

A HERITAGE OF GOOD LIVING

Planning Commission

Mark Piotrowski, Chairperson
Karen Miller, Vice Chairperson
Keith Brown, Secretary
Bruce Copus
Jason Hammond
Charito Huleza
Bruce Kantor

CITY OF LATHRUP VILLAGE PLANNING COMMISSION

Proposed Agenda for Tuesday October 23, 2018 (Date Corrected)

A Regular meeting of the Planning Commission and a public hearing will be held at 7:00 p. m. on Tuesday, October 23, 2018, in the Council Chambers at City Hall, 27400 Southfield Road, Lathrup Village, MI 48076, Phone (248) 557-2600, Fax (248) 557-2602.

- 1. Call to order and Pledge of Allegiance**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Approval of meeting minutes**
 - a. Minutes for the Regular Meeting – August 28, 2018
 - b. Minutes for the Study Session – August 28, 2018
- 5. Audience participation – regarding items not listed on the agenda**
- 6. Public Hearing - None**
- 7. Action Items – None**
- 8. New Business**
 - a. Zoning Ordinance Amendment – Accessory Structures
 - b. Zoning Ordinance Amendments – Health Checkup
- 9. Old Business - None**
- 10. Other Matters for Discussion**
- 11. General communication & correspondence**
 - a. Planner's Update
 - b. Legal Update
 - c. DDA Update
 - d. Townhomes of Lathrup Update
 - e. Staff Update
- 12. Adjournment**

At 7:08 p.m. the Regular meeting was called to order by Chair Piotrowski on Tuesday, August 28, 2018 in the City Council Chambers of the Municipal Building, 27400 Southfield Road, Lathrup Village, Michigan.

Commissioners Present: Mark Piotrowski, Chair
Karen Miller, Vice Chair
Keith Brown, Secretary
Bruce Kantor, City Council Liaison
Jason Hammond, Resident

Excused: Bruce Copus and Charito Hulleza

Staff Present: Sheryl L. Mitchell, City Administrator, Yvette Talley, City Clerk

Also Present: Scott Baker, City Attorney Jill Bahm and Matthew Wojciechowski of Giffels Webster, Ken Marten

All present joined in the Pledge of Allegiance.

PC-51-18 CALL TO ORDER AND ROLL CALL

Roll call was taken. Motion by Commissioner Miller, seconded by Commissioner Hammond to excuse Commissioner Bruce Copus and Commissioner Charito Hulleza from this meeting.

Motion carried.

PC-52-18 APPROVAL OF AGENDA

Motion by Commissioner Miller, seconded by Commissioner Kantor to approve the Agenda.

Motion carried.

PC-53-18 MINUTES OF REGULAR MEETING ON JUNE 26, 2018

Motion by Commissioner Hammond, seconded by Commissioner Hammond to approve the minutes of the Regular Meeting of June 26, 2018.

Motion carried.

PC-54-18 AUDIENCE PARTICIPATION

There was no audience participation.

PC-55-18 PUBLIC HEARING FOR SPECIAL LAND USE REQUEST 26727 & 26751 Southfield Road

Jill Bahm, Giffels Webster gave an overview and answered specific questions from Planning Commissioners.

Tarek Gayar, applicant gave an overview and answered specific questions from the Planning Commissioners.

Public Hearing was opened by Chair Piotrowski.

Diane Weems, 18150 Ramsgate said what's the maximum amount of fuel stored? How long will it take to complete the project? Store hours? Will there be restrooms? Concerned about the type of trees that will be near the gas station. Property value concerns and commercial vehicles- how large will they be?

Clarence Ray- 18161 Ramsgate – road is busy now and by adding the gas station will make it more challenging to maneuver Southfield Rd.

Alex Green, IV – 26711 Southfield Rd. – is there a necessity for another gas station on Southfield Rd? Currently, there are gas stations on Southfield Rd. Concerned about the possibility of more trash in the area. Public alley, ditch doesn't drain properly, parking concerns.

Delene Adams - 18130 Ramsgate concerned about trash, traffic, and flooding issues.

Public Hearing closed by Chair Piotrowski.

Summary of concerns from Residents:

Traffic, water pressure in the area, hours of operation, the goods that are intended to be sold in the convenience store, why the location, what happens to the tanks if the gas station were to close, size of commercial vehicles that will be served, will trash be removed from the sight, will the sight be maintained in very good condition, how to insure the property south of the gas station will not be negatively impacted by parking, blocking varmints from crawling underneath the wall, landscaping material chosen from a health and longevity standpoint, roots in the alley, access to the public utilities.

Property value concerns are challenging to predict. New investment in this area is likely to help property values. Allowing buildings to deteriorate, sit idle and vacant have a negative impact on property values. Planning Commission will discuss ways to strengthen property value of the investment here and do it's best to make sure the property is kept up over time.

Chair Piotrowski said the City is always looking for opportunities to improve the commercial corridor.

Tarek Gayer, applicant said due to the safety measures there are rules in place that will prevent them from neglect. If the gas station were to close, they have to remove the tank or fill with concrete within one year of closing. Convenience store prices will be comparable to other stores. Hours of operation be 7:00 a.m.-11:00 p.m.

To address the traffic concerns, the applicant will have a traffic study done. This location was chosen because there is not a gas station for southbound traffic. Once the permit is received, it'll take 4-6 months to complete the project. Regarding public utilities, provisions will be put in place where easements are preserved and access for all utilities will continue in the future.

Site Plan (highlights):

Jill Bahm gave an overview of the site plan highlights: The alley is not open for travel but it's still public right of way. Applicant has been to City Council to discuss the idea of utilizing the alley. City Council said they would like the Planning Commission to weigh in on this as well.

