675 Olthoff, LLC (formerly Bluewater Industrial Development, LLC) is requesting an amendment to the first real estate purchase and sale agreement approved on May 14, 2024.

On May 14, 2024, the City Commission approved a sale of 12.87 acres at 2675 Olthoff Drive to Bluewater Industrial Development, LLC. This space will be used to construct a 215,000 square foot facility for Forming Technologies. The amendments to the original agreement include an extension of the due diligence period as well removal of language pertaining to the construction of a retention pond.

STAFF RECOMMENDATION: Motion to approve the Real Estate Purchase and Sale Agreement amendment with 2675 Olthoff Dr., LLC and to authorize the mayor and clerk to sign.

P. Second Amendment to Employment Agreement Manager's Office

In the summer of 2024, the City Manager received a review from the City Commission. The Commission found that the manager exceeded expectations on average with an overall score of 1.4 (with 1 being the best). The city's commissioners, division, and department heads reviewed his performance. Based on this review, the City Manager is requesting an update to his contract regarding his base wage.

Earlier in 2024, the City Commission created a subcommittee to update the city manager's review process. The updated review included two components: a review completed by division and department heads whose results were provided to the City Commission and a review completed by the City Commission. The City Commission completed its annual review of the City Manager in a closed session on June 25, 2024.

The review was completed on a three-point scale, with 1 exceeding expectations, 2 meeting expectations, and 3 below expectations. The manager's average score was 1.4.

Given the favorable review and the competitive nature of the City Manager field, where average salaries for Michigan communities the size of Muskegon are about \$178,000 a year and where the average wage of Muskegon's peer communities in West Michigan is \$185,800, the city manager is requesting that his base salary be adjusted to \$185,000 effective July 1, 2024.

The manager's current base salary is \$162,864.

STAFF RECOMMENDATION: I move to approve the Second Amendment to the City Manager's Employment Agreement effective July 1, 2024.

Motion by Commissioner Keener, second by Commissioner German, to approve the Consent Agenda minus items A, C, D, J, L and N.

ROLL VOTE: Ayes: Kochin, St.Claire, Johnson, Kilgo, Keener, German, and Gorman
Nays: None

MOTION PASSES

2024-89 ITEMS REMOVED FROM THE CONSENT AGENDA

A. Approval of Minutes City Clerk

To approve minutes of the October 7, 2024, Commission Worksession Meeting and the October 8, 2024, City Commission Meeting.

STAFF RECOMMENDATION: Approval of the minutes.

Motion by Commissioner Kilgo, second by Vice Mayor St.Claire, to approve the minutes with a correction to the October 8th minutes for the roll vote of item I, Apple Avenue Resolution, showing Commissioner Kilgo voted no.

ROLL VOTE: Ayes: Gorman, Kochin, St.Claire, Johnson, Kilgo, Keener, and German
Nays: None

MOTION PASSES

C. General Fund Transfers for FY 2023-24 Finance

During the close out of fiscal year 2023-24 and based on the financial results for the fiscal year ended June 30, 2024, we want to transfer \$50,000 from the General Fund to the Public Services Fund to prevent a negative unrestricted balance. A negative unrestricted balance will require a deficit elimination plan with the State of Michigan.

At the end of the 2023-24 fiscal year, the audit shows that unrestricted position is negative. By transferring funds from the General Fund this issue will be resolved.

STAFF RECOMMENDATION: To approve the General Fund transfer of \$50,000 to the Public Services Fund in order to avoid filing a deficit elimination plan with the State of Michigan.

Motion by Commissioner German, second by Commissioner Kilgo, to approve the General Fund transfer of \$50,000 to the Public Services Building Fund in order to avoid filing a deficit elimination plan with the State of Michigan.

ROLL VOTE: Ayes: German, Gorman, Kochin, St.Claire, Johnson, Kilgo, and Keener
Nays: None

MOTION PASSES

D. GameTime Playground Grant - Smith-Ryerson Park DPW- Parks

Staff requests authorization to enter into a contract with Sinclair Recreation in the amount of \$178,000 for the purchase and installation of a new playground at Smith-Ryerson Park.

Staff applied and was selected for a GameTime matching funds playground grant. The grant provides 100% matching funds for equipment purchases (essentially 50% off). The park being proposed for this grant is Smith-Ryerson Park.

The playground is beyond the recommended lifespan and a new playground was budgeted through the commission approved capital improvement plan.

The feedback from the parks master plan survey supports this investment at Smith-Ryerson Park as this is our largest park on the east side of town.

We developed this structure through feedback from the survey and engagement from staff at the playground throughout the summer. The total cost for the playground and installation is \$178,000 which fits into the overall budget for improvements at Smith-Ryerson park.

STAFF RECOMMENDATION: Authorize staff to enter into a contract with Sinclair Recreation in the amount of \$178,000 for the purchase and installation of a new playground at Smith-Ryerson Park.

Motion by Commissioner German, second by Vice Mayor St.Clair, to authorize staff to enter into a contract with Sinclair Recreation in the amount of \$178,000 for the purchase and installation of a new playground at Smith-Ryerson Park.

ROLL VOTE: Ayes: Keener, German, Gorman, Kochin, St.Clair, Johnson, and Kilgo

Nays: None

MOTION PASSES

J. Creation of a Short-Term Rental Ordinance (SECOND READING) Planning

Staff-initiated request to amend Section 2314 of the zoning ordinance to create a short-term rental ordinance.

The ordinance uses an overlay district approach, splitting the city up into 11 different zones. These zones match the City of Muskegon census tracts. Census tract information was used to determine the number of housing units in each zone. Each zone would be allowed up to 4% of the housing units as short-term rentals. Areas within the Downtown Development Authority and Lakeside Business Improvement District/Corridor Improvement Authority boundaries would be exempt from the cap on the number of units. There would be no limit to the amount of short-term rentals in these areas.

The Short-Term Rental Chart depicts the number of units and short-term rentals in each zone. At 4% of the units, Zone 1 would be over the limit by 39 short-term rentals. No new short-term rentals would be allowed in Zone 1 until the number of short-term rentals dropped below 34.

The Planning Commission held a public hearing on this request at a special meeting on Thursday, September 26. The Planning Commission unanimously (5-0, with 4 members absent) voted to recommend approval of the short-term rental ordinance, with the following conditions:

1. Amend Section 1(c) - exemptions - to also include the Lakeside Corridor Improvement Authority along with the Lakeside Business Improvement District. Also, to clarify that these districts are exempt from the caps, but not from registering as a short-term rental.

2. Remove Section 4 that would allow the transferring of licenses.

The City Commission voted on a revised version of the Planning Commission's recommendation at the October 8 City Commission meeting. The ordinance, as voted by the City Commission on October 8, is included in the packet.

STAFF RECOMMENDATION: I move to approve the request to amend Section 2314 of the zoning ordinance to create a short-term rental ordinance as presented.

Motion by Commissioner Keener, second by Vice Mayor St.Clair, to approve the request to amend Section 2314 of the zoning ordinance to create a short-term rental ordinance as presented.

ROLL VOTE: Ayes: Kilgo, Keener, St.Clair, and Johnson

Nays: German, Gorman, and Kochin

MOTION PASSES

L. Additional Construction Engineering Services for Adelaide Pointe Public Works

Staff is requesting authorization to approve Contract Amendment No. 1 in the amount of \$83,080 with Eng. Engineering & Surveying for additional construction engineering services related to Adelaide Pointe.

Eng. Engineering & Surveying was hired by the City to provide construction inspection services and collect as-constructed documentation on the city's behalf for the infrastructure that is likely to become public such as watermain, sanitary sewer and roadways, including a sanitary pump station.

Many aspects of this project have been somewhat fluid in nature with multiple changes to the utility and roadway layout, modifications to the project schedule, multiple underground contractors, numerous onsite meetings to evaluate conditions, etc. Efforts were also needed to accommodate developer requests to meet intermediate milestones for events, a restaurant opening,

boating events, etc. All of these factors resulted in additional construction engineering and administration costs. Eng. has requested this amendment to cover the additional costs associated with their work. Staff recommends these additional services be approved, and commends Eng. for their efforts as an invaluable partner to the City in making sure the public's interests are represented on site during this crucial project.

STAFF RECOMMENDATION: To authorize staff to approve Contract Amendment No. 1 in the amount of \$83,080 with Eng. Engineering & Surveying for additional construction engineering services related to Adelaide Pointe.

Motion by Commissioner Kochin, second by Commissioner German, to authorize staff to approve Contract Amendment No. 1 in the amount of \$83,080 with Eng. Engineering & Surveying for additional construction engineering services related to Adelaide Pointe.

ROLL VOTE: Ayes: Johnson, Kilgo, Keener, German, Gorman, Kochin, and St.Clair
Nays: None

MOTION PASSES

N. Request to Amend the Planned Unit Development (PUD) at Harbour Towne to Allow for the Construction of 28 New Condo Units. Planning

The proposed buildings include six fourplexes and two duplexes.

The original PUD for Harbour Towne called for up to 250 units, however, only 190 units were built. The time has lapsed to complete the additional units, so the PUD must be amended. A discussion was had regarding the installation of sidewalks, which was an original condition of approval. The PUD was amended in 2002 to add three additional duplexes along Fulton St. That amendment noted that the original agreement for sidewalks for the PUD is retained. During the July 11, 2002 Planning Commission meeting it was noted: "In previous amendments the issue of pedestrian walkways has come up. The original PUD required that walkways (sidewalks) be provided when the PUD became more fully developed. This issue needs to be resolved. Cement sidewalks may not be practical in the development. A boardwalk may be cost prohibitive. An option may be that a pedestrian/bike lane be painted on the existing street demarking a pedestrian area that will prompt motorists to be mindful of pedestrians and cyclists. The existing swath of pavement is fairly wide and open, which can actually promote speeding in the development."

The Planning Commission voted in favor (5 to 3, 1 absent) of recommending approval of the project with the following conditions:

1. A turnaround must be incorporated at the end of Channel View Point.
2. An additional fire hydrant must be added along Channel View Point.

3. A stormwater permit must be obtained from the Engineering Department before construction commences
4. A landscaping plan is provided.
5. Sidewalks through Harbour Towne Circle East and West are installed within two years from the commencement of construction.

STAFF RECOMMENDATION: I move that the request to amend the planned unit development (PUD) at Harbour Towne to allow for the construction of 28 new condo units be approved with the following conditions:

1. A turnaround must be incorporated at the end of Channel View Point.
2. An additional fire hydrant must be added along Channel View Point.
3. A stormwater permit must be obtained from the Engineering Department before construction commences
4. A landscaping plan is provided.
5. Sidewalks through Harbour Towne Circle East and West are installed within two years from the commencement of construction.

Motion by Commissioner German, second by Commissioner Kilgo, to approve the request to amend the planned unit development (PUD) at Harbour Towne to allow for the construction of 28 new condo units be approved with the following conditions:

1. A turnaround must be incorporated at the end of Channel View Point.
2. An additional fire hydrant must be added along Channel View Point.
3. A stormwater permit must be obtained from the Engineering Department before construction commences.
4. A landscaping plan is provided.
5. Sidewalks through Harbour Towne Circle East and West are installed within two years from the commencement of construction.

MOTION AMENDED:

Motion amended by Commissioner Kochin, second by Commissioner German to remove condition #5 from the PUD.

Vote on Amendment:

ROLL VOTE: Ayes: Kochin and German

Nays: St.Clair, Johnson, Kilgo, Keener, and Gorman

AMENDED MOTION FAILS

Vote on Original Motion:

ROLL VOTE: Ayes: St.Clair, Johnson, Kilgo, Keener, and Gorman

Nays: German and Kochin

MOTION PASSES
(REQUIRES SECOND READING)

2024-90 PUBLIC HEARINGS

A. Expansion and Removal of Neighborhood Enterprise Zone Districts
Economic Development

Staff is proposing the expansion of the Neighborhood Enterprise Zone Districts in core neighborhoods in the City. This expansion will allow developers and current property owners to take advantage of this incentive where there are several vacant properties. We are also proposing removal of sites where the zoning has changed, or other incentives will make NEZ ineffective.

Pursuant to Public Act 147 of the Michigan Public Acts of 1992, staff has requested the expansion and removal of certain Neighborhood Enterprise Zone (NEZ) Districts. The City of Muskegon has utilized NEZs as a tool to encourage the construction of new homes and the rehabilitation of existing ones. These zones have played a crucial role in stabilizing and revitalizing neighborhoods, creating more housing opportunities for moderate-income residents, and attracting private developer investment. The incentive is designed to increase the housing supply in core neighborhoods and stimulate additional investments by current homeowners.

