



CITY COUNCIL

CITY OF LATHRUP VILLAGE
27400 Southfield Road, Lathrup Village, Michigan 48076

STUDY SESSION AGENDA

MONDAY, AUGUST 3, 2020

6:00 P.M.

ZOOM REMOTE MEETING INFORMATION

Webinar ID: 953 8952 3734
Password: 396828

Online:

<https://zoom.us/j/95389523734?pwd=NVZrSjVLRkN4OVpSY09OUys4dUdYZz09>

Telephone:

1 646 558 8656 or +1 301 715 8592

AGENDA ITEMS

1. **Call to Order** by Mayor Garrett
2. **Discussion Items:**
 - A. Marijuana Licensing & Application Process
 - B. Sign Ordinances Update
3. **Mayor and Council Comments**
4. **Public Comments**
5. **Adjourn**



Dr. Sheryl L. Mitchell

City Administrator

City of Lathrup Village

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COUNCIL COMMUNICATION:

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell, City Administrator

DA: August 3, 2020

RE: **MARIJUANA LICENSING AND APPLICATION PROCESS**

The Marijuana Study Group recommended to the City Council to move forward with licensing of medical and recreational marijuana facilities. City Council voted at their July 27, 2020 meeting to extend the “sunset” for 1-year to allow sufficient time for review of the ordinances, zoning, licensing, and application process.

Jill Bahm submitted a draft of a proposed timeline for the process. (attached)

Council requested to be regularly updated and to have this discussion on today’s study session agenda.

INITIAL DRAFT TIMELINE FOR CONSIDERATION OF MARIJUANA ORDINANCES, ZONING & APPLICATION PROCESS

1. August: Council provides general direction on the following:
 - a. types of marijuana facilities envisioned
 - b. anticipated concerns, if any, about impacts to the community that may need to be mitigated
2. September - October: City attorney and planner work on draft municipal and zoning code language
3. October: Draft language presented to council for initial feedback and additional direction (share initial drafts and council feedback with Planning Commission)
4. October – November: Ordinances refined as needed
5. November: Planning Commission review and discussion
6. November – December: Ordinances refined as needed
7. December: Council reviews final drafts; refine as needed (initial outline for applications could begin here)
8. January: Planning Commission review and set public hearing
9. February: Public hearing on zoning amendments
10. March: Council review, public hearing (recommended) and action on municipal code and zoning amendments
11. April: Final action on amendments
12. May – June: Application development
13. July: Ordinances and applications complete

Again, this is just a starting point but I think reasonable in terms of moving things along in a thoughtful way – together we can refine this as needed. Keeping the timeline and draft materials on the city’s website will provide the transparency I think you’re all looking for.

Jill Bahm, AICP

Partner



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Marijuana Study Group Committee
Recommendation to City Council
7/27/20

The marijuana study group hereby recommends that the city council of the city of Lathrup Village allow marijuana related businesses to operate in the city and recommends that licenses be considered for the following type of marijuana businesses:

- Processing facilities – Number of licenses to be determined
- Testing/Compliance facilities – 2 licenses
- Medical marijuana provisioning centers – no licenses individually. But grant licenses in combination with Adult use licenses.
- Adult Use (Recreational) marijuana provisioning centers – 3 licenses
- Transportation businesses for the secure transport of cash or product – 2 licenses
- Grow facility – no licenses
- Microbusiness – no licenses

Recommendation approved by following vote (4 to 1):

Saleem R. Siddiqi	Yes
Dawn Medley	Yes
Cora Morgan	Yes
Charles Woodson	Yes
Don Eichstaedt	No



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COUNCIL COMMUNICATION:

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell, City Administrator

DA: August 3, 2020

RE: SIGN ORDINANCE - EXPRESSIVE SIGNS

The City received a complaint from a resident regarding the proliferation of "expressive signs" that have been out for quite a while. Municipalities can regulate expressive signs on both public and private property under the "time, place and manner doctrine". We apologized to resident on FaceBook and via SeeClickFix if the impression was given that there was any effort by code enforcement to address signs because of their content. This was not the case.

The city ordinance restricts signage in the Right of Way area and limits the display of expressive signs to 90 days.

An expressive sign is defined as a sign placed or displayed for the purpose of expressing an opinion about any societal or political issue.

Most of the people contacted regarding signs had them in the Right of Way (between the street and sidewalk). Others were given information regarding our ordinance limiting displays of such signs to 90 days at a time.

The effort was to ask people to remove signs improperly placed in the Right of Way and educate on the local ordinance.

Sec. 52-26. - Signs not requiring a permit.

