



A HERITAGE OF GOOD LIVING

## **Planning Commission**

Mark Piotrowski, Chairperson

Wilbert Fobbs III

Jason Hammond

Charito Hulleza

Bruce Kantor

Les Stansbery

Anna Thompson

**CITY OF LATHRUP VILLAGE  
PLANNING COMMISSION AGENDA  
Tuesday, October 20, 2020  
7:00 p.m.**

**REGULAR MEETING - HELD REMOTELY**

- 1. Call to order and Pledge of Allegiance**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Approval of meeting minutes**
  - a. Regular Meeting – September 15, 2020
- 5. Public Comment – regarding items not listed on the agenda**
- 6. New Business**
  - a. Set Public Hearing Date –R-1 District Amendment, Parking as Special Land Use
- 7. Old Business and Tabled Items**
  - a. Comprehensive Plan update  
*Motion to remove from table*
  - b. Sign Ordinance discussion  
*Motion to remove from table*
  - c. Zoning Discussion – Cannabis (Introductory Discussion)  
*Motion to remove from table*
- 8. Other Matters for Discussion**
  - a. Capital Improvements Plan: Kick-off meeting
- 9. General communication & correspondence**
  - a. Legal Update
  - b. Planning Update
  - c. Staff Update
- 10. Adjournment**

**ZOOM MEETING**

Meeting ID: 939 9026 5455

Passcode: 870820

**NOTICE OF ELECTRONIC PUBLIC MEETING  
CITY OF LATHRUP VILLAGE  
PLANNING COMMISSION**

Meeting – Tuesday, October 20, 2020  
7:00pm

Due to the Emergency orders issued by the Michigan Department of Health and Human Services, Oakland County, and local officials and in accordance with Senate Bill 1108, which allows for electronic meetings of public bodies, notice is hereby given that the City of Lathrup's Planning Commission will be meeting electronically using Zoom for videoconference and public access.

This meeting is a regular meeting.

The electronic public meeting will be held as a Zoom electronic meeting. The public, including those with disabilities, can participate via the Zoom application, internet and/or telephone. The public will be able to listen to all discussion by Planning Commission members and will be permitted to speak for up to 3 minutes during the public comment section of the agenda.

Please note that callers/viewers will automatically be muted. Public comments can be submitted via the Chat Room or during Public Comment, when viewers are unmuted on an individual basis. Comments may also be emailed in by 12 noon of the date of the meeting to:  
[cityclerk@lathrupvillage.org](mailto:cityclerk@lathrupvillage.org),

**ZOOM MEETING SIGN IN INFORMATION**

Topic: LV Planning Commission

Time: Oct 20, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/93990265455?pwd=VE96NkdnbHlVYHYeUxad21PUFkrQT09>

Meeting ID: 939 9026 5455

Passcode: 870820

One tap mobile

+13017158592,,93990265455#,,,,,0#,,870820# US (Germantown)

+13126266799,,93990265455#,,,,,0#,,870820# US (Chicago)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 939 9026 5455

Passcode: 870820

Find your local number: <https://zoom.us/u/aec09cgZgx>

At 7:10 p.m. the Regular meeting was called to order by Chair Piotrowski on Tuesday, September 15, 2020 remotely via Zoom.

Commissioner Present: Mark Piotrowski, Chair  
Jason Hammond, Vice Chair  
Anna Thompson, Secretary  
Wilbert Fobbs, III, Resident  
Charito Hulleza, Resident  
Bruce Kantor, City Council Liaison  
Les Stansbery, Resident

Staff Present: Dr. Sheryl Mitchell, City Administrator, Susie Stec, Community and Economic Development Manager, Yvette Talley, City Clerk

Also Present: Scott Baker, City Attorney, Jill Bahm & Sri Ravali Komaragiri, Giffels Webster

All present joined in the Pledge of Allegiance.

**PC-44-20 APPROVAL OF AGENDA**

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

Motion carried.

**PC-45-20 MINUTES OF REGULAR MEETING JULY 17, 2020**

Motion by Commissioner Kantor, seconded by Commissioner Hulleza to approve the minutes of the Regular Meeting of July 17, 2020.

Motion carried.

**PC-46-20 PUBLIC COMMENTS**

None

**PC-47-20 NEW BUSINESS**

- a. Site plan Review – Lathfield Investments, LLC (27208-60 Southfield Rd.)

Jill Bahm gave an overview and answered specific questions. First step in the process is to address parking issues, to get site plans on file with the City, identify solutions for parking or determine if parking variances are in order. Property changed hands at the beginning of the year so the City met with the current property owner to discuss the process and the current state of the properties. There are issues with parking, dumpster location, screening and landscaping.

Motion by Commissioner Hammond, seconded by Commissioner Hulleza to approve the site plan with conditions for the property located at 27208-60 Southfield Road approval including

compliance with parking requirements, dumpster ordinance requirements, alley utilization requirements or to seek variances for those ordinances.

Yes: Fobbs, Hammond, Hulleza, Kantor, Piotrowski, Stansbery, Thompson

No: None

Motion carried.

b. Site Plan Review – Lathfield Partners, LLC (28600-90 Southfield Rd.)

Jill Bahm gave an overview and answered specific questions. Issues - Parking in alley, parking space lengths with issues of overlapping the sidewalks, non-compliant dumpster, fence on eastside of vacant lot. If applicant is not interested in complying with those standards, a variance will be required.

Motion by Commissioner Hammond, seconded by Commissioner Hulleza to approve the site plan with conditions for the property located at 28600-90 Southfield Road with approval including parking requirements, dumpster ordinances, alley use with the approval from City Council to use the alley, screen wall compliance or to seek variances for those ordinances.

Yes: Fobbs, Hammond, Hulleza, Kantor, Piotrowski, Stansbery, Thompson

No: None

Motion carried.

c. Site Plan Review – Lathfield Holdings, LLC (28820-80 Southfield Rd.)

Jill Bahm gave an overview and answered specific questions. Issues – parking in alley, non-compliant dumpster, the issues are the same on all three sites but they vary slightly.

Jason Kuris representative for the applicant – gave an overview and answered specific questions. He will ask for a variance as needed. Currently, they are cleaning the buildings up, looking at retail, real estate, beauty/barber, photography businesses etc. He will look at issues that need immediate attention, and create a timeline.

Motion by Commissioner Hammond, seconded by Commissioner Hulleza to approve compliance parking requirements, dumpster placement ordinances, alley utilization requirements or seek approval from City Council or to seek variances.

Yes: Fobbs, Hammond, Hulleza, Kantor, Piotrowski, Stansbery, Thompson

No: None

Motion carried.

d. Sign Ordinance discussion

Motion by Commissioner Hammond, seconded by Commissioner Hulleza to **table** the Sign Ordinance discussion until the next Planning Commission meeting on October 20, 2020.

Yes: Fobbs, Hammond, Hulleza, Kantor, Piotrowski, Stansbery, Thompson

No: None

Motion carried.



e. Zoning Discussion – Cannabis (Introductory Discussion)

Motion by Commissioner Hammond, seconded by Commission Thompson to **table** the Zoning Discussion – Cannabis (Introductory Discussion) until the next Planning Commission meeting on October 20,2020.

Yes: Fobbs, Hammond, Hulleza, Kantor, Piotrowski, Stansbery, Thompson

No: None

Motion carried.

