



LINCOLN PARK PLANNING COMMISSION
CITY HALL – COUNCIL CHAMBERS 1355 SOUTHFIELD ROAD
LINCOLN PARK, MICHIGAN

August 8, 2018 at 7:00 p.m.

AGENDA

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Approval of Previous Minutes**
- V. Approval of Agenda**
- VI. Old Business**
None
- VII. New Business**
 - A. Adoption of Bylaws
- VIII. Policy Review and Discussion**
 - A. Proposed Use Changes in the Central Business District
- IX. Reports from Department and Other Boards and Commissions**
- X. Public Comments**
- XI. Comments from Planning Commissioners**
- XII. Adjournment**

The City of Lincoln Park will provide necessary reasonable auxiliary aides and services, such as signers for the hearing impaired and audio tapes of printed material being considered at the meeting to individuals with disabilities at the meeting/hearing upon seven (7) days prior notice to the City of Lincoln Park. Individuals with disabilities requiring auxiliary aides or services should contact the City of Lincoln Park by writing or calling the following: The Building Department, 1355 Southfield Road, Lincoln Park MI 48146; 313-386-1800 ext. 1296

**CITY OF LINCOLN PARK
COUNTY OF WAYNE, STATE OF MICHIGAN
PLANNING COMMISSION MEETING OF JULY 11, 2018**

A Planning Commission meeting of July 11, 2018, held at the City of Lincoln Park City Hall, 1355 Southfield Road, Lincoln Park, Michigan.

1. MEETING CALLED TO ORDER:

- a. The meeting was called to order at 7:05 P.M. by Chairman Kissel presiding.

2. PLEDGE OF ALLEGIANCE:

3. ROLL CALL OF OFFICERS:

PRESENT: Kissel (late 8:20pm), Graczyk, Briones, Kelsey, Palmer, Medina

ABSENT:

EXCUSED: Horvath

ALSO PRESENT: Leah DuMouchel, John Meyers

4. APPROVAL OF MINUTES

A. May 9, 2018

B. June 13, 2018 (No Meeting)

5. APPROVAL OF AGENDA

A. Motion by Graczyk to approve agenda as presented, support by Medina

Motion Carried

6. UNFINISHED BUISNESS:

A. Public Hearing: 3563 Fort St – Tire Mall

Motion by Palmer to open the Public Hearing, support by Briones

Motion carried

Joe, owner of Muffler Man is opposed to the Tire Mall as it does not meet the requirements of the Zoning Ordinance.

Engine Tech against Tire Mall

Wear Master Service Center- 2278 Fort St. spoke against Tire Mall

Park Tire 2256 Fort St. against additional repair facility

Jacks Auto Repair – 3120 Fort St. repair shops are to be saturated and he is not in agreement to allow for a new auto business.

Patti a citizen of Lincoln Park, has gone to Muffler Man for years and is against additional similar business to be allowed.

Paul Clemente, concerned citizen and resident. The Ordinance was put in place to create a

vibrant mix of businesses. The Zoning is put in for a reason and there should be a robust reason to allow a change.

No further Public present to speak on the Public Hearing

Motion by Palmer to close Public Hearing, support by Briones

Motion Carried, Public Hearing closed at 7:20 PM

B. Site Plan Review: 3563 Fort St – Tire Mall - The applicant proposes a new tire mall business. The property would be used as a tire and auto repair shop that works on brakes, suspension, alignments, sales and service, which fit within the definition of an Automotive Repair Station in the Lincoln Park Zoning Code.

Discussion

Motion by Briones to waive 5000' setback requirement from other auto-related business, support by Medina

Briones-Yes, Gracyck -No, Palmer- No, Kelsey-No, Medina-Yes

Motion Failed 3 to 2

Motion by Gracyck to waive the 40' setback requirement from ROW, support by Palmer

Motion Carried Unanimously

Motion by Palmer to waive a request to provide 11 parking spaces instead of 13, support by Briones

Motion Carried Unanimously

Motion by Palmer to consider a waiver request per 1296.03.c, Special Provisions for Existing Site, to accept the proposed landscaping as adequate satisfying the minimum upgrade to at least 30% of the landscaping required for new developments, support by Briones

Motion Carried Unanimously

Motion by Gracyck to consider a request per 1294.28, Screening, to provide only the wall between residential use and the business or industrial use, support by Medina

