

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, June 13, 2024 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the meetings of May 16, 2024.
- III. Public Hearings
 - A. Hearing, Case 2024-11: Request to rezone 1903 Marquette Avenue from RM-1, Low-Density Multiple Family Residential, to FBC-NC, Form-Based Code, Neighborhood Core, by the County of Muskegon.
 - B. Hearing Case 2024-12: Request for a special use permit to allow a class B recreational marihuana grow facility at 181 S. Getty Street, by ZAA LLC.
- IV. New Business
- V. Old Business
 - A. Approval of bylaws
- VI. Other
- 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

June 13, 2024

Hearing, Case 2024-11: Request to rezone 1903 Marquette Avenue from RM-1, Low-Density Multiple Family Residential, to FBC-NC, Form-Based Code, Neighborhood Core, by the County of Muskegon.

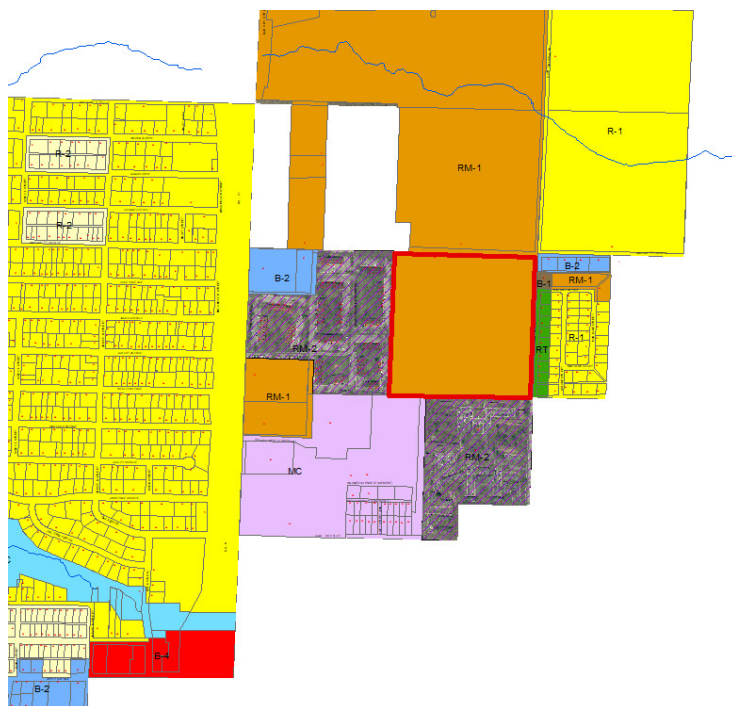
SUMMARY

1. The County of Muskegon purchased Baker College in 2022 and now operates several municipal departments on site, with more relocating there over the next three years. Baker College, Central Dispatch, and West Michigan Medical Consortium currently lease space on site. Other vacant building space is being offered for lease. The County is also considering the sale of additional land on site that it does not need for its operations.
2. The current zoning of RM-1, Low Density Multiple-Family Residential is very restrictive for the types of classroom/office uses that have historically operated on this parcel. A rezoning to Form Based Code, Neighborhood Core would allow these types of uses by right and would also ensure that any building additions would be developed in a walkable, pedestrian friendly pattern. This zoning designation would also allow for varying types of residential development.
3. Please see the zoning ordinance excerpts for RM-1 and FBC, NC districts.
4. Notice was sent to all properties within 300 feet of the focus area. At the time of this writing, staff had not received any comments.