**PC-48-20 OLD BUSINESS AN TABLED ITEMS**

a. Comprehensive Plan update

Motion by Commissioner Hammond, seconded by Commissioner Stansbery to **table** the Comprehensive Plan Update until the next Planning Commission meeting on October 20, 2020 with the understanding that the Planners will give more details before the next meeting.

Yes: Fobbs, Hammond, Hulleza, Kantor, Piotrowski, Stansbery, Thompson

No: None

Motion carried.

**PC-49-20 OTHER MATTERS FOR DISCUSSION**

None

**PC-50-20 GENERAL COMMUNICATION AND CORRESPONDENCE**

a. Legal Update

None

b. Planning Update

None

c. Staff Update

Susie Stec said the Corridor clean-up will be September 26, 2020 9:00 a.m.-11:00 a.m. on the South end of Lathrup Village.

Commissioner Kantor said there will be a virtual town hall meeting October 4<sup>th</sup> at 3:00 p.m. regarding the Street Improvement Bond Millage. For more information- [www.FixLVroads.com](http://www.FixLVroads.com).

**PC-51-20 ADJOURNMENT**

Motion by Commissioner Hammond seconded by Commissioner Kantor to adjourn this meeting.

Motion carried.

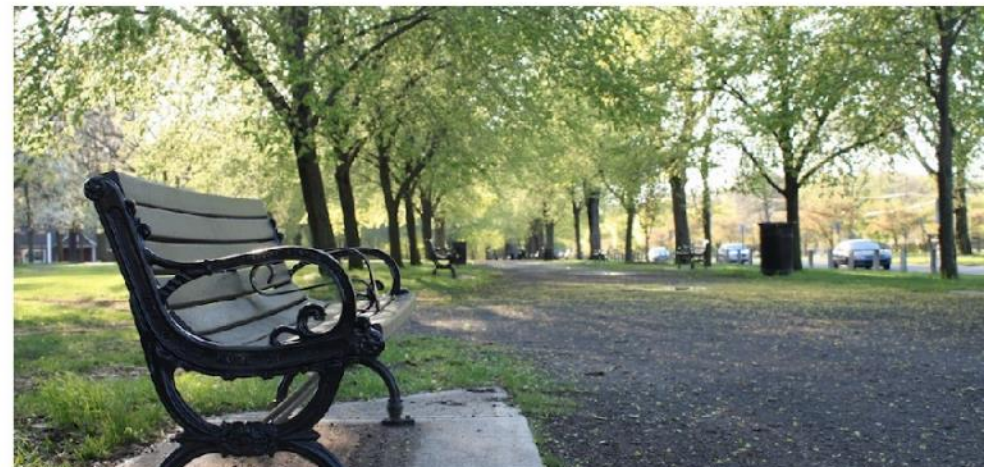
The meeting adjourned at 9:39 p.m.

Submitted by Yvette Talley  
Recording Secretary





giffels  
webster



Planning Commission Meeting

September 15, 2020





# Redevelopment Site Concept

# Redevelopment Site Concepts

## What are redevelopment sites?

Three sites that are currently vacant or under-utilized, given their location, unique features, and size.

- Concepts for redevelopment illustrate key components that are envisioned
- Approaches to facilitate redevelopment

1. House in the Woods
2. Southfield Road
3. Village Center/  
Lathrup School

# Redevelopment Site Concepts

## House in the Woods

### Background

- This site was first developed in 1927 as the home of Louise Lathrup.
- It burned down in 2009 as a result of a lightning strike.
- The city allowed residents to reclaim the site as a nature preserve but the volunteer effort was not sustainable.

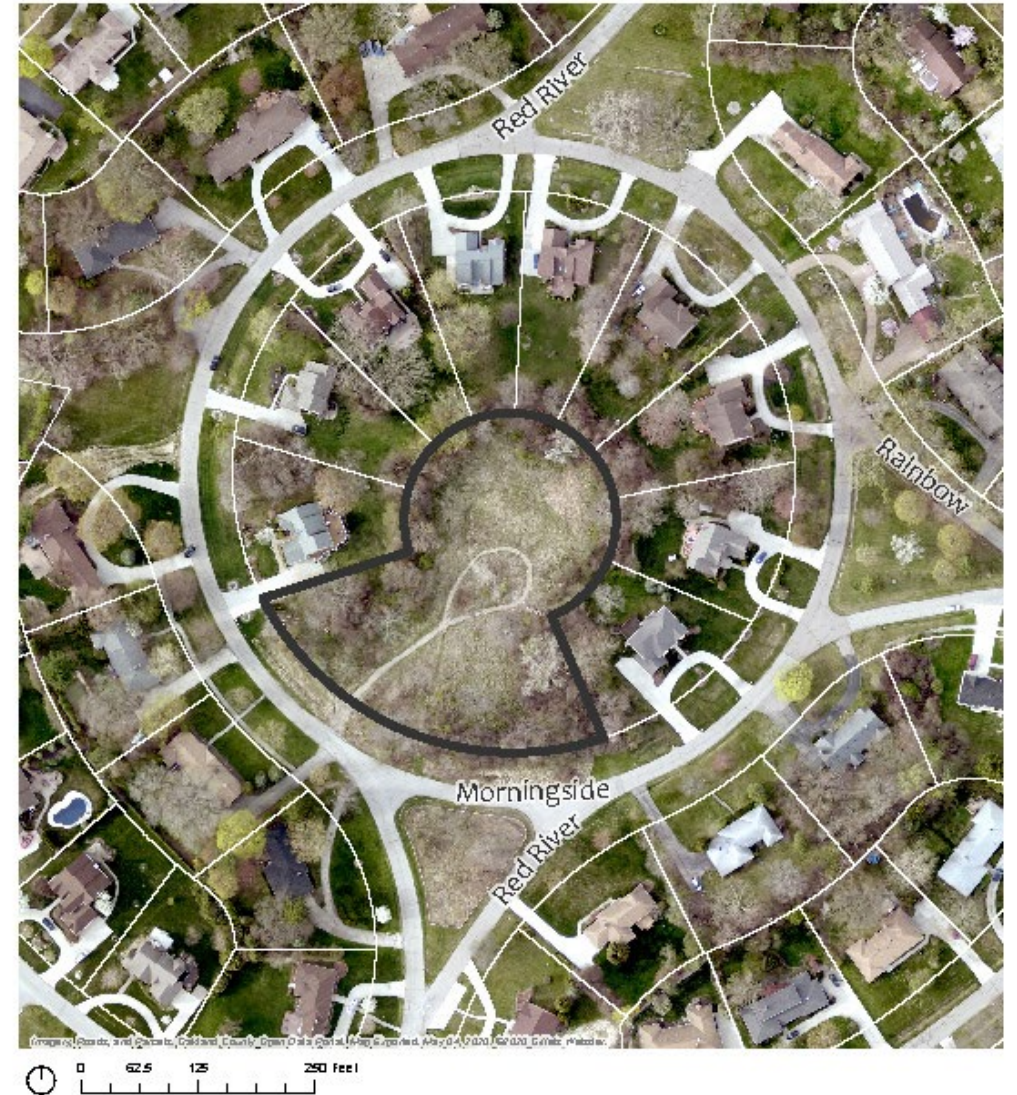


# Redevelopment Site Concepts

## House in the Woods

### Background

- The site is in the Lower Northwest neighborhood – east of Evergreen between Saratoga and 11 Mile Roads.
- It is approximately 2.5 acres





