

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, February 15, 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 December 14, 2023.
- III. Old Business
- IV. Public Hearings
 - A. Hearing, Case 2024-01: Request to amend the Planned Unit Development at 1148 & 1204 W Western Ave (Adelaide Point), by Adelaide Point QOZB, LLC.
 - B. Hearing, Case 2023-02: Staff initiated request to amend Article XX, Sections 2006.12, 2006.14, 2006.15, 2006.16, and 2006.17 of the zoning ordinance to eliminate the entry door transparency requirements for certain building types.
 - C. Hearing, Case 2023-03: Staff initiated request to amend Section 2311 (accessory structures) of the zoning ordinance to set the regulations regarding chicken coops.
- V. New Business
- VI. Other
- VII. Adjourn

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

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

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

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

Staff Report
February 15, 2024

Hearing, Case 2024-01: Request to amend the Planned Unit Development at 1148 & 1204 W Western Ave (Adelaide Point), by Adelaide Point QOZB, LLC.

SUMMARY

1. This is the 4th amendment to the Adelaide Point PUD. Please see the enclosed timeline that describes the amendments in detail.
2. The requested amendments include the following:
 - a. The primary function of the east boat basin will change from boat staging to fishing. The shopper docks will be moved to the east side of the existing boat launch, next to the forklift drop. Transient docks will be moved to the east side of the central peninsula. The fuel dock has been moved to the central basin.
 - b. A planting median has been introduced on Adelaide Blvd to denote the entrance into the development.
 - c. The former railroad path has been converted to a multi-use path along the southern edge of the campus.
 - d. A connection has been made from the bike path on the west side of development to the sharrow lanes on Adelaide Circle.
3. Please see the enclosed “Shopper Dock Relocation” and “AP Fishing + ADA Access Plan” documents.
4. Notice was sent to everyone within 300 feet of the property. At the time of this writing, staff did not receive and comments.

STAFF RECOMMENDATION

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

1. The multi-use path along with former railroad ROW should be redesigned to take the path out of the driveway of the C-6 boat storage building.
2. More details, including a landscaping plan, should be included for the proposed median on Adelaide Blvd.
3. An update phasing plan should be provided.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend the Planned Unit Development at 1148 & 1204 W Western Ave be recommended to the City Commission for approval with the following conditions:

1. The multi-use path along with former railroad ROW shall be redesigned to take the path out of the driveway of the C-6 boat storage building.
2. More details, including a landscaping plan, shall be included for the proposed median on Adelaide Blvd.
3. An update phasing plan shall be provided.

Hearing, Case 2023-02: Staff initiated request to amend Article XX, Sections 2006.12, 2006.14, 2006.15, 2006.16, and 2006.17 of the zoning ordinance to eliminate the entry door transparency requirements for certain building types.

SUMMARY

1. The form-based code requires a minimum amount of transparency for windows. The code has helped develop quality buildings that interact with the public realm. This has been particularly helpful in commercial districts, where pedestrians have the ability to connect with commercial spaces from the sidewalk.
2. A new development must provide a minimum number of windows on a front building façade and doors must also have a minimum amount of transparency. This requirement has worked great for commercial buildings but has started to cause issues with new residential development.
3. The code requires that 25% of front doors must be transparent. This requirement doesn't work as well with residential developments. Often times a window on a door will give access into a living room or kitchen, reducing privacy for the occupant. Blinds and other window treatments are often hard to find for door windows. This has led to some property owners hanging sheets in windows.
4. Staff is requesting to keep the transparency requirement for commercial buildings, but eliminate them for residential buildings. This amendment would eliminate the 25% door transparency requirement for the following building types in the form-based code: live/work, small multiplex, rowhouse, duplex, and detached.

Form-Based Code Excerpt: Duplex Building Types

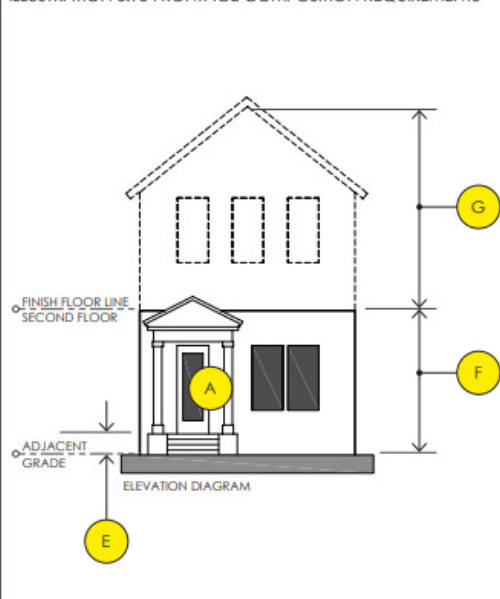
SECTION 2006

BUILDING TYPE STANDARDS

2006.16 DUPLEX BUILDING TYPE

9.01 BUILDING TYPE FRONTAGE OPTION 1: STOOP

ILLUSTRATION 6.95 FRONTAGE COMPOSITION REQUIREMENTS



STOOP COMPOSITION REQUIREMENTS

Refer to Illustration 6.95 for frontage composition graphic reference.