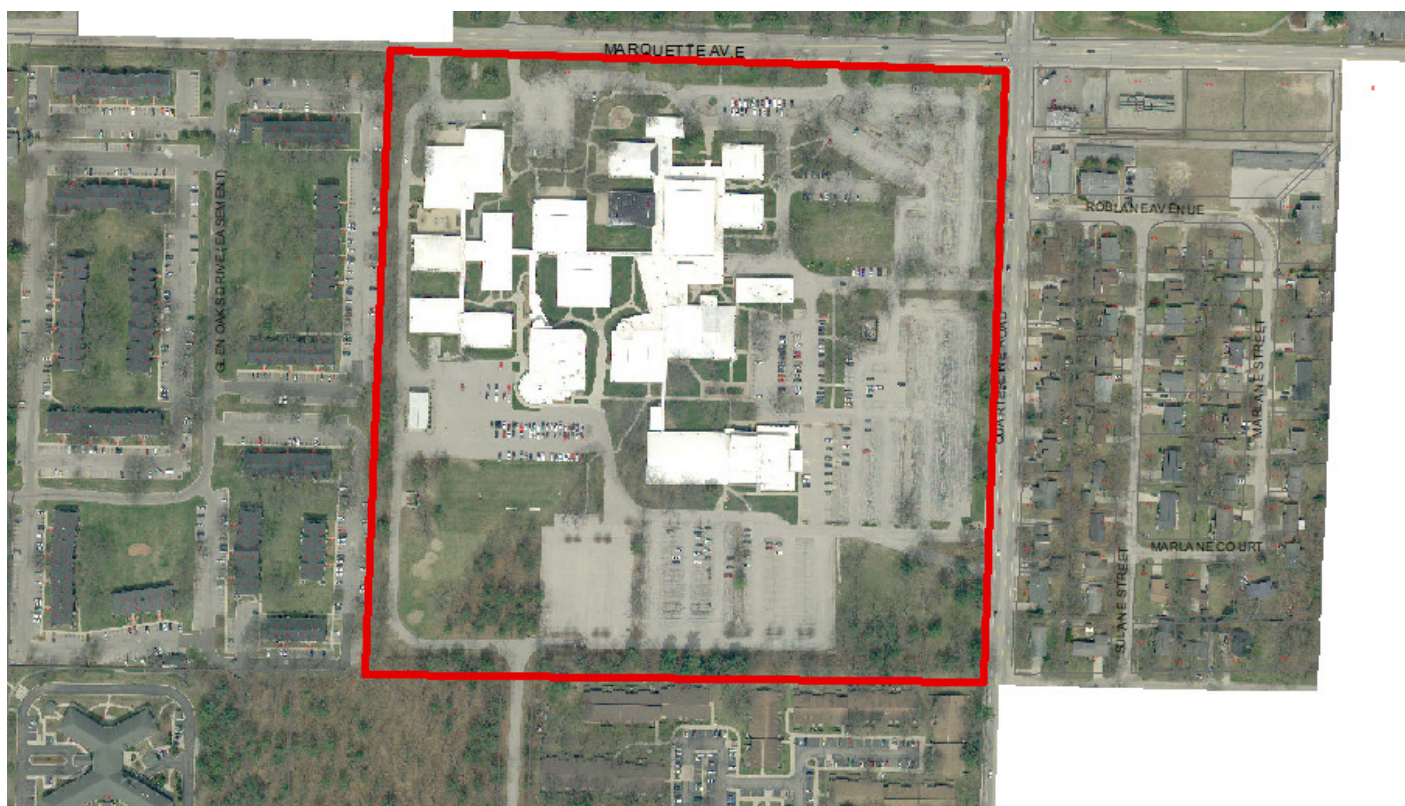
1903 Marquette Ave from the Marquette/Quarterline intersection.



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the rezoning. The master plan identifies the Marquette/Quarterline intersection as a potential neighborhood center. New mixed-use options in this area could assist in the redevelopment of this commercial corridor.

Master Plan Excerpt

Project 4: Create a community node at the intersection of Marquette Avenue and Quarterline Road.

Dense residential development, the college, and office uses bring many people to this area, but there is no place for residents to gather. Civic buildings are limited as the college's facilities are often restricted to students. This intersection is close to surrounding apartment complexes and offers opportunities for community improvements through private investment. New development should promote high residential densities, mixed-uses, small setbacks, and pedestrian amenities.

Action Steps

- Consider zoning classifications that expand the number of permitted uses and building types, reducing building setbacks to create active street frontages.
- Work with the major property holders surrounding the intersection to evaluate uses permitted on underutilized land.
- Better connect with surrounding residences through active transportation infrastructure improvements.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone 1903 Marquette Avenue from RM-1, Low-Density Multiple Family Residential, to FBC-NC, Form-Based Code, Neighborhood Core be recommended to the City Commission for approval.

Hearing Case 2024-12: Request for a special use permit to allow a class B recreational marihuana grow facility at 181 S. Getty Street, by ZAA LLC.

SUMMARY

1. The following marihuana license types are allowed in B-2, B-4, MC, I-1, and I-2 districts with the issuance of a special use permit: Microbusinesses, designated consumption establishments, class B recreational grows, marihuana processing facilities without extraction methods classified as hazardous under the Michigan Building Code, and temporary marihuana events.
2. The property is zoned I-2, General Industrial. The lot measures 36,669 sf and the building measures 15,148 sf.
3. The applicant has requested a special use permit to operate a Class B Marihuana Growing facility, which allows for the production of up to 500 plants.
4. This property was previously used as a marihuana caregiver facility several years ago.
5. Notice was sent to all properties within 300 feet of the focus area. At the time of this writing, staff had not received any comments.