# Redevelopment Site Concepts

## House in the Woods



**Concept:** Single family homes in compact layout – fronts face street

# Redevelopment Site Concepts

## House in the Woods



**Concept:** Single family homes in compact layout – rear facing service areas



# Redevelopment Site Concepts

## House in the Woods

- Compact site design maximizes development potential
- Adds smaller homes for older residents (less maintenance, one-floor living) and young adults





# Redevelopment Site Concepts

## House in the Woods

- Common green available for neighborhood residents



Concept based on actual development in Novi

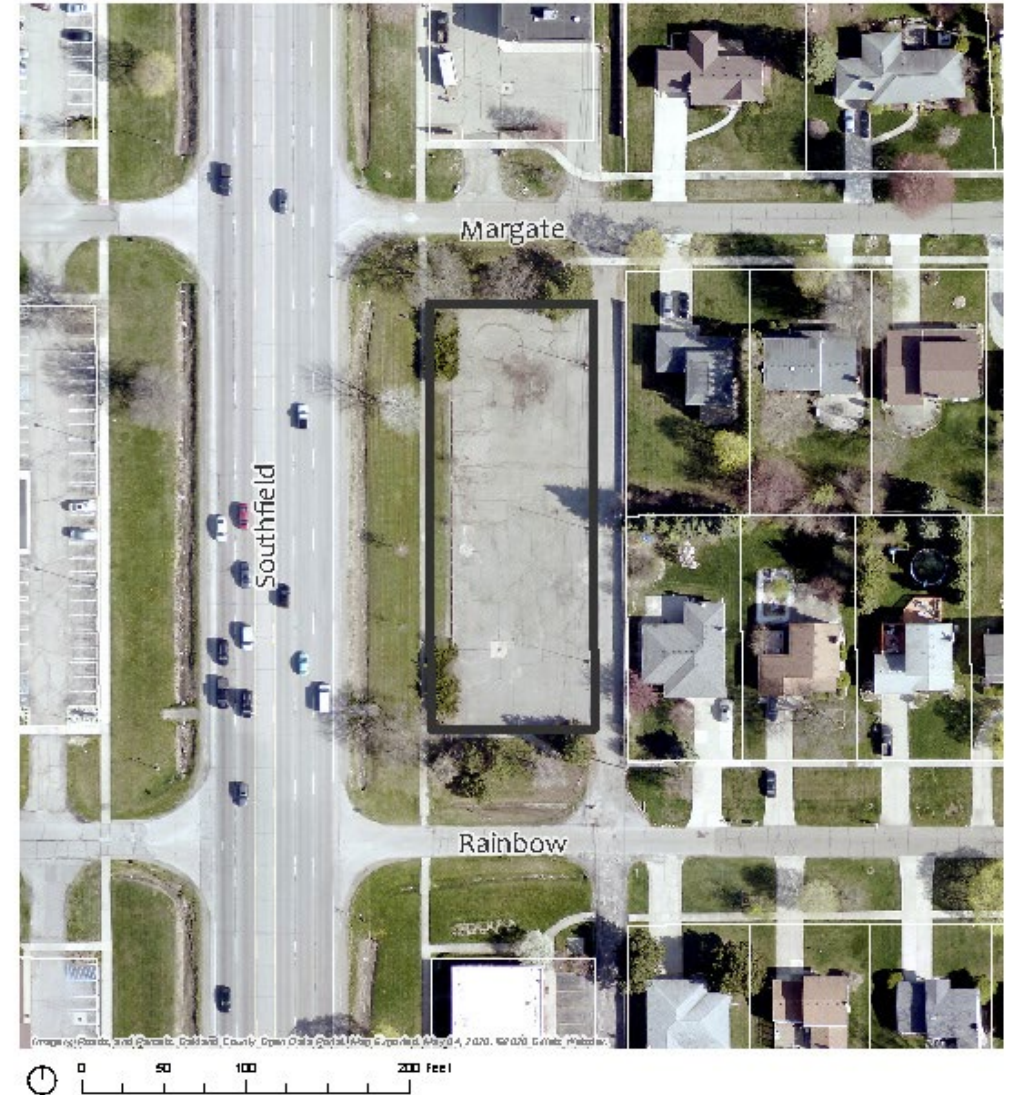


# Redevelopment Site Concepts

## 26206 Southfield Road

### Background

- This site was developed with a commercial building that has since been removed.



# Redevelopment Site Concepts

## 26206 Southfield Road



**Concept:** Two story mixed use building – flexible uses



# Redevelopment Site Concepts

## 26206 Southfield Road



**Concept:** Two story mixed use building – flexible uses

# Redevelopment Site Concepts 26206 Southfield Road



**Concept: “Tuck-under” parking in the rear of the site.**



# Redevelopment Site Concepts Village Center – Lathrup School

## Background

- This site contains the last historic structure from the city's development along Southfield Road.



