

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, July 13, 2023 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the regular meeting of June 15, 2023.
- III. Old Business
- IV. Public Hearings
 - A. Hearing, Case 2023-15: Staff initiated request to amend Section 2333 of the zoning ordinance to modify the requirements on fencing.
 - B. Hearing, Case 2023-16: Staff initiated request to amend Section 2319 of the zoning ordinance to modify the residential design criteria.
- V. New Business
- VI. Other
 - A. Update on previous cases
- VII. Adjourn

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OR SUBCOMMITTEES**

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

STAFF REPORT

July 13, 2023

Hearing, Case 2023-15: Staff initiated request to amend Section 2333 of the zoning ordinance to modify the requirements on fencing.

SUMMARY

1. Staff is proposing certain modifications to Section 2333 (Landscaping, Fencing, Walls, Screens and Lighting) of the zoning ordinance.
2. The amendments clarify which types of fencing are allowed. Vinyl is typically an acceptable type of stockade fence. Picket, split-rail, and wrought iron are also acceptable types of open fencing that is typically allowed. Specifically identifying these types of allowed fences will assist staff with enforcement on home-made fencing.
3. Staff has proposed to prohibit metal slats and screening tarps that can be incorporated into chain link or other types of fencing. These measures rarely assist in screening and usually become a blight.

Proposed Ordinance (Click red markings for redline version)

12. Fencing, all Districts: The placement of a fence requires a development permit or site plan approval. Fencing shall be properly maintained. Fencing materials used ~~as screening~~ shall consist of the following:
 - a. Wood or vinyl stockade ~~Solid-board~~ fences of standard commercial construction. The finished side of the ~~wood fence~~ shall face abutting properties.
 - b. Open fences such as chain link, picket, split-rail, and wrought iron ~~Open mesh~~ fencing. with woven slats, provided that is of standard commercial construction. Woven slats, mesh, and other screening materials are prohibited with these fencing types.
 - c. Masonry walls designed and constructed to facilitate maintenance and not modifying natural drainage in such a way as to endanger adjacent property that is of standard commercial construction.
13. Placement: A wall, fence or yard enclosure may be erected on the lot line.
14. Height limitations: [amended 10/02]
 - a. Side and rear yards: In residential districts a wall, fence or yard enclosure may be up to six (6) feet in height behind any building line of a structure which abuts a street (see Figure 2.9).
 - b. Front yards: In any residential front yard (in front of any building line of a structure which abuts a street), the height of a fence shall not exceed three (3) feet, unless an open fence (at least 50% transparent) is provided (~~e.g., chain link, picket~~) in which case it may be a maximum height of four (4) feet when such fence does not reduce visibility or interfere with clear vision at intersections, alleys and drives. Corner lot exemption: Corner lots may have a six-foot tall fence on the secondary front yard (along the street that does not contain the main entrance to the home) as long as clear vision is maintained.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend Section 2333 of the zoning ordinance to modify the requirements on fencing be recommended to the City Commission for approval as proposed.

Hearing, Case 2023-16: Staff initiated request to amend Section 2319 of the zoning ordinance to modify the residential design criteria.

SUMMARY

1. Staff is proposing certain modifications to Section 2319 (Residential Design Criteria) of the zoning ordinance. Some changes are minor and are just for clarification.
2. Many of the requirements that are proposed for removal are for redundancy because they are already covered by the building codes. Building codes can also be amended so this will ensure we are following the most recent codes.
3. Some changes were made to clarify between a building unit and the actual building.
4. Staff has proposed the elimination of the 15% storage space requirement. Recent amendments to this section included the requirement for either a garage or shed for every property, so storage should not be an issue. There are also existing codes that prohibit outdoor storage. Storage needs vary by family and requiring more storage than needed can add additional costs to housing.
5. The ordinance currently requires that lots that are at least 35 feet wide have a house that is at least 24 feet wide and lots that are under 35 feet wide must have a house that is at least 20 feet wide. Many city lots are 33 feet wide and staff has seen many challenges when working with developers on developing houses that can fit on these lots. With setback requirements, fire protection requirements and driveway placement, it can be very difficult to properly fit everything on the lot. Staff is proposing to eliminate the minimum width for houses on all lots under 40 feet wide. It should also be noted that many of the 33-foot wide lots are very deep. Elimination of this requirement would allow more flexibility with how houses can be positioned on these narrow lots.

