

CITY OF MUSKEGON

PLANNING COMMISSION MEETING

August 14, 2025 @ 4:00 PM

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

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES:

PUBLIC HEARINGS:

- A. Case 2025-32: Request for an amendment to the Planned Unit Development (PUD) to install coolers, build a compactor enclosure, relocate and expand the outside bar, and add a fenced-in smoking area, at 3505 Marina View Point (Dockers). Planning
- B. Case 2025-33: Staff-initiated request to rezone the following properties: 1181 Ransom St, 1200 Ransom St, 1176 Peck St, 1196 Peck St, 1208 Peck St, 1222 Peck St, 1250 Peck St, 1259 Peck St, 1275 Peck St, 1299 Peck St, 1302 Peck St, 1309 Peck St, 1314 Peck St, 1319 Peck St, 1322 Peck St, 1334 Peck St, 1337 Peck St, 1342 Peck St, 1347 Peck St, 1365 Peck St, 1377 Peck St, 1391 Peck St, 1410 Peck St, 1415 Peck St, 1422 Peck St, 1435 Peck St, 1440 Peck St, 1443 Peck St, 1470 Peck St, 1502 Peck St, 1516 Peck St, 1532 Peck St, 1542 Peck St, 1562 Peck St, 1576 Peck St, 1586 Peck St, 1596 Peck St, 1604 Peck St, 1624 Peck St, 1625 Peck St, 1632 Peck St, 1633 Peck St, 1640 Peck St, 1643 Peck St, 1649 Peck St, 1652 Peck St, 1659 Peck St, 1660 Peck St, 1669 Peck St, 1670 Peck St, 1691 Peck St, 1705 Peck St, 1715 Peck St, 1725 Peck St, 1735 Peck St., 19 Irwin Ave, 22 E. Southern Ave, 23 Strong Ave, 24 Morrall Ave, and 32 Iona Ave, from RM-1, Low Density Multiple-Family Residential to Form Based Code, Neighborhood Edge; 1765 Peck St, 1781 Peck St, Parcel # 61-24-205-465-0006-10, and 1778 Sanford St, from B-4, General Business, to Form Based Code, Neighborhood Core; 180 E. Laketon Ave and 1752 Peck St from B-4, General Business and MC, Medical Care, to Form Based Code, Neighborhood Edge; and 36 Catherine Ave, 1366 Peck St, 1378 Peck St, 1386 Peck St, 1394 Peck and 1469 Peck St from B-1, Limited Business, to Form Based Code, Neighborhood Edge. Planning
- C. Case 2025-34: Staff-initiated request to rezone 3172 Edgewater St, 3182 Edgewater St, 2976 Lakeshore Dr, 2984 Lakeshore Dr, 2986 Lakeshore Dr,

3002 Lakeshore Dr, 3084 Lakeshore Dr, 3088 Lakeshore Dr, and 3092 Lakeshore Dr, from Waterfront Marine (WM) to Form Based Code, Lakeside Mixed Residential (FBC-LMR). Planning

D. Case 2025-35: Request for a special use permit to operate a drive-thru for a restaurant at 431 E. Laketon Ave, by Luis Santillanes. Planning

UNFINISHED BUSINESS:

NEW BUSINESS:

ANY OTHER BUSINESS:

A. Strong Towns article - Parking minimums Planning

GENERAL 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. ▶ Limit of 3 minutes to address the Commission.

ADJOURNMENT:

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

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

www.shorelinecity.com

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

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



Agenda Item Review Form

Muskegon Planning Commission

Commission Meeting Date: August 14, 2025	Title: Case 2025-32: Request for an amendment to the Planned Unit Development (PUD) to install coolers, build a compactor enclosure, relocate and expand the outside bar, and add a fenced-in smoking area, at 3505 Marina View Point (Dockers).
Submitted by: Mike Franzak, Planning Director	Department: Planning
Brief Summary: Request for an amendment to the PUD to install coolers, build a compactor enclosure, relocate and expand the outside bar, and add a fenced-in smoking area, at 3505 Marina View Point (Dockers).	
Detailed Summary & Background: The restaurant (formerly Dockers) is located within the Harbour Towne PUD. Any changes to the footprint of the building require an amendment to the PUD. The site plan includes the following changes to the PUD: <ul style="list-style-type: none">- An additional cooler/freezer area will be added near the NE corner of the property.- The outdoor tiki bar will be slightly increased in size (to 480 sf) and will also be slightly realigned to fit within the property line.- A fence will be installed and will be used for an outdoor smoking area for patrons.- The existing dumpster and enclosure will be removed and be replaced with a slightly larger trash compactor and enclosure (12' x 40'). Notice was sent to all properties within 300 feet. At the time of this writing, staff had not received any comments from the public. <u>Staff Recommendation</u> Staff recommend approval of the PUD amendment. None of the proposed improvements appear to have any effect on neighboring properties.	
Goal/Action Item: 2027 Goal 2: Economic Development Housing and Business	
Is this a repeat item?: Explain what change has been made to justify bringing it back to Commission:	

Amount Requested: N/A	Budgeted Item: <table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>	Yes		No		N/A	X	
Yes		No		N/A	X			

Fund(s) or Account(s): N/A	Budget Amendment Needed: <table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>	Yes		No		N/A	X	
Yes		No		N/A	X			

Recommended Motion:
 I move the request to amend the Planned Unit Development to install coolers, build a compactor enclosure, relocate and expand the outside bar, and add a fenced-in smoking area, at 3505 Marina View Point be recommended to the City Commission for approval.

Approvals: <table border="1"> <tr> <td>Immediate Division Head</td> <td>X</td> <td></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td></td> <td></td> </tr> <tr> <td>Communication</td> <td></td> <td></td> </tr> <tr> <td>Legal Review</td> <td></td> <td></td> </tr> </table>	Immediate Division Head	X		Information Technology			Other Division Heads			Communication			Legal Review			<u>Name the Policy/Ordinance Followed:</u>
Immediate Division Head	X															
Information Technology																
Other Division Heads																
Communication																
Legal Review																

SITE PLAN
1" = 10'-0"



RENOVATION FOR
BoDocks
 3504 MARINA VIEW POINT
 MUSKEGON, MI 49441

PROJECT # 1552-25

ISSUANCES

SITE PLAN REVIEW 06.12.2025

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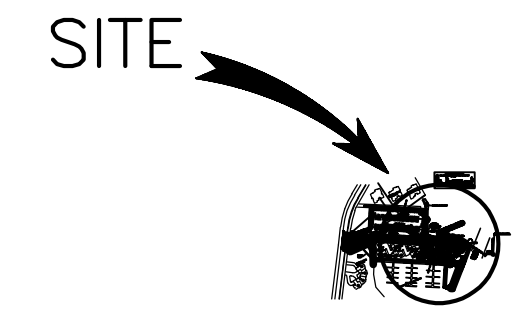
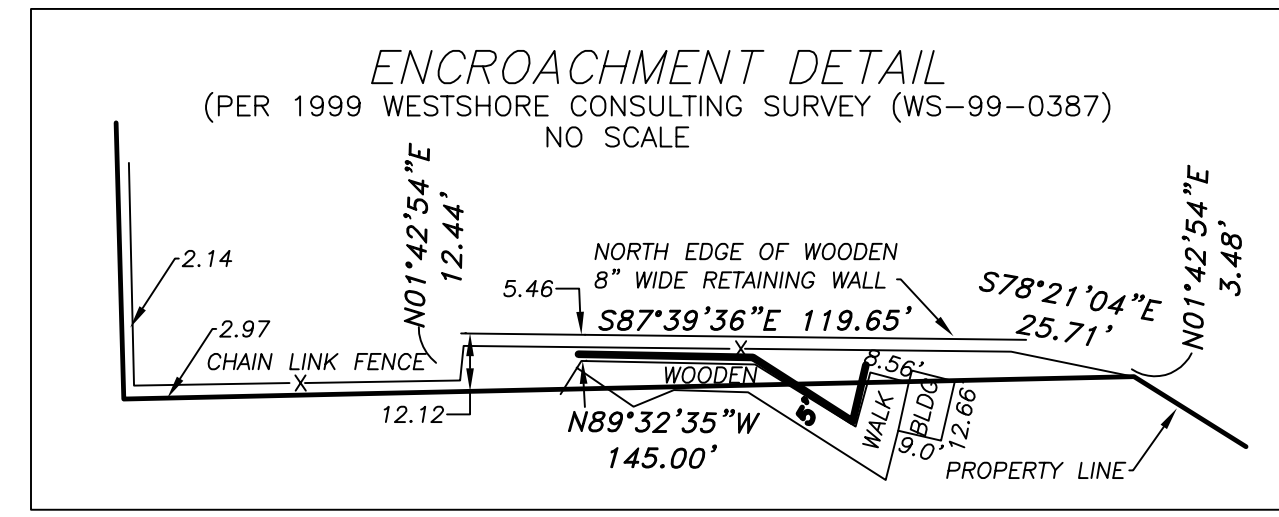
DRAWN BY Author