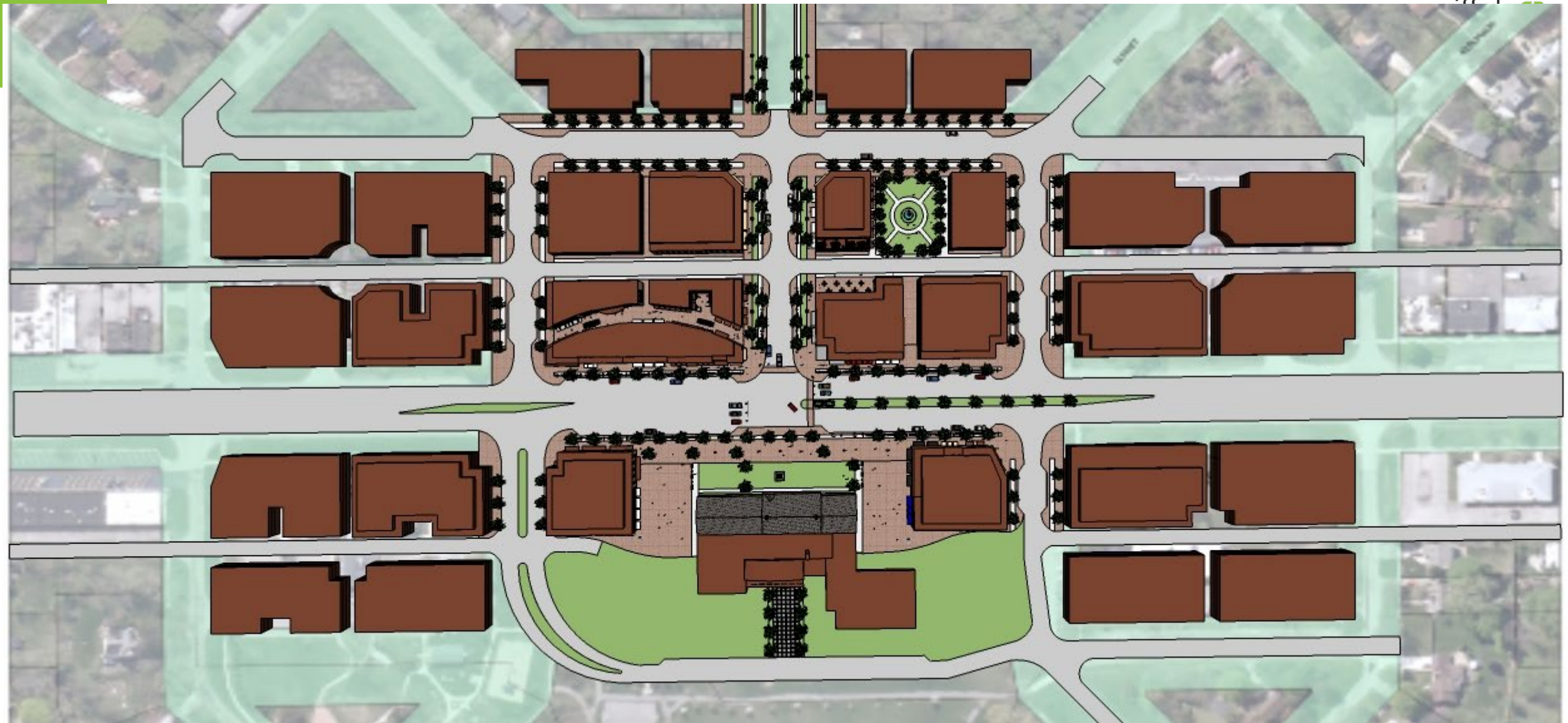
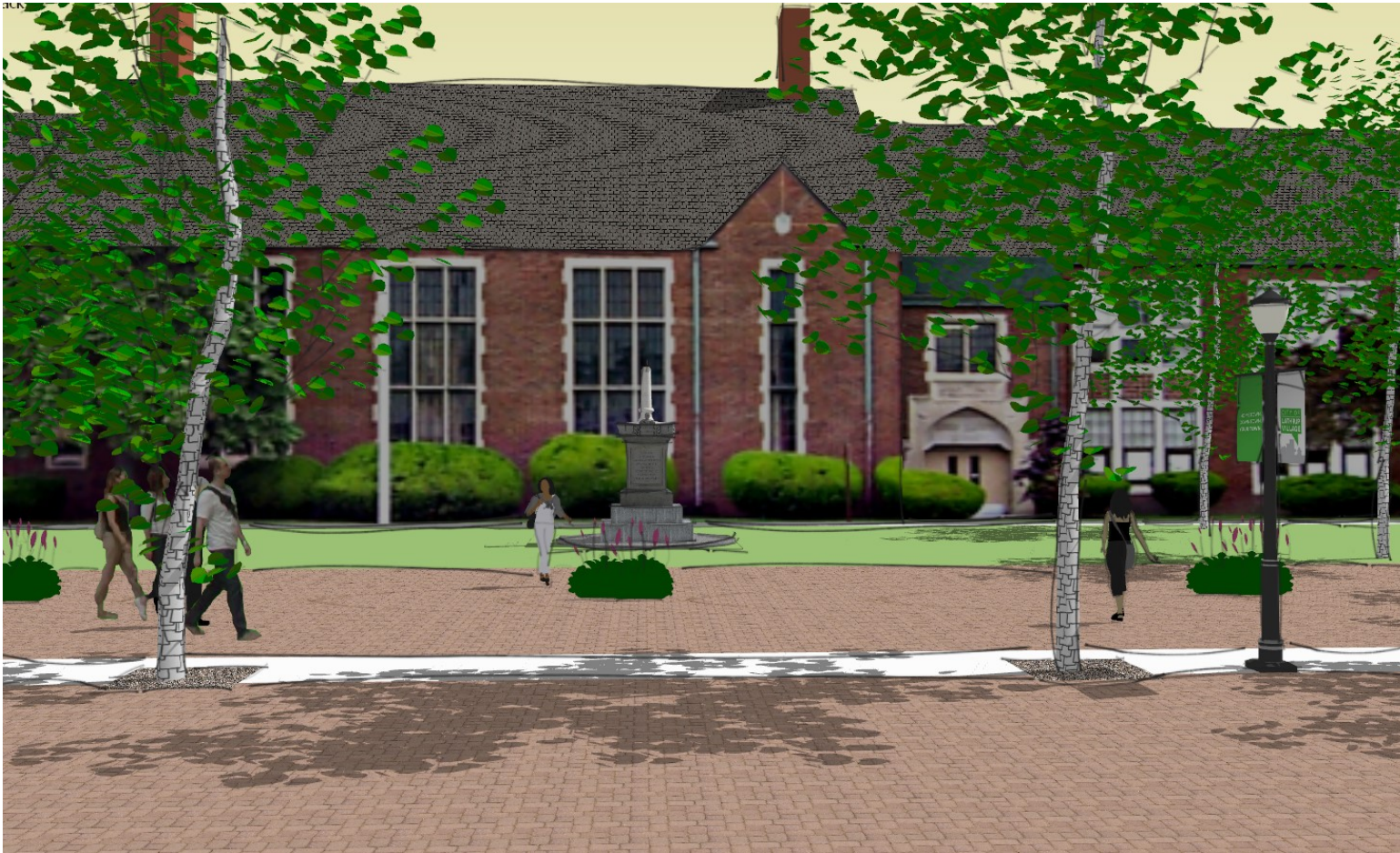