- A. Entry door(s) shall have 25% minimum transparency.
- B. Entry door(s) are required to be elevated above adjacent grade. Elevated entry doors shall have one of the following treatments:
 1. Covered with a supported roof. Roof shall be supported with columns. (As depicted in the graphic).
- C. Depth of stoop landing shall be 4 feet minimum.
- D. Width of stoop landing shall be 5 feet minimum.
- E. Stoop shall be 12" minimum above adjacent grade.
- F. Transparency: Stoop frontage shall have 40% to 60% of the façade be windows between the adjacent grade and the finish floor line of the second story. Entry door transparency shall be included as part of the required transparency calculation.
- G. Transparency Upper Stories: Refer to Building Type for transparency requirements of upper stories.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend Article XX, Sections 2006.12, 2006.14, 2006.15, 2006.16, and 2006.17 of the zoning ordinance to eliminate the entry door transparency requirements be recommended to the City Commission for approval.

Hearing, Case 2023-03: Staff initiated request to amend Section 2311 (accessory structures) of the zoning ordinance to set the regulations regarding chicken coops.

SUMMARY

1. The City Commission recently passed an ordinance (see enclosed) that allows residents in certain residential districts to keep up to six female chickens.
2. The zoning ordinance must be amended to set the regulations on chicken coops. See below.
3. Please see the enclosed zoning ordinance excerpt for “Accessory Structures.”

Proposed addition to Section 2311: Accessory Structures & Buildings

11. Chicken Coop: A fenced or covered enclosure, detached from the principal structure, used for housing chickens. It is considered an accessory structure and may not be located on a property without a principal structure or in a zoning district that does not allow for the keeping of chickens. It must be located in the rear yard and it may not be taller than 10 feet and may not cover more than 50% of the rear yard. They must be located at least five feet off of the side and rear property lines. They must be located at least six feet from the principal structure and at least 25 feet from any neighboring house. They do not count towards the amount of accessory structures allowed on a property.