Required parking (parking lot design), loading, traffic and circulation, waste and rubbish, screening, bollards (concrete-filled metal posts), landscaping/screening, screen wall, setbacks, outdoor lighting and special land use.

Motion by Commissioner Hammond, seconded by Commissioner Miller to table the Special Land Use Request.

Motion carried.

PC-56-18 **NEW BUSINESS**

- a. Site Plan Review, 26727 & 26751 Southfield Road

Motion by Commissioner Hammond, seconded by Commissioner Miller to table the Site Plan Review.

Motion carried.

PC-57-18 **GENERAL COMMUNICATION & CORRESPONDENCE**

- a. Planner's Update
Michigan Association of Planning Conference will be September 20-22 in Grand Rapids
- b. Legal Update
Scott Baker explained special land use conditions, it gives City Council the ability to monitor businesses
- c. Liaison Update
None
- d. Staff Update
Sheryl Mitchell, City Administrator reported Ken Marten has resigned and thanked him for his years of service. Celebrating the 65th Anniversary of Lathrup Village September 7, 8, 9, all are invited. Residents were acknowledged/thanked for participating in the public hearing process and were invited back to attend future meetings.

PC-58-18 **ADJOURNMENT**

Motion by Commissioner Kantor, seconded by Commissioner Miller to adjourn this meeting.

Motion carried.

The meeting adjourned at 9:03 p.m.

Submitted by Yvette Talley

Recording Secretary

CITY OF LATHRUP VILLAGE
PLANNING COMMISSION STUDY SESSION

August 28, 2018

At 6:10 p.m. a Study Session meeting was called to order by Chair Piotrowski on Tuesday, August 28, 2018 in the City Council Chambers of the Municipal Building, 27400 Southfield Road, Lathrup Village, Michigan.

Members Present: Mark Piotrowski, Karen Miller

Keith Brown, Jason Hammond, Bruce Kantor

Excused members: Bruce Copus and Charito Hulleza

Staff Present: Sheryl Mitchell, City Administrator, Scott Baker, City Attorney and Yvette Talley, City Clerk

Others Present: Jill Bahm and Matthew Wojciechowski of Giffels Webster

Dewayne Roland – 18199 Ramsgate Dr., said adding a gas station would make it difficult to merge into traffic because it's not enough of a merge lane.

Study session adjourned at 7:00 p.m.

Submitted by Yvette Talley

Recording Secretary

memorandum

DATE: October 19, 2018

TO: Dr. Sheryl Mitchell, City Administrator
City of Lathrup Village

FROM: Jill Bahm, AICP & Matt Wojciechowski, Giffels Webster

SUBJECT: Zoning Ordinance Amendment – Accessory Structures

In 2017, the Planning Commission considered several zoning ordinance amendments as part of our Zoning Ordinance Health Checkup. One of the items noted was to create an updated set of standards for accessory buildings and structures. Following this review, the Planning Commission considered an application for a non-residential accessory structure; the Planning Commission found issues with these standards in the Zoning Ordinance as they related to non-residential structures, particularly height and setback. Over the past year the Zoning Board of Appeals (ZBA) has also considered requests for additional height of accessory structures on residential property.

The Planning Commission discussed a proposed ordinance amendment in June of this year that deleted standards in several sections and created one new section that provides standards for accessory buildings and structures in residential and non-residential zoning districts. Generally, accessory buildings and structures will be required to be compatible with principal structures to which they relate. Heights of up to 12 feet will be permitted, which is consistent with the 11- to 12-foot building heights requested of the ZBA in the recent years.

In addition, while Section 5.1 is proposed to be amended to remove provisions for fences, this section should also be updated to clarify standards for corner clearance, which currently do not provide dimensional standards. Such standards that can be measured for clarity and consistency is important for site plan review and code enforcement.

At its June 2018 meeting, the Planning Commission asked to decrease the height and size of accessory structures, particularly in light of the fact that garages are required to be attached. The Planning Commission also asked for provisions for swimming pools. These items are addressed in the updated draft.

We look forward to discussing this draft amendment at the October 23, 2018 meeting. If the Planning Commission is comfortable with the draft language, a public hearing may be set for an upcoming meeting.

ORDINANCE NO. ____

CITY OF LATHRUP VILLAGE
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF LATHRUP VILLAGE ZONING ORDINANCE
ARTICLE 3, SECTIONS 3.5, 3.7, AND 3.8 AND ARTICLE 5, SECTION 5.1 TO DELETE STANDARDS FOR
VISION CLEARANCE AND FENCES, REPLACE SECTION 5.1 TO ADD CORNER CLEARANCE STANDARDS
AND ADD A NEW SECTION 5.16 TO CREATE NEW STANDARDS FOR ACCESSORY BUILDINGS AND
STRUCTURES.

THE CITY COUNCIL OF THE CITY OF LATHRUP VILLAGE ORDAINS:

PART I. ORDINANCE AMENDMENT.

That the City of Lathrup Village Zoning Ordinance, Section 3.5.4 be amended to remove the section as follows:

- ~~4. Accessory Buildings and Structures. No accessory buildings or structures shall be permitted except as follows:~~
 - ~~A. A protective wall specified in Section 5.5 shall be permitted and may be used as part of a covered car shelter structure so long as such shelters do not exceed eight feet in height at their highest point.~~
 - ~~B. A protective wall otherwise conforming to the specifications of Section 5.5 shall be permitted and may be used as part of a covered car shelter structure provided such shelters do not exceed ten feet in height at their highest and such wall and shelters are located in the front yard to act as a buffer between the dwelling units and major thoroughfares such as Evergreen Road and Eleven Mile Road.~~

PART II. ORDINANCE AMENDMENT.