Image of redevelopment concept from 2014 Master Plan



# Redevelopment Site Concepts

## Village Center – Lathrup School

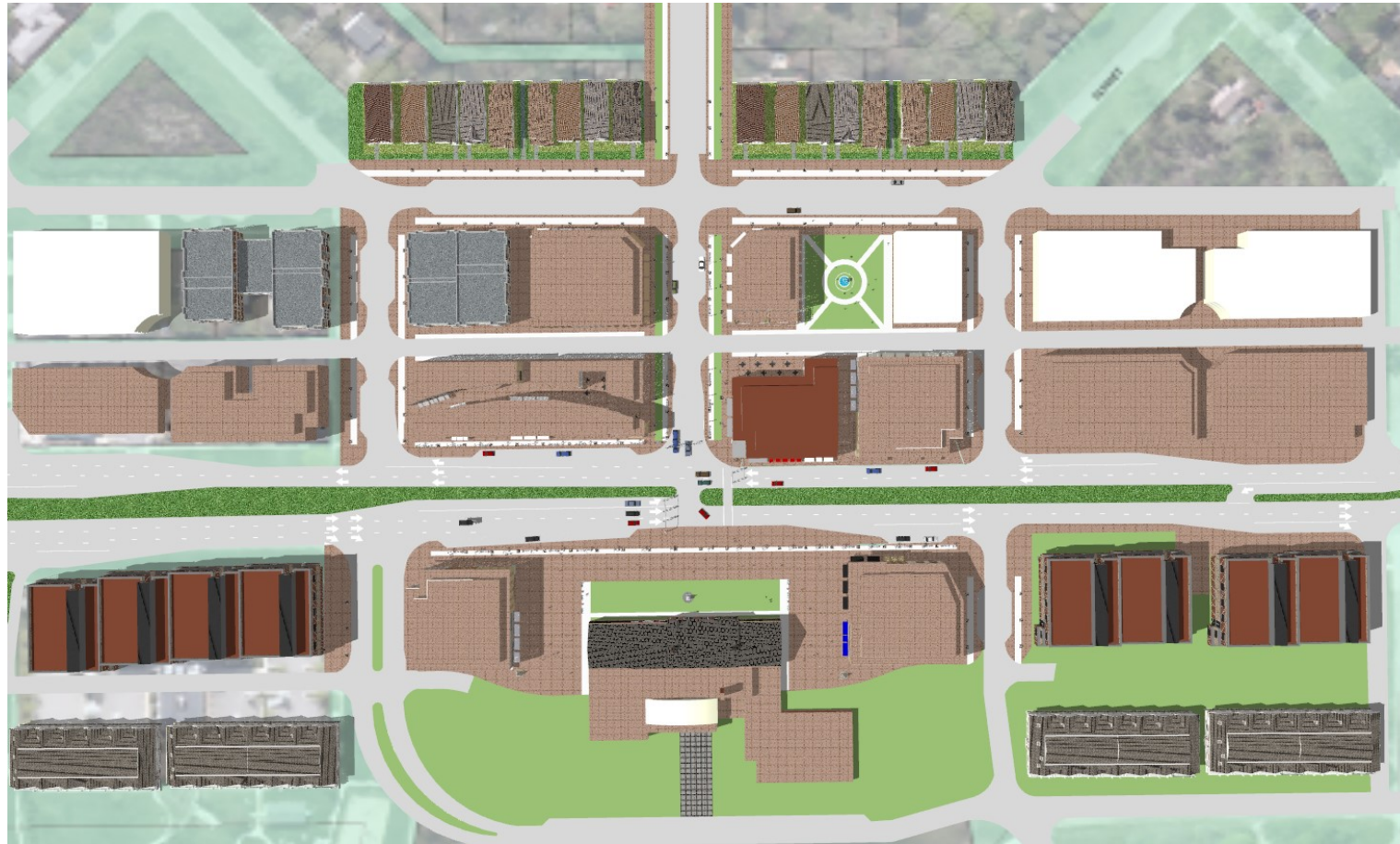


**Concept:** Repurposed mixed use building – flexible uses



# Redevelopment Site Concepts

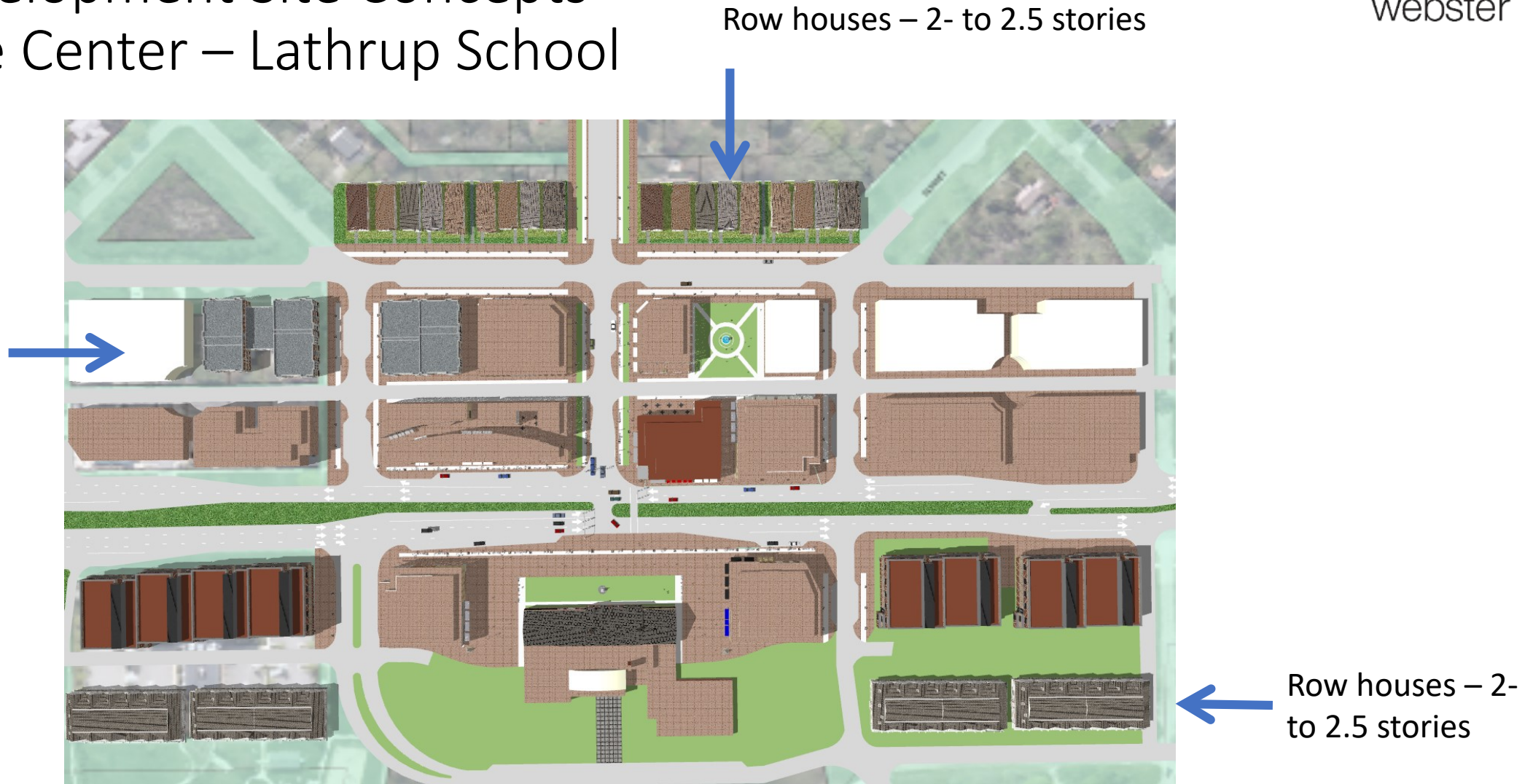
## Village Center – Lathrup School



**Concept:** Anchor point for an overall Village Center concept

# Redevelopment Site Concepts Village Center – Lathrup School

- Multiple-family residential
- Stacked flats
  - Live-work
  - 2-3 stories



**Concept:** Village Center concept modified from 2014 Master Plan



# Row houses





# Stacked Flats/Live Work







THANK YOU

A: 28 W. Adams | Detroit, MI  
T: 313.962.4442  
W: [www.giffelswebster.com](http://www.giffelswebster.com)



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# memorandum

**DATE:** September 11, 2020  
**TO:** Susie Stec, Manager – Community & Economic Development  
**FROM:** Jill Bahm, Giffels Webster  
**SUBJECT:** Sign Ordinance

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The Sign Ordinance, a separate ordinance from the Zoning Ordinance, is due for an update, specifically to address current case law and lighting concerns. Some of the key issues addressed in this update include the following:

- Content-based regulations in a sign code are likely to face the strict scrutiny test from the courts, which is extremely challenging to overcome. These sign types such as “announcement bulletin” and “directory sign” have been replaced with “temporary signs.”
- Section 52-23.k. has been added to address sign illumination. Of note is the addition to regulate the spread of illumination for backlit signs, in response to complaints about some signs in Lathrup Village.
- Temporary signs are substantially updated, mostly due to the impacts of the Reed v. Gilbert case. While many comments received in public input involved temporary and permanent real estate signs, the ordinance strives to balance between free speech and regulation; generally, it removes content-based regulations. For all uses, up to 3 square feet of temporary free standing or wall sign area is permitted at all times. This responds to case law that found that an opportunity needs to exist to express viewpoints and opinions at all times. There are additionally allowances for temporary signs as well. Freestanding signs have a 65-day time limit. Wall signs have a 28 days per year limit, with not one display period exceeding 14 days. If a building or land area is offered for lease or sale, the time limit for temporary signs is equal to the time the property is listed for sale or lease. The ordinance clarifies that temporary signs shall not be illuminated.

The Planning Commission is asked to review the proposed changes and offer comments. As these regulations are not included in the Zoning Ordinance, the Planning Commission does not need to hold a public hearing.

**CITY OF LATHRUP VILLAGE, OAKLAND COUNTY, MICHIGAN**  
**AN ORDINANCE TO AMEND ARTICLE 2 SIGN ORDINANCE,**  
**OF THE CITY CODE FOR THE CITY OF LATHRUP VILLAGE.**

An ordinance to amend the City of Lathrup Village Sign Ordinance to amend definitions related to signs and amend the Sign Ordinance with updated provisions and regulations relating to sign illumination and temporary signs.