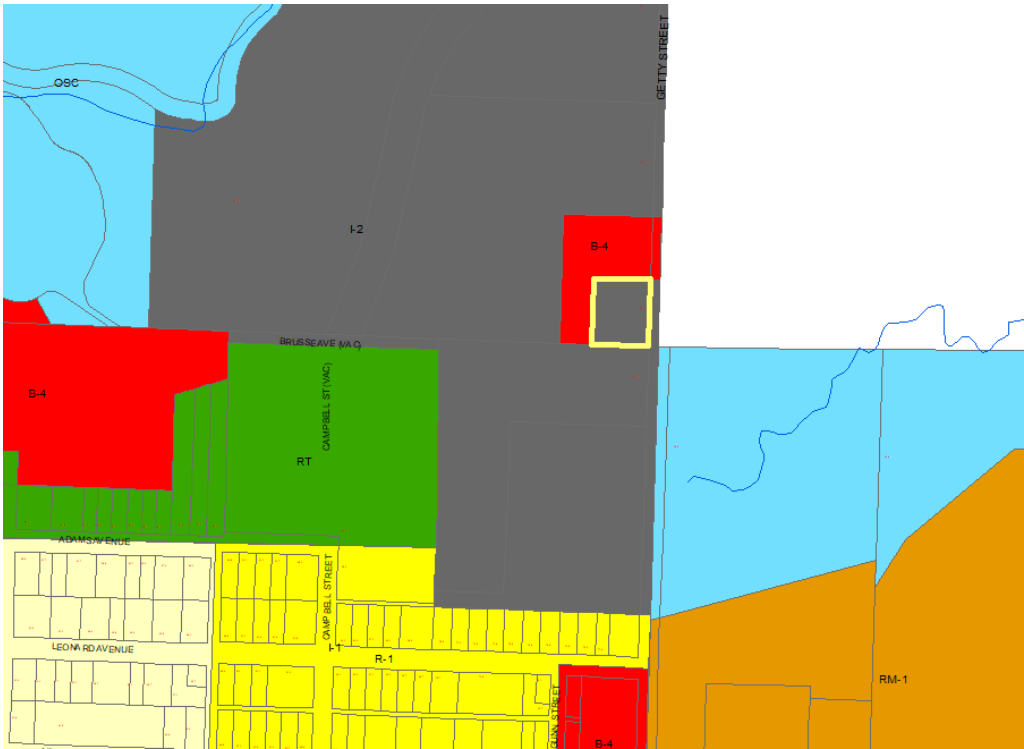
Zoning Ordinance Excerpt:

Section 2332: Special Land Uses and Planned Unit Developments

5. Standards for Approval of Discretionary Uses

Prior to authorization of any Special Land Use, the Planning Commission shall give due regard to the nature of all adjacent uses and structures. It shall determine the consistency with the adjacent use and development. In addition, the Planning Commission shall find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light. Further, the Planning Commission shall find that adequate water and sewer infrastructure exists or will be constructed to service the Special Land Use or activity.

Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the special use permit with the condition that the special use permit be revoked if there are repeated odor control violations.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a special use permit to allow a class B recreational marihuana grow facility at 181 S. Getty Street be approved with the following condition:

1. The special use permit be revoked if there are repeated odor control violations.

ARTICLE VII – RM-1 LOW-DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

The RM-1 Low-Density Multiple-Family Residential Districts are designed to provide sites for multiple family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and the lower density One-Family and Two-Family Residential Districts, and MHP Mobile Home Park Districts.

SECTION 700: PRINCIPAL USES PERMITTED

In an RM-1 Low-Density Multiple-Family Residential District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. All Principal Uses Permitted in the R One-Family and RT Two-Family Residential Districts with the lot area, yard, and floor area requirements for one (1) and two (2) family dwellings equal to at least the requirements of the immediately abutting residential district.
2. Multiple dwellings and row houses for any number of families.
3. Accredited fraternity and sorority houses when located not less than twenty (20) feet from any other lot in any residential district.
4. Bed & Breakfast facilities, under the following conditions:
 - a. The owner or operator of the tourist home shall live full-time on the premises.
 - b. No structural additions or enlargements shall be made to accommodate the tourist home use and no exterior alterations to the structure shall be made which will change the residential appearance of the structure.
 - c. Breakfast may be served on the premises, only for guests of the facility, and no other meals shall be provided to guests.
 - d. No long-term rental of rooms for more than fourteen (14) consecutive days shall be permitted. No guest may stay for more than twenty-eight (28) nights in any given year.
 - e. There shall be a maximum of five (5) guestrooms. No more than two (2) adults are permitted to stay in any guestroom.
 - f. Signage shall conform to that which is permitted for home occupation businesses only. Rental of the tourist home for special gatherings such as wedding receptions and parties shall be prohibited.
 - g. The property shall meet all local and state code requirements regarding bed and breakfast facilities.
5. Rooming houses with a capacity of not more than three (3) roomers.