Proposed Ordinance (Click red markings for redline version)

SECTION 2319: [RESIDENTIAL DESIGN CRITERIA] [amended 7/98, amended 4/00, amended 8/01, amended 4/02, amended 3/05, amended 8/06, amended 3/07]

It is the intent and purpose of this section to establish design review standards and controls over housing development in the City of Muskegon. It is recognized that there are unique design aspects inherent in the community appearance that need to be preserved and enhanced. The adoption of these criteria will guide and ensure that all future growth ~~enhances community character and image~~ and fits with the unique vernacular of the City of Muskegon's urban setting. A positive community image: enhances economic development opportunity; safeguards property values; curbs blight and deterioration; and enhances public safety and welfare. ~~The following standards shall apply to all single family or duplex structures erected in the City of Muskegon.~~

All single-family houses, duplexes, rowhouses and small multiplexes (3-6 units), other than a mobile home located in a licensed mobile home park approved under the provisions of Article V, MHP Mobile Home Park Districts, shall conform to the following regulations in addition to all other regulations of this Ordinance:

1. Each dwelling unit shall have a minimum living area ~~(excluding all basement area)~~ of five hundred and fifty (550) square feet for a one (1) bedroom dwelling. For each bedroom, an additional 100 square feet shall be provided. This shall be measured from the outside wall of the unit as described on the site plan.
2. If a principal structure is less than 850 sqft and is to be located on a lot that is large enough to split under

the zoning regulations, it must be placed in such a fashion as to allow enough room to split the lot and create an additional buildable lot. The lot does not actually have to be split at the time of construction and may be done at a later date at the property owners' discretion.

3. All buildings located in single family residential districts must comply with Section 400.2 of the zoning ordinance. Multiple family dwellings are only allowed in single-family residential districts if 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.

~~Where the home design involves a roof pitch, it shall be a minimum pitch of 5/12, that is, for every twelve inches (12") of lateral run, the roof shall rise five inches (5"). In the case of additions or alterations to principal structures when a 5/12 pitch is not practical, the roof pitch may be allowed to correspond with that of the principal structure.~~

~~The roof shall have a snow load rating of forty (40) pounds per square foot.~~

4. Roof drainage in the form of a roof overhang of at least twelve inches (12") shall be provided to direct storm or meltwater away from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.

~~Siding shall be the same gauge for modulars and mobiles as for on-site built homes.~~

5. The ~~dwelling unit building~~ shall have a minimum width across ~~any the~~ front, ~~side, and rear~~ elevation view which is the lesser of:

- a. Twenty-four (24) feet on lots that are at least ~~thirty-five (35) forty~~ feet wide, ~~and Twenty (20) feet on lots under thirty-five (35) feet wide;~~ or
- b. The average width of the homes on the same ~~street, one block in any direction. street within six hundred (600) feet in either direction.~~

6. A structure with a front elevation view of over 40 linear feet shall have a design offset including but not limited to; bay windows, covered porches, or structural offsets from the principal plane of the building.

7. ~~In the case of an attached garage, G~~garage doors may not comprise more than fifty percent (50%) of the ~~width of the front elevation face of the structure. view.~~

~~8. Newly constructed homes must be at the average setback of existing homes within 600 feet.~~

~~9.—~~

~~10. The dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code, manufacturers specifications, and other applicable requirements.~~

~~11. Any crawlspace that may exist between the foundation and ground floor of the dwelling unit shall be fully enclosed by an extension of the foundation wall along the perimeter of the building.~~

~~12. If the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.~~

~~13.8.~~ In the event that a dwelling unit is a mobile home as defined herein, it shall be installed with the wheels removed. No dwelling unit shall have any exposed towing mechanism, undercarriage or chassis.