SHEET TITLE
OVERALL SITE PLAN

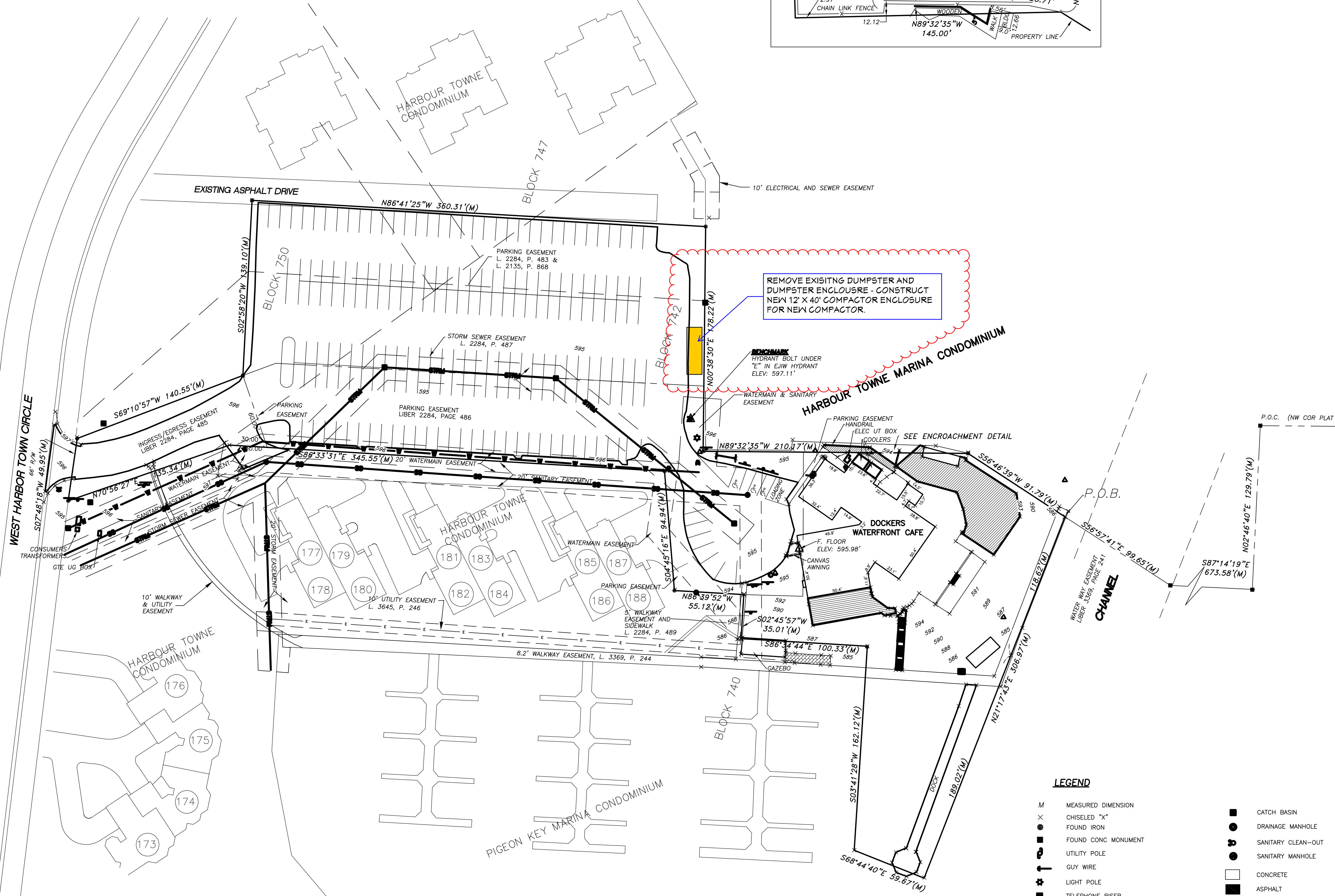
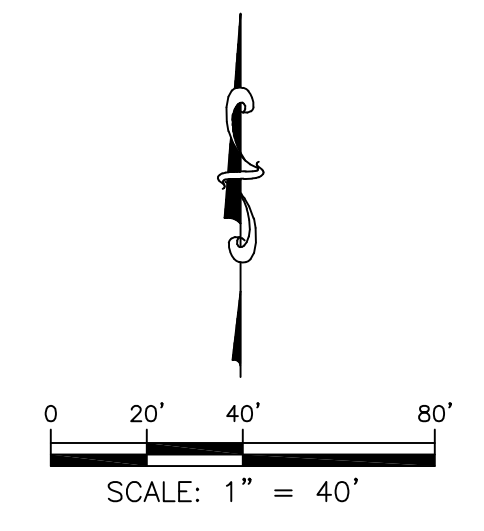
SHEET NO.

C1.00

PRELIMINARY



LOCATION MAP - NO SCALE



FURNISHED DESCRIPTION:
 PROPERTY TAX DESCRIPTION:
 CITY OF MUSKEGON
 A PARCEL OF LAND BEING PART OF BLKS 747, 750 & PART OF LOTS 2-5 BLK 751 OF REVISED PLAT OF 1903 DESC AS FOLS COM @ NW COR PLAT OF EDGEWATER SUB AS RECORDED IN L 3 OF PLATS P 82 ALSO DESC AS NE COR OF BLK 740 OF SD REVISED PLAT CITY OF MUSKEGON
 TH S 89D 37M 27S W ALG S LN OF CHANNEL HARBOUR TOWNE MARINA CONDOMINIUM (ALSO BEING PAR WITH N LN SD PLAT EDGEWATER) DIST 105 FT
 TH S 01D 52M 29S W ALG SD MARINA CONDOMINIUM (ALSO BEING PAR WITH W LN SD PLAT OF EDGEWATER) DIST 130 FT
 TH W 88D 07M 31S W ALG S LN HARBOUR TOWNE MARINA CONDOMINIUM A DIST 574 FT
 TH N 57D 52M 07S W A DIST 99.73 FT TO POB
 TH S 20D 22M 29S W A DIST 307.42 FT
 TH N 69D 37M 31S W A DIST 59.64 FT
 TH N 02D 45M 39S E A DIST 162.12 FT
 TH N 87D 14M 03S W A DIST 100.20 FT
 TH N 02D 03M 56S E A DIST 139.19 FT
 TH N 87D 14M 03S W A DIST 55 FT
 TH N 05D 49M 58S W A DIST 94.94 FT
 TH N 87D 37M 14S W A DIST 345.70 FT
 TH S 70D 19M 20S W A DIST 134.90 FT
 TH N 06D 52M 30S E A DIST 50.02 FT
 TH N 68D 41M 20S E A DIST 140.39 FT
 TH N 02D 03M 56S E A DIST 139.19 FT
 TH S 87D 37M 14S E A DIST 360.22 FT
 TH S 00D 22M 33S E A DIST 117.80 FT (CALCULATED S 00D 22M 55S E DIST 177.79 FT)
 TH W 89D 37M 27S E A DIST 210 FT
 TH S 57D 52M 07S E DIST 91.66 FT TO POB
 SUBJ TO UTILITIES TRANSFER & ESMNT RECOR'D 1913/957
 SUBJ TO ESMT 2135/868 FOR PARKING LOT
 SUBJ TO ESMT 2284/483 FOR PARKING LOT

LEGEND

M	MEASURED DIMENSION	■	CATCH BASIN
×	CHISELED "X"	○	DRAINAGE MANHOLE
●	FOUND IRON	○	SANITARY CLEAN-OUT
■	FOUND CONC MONUMENT	○	SANITARY MANHOLE
○	UTILITY POLE	□	CONCRETE
—	GUY WIRE	■	ASPHALT
—	LIGHT POLE	—	SIGN
—	TELEPHONE RISER	—	CULVERT
—	FIRE HYDRANT	—	HANDICAP LABEL
—	WATER VALVE	—	POST
—	GAS VALVE	—	FENCE
—	WATER SHUT-OFF VALVE	—	EXISTING SANITARY SEWER
—	WATER METER	—	EXISTING STORM SEWER
—	ELECTRIC METER	—	EXISTING WATERMAIN
—	GAS METER	—	EXISTING CONTOUR GRADE
—	SPRINKLER	—	UG ELECTRIC LINE

PRELIMINARY

DATE:	01/09/25	NO.	4507-4
DRAWN BY:	MMT	DATE:	
CHECKED BY:	TWD	DESCRIPTION:	
DESIGNED BY:	JDK/GJD		
PROJECT:	04507-0004		
SHEET:	1 OF 1		
Westshore ESE 2534 Block Creek Road Muskegon, MI 49444 Ph: (231) 777-3447 E-mail: Service@Westshore.net			
WESTSHORE ENGINEERING & SURVEYING ENVIRONMENTAL			
BOUNDARY SURVEY WITH TOPOGRAPHY & EASEMENTS SECTION 28, T10N, R17W CITY OF MUSKEGON MUSKEGON COUNTY, MICHIGAN			



Agenda Item Review Form

Muskegon Planning Commission

<p>Commission Meeting Date: August 14, 2025</p>	<p>Title: Case 2025-33: Staff-initiated request to rezone the following properties: 1181 Ransom St, 1200 Ransom St, 1176 Peck St, 1196 Peck St, 1208 Peck St, 1222 Peck St, 1250 Peck St, 1259 Peck St, 1275 Peck St, 1299 Peck St, 1302 Peck St, 1309 Peck St, 1314 Peck St, 1319 Peck St, 1322 Peck St, 1334 Peck St, 1337 Peck St, 1342 Peck St, 1347 Peck St, 1365 Peck St, 1377 Peck St, 1391 Peck St, 1410 Peck St, 1415 Peck St, 1422 Peck St, 1435 Peck St, 1440 Peck St, 1443 Peck St, 1470 Peck St, 1502 Peck St, 1516 Peck St, 1532 Peck St, 1542 Peck St, 1562 Peck St, 1576 Peck St, 1586 Peck St, 1596 Peck St, 1604 Peck St, 1624 Peck St, 1625 Peck St, 1632 Peck St, 1633 Peck St, 1640 Peck St, 1643 Peck St, 1649 Peck St, 1652 Peck St, 1659 Peck St, 1660 Peck St, 1669 Peck St, 1670 Peck St, 1691 Peck St, 1705 Peck St, 1715 Peck St, 1725 Peck St, 1735 Peck St., 19 Irwin Ave, 22 E. Southern Ave, 23 Strong Ave, 24 Morrall Ave, and 32 Iona Ave, from RM-1, Low Density Multiple-Family Residential to Form Based Code, Neighborhood Edge; 1765 Peck St, 1781 Peck St, Parcel # 61-24-205-465-0006-10, and 1778 Sanford St, from B-4, General Business, to Form Based Code, Neighborhood Core; 180 E. Laketon Ave and 1752 Peck St from B-4, General Business and MC, Medical Care, to Form Based Code, Neighborhood Edge; and 36 Catherine Ave, 1366 Peck St, 1378 Peck St, 1386 Peck St, 1394 Peck and 1469 Peck St from B-1, Limited Business, to Form Based Code, Neighborhood Edge.</p>
<p>Submitted by: Mike Franzak, Planning Director</p>	<p>Department: Planning</p>
<p>Brief Summary: Staff are recommending the rezoning of these properties to bring them into conformance. Almost all properties in this case are considered legally non-conforming because they do not meet the requirements of the RM-1 and B-1 districts. Fortunately, some of our existing Form Based Code zoning context areas would bring these properties into conformance, both in terms of usage and building requirements. The target area is along Peck St between Apple Ave and Laketon Ave.</p>	
<p>Detailed Summary & Background:</p>	

The RM-1 zoning designation poses many problems for existing buildings/businesses along Peck St. The biggest issue with this zoning designation is that nearly all the properties are considered legally non-conforming (grandfathered) because they do not meet the area and bulk requirements. Nearly every property falls short of the following requirements: minimum lot width of 100 feet, maximum building width of 50% (as a portion of lot width), and minimum lot size of 10,890 sf. Many others do not meet the minimum side yard setback requirements of 8, 10, or 12 feet (depending on height of building). These non-conformities can cause issues such as limiting expansion efforts, refinancing problems, and property sales problems. The FBC-NE designation is similar to the RM-1 designation in that it allows many of the same uses, while also limiting buildings to the same height, which is three stories. Staff are recommending that a few of the parcels closer to Laketon Ave be rezoned to FBC-NC to allow for more density closer to the Laketon Ave corridor. This designation allows for larger buildings up to five stories and could encourage denser housing options along public transit routes.