6. Churches and other facilities normally incidental hereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.
7. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following:
 - a. Art and craft studios, lessons may be given to one client at a time
 - b. Hair and nail salons, limited to one client at a time
 - c. Dressmaking and tailoring
 - d. Tutoring, limited to one student at a time
 - e. Typing or clerical services
 - f. Teaching of music or dancing or similar instruction, limited to one client at a time
 - g. Offices located within the dwelling for a writer, consultant, member of the clergy, lawyer, physician, architect, engineer or accountant, limited to one client/family at a time.
 - h. All home occupations are subject to the following:
 - i. The businessperson operating the home occupation shall reside in the dwelling and only members of the immediate family residing on the premises may be employed.
 - ii. The business shall have a local business license and any other appropriate licensing or registrations required by local, state or federal law.
 - iii. No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.
 - iv. Explosives, flammable liquids or combustible liquids shall only be used in compliance with the applicable fire and building codes.
 - v. Activities involving kilns or welding equipment shall comply with the applicable fire and building codes.

- vi. The outside appearance of the premises shall have no visible evidence of the conduct of a home occupation.
- vii. Home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
- viii. All activity must be conducted within a preexisting structure. The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.
- ix. There shall be no exterior display or signage other than that signage allowed for home occupations under the sign requirements of this ordinance.
- x. No goods shall be kept, or sold which are made or assembled off-site, except as incidental to services rendered.
- xi. The primary function of the premises shall be that of the residence of the family, and the occupation shall not exceed twenty-five (25) percent of the principal building.
- xii. There shall be no outside storage or processing.
- xiii. The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises. There shall be no commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van on the premises.
- xiv. Activities specifically prohibited (but not limited to) include:
 - (1) A service or repair of motor vehicles, appliances and other large equipment
 - (2) A service or manufacturing process which would normally require industrial zoning
 - (3) A commercial food service requiring a license
 - (4) A limousine service
 - (5) A lodging service including but not limited to, a tourist home, motel or hotel
 - (6) A tattoo parlor
 - (7) An animal hospital or kennel
 - (8) A lawn service
- xv. No activity legally excluded by any deed restriction or other tenant or owner restrictions shall be permitted.

8. Foster Care Small Group Homes.

9. Assisted Living Facility, under the following conditions:
 - a. There shall be no more than six (6) residents per building.
 - b. The facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
10. Accessory buildings and accessory use customarily incidental to the above Principal Permitted Uses.
11. Uses similar to the above Principal Permitted Uses.

SECTION 701: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Offices and clinics of physicians, dentists, architects, engineers, attorneys, accountants, real estate appraisers, or other professional persons; real estate, insurance, credit service (other than loan) offices and similar businesses supplying services instead of products when determined by the Planning Commission upon application to it, to be consistent with the nature and condition of neighboring uses and structures.
2. Buildings to be used exclusively to house the offices of civic, religious or charitable organizations, the activities of which are conducted by mail, and which are not displaying or handling merchandise or rendering service on the premises.
3. Schools and colleges not involving the use of mechanical equipment except such as is customarily found in dwellings or professional offices provided that any such building shall be located not less than thirty (30) feet from any other lot in any residential district.
4. Adult Foster Care Large Group Homes, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
5. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following:
 - a. Retail and/or service establishments meeting the intent of the neighborhood Limited Business Zone (B-1) dealing directly with consumers including:
 - i. Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
 - ii. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an

establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.

- iii. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
- iv. Restaurants, or other places serving food, except drive-in or drive-through restaurants.
- b. Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.
- c. Conditions:
 - i. Outdoor storage is prohibited.
 - ii. The area devoted to approved uses shall not exceed 2,500 square feet.
 - iii. All goods produced on the premises shall be sold at retail on the premises where produced.
 - iv. All business, servicing, or processing shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission.
 - v. Parking shall be accommodated on site or with limited street parking.
 - vi. Hours of operation may be limited by the Planning Commission.
 - vii. Signs must comply with those set forth for the residential zoning district.
 - viii. The Planning Commission may allow a use to sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol to an SDM, hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol can be or sold.

6. Accessory buildings and accessory use customarily incidental to the above Special Land Uses Permitted.

7. Uses similar to the above Special Land Uses Permitted.

SECTION 702: PLANNED UNIT DEVELOPMENT

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Development in the RM-1 Low-Density Multiple-Family Residential District is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

SECTION 703: AREA AND BULK REQUIREMENTS

1. Minimum lot size: 10,890 sq. feet.
2. Density (see definition in Article II): 16 dwelling units per buildable acre.
3. Dedicated open space requirement: 15 %
4. Maximum lot coverage:

Buildings: 60%
Pavement: 20%
5. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
6. Maximum building width: 50% (as a portion of the lot width).
7. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
8. Height limit: 3 stories or 50 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).