~~The dwelling unit shall have only one bedroom and shall comply with the Building Code and all applicable codes and standards. The dwelling unit shall have storage space of at least fifteen percent (15%) of the interior living space of the dwelling unit, exclusive of attic storage, shall be provided.~~

~~14.9.~~ The subject dwelling unit building shall be aesthetically compatible in design and appearance with other buildings on the same street, one block in any direction, dwellings within 600 feet. The review shall include but not necessarily be limited to: roof pitch, scale, size, mass, minimum transparency, orientation to the street, and overhangs. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as (but not limited to) solar energy, view, or unique land contour.

~~15.10.~~ The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling unit building. The Zoning Administrator's decision may be appealed, to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice to the official's decision.

~~The dwelling unit shall comply with the International Building Code and all applicable codes and standards. The dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Building Code.~~

~~16.11.~~ Each dwelling unit building shall have approved established vegetative ground cover within 600 feet, not less than 12 months after occupancy. Approval shall be given by zoning staff of the Planning Department as part of the initial residential site plan review. A minimum of one shade tree, two and one-half inches (2.5") in diameter, four feet (4') from the ground or one six-foot (6') evergreen tree shall be provided. Existing landscaping may be accepted in lieu of this requirement.

~~17.12.~~ Each dwelling unit building shall have a garage or a shed providing a minimum of sixty-four square feet (64 sq. ft.) of yard storage ~~for each dwelling unit.~~

All dwelling units within large multiplexes (6 units and above), mixed-use buildings and accessory dwelling units shall conform to the following regulations in addition to all other regulations of this Ordinance:

1. Each dwelling unit shall have a minimum size (excluding all basement area) of 375 sqft. For each bedroom, an additional 100 square feet shall be provided. This shall be measured from the outside wall of the unit as described on the site plan.
2. All buildings located in single family residential districts must comply with Section 400.2 of the zoning ordinance. Multiple family dwellings are only allowed in single-family residential districts if 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, not may new homes be built for multiple dwellings.
3. Roof drainage in the form of a roof overhang of at least twelve inches (12") shall be provided to

direct storm or meltwater way from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.

~~The roof shall have a snow loading of forty (40) pounds per square foot. Siding shall be the same gauge for modular and mobile as for on-site built homes.~~

4. In the case of an attached garage, Ggarage doors may not comprise more than fifty percent (50%) of the front elevation view, face of the structure.

5. ~~The structure shall be fully attached to permanent foundation constructed in accordance with building code, minimum specifications and applicable requirements buildings on the same street, one block in any direction, other dwellings within 600 feet.~~ The review shall include but not necessarily be limited to: roof pitch, scale, size, mass, minimum transparency, orientation to the street, and overhangs. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as (but not limited to) solar energy, view, or unique land contour.

6. _____

7. ~~Any crawlspace that may exist between the foundation and ground floor of the structure shall be fully enclosed by an extension of the foundation wall along the perimeter of the building.~~

8. _____

9. ~~The structure shall be connected to a public sewer and water supply when available, as defined by the Plumbing Code or if not available, to private facilities as approved by the county health department, the city, and other applicable agencies.~~

10. ~~Storage space of at least ten percent (10%) of the interior living space of each dwelling unit, exclusive of auto storage or attic storage, shall be provided within the structure.~~

- 11.5. ~~The subject structure building shall be aesthetically compatible in design and appearance with other buildings on the same street, one block in any direction, other dwellings within 600 feet.~~ The review shall include but not necessarily be limited to: roof pitch, scale, size, mass, minimum transparency, orientation to the street, and overhangs. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as (but not limited to) solar energy, view, or unique land contour.

~~The structure shall contain no additions of rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.~~

- 12.6. Each ~~dwelling unit building~~ shall have an established vegetative ground cover no less than 12 months after occupancy. A minimum of one shade tree, two and one-half inches (2.5") in diameter, four feet (4') from the ground or one six foot (6') evergreen tree shall be provided. Existing landscaping may be accepted in lieu of this requirement.

- 13.7. Each ~~dwelling unit building~~ shall have a garage or a shed providing a minimum of sixty-four square feet (64 sq. ft.) of ~~yard storage, for each dwelling unit. Said area shall be calculated separately from the required interior storage space.~~

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend Section 2333 of the zoning ordinance to modify the requirements on fencing be recommended to the City Commission for approval as proposed.