Prior to the proposed adjustments, some housing developments were unable to benefit from this initiative due to the location of existing NEZ boundaries. The removal of certain areas from the NEZ districts reflects changes in zoning, excluding areas no longer designated for residential use, such as creeks and schools, or areas benefiting from alternative incentives. This includes neighborhoods with few or no vacant lots, or where no active NEZ districts currently exist. Additionally, we plan to remove the NEZ designation in the Port City Industrial Park. Originally, this NEZ was intended to take advantage of the Michigan Economic Growth Authority (MEGA) program, which is no longer offered. Although no record of a resolution approving a district in the Port City Industrial Park can be found, we seek to comply with the Muskegon County Assessor's office.

State law allows for up to 15% of the total acreage within the boundaries of a local government unit to be designated as NEZs. Properties within the updated NEZ districts will be eligible to apply for NEZ certificates, which reduce residential property taxes on newly constructed or rehabilitated homes. Notice letters were sent to the affected taxing jurisdictions on October 10, 2024, and a public hearing was held on October 22, 2024. In accordance with state law, the resolution must be adopted no sooner than 60 days after the notice letters were sent.

STAFF RECOMMENDATION: I move to approve the amendment to the

Neighborhood Enterprise Zone (NEZ) Districts, as requested. This includes the expansion of Neighborhood Enterprise Zone Districts to encourage new and rehabilitated housing, while removing areas no longer zoned for residential use. The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Steve Benedict.

Motion by Commissioner Keener, second by Commissioner Kilgo, to close the Public Hearing and approve the amendment to the Neighborhood Enterprise Zone (NEZ) Districts, as requested. This includes the expansion of Neighborhood Enterprise Zone Districts to encourage new and rehabilitated housing, while removing areas no longer zoned for residential use.

ROLL VOTE: Ayes: Gorman, Kochin, St.Clair, Johnson, Kilgo, Keener, and German
Nays: None

MOTION PASSES

B. Public Hearing, Brownfield Plan Amendment- Muskegon Midtown Center LLC, 1095 3rd St. Economic Development

Muskegon Midtown Center, LLC has submitted a Brownfield Plan Amendment for the redevelopment of 1095 3rd Street. The project involves the rehabilitation and expansion of a vacant and blighted office building into a mixed-use commercial and residential facility. This redevelopment will bring the property back onto the tax rolls, provide much-needed housing, create temporary and long-term jobs, and contribute to the economic development of Muskegon.

The project site consists of two adjacent parcels, currently blighted and vacant, located at 1095 3rd Street. Historically used for retail and office purposes, the property was acquired by the developer in July 2024. The redevelopment includes residential apartments, commercial spaces, and site improvements. Construction began in Summer 2024, with completion anticipated by Winter 2025. The private investment is estimated at \$11,181,000, with the creation of 30 full-time equivalent (FTE) jobs expected within two years of project completion. Eligible activities for reimbursement through the Brownfield Plan include environmental assessments, site demolition, preparation, architecture, and engineering work. Specific activities are as follows:

- **Phase I ESA/Baseline Environmental Assessment:** \$31,978
- **Site Demolition:** \$250,000
- **Site Preparation:** \$86,500
- **Architecture and Engineering Fees:** \$245,000
- **Brownfield Plan Development:** \$10,000

Administrative costs of the CMBRA, calculated as 10% of total eligible activities,

are estimated at \$62,547.80. Interest expenses at 5.00% are also eligible for reimbursement. The capture period is set for 30 years plus an additional 5 years for the brownfield redevelopment loan fund.

Total Potential Eligible Activity Costs: \$688,025.80 (inclusive of contingencies, financing costs, and administrative fees).

The Development and Reimbursement Agreement is included in this plan. The following are the key highlights from the agreement:

Reimbursement Source:

The Developer and the City will be reimbursed for the costs of approved Eligible Activities (such as demolition, site preparation, and infrastructure improvements) through Brownfield Tax Increment Financing (TIF) Revenue. This revenue is generated from increases in property taxes on the redeveloped property.

Reimbursement Process:

Both the Developer and the City must submit reimbursement requests to the Authority, accompanied by the required documentation.

The Authority will review and either approve or dispute the reimbursement request within 30 days. Payments will be made as tax revenues become available.

If there is insufficient revenue to cover the full reimbursement in any period, the remaining amount will be paid in subsequent periods as additional revenue becomes available.

Term of Agreement:

The agreement will continue until the Developer and the City have been fully reimbursed or until December 31, 2060, whichever occurs first. After this date, any remaining captured tax revenue will be used to fund a Brownfield Revolving Loan Program.

Legislative Authorization:

This agreement is governed by Act 381, and any changes in the law that affect Brownfield TIF capture or eligible activities will adjust the agreement accordingly.

Assignment:

The rights and obligations under this agreement cannot be transferred without the consent of the other parties, except that the Developer and the City may assign their interests to affiliates for financing purposes.

Miscellaneous Provisions:

The agreement includes standard legal provisions regarding the handling of notices, governing law (Michigan), and the execution of the agreement in counterparts.

The Brownfield Redevelopment Authority has reviewed and approved this plan on October 10, 2024 and recommends that the City Commission consider adopting it.

STAFF RECOMMENDATION: I move that the City Commission approve the Brownfield Redevelopment Plan for the property located at 1095 3rd St., and authorize the Mayor and City Clerk to sign.

The Public Hearing opened to hear and consider any comments from the public. Comments and questions were made by Lora Swenson.

Motion by Commissioner Kilgo, second by Commissioner German, to close the Public Hearing and approve the Brownfield Redevelopment Plan for the property located at 1095 3rd St., and authorize the Mayor and City Clerk to sign.

ROLL VOTE: Ayes: German, Gorman, Kochin, St.Clair, Johnson, Kilgo, and Keener

Nays: None

MOTION PASSES

C. Public Hearing, Brownfield Plan Amendment- 349 West Webster, LLC, 349 W. Webster Economic Development

349 West Webster, LLC has submitted a Brownfield Plan Amendment for the 349 West Webster Redevelopment project, which aims to rehabilitate a vacant and blighted office building into a mixed-use commercial facility. This project will help bring the property back onto the tax rolls, create jobs, and contribute to the city's economic development.

The project site, currently a vacant and blighted office building, is located at 349 West Webster Ave. The property has historically been used for both educational and office purposes. The developer, 349 West Webster, LLC, acquired the site from Muskegon Public Schools in 2021. The proposed redevelopment includes lodging and retail spaces as well as site improvements, with construction scheduled to begin in Summer 2024 and completion expected by Fall 2025. The estimated investment is \$11,500,000, and the project is expected to create 10 full-time equivalent (FTE) jobs within two years of completion.

Eligible Activities: The Brownfield Plan includes the following eligible non-environmental activities:

- **Site Demolition:** \$1,050,000
- **Site Preparation:** \$150,000
- **Architecture and Engineering Fees:** \$450,000
- **Asbestos Abatement:** \$30,000
- **Brownfield Plan Development:** \$10,000

Administrative costs of the CMBRA, calculated as 10% of total eligible activities, are estimated at \$169,000. Interest expenses at 5.00% are also eligible for reimbursement. The capture period is for 30 years with an additional 5 years for the revolving loan fund.

Total Potential Eligible Activity Costs: \$1,859,000.00 (inclusive of contingencies,

financing costs, and administrative fees)

The Development and Reimbursement Agreement is included in this plan. The following are the key highlights from the agreement:

Reimbursement Source:

The Developer and the City will be reimbursed for the costs of approved Eligible Activities (such as demolition, site preparation, and infrastructure improvements) through Brownfield Tax Increment Financing (TIF) Revenue. This revenue is generated from increases in property taxes on the redeveloped property.

Reimbursement Process:

Both the Developer and the City must submit reimbursement requests to the Authority, accompanied by the required documentation.

The Authority will review and either approve or dispute the reimbursement request within 30 days. Payments will be made as tax revenues become available.

If there is insufficient revenue to cover the full reimbursement in any period, the remaining amount will be paid in subsequent periods as additional revenue becomes available.

Term of Agreement:

The agreement will continue until the Developer and the City have been fully reimbursed or until December 31, 2060, whichever occurs first. After this date, any remaining captured tax revenue will be used to fund a Brownfield Revolving Loan Program.

Legislative Authorization:

This agreement is governed by Act 381, and any changes in the law that affect Brownfield TIF capture or eligible activities will adjust the agreement accordingly.

Assignment:

The rights and obligations under this agreement cannot be transferred without the consent of the other parties, except that the Developer and the City may assign their interests to affiliates for financing purposes.

Miscellaneous Provisions:

The agreement includes standard legal provisions regarding the handling of notices, governing law (Michigan), and the execution of the agreement in counterparts.

The Brownfield Redevelopment Authority reviewed this plan on October 10, 2024 and motioned to approve and suggest that the City Commission consider adoption of the plan.

STAFF RECOMMENDATION: I move that the City Commission approve the Brownfield Redevelopment Plan for the property located at 349 West Webster Ave, and authorize the Mayor and City Clerk to sign.

The Public Hearing opened to hear and consider any comments from the public. No public comments were made.

Motion by Commissioner Kochin, second by Vice Mayor St.Clair, to close the

Public Hearing and approve the Brownfield Redevelopment Plan for the property located at 349 West Webster Ave, and authorize the Mayor and City Clerk to sign.

**ROLL VOTE: Ayes: Keener, German, Gorman, Kochin, St.Clair, Johnson, and Kilgo
Nays: None**

MOTION PASSES

2024-91 NEW BUSINESS

A. Conflict of Interest Disclosure Community & Neighborhood Services

Seeking approval to waive conflict pursuant to City Charter and State Law. City staff will be seeking to submit a request to the Department of Housing and Urban Development for an Exception for a Conflict of Interest for the City of Muskegon Community and Neighborhood Services (CNS) Department Priority Home Repair Program.

Under State law, a contract between a public entity and a public servant is permissible in this particular case when:

1) The public servant discloses in writing to the Mayor, seven days prior to City Commission action, their interest in the issue and the value of benefits to be provided by the City;

2) The official body discloses a summary of the transaction in its official minutes.

Where a "conflict of interest" does exist pursuant to the City Charter, the City may still enter into the contract if all the following occurs:

The City Commission declares that it is in the best interest of the City to enter into the contract.

The City Attorney and employee provided a letter detailing the disclosure.

STAFF RECOMMENDATION: To waive the conflict of interest pursuant to City Charter and State Law and request the Department of Housing and Urban Development for an exception to approve the request of Conflict of Interest Exception for the City of Muskegon Community and Neighborhood Services Department Priority Home Repair Program.

Motion by Commissioner Kilgo, second by Commissioner German, to waive the conflict of interest pursuant to City Charter and State Law and request the Department of Housing and Urban Development for an exception to approve the request of Conflict of Interest Exception for the City of Muskegon Community and Neighborhood Services Department Priority Home Repair Program for Ashley Briggs.

ROLL VOTE: Ayes: Kilgo, Keener, German, Gorman, Kochin, St.Clair, and

Johnson
Nays: None

MOTION PASSES

ANY OTHER BUSINESS

City Manager Jonathan Seyferth stated that the City is switching over to BS&A online and will be unable to take any payments October 30th through November 4th. This will not affect the election.

Commissioner Kilgo asked about the STR moratorium.

Vice Mayor St.Clair stated that City Hall will be closed November 11th for Veterans Day. The November Worksession will be combined with the November 12th City Commission Meeting.

Commissioners German and Keener asked about the ARPA Grants. There will be an update at the December 2nd Legislative Policy Committee Meeting.

Commissioner Kilgo would like to see the data on infill housing.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Public comments received.

