

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 28, 2020 @ 5:30 P.M.

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

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **ROLL CALL:**
- ☐ **HONORS AND AWARDS:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes** City Clerk
 - B. Beach Paid Parking Project** Public Safety
 - C. Roberts Street – TEDF Application** Public Works
 - D. Nelson Neighborhood Rezoning – SECOND READING**
- ☐ **PUBLIC HEARINGS:**
- ☐ **UNFINISHED BUSINESS:**
- ☐ **NEW BUSINESS:**
- ☐ **ANY OTHER BUSINESS:**
- ☐ **PUBLIC COMMENT:**
 - ▶ **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.
 - ▶ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)
- ☐ **CLOSED SESSION:**
 - A. Pending Litigation**
- ☐ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY-FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1-22 TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 28, 2020	Title: Approval of Minutes
Submitted By: Ann Marie Meisch, MMC	Department: City Clerk
Brief Summary: To approve the minutes of the April 14, 2020 Regular City Commission meeting.	
Detailed Summary: N/A	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: To approve the minutes.	
For City Clerk Use Only: Commission Action:	

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 14, 2020 @ 5:30 P.M.

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

MINUTES

The Regular Commission Meeting of the City of Muskegon was held electronically with the Mayor, Vice Mayor and Commissioners participating via Zoom – a remote conferencing service, Clerk staff present at 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, April 14, 2020.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Vice Mayor Eric Hood, Commissioners Ken Johnson, Dan Rinsema-Sybenga, Willie German, Jr., Teresa Emory, and Michael Ramsey, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

2020-19 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the March 24, 2020 Regular City Commission meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. Televising Commission Meetings City Clerk

SUMMARY OF REQUEST: The agreement with Lakeshore Creative Services expires in April. Staff would like to extend the agreement for one year. Currently the agreement is for \$350 per meeting. Because the length of meetings are longer than staff first indicated in the quote, it is requested the fee be increased to \$450 per meeting. This includes operating our television station as well as social media platforms

STAFF RECOMMENDATION: To extend the agreement with Lakeshore Creative Services for one year to film Commission Meetings at a rate of \$450 per meeting.

C. Fireworks Display Permit for Muskegon Country Club City Clerk

SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc. is requesting approval of a fireworks display permit for July 2, 2020 at the Muskegon Country Club, 2801 Lakeshore Drive. The fire marshal will inspect the fireworks the day of the event.

STAFF RECOMMENDATION: To approve the fireworks display permit for Melrose Pyrotechnics, contingent upon inspection of the fireworks and approval of the insurance.

F. National Fish & Wildlife Fund Grant Public Works

SUMMARY OF REQUEST: Staff is requesting authorization to apply for a grant through the National Fish and Wildlife Fund (NFWF) Coastal Resiliency Program to assist in developing a sustainable and resilient coastline of Lake Michigan along Beach Street.

Staff is seeking to apply for a \$250,000 grant through the National Fish and Wildlife Fund Coastal Resiliency Program to complete a detailed site assessment, and 50% design plans for a long term repair of the Lake Michigan Coastline along Beach Street.

The area has been substantially damaged by the high lake levels and erosion on Lake Michigan and a long term sustainable solution is needed to ensure that the recreational uses of the shoreline are preserved, along with the critical road and water main infrastructure. The NFWF Coastal Resiliency Grant that we are proposing to apply for would allow for detailed survey and engineering work to be started that will identify sustainable long term solutions for protecting the shoreline and infrastructure. The grant proposal would utilize a combination of engineered hard surface protections and green infrastructure to restore habitat create long term resiliency. The grant and associated project would lay the groundwork for completing design and constructing a long term sustainable solution in future years.

Staff from Ramboll has volunteered to assist at no cost in the pre-proposal submittal documents which determine our eligibility for the project. A draft of the pre-proposal submittal is attached.

The proposed 1:1 match will be achieved through in-kind services that we are already providing to operate and maintain Pere Marquette Park and the Water Filtration Plant. No cash would be required from any parties during this first stage of the project if selected.

The grant pre-proposal is due on Wednesday, April 8th and will be submitted by staff prior to the Commission Meeting. The grant opportunity became known to staff at a time that did not allow for review and discussion at City Commission prior to submittal. However, given the lack of financial commitment at this stage

and the previously discussed need at this site staff determined it was appropriate to apply by the deadline and follow up with discussion at the Commission level.

STAFF RECOMMENDATION: Approve the resolution of support and authorize the Mayor and Clerk to sign and commit to funding the required match and engineering costs in future fiscal years if the project is selected.

G. P & N Lakeshore Drive Amendment #2 Public Works

SUMMARY OF REQUEST: Authorize staff to sign an amendment to the professional services agreement with Prien and Newhof relative to the Lakeshore Drive project for \$78,650.

The original project schedule anticipated that the work would be completed on September 13, 2019. Work was not completed for the season until December 6, 2019 with approximately 1 additional week of work in the Spring of 2020 to fully complete the project items. This amendment allows for Prien & Newhof to be compensated for the additional engineering and inspection time required to complete the project.

Discussions with the Contractor and MDOT for this project are still ongoing and if there are any liquidated damages assessed against the Contractor for delays in the project those recouped funds will be used to cover this expense in the interim the amount was included in the reforecast of the current budget under the water fund.

AMOUNT REQUESTED: \$78,650 FUND OR ACCOUNT: 591-91711-5346

AMOUNT BUDGETED: \$78,650 FUND OR ACCOUNT: 591-91711-5346

STAFF RECOMMENDATION: Authorize staff to sign Amendment #2 with Prein and Newhof for the Lakeshore Drive project.

H. E-Bikes Public Safety

SUMMARY OF REQUEST: MUPD requests funds from its capital outlay budget for the purchase of (2) two electric assist bikes and (1) one bike carrier. Cost for this purchase is \$4,564.00 per bike and \$549.00 for the bike carrier (includes shipping). Total funds needed; \$9,677.00.

AMOUNT REQUESTED: \$9,677.00 FUND OR ACCOUNT: 101-70301-5720

STAFF RECOMMENDATION: Approve the purchase of (2) two E-Bikes and (1) Bike Carrier from Great Lakes Segway.

I. Site Condo No. 2 Agreement Development Services

SUMMARY OF REQUEST: Staff is requesting authorization to sign an easement and maintenance agreement that outlines responsibilities related to operating and maintaining the common area and providing public access to the same.

As property owners within the downtown area designated as Downtown Development Center No. 2, the city has partial ownership of the common area which includes the splash pad and plaza in front of the downtown post office. The city accepted responsibility to maintain the splash pad in the spring of 2018 when the Community Foundation for Muskegon County divested themselves of it. This agreement outlines rights and responsibilities associated with the common area.

STAFF RECOMMENDATION: Approve the easement and maintenance agreement with Downtown Muskegon Development Center No. 2 Association and authorize the Mayor and Clerk to sign.

J. Tax Incentive Policy and Guidelines Economic Development

REMOVED PER STAFF REQUEST

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to approve the consent agenda as presented, except items D and E.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Ramsey, German, Rinsema-Sybenga, and Emory

Nays: None

MOTION PASSES

2020-20 REMOVED FROM CONSENT AGENDA:

D. Amity Avenue Bridge Public Works

SUMMARY OF REQUEST: Staff is requesting authorization to apply for State of Michigan FY 2023 local bridge funds for a project to remove the Amity Avenue Bridge and rebuild an at-grade road through the area. A resolution of support is required to include with the application.

Staff applied for this same project last year from State of Michigan FY 2022 funding and we were the first project in the region not selected. Staff feels that resubmitting the project for consideration is still our best option within this program.

Costs are estimated at approximately \$431,000 for the project, with the city requesting to provide matching funds of \$90,000 towards the construction costs (21%) plus engineering costs (estimated at \$100,000). The costs for this project would be borne in future fiscal years and if the project is selected the necessary matching funds will be allocated in the future budget cycles.

AMOUNT REQUESTED: \$190,000 FUND OR ACCOUNT: 203-TBD-5346/5355

AMOUNT BUDGETED: \$190,000 FUND OR ACCOUNT: 2013-TBD-5346/5355

STAFF RECOMMENDATION: Approve the resolution of support and authorize the Mayor and Clerk to sign and commit to funding the required match and

engineering costs in future fiscal years if the project is selected.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner German, to approve the resolution of support and authorize the Mayor and Clerk to sign and commit to funding the required match and engineering costs in future fiscal years if the project is selected.

ROLL VOTE: Ayes: Gawron, Hood, Ramsey, German, Rinsema-Sybenga, Emory, and Johnson

Nays: None

MOTION PASSES

E. Concession Agreement – “The Beach Cove” Public Works

SUMMARY OF REQUEST: Staff is asking permission to extend the contractual agreement with “The Beach Cove” concession at Pere Marquette Park.