That the City of Lathrup Village Zoning Ordinance, Section 3.7.2. be amended to remove the section as follows:

- ~~2. Rear Yard structures in the R-1 & R-3 Districts~~
 - ~~A. Small temporary "dog house" type accessory building not exceeding four feet in height and having less than 20 feet of floor area.~~
 - ~~B. Permanent "tool shed" type accessory buildings, the exterior of which are constructed of the same materials as used in the main residential building and of a design conforming to the main building when approved by the board as a deviation under article 17.~~
 - ~~C. Semipermanent "tool shed" type accessory buildings conforming to the following provisions:~~
 - ~~i. One temporary accessory building appurtenant to each house may be erected on a special permit basis and used for purposes other than human occupancy in accordance with the following provisions.~~

- a. ~~They shall be well constructed of durable materials appropriate to their projected useful lives, assembled in a workmanlike manner, safe for their intended use, and designed and constructed so as to minimize probabilities of accelerated deterioration or attraction of vermin~~
- b. ~~Insofar as same may be reasonably possible, they shall be compatible to the size, design, and appearance of the main building, and they shall measure not more than 140 square feet of floor area (as measured on the exterior dimensions) and they shall not exceed eight feet in height.~~
- c. ~~They must be erected, placed, or installed on a four-inch thick concrete foundation slab at least as large as the building.~~
- d. ~~They shall be placed in the rear yard, not within any easement, and in such location and so sheltered or screened by shrubs or evergreen or pine trees on all sides except the entrance door, as to minimize their view from the public streets and adjacent properties to the extent reasonably possible.~~

~~D. Fences conforming to the provisions of Section 5.1~~

E. ~~Structures other than buildings and fences (but including patio screens) which are accessory to the recreational, decorative, or residential use of the property, not exceeding seven feet in height. However, none of such structures may be placed in such close proximity to the perimeter lot lines as to evade or conflict with the regulations of Section 5.1 relating to fences.~~

PART III. ORDINANCE AMENDMENT.

That the City of Lathrup Village Zoning Ordinance, Section 3.8.1.(CV District) be amended to remove the section as follows:

- 1. Building limitations:
 - A. Every lot shall have required front, rear, and side yards at least 75 feet deep whenever the lot abuts an R1 or R2 district
 - B. ~~No accessory structures are permitted.~~

PART IV. ORDINANCE AMENDMENT.

That the City of Lathrup Village Zoning Ordinance, Section 5.1. be amended to remove the section as follows:

5.1 VISION CLEARANCE AND FENCES.

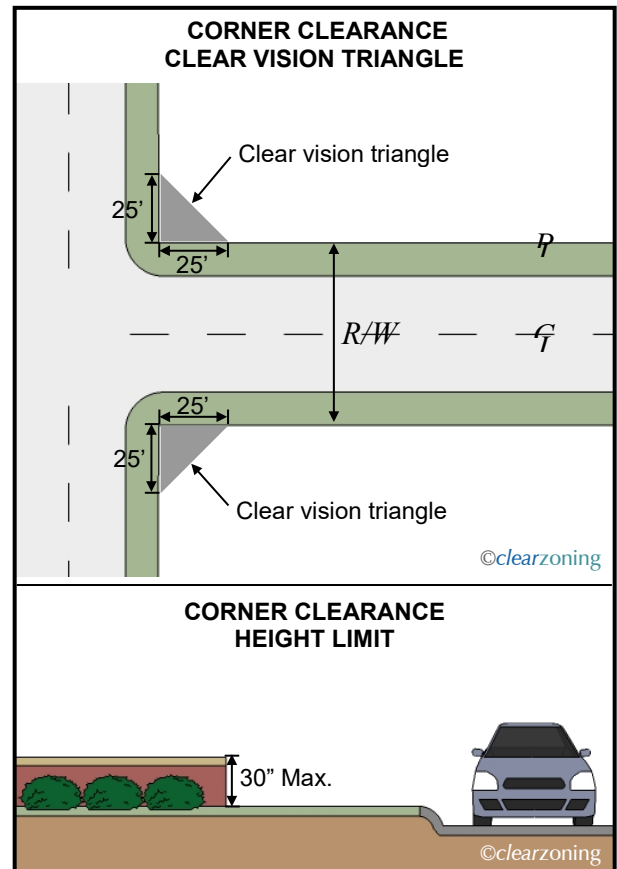
~~No wall, fence, shrubbery, trees, or other landscaping shall be erected, maintained, or planted which shall obstruct or interfere with pedestrian or vehicular traffic visibility on a curve of any street or at the intersection of any streets or any sidewalk. Fences shall be of ornamental iron, wooden or vinyl construction, not over six feet in height, and shall not be erected in any required front yard. Separate fence regulations apply in the PS district as specified in Section 4.6.~~

PART V. ORDINANCE AMENDMENT.

That the City of Lathrup Village Zoning Ordinance, be amended to replace Section 5.1 Vision Clearance and Fences with 5.1 Corner Clearance, as follows:

5.1 CORNER CLEARANCE

No fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the top of curb at street level shall be permitted within the triangular area formed at the intersection of any existing or proposed street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. These standards shall also apply to the intersection of private drives with public streets.



PART VI. ORDINANCE AMENDMENT.