**THE CITY OF LATHRUP VILLAGE ORDAINS:**

**PART 1 – Section 52-21 Intent.**

1. **Intent.** These regulations establish rules and standards for the construction, location, maintenance and removal of privately-owned signs. Directional, emergency, or traffic-related signs owned by city, county, state or federal government agencies are not regulated by this chapter.

The execution of these regulations recognizes that the purpose of this chapter is to protect the dual interest of the public health, safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for identification, communication, and advertising. In order that such purposes can be achieved, the following objectives shall be applied for this chapter and any future additions, deletions and amendments:

- A. **General.** Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and the public welfare
- B. **Public Safety.** Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites
- C. **Protect Aesthetic Quality of Districts and Neighborhoods.** Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views; preventing intrusion of commercial messages into non-commercial areas; and eliminating signs and sign structures on unused commercial properties. Also, to avoid glare, light trespass, and skyglow through selection of fixture type and location, lighting technology, and control of light levels;
- D. **Free Speech.** Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication;
- E. **Reduce Conflict.** Reduce conflict among signs and light and between public and private information systems
- F. **Business Identification.** Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law.
- G. **Foster Economic Development.** Ensure that signs are located in a manner that does not cause visual clutter, blight, and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the City.



- H. Recognize Unique Areas. Acknowledge the unique character of certain districts, e.g., the Village Center and Mixed Use districts, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas.

**PART 2 – Section 52-22 Definitions**

*Abandoned sign* means a sign which no longer advertises or identifies a business, lessor, owner, or activity conducted upon, or product available on or off the premises where such sign is displayed.

*Add-on sign* means a secondary sign that is attached to another sign, including a building sign, or to a sign support for another sign.

*A-Frame sign* – See “pedestrian sign”.

*Ancillary sign* is a sign that is secondary to the use of the building or business.

*Animated sign* is a sign that uses movement or change of lighting, including a flashing sign, to depict action or create the effect of a scene. Such a sign does not include changeable copy signs (see “Changeable Copy Sign”).

*Banner* means a temporary sign that is produced on a non-rigid surface on which copy or graphics may be displayed.

*Billboard* - See “off-premise sign”.

*Blade sign* means a sign that is suspended from an overhang, canopy, marquee, or awning and hangs perpendicular to the building wall. An 8-foot clearance is required between a blade sign and finished grade.

*Building frontage* is the portion of the side of a building occupied by a single business where the main entrance of the business is located. Only one entry can be considered the main entrance for the business.

*Building façade* is the portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

*Changeable copy sign* means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter.

*Channel letter sign* means a sign comprising individual letters that are independently mounted to a wall or other surface and internally illuminated with a covered translucent face.

*Cladding* is a non-structural covering designed to conceal the actual structural supports of a sign.

*Copy* is the words, letters, numerals, figures, designs, symbols, insignia, trademarks, and background on a sign surface in either permanent or changeable form.

*Copy area* is the area of a sign that contains the copy, excluding any framing.

*Display window* means any glass or other translucent material comprising a panel, window or door through which a window sign would be visible to the general public from any sidewalk, street or other public place.

*Feather (or flutter) sign* means any sign that is comprised of material that is suspended or attached in such a manner from a pole or stake as to attract attention by waving and/or fluttering from natural wind currents. It also includes similar signs that do not move or flutter.

*Flashing sign* means illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.

*Halo sign* means a sign illuminated such that light from the letter is directed against the surface behind the letter producing a halo lighting effect around the letter. Also known as a “backlit” sign.

*Inflatable sign* means a sign consisting of a balloon or other gas filled structure.

*Marquee sign* means a display sign attached to or hung from a marquee canopy or other covered structure projecting from and supported by the building and extending beyond the building wall or building line.

*Master sign plan* means a plan designed to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops which constitute a visual entity as a whole.

*Monument sign* means a sign extending upward from grade which is attached to a permanent foundation for a distance of not less than 50 percent of its length, and which may be attached or dependent for support from any pole, posts, or similar uprights provided such supports are concealed within the sign structure.

*Neon sign* (see “Outline Tubing Sign”).

*Non-conforming sign* means any sign which was lawfully erected prior to the effective date of this ordinance governing signs in the City of Lathrup Village but which is no longer in compliance with current ordinance standards.

*Off-premises sign* means a display sign that contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located.

*On-premises sign* means a sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.

*Outline tubing sign* is a sign consisting of glass tubing filled with neon or other material, which glows when electric current is passed through it.

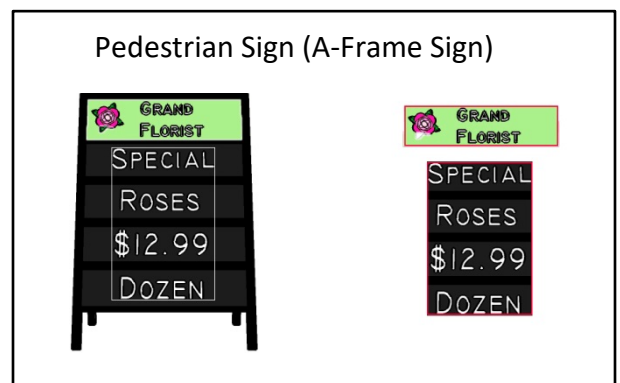
*Pedestrian sign* means a sign near street or sidewalk level, oriented and scaled to the pedestrian rather than the motorist. Such signs shall be self-supporting, as with an A-frame type sign, and not be permanently installed.

*Pole sign* means a permanent sign that is mounted on a freestanding pole(s) or other support that is placed on, or anchored in, the ground and that is independent from any building or other structure

*Projecting sign* means a sign which is affixed to any building or structure other than a marquee, and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building or structure.

*Roof sign* means any sign erected and constructed wholly on and over the roof of a building and supported by the roof structure.

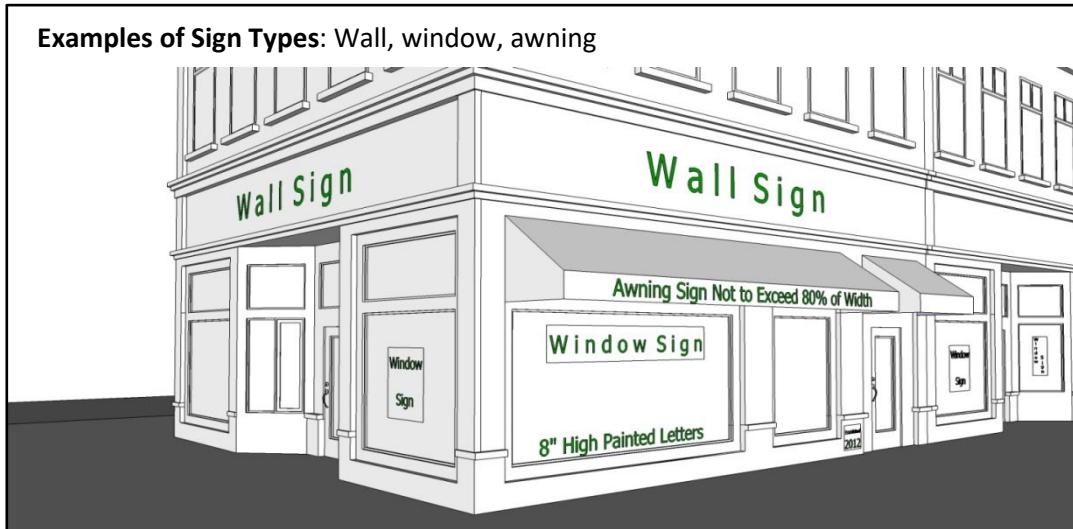
*Sign* means any words, numbers, figures, presentations, designs, objects, trademarks, inflatables, announcements, pennants, emblems, banners, pictures



or other symbols or similar devices which attract attention or make known such things as an individual, firm, profession, business, event, commodity or service and which are visible from the street, public right-of-way, or place that is open to the public, such as a private parking lots for shopping centers and office buildings. Sign shall include any structure designed to be used for such display. For the purpose of removal, such term shall also include sign supports. A sign shall not include any of the above that is customarily affixed to a person or clothing that is being actively worn by a person.