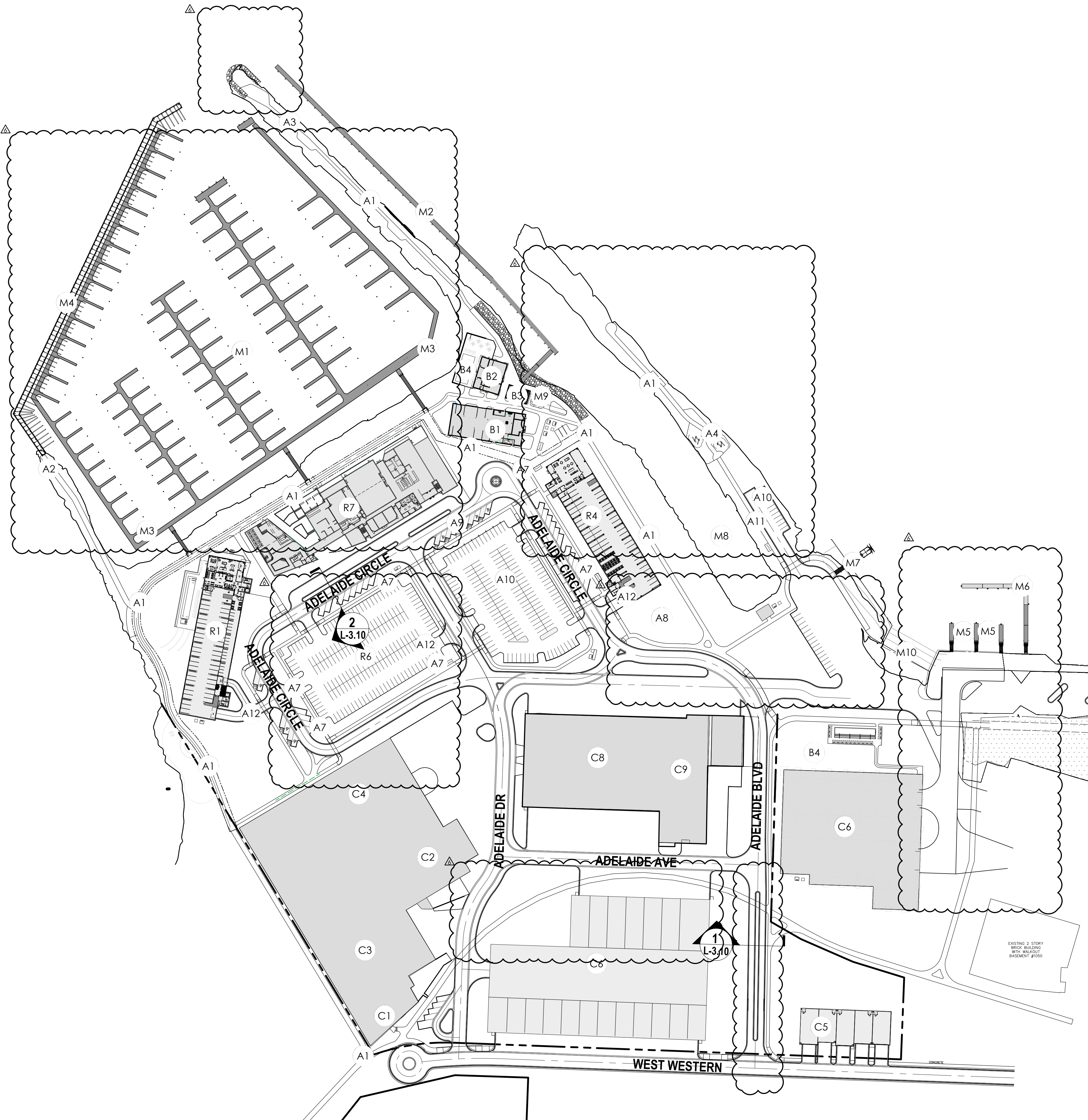
Traditional Chicken Coop



DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend Section 2311 (accessory structures) of the zoning ordinance to set the regulations regarding chicken coops be recommended to the City Commission for approval.



SHEET NOTES:

C COMMERCIAL BUILDINGS

- C1 ADELAIDE POINTE OFFICES
- C2 LIGHT INDUSTRY
- C3 WAREHOUSING / BOAT STORAGE
- C4 WAREHOUSING / BOAT STORAGE
- C5 RETAIL /BOAT SERVICE / BOAT STORAGE
- C6 WAREHOUSING / BOAT STORAGE
- C8 WAREHOUSING / BOAT STORAGE
- C9 WAREHOUSING / BOAT STORAGE

R RESIDENTIAL BUILDINGS

- R1 CONDOMINIUM BUILDING
- R4 CONDOMINIUM / COMMERCIAL
- R6 APARTMENT BUILDING
- R7 HOTEL

B MIXED USE BUILDING / AMENITIES

- B1 SALES / RETAIL / RESTAURANT
- B2 BOATER SERVICES BUILDING
- B3 RESTROOMS FACILITY
- B4 POOL

M MARINA / MARINA SERVICES

- M1 WET SLIP MARINA
- M2 TRANSIENT SLIPS
- M3 FUEL DOCK
- M4 PILE SUPPORTED STRUCTURE WITH STEEL SHEET PILE WAVE FENCE
- M5 FORKLIFT WELLS
- M6 ADA SHOPPER DOCKS
- M7 KAYAK LAUNCH
- M8 FISHING BASIN
- M9 FISH CLEANING STATION
- M10 BOAT RAMP

A PUBLIC AMENITIES

- A1 BIKE & PEDESTRIAN TRAILS
- A2 WEST POINT PARK
- A3 LINEAR PARKS
- A4 EAST BASIN PARK
- A7 BIKE RACKS
- A8 EVENT LAWN
- A9 ON STREET PARKING
- A10 OFF STREET PARKING
- A12 PARKING GARAGE ACCESS

NOTE: LESS THAN 10% OF EACH BUILDING FACE WILL BE USED FOR SIGNAGE, LOGOS, OR LETTERING.

Project :



ADELAIDE POINTE
1204 WEST WESTERN AVENUE
MUSKEGON, MI 49441
P: (855) MKG-LAKE
<https://www.adelaidepointe.com>

Consultants:



518 BROAD STREET
SAINT JOSEPH, MI 49085
P: (269) 932.4502
www.edgewaterresources.com

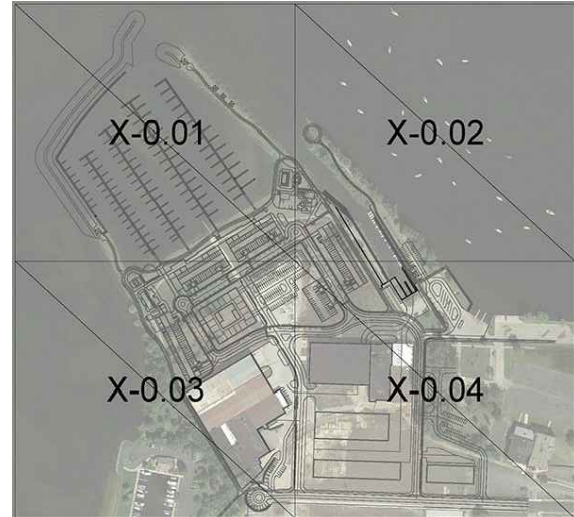


1609 PINERIDGE DR
GRAND HAVEN, MI 49417
P: (616) 843-1002
www.architekturaplc.com/



KARB + ASSOCIATES ARCHITECTS
648 N. PLANKINTON AVE.
SUITE 240
MILWAUKEE, WI 53203
P: (414) 273-8230
www.kaa-arch.com

SITE LOCATION:



REVISION Date: 12/06/2022

Project No: 21-004

REVISION - 06/21/2023
REVISION - 07/06/2023
REVISION - 01/23/2024



Scale: 1"=100'-0" @ 24x36



Seal:

Project Phase:

PUD SUBMITTAL

Sheet Title:

SITE PLAN

Sheet Number:

C-1.00

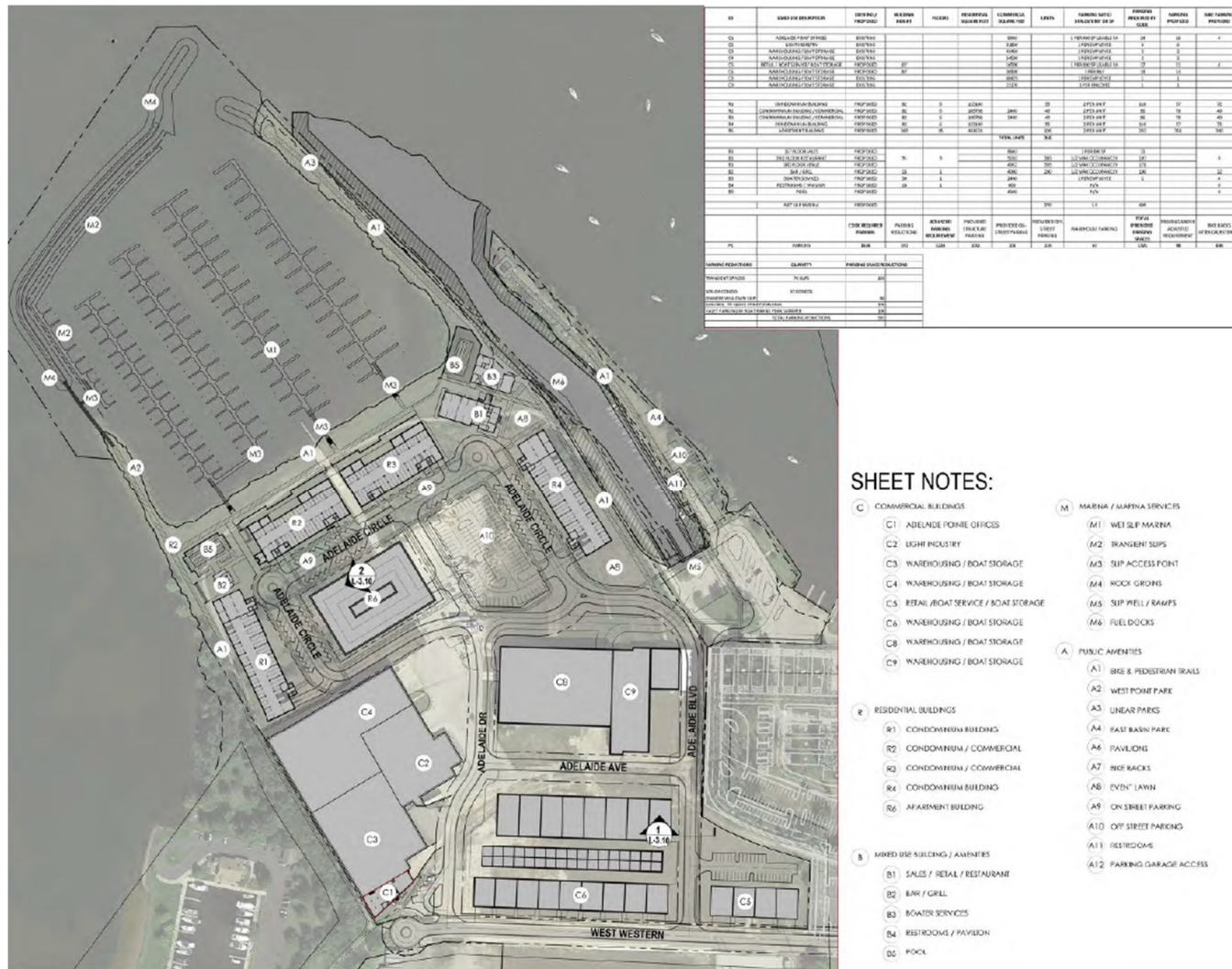
9/28/21 - Original PUD was approved with the following conditions 1) A revised site plan that addresses narrower streets and water main and fire hydrant locations is approved by staff 2) The site plan receives a stormwater permit.