The B-1 zoning designation is very limiting to the existing businesses in the area. The uses allowed are very limiting, only allowing smaller-type businesses that serve the adjacent residential area. It also limits each use to a maximum of 2,500 sf. Also, none of the businesses between Irwin and Isabella meet the required front and side setback requirements. These buildings are built to the correct scale and placement for walkability, even though it goes against the existing zoning requirements. A rezoning to FBC-NE would bring these buildings into conformity and allow for a greater variety of businesses.

Staff held a focus group with affected property owners in June about the potential of a rezoning. There were about 15 participants at the meeting, all of whom agreed that the rezoning effort would positively affect their situations.

Please see the enclosed maps that depict the current and proposed zoning of the parcels along Peck St. The map is broken down into North Peck and South Peck to make it easier to view.

Notice was sent to all properties within 300 feet of each parcel to be rezoned. At the time of this writing, staff had not received any comments from the public.

Goal/Action Item:

2027 Goal 2: Economic Development Housing and Business

Is this a repeat item?:

Explain what change has been made to justify bringing it back to Commission:

Amount Requested:

N/A

Budgeted Item:

Yes		No		N/A	X	
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Fund(s) or Account(s):

N/A

Budget Amendment Needed:

Yes		No		N/A	X	
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Recommended Motion:

I move the request to rezone the properties as listed be recommended to the City Commission for approval.

Approvals:

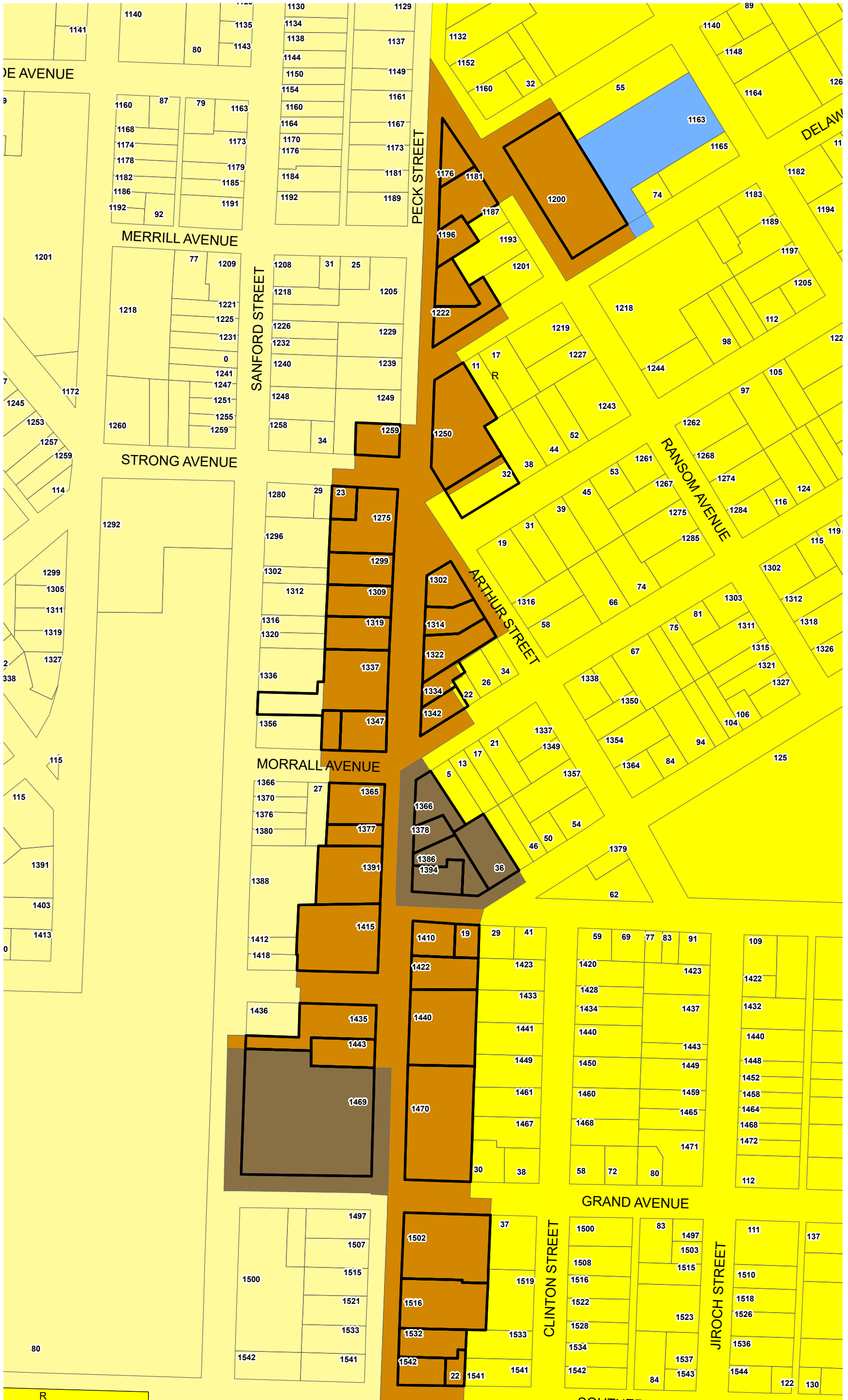
Immediate Division Head	X	
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Name the Policy/Ordinance Followed:

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Information Technology		
Other Division Heads		
Communication		
Legal Review		

- URBAN RESIDENTIAL
- NEIGHBORHOOD RESIDENTIAL
- LIMITED BUSINESS
- OPEN SPACE RECREATION
- NEIGHBORHOOD EDGE
- LOW DENSITY MULTI-FAMILY
- MEDICAL CARE
- 1576 PARCEL TO BE REZONED

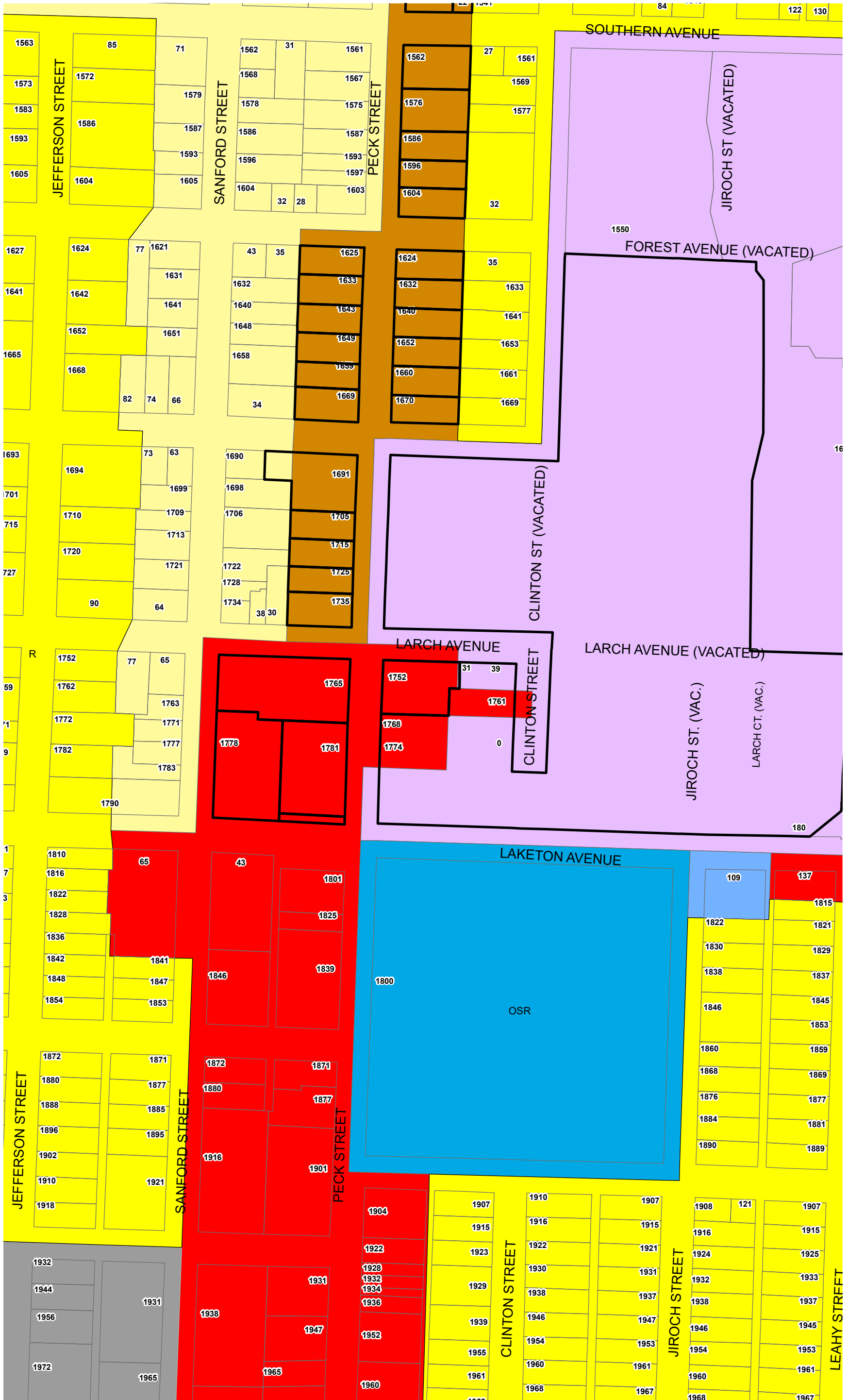
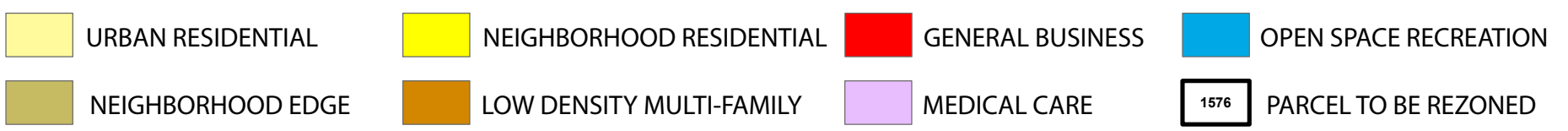


EXISTING ZONING (NORTH)