*Sign area* is the surface display area of a sign. The area of a sign shall be calculated by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, logo or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, except that lower case letters with ascenders and descenders that extend beyond the limits of the sign height by a maximum of 12 inches, will not be calculated into the total sign area (See graphic). In the case of a flat, 2-sided sign, the surface area of the sign shall only be calculated on one side of the sign. In the case of a multiple-faced sign, the area of all faces shall be considered as one surface (see graphic).





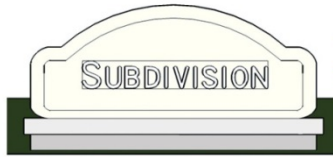
*Sign height* shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction; or (2) mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

*Temporary sign* means a sign that is not attached to a permanent supporting structure on the real estate on which the sign is located and is intended to be displayed for a limited period of time.

*Village center district* shall mean the zoning district created by the City of Lathrup Village Zoning Ordinance.

*Wall sign* means a sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.

*Window sign* means a sign displayed and visible through building glass area from a sidewalk, street or other public place which may or not be, painted or affixed on the interior glass or other window material.



**Individual Copy on Freestanding Sign**  
Calculate sign area defined by imaginary panel drawn around outside of copy



**Copy on Oval Panel of Freestanding Sign**  
Calculate sign area defined by imaginary panel drawn around actual oval panel



**Individual Copy and Logo on Freestanding Sign**  
Calculate sign area defined by imaginary panel drawn around outside of copy and logo. Add together for total sign area



**Individual Copy on Wall Sign – Letters Placed on Building**  
Calculate sign area defined by imaginary panel drawn around outside of copy

## Sign Area Calculation Guidelines

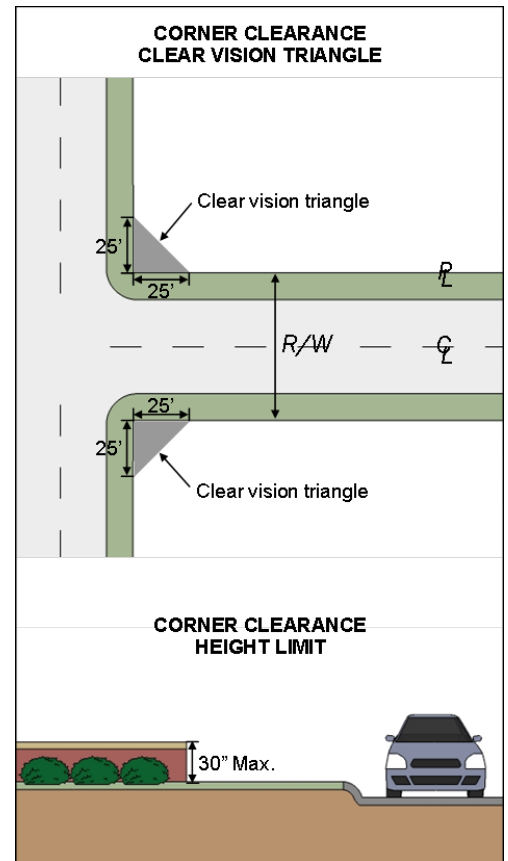


Ascenders and Descenders Extending Up to 12 inches Beyond the Sign Area Rectangle Will Not Count Towards the Total Sign Area Calculation

## **PART 3 – Section 52-23 General Requirements**

### **52-23 General Requirements**

- A. All signs shall complement the building for which they are serving in terms of color, materials and design.
- B. A clear vision zone shall be free of all signs except public safety signs.
- C. No sign shall interfere with, obstruct the view of, or cause confusion with any authorized public sign, signal or device.
- D. All signs shall comply with the requirements of the City of Lathrup Village Building Code. All letters, figures, characters, insignia or representations upon any sign shall be safely and securely attached.
- E. If a property line, easement or right-of-way line is altered in a manner that affects the setbacks required by this Ordinance, a new sign permit or variance must be obtained.
- F. A sign requiring a permit may be relocated on the same premises provided that a new sign permit is obtained and all requirements are met.
- G. No sign shall be located in or project into a public right-of-way or private road or dedicated easement, except governmental signs and signs installed by the applicable road agency or utility company, or as otherwise expressly permitted in this section.
- H. Paper sheets shall not be applied in any manner to any sign or any building, except any allowed window signs as otherwise permitted in this Ordinance.
- I. Nothing in this ordinance shall be construed to prohibit non-commercial messages on signs that are otherwise allowed herein.
- J. No sign, sign structure or sign support shall project over the roof of any building, nor obstruct or obscure any building windows or significant architectural elements. All signs shall be maintained in good condition.
- K. Illumination.
  - a) Illuminating devices for signs shall comply with the City of Lathrup Village Electrical Code.
  - b) The light for any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness meet the requirements of Section 5.8 of the Zoning Ordinance.
  - c) The source of illumination may be internal or external but shall not be both internal and external. The source of the light shall not be exposed.
  - d) Glare control for sign lighting shall be achieved through the use of full cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, lumens, aiming angle, and fixture placement.



- e) Backlit signs shall use only white light for illumination. If such signs spread their illumination more than four inches beyond the sign elements, the area illuminated shall count towards the maximum sign area.

**INSERT GRAPHIC FOR BACKLIT SIGN GLOW**

- L. Signs shall not have scrolling, blinking, flashing, animated or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color.

**PART 4 – Sections 52-24 Sign Types Permitted by District**

| <b>52-24. Sign Types Permitted by District</b>                                     |   |                                |                                       |  |
|--|---|--------------------------------|---------------------------------------|--|
| A. Residential Districts (R-1, R-2, R-3). Permits required, unless otherwise noted |   |                                |                                       |  |
| Sign Type  | Location  | Max. Sign Surface Display Area | Max. Height                           | Number                                 |
| Residential Use Monument Sign<br>See Section 52-25.A.                              | At entrance road for subdivision development within boulevard median or 10 ft from street right-of-way line | 32 sq ft per side              | 5 ft from ground level to top of sign | 1 per subdivision development entrance |

| <b>52-23. Sign Types Permitted by District</b>                         |  |  |                                  |   |
|--|--|--|----------------------------------|---|
| B. Office Districts (O & GO). Permits required, unless otherwise noted |  |  |                                  |   |
| Sign Type  | Location   | Max. Sign Surface Display Area   | Max. Height                      | Number  |
| Principal Wall Signs   | On principal building façade to be placed at the sign band, when provided. | Setback from lot line from 0 to 100 ft: 10% of ground floor, street-facing building face up to 64 sq ft<br><br>Setback more than 100 ft: 15% of ground floor, street-facing building face up to 64 sq ft | Not to exceed height of building | 1 per business with individual exterior entrance or, if a common entrance is provided, one per building |
| Ancillary wall sign  | At a building entrance   | 10 sq ft   | Not to exceed height of building | 1 per building  |

|   |   |                   |                                       |  |
|---|---|-------------------|---------------------------------------|--|
| Monument sign<br>See Section See Section 52-25.A. | At the property entrance, setback 10 ft from street right-of-way line | 32 sq ft per side | 5 ft from ground level to top of sign | 1 per parcel. 1 additional sign is permitted if the parcel has more than 100 feet of frontage on a mile road provided they are separated by 100 ft. minimum. |
| Other signs                                       | See Section 52-25.E   |                   |                                       |  |