ADJOURNMENT

The City Commission meeting adjourned at 9:35 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC City Clerk



Agenda Item Review Form

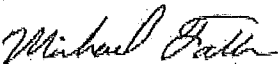
Muskegon City Commission

Commission Meeting Date: November 12, 2024	Title: Fireworks Display for NYE Ball Drop															
Submitted by: Ann Meisch, City Clerk	Department: City Clerk															
Brief Summary: Pyrotecnico is requesting approval of a fireworks display permit for December 31, 2024/January 1, 2025, in the parking lot between 3rd and 4th Streets, west of Shoreline Drive. The Fire Marshall will inspect the fireworks on the day of the event.																
Detailed Summary & Background:																
Goal/Focus Area/Action Item Addressed: <u>Key Focus Areas:</u> <u>Goal/Action Item:</u>																
Amount Requested:	Budgeted Item: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Yes</td> <td style="width: 10%;"></td> <td style="width: 15%;">No</td> <td style="width: 10%;"></td> <td style="width: 15%;">N/A</td> <td style="width: 10%;">X</td> <td style="width: 10%;"></td> </tr> </table>	Yes		No		N/A	X									
Yes		No		N/A	X											
Fund(s) or Account(s):	Budget Amendment Needed: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Yes</td> <td style="width: 10%;"></td> <td style="width: 15%;">No</td> <td style="width: 10%;"></td> <td style="width: 15%;">N/A</td> <td style="width: 10%;">X</td> <td style="width: 10%;"></td> </tr> </table>	Yes		No		N/A	X									
Yes		No		N/A	X											
Recommended Motion: To approve the fireworks display permit for Pyrotecnico contingent upon inspection of the fireworks.																
Approvals: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Immediate Division Head</td> <td style="width: 10%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td></td> <td></td> </tr> <tr> <td>Communication</td> <td></td> <td></td> </tr> <tr> <td>Legal Review</td> <td></td> <td></td> </tr> </table>	Immediate Division Head			Information Technology			Other Division Heads			Communication			Legal Review			Guest(s) Invited / Presenting: No
Immediate Division Head																
Information Technology																
Other Division Heads																
Communication																
Legal Review																

2025 Application for Fireworks Other Than Consumer or Low Impact

FOR USE BY LEGISLATIVE BODY
OF CITY, VILLAGE OR TOWNSHIP
BOARD ONLY

DATE PERMIT(S) EXPIRE:

Authority: 2011 PA 256		The LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board.		
TYPE OF PERMIT(S) (Select all applicable boxes)				
☐ Agricultural or Wildlife Fireworks		☐ Articles Pyrotechnic		☒ Display Fireworks
☒ Public Display		☐ Private Display		
☐ Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes				
NAME OF APPLICANT Pyrotechnico Fireworks, Inc.		ADDRESS OF APPLICANT 299 Wilson Rd, New Castle, PA 16101		AGE OF APPLICANT 18 YEARS OR OLDER X YES ☐ NO
NAME OF PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER Stephen Vitale		ADDRESS PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER 299 Wilson Rd, New Castle, PA 16101		
IF A NON-RESIDENT APPLICANT (LIST NAME OF MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT) Michael Falk		ADDRESS (MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT) 4369 E Summit Woods Dr NE, Rockford, MI 49341		TELEPHONE NUMBER 616.427.0377
NAME OF PYROTECHNIC OPERATOR Jeff Yakes		ADDRESS OF PYROTECHNIC OPERATOR 4369 E Summit Woods Dr NE, Rockford, MI 49341		AGE OF PYROTECHNIC OPERATOR 18 YEARS OR OLDER X YES ☐ NO
NO. YEARS EXPERIENCE 14 years	NO. DISPLAYS 45+ displays	WHERE Michigan, Missouri		
NAME OF ASSISTANT Zack Mulder		ADDRESS OF ASSISTANT 4369 E Summit Woods Dr NE, Rockford, MI 49341		AGE OF ASSISTANT 18 YEARS OR OLDER X YES ☐ NO
NAME OF OTHER ASSISTANT		ADDRESS OF OTHER ASSISTANT		AGE OF OTHER ASSISTANT 18 YEARS OR OLDER X YES ☐ NO
EXACT LOCATION OF PROPOSED DISPLAY Parking lot between 3 rd and 4 th streets, west of Shoreline Drive				
DATE OF PROPOSED DISPLAY January 1, 2025		TIME OF PROPOSED DISPLAY 12:00 am		
MANNER AND PLACE OF STORAGE, SUBJECT TO APPROVAL OF LOCAL FIRE AUTHORITIES, IN ACCORDANCE WITH NFPA 1123, 1124 & 1126 AND OTHER STATE OR FEDERAL REGULATIONS. PROVIDE PROOF OF PROPER LICENSING OR PERMITTING BY STATE OR FEDERAL GOVERNMENT No storage necessary, delivered on date of display				
AMOUNT OF BOND OR INSURANCE (TO BE SET BY LOCAL GOVERNMENT) \$10,000,000.00		NAME OF BONDING CORPORATION OR INSURANCE COMPANY Britton-Gallagher & Associates		
ADDRESS OF BONDING CORPORATION OR INSURANCE COMPANY One Cleveland Center, Floor 30; 1375 East 9 th Street, Cleveland, OH 44114				
NUMBER OF FIREWORKS Approximately 800		KIND OF FIREWORKS TO BE DISPLAYED (Please provide additional pages as needed) Aerial display shells ranging in size from 2 ½ inches to 3 inches in diameter		
SIGNATURE OF APPLICANT 				DATE October 8, 2024

Bureau of Fire Services
P.O. Box 30700
Lansing, MI 48909
(517) 241-8847

Authority: 1988 PA 358	The Department of Energy, Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, material status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the American with Disabilities Act, you may make your needs known to this agency.
Compliance: Voluntary	
Penalty: Permit will not be issued	

This permit is not transferable. It authorizes the resident wholesale dealer or jobber named below to have in his or her possession fireworks of any type, for sale only to holders of permits for public display or agriculture control.

☒ PUBLIC DISPLAY

☐ AGRICULTURAL PEST CONTROL

Issued To Pyrotecnico Fireworks, Inc.		Age (18 or over) Yes
Address 4369 E Summit Woods Dr NE, Rockford, MI 49341		
Name of Organization, Group, Firm, or Corporation Lakeshore Legacy Project		
Address 851 W. Laketon Ave, Suite D, Muskegon MI 49441		
Number and Types of Fireworks Approximately 800 aerial display shells ranging in size from 2 ½ inches to 3 inches in diameter.		
Exact Location of Display Parking lot between 3 rd and 4 th streets, west of Shoreline Drive		
City, Village, Township City of Muskegon, MI	Date January 1, 2025	Time 12:00 am
Bond or Insurance Filed? ☒ Yes ☐ No		Amount \$10,000,000.00

Issued by action of: ☐ Council ☐ Commission ☐ Board of the

☐ City ☐ Village ☐ Township of _____
(Name of City, Village, Township)

on the _____ day of _____,

(Signature and Title of Council/Commission/Board Representative)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/9/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Acrisure, LLC dba Britton Gallagher & Associates 3737 Park East Dr. STE 204 Beachwood OH 44122	CONTACT NAME:		
	PHONE (A/C, No, Ext): 216-658-7100	FAX (A/C, No): 216-658-7101	
E-MAIL ADDRESS: info@brittongallagher.com			
INSURED Pyrotecnico Fireworks Inc. P.O. Box 149 299 Wilson Road New Castle PA 16103	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Everest Indemnity Insurance Company		10851
	INSURER B : Everest Denali Insurance Company		16044
	INSURER C : Arch Specialty Insurance Company		21199
	INSURER D : Constitution Insurance Company		32190
	INSURER E :		
INSURER F :			

COVERAGES

CERTIFICATE NUMBER: 397719939

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC	Y	Y	SI8ML00891-241	10/14/2024	10/14/2025	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000
							MED EXP (Any one person)	\$
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS	Y	Y	SI8CA00141-241	10/14/2024	10/14/2025	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
C	UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$ ☐	Y	Y	UXP1035252-05	10/14/2024	10/14/2025	EACH OCCURRENCE	\$ 4,000,000
							AGGREGATE	\$ 4,000,000
								\$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐	N/A	82-872096-04-36 (MI)	10/14/2023	10/14/2024	☒ WC STATU-TORY LIMITS ☐ OTH-ER	
							E.L. EACH ACCIDENT	\$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
A	Excess Liability #2			SI8EX01314-241	10/14/2024	10/14/2025	Each Occ/ Aggregate Total Limits	\$5,000,000 \$10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

Fireworks Display Date: December 31, 2024

Location: Parking lot @ 896 4th Street- Muskegon, MI 49441

Additional Insured: City of Muskegon, MI, Muskegon Country Club; all elected & appointed officials, all employees & volunteers, all boards, commissions, and/or authorities & board members, including employees and volunteers thereof

CERTIFICATE HOLDER

CANCELLATION

City of Muskegon, MI
Muskegon City Hall
933 Terrace Street
Muskegon MI 49440

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Pyrotecnico Fireworks Inc.
3/25/2023 Michael Falk



Setup area: 50' X 50'

Launch Location



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: November 12, 2024		Title: Resolution for Charitable Gaming License - Kids Belong																
Submitted by: Ann Meisch, City Clerk		Department: City Clerk																
Brief Summary: Kids Belong is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. They have been recognized as a 501(c)(3) organization by the State.																		
Detailed Summary & Background:																		
Goal/Focus Area/Action Item Addressed:																		
<u>Key Focus Areas:</u>																		
<u>Goal/Action Item:</u>																		
Amount Requested:		Budgeted Item: <table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>		Yes		No		N/A	X									
Yes		No		N/A	X													
Fund(s) or Account(s):		Budget Amendment Needed: <table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>		Yes		No		N/A	X									
Yes		No		N/A	X													
Recommended Motion: Approval of the resolution for a Charitable Gaming License.																		
Approvals: <table border="1"> <tr> <td>Immediate Division Head</td> <td></td> <td></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td></td> <td></td> </tr> <tr> <td>Communication</td> <td></td> <td></td> </tr> <tr> <td>Legal Review</td> <td></td> <td></td> </tr> </table>		Immediate Division Head			Information Technology			Other Division Heads			Communication			Legal Review			Guest(s) Invited / Presenting: No	
Immediate Division Head																		
Information Technology																		
Other Division Heads																		
Communication																		
Legal Review																		



To Muskegon City Clerk,

Kids Belong would like to be recognized as a nonprofit organization operating in Muskegon. We do not have an office space, but as the Executive Director and Board President, I live at 277 Shonat St in the City of Muskegon. Kids Belong also owns the property next door at 287 Shonat st, where we operate our supportive housing program for youth who have aged out of foster care.

We are planning to host our first real fundraiser in the early part of 2025 that will include raffles at 794 Kitchen. If it goes well it is something we will consider making a more regular occurrence.

Kids Belong is a local nonprofit, we incorporated and received out 501c3 status in 2015. We host foster closets where foster and adoptive families can get needed supplies and clothes for free, and we also host support groups, foster/adopt parent nights, and family events. All of our events are designed to build stronger connections and supports within the foster and adopt community here in West Michigan.

We also run First Place, which is out program for youth aging out of foster care. That property is in the City of Muskegon and currently houses 2 youth, with another 4 apartments set to open within the next couple of months, and 2 more early next year. By spring of 2025 we expect to have 8 apartments for aged out youth.

I am attaching the form from the charitable gaming division for recording the council motion that I have to turn back into them in order to make our organization eligible.

Jeff Steele

Executive Director, Kids Belong



Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103a(i)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____
NAME OF ORGANIZATION CITY

county of _____, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for _____
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: _____

Nays: _____

Absent: _____

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.
BSL-CG-1153(R4/24)

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **JUL 28 2015**

KIDS BELONG
3452 WHITE ASPEN LANE
MUSKEGON, MI 49444-4193

Employer Identification Number:
47-4117923
DLN:
26053605001375
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
509(a)(2)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
March 27, 2015
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

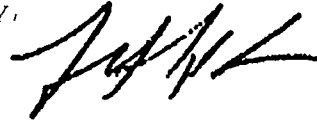
If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 5436

KIDS BELONG

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey I. Cooper". The signature is stylized with a large, sweeping "J" and a distinct "C" at the end.

Jeffrey I. Cooper
Director, Exempt Organizations
Rulings and Agreements

Letter 5436



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: November 12, 2024	Title: Request to amend the planned unit development (PUD) at Harbour Towne to allow for the construction of 28 new condo units. SECOND READING
Submitted by: Mike Franzak, Planning Director	Department: Planning
Brief Summary: The proposed buildings include six fourplexes and two duplexes.	
Detailed Summary & Background: The original PUD for Harbour Towne called for up to 250 units, however, only 190 units were built. The time has lapsed to complete the additional units, so the PUD must be amended. A discussion was had regarding the installation of sidewalks, which was an original condition of approval. The PUD was amended in 2002 to add three additional duplexes along Fulton St. That amendment noted that the original agreement for sidewalks for the PUD is retained. During the July 11, 2002 Planning Commission meeting it was noted: "In previous amendments the issue of pedestrian walkways has come up. The original PUD required that walkways (sidewalks) be provided when the PUD became more fully developed. This issue needs to be resolved. Cement sidewalks may not be practical in the development. A boardwalk may be cost prohibitive. An option may be that a pedestrian/bike lane be painted on the existing street demarking a pedestrian area that will prompt motorists to be mindful of pedestrians and cyclists. The existing swath of pavement is fairly wide and open, which can actually promote speeding in the development." The Planning Commission voted in favor (5 to 3, 1 absent) of recommending approval of the project with the following conditions: 1. A turnaround must be incorporated at the end of Channel View Point. 2. An additional fire hydrant must be added along Channel View Point. 3. A stormwater permit must be obtained from the Engineering Department before construction commences 4. A landscaping plan is provided. 5. Sidewalks through Harbour Towne Circle East and West are installed within two years from the commencement of construction.	
Goal/Focus Area/Action Item Addressed: <u>Key Focus Areas:</u> <u>Goal/Action Item:</u> 2027 Goal 2: Economic Development Housing and Business	

Amount Requested: N/A	Budgeted Item: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 16.6%;">Yes</td> <td style="width: 16.6%;"></td> <td style="width: 16.6%;">No</td> <td style="width: 16.6%;"></td> <td style="width: 16.6%;">N/A</td> <td style="width: 16.6%;">X</td> <td style="width: 16.6%;"></td> </tr> </table>	Yes		No		N/A	X									
Yes		No		N/A	X											
Fund(s) or Account(s): N/A	Budget Amendment Needed: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 16.6%;">Yes</td> <td style="width: 16.6%;"></td> <td style="width: 16.6%;">No</td> <td style="width: 16.6%;"></td> <td style="width: 16.6%;">N/A</td> <td style="width: 16.6%;">X</td> <td style="width: 16.6%;"></td> </tr> </table>	Yes		No		N/A	X									
Yes		No		N/A	X											
Recommended Motion: I move that the request to amend the planned unit development (PUD) at Harbour Towne to allow for the construction of 28 new condo units be approved with the following conditions: 1. A turnaround must be incorporated at the end of Channel View Point. 2. An additional fire hydrant must be added along Channel View Point. 3. A stormwater permit must be obtained from the Engineering Department before construction commences 4. A landscaping plan is provided. 5. Sidewalks through Harbour Towne Circle East and West are installed within two years from the commencement of construction.																
Approvals: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Immediate Division Head</td> <td style="width: 10%; text-align: center;">X</td> <td style="width: 20%;"></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td></td> <td></td> </tr> <tr> <td>Communication</td> <td></td> <td></td> </tr> <tr> <td>Legal Review</td> <td></td> <td></td> </tr> </table>	Immediate Division Head	X		Information Technology			Other Division Heads			Communication			Legal Review			Guest(s) Invited / Presenting: No
Immediate Division Head	X															
Information Technology																
Other Division Heads																
Communication																
Legal Review																

Hearing, Case 2024-26: Request to amend the planned unit development (PUD) at Harbour Towne to allow for the construction of 28 new condo units.