Staff is asking permission to enter into a contractual Concession Agreement for 2020, 2021, 2022, and 2023 with Morse Michel of Moji, Inc. for operating a concession (“The Beach Cove”) at Pere Marquette Park. The agreement also calls for renewal of said contract by staff beyond 2023 for additional years if both parties agree. Concession sells various retail food items, beach novelties and beach rental items. Concession revenue is 10% of gross receipts. Over the last three years the concession stand has generated \$14,427.61 in revenue for the City which has been and will continue to be reinvested in the park.

STAFF RECOMMENDATION: Authorize staff to enter into a contractual Concession Agreement with Morse Michael to operate a Concession (“The Beach Cove”) at the Pere Marquette Park bath house/restroom building.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to authorize staff to enter into a contractual Concession Agreement with Morse Michael to operate Concession (“The Beach Cove”) at the Pere Marquette Bath House/Restroom Building. The contract will be amended to remove the automatic renewal in 2023 and to require that the business agree to sell parking passes during their business hours.

ROLL VOTE: Ayes: Hood, Ramsey, German, Rinsema-Sybenga, Emory, Johnson, and Gawron

Nays: None

MOTION PASSES

2020-20 PUBLIC HEARINGS:

**A. Public Hearing on Foundry Square Brownfield Plan, 372 Morris Avenue
Economic Development**

SUMMARY OF REQUEST: To hold a public hearing on the request for a Brownfield

Plan Amendment for 372 Morris Avenue submitted by Foundry Square LLC and to consider the resolution.

Foundry Square LLC, Great Lakes Development Group and Rockford Construction are proposing a \$34 million mixed-use urban development on seven acres at 372 Morris Avenue. Plans include an 82-room hotel, four-story 240-space parking deck, a 40,000-square foot entertainment center in the first phase and mixed commercial-residential development in a second phase. The developer has proposed a Brownfield Plan Amendment that would capture \$13.3 million of local, school and state education property taxes. The plan shows \$1.75 million of environmental costs supported by the Michigan Department of Environment Great Lakes & Energy and \$10.56 million for redevelopment costs through the Michigan Strategic Fund. The largest eligible cost is \$8.4 million for the parking deck. Public right of way infrastructure of roads, water and sewer with the extension of Second Street into the development will be completed by the developer to city specifications. The plan anticipates paying off eligible costs in 2045 with the remaining five years of the 30-year plan's tax increments placed in the city's Local Brownfield Revolving Fund. There is an annual \$10,000 administrative fee to the Brownfield Redevelopment Authority and the plan does not request reimbursement on interest for any borrowing to complete eligible costs. The Muskegon Brownfield Development Authority approve the plan March 10. The Michigan Strategic Fund will need to approve the plan.

STAFF RECOMMENDATION: To close the public hearing and approve the Brownfield Plan Amendment at 372 Morris for Foundry Square LLC with the resolution, authorizing the Mayor and City Clerk to sign.

PUBLIC HEARING COMMENCED:

Dave Alexander, Economic Development, gave an overview of the request for a Brownfield Amendment and proposed development project.

Jeff Edwards, Vice President of Development for Rockford Construction – 2209 Paris Avenue NE – Grand Rapids, MI 49505 – Mr. Edwards provided an overview of the project. The proposed concept is for redevelopment of a 7-acre site in downtown Muskegon. The development will consist of a micro-tel, self-park parking garage, family entertainment center, as well as some as-yet undetermined development in the northern part of the property. The project is estimated to create approximately 140 jobs.

Public Comments:

Michael A. Haueisen, 903 Turner Avenue – likes the sound of the project.

Ron Moseley – commented on Facebook - asked if there would be a casino – there will not.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to close the public hearing and approve the Brownfield Plan Amendment at 372

Morris for Foundry Square LLC with the resolution, authorizing the Mayor and City Clerk to sign.

ROLL VOTE: Ayes: Ramsey, German, Rinsema-Sybenga, Emory, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

2020-21 NEW BUSINESS:

A. Nelson Neighborhood Rezoning Planning

SUMMARY OF REQUEST: Staff initiated request to rezone multiple properties in the Nelson neighborhood to Form Based Code, Urban Residential.

The Planning Commission unanimously voted to recommend approval to the City Commission.

STAFF RECOMMENDATION: To approve the rezonings in Nelson Neighborhood as presented.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to approve the rezonings in Nelson Neighborhood as presented.

ROLL VOTE: Ayes: Rinsema-Sybenga, Emory, Johnson, Gawron, and Hood

Nays: German and Ramsey

MOTION PASSES

SECOND READING REQUIRED

B. Amendment to the Zoning Ordinance Planning

SUMMARY OF REQUEST: Staff initiated request to amend the Form Based Code, Urban Residential districts to restrict small-multiplexes to four units.

STAFF RECOMMENDATION: To approve the zoning amendment.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to approve the zoning amendment.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Ramsey, German, Rinsema-Sybenga, and Emory

Nays: None

MOTION PASSES

C. Resolution Regarding Muskegon Public Schools 2020 Bond Proposals

SUMMARY OF REQUEST: A resolution regarding the Muskegon Public Schools Bond Proposals.

STAFF RECOMMENDATION: Adopt the resolution.

Motion by Commissioner Johnson, second by Vice Mayor Hood, to adopt the resolution.

ROLL VOTE: Ayes: Gawron, Hood, Ramsey, Rinsema-Sybenga, Emory, and Johnson

Nays: German

MOTION PASSES

PUBLIC COMMENT: Public Comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 7:05 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: 04-21-2020	Title: Beach Paid Parking Project
Submitted By: Jeffrey Lewis	Department: Public Safety
Brief Summary: Proposal to amend Ordinance 92-71 & 92-73 to incorporate enforcement of parking violations and fees correlated with the Beach Paid Parking Project	
Detailed Summary: The attached Chapter 92 Traffic & Vehicles contains current ordinance language. Outlined on the cover page is how the amended language will be inserted into the existing Article V; 92-71 & 92-73	
Amount Requested: n/a	Amount Budgeted: n/a
Fund(s) or Account(s): n/a	Fund(s) or Account(s):n/a
Recommended Motion: Agreement to amend Ordinance 92-71 & 92-73 with additional language to include Beach Paid Parking.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

Enforcement hours at the beach (area parking)

9:00a to 9:00p that includes A, B, C, D, also fines are listed below.

- A. LO15 NO Daily/Seasonal Pass (beach)
- B. LO16 Season Pass NOT affixed (beach)
- C. Exceeded Time – Currently using 92-71 (W) downtown; (X) another meter type violation, (unknown) if we need a special sub section just for beach.
- D. LO17 NO Residential Permit (adjacent from beach – BB neighborhood permit for designated streets to assure residents living at beach have access to their street to park)
- E. Amend – Parking fine table (92-73) to match the above proposed \$ fines
 - A. No Daily/Seasonal Pass Violation..... Fine; \$ 30.00
 - B. Season Pass Not Affixed or Displayed (properly)..... Fine; \$ 10.00
 - C. Exceed Time Limit (Deck 2 hour limit)..... Fine; \$ 20.00
(DECK is frequented from Noon until Closing in the past 10:00 pm)
 - D. No Residential Permit (Designated area)..... Fine; \$ 30.00
(See presented MAP – this is the Beach area across from PM Park)
- F. 48 Hour Violation – Need local ordinance sub section to write our MCI that mirror (257.252 (a) (b) in the MVC (LO5), this will be a level (3) violation (\$ 20.00)
- G. LO5 verbiage needs to be deleted (50 feet from boat launch), replace with the 48 hour violation (All Marina Parking Restrictions go into 94-74)

Chapter 92

TRAFFIC AND VEHICLES*

Article I. In General

Secs. 92-1—92-13. Reserved.

Article II. Michigan Vehicle Code

Sec. 92-14. Code adopted.
Sec. 92-15. References in code.
Sec. 92-16. Notice to be published.
Sec. 92-17. Penalties.
Secs. 92-18—92-30. Reserved.

Article III. Uniform Traffic Code

Sec. 92-31. Code and amendments and revisions adopted.
Sec. 92-32. References in code.
Sec. 92-33. Changes in code.
Secs. 92-34—92-50. Reserved.

Article IV. Junk Vehicles

Sec. 92-51. Title.
Sec. 92-52. Purpose.
Sec. 92-53. Definitions.
Sec. 92-54. General prohibition.
Sec. 92-55. Storage requirements and prohibitions.
Sec. 92-56. Notice of violation; removal; impounding; penalty.
Secs. 92-57—92-70. Reserved.

Article V. Local Parking Restrictions

Sec. 92-71. Parking restrictions.
Sec. 92-72. Snow emergency.
Sec. 92-73. Parking violations bureau; minimum parking fines.
Secs. 92-74—92-99. Reserved.