9. Front Setbacks:

Minimum:

Expressway or Arterial Street: 30 feet
Collector or Major Street: 25 feet
Minor Street: 20 feet

10. Rear setback: 30 feet
11. Setback from the ordinary high-water mark or wetland: 50 feet (principal structures only).
12. Side setbacks:

1-story: 8 feet and 12 feet
2-story: 10 feet and 14 feet
3-story: 12 feet and 16 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.

13. 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.
14. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage.

2005.08 NEIGHBORHOOD CORE (NC) CONTEXT AREA

1.0 CONTEXT AREA INTENT AND DESCRIPTION

INTENT

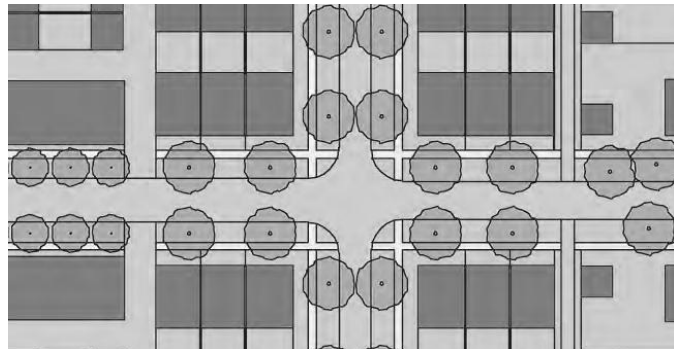
To provide a variety of urban housing, retail, and commercial choices, in medium footprint, medium-density Building Types, which reinforce the neighborhood's walkable nature and support neighborhood retail and service at key intersections.

DESCRIPTION

This Context Area is characterized by a wide variety of building types that can accommodate retail, service, office, and residential uses. Buildings are typically close to the street and form nodes of activity at key intersections. This Context Area forms a transitional area between the more intense Context Areas of the Form Based Code area and the existing residential neighborhoods that are adjacent to downtown Muskegon.

The following are generally appropriate form elements in this Context Area:

- A. Attached and detached buildings
- B. Medium building footprints
- C. Varied front setbacks
- D. Medium to small side setbacks
- E. Varied frontages



2.0 CONTEXT AREA LOCATION



2005.08 NEIGHBORHOOD CORE (NC) CONTEXT AREA

3.0 PERMITTED BUILDING TYPES, BUILDING TYPE HEIGHTS, AND BUILDING TYPE LOT SIZES

BUILDING TYPE WITH FRONTAGE OPTION		NEIGHBORHOOD CORE (NC) CONTEXT AREA		
		PERMITTED IN CONTEXT AREA	BUILDING HEIGHT	BUILDING LOT SIZE
MIXED-USE BUILDING TYPE	with STOREFRONT	By Right	5 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with BALCONY	By Right	5 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with TERRACE	Conditional *	5 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with FORECOURT	By Right	5 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with DRIVE-THROUGH	By Right	5 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
RETAIL BUILDING TYPE	with STOREFRONT	By Right	1 story building limit	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with TERRACE	Conditional*	1 story building limit	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with DRIVE-THROUGH	By Right	1 story building limit	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
FLEX BUILDING TYPE	with STOREFRONT	By Right	5 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with TERRACE	Conditional*	5 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with FORECOURT	By Right	5 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with DOORYARD	By Right	5 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
COTTAGE RETAIL BUILDING TYPE	with STOREFRONT	By Right	2 story max. / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
	with DOORYARD	By Right	2 story max. / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
	with STOOP	By Right	2 story max. / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
LIVE / WORK BUILDING TYPE	with STOREFRONT	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with DOORYARD	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with LIGHTWELL	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with STOOP	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
LARGE MULTI-PLEX BUILDING TYPE	with FORECOURT	By Right	5 story max. / 2 story min.	Lot Width: 75' min. / 150' max. Lot Depth: 100' min.
	with DOORYARD	By Right	5 story max. / 2 story min.	Lot Width: 75' min. / 150' max. Lot Depth: 100' min.
	with STOOP	By Right	5 story max. / 2 story min.	Lot Width: 75' min. / 150' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	5 story max. / 2 story min.	Lot Width: 75' min. / 150' max. Lot Depth: 100' min.
SMALL MULTI-PLEX BUILDING TYPE	with STOOP	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
ROWHOUSE BUILDING TYPE	with LIGHTWELL	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
	with STOOP	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
DUPLEX BUILDING TYPE	with STOOP			
	with PROJECTING PORCH			
	with ENGAGED PORCH			
DETACHED HOUSE BUILDING TYPE	with STOOP			
	with PROJECTING PORCH			
	with ENGAGED PORCH			
CARRIAGE HOUSE BUILDING TYPE				
CIVIC BUILDING TYPE		By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.