Motion Carried Unanimously

Motion to by Briones to Approve the Site Plan, support by Palmer

Motion Carried Unanimously

Discussion

Motion by Palmer to reconsider the site plan approval, support by Briones

Motion carried unanimously

Motion by Palmer to Approve site plan, support by Kelsey

Briones-Yes, Graczyk- No, Palmer-No, Kelsey-No, Medina-No

Motion Denied 5 to 1

C. Special Land Use: 3563 Fort St – Tire Mall –

No longer eligible for Special Land Use because it didn't meet the standards of 1294.14

7. NEW BUISNESS

- A. Site Plan Review: 1770 Fort St – Get Well Urgent Care – Applicant proposes to repurpose a former pharmacy into a Medical Clinic/Pharmacy. The property would be commercial use with a building area and property area of 5981 sq. Ft.

Discussion

Motion by Briones to approve the site plan with the conditions set forth in the Planner review letter dated June 11, 2018, support by Medina

Motion Carried Unanimously

- B. Exempt Parking Areas – Off Street Parking Exemptions: Proposed Changes
1290.01(m) of the Lincoln Park Zoning Code describes six area which exempt from parking requirements due to their proximity to shared municipal parking facilities. However, the descriptions provided use plat and lot numbers to identify the parcels, and Beckett & Raeder, Inc. has been unable to locate an existing spatial representation of the exempt areas to use in applying the ordinance. Therefore, the team used the plat book and existing spatial information to correlate the plat and lot numbers with the parcels as they are defined in the City today, and to generate GIS layer showing the exempt parcels.

During this research, a few text changes were identified as required to either correct inaccurate information, or to align the ordinance with current conditions in the City.

No Action taken at this time. Public Hearing to be set later.

- C. Election of New Vice President – Nomination of Vice President. Graczyk nominated Palmer to become the new Vice President, Palmer accepted.

Motion Carried Unanimously

8. POLICY REVIEW AND DISCUSSION

A. Bylaws –

Planner provided an overview of the significance of the Planning Commission to have bylaws in place. Bylaws help facilitate the duties of the Commission for administration of a Zoning Ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter “the Zoning Act.”

To be reviewed and discussed on whether to adopt bylaws at the next Planning Commission meeting.

9. REPORTS FROM DEPARTMENTS AND OTHER BOARDS AND COMMISSIONS

A. Master Plan Community Engagement Results – Discussion

10. PUBLIC COMMENTS

Jim LaPalm, spoke to the Commission about his project; Robert Jones Knights of Columbus. The project is being delayed due to the Architect.

11. COMMENTS FROM PLANNING COMMISSIONERS

Discussion of the closing of the Fort Street Brewery.

Discussion of new business, Lincoln Park Perk

Church on Council, St. Henry’s requires a revision to include Fire Suppression System and to address the parking lot Flood Plain issue.

12. ADJOURNMENT

Motion by Horvath to adjourn the meeting, support by Graczyk

Motion Carried. Meeting adjourned at 10:20 P.M.

Mr. Kevin Kissel, Chairman

City of Lincoln Park Planning and Development
Planning Commission Bylaws

July 11, 2018

Article 1 Title

Section 1 The name shall be the City of Lincoln Park Planning Commission, hereafter known as the "Commission".

Section 2 These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq.*), hereinafter "the Planning Act."

Section 3 These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act."

Article 2 Membership; Appointments; Terms

1. The City of Lincoln Park Planning Commission shall have nine (9) members. (Section 1220.02)
2. A member must be 18 years or older.
3. Each member shall represent and advocate what is best for the City of Lincoln Park as a whole, putting aside personal or special interests.
4. Planning Commission members shall be qualified electors of the City. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the City, in accordance with the major interests as they exist in the City, such as natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the City to the extent practicable. (1220.03)
5. The Mayor, with the approval of the City Council by a majority vote of the members elected and serving, shall appoint all Planning Commission members, including the ex officio member. (1220.03)
6. One (1) member of the City Council shall be appointed to the Planning Commission as an ex officio member. (1220.03)
7. An ex officio member has full voting rights. An ex officio member's term on the Planning Commission shall expire with his or her term on the City Council. (1220.03)