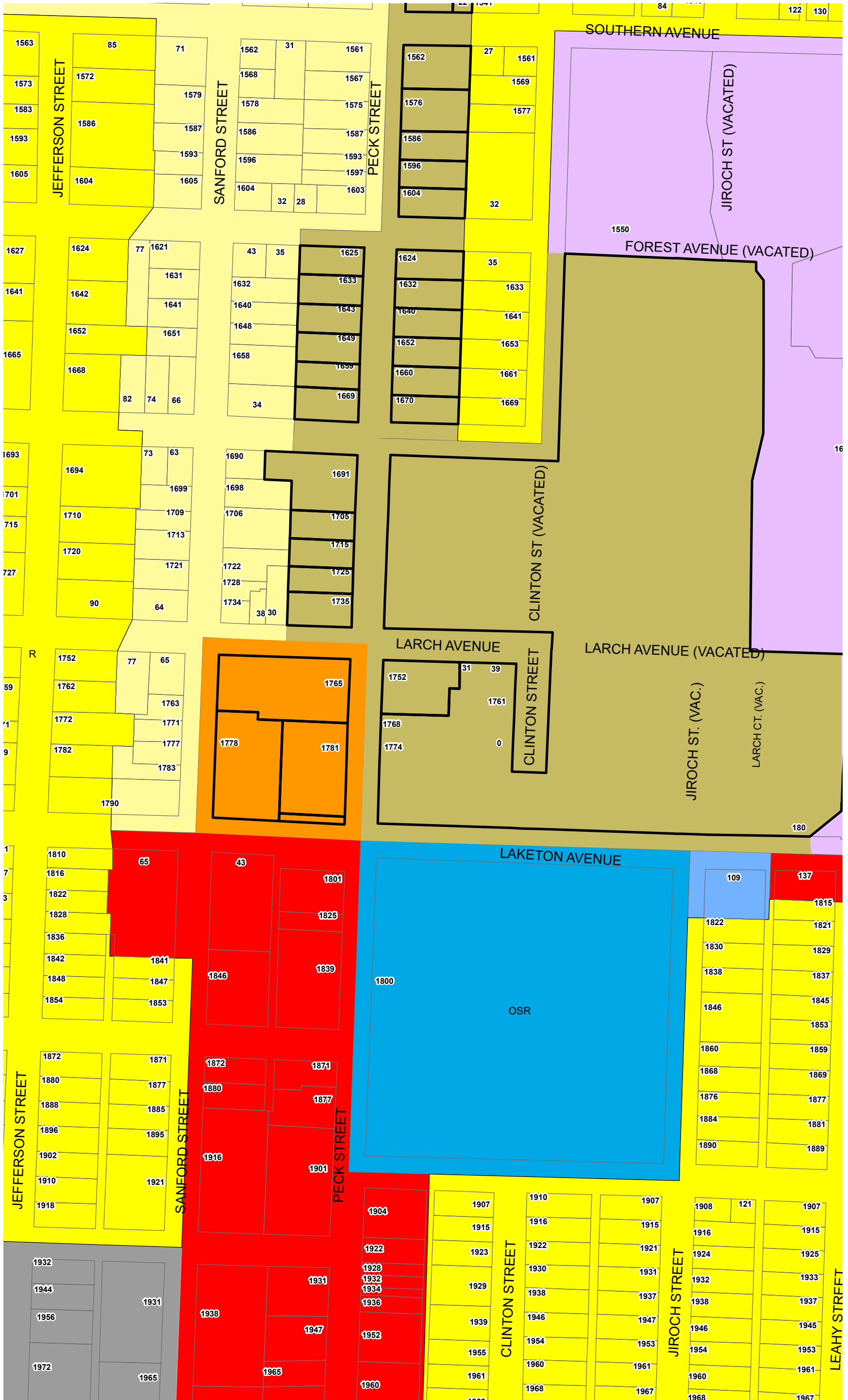
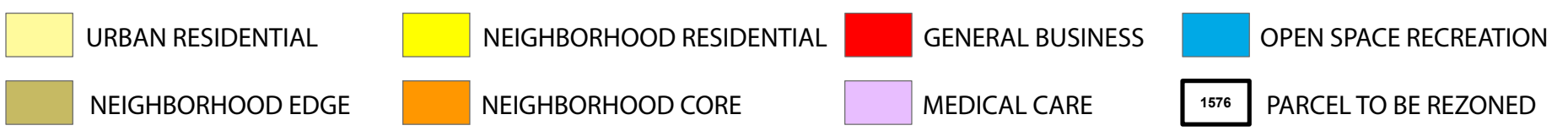
- URBAN RESIDENTIAL
- NEIGHBORHOOD RESIDENTIAL
- LIMITED BUSINESS
- OPEN SPACE RECREATION
- NEIGHBORHOOD EDGE
- NEIGHBORHOOD CORE
- MEDICAL CARE
- 1576 PARCEL TO BE REZONED



PROPOSED ZONING (NORTH)



EXISTING ZONING (SOUTH)



PROPOSED ZONING (SOUTH)

2005.09 NEIGHBORHOOD EDGE (NE) CONTEXT AREA

1.0 CONTEXT AREA INTENT AND DESCRIPTION

INTENT

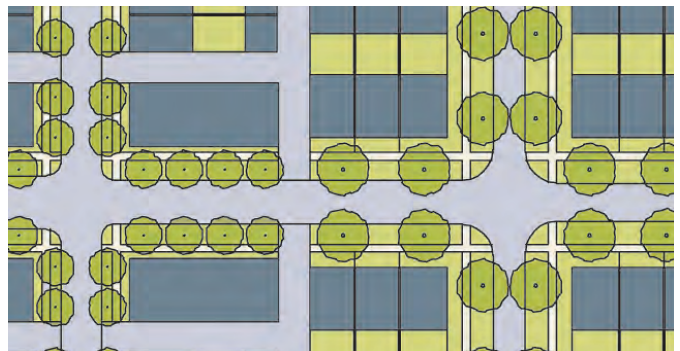
To provide an urban form that can accommodate a very diverse range of Building Types and uses, in order to reinforce the pattern of existing diverse walkable neighborhoods and to encourage revitalization and investment.

DESCRIPTION

This Context Area is characterized by a wide range of residential building types that have a variety of setback conditions within a compact walkable block structure. Retail and office enterprises may occur in various locations within the block structure. This Context Area provides a variety of medium and small residential building types that transition between the existing neighborhoods.

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

- A. Primarily attached buildings
- B. Medium to large building footprint
- C. Varied front setbacks
- D. Small side setbacks
- E. Varied frontages



2.0 CONTEXT AREA LOCATION



2005.09 NEIGHBORHOOD EDGE (NE) CONTEXT AREA

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

BUILDING TYPE WITH FRONTAGE OPTION		NEIGHBORHOOD EDGE (NE) CONTEXT AREA		
		PERMITTED IN CONTEXT AREA	BUILDING HEIGHT	BUILDING LOT SIZE
MIXED-USE BUILDING TYPE	with STOREFRONT	By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with BALCONY	By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with TERRACE	Conditional *	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with FORECOURT	By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with DRIVE-THROUGH	By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
RETAIL BUILDING TYPE	with STOREFRONT	By Right	1 story building limit	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with TERRACE	Conditional*	1 story building limit	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with DRIVE-THROUGH	By Right	1 story building limit	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
FLEX BUILDING TYPE	with STOREFRONT	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with TERRACE	Conditional*	3 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with FORECOURT	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with DOORYARD	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
COTTAGE RETAIL BUILDING	with STOREFRONT	By Right	2 story max. / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
	with DOORYARD	By Right	2 story max. / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
	with STOOP	By Right	2 story max. / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
LIVE / WORK BUILDING TYPE	with STOREFRONT	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with DOORYARD	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with LIGHTWELL	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with STOOP	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
LARGE MULTI-PLEX BUILDING TYPE	with FORECOURT			
	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.
DUPLIX 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.

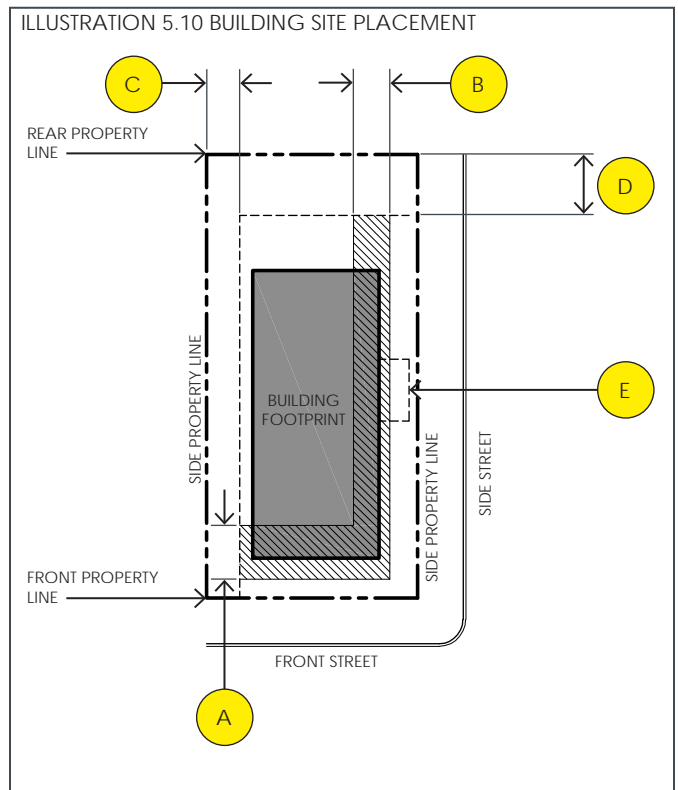
* Refer to the Building Type with specific frontage option in Section 2006 for buildings and frontages labeled as Conditional.

2005.09 NEIGHBORHOOD EDGE (NE) CONTEXT AREA

4.0 BUILDING SITE PLACEMENT

Refer to Illustration 5.10 for building site placement.

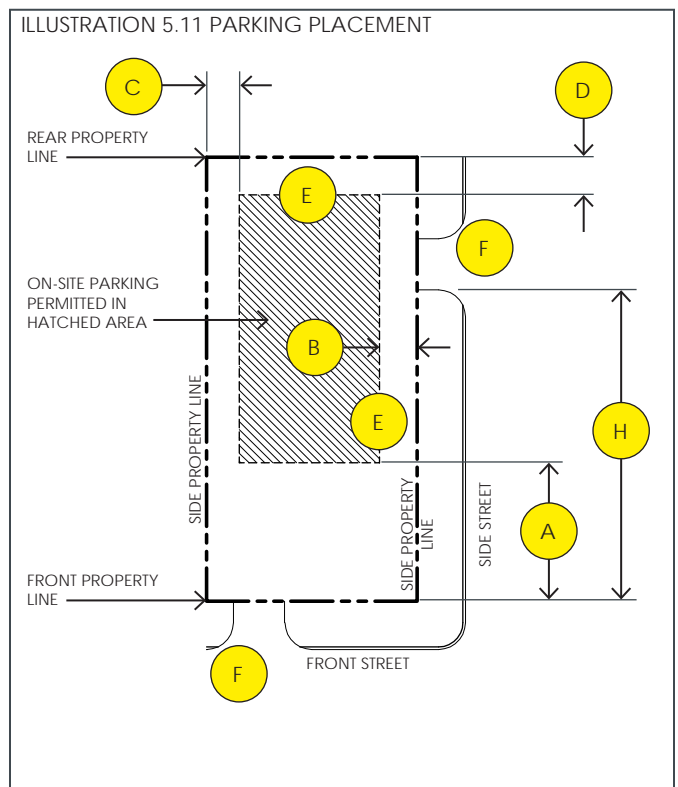
- A. Front Build-to-Zone (at front street):
- Required build-to-zone from 5 to 25 feet from front property line.
 - Mixed-Use and Retail Building Types in this Context Area shall have facade placed at front property line (required build-to-line at front property line).
- B. Side Build-to-Zone (at side street):
- Required build-to-zone from 10 to 25 feet from side property line.
 - Mixed-Use and Retail Building Types in this Context Area shall have facade placed at side property line (required build-to-line at side property line).
- C. Side Setback (at non-street locations):
- 3 feet from side property line.
- D. Rear Setback:
- 10 feet from rear property line.
- E. Encroachments: Balconies, awnings, canopies, eaves, cornices, and bay windows, may project into required setbacks, beyond required build-to-zones, or into the public right-of-way as indicated in Section 2003.02.