Shaded areas represent Building Types and / or frontages that are not permitted in specified Context Area.

* Refer to the Building Type with specific frontage option in Section 2006 for buildings and frontages labeled as Conditional.

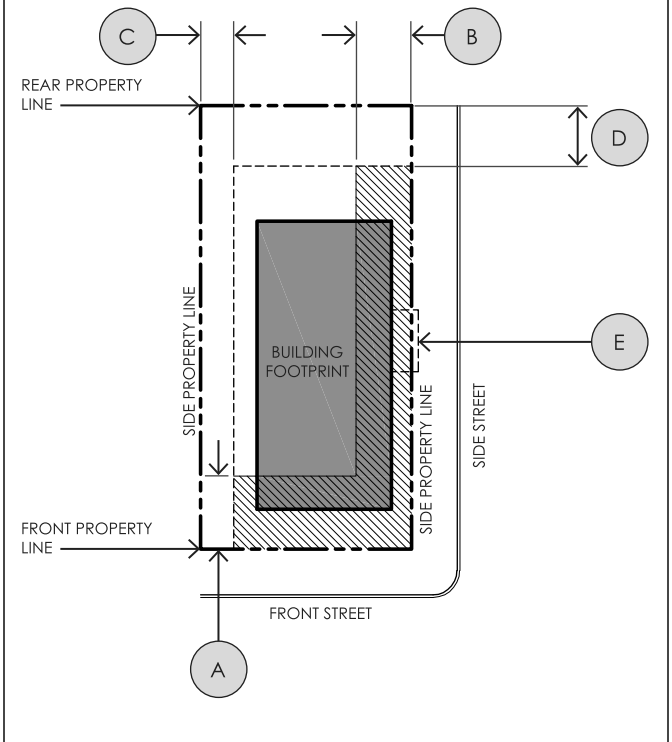
2005.08 NEIGHBORHOOD CORE (NC) CONTEXT AREA

4.0 BUILDING SITE PLACEMENT

Refer to Illustration 5.08 for building site placement.

- A. Front Build-to-Zone (at front street):
 - Required build-to-zone from 0 to 20 feet from front property line.
- Mixed-Use and Retail Building Types in this Context Area shall have facade placed at front property line (required build-to-line at front property line).
- B. Side Build-to-Zone (at side street):
 - Required build-to-zone from 0 to 20 feet from side property line.
- Mixed-Use and Retail Building Types in this Context Area shall have facade placed at side property line (required build-to-line at side property line).
- C. Side Setback (at non-street locations):
 - 3 feet from side property line.
- D. Rear Setback:
 - 10 feet from rear property line.
- E. Encroachments: Balconies, awnings, canopies, eaves, cornices, and bay windows, may project into required setbacks, beyond required build-to-zones, or into the public right-of-way as indicated in Section 2003.02.

ILLUSTRATION 5.08 BUILDING SITE PLACEMENT

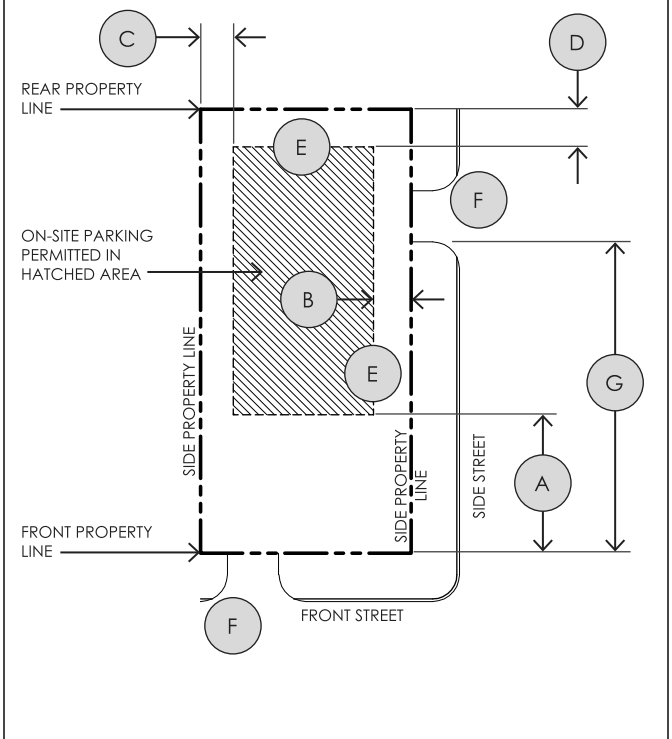


5.0 PARKING PLACEMENT

Refer to Illustration 5.09 for on-site parking placement.