8. No other elected officer or employee of the City is eligible to be a member of the Planning Commission. (1220.03)
9. Only Planning Commissioners can vote, introduce motions, initiate any other parliamentary action, be counted for a quorum, or be expected to comply with the attendance requirements.
10. Newly appointed Commission members shall be provided with a copy of the Zoning Ordinance and these Bylaws.
11. The Planning Commission members, other than an ex officio member, shall serve for terms of three (3) years each. (1220.03)
12. A Planning Commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. (1220.03)
13. Members serve without compensation.
14. Planning Commissioners' terms of service shall be staggered.
15. If any member of the Commission is absent from three consecutive regularly scheduled meetings without notifying the Chairperson prior, then that member shall be considered delinquent. Delinquency shall be grounds for the City Council to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the City Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the City Council can consider further action allowed under law or excuse the absences.
16. The City Manager and the Planning Commission Chair shall be consulted prior to an appointment for their recommendations of Planning Commissioners.
17. The budget shall ensure that all planning commissioners, zoning board of appeals members, and members of the board of review annually receive proper training to assist them in the fulfillment of their roles and responsibilities and remove members who fail to receive adequate training.
18. Reappointment to the Commission shall be based upon individual interest in Commission affairs, rate of absenteeism, and individual contribution.

Article 3 Conflict of Interest

1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company,

- partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
- d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - e. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - i. an applicant or agent for an applicant, or
 - ii. has a direct interest in the outcome.
2. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
 3. When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
 - a. declare a conflict exists at the next meeting of the Commission or committee
 - b. cease to participate at the Commission or committee meetings, or in any other manner, or represent oneself before the Commission, its staff, or others, and
 - c. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
 4. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.
 5. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

Article 4 Duties of all Members

1. Members shall avoid Ex Parte contact about cases where a decision is before the commission whenever possible.
2. Despite one's best efforts, it is sometimes not possible to avoid Ex Parte contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.
3. Gifts shall not be accepted by a member of the Commission connected with an agenda item before the Commission. As used here, "gifts" shall mean cash; any tangible item or service, regardless of value; and food valued over \$10. This section does not apply to the Commission accepting gifts for the exercise

of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.

4. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
5. Planning Commission members are expected to speak to each other, City staff, and the public respectfully, in ways that are non-discriminatory and do not create a hostile work environment.
6. Failure to comply with the aforementioned duties is grounds for removal from the Planning Commission.

Article 5 Removal from Commission

1. The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing (1220.04).
2. The Planning Commission Chair, or a majority of the Planning Commission, may initiate the process for removing a commissioner on charges of misfeasance, malfeasance, or nonfeasance. The commissioner must be officially notified in writing. When the charge is brought to the Commission, and after reasonable deliberation, the Planning Commission may vote on whether to remove the commissioner in question. A two-thirds majority is necessary to bring the charge to City Council who will hold the public hearing to determine the final outcome.

Article 7 Officers; Officer's Duties

1. The Planning Commission shall elect a chairperson, vice-chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be one (1) year, with opportunity for reelection as specified in the Planning Commission bylaws. (1220.06)
2. A candidate receiving a majority vote from the entire membership of the Commission shall be declared elected and shall serve for one year or until his or her successor takes office.
3. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Commission shall select a successor to the office of Secretary in the manner prescribed in Article 7, Section 1. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.
4. The Chair, Vice-Chair, and Secretary shall take office at the next meeting following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
5. Chair's Duties. The Chair retains his or her ability to discuss, make motions, and vote on issues before the Commission. The Chair shall:
 - a. Preside at all meetings with all powers under parliamentary procedure;

- b. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
 - c. Appoint committees as deemed appropriate; committees comprised of Commission members shall not exceed four (4) people;
 - d. May call special meetings;
 - e. Act as an Ex-Officio member of all committees of the Commission;
 - f. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting;
 - g. Represent the Commission, along with the City Council Commission member, before the City; Council;
 - h. Perform such other duties as may be ordered by the Commission
6. Vice Chair's Duties. The Vice Chair shall:
- a. Act in the capacity of Chair, with all the same powers and duties in the Chair's absence;
 - b. Perform such other duties as may be ordered by the Commission.
7. Secretary's Duties. The Secretary shall:
- a. Execute documents in the name of the Commission;
 - b. Be responsible for the minutes of each meeting, if there is not a recording secretary;
 - c. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Commission staff);
 - d. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Department Office;
 - e. Keep attendance records;
 - f. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 *et seq.*;
 - g. Prepare an agenda for Commission meetings;
 - h. Perform such other duties as may be ordered by the Commission
- With the exception of task (a), all of the duties listed may also be performed by Commission staff.
8. Recording Secretary's Duties. The Recording Secretary shall not be a member of the Commission or any of its committees, and shall:
- a. At each meeting, take notes for minutes and prepare a first draft of minutes for review and signature by the Secretary