5.0 PARKING PLACEMENT

Refer to Illustration 5.11 for on-site parking placement.

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



2005.09 NEIGHBORHOOD EDGE (NE) CONTEXT AREA

6.0 PERMITTED USES

NEIGHBORHOOD EDGE (NE) CONTEXT AREA PERMITTED USES

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

P = Permitted Use

P* = Permitted Use on floors two and above

P# = Permitted Use on first floor only

S = Special Land Use (refer to Section 2002.02)

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

Blank cell = Use not permitted in this Context Area

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

2005.08 NEIGHBORHOOD CORE (NC) CONTEXT AREA

1.0 CONTEXT AREA INTENT AND DESCRIPTION

INTENT

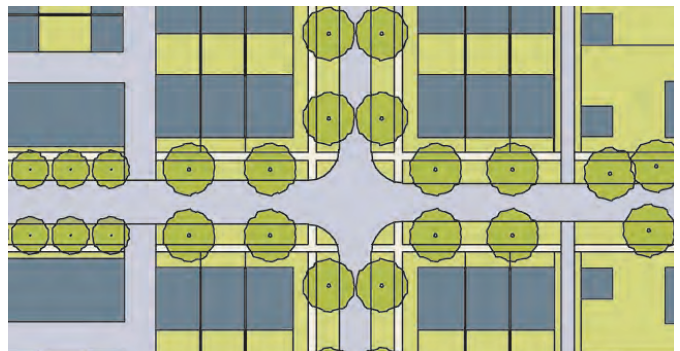
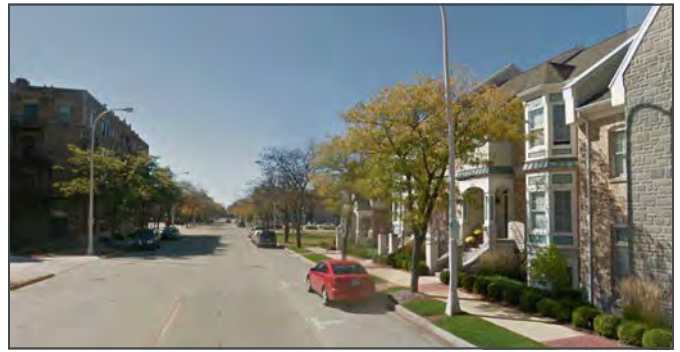
To provide a variety of urban housing, retail, and commercial choices, in medium footprint, medium-density Building Types, which reinforce the neighborhood’s walkable nature and support neighborhood retail and service at key intersections.

DESCRIPTION

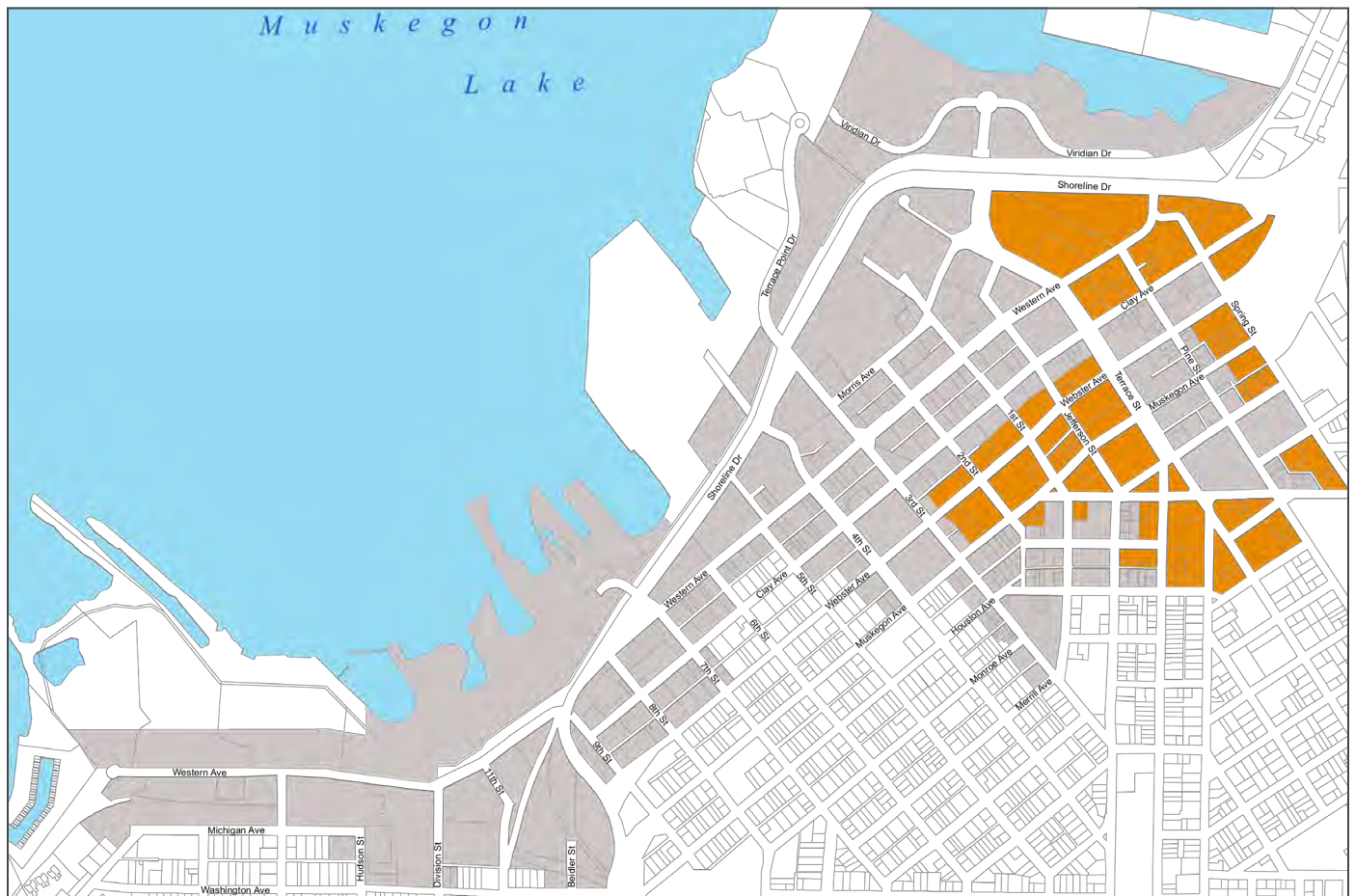
This Context Area is characterized by a wide variety of building types that can accommodate retail, service, office, and residential uses. Buildings are typically close to the street and form nodes of activity at key intersections. This Context Area forms a transitional area between the more intense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

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

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



2.0 CONTEXT AREA LOCATION



2005.08 NEIGHBORHOOD CORE (NC) CONTEXT AREA

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

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

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

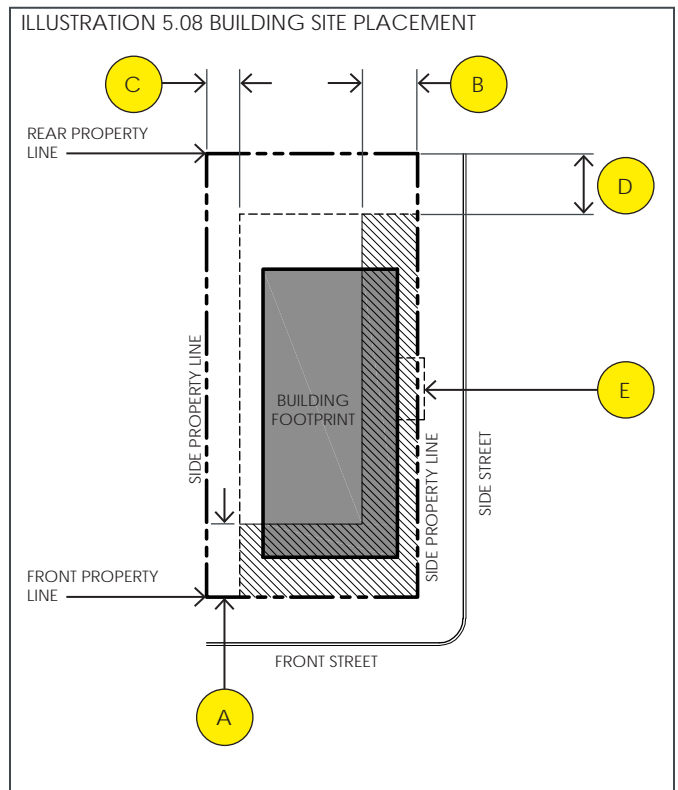
* Refer to the Building Type with specific frontage option in Section 2006 for buildings and frontages labeled as Conditional.

2005.08 NEIGHBORHOOD CORE (NC) CONTEXT AREA

4.0 BUILDING SITE PLACEMENT

Refer to Illustration 5.08 for building site placement.