That the City of Lathrup Village Zoning Ordinance, be amended to add a new Section 5.16 Accessory Buildings and Structures as follows:

34-5.16 Accessory buildings and structures

1. Accessory buildings or structures located in any use district shall be subject to the following regulations, unless otherwise provided in this chapter:
 - A. Where an accessory building or structure is physically attached to a main building, it shall be subject to and must conform to, all regulations of this chapter applicable to main buildings unless otherwise specified.
 - B. Accessory buildings or structures shall not be erected in any front yard nor in any exterior side yard setback unless otherwise provided in this chapter.
 - C. A detached accessory building shall not be located within 10 feet of any main building, nor shall it be located within one foot of an alley right-of-way. In no instance shall an accessory building or deck be located within an easement for public utilities or a public or private right-of-way.
 - D. Accessory buildings and structures shall be compatible with the principal building in terms of architectural style, building materials, and color.
 - E. No detached accessory structure or building shall exceed 10 feet in height unless adhering to all requirements of a main building.

- F. The placement and design of any accessory building or structure shall not have an impact on storm water runoff. The Building Department may require grading plans or a sketch plan to ensure compliance with this provision.
 - G. An accessory building over 100 square feet shall be erected, placed, or installed on a four-inch thick concrete foundation slab at least as large as the building.
 - H. **Dwelling units are not permitted in accessory buildings.**
 - I. Fences shall be of ornamental iron, wooden or vinyl construction, not over six feet in height, and shall not be erected in any required front yard. Fences of an ornamental nature may be located in a front yard of any lot of record up to a height of 42 inches, provided that for corner lots adequate sight distance is provided as described in Section 5.1. Ornamental fences shall be of an open design (non-sight obscuring) materials. ~~Separate fence regulations apply in the PS district as specified in Section 4.6.~~
2. In addition to the standards above, accessory buildings or structures located in the R-1, R-2, and R-3 districts shall be subject to the following regulations, unless otherwise provided in this chapter:
- A. Detached accessory buildings or structures shall not be located within five feet of any rear lot line and shall not be located closer to any side lot line than the minimum side yard setback required in the district.
 - B. Detached accessory buildings shall not occupy not more than 25% of a rear yard setback nor more than 40% of any rear yard in excess of the rear yard setback.
 - C. In no instance shall the combined floor area of all accessory uses and buildings exceed ~~50% of the floor area of the residential dwelling unit or 720 square feet, whichever is greater, but not to exceed a total of 800 square feet.~~ **160 square feet.**
 - D. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building or structure shall not be located within a setback which is equal to the front yard setback required of the lot to the rear of such corner lot. In no instance shall an accessory building or structure be located within 10 feet of a street right-of-way line
 - E. Unenclosed decks located a maximum of three feet above ground level may be located at least three feet from side lot lines and may encroach 15 ft into the required rear yard.
 - F. A central air conditioning unit, heat pump, swimming pool pumps and equipment, or any other noise-producing mechanical system located in the yard of a residential unit may be located as follows:
 - i. Within a rear yard; provided, that such system is not located closer to a side lot line than the distance required by the side yard setback (see item D. for corner lots).
 - ii. Within a side yard which is in excess of the required side yard setback.
 - iii. Within a side yard setback; provided, that such system does not extend into the setback by more than three feet and if the abutting parcel is occupied by a use other than one-family residential.
 - iv. If such system is not located in a rear yard, or if it is located in a rear yard of a corner lot and is visible from the street, it shall be screened with landscape material with starting size not less than the height of the system.

- 3. Swimming Pools. Swimming pools are permitted in all residential districts, subject to the following:**
- A. Requirement for Fence: A fence or similar enclosure shall be erected and maintained around any swimming pool. Such fence or enclosure shall be approved by the Building Department in conformance with the city's Building Code.**
 - B. Setback: Swimming pools, spas, hot tubs, similar facilities and surrounding decks, walks or similar accessories shall be at least fifteen (15) feet from any lot line.**
 - C. Restriction from front yard: Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard. Accessory private swimming pools are permitted in the single family residential districts provided that they are located in the rear yard and meet the requirements herein.**

PART VII. SAVINGS CLAUSE.

The amendments referenced herein do not affect or impair any act done, offense committed, or right accruing or acquired, or liability, penalty or forfeiture or punishment pending or incurred prior to the effective date of this amendment.

PART VIII. SEVERABILITY.

This Ordinance and its various parts, sentences, paragraph, sections, clauses and rules promulgated hereunder are hereby declared to be severable. If any part, sentence, paragraph, section, clause, or rule promulgated hereunder is adjudged to be unconstitutional or invalid for any reason, such holdings shall not affect the remaining portions of this Ordinance.

PART IX. REPEALER.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

PART X. EFFECTIVE DATE; PUBLICATION.

This Ordinance shall become effective after publication of a brief notice in the newspaper circulated in the City, stating the date of the enactment and the effective date of the Ordinance, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk, and such other facts as the City Clerk shall deem pertinent.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL, CITY OF LATHRUP VILLAGE, OAKLAND COUNTY, MICHIGAN THIS ___ day of ____, 2018

Yvette Talley, City Clerk

Date of Introduction:

Date of Adoption:

Date of Publication of Notice of Adoption:

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of the ordinance passed at a meeting of the City of Lathrup Village held on the ___ day of ____, 2018

Yvette Talley, City Clerk

memorandum

DATE: October 19, 2018

TO: Dr. Sheryl Mitchell, City Administrator
City of Lathrup Village

FROM: Jill Bahm, AICP & Matt Wojciechowski, Giffels Webster

SUBJECT: Zoning Ordinance Amendments

In 2017, the Planning Commission considered several zoning ordinance amendments as part of our Zoning Ordinance Health Checkup. In our report, we identified several terms that needed to be defined as well as several that needed updated definitions. Below are the terms that are currently defined in the city's Zoning Ordinance. They are presented for context and convenience. Text with ~~strikethrough~~ is proposed to be removed; text in **bold red** is proposed to be added.