SUMMARY

1. The original PUD plans were approved on June 12, 1990. The approved plans included a maximum of 250 residential units. There appears to be 190 units developed as of today. However, the timeline to develop these units has expired and the proposed units are in slightly different areas than originally approved.
2. The PUD was amended in 2002 to add three additional duplexes along Fulton St. That amendment noted that the original agreement for sidewalks for the PUD is retained. During the July 11, 2002 Planning Commission meeting it was noted: “In previous amendments the issue of pedestrian walkways has come up. The original PUD required that walkways (sidewalks) be provided when the PUD became more fully developed. This issue needs to be resolved. Cement sidewalks may not be practical in the development. A boardwalk may be cost prohibitive. An option may be that a pedestrian/bike lane be painted on the existing street demarking a pedestrian area that will prompt motorists to be mindful of pedestrians and cyclists. The existing swath of pavement is fairly wide and open, which can actually promote speeding in the development.”
3. This amendment proposes eight new structures (six fourplexes, two duplexes) for a total of 28 new units.
4. The fire department has noted that some sort of turnaround must be added at the end of Channel View Point. The current length exceeds the limit of 150 ft to a dead end without an approved turnaround. Additionally, another hydrant must be added along Channel View Point.
5. A stormwater permit from the Engineering Department will be required.
6. No landscaping plan has been provided.
7. Notice was sent to all parcels within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

Harbour Towne Circle looking south.



STAFF RECOMMENDATION

Staff recommends approval of the PUD amendment with the following conditions:

1. A turnaround must be incorporated at the end of Channel View Point.
2. An additional fire hydrant must be added along Channel View Point.
3. A stormwater permit must be obtained from the Engineering Department before construction commences.
4. A landscaping plan is provided.
5. A decision is made regarding the installation of sidewalks.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. _____

An ordinance to amend the final planned unit development at Harbour Towne.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The planned unit development is hereby amended to allow the addition of 28 new housing units with the following conditions:

1. A turnaround must be incorporated at the end of Channel View Point.
2. An additional fire hydrant must be added along Channel View Point.
3. A stormwater permit must be obtained from the Engineering Department before construction commences.
4. A landscaping plan is provided.
5. Sidewalks through Harbour Towne Circle East and West are installed within 2 years from the commencement of construction.

This ordinance adopted:

Ayes: _____

Nayes: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____

Ann Meisch, MMC

City Clerk

CERTIFICATE
(Amendment to the Planned Unit Development at Harbour Towne)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of October, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2024 _____

Ann Meisch, MMC

Clerk, City of Muskegon

Publish Notice of Adoption to be published once within ten (10) days of final adoption.

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on October 22, 2024, the City Commission of the City of Muskegon adopted an ordinance amending the planned unit development at Harbour Towne.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2024

By _____

Ann Meisch, MMC

City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: November 12, 2024		Title: ATM for Muskegon Farmers Market																
Submitted by: Ann Meisch, City Clerk		Department: City Clerk																
Brief Summary: City Commission authorized going into an agreement for an ATM at the Muskegon Farmers Market and is recommending Consumers Credit Union.																		
Detailed Summary & Background: Attached is the agreement with Consumers Credit Union.																		
Goal/Focus Area/Action Item Addressed: Key Focus Areas: Goal/Action Item: 2027 Goal 1: Destination Community & Quality of Life																		
Amount Requested:		Budgeted Item: <table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>		Yes		No		N/A	X									
Yes		No		N/A	X													
Fund(s) or Account(s):		Budget Amendment Needed: <table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td></td> <td></td> </tr> </table>		Yes		No		N/A										
Yes		No		N/A														
Recommended Motion: Authorize staff to sign the agreement with Consumers Credit Union to place an ATM at the Muskegon Farmers Market.																		
Approvals: <table border="1"> <tr> <td>Immediate Division Head</td> <td>X</td> <td></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td>X</td> <td></td> </tr> <tr> <td>Communication</td> <td></td> <td></td> </tr> <tr> <td>Legal Review</td> <td>X</td> <td></td> </tr> </table>		Immediate Division Head	X		Information Technology			Other Division Heads	X		Communication			Legal Review	X		Guest(s) Invited / Presenting: No	
Immediate Division Head	X																	
Information Technology																		
Other Division Heads	X																	
Communication																		
Legal Review	X																	

TELLERPLUS+ SITE MASTER LEASE AGREEMENT

THIS TELLERPLUS+ SITE MASTER LEASE AGREEMENT ("Agreement") made this **October 1, 2024** by and between **City of Muskegon**, (hereinafter "Lessor"), and **Consumers Credit Union**, a Michigan Corporation, having an office at 7200 Elm Valley Drive Kalamazoo, Michigan (hereinafter "Lessee").

ARTICLE I

ESTABLISHMENT AND MAINTENANCE OF TELLERPLUS+:

Section 1.01 Definitions. For all purposes herein, and for the purposes of the documents executed pursuant hereto, the following terms shall have the following meanings:

- A. "TellerPlus+"** shall mean an electronic fund transfer terminal consisting of a video teller machine, together with other fixtures, access lines, equipment and furnishings necessary to, or which will facilitate, the operation of banking services which it is capable of performing now and in the future.
- B. "ATM"** shall mean an electronic fund transfer terminal consisting of an automated teller machine, together with other fixtures, access lines, equipment and furnishings necessary to, or which will facilitate, the operation of banking services which it is capable of performing now and in the future.

Section 1.02 Leased Premises. Subject to the terms and conditions contained herein, Lessor agrees to lease to Lessee, and Lessee agrees to lease from Lessor, the TellerPlus+ Site on Lease Schedule(s) **Exhibit A** executed contemporaneously herewith or which may be executed hereafter from time to time during the term of this Agreement.

Commented [KS1]: Updated Exhibit A

Section 1.03 Payment. This license agreement will not require payment for use of the TellerPlus+ from the Lessor. This license agreement will not require rent for the TellerPlus+ Site from Lessee.

Section 1.04 Additional TellerPlus+ or ATMs. In the event Lessor desires additional TellerPlus+ or ATM at any other business owned and operated by City of Muskegon, then Lessor shall **notify Lessee of the opportunity. Lessee will be given the opportunity to bid on new business.** ~~offer Lessee a right of first refusal at such location(s). If Lessee declines to lease on reasonable terms, Lessor may then offer the location to others.~~ If Lessor acquires new location(s) where a TellerPlus+ or ATM is already established, **Lessor will notify Lessee of opportunity Lessee will have first right of refusal on location when the existing TellerPlus+ or ATM agreement dissolves. Lessee will be given the opportunity to bid on new business.**

Section 1.05 Exclusivity. Lessor grants to Lessee the exclusive right to install, maintain and operate an TellerPlus+ at the Lessor's premises, located at **242 West Western Avenue, Muskegon, MI 49440**. See Lease Schedule, Exhibit A for site location. Lessor agrees not to permit any other financial institution to install, maintain, and/ or operate a TellerPlus+ or ATM at this location without Lessee's prior express written consent.

Section 1.06 Equipment. Lessee agrees, at its own expense, to provide, locate and install the TellerPlus+ terminal(s). Lessee is responsible for providing dedicated communication and electric to TellerPlus+ site. Lessee may sub-contract equipment and services.

Section 1.07 Access to TellerPlus+. Lessor agrees not to block the side or front of the TellerPlus+ or otherwise restrict access to the TellerPlus+ to ensure appropriate maintenance and cash management can occur.

Section 1.08 Ownership. All elements constituting the TellerPlus+ terminal(s), as well as all signage erected by Lessee, shall remain the sole property of Lessee, and Lessor shall have no interest therein. Lessee shall pay all bona fide personal property taxes assessed or levied with respect to the TellerPlus+ terminal(s) by the appropriate taxing authority. At the end of the term of this Agreement, Lessee may remove the TellerPlus+ terminal(s) without liability to Lessor.

Section 1.09 Signage. Lessee shall be permitted to place fixed or digital signage, at Lessee's expense, at TellerPlus+ terminal(s) which identifies Lessee, and/or Lessee's and other participant's networks by tradename and/or logo and the financial services available at the TellerPlus+ terminal(s). Consistent with this right, the size and placement of all TellerPlus+ Site signage shall be subject to Lessor's approval which shall not be unreasonably withheld. In the event of changes in network tradenames or logos or services available at the TellerPlus+ terminal(s), the signage shall be replaced to reflect the then current names, logos or services. Replacement costs shall be born by the party whose signs must be replaced. ~~Lessee shall provide directional signage to be placed by Lessor within ninety (90) days of Agreement Commencement Date. Design and location of signage will be mutually agreed upon by Lessee and Lessor.~~ Any additional signage will be mutually agreed upon prior to installation by Lessor and Lessee.

Section 1.10 Governmental Approvals. Lessee has or shall obtain, at Lessee's expense, all necessary permits and approvals required by governing authorities for the installation and operation of TellerPlus+ terminal(s) at the Site leased hereunder. If, however, for any reason whatsoever, Lessee is denied authority to install any number of the TellerPlus+ terminal(s) or to perform all or part of the work necessary to install and operate the same or deems the expense of installation to be excessive in its sole discretion, or is denied the right to conduct any other banking business at the TellerPlus+ terminal(s) which Lessee deems necessary for the continued operation of the TellerPlus+ terminal(s), then Lessee shall have the right, but not the obligation, to terminate the Lease schedule under which the affected TellerPlus+ was leased. Said termination hereunder shall

be effective upon the mailing of such notice of termination. In the event one or more Lease Schedules are so terminated, Lessor shall return to Lessee any deposits and prorata rentals for unused months heretofore made by Lessee to Lessor.

Section 1.11 TellerPlus+ Maintenance. Lessee shall maintain the TellerPlus+ terminal(s) in good operating condition and shall expeditiously make all required repairs or replacements at its sole expense. The service level will be managed to less than 4% average monthly downtime. Lessee may sub contract service. Lessor shall notify Lessee of the breakdown of, or damage to, the TellerPlus+ terminal(s) within a reasonable time after learning of same and shall not itself repair or attempt to repair or service the TellerPlus+ terminal(s). Once notified of outage/error Lessee will provide initial service within 4 hours, up to 8 hours in the event of inclement weather.

Section 1.12 Cash Monitoring and Service.

- A. Cash Level Monitoring:** The Lessee shall monitor cash levels to ensure that services provided to patrons are timely and uninterrupted.
- B. Increased Servicing:** In the event that issues arise concerning cash levels or delivery, the Lessee agrees to increase servicing to a reasonable extent, to address and resolve service disruptions.

Section 1.13 Site Maintenance. Lessor shall be responsible for the maintenance of the area surrounding the TellerPlus+ Site in good condition. Lessor shall be responsible for sidewalk maintenance, lighting, and safety. In the unlikely event of damage or vandalism, Lessor will, in good faith, assist Lessee with their investigation.