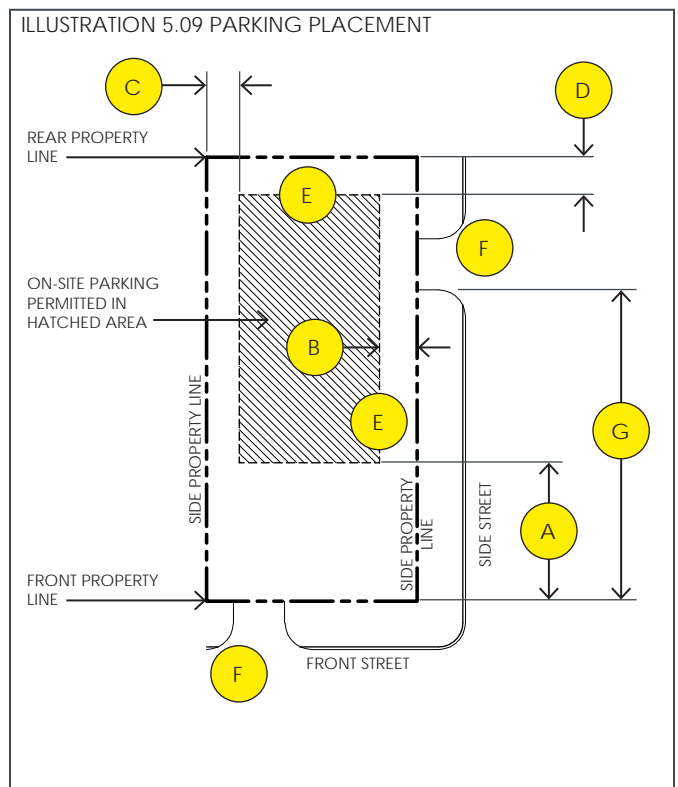
- A. Front Build-to-Zone (at front street):
- Required build-to-zone from 0 to 20 feet from front property line.
 - Mixed-Use and Retail Building Types in this Context Area shall have facade placed at front property line (required build-to-line at front property line).
- B. Side Build-to-Zone (at side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



5.0 PARKING PLACEMENT

Refer to Illustration 5.09 for on-site parking placement.

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



2005.08 NEIGHBORHOOD CORE (NC) CONTEXT AREA

6.0 PERMITTED USES

NEIGHBORHOOD CORE (NC) CONTEXT AREA PERMITTED USES

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

P = Permitted Use

P* = Permitted Use on floors two and above

P# = Permitted Use on first floor only

S = Special Land Use (refer to Section 2002.02)

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

Blank cell = Use not permitted in this Context Area

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

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

PREAMBLE

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

SECTION 700: PRINCIPAL USES PERMITTED

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

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

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

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

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

8. Foster Care Small Group Homes.

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

SECTION 701: SPECIAL LAND USES PERMITTED

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

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

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

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

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

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

SECTION 702: PLANNED UNIT DEVELOPMENT

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

SECTION 703: AREA AND BULK REQUIREMENTS

1. Minimum lot size: 10,890 sq. feet.
2. Density (see definition in Article II): 16 dwelling units per buildable acre.
3. Dedicated open space requirement: 15 %
4. Maximum lot coverage:
Buildings: 60%
Pavement: 20%
5. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
6. Maximum building width: 50% (as a portion of the lot width).
7. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
8. Height limit: 3 stories or 50 feet.

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

9. Front Setbacks:

Minimum:

Expressway or Arterial Street: 30 feet

Collector or Major Street: 25 feet

Minor Street: 20 feet

10. Rear setback: 30 feet
11. Setback from the ordinary high-water mark or wetland: 50 feet (principal structures only).
12. Side setbacks:
1-story: 8 feet and 12 feet
2-story: 10 feet and 14 feet
3-story: 12 feet and 16 feet

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

13. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided:
- a. The building has an approved fire rating for zero-lot line development under the building code.
 - b. The building has adequate fire access preserved pursuant to fire code requirements.
 - c. The zero lot line side is not adjacent to a street.
 - d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
 - e. It is not adjacent to wetlands, or waterfront.
14. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage.

ARTICLE X – B-1 LIMITED BUSINESS DISTRICTS

PREAMBLE

The B-1 Limited Business Districts are designed primarily for the convenience of persons residing in adjacent residential areas or neighborhoods, and to permit only such uses as are necessary to satisfy those limited basic, daily shopping and/or service needs, which by their very nature are not similar to the shopping patterns of the B-2 convenience and Comparison, B-3 Central Business District, and B-4 General Business Districts. B-1 Districts are also intended to be utilized at planned locations in the City as zones of transition between major thoroughfares and residential areas, and between intensive nonresidential areas and residential areas. In the B-1 District all business establishments shall be retail and/or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, or in an area specifically approved by the City.

SECTION 1000: PRINCIPAL USES PERMITTED

In a B-1 Limited Business District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware. No individual uses, either freestanding or in a group of uses, shall exceed two thousand five hundred (2,500) square feet in area.
2. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: Shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.
3. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
4. Office buildings for any of the following types of occupations: executive, administrative and professional. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
5. Residential uses as part of a building in this zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, provided that the minimum lot area requirements of the RM-1 District are met.
6. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
7. Uses similar to the above Principal Uses Permitted.

SECTION 1001: SPECIAL LAND USES PERMITTED

The following area, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when there are no external changes made to the buildings or properties.

1. Restaurants or other places serving food, except drive-in or drive-through restaurants.
2. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.
3. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
4. Uses similar to the above Special Land Uses Permitted.

SECTION 1002: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the B-1 Limited Business Districts is to allow mixed land uses which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

SECTION 1003: AREA AND BULK REQUIREMENTS

1. Minimum lot size: 4,000 sq. feet.
2. Maximum lot coverage:
Buildings: 50%
Pavement: 25%
3. Lot width: 40 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height limit: 2 stories or 35 feet.

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

6. Front Setbacks:

Minimum:

Expressway or Arterial Street: 30 feet
Collector or Major Street: 20 feet
Minor Street: 10 feet

Maximum:

Expressway, Arterial Street or Major Street: 50 feet
Collector Street: 40 feet
Minor Street: 30 feet

7. Rear setback: 10 feet

8. Setback from the ordinary high-water mark or wetland: 75 feet (principal structures only).

9. Side setbacks:

1-story: 8 feet and 12 feet
2-story: 10 feet and 14 feet

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

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

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

11. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be

ARTICLE X – B-1 LIMITED BUSINESS DISTRICTS

landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage.



Agenda Item Review Form

Muskegon Planning Commission

Commission Meeting Date: August 14, 2025	Title: Case 2025-34: Staff-initiated request to rezone 3172 Edgewater St, 3182 Edgewater St, 2976 Lakeshore Dr, 2984 Lakeshore Dr, 2986 Lakeshore Dr, 3002 Lakeshore Dr, 3084 Lakeshore Dr, 3088 Lakeshore Dr, and 3092 Lakeshore Dr, from Waterfront Marine (WM) to Form Based Code, Lakeside Mixed Residential (FBC-LMR).
Submitted by: Mike Franzak, Planning Director	Department: Planning
Brief Summary: Staff-initiated request to rezone 3172 Edgewater St, 3182 Edgewater St, 2976 Lakeshore Dr, 2984 Lakeshore Dr, 2986 Lakeshore Dr, 3002 Lakeshore Dr, 3084 Lakeshore Dr, 3088 Lakeshore Dr, and 3092 Lakeshore Dr, from WM, Waterfront Marine to Form Based Code, Lakeside Mixed Residential.	
Detailed Summary & Background: <p>This request is intended to bring the houses in this area into conformity. The properties are zoned Waterfront Marine (WM), but this zoning designation does not allow for housing. However, it does allow for marinas. Staff were unsure of the future plans of these property owners, so a focus group was held in June to determine the best path forward in terms of zoning. At the meeting, staff learned that some property owners intend to use their land only for housing, while others would like to run a marina along with housing on the same site. Staff determined that the best path forward would be to rezone the properties to a zoning designation that allows for housing and marinas. The Form-Based Code, Lakeside Mixed Residential district allows for housing (up to six units) and a recent zoning amendment (second reading still needed on August 12) will now allow for marinas (only on properties that have Muskegon Lake frontage).</p> <p>There were two recent requests that helped staff realize there was an issue with the current zoning. The property at 2984 Lakeshore Dr was recently forced to obtain a variance to rebuild their house, since houses are not allowed in WM districts. Although the variance was granted, they were still restricted in terms of where the house could be placed, since the side setback requirements are a minimum of 10 feet for a two-story house. Also, the owner of 3092 Lakeshore Dr recently demolished the house on the site with the intention of rebuilding another housing structure. Without a rezoning, it is very likely that these issues will continue to surface.</p> <p>The future land use map in the master plans identifies this area as "Lakeshore," which is defined as mixed-use along the waterfront. This new zoning designation would allow for housing, marinas, and other commercial uses.</p> <p>Notice was sent to everyone within 300 feet of the affected properties. At the time of this writing, staff had not received any comments from the public.</p>	

Goal/Action Item:

2027 Goal 2: Economic Development Housing and Business

Is this a repeat item?:**Explain what change has been made to justify bringing it back to Commission:****Amount Requested:**

N/A

Budgeted Item:

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Fund(s) or Account(s):

N/A

Budget Amendment Needed:

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Recommended Motion:

I move the request to rezone the properties as listed be recommended to the City Commission for approval.

Approvals:

Immediate Division Head	<input checked="" type="checkbox"/>	
Information Technology	<input type="checkbox"/>	
Other Division Heads	<input type="checkbox"/>	
Communication	<input type="checkbox"/>	
Legal Review	<input type="checkbox"/>	

Name the Policy/Ordinance Followed:



ARTICLE XIX – WM WATERFRONT MARINE DISTRICTS

PREAMBLE

The WM Waterfront Marine Districts are designed to accommodate boating and water-oriented land and building use along with those activities and services related to harbor and waterway improvements, thereby facilitating navigation, and providing safe and economical waterfront developments.

SECTION 1900: PRINCIPAL USES PERMITTED

In the WM Waterfront Marine District, no building or land shall be used and no building shall be erected, structurally altered, be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Marinas including the out of water seasonal storage of boats.
2. Commissary facilities for the provision of food, beverages, and the like to be stores aboard boats.
3. Municipal or private beaches.
4. Retail businesses which supply commodities for persons using the facilities of the District, such as the sale of boats, engines and accessories, fishing equipment, and other similar items.
5. Restaurants and cocktail lounges.
6. Hotels and motels.
7. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
8. Uses similar to the above Principal Uses Permitted.

SECTION 1901: SPECIAL LAND USES PERMITTED

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

1. Engine and hull repair shops.
2. Marine contracting.
3. Commercial fishing and processing facilities.
4. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
5. Seasonal recreational camper, trailer parks and facilities.
6. Museums.

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

SECTION 1902: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the WM Waterfront Marine Districts is to allow mixed land uses, which are compatible to each other, while prohibiting uses which would not be compatible or harmonious with permitted uses.