- A. Front Setback:
 - 40 feet minimum from front property line.
- B. Side Setback (from side street):
 - 5 feet minimum from side property line.
- C. Side Setback (from non-street locations):
 - 5 feet from side property line.
- D. Rear Setback:
 - 5 feet from rear property line at non-street locations.
 - 5 feet from rear property line at street locations.
- E. Parking located at side or rear street locations shall be screened from the street as required by Section 2008.14.
- F. Parking / service areas shall not be accessed from front streets, unless an alley or side street is not available for driveway placement. Maximum width of driveway is 20 feet.
- G. Driveway access location:
 - Corner lot: 40 feet minimum from street corner.
 - Interior lot: within 5 feet of side property line, when alley is not available.

ILLUSTRATION 5.09 PARKING PLACEMENT



2005.08 NEIGHBORHOOD CORE (NC) CONTEXT AREA

6.0 PERMITTED USES

NEIGHBORHOOD CORE (NC) CONTEXT AREA PERMITTED USES

Specific Use	MIXED USE BUILDING TYPE	RETAIL BUILDING TYPE	FLEX BUILDING TYPE	COTTAGE RETAIL BUILDING TYPE	LIVE / WORK BUILDING TYPE	LARGE MULTI-PLEX BUILDING TYPE	SMALL MULTI-PLEX BUILDING TYPE	ROWHOUSE BUILDING TYPE	DUPLEX BUILDING TYPE	DETACHED HOUSE BUILDING TYPE	CARRIAGE HOUSE BUILDING TYPE	CIVIC BUILDING TYPE
Accessory buildings and uses	P	P	P	P	P	P	P	P				
Amusement and recreation facility	P	P	P									
Auto service station	S	S	S	S								
Bank	P	P	P									
Business school/private or public school/higher ed.			P									
Church												P
Club, lodge, hall			P									
Gallery/museum	P		P									P
Hotel/motel	P											
Indoor theater/live music concert hall	P		P									
Light manufacturing	S		P		P							
Machine shop	S		P		P							
Micro brewery, distillery, winery under 2500 barrels	P	P	P	P								
Micro brewery, distillery, winery over 2500 barrels	P	P	P									
Multi-family	P*		P*			P	P					
Office	P	P	P	P	P							
Outdoor recreation			P									
Outdoor theater												
Parking structure	S											
Personal service	P	P	P	P	P							
Railway terminal												P
Research and development	P		P									
Restaurant, cocktail lounge, brewpub	P	P	P	P								
Retail	P	P	P	P	P							
Shipping, port related activity			P									

P = Permitted Use

P* = Permitted Use on floors two and above

P# = Permitted Use on first floor only

S = Special Land Use (refer to Section 2002.02)

Active uses per the Context Area Map (2005.02) include retail, restaurant/cocktail lounge/brewpub, personal service, and micro brewery/distillery/winery.

Blank cell = Use not permitted in this Context Area

Shaded areas represent Building Types that are not permitted in this Context Area.

2005.08 NEIGHBORHOOD CORE (NC) CONTEXT AREA

6.0 PERMITTED USES (continued)

NEIGHBORHOOD CORE (NC) CONTEXT AREA PERMITTED USES

[illegible]

P = Permitted Use

P* = Permitted Use on floors two and above

P# = Permitted Use on first floor only

S = Special Land Use (refer to Section 2002.02)

Active uses per the Context Area Map (2005.02) include retail, restaurant/cocktail lounge/brewpub, personal service, and micro brewery/distillery/winery.

Blank cell = Use not permitted in this Context Area

Shaded areas represent Building Types that are not permitted in this Context Area.

CITY OF MUSKEGON PLANNING COMMISSION BYLAWS

OFFICERS

The offices to be filled by the Planning Commission are:

1. Chairperson
2. Vice-Chairperson
3. Representative to the Zoning Board of Appeals (appointed by the mayor)

ELECTION OF OFFICERS

Officers shall be elected **February** of each year. Officers shall serve for a one (1) year term.

DUTIES

A Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the chairperson in the absence of the chairperson and shall succeed to the office of chairperson in the event of a vacancy in that office.