Section 1.14 Utilities. Lessee shall furnish, at its sole expense, all lighting, air conditioning, data line from circuit to equipment, if applicable, and heat and electricity for the Lessor's TellerPlus+ Site. ~~If any utility or data line is damaged, for any reason by patron of the Lessor, the Lessor shall reimburse Lessee to cost of reconnection.~~ Lessee shall be responsible for providing, paying for and maintaining all communication circuits to the TellerPlus+.

Section 1.15 Insurance. At all times during the term of this Agreement, Lessee shall maintain general liability insurance which shall include coverage for the TellerPlus+ terminal(s), naming Lessor as an additional insured, as its interest may appear, under such policy or policies with no less than the following limits of liability: Bodily Injury and Property Damage - \$1 million combined single limit. In addition, Lessee shall maintain an all risk property insurance policy to protect its TellerPlus+ terminal(s) and related equipment. ~~Furthermore, Lessor shall maintain a general liability insurance policy with respect to the TellerPlus+ terminal(s), naming Lessee as an additional insured, as its interest may appear, under any policy or policies with no less than the following limits of liability: Bodily Injury and Property Damage—\$1 million combined single limit. Both parties shall, upon request, provide to the other an appropriate certificate of insurance.~~

Section 1.16 Hold Harmless Provision. Anything to the contrary notwithstanding, Lessee covenants to indemnify and hold harmless lessor from and against all claims brought by third parties or regulatory authorities and all costs (including attorneys fees), expenses and liabilities incurred in connection with such claims, including any action or proceeding brought thereon, arising solely from and as a direct result of the operation of the TellerPlus+ Site, provided that the Lessor notifies Lessee of such a claim within ~~five (5)~~ thirty (30) business calendar days of the date that Lessor becomes or should have become aware of such a claim, or unless such claim arises solely from or as a direct result of Lessor's acts, unilaterally taken without consultation with Lessee.

~~Lessor covenants to reimburse, indemnify and hold harmless Lessee from and against all claims, costs (including attorney fees), expenses and liabilities incurred in connection with any claims, causes of action, lawsuits or demands against Lessee due to Lessor's business activities, including the negligent or intentional acts of Lessor's agents or employees.~~

Section 1.17 Damage to Premises. ~~If any TellerPlus+ Site is damaged or destroyed in whole or in part, Lessor will notify Lessee as soon as damage is discovered. Lessee shall proceed with due diligence to so restore and provide Lessor with timeline. by fire or other casualty so as to deprive Lessee of occupancy or use of the same, and if such damage or destruction can be repaired and restored to the same good tenantable condition existing prior to such damage or destruction within 30 days, Lessee shall proceed with due diligence to so restore and repair the TellerPlus+ Site.; provided, however, if under the terms of the Lessor's lease, it is the obligation of Lessor's landlord to perform such repairs and restoration, Lessor's obligation. In the event such damage or destruction cannot be or is not repaired within 30 days, Lessee and Lessor shall each have the right to terminate the Location under which the affected TellerPlus+ Site was leased by providing the other party ten (10) days prior written notice of such termination. Lessor shall pay for any damage to the TellerPlus+ Site or TellerPlus+ caused by or resulting from any act or omission of Lessor, its agents, employees, or independent contractors.~~

Commented [KS2]: Updated this small section and removed the rest

Section 1.18 Eminent Domain. If the whole or any substantial part of any TellerPlus+ Site shall be taken by public authority under the power of Eminent Domain, that location may be removed from the Schedule with written notice. All damages awarded for such taking shall belong to and be the property of Lessor; provided, however, that Lessor shall not be entitled to any portion of an award made to Lessee for the cost of moving or removing the TellerPlus+ Site.

Section 1.19 Taxes. ~~N/A—Any taxes incurred due to TellerPlus+ site would be incurred and paid by Lessee.~~

Section 1.20 Construction. Lessee is hereby authorized to construct and install the TellerPlus+ on the TellerPlus+ Site. Lessor and Lessee shall perform their respective installation activities. In constructing, installing, removing, altering, erecting and maintaining the improvements, and in installing, repairing, or replacing any TellerPlus+ to serve the TellerPlus+ Site, Lessee shall not

interfere with any business conducted on any adjacent property and shall promptly clean up and restore the TellerPlus+ Site and surrounding area after such work and shall maintain the same in as clean and orderly a manner as possible during the progress of such work.

ARTICLE II

TERM OF AGREEMENT AND RIGHTS UPON TERMINATION

Section 2.01 Effective Date. City of Muskegon agrees that this Contract shall become effective upon October 1, 2024.

Section 2.02 Initial Term and Renewal.

- A. Initial Term:** This agreement shall commence on October 1, 2024 and shall continue in full force and effect for an initial term of five (5) years (the "Initial Term"). ~~This agreement cannot be terminated during Initial Term.~~
- B. Second Term:** Upon expiration of the Initial Term, this Agreement shall automatically renew for a second term of five (5) years (the "Second Term"), ~~unless either party provides written notice of non-renewal to the other party at least one hundred eighty (180) days prior to the expiration of the Initial Term.~~ The Agreement cannot be terminated during the Initial or Second Term.
- C. Automatic Renewal:** ~~Following the expiration of the Second Term,~~ This Agreement shall automatically renew for successive periods of twenty-four (24) months each (the "Renewal Term"), unless either party provides written notice of non-renewal to the other party at least one hundred eighty (180) days prior to the expiration of the then-current term.

Commented [KS3]: City was good with auto-renewal if they had 180 days prior to expiration to cancel. I believe this one is good with edits.

Section 2.03 Warranties of Lessor. Lessor warrants that this Agreement, and the rights created thereunder to not violate any lease under which Lessor occupies an TellerPlus+ Site. Further, Lessor warrants to Lessee that any underlying leases in which Lessor is the tenant of said TellerPlus+ Site, do not in any way restrict against, limit or prohibit the execution of this Agreement or any use or activity permitted by this Agreement or any Lease Schedule executed hereunder.

ARTICLE III

ADVERTISING

Section 3.01 Advertising. Lessor acknowledges that Lessee intends to advertise the TellerPlus+ Site, and authorizes Lessee, at its own expense, to advertise the existence and locations of the TellerPlus+ Site, and the services offered thereby in such media and in such manner as Lessee deems desirable. Such advertising may identify Lessor by name and logo and may identify the locations served by the TellerPlus+, but such advertising shall be restricted to the promotion of the TellerPlus+ and any other use of Lessor's name or logo, without the prior written approval of Lessor, is prohibited. Lessor may advertise and promote the use of the TellerPlus+, including but not limited to, directing its employees to explain the service features of the TellerPlus+ and location of such TellerPlus+. Lessor may advertise and promote the location of the TellerPlus+ as Lessor deems desirable; provided however, that due to federal regulations governing advertising of financial services, all advertising other than that mentioned herein must be previously approved by Lessee. If the TellerPlus+(s) is in a place of business, it will be notated that this location is not open to the public.

ARTICLE IV

MISCELLANEOUS PROVISIONS

Section 4.01 Use of Premises. Subject to the other provisions of this Agreement, Lessee shall use the TellerPlus+ Site for the sole purpose of operating unmanned TellerPlus+ used for conducting such banking transactions which TellerPlus+ can presently perform or may in the future be capable of performing as a result of technological advances or regulatory changes.

Section 4.02 Acceptance of Premises. Lessee acknowledges that it has inspected the TellerPlus+ Site, and accepts same in "as is" condition. Lessee further acknowledges that Lessor has made absolutely no warranties or representations regarding the conditions of the TellerPlus+ Site.

Section 4.03 Assignment and Sublease. Lessor shall not assign or dispose of any of its rights or obligations under this agreement without prior written consent of Lessee. This Agreement is binding on the successors and permitted assigns of the parties.

Section 4.04 Michigan Law. This agreement has been executed in the State of Michigan and shall be interpreted pursuant to the laws of the State of Michigan.

ARTICLE V

MARKETING PARTNERSHIP

Section 5.01 Term of Support. Lessee shall provide services below in support of Lessor through the Initial Term. Ninety (90) days prior to the expiration of the Initial Term, Lessee shall provide proposal of support for the upcoming renewal term. Lessee shall provide updated proposal ninety (90) days prior to each successive renewal term.

Section 5.02 Digital Billboards. Lessee shall promote Muskegon Farmers market on digital billboards in Muskegon, Grand Haven, Walker and Plainfield locations.

- A. Muskegon Location:** The Lessee shall promote the Lessor during the annual period commencing on May 1st and ending on November 30th, on each Tuesday, Thursday, and Saturday from 8:00 a.m. to 2:00 p.m.
- B. Walker, Grand Haven, and Plainfield Locations:** The Lessee shall promote the Lessor during the annual period commencing on May 1st and ending on November 30th, on each Saturday from 8:00 a.m. to 2:00 p.m.

Section 5.03 Video Spotlight. Lessee shall create a video spotlight promoting Lessor to be published on Lessee's social media sites, as well as for Lessor's use.

Section 5.04 Website and App Listing. Lessee shall promote Lessor's location as one of Lessee's ATM locations, highlighting convenience for downtown Muskegon tourists.

Section 5.05 Member Perks. Lessee shall promote Lessor under our "**Member Perks**" on our Consumers CU website.

Section 5.06 Farmers Market Gift Certificate Giveaways. Lessee shall promote Lessor during the summer market months of May–November to new members by holding monthly giveaways.

Section 5.07 On-Site Presence

- A. Consumers CU Representative:** The Lessee shall appoint a representative of Consumers CU to be present near the TellerPlus+ during peak days of the Muskegon Farmers Market and Flea Market. The representative shall be onsite with a frequency of one (1) day per calendar month, with the option of either the first Tuesday or the first Wednesday of each month. In addition, the Lessee shall ensure the presence of their representative on the first Saturday in December for the opening of the Winter Market
- B. Financial Wellness Education-Themed Events:** The Lessee, as part of their commitment to on-site representation, shall host financial wellness education-themed days for the benefit of market patrons. These educational events shall include, but are not limited to, topics such as 'Shopping on a Budget' and 'Buying Your First Home.' Additionally, the Lessee shall organize and facilitate kid-focused financial literacy activities during the 'Power of Produce Club' days, with the distribution of piggy banks and other educational items to engage and benefit children in attendance. The frequency and specific dates of these events shall be determined collaboratively between the Lessee and the Lessor, ensuring a mutually agreeable schedule that aligns with the market's peak days and overall calendar of events

Section 5.08 Consumers @Work: As part of the finalized support, the Lessor will consider the Lessee's financial education programming ("Consumers @Work") and discuss potential opportunities for promoting the Lessee's services on Lessor's website.

Section 4.05 Marketing Partnership.

~~The Lessee has submitted a proposal for several initiatives and events aimed at supporting the Muskegon Farmers Market. The Lessee and Lessor agree to finalize the proposed initiatives and events prior to the Effective Date of Agreement.~~

THE UNDERSIGNED, each acting as a duly authorized representative of the company beneath whose name the signature appears and on behalf of said company, do execute this Agreement on the day and year first above written.

CITY OF MUSKEGON

LESSOR

X

By: _____

Its: _____

Tax ID Number: _____

Date: _____

CONSUMERS CREDIT UNION

LESSEE

X

By: Linday M. McCall

Its: COO

Date: _____

LEASE SCHEDULE FOR
TELLERPLUS + SITE MASTER LEASE AGREEMENT

This Lease Schedule is made this October 1, 2024 and is executed pursuant to the TellerPlus+ Site Master Lease Agreement, dated the October 1, 2024, between City of Muskegon, Lessor, and Consumers Credit Union, Lessee.

TELLERPLUS+ SITE LOCATION:

Site Location: Muskegon Farmers Market

Address: 242 West Western Avenue, Muskegon, MI 49440

CO-OP Network members will receive fee-free service at the above location(s). Customers from other financial institutions will be charged for service.