Article VI. Electric Scooters and Bikes

Sec. 92-100. Purpose.
Sec. 92-101. Definitions.
Sec. 92-102. Rules and regulations.
Sec. 92-103. Registration.
Sec. 92-104. Enforcement.

*State law references—Michigan Vehicle Code, MCL 257.1 et seq.; regulations by local authorities, MCL 257.605, 257.606, 257.610.

for the purpose of repairing the vehicle; provided that the location of the vehicle does not violate the zoning ordinance.

- (4) One seasonal vehicle; provided that it must be currently licensed, and, if it is not currently licensed, it must be stored in a legally erected building as described in subsection (b)(1) of this section.
(Ord. No. 2038, § 12-58, 12-12-2000)

Sec. 92-56. Notice of violation; removal; impounding; penalty.

(a) Whenever any junk vehicle is found, a written notice shall be delivered in person or by first class mail to the owner of the junk vehicle and the owner or occupant of the private property on which the vehicle is located. An additional notice shall be affixed to a conspicuous part of the vehicle. The notice shall describe the violation of this article and shall require the removal of the violation within seven days. If the violation is observed to exist after seven days, a municipal civil infraction ticket for such violation may be issued. The city may determine, with appropriate authority, such as a court order or the property owner or occupant's permission or failure to respond to the notice, to peaceably enter the property to correct the violation, including removal or impounding of the vehicle at a disposal site.

(b) If a vehicle is removed and impounded by the city at a location where there will be impounding fees or charges, it shall give appropriate or required notice to the registered owner of the vehicle and to the state; provided that the notice shall not designate the vehicle as abandoned. The notice shall indicate that the vehicle will be disposed of by sale if the owner fails to redeem the vehicle by paying any charges or fees occasioned by the removal, impounding or storage of the vehicle.

(c) The direct cost of any enforcement action, including a 15 percent surcharge for overhead and indirect costs, shall be charged to the owner or occupant of the property, as well as any owner of the vehicle, and in addition shall be levied

against the property and collected in the manner of real property taxes, and shall constitute a valid tax lien against the premises if unpaid.

(d) Any person who violates or fails to comply with the provisions of this article shall be responsible for a municipal civil infraction. Each act in violation of any of the provisions thereof shall be deemed a separate municipal civil infraction. In connection with and in addition to the municipal civil infraction, the city may request supplemental relief and/or other remedies as available to the city. Municipal civil infraction penalties shall be as set forth in the schedule of municipal civil infraction fines in section 46-204.
(Ord. No. 2038, § 12-59, 12-12-2000)

Secs. 92-57—92-70. Reserved.

ARTICLE V. LOCAL PARKING RESTRICTIONS

Sec. 92-71. Parking restrictions.

(1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

- (a) On a sidewalk;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within 15 feet of a fire hydrant;
- (e) On a crosswalk;
- (f) Within 20 feet of a crosswalk, or if there is not a crosswalk then, within 15 feet of the intersection of property lines at an intersection of highways;
- (g) Within 30 feet of the approach to a flashing beacon, stop sign, or traffic control signal located at the side of a highway;
- (h) Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking;

- (i) Within 50 feet of the nearest rail of a railroad crossing;
- (j) Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of the entrance if properly marked by an official sign;
- (k) Alongside or opposite any street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic;
- (l) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (m) Upon a bridge or other elevated highway structure or within a highway tunnel;
- (n) At a place where an official sign prohibits stopping or parking;
- (o) Within 500 feet of an accident at which a police officer is in attendance, if the scene of the accident is outside of a city or village;
- (p) In front of a theater;
- (q) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building;
- (r) In a place or in a manner that blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building;
- (s) In a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless the individual is a disabled person as described in section 19a of the Michigan Vehicle Code or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space the vehicle shall display one of the following:
 - (i) A certificate of identification or windshield placard issued under section 675 of the Michigan Vehicle Code to a disabled person.
 - (ii) A special registration plate issued under section 803d of the Michigan Vehicle Code to a disabled person.
 - (iii) A similar certificate of identification or windshield placard issued by another state to a disabled person.
 - (iv) A similar special registration plate issued by another state to a disabled person.
 - (v) A special registration plate to which a tab for persons with disabilities is attached issued under this act.
- (t) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities;
- (u) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities;
- (v) Within 500 feet of a fire at which fire apparatus is in attendance, if the scene of the fire is outside a city or village. However, volunteer fire fighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subdivision;
- (w) In violation of an official sign restricting the period of time for a manner of parking;
- (x) In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired, unless the vehicle properly displays one or more of the items listed in section 675(8) of the Michigan Vehicle Code;
- (y) On a street or highway in such a way as to obstruct the delivery of mail to a rural mailbox obstruct the delivery of mail to a rural mailbox by a carrier of the United States postal service;

- (z) In a place or in a manner that blocks the use of an alley;
- (aa) In a place or in a manner that blocks access to a space clearly designated as a fire lane;
- (LO1) On those streets that have been signed or marked for angle parking, a person shall not stop, stand, or park a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings. The front of the vehicle must be nearest the curb or edge of roadway and the rear of the vehicle nearest the travel portion of the roadway or parking area (no backing in);
- (LO2) A person shall not stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the right hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except otherwise provided in this part;
- (LO3) A person shall not stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxi cab in a taxi cab stand when the stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers, if the stopping does not interfere with any bus or taxi cab waiting to enter or about to enter the zone;
- (LO4) On unimproved side or front yards of residential lots;
- (LO5) Within 50 feet of a public boat launch;
- (LO6) Other than between painted lines in designated parking areas;
- (LO7) Along or on any unpaved parkway, except where the same is used for a driveway to enter private or public property. Parking on the terrace (i.e., the area between the property line and the street) is permitted from December 1 through March 1 on those streets having

allowed parking on only one side of the street, but not on the paved portion of the terrace;

- (LO8) In any public park, beach or other public area between the hours of 11:00 p.m. and 5:00 a.m.;

- (LO9) From December 1 through March 1 of each year where parking is currently allowed on both sides of the street, on street parking is modified as follows:

- a) Parking is allowed on the side of the street with even numbered addresses on even numbered calendar days between the hours of 7:00 a.m. and 5:00 p.m.
- b) Parking is allowed on the side of the street with odd numbered addresses on odd numbered calendar days between the hours of 7:00 a.m. and 5:00 p.m.
- c) Parking is allowed on both sides of the street all days between the hours of 5:00 p.m. and 7:00 a.m.

Where parking is currently allowed on one side of the street only, parking is allowed except between the hours of 2:00 a.m. and 6:00 a.m.

In the downtown business areas:

- a) Bounded by Shoreline Drive heading easterly from Seventh Street to Spring Street, heading southerly on Spring Street from Shoreline Drive to Apple Avenue, heading westerly on Apple Avenue from Spring Street to Muskegon Avenue, heading westerly on Muskegon Avenue from Apple Avenue to Ninth Street, and heading northerly on Ninth Street to Western Avenue, heading westerly on Western Avenue from Ninth Street to Seventh Street, heading northerly on Seventh Street from Western Avenue to Shoreline Drive; and
- b) On Third Street from Merrill Avenue to Muskegon Avenue.

Parking is allowed except between the hours of 2:00 a.m. and 6:00 a.m.

All signed parking restrictions apply all days of the week.

This section applies to every portion of every block of every city street.

(LO10) Commercial vehicle defined: "Commercial vehicle" includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn:

1. No commercial vehicle shall be parked upon any street or alley for a period longer than two hours.
2. No commercial vehicle shall be parked at any angle to the line of the street or alley while loading or unloading for a period longer than one hour.
3. No commercial vehicle shall be parked at any angle to the line of the street or alley where such vehicle would prohibit the free flow of traffic.
4. No commercial vehicle shall be parked in residential areas.

(LO11) Special provisions relating to trailers and semitrailers:

1. No unattached trailer or semitrailer shall be parked on any street or alley at any time except when it is necessary to temporarily disconnect such trailer or semitrailer for convenience in loading or unloading.
2. Streets in a business district may be designated on which no trailer shall be stopped, parked or allowed to stand between the hours of 10:00 a.m. and 6:00 p.m.

3. A person who violates this section is responsible for a civil infraction.

(LO12) No vehicle shall display a "for sale" sign while parked on any public street or property;

(LO13) No person shall drive or operate a motor vehicle in any area or place other than the public streets and roadways or other such areas so designated for the vehicular travel, and no person shall drive or operate a motor vehicle along or upon any unpaved parkway except where the same is used for a driveway to enter private or public property, nor shall any person drive or operate a motor vehicle in any public park beach or other public area, except in those areas designated for vehicular travel therein.

(2) A person shall not move a vehicle not owned by the person into a prohibited area or away from a curb a distance that makes the parking unlawful.