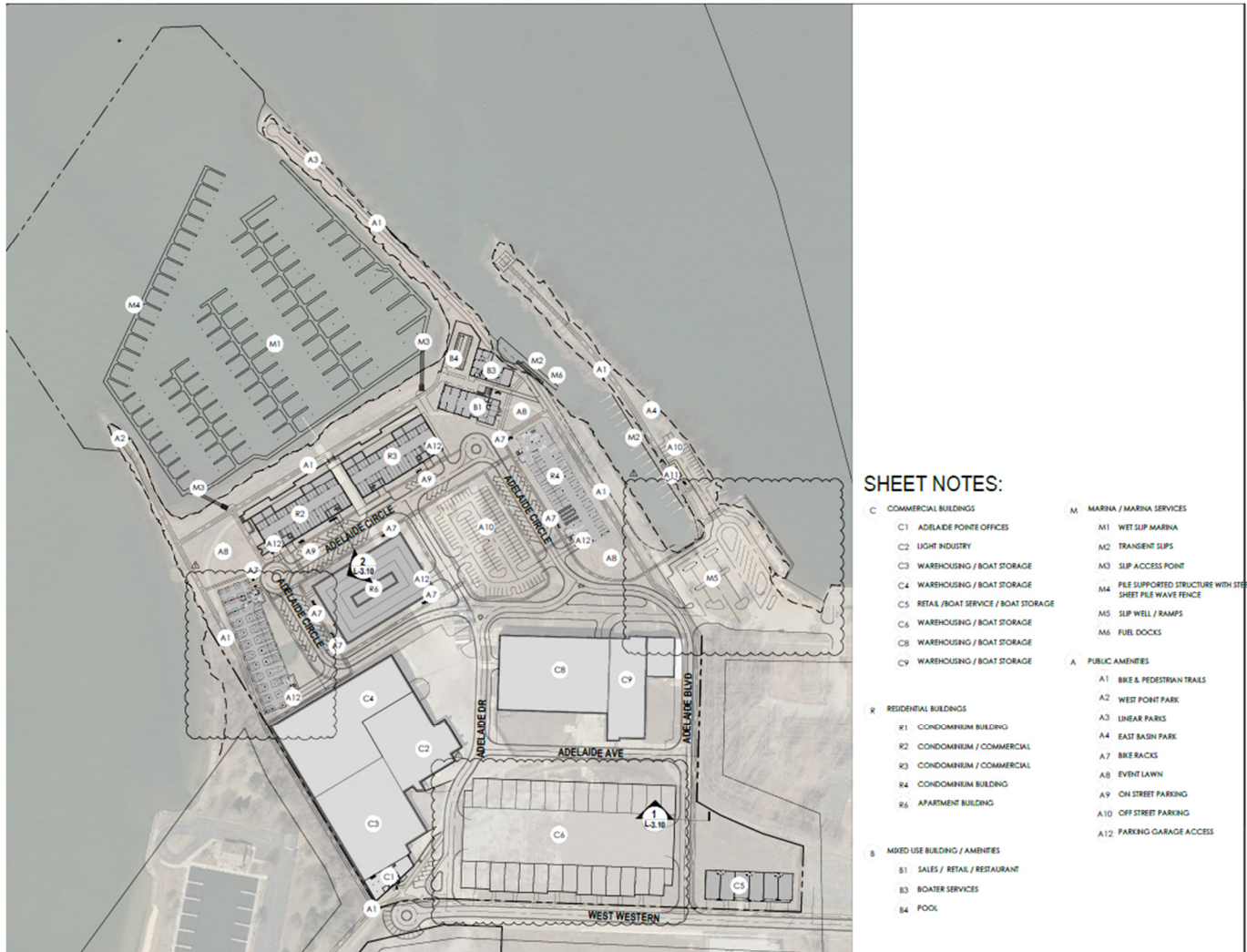
SHEET NOTES:

- C COMMERCIAL BUILDINGS
 - C1 ADELAIDE POINTE OFFICES
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 - B2 BAR / GRILL
 - B3 BOATER SERVICES
 - B4 RESTROOMS / PAVILION
 - B5 POOL
- M MARINA / MARINA SERVICES
 - M1 WET SLIP MARINA
 - M2 TRANSIENT SLIPS
 - M3 SLIP ACCESS POINT
 - M4 ROCK GROINS
 - M5 SLIP WELL / RAMPS
 - M6 FUEL DOCKS
- A PUBLIC AMENITIES
 - A1 BIKE & PEDESTRIAN TRAILS
 - A2 WEST POINT PARK
 - A3 LINEAR PARKS
 - A4 EAST BASH PARK
 - A5 FISHING PIER
 - A6 PAVILIONS
 - A7 BIKE RACKS
 - A8 EVENT LAWN
 - A9 ON STREET PARKING
 - A10 OFF STREET PARKING
 - A11 RESTROOMS
 - A12 PARKING GARAGE ACCESS

7/12/22 – First amendment to the PUD included the addition of Adelaide Ave and turned Adelaide Circle into a one-way street with angled parking. A condominium building was removed and the boat services building was separated from the restaurant/retail building. The warehousing/boat storage buildings between Adelaide Ave and W Western Ave were slightly modified in size. The park and fishing pier on the east peninsula were modified.



2/8/23 – Second amendment included reducing the size of the marina, slightly rotating a condominium building to avoid the bike trail, removing a condominium swimming pool, removal of the east basin boat launch, and the combination of two boat storage structure.



7/11/23 – Third amendment to the PUD was approved by Planning Commission as minor changes. They included removal of a condominium/retail building (55 residential units), changing the other condominium/retail building to a hotel (removal of 55 residential units/addition of 125 hotel rooms), repositioning of a condominium building and slight modifications to Adelaide Circle.





Thursday, January 11, 2024

Adelaide Pointe
1204 W. Western Avenue
Muskegon, MI 49441

Mr. Mike Franzak
Zoning Administrator
City of Muskegon
933 Terrace Street
Muskegon, MI 49441

Dear Mr. Franzak,

Please be aware that Adelaide Pointe does hereby intend to request modification to the Adelaide Pointe PUD as previously approved. Adelaide Pointe believes that there is an opportunity to improve shopping, mooring, ramp activities and fishing by relocating the approved shopper dock within the East Basin to the forklift drop adjacent to the Hartshorn Ramp. This modification will also enhance Adelaide Pointe's boat launching capabilities as enabled by the Cooperative Use Agreement.