Article 7 Meetings

1. Regular meetings. Meetings of the Commission will be held the 2nd Wednesday of every month at 7 p.m. at 1355 Southfield Road, unless otherwise specified by the Commission. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)
2. Special meetings. All meetings of the Commission shall be open to the public in accordance with Act 267 of the Public Acts of 1976 (Open Meetings Act). The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Commission.
 - a. A special meeting of the Planning Commission may be called by the chairperson or by three (3) members of the Commission, upon written request to the secretary. The secretary shall send written notice of a special meeting to Planning Commission members at least forty-eight (48) hours before the meeting (1220.07).
3. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.
4. The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended (M.C.L.A. 15.261 *et seq.*) (1220.07).
5. Motions shall be restated by the Chair before a vote is taken.
6. The order of business for a regular meeting is subject to change by the Chairperson's discretion, but shall follow the order below:
 - a. Call to order by Chairperson or Vice-Chairperson
 - b. Roll call
 - c. Determination of quorum
 - d. Approval of previous meeting's minutes
 - e. Approval of agenda
 - f. Old Business
 - g. New Business
 - h. Policy review and discussion
 - i. Reports from other departments
 - j. Public comment
 - k. Adjournment
7. Any rule of procedure shall be governed by Robert's Rules of Order unless otherwise identified in this article.

8. Delivery of the agenda and accompanying materials shall be mailed to Commission members so it is reasonably expected to be received prior to the regular meeting date. Electronic delivery shall also be made available, and may, at the individual Commissioner's preference, be the sole method of delivery.
9. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
10. Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
11. Public participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.
12. Public Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the legislative body, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in a newspaper of general circulation.
 - a. The Chairperson shall open hearings to the public after giving the petitioner an opportunity to be heard. After the public has had a reasonable opportunity to be heard, the Chairperson shall close the hearing on each petition. If a member of the Commission desires further information, they may, with the approval of the Chairperson or the approval of a majority of the members of the Commission present, ask additional questions of members of the public, or the petitioner.

Article 8 Record

1. The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, as amended (M.C.L.A. 15.231 et seq.) (1220.07).
2. Minutes and Record. The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings, which, shall at a minimum include an indication of the following:
 - a. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.)
 - b. Copy of the minutes, and all its attachments which shall include a summary of the meeting,

in chronological sequence of occurrence:

- a. Time and place the meeting was called to order.
- b. Attendance.
- c. Indication of others present (listing names if others choose to sign in and/or a count of those present).
- d. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
- e. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
- f. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
 - i. Who testified and a summary of what was said
 - ii. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
 - iii. The location of the property involved (tax parcel number and description, legal description is best).
 - iv. What exhibits were submitted
 - v. What evidence was considered
 - vi. The administrative body's findings of fact
 - vii. Reasons for the decision made
 - viii. The decision
 - ix. A list of all required improvements, if any
 - x. List of all changes to the map/drawing/site plan that was submitted.
 - xi. Make the map/drawing/site plan part of the motion
- g. Who called the question.
- h. The type of vote and its outcome.
- i. That a person making a motion withdrew it from consideration.
- j. All the Chair's rulings.
- k. All challenges, discussion and vote/outcome on a Chair's ruling.
- l. All parliamentary inquiries or point of order.
- m. When a voting member enters or leaves the meeting.
- n. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a

- meeting.
- o. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
 - p. The start and end of each recess.
 - q. All Chair's rulings of discussion being out of order.
 - r. Full text of any resolutions offered.
 - s. Summary of announcements.
 - t. Summary of informal actions, or agreement on consensus.
 - u. Time of adjournment.
3. Retention. Commission records shall be preserved and kept on file according to the following schedule:
- a. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent.
 - b. General ledger: 20 years.
 - c. Account journals: 10 years.
 - d. Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
 - e. Correspondence: Permanent.