(3) A bus, for the purpose of taking on or discharging passengers, may be stopped at a place described in subsection (1)(b), (d), or (f) or on the roadway side of a vehicle illegally parked in a legally designated bus loading zone. A bus, for the purpose of taking on or discharging a passenger, may be stopped at a place described in subsection (1)(n) if the place is posted by and appropriate bus stop sign, except that a bus shall not stop at such a place if the stopping is specifically prohibited by the responsible local authority, the state transportation department, or the director of the department of state police.

(4) A person who violated this section is responsible for a civil infraction.

(LO14) A person shall not allow a motor vehicle to stand on a highway or places open to the public unattended without engaging the parking brake or placing the vehicle in park, stopping the motor of the vehicle, and removing and taking possession of the ignition key. If the vehicle is standing upon a grade, the front wheels of the vehicle shall be turned to the curb or side of the highway. This

section does not apply to a vehicle that is standing in a place and is equipped with a remote start feature, if the remote start feature is engaged.

(Ord. No. 2331, 12-9-2014; Ord. No. 2350, 3-22-2016; Ord. No. 2376, 9-26-2017; Ord. No. 2394, §§ 1, 2, 12-11-2018; Ord. No. 2396, § 1, 12-18-2018; Ord. No. 2397, § 1, 12-18-2018)

State law references—Uniform Traffic Code, MCL 257.951 et seq.; Michigan Vehicle Code, MCL 257.1 et seq.

Sec. 92-72. Snow emergency.

(1) *No parking during snow emergency.* Except as otherwise provided in this article, no person shall park any vehicle and/or trailer on any street during a declared snow emergency. Permits for on-street parking issued under any ordinance or authority of the city shall not be valid during a declared snow emergency.

(2) *Declaration of emergency.*

(a) In the interest of the public health, safety and welfare and at the request of appropriate municipal staff, the mayor or, in his/her absence, the vice mayor or, if neither are available, the city manager may declare a snow emergency whenever ice or snow has accumulated or is significantly likely to accumulate to such an extent as to impede safe travel upon the city streets.

(b) Upon declaration of a snow emergency, the city's designated representative shall immediately publicize the snow emergency and parking prohibition in a manner reasonably calculated to inform the public of the requirements of this article. The snow emergency shall be effective six hours after its initial declaration and publication.

(3) *Time limit for removal of parked vehicle—Impoundment conditions and penalties.*

(a) Within six hours of the declaration of the snow emergency, any motor vehicle or trailer on any street, road or avenue within the city shall be removed.

(b) The city is hereby authorized to remove any vehicle and/or trailer which is parked

on any street during a declared snow emergency and to transport the same to an impound facility designated by the city. Towing, storage and impound fees shall be charged to the owner of the vehicle and/or trailer impounded. All impounding fees shall be paid prior to the return of the vehicle or trailer to the owner.

(c) In addition to liability for towing, storage and any other impound fees related to removal of a vehicle and/or trailer from the street during a declared snow emergency, the registered owner and/or driver of such vehicle may be ticketed for violation of this article. Such a violation shall constitute a civil infraction.

(4) *Termination.*

(a) Whenever the mayor, or in the absence of the mayor the vice mayor, or in the absence of both then the city manager, finds the conditions which gave rise to a snow emergency no longer exist, it shall be terminated by notice given substantially in the same manner it was declared.

(b) In the absence of an official termination of the snow emergency, the parking prohibition shall be lifted on those streets where the city has completed snow plowing from curb to curb for the length thereof lying between two successive street intersections and the snow or sleet has stopped.

(c) In the absence of (a) or (b) above, the snow emergency shall terminate automatically 48 hours after the effective time of the declaration unless the emergency has been extended and notice of said extension has been given in substantially the same manner the emergency was first declared.

(5) *Presumption that owner parked vehicle or trailer.* In any proceeding for a violation of this chapter, proof that the motor vehicle or trailer described in the complaint was parked in violation of such chapter, together with proof that the

defendant named in the complaint was at the time of such violation the registered owner of such vehicle or trailer, shall constitute a presumption that the registered owner of such vehicle or trailer was the person who parked such vehicle or trailer at the point where and for the time during which such violation occurred.

(6) *Other parking restrictions remain in force.* Nothing contained in this article shall be construed to permit parking at any time or place where it is prohibited by any other provision of law. (Ord. No. 2331, 12-9-2014)

Sec. 92-73. Parking violations bureau; minimum parking fines.

(1) Pursuant to the provisions of state law MCL 600.8395, there is hereby established within the city a parking violations bureau to accept pleas of responsible in motor vehicle parking violation cases and to collect and retain fines and costs as prescribed by ordinance.

(2) Upon pleading responsible or being found responsible by a court, the fines for parking violations shall be as follows:

(2.1) *Level 1 parking violations.*

<i>Code 92-71(1)</i>	<i>Offense</i>
LO1	Violation of angle parking/backed into space signs
LO2	Too far from curb
LO2	Parking facing traffic
LO3	Loading zone, passenger zone (bus/taxi cab zone)
w	Parking overtime
x	Meter parking

The penalties for level 1 parking violations are as follows:

If paid within 14 days	If paid after 14 days but before 21 days	If paid after 21 days but before 30 days	After 30 days
\$10.00	\$20.00	\$30.00	\$60.00

(2.2) *Level 2 parking violations.*

<i>Code § 92-71(1)</i>	<i>Offense</i>
a	Parking on sidewalk
b	Blocking driveways
c	Within an intersection
e	In a crosswalk
f	Within 20 feet of a crosswalk or within 15 feet of property lines at intersection
g	Too close to a flashing beacon, stop sign, yield sign, traffic control signal, or other traffic sign
h	In a safety zone
i	Too close to railroad
j	Too close to fire station entrance
k	Parking: obstruct traffic
m	Parking on a bridge or in a tunnel
n	Posted prohibited parking; parking violation of any posted signs
o	Parking within 500 feet of an accident
p	Parking in front of a theater
q	Blocking emergency exits

<i>Code § 92-71(1)</i>	<i>Offense</i>
r	Blocking fire escape
v	Within 500 feet of a fire or fire apparatus (except volunteers and vehicles legally parked before the fire)
y	Obstruct mail delivery
z	Alley parking
LO4	Front and side yard parking
LO7	Parking on terrace or parkway
LO9	2a—6a parking prohibited
LO10	Commercial vehicles
LO11	Unattached trailers and semitrailers
LO12	Display of "for sale" sign while parked on city street or terrace
	Other violations
LO14	Unattended vehicles (running)

The penalties for level 2 parking violations are as follows:

If paid within 14 days	If paid after 14 days but before 21 days	If paid after 21 days but before 30 days	If paid after 30 days
\$15.00	\$30.00	\$45.00	\$70.00

(2.3) Level 3 parking violations.

<i>Code § 92-71(1)</i>	<i>Offense</i>
d	Too close to a fire hydrant
l	Double parking
LO6	Parking outside the lines
LO8	Parking in a public park after 11:00 p.m. and before 5:00 a.m.
LO13	Prohibited off-road vehicular traffic
	Other violations in any city parks

The penalties for level 3 parking violations are as follows:

If paid within 14 days	If paid after 14 days but before 21 days	If paid after 21 days but before 30 days	After 30 days
\$20.00	\$40.00	\$60.00	\$80.00

(2.4) Level 4 parking violations.

<i>Code § 92-71(1)</i>	<i>Offense</i>
LO5	Parking within 50 feet of a public boat launch

The penalties for level 4 parking violations are as follows:

If paid within 14 days	If paid after 14 days but before 21 days	If paid after 21 days but before 30 days	After 30 days
\$55.00	\$65.00	\$75.00	\$85.00

(2.5) Any other violation of the parking provisions which are not listed in the above schedules shall be considered level 2 parking violations and shall carry the penalties set forth above for level 2 violations, except that:

- a) Code § 92-71(1)(s)(t)(u). Spaces for disabled persons. Unlawful parking in a space reserved for persons with disabilities as defined in applicable state law shall carry a minimum of \$105.00, which shall increase to \$210.00 after the first 14 days after the violation, and \$315.00 after 30 days; and

- b) Code § 92-71(1)(aa). Fire lane. Unlawful parking in a fire lane shall carry a minimum of \$30.00, which shall increase to \$60.00 after the first 14 days, after 21-30 days the violation will be \$90.00 and \$120.00 after 30 days.

(Ord. No. 2331, 12-9-2014; Ord. No. 2350, 3-22-2016; Ord. No. 2377, 9-26-2017)

Secs. 92-74—92-99. Reserved.

ARTICLE VI. ELECTRIC SCOOTERS AND BIKES

Sec. 92-100. Purpose.

The purpose of this article is to promote the health, safety and welfare of persons operating electric scooters and electric bikes within the city, and to protect the safety of other users of roads and bike trails.

(Ord. No. 2415, § 1, 6-25-2019)

Sec. 92-101. Definitions.