We look forward to discussing these proposed changes with the Planning Commission at their upcoming meeting on October 23, 2018.

Accessory building. A building other than and separate from the main building, on the same lot as the main building, occupied by or devoted primarily to an accessory use, such as storage sheds, dog houses, playhouses, and the like.

Accessory use. A use which is traditionally and customarily incidental to, subordinate to, and devoted exclusively to, the main use or uses of the premises

~~**Adequate supervision.** Each facility shall have a minimum staff/participant ratio of one (1) direct care staff member to six (6) participants.~~

Adult business uses definitions.

1. Adult business uses.

A. Adult motels. An establishment for temporary lodging where each individual room has a main entry door on the exterior of the building and where rooms are advertised for rent for less than a twelve (12) hour period of time or where rooms are rented at hourly rates, or both.

B. Sexually-oriented businesses.

i. Adult arcade. A place to which the public is permitted or invited to view motion pictures, movies, videos, pictures, or other products of image-producing devices, where the images displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

ii. Adult bookstore, adult novelty store, or adult video store. A commercial establishment which, as one of its principal purposes, offers for sale or rental for any

form of consideration reading materials, photographs, films, motion pictures, movies, video cassettes or video reproductions, DVDs, other video discs, or other visual representations characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” or instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities”.

iii. Adult cabaret. A night club, restaurant, or similar commercial establishment which, as one of its principal purposes, features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

iv. Adult motion picture theater. A commercial establishment where, for any form of consideration, films, motion pictures, movies, video cassettes, slides, or similar photographic reproductions are regularly and primarily shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

iiiv. Adult theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly and primarily features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

iiiv. Sexual encounter center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (b) activities between male and female persons and/or persons of the same sex, when one (1) or more of the persons is in a state of nudity.

2. Nudity and a state of nudity. Knowingly or intentionally displaying human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering of any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state. Nudity does not include a woman’s breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to feeding.

3. Principal Purpose, Primary Purpose, and Primarily. The sale or display of regulated material that comprises thirty five percent (35%) or more of sales volume or occupies thirty five percent (35%) or more of the floor area or visible inventory within the establishment.

4. Semi-nude and semi-nude condition. The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

5. Specified anatomical areas. The human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

6. Specified sexual activities. Any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

Adult day care center: A nonresidential facility in which custodial care is provided for adults, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention, where the adults are receiving said care on a regular and recurring basis for less than twenty-four (24) hours a day.

Aisleway. A clear space designed and designated to provide unobstructed motor vehicle access between one or more parking spaces and a driveway.

Alley. A right-of-way open to public travel or dedicated for future public travel when opened, usually not more than 20 feet wide, providing a secondary means of access to abutting property and not intended for general traffic circulation as are public streets.

Animal Day-Care. means a facility licensed as a commercial kennel or a boarding kennel and designed and operated with the intention that a dog admitted to the facility is allowed, in compliance with this rule, to mingle and interact with other dogs in one or more playgroups operating in the facility. A kennel that operates as a dog day care shall not provide overnight boarding.

Basement. That portion of a building which is wholly or partly below the average grade of the ground level adjoining the building is a basement when the height from the grade up to the first floor level above grade is less than the height from the grade level down to the floor of the level being classified. However, if the height from the grade level to the first floor level above grade is five feet or more, such area shall be considered a story. All basements required by this ordinance must have at least seven feet of headroom as measured from the floor to the bottom of the supporting beams or stringers above.?

Berm. An elongated mound or hill of earth which rises from the level of the adjacent grade, the purpose is to present a visual and/or sound barrier.

Board. The zoning board of appeals of this city.

Building. Any structure, either temporary or permanent having a roof, and used or built for the shelter or enclosure of persons, animals, or personal property of any kind. This shall include tents, awnings, and vehicles when used for storage or shelter purposes.

Building: front, rear and sides. The front of a building is the facade most nearly parallel and nearest to the front lot line. The rear of a building is the facade opposite the front. Sides of a building are the facades between the front and rear.

Building: height. The height of a building is the vertical distance from the average grade of the ground level adjoining the front of the building to the highest point of the roof surface for a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Building official. The person duly appointed by the city administrator and confirmed by the city council to be the chief administrator of this ordinance.

Building/zoning permit. A permit issued under Article 7 for new construction, and/or alteration of a building, and/or change in use without additional construction or alteration.

Build-to zone. An area of a specified depth, parallel to and touching a specified lot line or other setback line, within which the building façade shall be placed and may vary within the zone in order to encourage design flexibility.

Business services uses. Establishments providing services principally to other businesses, such as: photocopying and printing; photo finishing; business equipment and furniture rental and leasing; computer and telephone sales, software and support; advertising, mailing, marketing and promotions; business or office incubator; co-working center; and similar uses as determined by the approval authority.

Child care center: A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

City. The City of Lathrup Village.

Civic uses. A community use including but not limited to community centers, fire stations, libraries, parks and playgrounds, cemeteries, or government buildings, but not including public utility stations, maintenance facilities, or storage yards.

Conservation easement. That term as defined in section 2140 of the Natural Resources and Environmental Protection Act, Public Act No. 451 of 1994, MCL 324.2140.

Council. The city council of this city.

Day Spa. A business that provides certified therapeutic and personal grooming services, including haircuts and styling, waxing, facial treatments, body therapies, and nail treatments by providers licensed by the State of Michigan.

District. An area of land so designated by the zoning map of the city and described in Article 3.