Article 9 Staff and Consultants

The Commission may employ the City of Lincoln Park staff, citizens, or professional planning consultants who shall hold office at the will and pleasure of the Commission, with approval of the City Council. The Staff members shall provide general direction of the Commission's work. They shall work and advise various committees named by the Commission. They shall have such other powers and duties as may be delegated to them by the Commission.

Article 11 Committees

The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission (1220.06).

Article 12 Zoning Responsibilities

The City Council hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former City and Village Zoning Act, Public Act 207 of 1921 (M.C.L.A. 125.581 et seq.); the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (M.C.L.A. 125.3101 et seq.); or other applicable zoning statutes to the City of Lincoln Park Planning Commission formerly established under the Municipal Planning Act, Public Act 285 of 1931 (M.C.L.A. 125.31 et seq.) (1220.10).

Article 13 Annual Reports

1. The Planning Commission shall make an annual written report to the City Council concerning its operations and the status of the planning activities, including recommendations regarding actions by the City Council related to planning and development. The City Manager shall prepare the Capital Improvements Program Plan (1220.08).
2. As a part of the Annual Report, a work plan may be formulated and adopted by March 31 with the purpose of outlining and implementing the year's planning initiatives.
3. Develop and maintain by April 1 of each year a rolling six-year Capital Improvements Plan (CIP), in coordination with the City Planning Commission and ensure that the CIP is prepared annually in accordance with applicable law. The CIP, and any subsequent amendments, is subject to approval by the Board.

Article 13 Amendments

These By-Laws and Rules of Procedure may be changed, or added to, by the affirmative vote of five (5) members of the Commission, by resolution, at any regular or special meeting called for that purpose.

Article 14 Adoption

These Bylaws were adopted [date] and will take immediate effect and supersede all previous bylaws or Commission practices.

City of Lincoln Park Planning and Development

Proposed Use Changes in the Central Business District

August 8, 2018

1280.02 of the Lincoln Park Zoning Code states all principal permitted uses and Special Land Uses within the Central Business District. However, some permitted uses do not match the desired intent of the adopted Master Plan. Therefore, a change is proposed to exclude the permitted uses that do not support the intended function and purpose of the district. The uses that are proposed to be excluded are the medical services, which are not addressed in the Downtown Commercial Future Land Use category of the 2007 Master Plan, and the automobile services, which are explicitly discouraged.

The 2007 Comprehensive Development Plan for the City of Lincoln Park states:

The commercial heart of the City is found in the Downtown Commercial land use category. Restaurants, entertainment venues, and specialty retail stores should be the focus of this district. Businesses should welcome pedestrian traffic with attractive storefronts and outdoor seating. Parking for automobiles is ideally located on the street, behind buildings (shared parking lots), or in parking structures. Building in the downtown should project a strong “street presence,” with heights of two to three stories, detailed architecture, durable building materials, and minimal or zero front and side setbacks. The Downtown Commercial area includes a mix of land uses, including ground- floor retail and upper-floor office and residential uses, governed by specific design criteria to ensure compatibility.

1280 CENTRAL BUSINESS DISTRICT

In the Central Business District (CBD), no use shall be permitted, unless otherwise provided in this Zoning Code, except the following:

- (a) All principal permitted uses and uses permitted after special approval in the Neighborhood Business District (NBD), excluding ~~drive-through establishments~~ **the following**, subject to the conditions therein.
 1. **Drive-through establishments.**
 2. **Medical offices as described in 1276.02(b) et. seq.**
 3. **Drugstores and pharmacies.**
 4. **Automobile and other vehicle parts stores**

(b) Apartments, provided that all public utilities are available and that all units shall have at least one (1) living room and one (1) bedroom, except that five percent (5%) of the units may be of an efficiency apartment type, and not more than twenty-five percent (25%) may be of one (1)-bedroom units, or fifty percent (50%) in a mixed-use building.

Business and office uses may occupy a building used for residential uses, provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor

may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building, there shall be provided a separate, private pedestrian entranceway for the residential use.