For the purposes of this article, the following words and phrases shall have the following meanings:

Bike path means the sections of the Muskegon Lakeshore Trail, which follows the shore of Muskegon Lake and parallels Lakeshore Drive and Shoreline Drive, that lie within the city.

Direct visual supervision means direct visual observation, by an adult who is in control of the operator, with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

Electric bike means a bicycle with an integrated electric motor which can be used for propulsion. Electric bike does not include a vespa or moped-like vehicles, motorcycles, dirt bikes, ORVs, gas scooters, or any similar vehicle.

Electric scooter means a light two-wheeled electric vehicle on which the driver stands on the floorboard or deck. Electric scooter does not include a vespa or moped-like vehicles, motorcycles, dirt bikes, ORVs, gas scooters, or any similar vehicle.

Operator means only persons over 14 years of age or those under 14 years of age but over 12 years of age and under direct visual supervision of an adult who is in control of the operator.

(Ord. No. 2415, § 2, 6-25-2019)

Sec. 92-102. Rules and regulations.

This article is to establish guidance in the interest of public safety.

- (1) Electric scooters and electric bikes may be operated on local roads, public parks, and the bike path.
- (2) Electric shooters and electric bikes shall not be operated on or alongside any sidewalk. Electric scooters are prohibited on all state trunk roads.
- (3) Only persons over 14 years of age or those under 14 years of age but over 12 years of age and under direct visual supervision may operate an electric scooter or electric bike.
- (4) Any person who operates an electric scooter or electric bike on a public road must adhere to all applicable state and local laws, regulations and ordinances, including, but not limited to, those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no electric scooter or electric bike containing any open container of alcohol shall be operated on public roads.
- (5) The operator of an electric scooter or electric bike shall comply with all traffic rules and regulations adopted by the State of Michigan and the city which governs the operation of motor vehicles.
- (6) An operator may not allow the number of people in or on an electric scooter or electric bike at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not

allow passengers to ride on any part of an electric scooter or electric bike not designed to carry passengers.

- (7) In no instances shall an electric scooter be operated at a speed greater than ten miles per hour on the bike path.
 - (8) No electric scooter or electric bike may be operated at a speed greater than reasonable and prudent for the existing conditions.
 - (9) Electric scooters and electric bikes must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
 - (10) Electric scooters and electric bikes are prohibited from parking on any sidewalk or any other location that impedes vehicular or foot traffic. All other parking rules and limits apply.
 - (11) Electric scooters and electric bikes must have basic equipment supplied by the manufacturer.
- (Ord. No. 2415, § 3, 6-25-2019)

Sec. 92-103. Registration.

All electric scooters and electric bikes are subject to city registration requirements imposed upon bicycles.

(Ord. No. 2415, § 4, 6-25-2019)

Sec. 92-104. Enforcement.

Violation of the provisions of this article shall constitute a civil infraction and carry a penalty of not less than a \$100.00 fine for a first violation, not less than a \$250.00 fine for a first repeated violation, and not less than a \$500.00 fine for a second repeated offense or any subsequent repeat offense.

(Ord. No. 2415, § 5, 6-25-2019)



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 28, 2020	Title: Roberts Street – TEDF Application
Submitted By: Leo Evans	Department: Public Works
Brief Summary: Staff is requesting authorization to apply for State of Michigan FY2022 Transportation Economic Development Category F Grant for a project to resurface Roberts Street from Barney Avenue north to Laketon Avenue.	
Detailed Summary: MDOT is requesting applications for FY2022 projects in the Transportation Economic Development Category F program. Staff reviewed the program requirements and feels that Roberts Street is a good fit for the targeted criteria. The project is estimated to cost \$600,000. Staff is proposing to request the maximum grant amount and provide matching funds of \$225,000 towards the project. In addition the City will be responsible to pay for Engineering on the project which is estimated to cost an additional \$50,000. If selected these funds would be allocated from the Major Street budget in FY21-22 and 22-23. A formal resolution of support is not required for TEDF – Category F applications.	
Amount Requested: \$275,000	Amount Budgeted: \$275,000
Fund(s) or Account(s): 202-TBD-5346/5355	Fund(s) or Account(s): 202-TBD-5346/5355
Recommended Motion: Authorize staff to apply for the Category F grant through the MDOT Transportation Economic Development program for Roberts Street between Barney Avenue and Laketon Avenue.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

Leo Evans

From: Frank Peterson
Sent: Monday, March 9, 2020 9:02 AM
To: Leo Evans
Subject: FW: MDOT Call for 2022 TEDF Category F Applications
Attachments: CatF_EligibilityFlyer.pdf

From: Zussman, Jacke (MDOT) <ZussmanJ@michigan.gov>
Sent: Friday, March 6, 2020 11:43 AM
To: Leon, Michael (MDOT) <LeonM@michigan.gov>; Nikoloff, Alexander (MDOT) <NikoloffA@michigan.gov>; Kapp, Mike (MDOT) <KappM@michigan.gov>; Kraynak, Wendy (MDOT) <KraynakW@michigan.gov>
Subject: MDOT Call for 2022 TEDF Category F Applications

Dear Prospective Applicant:

The Michigan Department of Transportation Office of Economic Development is currently accepting Transportation Economic Development Fund Category F applications for Fiscal Year 2022. Eligible applicants include cities, villages and county road commissions. Proposed projects must be on federal-aid designated routes within federal aid urban areas with a population of 5,000 or more located in a county with a population of 400,000 or fewer. Higher consideration is given to applications that propose improving all-season capabilities on routes having high commercial traffic or those that improve access to state trunklines.

Category F grant requests are capped at a maximum of \$375,000. A minimum 20 percent local match is required. Overmatch is encouraged and will be considered when evaluating grant requests. Engineering, utility and right-of-way acquisition costs are not eligible for Category F funding, nor are they eligible to serve as local match.

As a reminder, Preventative Maintenance (PM) projects are ineligible for Category F funding. Only Resurfacing (3R) and Reconstruction (4R) projects are eligible for Category F funding. For the definitions regarding PM, 3R and 4R, please refer to the [MDOT Local Agency Programs Guidelines for Geometrics on Local Agency Projects, 2017 Edition](#).

The application deadline for Category F grants is Friday May 1, 2020. The application and instructions can be accessed at <http://www.Michigan.gov/TEDE>. For questions, please contact Alex Nikoloff, at 517-241-1317 or nikoloffa@Michigan.gov.

Sincerely,

Alex Nikoloff, Category F Program Coordinator

MDOT Office of Economic Development

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DO NOT CLICK links if the sender is unknown.
NEVER provide your User ID or Password.



CATEGORY F — Urban Areas in Rural Counties

PROGRAM OVERVIEW

Goal

To provide system continuity with the secondary all-season road system.

Purpose

To provide funding for transportation projects that:

- Improve access to the state all-season system,
- Improve safety and all-season capabilities on routes having high commercial traffic, and
- Are coordinated with the secondary all-season system (TEDF Category D) or provide all-season routes within an urban area.

Eligible Recipients

Eligible recipients are county, city, and village road agencies within counties with a population of 400,000 or less.

Eligible Projects

In order to be eligible for Category F funding:

- The project must be for improvements to federal-aid roads and streets under county or city/village jurisdiction; and
- The project must be located within the Federal Adjusted Census Urban Boundary of an urban area with a population of 5,000 or greater.

Eligible Project Costs

Eligible costs include costs normally associated with highway construction projects. Engineering and right-of-way acquisition costs are not eligible.