The following is a summary of changes and benefits proposed:

Mooring

Docks 1, 2 and 3 as shown in Figure 1 shall be used for the operation of forklift launching and retrieval operations as previously approved. Dock 4 shall be used to stage customer vessels and provide non-customer members of the public a shopper dock location closer to downtown than the previously approved East Basin shopper dock. Per the Cooperative Use Agreement a charge may be assessed to non-customer members of the public to cover staffing costs and ensure proper upkeep and maintenance of the dock. Overnight mooring will not be allowed and security on all four gates will be put in

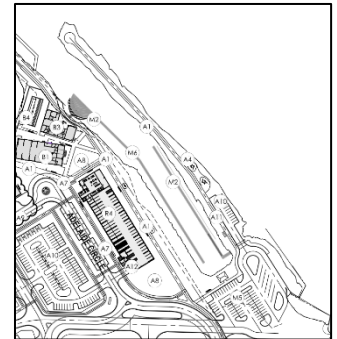
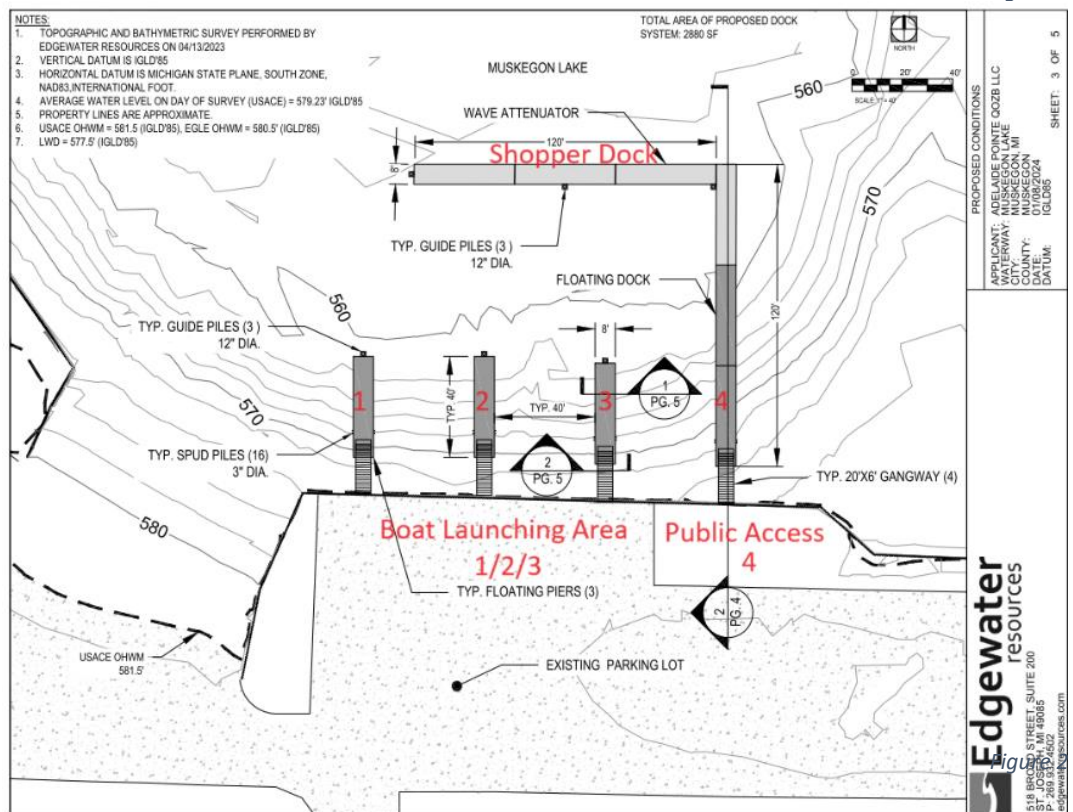


Figure 1



place to prevent injury and destruction of property. Terms and conditions of the relocated East Basin dock shall have the same rights, conditions and obligations as previously approved.

Public Boat Ramp

Currently the Hartshorn has no protection from Easterly and North-Easterly wave conditions. Dock 4 shall act as a wave attenuator and eliminate any sort of conditions that could cause injury or harm to citizens and their property while launching and retrieving vessels. The additional protection provided will also reduce damage to the Hartshorn ramp and property throughout the harbor.

Fishing Access

During the summer of 2023 Adelaide Pointe and Bear Lake Tavern funded a Purdue University study on the migratory and spawning behaviors of Yellow Perch within the Muskegon Lake watershed. It was discovered that Muskegon Lake has its own unique species of Yellow Perch that prefers shallower, warmer waters whereas Lake Michigan Yellow Perch prefer deeper and colder waters. The East Basin has become one of the best fishing locations on Muskegon Lake for this unique and previously undiscovered species of Yellow Perch. As Yellow Perch is also one of the most desired and tasty species of fish this unique opportunity is of great benefit to the public. Relocating the previously approved East Basin shopper dock preserves fishing access within the East Basin.