Driveway. A clear space designed and designated to provide unobstructed motor vehicle access between a public street or alley and a parking facility

Drive Through. A business establishment so developed that its retail or service character is wholly or partially dependent on providing driveway approach stacking area and service windows or facilities for vehicles

Due care. The degree of care which a reasonable prudent person would use under the circumstances which exist in a particular case; a person whose acts or inaction would constitute "negligence" under the common law of this state has failed to exercise due care; "ordinary care" as defined by the common law of this state.

~~**Dwelling.** A building occupied or designed for occupancy by one or more persons as a residence or place of abode.~~

~~**Dwelling unit.** A building or part of a building designed for occupancy by one family as a residence or place of abode.~~

Dwelling. Any building, or portion thereof, on-site built, prefabricated, pre-assembled, or pre-built, having cooking facilities and which is designed, used, and occupied wholly as the home, residence or sleeping place for complete living accommodations of one family, either permanently or transiently. In no case shall a travel trailer, motorhome, automobile chassis, tent or other portable building be considered a dwelling.

1. **Dwelling, Attached.** A dwelling unit attached to one or more dwelling units by common major structural elements.
2. **Dwelling, Detached.** A dwelling unit that is not attached to any other dwelling unit by any means.
3. **Dwelling, Duplex/Two-Family.** A building containing two dwelling units and designed for, and occupied as, the home of two families living independently of each other.
4. **Dwelling, Multiple-Family.** A building or portion thereof containing three or more dwelling units and designed for, and occupied as, the home of three or more families living independently of each other.
5. **Dwelling, Single-Family.** A building containing one dwelling unit and designed for, or occupied by, only one family.
6. **Dwelling, Townhouse.** Attached dwelling units divided by party walls extending the full height of the building. Each townhouse dwelling is capable of individual use and maintenance; and access, utilities, and service facilities shall be independent for each dwelling.

Essential services. The use of land without structures by a public utility or city agency or for the construction, alteration, maintenance and use by a public utility or city agency of underground, surface, or overhead structures where necessary for the furnishing of services by such public utilities or city agencies. In the case of public utilities, such essential service structures shall not include buildings. All new structures and uses by a public utility and by city agencies not otherwise in strict conformity with

this ordinance proposed as an essential service exception shall be subject to site plan review and approval under Article 6.

Family. One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of bona fide household servants. A number of persons, but not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

Family. means either of the following:

1. A domestic family which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with caretaker of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in a dwelling, or
2. The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character with a demonstrable and recognizable bond which render the persons a cohesive unit. All persons must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

~~**Family day care home and group day care home.** Those terms as defined in section 1 of Public Act No. 116 of 1973, MCL 722.111, and only apply to the bonafide private residence of the operator of the family or group day care home.~~

Floor area. All floor area measured to the exterior face of the exterior walls at all levels. The floor area above the first floor must have not less than seven feet six inches headroom which is connected by a fixed stairway and which is or may be made usable for human habitation in order to be counted toward meeting minimum floor area requirements. The floor area of basements, garages, attics, breezeways, and porches shall not be counted toward meeting minimum floor area requirements. A different definition is used for off-street parking purposes.

Garage. A building or portion of a building attached to or part of the main building having not more than 660 square feet of floor area designed to be used for the storage of vehicles and other personal property and not for human habitation and restricted to the private use solely of the occupants of the main building, provided, however, the board may grant a variance or deviation to a greater floor area if the garage is not disproportionate to the size of the main building.

~~**Garage sale.** The sale or offering for sale of three or more items of personal property in a manner and style commonly known as a "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," "estate sale," or the like.~~

Greenway. A contiguous or linear open space, including habitats, wildlife corridors and trails, that links parks, nature reserves, cultural features, or historical sites with each other, for recreation and conservation purposes.

Home and building services. Businesses which offer limited goods and services related to homes and buildings, including plumbing supply stores, locksmiths, exterminators, rental shops, electricians offices and the like.

Home based business. Home Based Business means an occupation or business activity that results in a product or service that is conducted by a resident and that is incidental and ancillary to the permitted principal residential use.

Improvements. Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety and welfare of the residents of the city and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project that is the subject of zoning approval.

Industry, light means a use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining). Examples of assembling include but are not limited to the production of the following: clothes; furniture (where wood is milled off site); pharmaceuticals; hardware; toys; mechanical components; electric or electronic components; small vehicle assembly; and computer software. Examples of packaging include facilities for bottling beverages, canning and wrapping foods, and boxing electronic components. Warehousing, wholesaling, and distribution of the finished products produced at the site may be allowed as part of this use. Light industrial uses are capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc., such that any external effects are not greater at the property lines than surrounding uses.

Intensity. The degree to which a use causes, creates, or attracts pedestrian and/or vehicular traffic, lights, sounds, odors, litter and other phenomena discernable to the senses which an average, prudent resident of this community would find undesirable, annoying, or offensive.

Intensity of development. The height, bulk, area, density, setback, use and other similar characteristics of development.

Kennel, Commercial. Any lot or premises on which three or more dogs, cats or other household pets, six months old or older, are either permanently or temporarily boarded for sale, breeding, boarding, or training purposes. Kennels shall also include any lot or premises where household pets are bred or sold.

Lot. A parcel of land occupied or eligible to be occupied under the regulations of this ordinance by a dwelling or other main building and including the open spaces required under this ordinance. A lot may consist of one or more "platted lots" which are under common ownership or use.

Lot, corner. A lot of which at least two adjacent sides abut for their full length upon a street.

Lot, interior. A lot other than a corner lot.