Required Match

20 percent local match

Maximum Grant Amount

\$375,000

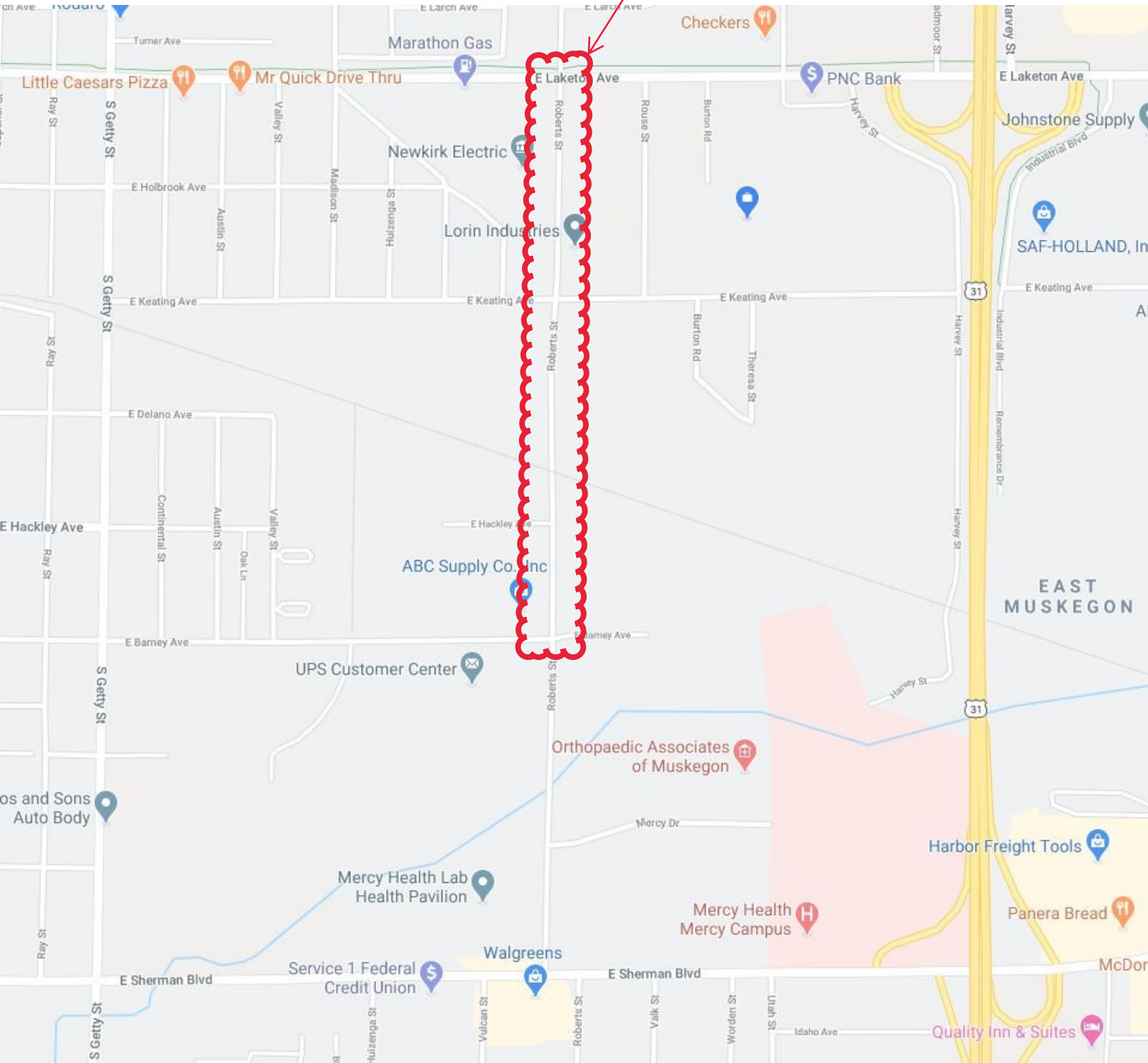
Application Process:

Each spring, the Office of Economic Development solicits applications from eligible agencies. A link to the application is available on the TEDF Category F website during the annual call for projects.

For further information, contact the Office of Economic Development at 517-335-1069 or go online to www.michigan.gov/tedf.



Project Area
Roberts Street from
Barney Avenue north to
Laketon Avenue



WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 4/28/2020	Title: Nelson Neighborhood Rezoning's – SECOND READING
Submitted By: Mike Franzak	Department: Planning
Brief Summary: Staff initiated request to rezone multiple properties in the Nelson neighborhood to Form Based Code, Urban Residential. SECOND READING	
Detailed Summary: The Planning Commission unanimously voted to recommend approval to the City Commission.	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the rezoning's in Nelson Neighborhood as presented.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

Planning Commission Excerpt:

Hearing, Case 2020-07: Staff initiated request to rezone multiple properties in the Nelson neighborhood to Form Based Code, Urban Residential.

SUMMARY

1. Staff is recommending to rezone most of the single-family properties in the Nelson Neighborhood to Form Based Code, Urban Residential. The rezoning would allow for a wider range of housing options; including single-family, townhomes, duplexes and small multiplexes. The Nelson Neighborhood already has a large selection of these home types, but many of them were initially single-family homes that were split-up into multiple units. This has lead to some blight issues, because many of the homes became denser without having the appropriate sized lot. The form based code addresses this issue and also requires more stringent design guidelines.
2. Almost all of the existing duplexes and small multiplexes in the Nelson Neighborhood are considered non-conforming, which can lead to problems with financing, insurance and rebuilding. A rezoning to FBC, Urban Residential would alleviate many of these problems.
3. Please see the enclosed Rental Properties Map. The map shows that 38% of residential parcels in the Nelson Neighborhood are rental properties. Duplexes account for 11% of the parcels. The current zoning does not allow for duplexes and small multiplexes. The current zoning does not match the reality of neighborhood.
4. As Nelson Neighborhood continues to redevelop, staff wants to make sure that a mixture of different housing types are created to continue to address the different housing needs of the diverse neighborhood.
5. Equally as important, it is imperative that we do not zone existing residents out of the neighborhood. Many homes in the area are aging and becoming uninhabitable, weather through disinvestment or disasters. As non-conforming multi-family homes are demolished, it is important that we allow new multi-family homes to be built in their place (on appropriately sized lots) so that tenants are not forced out of the neighborhood because of limited housing options.
6. The proposed rezonings do not include Jefferson St south of the high school.
7. A brief presentation on this topic will be given at the meeting.

STAFF RECOMMENDATION

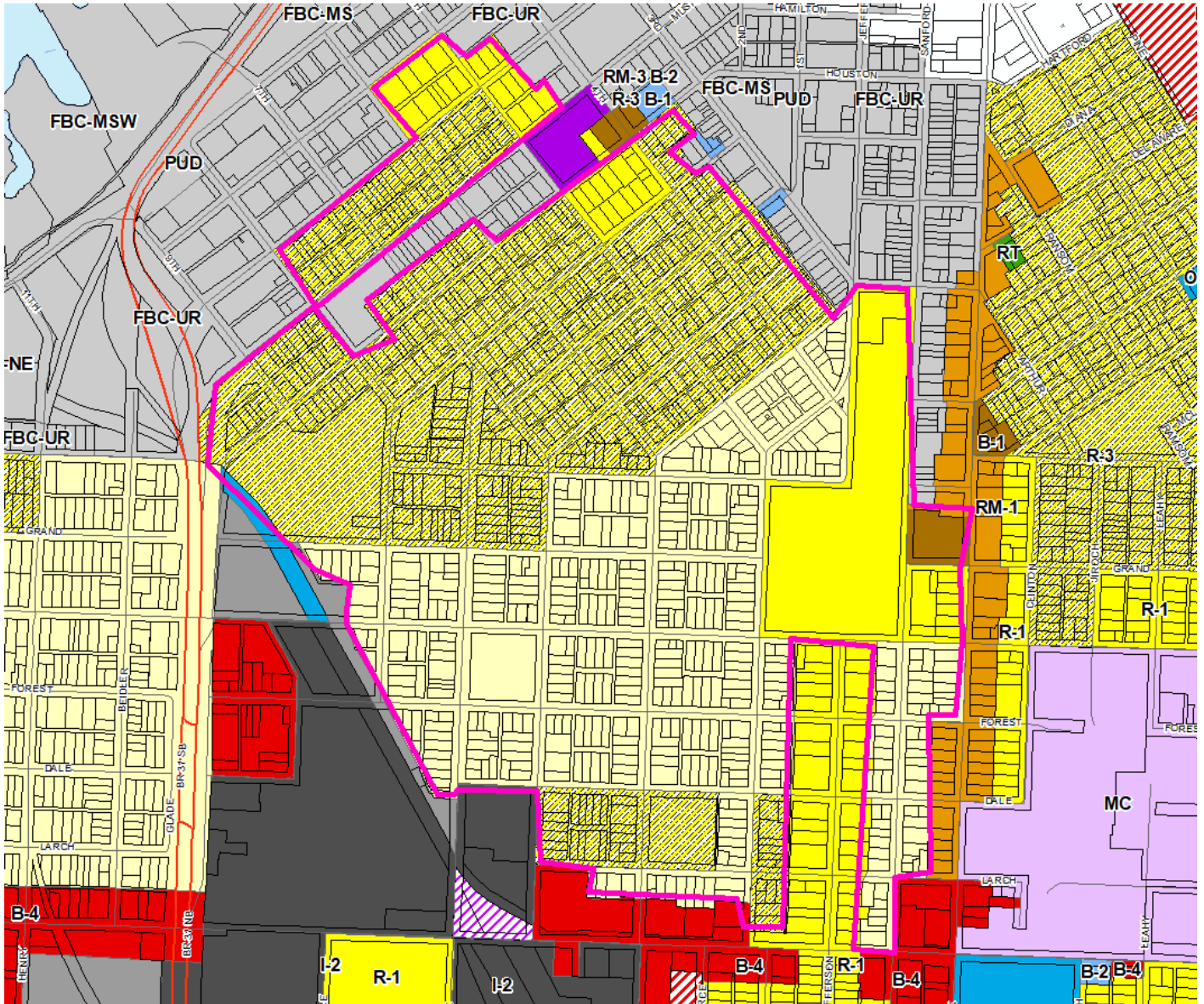
Staff recommends approval of the rezoning request as presented.