SECTION 1903: AREA AND BULK REQUIREMENTS

1. Minimum lot size: 21,780 sq. feet.
2. Density (see definition in Article II): 24 dwelling units per buildable acre.
3. Dedicated open space requirement: 15%
4. Maximum lot coverage:
Buildings: 60%
Pavement: 25%
5. Lot width: 150 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
6. Maximum building width: 50% (as a portion of the lot width).
7. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
8. Height limit: 4 stories or 60 feet

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

9. Front Setbacks:
Minimum:
Expressway or Arterial Street: 30 feet
Collector or Major Street: 20 feet
Minor Street: 10 feet

10. Rear setback: 10 feet
11. Setback from the ordinary high-water mark or wetland: 75 feet (principal structures only).

12. Side setbacks:

- 1-story: 8 feet and 12 feet
- 2-story: 10 feet and 14 feet
- 3-story: 12 feet and 16 feet
- 4-story: 16 feet and 20 feet

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

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

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

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

2005.07 LAKESIDE MIXED RESIDENTIAL (LMR) CONTEXT AREA

1.0 CONTEXT AREA INTENT AND DESCRIPTION

INTENT

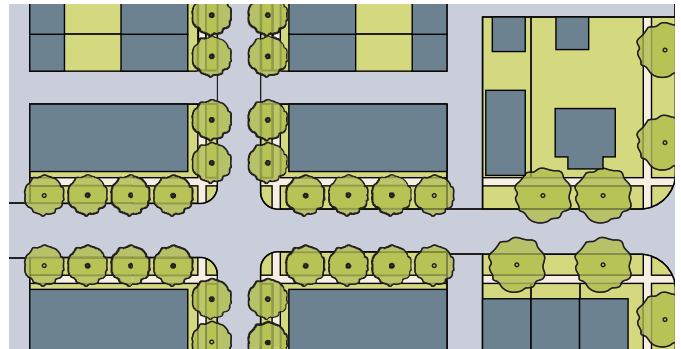
To allow for the cohesive existence of residential and business uses within the district. This Context Area allows for residential and small scale commercial uses to be placed alongside each other in a walkable, urban form.

DESCRIPTION

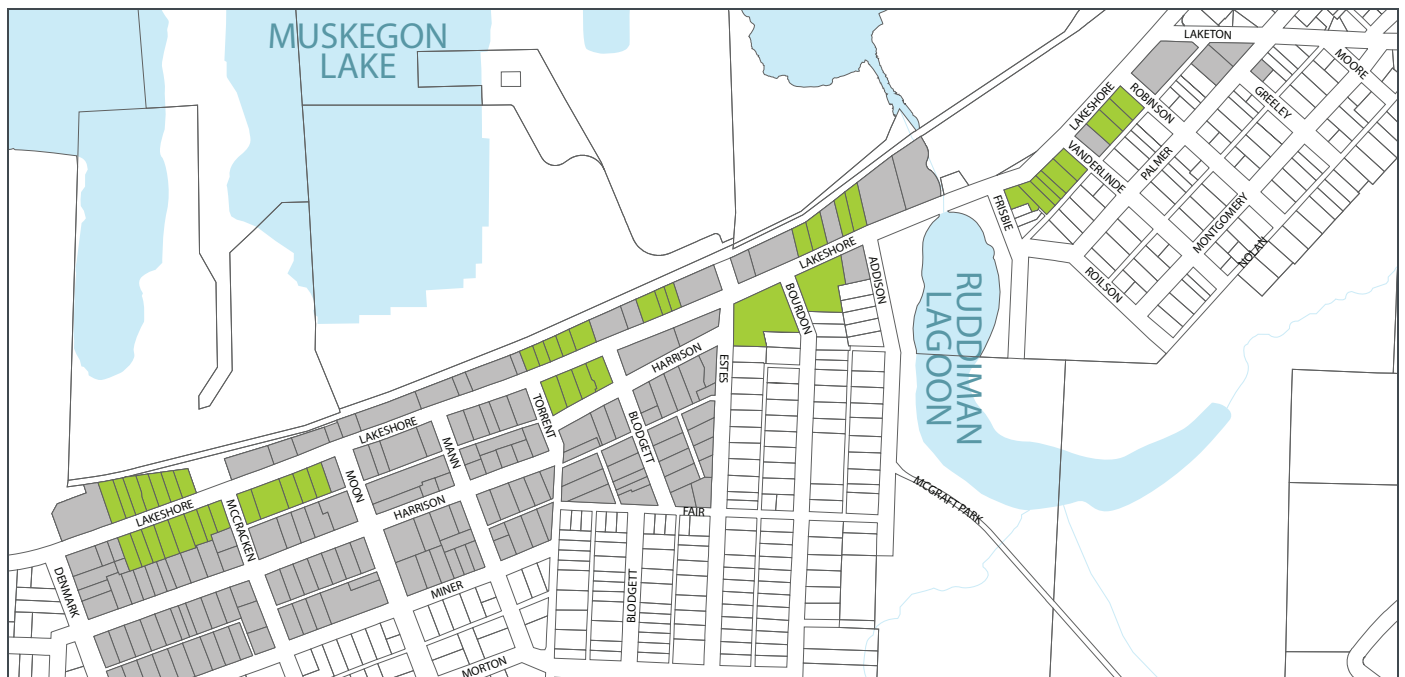
This Context Area is characterized by the mixture of commercial and residential uses that helps to promote walkability and commerce. Homes fronting Lakeshore Drive are allowed a third story to take advantage of lake views.

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

- A. Detached homes / live-work buildings
- B. Small to medium building footprint
- C. Storefront frontages



2.0 CONTEXT AREA LOCATION



2005.07 LAKESIDE MIXED RESIDENTIAL (LMR) CONTEXT AREA

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

BUILDING TYPE WITH FRONTAGE OPTION		LAKESIDE MIXED RESIDENTIAL (LMR) 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	with STOREFRONT	By Right	3 story cond.* / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
	with DOORYARD	By Right	3 story cond.* / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
	with STOOP	By Right	3 story cond.* / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
LIVE / WORK BUILDING TYPE	with STOREFRONT			
	with DOORYARD			
	with LIGHTWELL			
	with STOOP			
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: 16' min. / 30' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 16' min. / 30' max. Lot Depth: 100' min.
DUPLEX BUILDING TYPE	with STOOP	By Right	3 story cond.* / 2 story min.	Lot Width: 35' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	3 story cond.* / 2 story min.	Lot Width: 35' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	3 story cond.* / 2 story min.	Lot Width: 35' min. / 60' max. Lot Depth: 100' min.
DETACHED HOUSE BUILDING TYPE	with STOOP	By Right	3 story cond.* / 1 story min.	Lot Width: 25' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	3 story cond.* / 1 story min.	Lot Width: 25' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	3 story cond.* / 1 story min.	Lot Width: 25' min. / 60' max. Lot Depth: 100' min.
CARRIAGE HOUSE BUILDING TYPE		By Right	2 story max. / 1 story min.	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	2 story max. / 1 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.

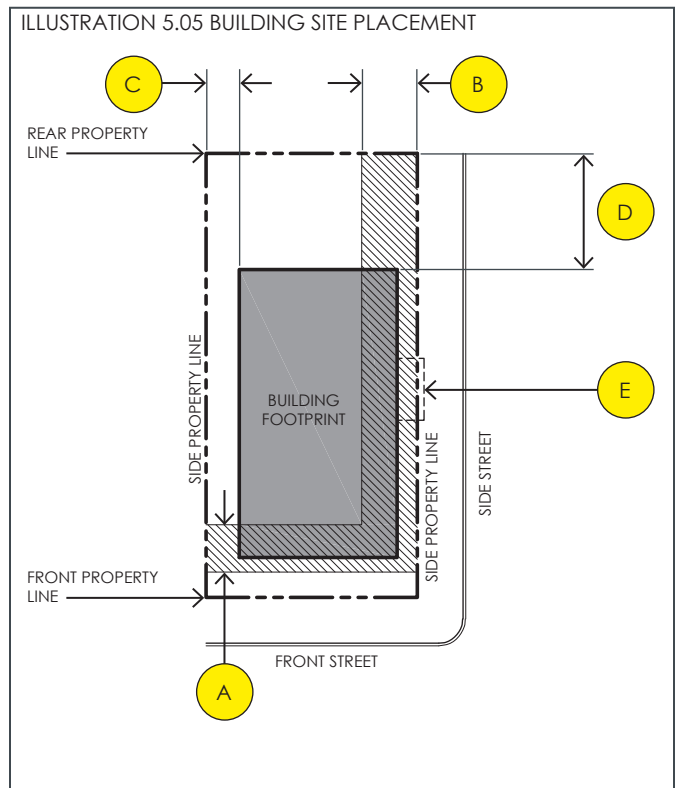
* Building height labeled Conditional is permitted if fronting Lakeshore Drive.

2005.07 LAKESIDE MIXED RESIDENTIAL (LMR) CONTEXT AREA

4.0 BUILDING SITE PLACEMENT

Refer to Illustration 5.05 for building site placement.

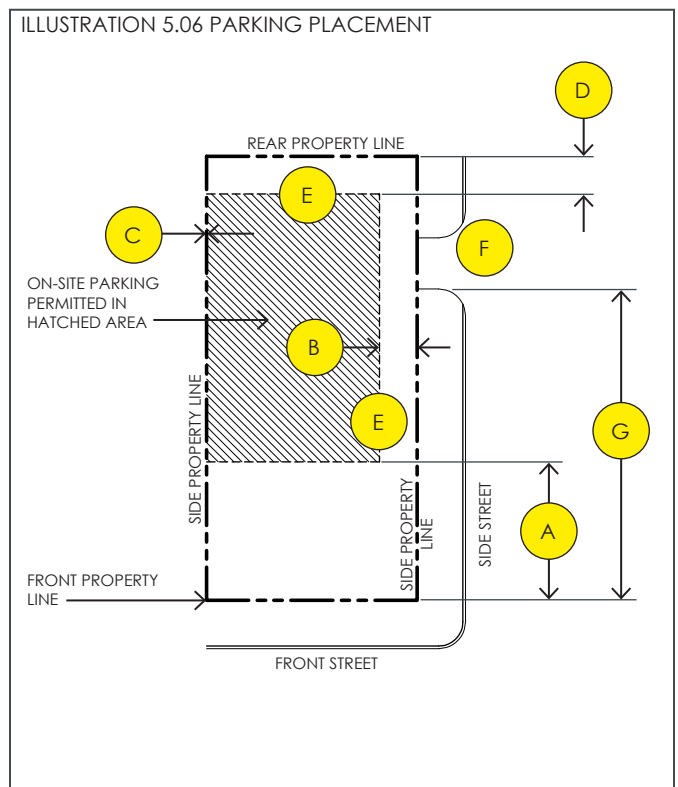
- A. Front Build-to-Zone (at front street):
 - Required build-to-zone from 5 to 12 feet from front property line.
- B. Side Build-to-Zone (at side street):
 - Required build-to-zone from 0 to 12 feet from side property line.
- C. Side Setback (at non-street locations):
 - 0 feet from side property line.
- D. Rear Setback:
 - 0 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.



5.0 PARKING PLACEMENT

Refer to Illustration 5.06 for on-site parking placement.