Exhibit A:

Consumers Muskegon FM ITM

242 W Western Ave, Muskegon, MI 49440

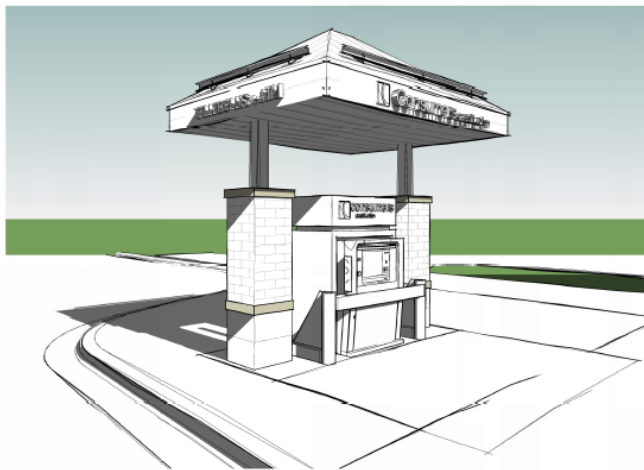


Exhibit B:

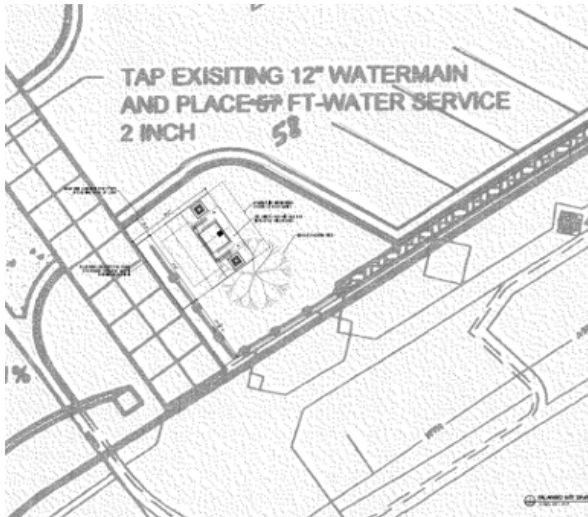
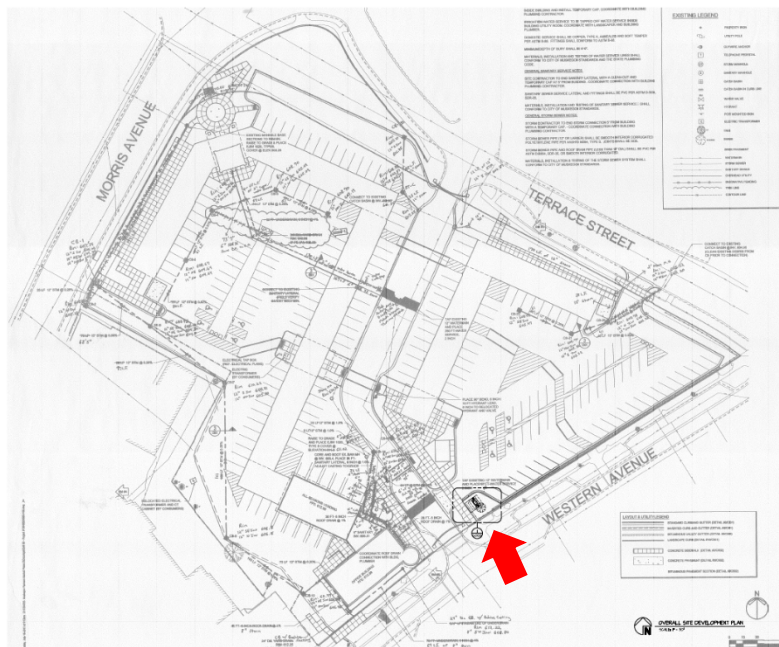


Exhibit C:





Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: November 12, 2024	Title: Amendment to Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts.							
Submitted by: Mike Franzak, Planning Director	Department: Planning							
Brief Summary: This is a staff-initiated request to amend the zoning ordinance to allow all single-family residential lots to be considered buildable as long as they are at least 30 feet wide and 3,000 in size.								
Detailed Summary & Background: There are currently three separate single-family residential districts in the zoning ordinance; R-1, R-2, and R-3; which all allow the same uses. The main difference between these districts is how much lot width is required to be considered a buildable lot. This proposal would eliminate R-2 and R-3 districts and change the bulk and area requirements to the current R-3 standards, which requires a minimum 30-foot lot width and 3,000 sf in size. The new Maximum Lot Coverage requirements would also match the current R-3 standards (buildings 70%, pavement 20%). The chart in Section 404 would be removed and the Area and Bulk Requirements would be represented as they previously were in the zoning ordinance (without a chart). The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented.								
Goal/Focus Area/Action Item Addressed: Key Focus Areas: Diverse housing types Goal/Action Item: 2027 Goal 2: Economic Development Housing and Business								
Amount Requested: N/A	Budgeted Item: <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>	Yes		No		N/A	X	
Yes		No		N/A	X			
Fund(s) or Account(s): N/A	Budget Amendment Needed: <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>	Yes		No		N/A	X	
Yes		No		N/A	X			
Recommended Motion: I move to approve the request to amend Section 404 of the zoning as presented.								

Approvals:

Immediate Division Head	X	
Information Technology		
Other Division Heads		
Communication		
Legal Review		

Guest(s) Invited / Presenting:

No

Planning Commission Packet Excerpt

Hearing, Case 2024-27: Staff-initiated request to amend Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts.

SUMMARY

1. There are currently three separate single-family residential districts in the zoning ordinance; R-1, R-2, and R-3; which all allow the same uses. The main difference between these districts is how much lot width is required to be considered a buildable lot. This proposal would eliminate R-2 and R-3 districts and change the bulk and area requirements to the current R-3 standards, which requires a minimum 30-foot lot width.
2. The chart in Section 404 would be removed and the Area and Bulk Requirements would be represented as they previously were in the zoning ordinance (without a chart).

Proposed amendments (redline version)

Section 404: Area and Bulk Requirements

	R-1	R-2	R-3
Minimum Lot Size	6,000 square feet	4,000 square feet	3,000 square feet
Minimum Lot Width	50 feet	40 feet	30 feet
Maximum Lot Coverage	Buildings: 50% Pavement: 10%	Buildings: 60% Pavement: 15%	Buildings: 70% Pavement: 20%
Height Limit*	2 stories or 35 feet**	2 stories or 35 feet**	2 stories or 35 feet**
Front Build-to-Zone***	10-30 feet	10-30 feet	10-30 feet
Rear Setback	15 feet	15 feet	15 feet
Side Setback	1-story: 6 feet 2-story: 8 feet	1-story: 6 feet 2-story: 7 feet	1-story: 5 feet 2-story: 5 feet

* Height

~~measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).~~

~~** Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.~~

~~*** New principal structures may align with existing principal structures in the immediate area even if the front setback falls outside the build-to-zone. The immediate area shall be considered all houses on the same block face within 600 feet of the property. For corner lots, the front shall be considered the street that faces the front door. The other street shall follow the side setback requirements. The rear, which is opposite of the front street, shall also follow the side setback requirements. All required setbacks shall be measured from the property line to the nearest point of the determined drip line of buildings.~~

New Language Proposed:

SECTION 404: AREA AND BULK REQUIREMENTS

1. Minimum lot size: 3,000 sq. feet.

2. Maximum lot coverage:

Buildings: 70%

Pavement 20%

3. Lot width: 30 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).

4. Height limit: 2 stories or 35 feet. Exception: Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

5. Front Setbacks:

Minimum: 10 feet

Maximum: 30 feet

Note: New principal structures may align with existing principal structures in the immediate area even if the front setback falls outside the build-to-zone. The immediate area shall be considered all houses on the same block face within 600 feet of the property.

For corner lots, the front shall be considered the street that faces the front door. The other street shall follow the side setback requirements. The rear, which is opposite of the front street, shall also follow the side setback requirements.

All required setbacks shall be measured from the property line to the nearest point of the determined drip line of buildings.

6. Rear setback: 15 feet

7. Setback from the ordinary high-water mark or wetland: 30 feet (principal structures only).

8. Side setbacks: 5 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings.

9. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

~~* Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).~~

~~** Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.~~

~~*** New principal structures may align with existing principal structures in the immediate area even if the front setback falls outside the build to zone. The immediate area shall be considered all houses on the same block face within 600 feet of the property.~~

~~For corner lots, the front shall be considered the street that faces the front door. The other street shall follow the side setback requirements. The rear, which is opposite of the front street, shall also follow the side setback requirements.~~

~~All required setbacks shall be measured from the property line to the nearest point of the determined drip line of buildings.~~

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. _____

An ordinance to amend Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article 404 of the zoning ordinance is amended as follows:

SECTION 404: AREA AND BULK REQUIREMENTS

1. Minimum lot size: 3,000 sq. feet.
2. Maximum lot coverage:

Buildings: 70%
Pavement 20%
3. Lot width: 30 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Height limit: 2 stories or 35 feet. Exception: Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

5. Front Setbacks:

Minimum: 10 feet
Maximum: 30 feet

Note: New principal structures may align with existing principal structures in the immediate area even if the front setback falls outside the build-to-zone. The immediate area shall be considered all houses on the same block face within 600 feet of the property.

For corner lots, the front shall be considered the street that faces the front door. The other street shall follow the side setback requirements. The rear, which is opposite of the front street, shall also follow the side setback requirements.

All required setbacks shall be measured from the property line to the nearest point of the determined drip line of buildings.

6. Rear setback: 15 feet
7. Setback from the ordinary high-water mark or wetland: 30 feet (principal structures only).
8. Side setbacks: 5 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings.

This ordinance adopted:

Ayes: _____

Nayes: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of November 2024, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2024.

Ann Meisch, MMC

Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on November 12, 2024, the City Commission of the City of Muskegon adopted an ordinance to amend Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2024.

CITY OF MUSKEGON

By _____

Ann Meisch, MMC

City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: November 12, 2024	Title: Amendment to Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.							
Submitted by:	Department: Planning							
Brief Summary: This is a staff-initiated request to amend Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.								
Detailed Summary & Background: Currently, single-family is the only housing option in R districts. This proposal recommends allowing duplexes, triplexes and accessory dwelling units (under certain conditions) in these districts. Duplexes would have to be on lots at least 40 feet wide. Triplexes would have to be on lots at least 50 feet wide and must have an alley in the back. Accessory Dwelling Units would have to be located behind an existing housing unit. The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented.								
Goal/Focus Area/Action Item Addressed: <u>Key Focus Areas:</u> <u>Goal/Action Item:</u>								
Amount Requested: N/A	Budgeted Item: <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>	Yes		No		N/A	X	
Yes		No		N/A	X			
Fund(s) or Account(s): N/A	Budget Amendment Needed: <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>	Yes		No		N/A	X	
Yes		No		N/A	X			
Recommended Motion: I move to approve the amendments to Section 400 of the zoning ordinance as proposed.								
Approvals: <table border="1"><tr><td>Immediate Division</td><td>X</td><td></td></tr></table>	Immediate Division	X		Guest(s) Invited / Presenting: No				
Immediate Division	X							

Head			
Information Technology			
Other Division Heads			
Communication			
Legal Review			

Planning Commission Packet Excerpt

Hearing, Case 2024-28: Staff-initiated request to amend Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.

SUMMARY

1. Currently, single-family is the only housing option in R districts. This proposal recommends allowing duplexes, triplexes and accessory dwelling units (under certain conditions) in these districts.

Proposed amendments (redline version)

SECTION 400: PRINCIPAL USES PERMITTED

In all Single-Family Residential Districts, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.
- ~~2. Multiple family dwellings under the following conditions:~~Duplexes on lots that are at least forty (40) feet wide.
3. Triplexes with the following conditions:
 - a. The lot must be at least fifty (50) feet wide.
 - b. The lot must be serviced by an alley in the rear.
 - c. Parking areas must be set back at least forty (40) feet from the front property line and may not be accessed from the front street.
4. Accessory dwelling units with the following conditions:
 - a. The accessory dwelling unit must be detached and accessory to a principle structure.
 - b. The accessory dwelling unit is allowed in conjunction with a one-family detached, duplex, or triplex.
 - c. The accessory dwelling unit must be located behind the front building line of the principal structure.
- ~~2.5.~~Existing multiple-family buildings may add additional dwelling units as long as they meet the living area standards listed in Section 2319.
 - ~~a. The home has already been altered with prior approval to allow for multiple dwellings. One family dwellings may not be altered to allow for multiple dwellings, nor may new homes be built for multiple dwellings.~~
 - ~~b. Homes that have already been altered for multiple dwellings may add additional dwellings as long they meet the living area standards listed in Section 2319.~~
- ~~3.6.~~Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following:

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article 400 of the zoning ordinance is amended as follows:

SECTION 400: PRINCIPAL USES PERMITTED

In all Single-Family Residential Districts, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.
2. Duplexes on lots that are at least forty (40) feet wide.
3. Triplexes with the following conditions:
 - a. The lot must be at least fifty (50) feet wide.
 - b. The lot must be serviced by an alley in the rear.
 - c. Parking areas must be set back at least forty (40) feet from the front property line and may not be accessed from the front street.
4. Accessory dwelling units with the following conditions:
 - a. The accessory dwelling unit must be detached and accessory to a principle structure.
 - b. The accessory dwelling unit is allowed in conjunction with a one-family detached, duplex, or triplex.
 - c. The accessory dwelling unit must be located behind the front building line of the principal structure.
5. Existing multiple-family buildings may add additional dwelling units as long as they meet the living area standards listed in Section 2319.

This ordinance adopted:

Ayes: _____

Nayes: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of November 2024, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2024.

Ann Meisch, MMC

Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on November 12, 2024, the City Commission of the City of Muskegon adopted an ordinance to amend Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2024.