Lot line, front. In the case of a lot abutting upon only one street, the line separating such lot from such street. In the case of any other lot, the owner shall select one such line to be the front lot line for the purposes of this ordinance and shall designate same on any application for a building permit.?

Lot line, rear. That boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than ten feet long, lying most distant from the front lot line and wholly within the lot.?

Lot line, side. Any lot boundary not a front lot line or a rear lot line. A side lot line separating a lot from the street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.?

Lot, platted. A lot, the dimensions of which are shown on a plat recorded in the office of the register of deeds of Oakland County.

Michigan Zoning Enabling Act. Public Act 110 of 2006, as amended to date of this ordinance, and as hereafter amended and/or construed and applied by courts of competent jurisdiction.

Mobile food vendor. Person(s) selling foods from a mobile vendor unit. This definition shall not include peddlers and transient merchants as defined in sections 18-26 and 50-1, of the City of Lathrup Village code of ordinances.

Mobile food vending unit. A self-contained mobile unit, independent with respect to water, sewer and power utilities, capable of moving or being moved, consisting of an enclosed truck, enclosed trailer or similar vehicle mounted unit that contains equipment used for the preparation and/or sale of food products and is closed up when not in operation.

~~**Nonconforming use.** Any lot or parcel of land which is used in a fashion which does not conform to the regulations, requirements, and provisions of this ordinance and also any lot or parcel upon which any structures or land improvements have been installed otherwise than in conformity with the regulations, requirements and provisions of this ordinance. The term thus includes nonconforming land uses and also nonconforming buildings and land improvements of all kinds.~~

Nonconformities.

- 1. Effective Date.** Whenever this Chapter refers to the “effective date,” the reference shall be deemed to include the effective date of any amendments to this Chapter if the amendments created a nonconforming situation.
- 2. Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Chapter or amendments thereto that does not conform to Chapter provisions for the district in which it is located.

3. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Chapter or amendments thereto that does not conform to Chapter provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and city laws ordinances, regulations and codes.?
4. **Nonconforming Use.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Chapter or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Chapter require such approval, but is otherwise in compliance with all other applicable federal, state, county and city laws ordinances, and regulations.?
5. **Unlawful Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and city laws ordinances, regulations and codes.
6. **Unlawful Use.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and city laws ordinances, regulations and codes.

Parking, off-street. A parking space or facility off the public streets and alleys except as otherwise specified in this ordinance.

Parking space. A clear unenclosed area nine feet in width and 20 feet in length.

Person. An individual and also every firm, association, partnership, trust, corporation, estate, and other legal entities capable of suing or being sued under the laws of this state.

Personal service uses. Businesses which perform personal services on the premises including, but not limited to, barber shops, beauty shops, **day spas**, tailor shops, photographic studios.

Plot plan. A diagram or plan of the layout of a lot with appropriate, relevant dimensions shown for the lot and any buildings, other structures, or land improvements existing or proposed and (where applicable) the abutting or surrounding area, drawn in sufficient detail to enable the building official to determine (by reference to the plan) whether the proposed development or use will conform to this ordinance. A plot plan is intended to be more informal and less elaborate than a site plan.

Population. The population according to the most federal decennial census or according to a special census, whichever is the most recent.

Portable storage container. A container which is movable or which may be fixed and which can be of any size or material which is used to store, retain, hold, or secure any personal property within said container.

Primary road. In the Village Center District, primary roads function as the main streets and include Southfield Road and a new east-west road to be constructed from Southfield Road to El Dorado Place, between Sunset Drive and Goldengate Drive. The effect of the Primary Road is to encourage an environment where continuous building walls create an engaging street for pedestrians.

Professional and administrative office uses. Businesses which serve as offices for professional, executive, administrative, and medical uses, including the offices of architects, accountants, insurance, doctors, dentists, government and financial institutions.

Public utility. Any person authorized to furnish or furnishing to the public, under state or municipal regulation, electricity, gas, steam, water, transportation, or communication service, including cable TV.

Restaurants.

1. **Bar, lounge or tavern means a structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and/or snacks may also be permitted. If the bar area is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.**
2. **Brewpub: An eating or drinking place which includes the brewing of beer as an accessory use for sale at the same premises of not more than two-thousand (2,000) barrels per year. (A barrel is equivalent to thirty-one (31) U.S. gallons.) Notwithstanding more restrictive provisions of this Ordinance, such accessory uses may occupy up to fifty (50) percent of the gross floor area of the brewpub. The sale of alcoholic liquor by a brewpub other than produced by the brewpub is permitted, provided the appropriate license is obtained pursuant to the Michigan Liquor Control Act, as amended, MCL 435.1, et seq.; MSA 18.971, et seq.**
3. **Carryout restaurant means a structure which is maintained, operated, and/or advertised or held out to the public as a place where food, beverage, and/or desserts are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.**
4. **Dining room means a structure which is maintained, operated, and advertised or held out to the public as a place where food and beverages are served, and consumed, primarily within the structure. Such food and beverage are served primarily in non-disposable (reusable by the restaurant) containers.**
5. **Drive-in restaurant means an establishment where food, frozen dessert, and/or beverages are served to customers while seated in their motor vehicles upon the premises. It shall also include any establishment where the customers may serve themselves and are permitted to consume food and beverages in a motor vehicle parked on the premises or at other facilities which are provided for the use of the patron for the purpose of consumption and which are located outside of the building or structures.**
6. **Fast food restaurant means a structure which is maintained, operated, and advertised or held out to the public as a place where food, beverage, and/or desserts are served to customers**

from a serving counter in disposable (not reusable by restaurant) containers or wrappers. Such food, beverage, and/or desserts may be consumed: inside the building; outside, at facilities provided; or “carried out” for consumption off the premises.