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



2005.07 LAKESIDE MIXED RESIDENTIAL (LMR) CONTEXT AREA

6.0 PERMITTED USES

LAKESIDE MIXED RESIDENTIAL (LMR) 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				S								
Bank												
Business school/private or public school/higher ed.												
Church												P
Club, lodge, hall				S*			S*	S*	S*	S*		S*
Gallery/museum				P			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				P								
Micro brewery, distillery, winery over 2500 barrels												
Multi-family							P					
Office				P								
Outdoor recreation												
Outdoor theater												
Parking structure												
Personal service				P								
Railway terminal												P
Research and development												
Restaurant, cocktail lounge, brewpub				P								
Retail				P								
Shipping, port related activity												

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 requires minimum 200 feet of frontage on one street

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.



Agenda Item Review Form

Muskegon Planning Commission

Commission Meeting Date: August 14, 2025	Title: Case 2025-35: Request for a special use permit to operate a drive-thru for a restaurant at 431 E. Laketon Ave, by Luis Santillanes.
Submitted by: Mike Franzak, Planning Director	Department: Planning
Brief Summary: Request for a special use permit to operate a drive-thru for a restaurant at 431 E. Laketon Ave, by Luis Santillanes.	
Detailed Summary & Background: The property is zoned B-2, Convenience & Comparison Business. Drive-thru restaurants are allowed with the issuance of a special use permit. There are two requirements that must be met in order to receive the special use permit: <ol style="list-style-type: none"> 1. A setback of at least 60 feet shall be provided from the street right-of-way line of any existing or proposed major thoroughfare. 2. Ingress and egress points shall be located at least 60 feet from the intersection of any two streets. <p>This request meets both of these requirements. It is not located on a major thoroughfare, and both points of ingress/egress are located over 100 feet away from the intersection.</p> <p>Traffic for the drive-thru will enter the property off of Manz St, then turn right to enter the drive-thru, then exit onto Laketon Ave. Using this approach to traffic flow will provide the safest route for customers to enter and exit the premises by providing enough stacking spaces for cars waiting in line for the drive-thru. The location of the drive-thru window will cause the driver to have to make the transaction out of the passenger-side window. However, this is not unprecedented, as other drive-thrus (Checkers on Laketon) also use this approach.</p> <p>Notice was sent to all properties within 300 feet. At the time of this writing, staff had not received any comments from the public.</p> <p><u>Planning Exercise</u></p> <p>Prior to authorization of any Special Land Use, the Planning Commission shall give due regard to the nature of all adjacent uses and structures. It shall determine the consistency with the adjacent use and development. In addition, the Planning Commission shall find that the proposed use or activity would not be offensive or a nuisance, by reason of increased traffic, noise, vibration, or light. Further, the Planning Commission shall find that adequate water and sewer infrastructure exists or will be constructed to service the Special Land Use or activity.</p> <p>Staff will answer the following questions and ask the Planning Commissioners if they disagree with each statement at the meeting (Staff answers in italics).</p>	

Would the proposed expansion be considered offensive, or a nuisance, because of any of the following:

1. Increased traffic - No
2. Increased noise - No
3. Increased vibration - No
4. Increased light - No

Does adequate water and sewer infrastructure exist, or will it be constructed to service the Special Land Use or activity? *Yes, it currently exists.*

Staff Recommendation

Staff recommends approval of the special use permit as long as the following items are addressed on the site plan and approved by staff.

1. Traffic arrows are painted on the pavement that indicate the one-way flow of traffic.
2. The parking stripes are repainted to face the appropriate direction.
3. A barrier is installed near the north-west corner of the building to prevent parking traffic from colliding with drive-thru traffic.

Goal/Action Item:

2027 Goal 2: Economic Development Housing and Business

Is this a repeat item?:

Explain what change has been made to justify bringing it back to Commission:

Amount Requested:

N/A

Budgeted Item:

Yes		No		N/A	X	
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Fund(s) or Account(s):

N/A

Budget Amendment Needed:

Yes		No		N/A	X	
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Recommended Motion:

I move to approve the request for a special use permit to operate a drive-thru for a restaurant at 431 E. Laketon Ave with the following conditions, based on the findings of fact in the planning exercise in the staff report:

1. Traffic flow arrows are painted to indicate the flow of traffic.
2. The parking lot lines are repainted to face the appropriate direction of traffic flow.
3. A barrier is installed near the north-west corner of the building to prevent parking traffic from colliding with drive-thru traffic.

Approvals:

Immediate Division Head	X	
Information Technology		
Other Division Heads		
Communication		

Name the Policy/Ordinance Followed:

Legal Review		
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Agenda Item Review Form

Muskegon Planning Commission

Commission Meeting Date: August 14, 2025	Title: Strong Towns article - Parking minimums															
Submitted by: Mike Franzak, Planning Director	Department: Planning															
Brief Summary: We will hold a brief discussion on the article. Please read and be prepared to discuss at the meeting.																
Detailed Summary & Background: We will hold a brief discussion on the article. Please read and be prepared to discuss at the meeting. https://www.strongtowns.org/journal/2025/7/14/this-summer-hottest-trend-ditching-parking-mandates																
Goal/Action Item: 2027 Goal 2: Economic Development Housing and Business																
Is this a repeat item?: Explain what change has been made to justify bringing it back to Commission:																
Amount Requested: N/A	Budgeted Item: <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 15%;">Yes</td> <td style="width: 15%;"><input type="checkbox"/></td> <td style="width: 15%;">No</td> <td style="width: 15%;"><input type="checkbox"/></td> <td style="width: 15%;">N/A</td> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;"><input type="checkbox"/></td> </tr> </table>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>								
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>										
Fund(s) or Account(s): N/A	Budget Amendment Needed: <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 15%;">Yes</td> <td style="width: 15%;"><input type="checkbox"/></td> <td style="width: 15%;">No</td> <td style="width: 15%;"><input type="checkbox"/></td> <td style="width: 15%;">N/A</td> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;"><input type="checkbox"/></td> </tr> </table>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>								
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Recommended Motion: N/A																
Approvals: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Immediate Division Head</td> <td style="width: 10%; text-align: center;">X</td> <td style="width: 20%;"></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td></td> <td></td> </tr> <tr> <td>Communication</td> <td></td> <td></td> </tr> <tr> <td>Legal Review</td> <td></td> <td></td> </tr> </table>	Immediate Division Head	X		Information Technology			Other Division Heads			Communication			Legal Review			Name the Policy/Ordinance Followed:
Immediate Division Head	X															
Information Technology																
Other Division Heads																
Communication																
Legal Review																

This Summer's Hottest Trend? Ditching Parking Mandates.

Asia Mielezko · July 15, 2025



Bothell, Washington — considered a “hidden gem” and as of July, a leader in parking reform.

For years, if you wanted to open a modest café in Bothell, Washington, you needed more than vision. You needed asphalt. *A lot of it.*

But earlier this month, that changed. **In a 5-1 vote, the city of 52,000 eliminated all off-street parking requirements and opened the door for small-scale businesses**—like cafés, corner stores, and child care centers—to operate in residential areas citywide.

In doing so, Bothell joined [a growing list of cities](#) rejecting outdated development rules in favor of more flexible, people-focused policies. For Mayor Mason Thompson, it was about

If you're tired of watching your city get priced out of itself, [this is your playbook.](#)

The *Housing-Ready City Toolkit* shows how to legalize modest homes, streamline permitting, and invite more people to live in the neighborhoods they love. Built for action, not shelf space.



“I am really excited tonight, because we get to take a big step away from the way we’ve always done things, toward our community’s values a little bit closer,” [Bothell’s Mayor said ahead of the vote](#). “And the mechanics of parking minimums essentially tax new housing and new businesses that we say we really want, and we use that tax toward building something that creates more traffic and more pollution. And I’ve had thousands of conversations with Bothell residents over the last few years, and I’ve never had a single person say, do you know what? We need more traffic and more pollution. And I’m really excited to get rid of policy that subsidizes both.”

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Under the new rules, corner stores, cafés, bars, bike shops, salons, art galleries, child care centers, and artisan-manufacturing with on-site sales can open in any residential zone. The ordinance explains that these uses are designed to “promote neighborhood vitality and compatibility with surrounding residential areas,” serving primarily local residents with “minimal traffic from outside the neighborhood,” supporting walk, bike, and transit access, and helping build “pedestrian-friendly community hubs which eliminate reliance on automobiles.”

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Mason Thompson

takeout-only cidery [operating out of a homeowner's garage](#)—was forced to close after zoning enforcement deemed it a violation of single-family residential rules and parking regulations. That closure sparked backlash, and Seattle [eventually passed](#) the “Bringing Business Home” ordinance to protect such microbusinesses in residential zones.



This surface lot in downtown Dallas takes up more space than many of the buildings around it. Even a 25% reduction could make room for a park, a daycare, a small business—or all three. That’s the power of rethinking how we use our land.

Another city stepping up is [Boulder, Colorado](#). **In late June, the Boulder City Council unanimously voted to eliminate all minimum parking requirements for new developments,** a change expected to take effect later this summer. While state law recently lifted mandates near transit stations, Boulder is going a step further by applying the change citywide.

funded. The proposed policy would require developers to contribute to programs that expand transportation options—offering things like free bus passes, Lime scooter access, and other services that make walking, biking, and transit more viable for everyday trips. Contributions would scale based on project size and be subject to regular reporting and oversight.

City officials acknowledge that these programs may add costs for developers. But they also point out the steep price tag of the status quo: an underground parking stall can cost \$50,000 or more. For many projects, simply removing the mandate to build that parking in the first place can more than offset the new fees. In other words, Boulder isn't just changing zoning; it's rethinking what it means to invest in mobility.

[Meanwhile, in Kansas City, Kansas](#), officials recently proposed a **moratorium on commercial parking mandates through 2028**, after small-business groups testified that rigid parking requirements blocked reinvestment in legacy neighborhoods. Patrick Tuohey, Policy Director of the Better Cities Project, [explained](#): “This is not a mandate against parking, but an invitation to build what’s needed without arbitrary constraints.”

The phrase captures the broader shift in mindset. This isn't about banning cars. It's about letting the actual needs of a site, business, or community determine how much parking makes sense.

The reform isn't coming out of nowhere. Both Kansas City's 2023 Comprehensive Plan and Economic Development Strategy Plan identified parking mandates as a barrier to

STRONG TOWNS

financially infeasible. Surveys collected by the [Parking Reform Network](#) also suggest that after mandates are lifted, cities generally see little change in code violations or complaints.

All in all, these cities aren't throwing out parking altogether. They're just refusing to let it dictate the shape of every new building, block, or neighborhood. As Bothell's mayor put it, "I want there to be more Bothell in Bothell."

That's the spirit behind [The Housing-Ready City](#), our free toolkit for local leaders, advocates, and planners. It lays out six reforms—including [eliminating parking mandates](#)—that can help your city respond to today's housing needs without sacrificing its financial future.