CITY OF MUSKEGON

By _____

Ann Meisch, MMC

City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: November 12, 2024	Title: Amendment to Article II of the zoning ordinance to create a definition for accessory dwelling unit.							
Submitted by: Mike Franzak, Planning Director	Department: Planning							
Brief Summary: This is a staff-initiated request to amend Article II of the zoning ordinance to create a definition for accessory dwelling unit.								
Detailed Summary & Background: Proposed definition: Accessory Dwelling Unit (ADU): An accessory structure typically located at the rear of a lot that provides either a small residential unit or home office space. The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented.								
Goal/Focus Area/Action Item Addressed: <u>Key Focus Areas:</u> Diverse housing types <u>Goal/Action Item:</u> 2027 Goal 2: Economic Development Housing and Business								
Amount Requested: N/A	Budgeted Item: <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 12.5%;">Yes</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">No</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">N/A</td> <td style="width: 12.5%;">X</td> <td style="width: 12.5%;"></td> </tr> </table>	Yes		No		N/A	X	
Yes		No		N/A	X			
Fund(s) or Account(s): N/A	Budget Amendment Needed: <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 12.5%;">Yes</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">No</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">N/A</td> <td style="width: 12.5%;">X</td> <td style="width: 12.5%;"></td> </tr> </table>	Yes		No		N/A	X	
Yes		No		N/A	X			
Recommended Motion: I move to approve the request to amend Article II of the zoning ordinance as presented.								
Approvals: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Immediate Division Head</td> <td style="width: 10%; text-align: center;">X</td> <td style="width: 30%;"></td> </tr> <tr> <td>Information</td> <td></td> <td></td> </tr> </table>	Immediate Division Head	X		Information			Guest(s) Invited / Presenting: No	
Immediate Division Head	X							
Information								

Technology			
Other Division Heads			
Communication			
Legal Review			

Planning Commission Packet Excerpt

Hearing, Case 2024-29: Staff-initiated request to amend Article II of the zoning ordinance to create a definition for accessory dwelling unit.

SUMMARY

1. A definition for accessory dwelling unit must be created.

Proposed amendments (redline version)

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. Does not include any building or structure designed to be used for human habitation.

Accessory Dwelling Unit (ADU): An accessory structure typically located at the rear of a lot that provides either a small residential unit or home office space.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Article II of the zoning ordinance to create a definition for accessory dwelling unit.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article II of the zoning ordinance is amended as follows:

Accessory Dwelling Unit (ADU): An accessory structure typically located at the rear of a lot that provides either a small residential unit or home office space.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of November 2024, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2024.

Ann Meisch, MMC

Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on November 12, 2024, the City Commission of the City of Muskegon adopted an ordinance to amend Article II of the zoning ordinance to create a definition for accessory dwelling unit.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2024.

CITY OF MUSKEGON

By _____

Ann Meisch, MMC

City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: November 12, 2024	Title: Amendment to Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename the single-family residential district.							
Submitted by: Mike Franzak, Planning Director	Department: Planning							
Brief Summary: This is a staff-initiated request to amend Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename single-family residential districts.								
Detailed Summary & Background: If the request to allow duplexes, triplexes and accessory dwelling units is approved, the name of the zoning designation should be changed to reflect the types of houses allowed. Staff proposes changing the name from "Single-Family Residential" to "Neighborhood Residential." The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented.								
Goal/Focus Area/Action Item Addressed: Key Focus Areas: Diverse housing types Goal/Action Item: 2027 Goal 2: Economic Development Housing and Business								
Amount Requested: N/A	Budgeted Item: <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 12.5%;">Yes</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">No</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">N/A</td> <td style="width: 12.5%;">X</td> <td style="width: 12.5%;"></td> </tr> </table>	Yes		No		N/A	X	
Yes		No		N/A	X			
Fund(s) or Account(s): N/A	Budget Amendment Needed: <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 12.5%;">Yes</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">No</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">N/A</td> <td style="width: 12.5%;">X</td> <td style="width: 12.5%;"></td> </tr> </table>	Yes		No		N/A	X	
Yes		No		N/A	X			
Recommended Motion: I move to approve the request to amend Article IV of the zoning ordinance as presented.								
Approvals: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Immediate Division Head</td> <td style="width: 10%; text-align: center;">X</td> <td style="width: 30%;"></td> </tr> <tr> <td>Information</td> <td></td> <td></td> </tr> </table>	Immediate Division Head	X		Information			Guest(s) Invited / Presenting: No	
Immediate Division Head	X							
Information								

Technology			
Other Division Heads			
Communication			
Legal Review			

Planning Commission Packet Excerpt

Hearing, Case 2024-30: Staff-initiated request to amend Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename single-family residential districts.

SUMMARY

1. If the request to allow duplexes, triplexes and accessory dwelling units is approved, the name of the zoning designation should be changed to reflect the types of houses allowed. Staff proposes changing the name from “Single-Family Residential” to “Neighborhood Residential.”

Proposed amendments (redline version)

ARTICLE IV – ~~R SINGLE-FAMILY~~NEIGHBORHOOD RESIDENTIAL DISTRICTS

~~R-1, SINGLE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICTS,
R-2, SINGLE-FAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICTS,
R-3, SINGLE-FAMILY HIGH-DENSITY RESIDENTIAL DISTRICTS~~

PREAMBLE

The R Neighborhood Residential Districts are designed to provide a variety of housing choices on a range of lot sizes. The regulations are intended to stabilize, protect, and encourage the residential character of the districts and prohibit activities not compatible with a residential neighborhood. Development is limited to detached houses, duplexes, triplexes, accessory dwelling units, and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. All homes in these districts must meet the residential design criteria established in Section 2319.

~~These districts are designed to allow for low, medium and high density single family residential development in the proper blocks. The regulations are intended to stabilize, protect, and encourage the residential character of the districts and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of this Article to recognize that blocks throughout the City of Muskegon have been platted and developed in different sizes and road frontages and that development standards should reflect each specific block type. All single family residential districts all allow the same permitted uses, only the area & bulk requirements differ. All homes in these districts must meet the residential design criteria established in Section 2319.~~

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename single-family residential districts.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article II of the zoning ordinance is amended as follows:

ARTICLE IV – R NEIGHBORHOOD RESIDENTIAL DISTRICTS

PREAMBLE

The R Neighborhood Residential Districts are designed to provide a variety of housing choices on a range of lot sizes. The regulations are intended to stabilize, protect, and encourage the residential character of the districts and prohibit activities not compatible with a residential neighborhood. Development is limited to detached houses, duplexes, triplexes, accessory dwelling units, and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. All homes in these districts must meet the residential design criteria established in Section 2319.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of November 2024, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2024.

Ann Meisch, MMC

Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on November 12, 2024, the City Commission of the City of Muskegon adopted an ordinance to amend Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename single-family residential districts.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2024.

CITY OF MUSKEGON

By _____

Ann Meisch, MMC

City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: November 12, 2024	Title: Amendment to Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units.							
Submitted by: Mike Franzak, Planning Director	Department: Planning							
Brief Summary: This is a staff-initiated request to amend Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units. Staff is proposing to reduce the minimum number of parking spaces required per dwelling unit from two to one.								
Detailed Summary & Background: Only one parking space per dwelling unit was required for residential uses prior to an ordinance amendment in 2002. Large apartment complexes continue to overdevelop parking lots based on the zoning ordinance's requirements. Staff had considered proposing to eliminate parking minimums altogether, as is the case in form-based code districts, but based on public feedback a reduction to one parking space per dwelling unit is being proposed instead. The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented.								
Goal/Focus Area/Action Item Addressed: <u>Key Focus Areas:</u> Diverse housing types <u>Goal/Action Item:</u> 2027 Goal 2: Economic Development Housing and Business								
Amount Requested: N/A	Budgeted Item: <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>	Yes		No		N/A	X	
Yes		No		N/A	X			
Fund(s) or Account(s): N/A	Budget Amendment Needed: <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>	Yes		No		N/A	X	
Yes		No		N/A	X			
Recommended Motion: I move to approve the amendments to Section 2326 of the zoning ordinance as presented.								
Approvals:	Guest(s) Invited / Presenting:							

Immediate Division Head	X		No
Information Technology			
Other Division Heads			
Communication			
Legal Review			

Planning Commission Packet Excerpt

Hearing, Case 2024-31: Staff-initiated request to amend Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units.

SUMMARY

1. Only one parking space per dwelling unit was required for residential uses prior to an ordinance amendment in 2002. Large apartment complexes continue to overdevelop parking lots based on the zoning ordinance's requirements. Staff had considered proposing to eliminate parking minimums altogether, as is the case in form-based code districts, but based on public feedback a reduction to one parking space per dwelling unit is being proposed instead.

Proposed amendments (redline version)

TABLE IB: PARKING STANDARDS	
USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
RESIDENTIAL & RELATED USES	
Bed and breakfast operations	One (1) space for each sleeping room, plus two (2) spaces for permanent residents.
Boarding houses, fraternities, sororities	One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater.
Community residential care facilities < 6 persons	Four (4) spaces.
Convalescent homes, convents or similar uses	One (1) space for each four (4) beds, plus one (1) space for every three (3) employees.
Mobile home parks	Two (2) spaces for each mobile home site, plus one (1) space for each mobile home park employee.
Multiple family dwellings	Two <u>One (1)</u> spaces for each dwelling unit.
Single and two family dwellings	Two <u>One (1)</u> spaces for each dwelling unit.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article Section 2326 of the zoning ordinance is amended as follows:

TABLE IB: PARKING STANDARDS	
USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
RESIDENTIAL & RELATED USES	
Bed and breakfast operations	One (1) space for each sleeping room, plus two (2) spaces for permanent residents.
Boarding houses, fraternities, sororities	One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater.
Community residential care facilities < 6 persons	Four (4) spaces.
Convalescent homes, convents or similar uses	One (1) space for each four (4) beds, plus one (1) space for every three (3) employees.
Mobile home parks	Two (2) spaces for each mobile home site, plus one (1) space for each mobile home park employee.
Multiple family dwellings	One (1) space for each dwelling unit.
<u>Single and two family dwellings</u>	One (1) space for each dwelling unit.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of November 2024, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2024.

Ann Meisch, MMC

Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on November 12, 2024, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2024.

CITY OF MUSKEGON

By _____

Ann Meisch, MMC

City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: November 12, 2024		Title: Amendment to Article XX of the zoning ordinance to allow the conversion of single-family houses into duplexes and triplexes.								
Submitted by: Mike Franzak, Planning Director		Department: Planning								
Brief Summary: This is a staff-initiated request to make minor amendments to the design criteria in the form-based code to allow single-family houses to be converted into duplexes and triplexes, under certain conditions.										
Detailed Summary & Background: Within the form-based code districts, a few minor design requirements could prevent converting a single-family house into a duplex or triplex. Please see the enclosed Planning Commission Excerpt that depicts these changes in more detail. The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented.										
Goal/Focus Area/Action Item Addressed: Key Focus Areas: Diverse housing types Goal/Action Item: 2027 Goal 2: Economic Development Housing and Business										
Amount Requested: N/A		Budgeted Item: <table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>		Yes		No		N/A	X	
Yes		No		N/A	X					
Fund(s) or Account(s): N/A		Budget Amendment Needed: <table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>		Yes		No		N/A	X	
Yes		No		N/A	X					
Recommended Motion: I move to approve the amendments to Article XX of the zoning ordinance as presented.										
Approvals: <table border="1"> <tr> <td>Immediate Division Head</td> <td>X</td> <td></td> </tr> </table>		Immediate Division Head	X		Guest(s) Invited / Presenting: No					
Immediate Division Head	X									

Information Technology			
Other Division Heads			
Communication			
Legal Review			

Planning Commission Packet Excerpt

Hearing, Case 2024-32: Staff-initiated request to amend Article XX of the zoning ordinance to allow the conversion of single-family houses into duplexes and small multiplexes.