- (c) Bus or railroad passenger stations.
- (d) Business schools and colleges.
- (e) Business establishments which perform services on the premises such as, but not limited to, banks, savings and loans and credit unions (not including drive-through branches); insurance offices, real estate offices and travel agencies; and pedestrian oriented automated teller machine facilities.
- (f) Churches, temples, and similar places of worship.
- (g) Clubs, fraternal organizations, and lodge halls.
- (h) Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one (1) retail outlet shall be prohibited.
- (i) Government buildings and uses.
- ~~(j) Medical offices, including offices of doctors, dentists and similar or allied professions, with up to ten thousand (10,000) square feet of gross floor area.~~
- (j) Hotels, motels, and bed and breakfast inns.
- (k) Mixed-use buildings, with business, commercial, or service uses on the ground floor, and residential, office, or warehouse uses on upper floors, subject to the conditions of subsection (w) hereof.
- (l) Newspaper offices and publishers, and commercial printers.
- (m) Offices of an executive, administrative or professional nature, with up to ten-thousand (10,000) square feet of gross floor area.
- (n) Off-street parking and loading facilities in accordance with Chapter 1290, Off-Street Parking and Loading.
- (o) Outdoor cafés, outdoor eating areas, carry-out, and open front restaurants, subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval.
- (p) Outdoor theaters, plazas, parks, and public gathering places.
- (q) Personal service shops, provided that each occupies a total usable floor area of not more than four-thousand (4,000) square feet, including, but not limited to, such uses as repair shops (watches, radio, television, shoe, etc.), tailor and dressmaking shops, beauty parlors and styling salons, barber shops, photographic studios, film processing outlets, copy centers, interior decorators, postal centers, and dry cleaning pickup stations.
- (r) Public, quasi-public, and institutional uses, such as municipal offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities, parks, civic centers, and fraternal organizations.
- (s) Retail businesses which supply commodities on the premises, of under ten-thousand (10,000) square feet, such as, but not limited to, groceries, meats, fruits and produce, dairy products, baked goods, candies, and other specialty food products (such products can be produced on the premises as an accessory use, provided they are sold on the site at retail prices); and stores selling drugs, dry goods, flowers, clothing, notions, books and magazines, toys, sporting goods, shoes, tobacco products, musical instruments, recorded music, videos (rentals and sales), gifts and souvenirs, furniture, and hardware. Retail sales may be conducted outdoors on sidewalks, provided:
 - (1) At least five (5) feet of sidewalk width is unobstructed for pedestrian traffic.
 - (2) All equipment and merchandise is kept indoors during non-business hours.
- (t) Retail sales in which both a workshop and retail outlet or showroom are required, such as

plumbing, electrician, interior decorating, upholstering, printing, photographic-reproducing, radio, and home appliance and establishments of similar character, subject to the provision that not more than eighty percent (80%) of the total useable floor area of the establishment shall be used for servicing, repairing, or processing activities, and further provided that such retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located.

(u) Restaurants (excluding drive-in restaurants and those with drive-through facilities), taverns, brewpubs (as defined by the Michigan Liquor Control Commisison) and cocktail lounges, where the patrons are served while seated within the building occupied by such establishment.

(v) Residential dwellings, provided the following conditions are met:

(1) Single-family detached dwellings shall meet the requirements for the Single Family Residential District (SFRD). The minimum distance between buildings shall be ten (10) feet. Front building setbacks shall equal the average setback line of the block. Building setback to any side property line shall be thirty (30) feet, except where adjacent to single-family residential property. Driveways, parking and walls may be within the setback, as long as a ten (10)-foot greenbelt area is placed between the property line and any improvement.

(2) Multiple housing dwelling units and attached single-family units (i.e. cluster housing, duplexes and townhouses) shall meet the requirements of the Multiple Family Residential District (MFRD) and/or cluster housing option as modified herein.

In a multiple-family development within the Central Business District (CBD), the total number of rooms (not including kitchen, dining and sanitary facilities) shall not have more than the area of the parcel in square feet, divided by a factor of one-thousand, two-hundred (1,200). If such multiple housing is within a mixed-use building, a factor of eight-hundred (800) shall apply, pursuant to the following: Business, commercial, office, and warehouse uses may occupy a building used for residential uses, provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for a business, commercial, office, or warehouse use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building, there shall be provided a separate, private pedestrian entranceway for the residential use. Warehouse uses must be related to a business, commercial, or office use located elsewhere within the same building.

(w) Theaters, assembly halls, community centers, or similar places of assembly, when conducted completely within enclosed buildings.

~~—(x) Veterinary clinics and animal grooming, provided all activities are conducted within an enclosed building, with up to ten thousand (10,000) square feet of gross floor area.~~

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