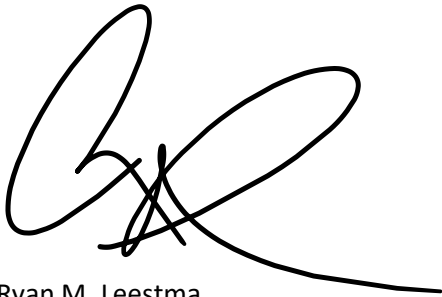
Should the City approve this relocation as illustrated a net new fishing resource will become available via Dock 4. A new concrete pad will be poured to connect the parking lot to a ADA approved gangway and no forklift activity within close proximity will take place to ensure safety. Reservation of dock usage rights per the Cooperative Use Agreement shall be extended from the East Basin and be preserved. State of Michigan law regarding free navigation upon the surface of the waters shall also be preserved.

Summary

The PUD change requested improves shopping, mooring, ramp activities and fishing to further strengthen the public private partnership between the City of Muskegon and Adelaide Pointe. Adelaide Pointe humbly requests that these changes be approved in an expedient manner so as to allow for State and Federal application submittals.

Please do not hesitate to contact us with any questions, considerations or ideas for improvement.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Leestma', with a long, sweeping underline that extends to the right.

Ryan M. Leestma
Founder and Owner
616-633-6020
rml@leestmamanagement.com

ARTICLE XXIII – GENERAL PROVISIONS

8. The outdoor seating area shall not obstruct visibility of on-coming pedestrians or vehicular traffic, and must adhere to clear visions standards of the Zoning Ordinance.
9. The sale of alcoholic beverages is subject to the rules and regulations of the State of Michigan Liquor Control Commission. An outdoor service permit may be required as part of the site plan approval.
10. All outdoor furnishings shall be completely removed from sidewalk areas December 1 through March 1 of each year.
11. The area devoted to such outdoor dining area shall be maintained in a safe, clean, and sanitary manner.
12. Roof seating shall comply with the building code, and not contain signage.

SECTION 2309: HEIGHT REGULATIONS

Permitted Exceptions: The following structural appurtenances shall be permitted to exceed the height limitation, provided that no portion of said appurtenances shall be used for human occupancy. Any structural exception to the height limitation shall be erected only to such height necessary to accomplish its intended purpose.

1. Ornamental structural appurtenances such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, and monuments.
2. Appurtenances necessary to mechanical or structural functions of a building and structures, such as chimney, smoke stacks, water tanks, wind generators and pumps, elevators, stairwell, ventilators, bulkheads.
3. Structural appurtenances in the Single Family Residential district, that serve the occupants of the individual residential use do not exceed seventy-five (75) feet in height as measured from the ground level at the base of the structure.

SECTION 2310: [RESERVED]

SECTION 2311: ACCESSORY STRUCTURES & BUILDINGS

Accessory buildings shall require a development permit or when required by building codes, a building permit, except as otherwise permitted in this Ordinance, and shall be subject to the following regulations:

1. Attached: Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform with, all regulations of this Ordinance applicable to the main building.
2. Front Yard, prohibition: Buildings or structures accessory to the principal, shall not be permitted in any front yard, except for corner lots, which may be placed in the front yard on the secondary front street (street that does not contain the main entrance to the home). Parking lots are prohibited in any residential front yard. Security stations within an “I” District may be erected in any yard.
3. Height restrictions: Buildings accessory to residential buildings shall not be more than one (1) story or fourteen (14) feet in height.

4. Detached: Detached accessory buildings shall:
 - a. Be at least six (6) feet from any principal building
 - b. Be at least three (3) feet from any side or rear lot line.
 - c. Not be located within a dedicated easement or right-of-way.
 - d. Any accessory structure placed in a residential property or zone in the city shall be of residential construction properly painted or sided. Pole style storage buildings and sheet metal accessory structures are prohibited in all residential zones or developments.
5. Replacement: Existing accessory structures may be replaced on the existing footprint provided they are wholly contained within the property and meet the required front yard setback.
6. Satellite Dishes: Satellite dishes over twenty four inches (24”) in diameter shall be considered accessory structures. The setback placement of satellite dishes shall be measured from the outermost edge of the dish.
7. Number: No more than one (1) accessory building shall be located on any parcel within an “R” or “RT” district, except that two (2) may be permitted when one is a garage or other shelter for automobiles belonging to the residence.
8. Not Permitted Prior to a Principal Structure: Accessory buildings and structures shall not be erected on a lot or parcel in a residentially zoned district prior to the establishment of a principal structure. Where two or more abutting lots are held under one ownership or control in a residentially zoned district, the owner may erect an accessory building on a lot separate from that one which the principal building is located, provided both lots are combined and used as one with a single tax description.
9. Solid Fuel Heating Appliances: Due to the nuisance smoke and concerns regarding the public safety and welfare of residents living in relatively close proximity to one another, outdoor solid fuel heating appliances are prohibited in all zoning districts in the City of Muskegon.
10. Wind Turbines: Wind turbines as accessory structures are allowed in Industrial and Business zones, after review and approval of the site plan by the Planning Commission with the following conditions:
 - a. Minimum parcel size shall be two (2) acres.
 - b. For safety reasons, one of the following is required of any tower capable of being climbed:
 - i. A six (6) foot locked, protective fence around the perimeter of the base of the wind turbine.
 - ii. A climbing apparatus no closer than 12 feet from the ground.
 - c. Wind turbine set backs from the property line shall be at least equal to one and one half times the vertical height measured from the ground to the tallest point of the structure, including the highest elevation of the wind turbine rotor.