REGULAR MEETINGS

The Planning Commission shall schedule at least twelve (12) regular meetings per year. All regular meetings, special meetings, and/or hearings shall be conducted in compliance with the Open Meetings Act P.A. 267 of 1976, the Planning Enabling Act P.A. 33 of 2008, and the Planning Enabling Act P.A. 110 of 2006.

All meetings shall be publicly posted at least 84 hours in advance of the meeting in a place visible to the public.

The schedule of regular meetings will be posted for the public within ten (10) days of the first meeting of the calendar/fiscal year.

All meetings shall begin at 4:00 p.m. At any time during the meeting, any member of the board may make a motion to adjourn.

SPECIAL MEETINGS

A special meeting may be called by the Chairperson or staff after an applicant request a meeting and pays the associated fees. Two members of the Planning Commission may

also call a meeting upon written request to the Planning Department. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Opening Meetings Act, and the Planning Department shall send written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

QUORUM OF THE COMMISSION

Five (5) members of the total nine (9) members serving constitutes a quorum for the transaction of business.

Whenever a quorum is not present, those present shall adjourn the meeting or hearing to another date. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required, other than the 18-hour notice dictated by the Open Meetings Act, provided the date, time, and place is announced at the meeting.

All motions shall be passed with at least a majority of the seated board members.

MOTIONS

Motions may be restated by the secretary before a vote is taken. The identities of the maker and supporter of the motions shall be recorded.

VOTING

All votes shall be made by "yes" or "no" and recorded in the minutes in a manner which ascertains how each member voted.

All members are expected to exercise their obligation to vote upon a question unless a conflict of interest is present.

The order of the roll call vote shall be varied from meeting to meeting and from one vote to the next in a random manner, but the Chairperson shall vote last.

ABSTENTION FOR A VOTE

A Commission member shall request abstention from a vote if the member might gain personal and/or financial benefits or if direct involvement exists which prevents objectivity. The abstaining member shall state so at the time the item is addressed on the agenda and shall not participate in the discussion as a member of the commission. A Commission member may request to abstain from voting with explanation.

GOVERNING PROCEDURE

The Michigan Statutes, Planning Commission Bylaws and the Robert's Rules of Order Revised, in that order, shall govern the order of business before the Planning Commission.

Robert's Rules shall not apply when they conflict with federal law, Michigan Statutes or they deny a member his/her Constitutional rights.

COMMUNICATIONS WITH CITIZENS

Contact with Commissioners by citizens falls into two categories:

The first category would be contacts of general information seeking (i.e.; meeting dates, composition of commission, procedure to appear before, location of meeting site, or others that merely describe the system.) These may be shared or noted in the minutes at the discretion of the individual commissioner.

The second category consists of significant communications, written or verbal, that address Planning Commission business and shall be shared and noted in the minutes (i.e., requests concerning possible change in land use, possible zoning changes, developers inquiries). Ex-parte contact shall be avoided by Commissioners, if possible. Persons wishing to discuss issues with Commissioners should address concerns either in writing to the Planning Commission as a whole or at a Planning Commission meeting.

Complaints should be referred to the appropriate City Official.

CITIZEN PARTICIPATION

Any persons who wishes to speak on an item included on the printed meeting agenda may do so when they are recognized by the Chair, at which time they will be required to step forward to a microphone and requested to state their name and address, or provide it to staff on a piece of paper, and then be allowed three (3) minutes maximum to address the Commission. Citizens may also speak on an item by way of telephone. The telephone number will be broadcast during the filming of the meeting.

DISORDERLY CONDUCT AT MEETINGS

Persons addressing the Commission shall make responsible comments and shall refrain from making personal, impertinent, slanderous or profane remarks. The Chairperson may call to order any person who is being disorderly by speaking longer than the allotted time; or by speaking vulgarities. Such persons shall thereupon be seated until the Chair shall have determined whether the person is in order. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the Police Department to remove the person from the meeting.

ATTENDANCE

Members shall follow the attendance policy set forth by the City Commission for appointed Boards and Commissions:

The Chairperson of each board, commission, or committee shall be responsible to see that attendance is recorded at each meeting.

When deemed appropriate by the Chairperson, a letter will be sent to any member whose attendance is not satisfactory. The letter shall ask if the member is interested in continued appointment.

On a yearly basis, staff shall submit a report to the City Clerk showing member attendance and indicating correspondence notices sent to members.

At any time the Chairperson deems it appropriate to do so, that Chairperson may recommend replacement of a member for reasons related to the member's attendance.

AMENDMENTS

These rules may be amended by the Planning Commission by a concurring vote, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

THESE BYLAWS AND RULES OF PROCEDURES ARE ADOPTED THIS 11TH DAY OF APRIL, 2024. City of Muskegon Planning Commission.

Chairperson

Vice-Chairperson