Retail commercial uses. Businesses that supply commodities on the premises including, but not limited to clothing shops, shoe shops, pharmacy shops, flower shops, office supply and stationery shops, gift shops.

~~**Sign.** Any combination of letters and/or symbols displayed so as to be legible to an average person of average eyesight from an adjoining public street, the apparent purpose of which is to convey information concerning the identity or use of a lot, or building or its occupants, or the conduct of any trade, business, or occupation.~~

Site plan. A plan conforming to the requirements of Article 6.

State licensed residential facility. A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, Public Act No. 218 of 1979, MCL 400.701 to 400.737 or Public Act No. 116 of 1973, MCL 722.111 to 722.128, and provides residential services for six or fewer persons under 24 hour supervision or care. Such uses include the following:

1. **Adult foster care family home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
2. **Foster family home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
3. **Foster family group home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Story. That portion of a building, excluding the basement, which is included between the surface of any floor and the surface of the floor next above, or if there should be no floor above, then the space between the surface or [of] any floor and the ceiling next above.

Story, half. An uppermost space lying under a sloping roof, the floor area of which does not exceed 50 percent of the floor area of the story immediately below it.

Street. Any thoroughfare or right-of-way, usually 50 feet or more in width dedicated to the use of the public or open to the public travel whether designated as a road, avenue, highway, boulevard, drive, land, circle, place, court, terrace, or any similar designation. A public street is a dedicated street accepted by the city.

Structure. A constructed or erected combination of materials, including (but not limited to) buildings, the use of which requires connection with the ground and including (but not limited to) signs and fences. Sidewalks, driveways, and living plantings are not deemed to be structures.

~~**Temporary sign.** A display, sign, banner, or advertising device, with or without a structural frame, intended for a limited period of display, including displays for holidays, public demonstrations, special events, business grand openings or local historical events.~~

Temporary structure [use or building]. Temporary use or building means a use or building permitted by the city to exist during periods of construction of the main building or use, or for special events.

Undeveloped state. A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

Use. A use means the purpose for which land, a building, or structures thereon is designed, arranged, maintained, occupied, or used, both currently and in the future. This term has evolved over the years in this city to include all trades and industries as well as all businesses, occupations, and professions which utilize land or buildings. Many land uses involve a combination of activities which may fall into multiple use classifications, either as a principal or accessory use. Whenever any person shall have any reasonable doubt as to the use classification to be applied to a specific activity, he may apply to the board for a ruling or interpretation.

Use, accessory. See Accessory Use.

Use, change in. A "change in use" occurs whenever a described use within any district alters its activities in such fashion as to fall within any other use described in this ordinance which is separately or differently treated or dealt with so that different or other regulations apply.

~~**Use, special.** A use which is expressly permitted, expressly excluded, or specially regulated as a "special use" is expressed generally in layman's terms descriptive of how an average resident of this city would view the activities conducted or occurring on a subject parcel or land.~~ **A use of land that is permitted within a particular zoning district only if the applicable standards have been met and a site plan has been approved.**

Use, reasonable. A proposed use is "reasonable" when it would be harmonious, compatible, appropriate, would not impinge unreasonably on the value or use of nearby properties, and would not impair sound communal development as and where proposed to be established. An existing use is "reasonable" when it is harmonious, compatible, and appropriate as and where established, does not impinge unreasonably on the value or use of nearby properties, and does not impair sound communal development. Uses which are not "reasonable" are "unreasonable." No use shall be deemed "reasonable" if its establishment or actual conduct is unlawful under the statutory or common law of this state.

Veterinary Clinic or Hospital. An office of a duly licensed veterinary professional where diagnosis, treatment, surgery and other veterinary care for domestic animals, and all other activities and

rooming of animals are conducted within a completely enclosed building.

Wireless communication facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities that are subject to state or federal law or regulations that preempt municipal regulatory authority.

- Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- Attached wireless communications facilities (antennae). Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:
 - i. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).
 - iii. Any structure other than a tower that, at the time the relevant application is filed with the City of Lathrup Village under this section, supports or houses equipment described herein that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City of Lathrup Village under this section, does not support or house equipment described above.

- Collocation. The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennae within the city.
- Eligible facilities request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- i. Collocation of new transmission equipment;
 - ii. Removal of transmission equipment; or
 - iii. Replacement of transmission equipment.
- Eligible support structure. Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City of Lathrup Village under this section.
- Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.
- Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater
 - ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 - iv. It entails any excavation or deployment outside the current site;
 - v. It would defeat the concealment elements of the eligible support structure;
 - vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any

modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (g)(i)-(g)(iv) of this section

- Wireless communication support structures (towers). Structures erected or modified to support wireless communication antennae. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Yard, front. An open space extending the full width of the lot, between the front lot line and the front of the main building, and unoccupied from the ground upwards by any structures other than those expressly permitted by this ordinance. Where there is no main building on the lot the front yard shall be the minimum depth specified adjacent to an abutting street.

Yard, rear. An open space extending the full width of the lot, between the rear lot line and the rear of the main building, and unoccupied from the ground upwards by any structures other than those expressly permitted by this ordinance. Where there is no main building on the lot, the rear yard shall be the minimum depth specified measured inward from the rear lot line.

Yard, side. An open space extending along the side lot lines between the front yard and the rear yards from the side lot lines to the sides of the main building and unoccupied from the ground upwards by any structures other than those expressly permitted by this ordinance. Where there is no main building on the lot, the side yards shall be the minimum depth specified measured inward from the side lot lines.