SUMMARY

1. Within the form-based code districts, a few minor design requirements could prevent converting a single-family house into a duplex or triplex.
2. These requirements for Duplex Buildings include (requirements written in black. Suggested amendments written in red):
 - a. Duplexes require “Entrances to upper floor unit(s) to be located at the front and/or side street and shall be directly accessed from and face the street (2006.16, 4.0, B.). **Add language stating that existing Detached House Buildings may add an additional unit without meeting this requirement.**
 - b. Stoop Frontage Option for a Detached House allows for entry doors to be uncovered with no canopy or supported roof (2006.17, B., 2.) while duplexes require that entry doors be covered with a roof supported with columns. **Add uncovered porches as an option for Duplex Buildings.**
 - c. Engaged Porch Frontage Option for a Duplex requires that a minimum of 50% of the building facade projects either beyond the line of the porch columns or flush with the porch columns (2006.16, H.), while a Detached House requires a minimum of 33% (2006.17, H.). **Reduce the 50% requirement for Duplex Buildings to 33%.**
3. These requirements for Small Multiplex Buildings include (requirements written in black. Suggested amendments written in red):
 - a. Small Multiplexes shall have an 18” to 32” pilaster or wall surface every 18 to 30 feet along building facades facing streets. Pilasters shall extend vertically from grade to cornice expression line (this is not a requirement for the Detached House Building Type). **Remove this requirement.**
 - b. 10’ minimum ground floor ceiling height (9’ for Detached House Building Type). **Reduce this requirement from 10’ to 9’ for Small Multiplexes.**
 - c. Different types of entry door treatments are required for Small Multiplexes and Detached Houses (2006.14, 9.01, A.2.). **Add uncovered porches as an option for Small Multiplexes.**
 - d. 18” minimum stoop height for a Small Multiplex is higher than the 12” minimum for a Detached House. **Reduce the minimum stoop height for Small Multiplex Buildings from 18” to 12”.**
 - e. A Small Multiplex Building requires that 10% to 50% of the façade between the adjacent grade and the finish floor line of the second story be windows, but Detached House Buildings require 40% to 60% be windows. **Increase the maximum percentage for Small Multiplex Buildings from 50% to 60%.**
 - f. Engaged Porch Frontage Option for a Small Multiplex requires that a minimum of 50% of the building facade projects either beyond the line of the porch columns or flush with the porch columns while a Detached House requires a minimum of 33%. **Reduce the 50% requirement for Small Multiplex Buildings to 33%.**
4. Please see the proposed amendments on the following pages. A redlined version is not compatible with the document type that is used for the form-based code. Instead, proposed amendments have been highlighted.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Article XX of the zoning ordinance to allow the conversion of single-family houses into duplexes and small multiplexes.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article XX of the zoning ordinance is amended as follows:

SECTION 2006

BUILDING TYPE STANDARDS

2006.14 SMALL MULTI-PLEX BUILDING TYPE

7.0 FACADE COMPOSITION REQUIREMENTS

ILLUSTRATION 6.72 FACADE COMPOSITION REQUIREMENTS



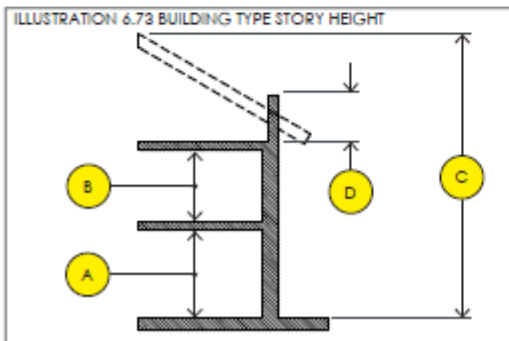
Refer to Illustration 6.72 for Building Type facade composition requirements.

- A. Building may have a flat roof with parapet or a pitched (sloped) roof.
- B. Buildings with flat roof shall have a cornice expression line at roofline.
- C. Transparency Upper Stories: Building facades facing streets shall have 10% to 50% of the façade be windows between the finish floor line of the second story and bottom of cornice expression line or eave.
- D. Transparency Street / Sidewalk Level: Refer to Building Frontage options for transparency requirements at the street and sidewalk level.
- E. Upper windows shall be square or vertically proportioned with clear glass. Refer to definitions in Division 11 for clear glass requirements.

F. Building shall have an 18" to 32" plaster or wall surface every 18 to 30 feet along building facades facing streets. Plasters shall extend vertically from grade to cornice expression line.

8.0 BUILDING TYPE STORY HEIGHT

ILLUSTRATION 6.73 BUILDING TYPE STORY HEIGHT



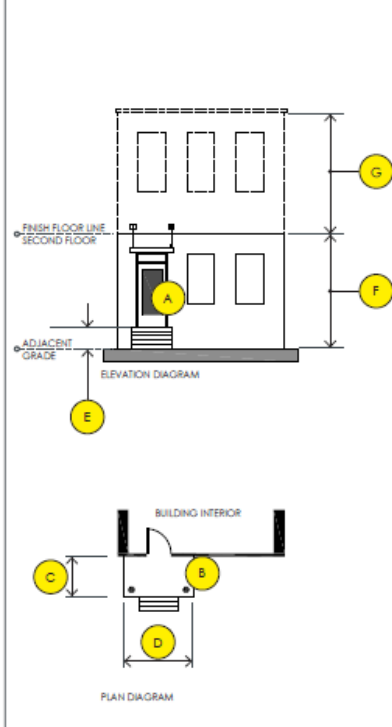
Refer to Illustration 6.73 for Building Type story height requirements.

- A. Ground floor ceiling shall be 8 feet minimum.
- B. Upper floor ceilings shall be 8 feet minimum.
- C. Overall height of Building Type is regulated by Context Area, refer to Section 2005.
- D. On Building Type with flat roof option, the height of parapet wall shall be between 12" minimum and 4 feet maximum, measured from roof line.

2006.14 SMALL MULTI-PLEX BUILDING TYPE

9.01 BUILDING TYPE FRONTAGE OPTION 1: STOOP

ILLUSTRATION 6.75 FRONTAGE COMPOSITION REQUIREMENTS



STOOP COMPOSITION REQUIREMENTS

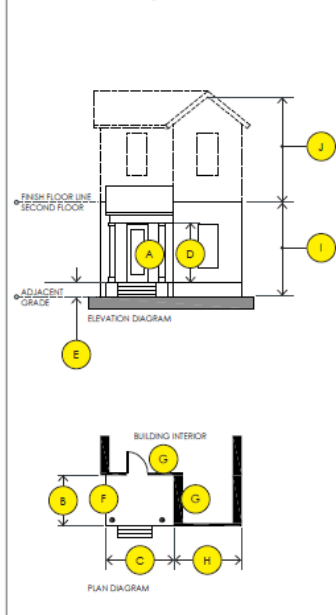
Refer to Illustration 6.75 for frontage composition graphic reference.

- Entry door(s) are required to be elevated above adjacent grade. Elevated entry doors shall have one of the following treatments:
 - Covered with a supported roof. Roof shall be supported with columns.
 - Covered with a canopy. Canopy shall be cantilevered or supported by brackets or cables.
 - Uncovered (with no canopy or supported roof).
- Depth of stoop landing shall be 4 feet minimum.
- Width of stoop landing shall be 5 feet minimum.
- Stoop shall be 12" minimum above adjacent grade.
- Transparency: Stoop frontage shall have 10% to 60% of the façade be windows between the adjacent grade and the finish floor line of the second story. Entry door transparency shall be included as part of the required transparency calculation.
- Transparency Upper Stories: Refer to Building Type for transparency requirements of upper stories.

2006.14 SMALL MULTI-PLEX BUILDING TYPE

9.03 BUILDING TYPE FRONTAGE OPTION 3: ENGAGED PORCH

ILLUSTRATION 6.79 FRONTAGE COMPOSITION REQUIREMENTS



ENGAGED PORCH COMPOSITION REQUIREMENTS

Refer to Illustration 6.79 for frontage composition graphic reference.

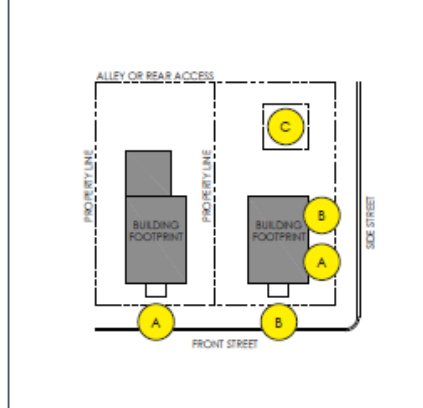
- Depth of porch shall be 6 feet minimum.
- Width of porch shall be 8 feet minimum.
- Height of porch ceiling, measured from porch floor shall be 6 feet minimum.
- Porch shall be 18" minimum above adjacent grade.
- Engaged porches shall be open on two sides (no walls on two sides).
- Engaged porches shall have building walls on two sides.
- A minimum of 33% of the building façade shall project either beyond the line of the porch columns or flush with the porch columns.
- Transparency: Porch frontage shall have 10% to 50% of the façade be windows between the adjacent grade and the finish floor line of the second story. Entry door transparency shall be included as part of the required transparency calculation.
- Transparency Upper Stories: Refer to Building Type for transparency requirements of upper stories.

4.0 GROUND FLOOR ACTIVATION AND PEDESTRIAN ACCESS

Refer to Illustration 6.91 for Building Type ground floor activation and pedestrian access graphic representation.

- A. Entrances to ground floor unit(s) are required to be located at the front and / or side street and shall be directly accessed from and face the street.
- B. Entrances to upper floor unit(s) are required to be located at the front and / or side street and shall be directly accessed from and face the street. Existing Detached House Buildings may add an additional unit without meeting this requirement.
- C. Carriage House entrances shall be as required by the Carriage House Building Type in Section 2006.18.

ILLUSTRATION 6.91 BUILDING SIZE AND MASS



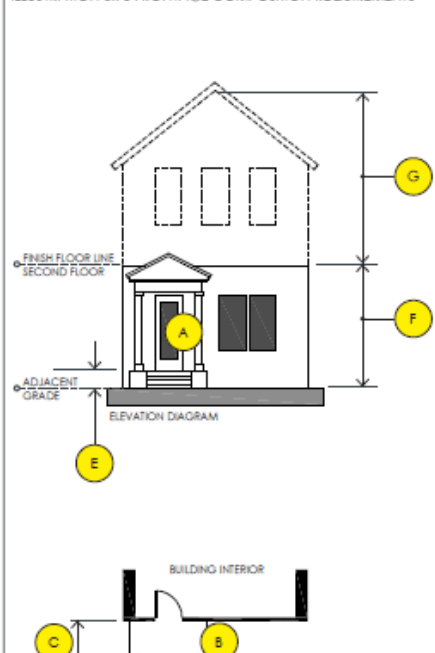
SECTION 2006

BUILDING TYPE STANDARDS

2006.16 DUPLEX BUILDING TYPE

9.01 BUILDING TYPE FRONTAGE OPTION 1: STOOP

ILLUSTRATION 6.95 FRONTAGE COMPOSITION REQUIREMENTS



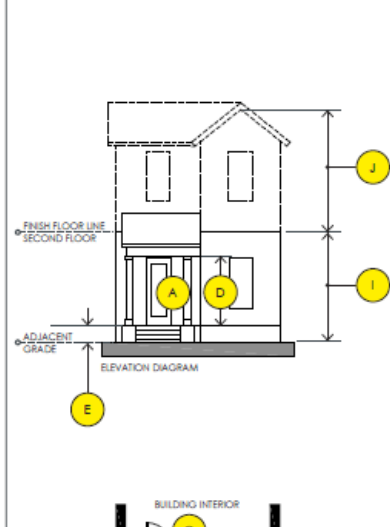
STOOP COMPOSITION REQUIREMENTS

Refer to Illustration 6.95 for frontage composition graphic reference.

- A. Entry door(s) are required to be elevated above adjacent grade. Elevated entry doors shall have one of the following treatments:
 1. Covered with a supported roof. Roof shall be supported with columns. (As depicted in the graphic).
 2. Uncovered (with no canopy or supported roof).
- B. Depth of stoop landing shall be 4 feet minimum.
- C. Width of stoop landing shall be 5 feet minimum.
- D. Stoop shall be 12" minimum above adjacent grade.
- E. Transparency: Stoop frontage shall have 40% to 60% of the façade be windows between the adjacent grade and the finish floor line of the second story. Entry door transparency shall be included as part of the required transparency calculation.
- F. Transparency Upper Stories: Refer to Building Type for transparency requirements of upper stories.

9.03 BUILDING TYPE FRONTAGE OPTION 3: ENGAGED PORCH

ILLUSTRATION 6.99 FRONTAGE COMPOSITION REQUIREMENTS

**ENGAGED PORCH COMPOSITION REQUIREMENTS**
Refer to Illustration 6.99 for frontage composition graphic reference.

- A. Depth of porch shall be 6 feet minimum.
- B. Width of porch shall be 8 feet minimum.
- C. Height of porch ceiling, measured from porch floor shall be 8 feet minimum.
- D. Porch shall be 18" minimum above adjacent grade.
- E. Engaged porches shall be open on two sides (no walls on two sides).
- F. Engaged porches shall have building walls on two sides.
- G. A minimum of 33% of the building facade shall project either beyond the line of the porch columns or flush with the porch columns.
- H. Transparency: Porch frontage shall have 10% to 50% of the facade be windows between the adjacent grade and the finish floor line of the second story. Entry door transparency shall be included as part of the required transparency calculation.
- I. Transparency Upper Stories: Refer to Building Type for transparency requirements of upper stories.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of November 2024, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2024.

Ann Meisch, MMC

Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on November 12, 2024, the City Commission of the City of Muskegon adopted an ordinance to amend Article XX of the zoning ordinance to allow the conversion of single-family houses into duplexes and small multiplexes.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2024.

CITY OF MUSKEGON

By _____

Ann Meisch, MMC

City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354