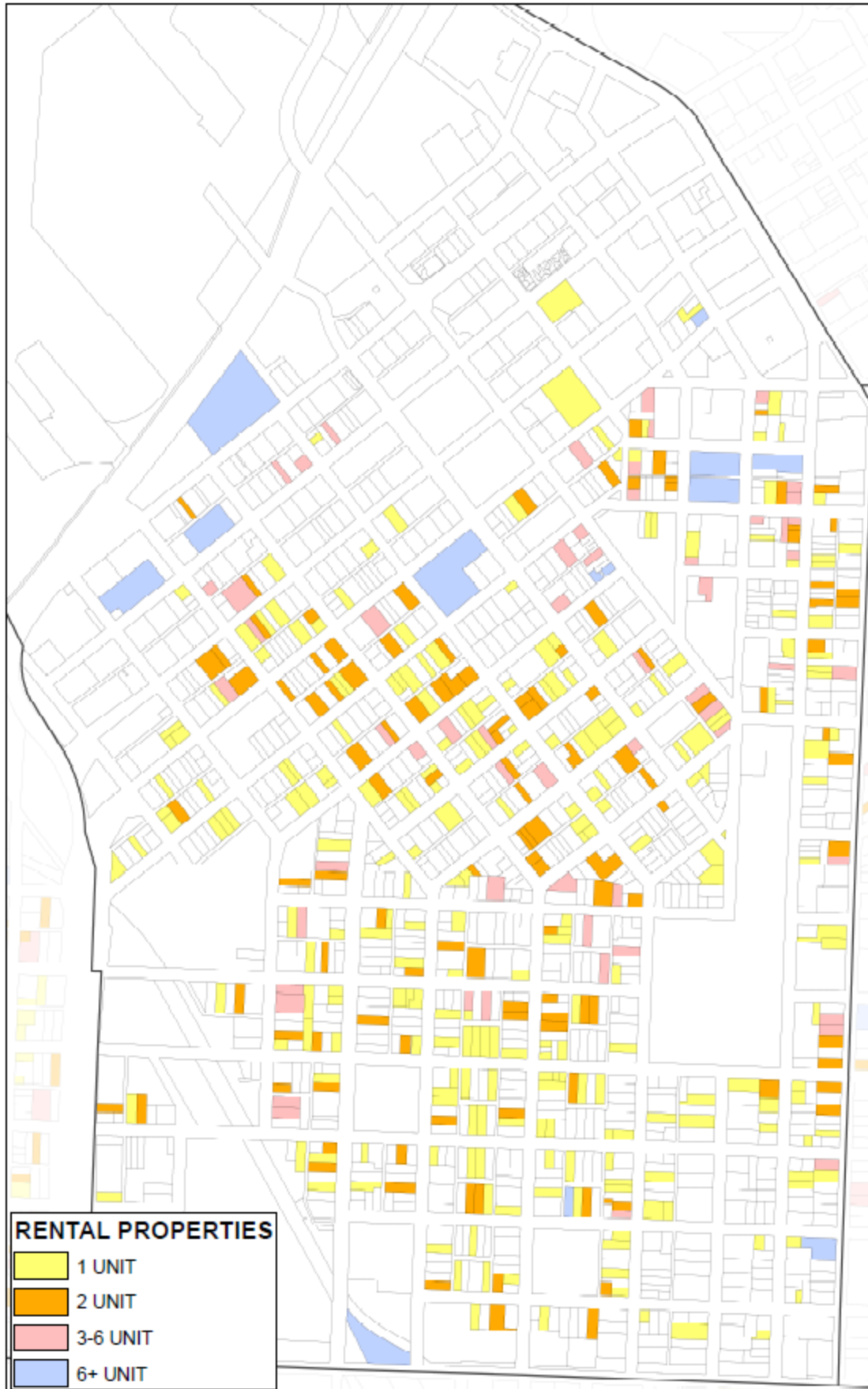
DELIBERATION

Motion for consideration:

I move that the request to rezone the properties in the Nelson neighborhood as presented to Form Based Code, Urban Residential be recommended to the City Commission for (approval/denial).

**Proposed Properties to Be Rezoned to FBC, Urban Residential
(Inside Pink Boundaries)**





2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA**1.0 CONTEXT AREA INTENT AND DESCRIPTION****INTENT**

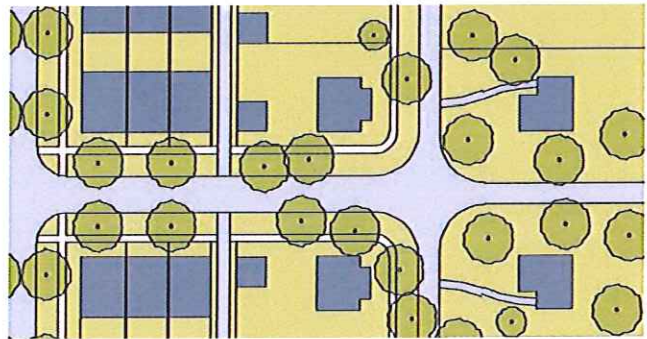
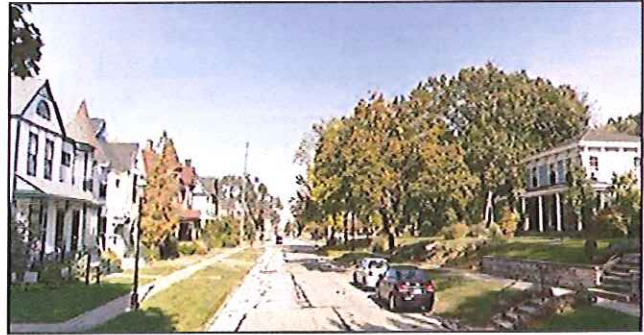
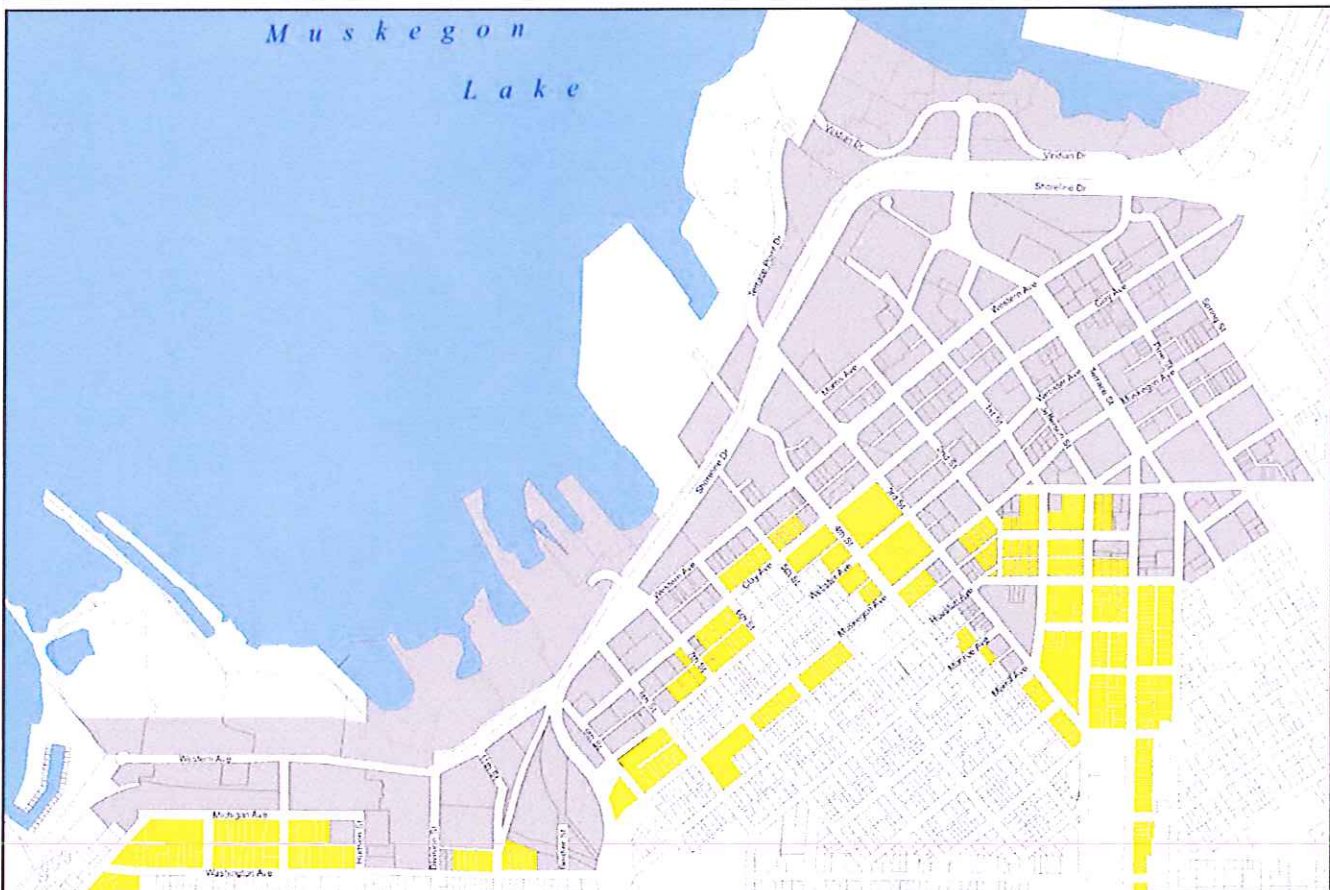
To provide a variety of urban housing choices, in small to medium footprint, medium-density Building Types, which reinforce the neighborhood's walkable nature and support small locally-owned neighborhood retail, service, and commercial activity.