- (a) Changing advertising copy on an approved sign.
- (b) Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure.
- (c) *Traffic control signs on private property*, such as "Stop," "Yield," restricted parking, and similar signs, the face and size of which meet traffic engineering standards.
- (d) *House number signs*. A sign bearing the house number shall not exceed two square feet in area and shall be illuminated only by the reflector method, placed behind the building line and erected so that the light source is not visible from outside the premises.
- (e) *Incidental signs*, up to one per nonresidential driveway, limited to two square feet per sign and a maximum height of 2-1/2 feet.
- (f) *Identification signs*. Identification signs may not exceed two square feet, and are limited to one for each occupant at each entrance and one general sign at any location on the building.
- (g) *Window signs*. Window signs shall be permitted for nonresidential uses. Window signs on a building side shall not exceed ten percent of the total glass area on that side of the building and on the floor where the sign will be located. Window signs shall include permanent and temporary decals and static vinyl clings that are visible from the exterior. Such signs shall be calculated on the full extent of the graphic representation, regardless of its opacity.
- (h) *Flags*. Flags of any country, state, municipality or similar entity shall be displayed on a flagpole or similar support, setback a minimum of five feet from any property line. The maximum height shall not exceed 30 feet. The total number of flags on any lot shall not exceed four.
- (i) *Temporary signs in residential districts*. Temporary signs shall be permitted provided they do not exceed three feet in height and the total area of all temporary signs does not exceed six square feet. Maximum display time for temporary signs under this subsection shall be 30 days.
- (j) *Temporary signs in all districts* as follows:
 - (1) *Property for sale or lease*: In addition to the temporary signs permitted above, one additional temporary sign shall be permitted when a parcel, structure or unit is offered for sale or lease. The sign area shall be limited to nine square feet in residential districts and 36 square feet in nonresidential districts, shall be no greater than 5.5 feet in height in residential districts and eight feet in height in nonresidential districts, and shall be attached to a wood post or similar support that is placed in the ground or the sign may be mounted to the façade of a structure. The sign shall be removed within five days of completion of the sale, signing of a lease agreement or other similar action, as determined by the building official.
 - (2) *Real estate development signs*: Real estate development signs are limited to one sign per exterior street frontage. The size shall not be more than 32 square feet per side in all zoning districts. The sign shall not be erected until a building permit has been obtained for the project, if required, or until actual work has begun, whichever is later.
 - (3) *Political sign*: It shall be unlawful to place or display a political sign prior to the time that the candidate's nomination petition is certified in writing by the appropriate authority, or if the candidate is a write-in from the time he or she files a "declaration of intent" with the appropriate authority as a candidate running for election, or for more than ten days following the day of the election for which the sign pertains.
 - a. It shall be unlawful to place or display a political sign on any property owned or under control of the City of Lathrup Village, the County of Oakland, the State of Michigan, the United States of America, any school district, any utility, or within any right-of-way easement located on private property, unless otherwise permitted by law.
 - b. It shall be unlawful to place or display a political sign which has any single face with a gross area of more than six square feet.

- c. It shall be unlawful to place or display more than one political sign per parcel per candidate, per candidate committee, per committee, and/or ballot question.
 - d. It shall be a rebuttable presumption that any political sign placed or displayed in violation of this section was placed or displayed by the candidate, and the candidate committee, committee, or ballot question committee, whose name is displayed on the political sign. For the purposes of this section a "candidate", "candidate committee", "committee", and "ballot question committee" shall be as defined in the Michigan Campaign Finance Act (MCL 169.201 et seq.), as from time to time amended.
 - e. It shall be unlawful to display or place a political sign which is in violation of the requirements of the Michigan Campaign Finance Act (MCL 169.201 et seq.), as from time to time amended.
- (4) **Expressive sign:** It shall be unlawful to place or display an expressive sign on any property owned or under control of the City of Lathrup Village, the County of Oakland, the State of Michigan, the United States of America, any school district, any utility, or within any right-of-way easement located on private property, unless otherwise permitted by law.
- a. It shall be unlawful to display or place an expressive sign which has any single face with a gross area of more than six square feet.
 - b. It shall be unlawful to display or place an expressive sign for more than 90 days.
 - c. It shall be unlawful to display or place more than 24 square feet of expressive signs per parcel.

(Ord. No. 437-15, pt. II, 4-20-2015)

Sec. 52-31. - Enforcement.

- (a) The building department, police department or agent(s) designated by the city shall remove a sign immediately and without notice if the condition of the sign presents an immediate threat to public health, safety or welfare, with all costs to remove assessed against the responsible person.
- (b) The building department, police department or agent(s) designated by the city shall remove a temporary or movable sign if it violates the terms of this article.

A person found responsible for violating this chapter shall be responsible for a municipal civil infraction and subject to a fine of not less than \$150.00, nor more than \$1,000.00 for each day the violation exists and such other civil penalties as set forth in article VI of chapter 2 of the city Code.

(Ord. No. 437-15, pt. II, 4-20-2015)

Sec. 52-32. - Appeals and variances.

- (a) An appeal may be taken to the city zoning board of appeals by a person aggrieved, or by an officer, department, board, or bureau of the city. An appeal shall be taken within a time as shall be prescribed by the board by general rule, by the filing with the officer or body from whom the appeal is taken and with the board of a notice of appeal specifying the grounds for the appeal. The officer or body from whom the appeal is taken shall immediately transmit to the board, all the papers constituting the record upon which the action appealed from was taken.
- (b) **Effect of appeal.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the board, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would in the opinion of the officer or body cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than

by a restraining order which may be granted by the board or by the circuit court, on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.

- (c) *Hearings and notices.* The board shall fix a reasonable time for the hearing of the appeal and give due notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single- and two-family dwellings within 300 feet, the notice to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If a tenant's name is not known, the term "occupant" may be used. Upon the hearing, a party may appear in person or by agent or by attorney. The board shall decide the appeal within a reasonable time.
- (d) *Board decisions.* The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make an order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken.
- (e) *Practical difficulties or unnecessary hardship.* Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the board may in passing upon appeals vary or modify its rules or provisions relating to the construction, or structural changes in, equipment, or alteration of buildings or structures or the use of land, buildings or structures, so that the spirit of this chapter shall be observed, public safety secured, and substantial justice done.
- (f) *Finality of decisions.* The board is empowered to grant rehearings on any appeal for any of the reasons authorizing relief from a judgment or order of the circuit courts of this state. Subject to this provision, board decisions shall be final, and subject only to judicial appeals as provided by law. In the event of a judicial appeal, the board shall comply with any judicial orders any may take any action authorized by law pursuant thereto.

(Ord. No. 437-15, pt. II, 4-20-2015)