**City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. _____**

THE CITY OF MUSKEGON HEREBY ORDAINS:

Sec. 6-17. Livestock and poultry.

- (a) Except as provided in this section, no livestock shall be kept in the city.
- (b) No live poultry, excluding chickens kept pursuant to section (f) below, shall be kept in the city.
- (c) No more than two (2) rabbits shall be kept on any premises in the city. The two (2) rabbits which may be kept at premises shall be in a pen located at least 25 feet from any dwelling and constructed and maintained in accordance with standards published in the industry or by a 4-H organization.
- (d) No wild animal shall be kept permanently or temporarily in the city unless affiliated with a transient circus or carnival having all required permits to operate in the city, or a licensed zoo.
- (e) Education Exception
 - 1. Upon submission of a site plan and approval by the Planning Commission, an educational institution may keep a limited number of livestock, poultry, fowl, rabbits and other animals for educational purposes.
 - 2. An “educational institutional” for purposes of this ordinance is defined as an accredited educational institution, such as a school within the Muskegon Area Intermediate School District, an elementary, intermediate, and/or secondary school, college, university or other such institution of higher learning, public and private, offering courses in general, technical or religious education, not operated for profit and in full compliance with the City’s Zoning Ordinance.
 - 3. Measures must be taken to ensure that the livestock and other animals are not a nuisance to neighboring properties for any reason, including the noise, smell, disease or danger that they may cause.
 - 4. All livestock and other animals must be located at least 25 feet from any dwelling.
 - 5. All state and federal laws and regulations pertaining to the housing and care of animals shall be followed. In addition, the program using the animals as part of its educational curriculum must comply with the career tech program guidelines and regulations.

(f) Keeping of Chickens

1. Up to six (6) female chickens may be kept on a tax parcel having at least 3,000 square feet and located in a Single-Family Residential District, RT Two Family Residential District, Form Based Code, Urban Residential District or Form Based Code, Lakeside Residential District. Roosters may not be kept in the city.
2. The female chickens shall be kept in a chicken coop, which shall be in a fenced or covered enclosure. The fenced or covered enclosure shall comply with setback requirements established in the City's Zoning Ordinance and shall not cover more than 50% of the rear yard. All aspects of the fenced or covered enclosure shall be as provided for in a development permit approved by the Planning Department and shall be repaired and maintained in a manner resistant to predators.
3. In addition to the chicken coop, the fenced or covered enclosure shall contain a feeding container. Ground feeding is prohibited. All unused or unconsumed food shall be adequately secured and stored after every feeding. All unused or unconsumed food shall not be left open to or accessible by other animals.
4. The keeping of chickens shall be done in such a manner that all health and safety standards of the City's Property Maintenance Code are satisfied.

(g) Violation and Penalties

1. The owner and occupant of a tax parcel shall insure compliance with all provisions of this Section.
2. Any person who violates any provision of this Section shall be responsible for a municipal civil infraction.

(h) Civil Remedies for Violation

1. In case any dwelling, property, chicken coop, fenced or covered enclosure, or feeding container is maintained in violation of any provision of this Section, the city may institute an action in circuit court to prevent such unlawful maintenance; to restrain correct or abate such violation or nuisance, or to prevent conduct on such tax parcel.
2. The judgement of the court in such cause may direct the correction, repair or rehabilitation of the dwelling or building or the abatement of the violation, may authorize a reasonable time within which the defendant may make such

correction or abatement and may authorize the city to execute and carry out the provisions of the judgment in case of default of the defendant. Whenever the city has incurred any expense in the enforcement of this article or in obtaining a judgement of the court or if inspection fees are due, such expenses and fees may be recovered.

3. The city shall have a lien upon the premises for all fees due and amounts expended to correct, repair, rehabilitate or abate a condition or violation thereon and for expenses necessarily incurred in the obtaining and executing of a judgment, which shall be a lien placed on the tax parcel and may be placed on the tax bill and have priority over all other liens or encumbrances except taxes or assessments may be enforced by levy as in the case of real property taxes, by personal action or judicial foreclosure. The lien shall be effective on the date billed by the city.
4. In any action instituted by the city under this section, the city attorney may file in the office of the register of deeds of the county a notice of the pendency of the action or proceedings. A notice may be filed as the time of the commencement of the action or proceeding or at any time thereafter before final judgment or order or at any time after the service of any notice or order issued by the city. The notice shall have the same force and effect as a lis pendens. Such notice may be vacated upon the order of the judge of the court in which the action or proceeding was instituted or is pending or by consent in writing of the city of the city attorney.

This Ordinance Adopted:

Ayes: _____
Nays: _____

Adoption Date: _____
Effective Date: _____
First Reading: _____
Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Meisch, MMC
Clerk, City of Muskegon

CERTIFICATE