DESCRIPTION

This Context Area is characterized by a wide variety of residential buildings types that have a range of setback conditions within a compact walkable block structure. Small retail enterprises may occur at strategic corner locations within live / work buildings. This Context Area is typically adjacent to single family residential districts.

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

- A. Attached and detached residential buildings
- B. Medium to small building footprint
- C. Varied front setbacks
- D. Medium side setbacks
- E. Primarily stoops and porch frontages

**2.0 CONTEXT AREA LOCATION**

2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA**3.0 PERMITTED BUILDING TYPES, BUILDING TYPE HEIGHTS, AND BUILDING TYPE LOT SIZES**

BUILDING TYPE WITH FRONTAGE OPTION		URBAN RESIDENTIAL (UR) CONTEXT AREA		
		PERMITTED IN CONTEXT AREA	BUILDING HEIGHT	BUILDING LOT SIZE
MIXED-USE BUILDING TYPE	with STOREFRONT			
	with BALCONY			
	with TERRACE			
	with FORECOURT			
	with DRIVE-THROUGH			
RETAIL BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with DRIVE-THROUGH			
FLEX BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with FORECOURT			
	with DOORYARD			
COTTAGE RETAIL BUILDING TYPE	with STOREFRONT			
	with DOORYARD			
	with STOOP			
LIVE / WORK BUILDING TYPE	with STOREFRONT			
	with DOORYARD	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with LIGHTWELL			
	with STOOP	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
LARGE MULTI-PLEX BUILDING TYPE	with FORECOURT			
	with DOORYARD			
	with STOOP			
	with PROJECTING PORCH			
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			
	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	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
DETACHED HOUSE BUILDING TYPE	with STOOP	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
CARRIAGE HOUSE BUILDING TYPE		By Right	2 story building required	Not Applicable - Carriage House Building Type must be used as an accessory building to another building type (refer to Section 2006)
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.

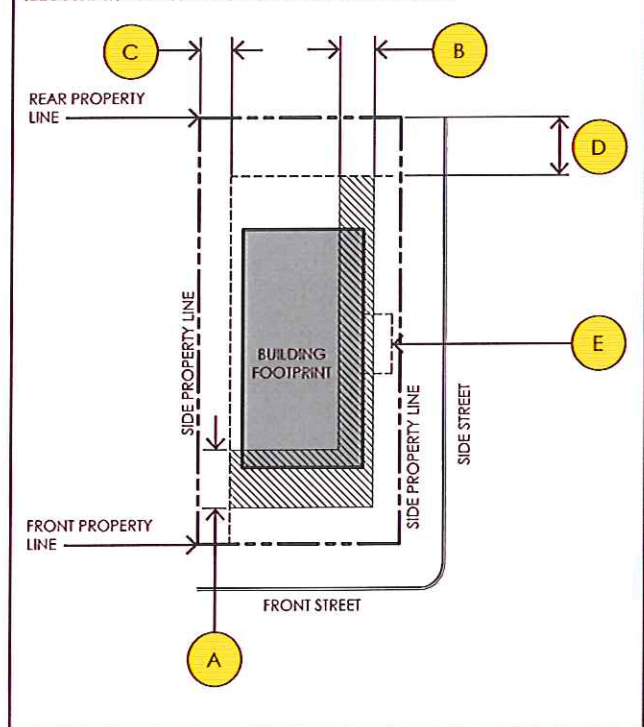
* Refer to the Building Type with specific frontage option in Section 2006 for buildings and frontages labeled as Conditional.

2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA**4.0 BUILDING SITE PLACEMENT**

Refer to Illustration 5.12 for building site placement.

- A. Front Build-to-Zone (at front street):
- Required build-to-zone from 12 to 30 feet from front property line.
 - Live / Work Building Types in this Context Area shall have a required build-to-zone from 5 to 20 feet from front property line.
- B. Side Build-to-Zone (at side street):
- Required build-to-zone from 10 to 25 feet from side property line.
 - Live / Work Building Types in this Context Area shall have a required build-to-zone from 5 to 20 feet from side property line.
- C. Side Setback (at non-street locations):
- 6 feet from side property line.
- D. Rear Setback:
- 15 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.

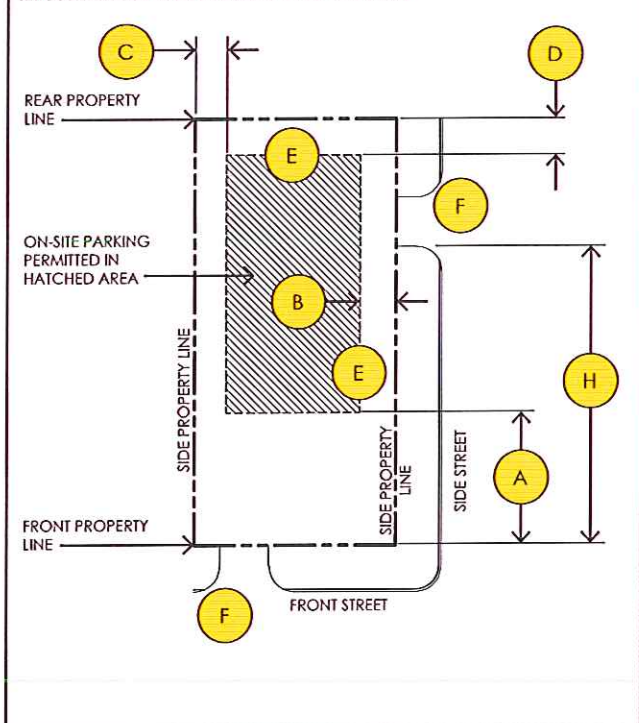
ILLUSTRATION 5.12 BUILDING SITE PLACEMENT

**5.0 PARKING PLACEMENT**

Refer to Illustration 5.13 for on-site parking placement.

- A. Front Setback:
- 40 feet minimum from front property line.
- B. Side Setback (from side street):
- 10 feet minimum from side property line.
- C. Side Setback (from non-street locations):
- 1 foot from side property line.
- D. Rear Setback:
- 5 feet from rear property line at non-street locations.
 - 10 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 5.13 PARKING PLACEMENT



2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA**6.0 PERMITTED USES****URBAN RESIDENTIAL (UR) 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	
Amusement and recreation facility												
Auto service station												
Bank												
Business school/private or public school/higher ed.												
Church												
Club, lodge, hall												
Gallery/museum					P							P
Home Business					P		P	P	P	P	P	
Hotel/motel												
Indoor theater/live music concert hall												
Light manufacturing												
Machine shop												
Micro brewery, distillery, winery under 2500 barrels												
Micro brewery, distillery, winery over 2500 barrels												
Multi-family							P					
Non-profit Supportive Housing					S*		S*		S*	S*		
Office					P							
Outdoor recreation												
Outdoor theater												
Parking structure												
Personal service					P							
Railway terminal												
Research and development												
Restaurant, cocktail lounge, brewpub												

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)

S* = Special Land Use on Peck Street and Sanford Street only

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.

6.0 PERMITTED USES (continued)

[illegible]

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

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the zoning map of the City to provide for a zone change for several properties in the Nelson Neighborhood to Form Based Code, Urban Residential.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning for several properties in the Nelson Neighborhood to Form Based Code, Urban Residential.

This ordinance adopted:

Ayes: _____

Nayes: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Meisch, MMC
City Clerk

CERTIFICATE (Rezoning for several properties in the Nelson Neighborhood to FBC, UR)

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 28th day of April, 2020, 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: _____, 2020

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 April 28, 2020, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning for several properties in the Nelson Neighborhood to FBC, UR.

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 _____, 2020

CITY OF MUSKEGON

By _____

Ann Meisch, MMC
City Clerk

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

Account No. 101-80400-5354