**52-24. Sign Types Permitted by District**

C. Commercial Districts (CV). Permits required, unless otherwise noted

| Sign Type             | Location  | Max. Sign Surface Display Area  | Max. Height                      | Number   |
|-----------------------|---|---|----------------------------------|--|
| Principal Wall Signs  | On principal building façade to be placed at the sign band, when provided.                        | 0-100 ft setback from lot line: 10% of ground floor, street-facing building face up to a maximum of 64 sq ft<br>100+ ft setback from lot line: 15% of ground floor, street-facing building face up to a maximum of 64 sq ft | Not to exceed height of building | 1 per street level business with principal building frontage. Corner buildings shall be permitted 1 on each frontage |
| Rear façade wall sign | On rear façade of building when parking provided in rear yard or when rear façade faces a street. | 24 sq ft  | Not to exceed height of building | 1 per building   |
| Ancillary wall sign   | At a building entrance  | 10 sq ft  | Not to exceed height of building | 1 per building   |



|  |  |                          |  |   |
|--|--|--------------------------|--|---|
| <p>Monument sign<br/>See Section 52-25.A</p> | <p>10 ft . from street<br/>right-of-way line</p> | <p>42 sq ft per side</p> | <p>6 ft from<br/>ground level<br/>to top of sign</p> | <p>One per parcel, except<br/>multiple-tenant building<br/>with 100 ft or more<br/>contiguous frontage on<br/>one street may have<br/>two signs, separated by<br/>100 ft. minimum</p> |
| <p>Other signs</p>                           | <p>See Section 52-25.E</p>                       |                          |  |   |

## 52-24 Sign Types Permitted by District

D. Pedestrian-Oriented Business Districts (MX and Village Center). Permits required, unless otherwise noted

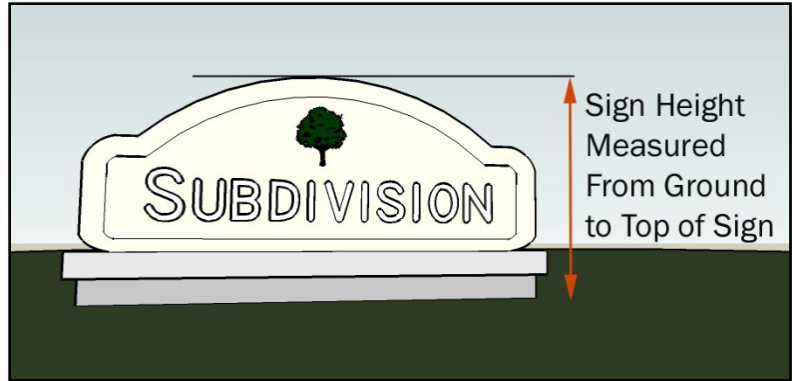
| Sign Type   | Location  | Max. Area  | Max. Height                           | Number   |
|---|---|--|---------------------------------------|--|
| Wall Sign   | On principal building façade at the sign band   | 10% of ground floor street-facing building face up to a maximum of 64 sq ft. | Not to exceed height of building      | 1 per street level business with building frontage. Corner buildings shall be permitted 1 on each frontage |
| Projecting Sign or Blade sign<br>See Section 52-25.D.                                 | i. At least 8 ft. above ground level<br>ii. No closer than 20 ft to another such sign<br>iii. No higher than the 2nd floor of a multi-story building  | 16 sq. ft. total   | 4 ft. from bottom edge of sign        | 1 per occupant at street level   |
| Window Sign—<br>No permit required  | In business windows   | 20% of the glass area on the floor where the sign will be located            | —                                     | —  |
| Rear façade wall sign   | On rear façade of building when parking provided in rear yard or when rear façade faces a street.   | 24 sq ft   | Not to exceed height of building      | 1 per building   |
| Monument sign (in MX district only)   | 10 ft minimum front and side yard setbacks  | 40 sq ft per side  | 5 ft from ground level to top of sign | 1 per parcel   |
| Temporary Pedestrian or A-Frame Sign —<br>No permit required.<br>See Section 52-25.C. | i. May be located in public right-of-way, but shall maintain 4 ft clear pedestrian area on sidewalks and be setback 4 feet from the back of curb.<br>ii. No closer than 20 ft. from another such sign | 6 sq ft per side   | 4 ft from ground level to top of sign | 1 per business   |
| Other signs   | See Section 52-25.E   |  |                                       |  |

**PART 5 – Sections 52-25-26 Additional Sign Types Requiring and Not Requiring a Permit**

**52-25. Additional Requirements for Sign Types that Require a Permit.**

**A. Monument Signs.**

- i. The total area, including the sign and all supporting structure components for monument signs, shall be limited to no more than three times the size of the sign surface display area of the sign.
- ii. Unless a monument sign is mounted on a natural feature, such as a boulder, the monument sign shall have a minimum twelve (12) inch high base, constructed of clay brick or integrally colored concrete brick, stone, marble, decorative metal or other similar masonry materials.
- iii. The street number must be affixed on the sign face or on the supporting structure of monument signs and must be kept visible from the adjacent street. Street numbers must use minimum eight (8)-inch tall letters or characters. The street number does not count toward the total sign display area.
- iv. The minimum height of all letters and numbers on a monument sign shall be as follows:



| Posted Roadway Speeds | Minimum Letter and Number Height |
|-----------------------|----------------------------------|
| 45 mph or greater     | 6 inches                         |
| 30-40 mph             | 4.5 inches                       |
| 25 mph or less        | 3 inches                         |

The height of letters and numbers on an incidental message or within a logo may be less than stated above, provided the primary message meets the above standards. In no case shall letters or numbers less than the above standards comprise more than ten percent of the total sign area.

**B. Wall Signs.**

- i. Wall Signs shall be flush-mounted, shall not be mounted on the roof of any building and shall not project above the roofline. Wall Signs shall not cover any portion of a wall opening. Wall Signs shall not project beyond the top or ends of the wall to which they are attached; however, letters may extend beyond the top and in front of the advertising structure. Wall Signs shall not protrude more than twelve (12) inches measured from the wall to which it is attached.
- ii. Wall Signs shall be safely and securely attached to structural members of a building by means of metal anchors, bolts, or expansion screws. All wall sign anchoring devices shall meet the standards of the City Building Code. No nails, tacks, or wires shall be permitted to protrude from the front of any sign.



- iii. Wall Signs shall not exceed a width of more than two-thirds of the subject building frontage.
- iv. Any building or sign damage created due to the removal or replacement of a wall sign must be repaired.
- v. Wall Signs are not allowed on property used for single-family or duplex residential purposes

**C. Temporary Pedestrian or A-Frame Signs:**

- i. A-Frame Signs shall be permitted in the following districts: MX and Village Center Districts.

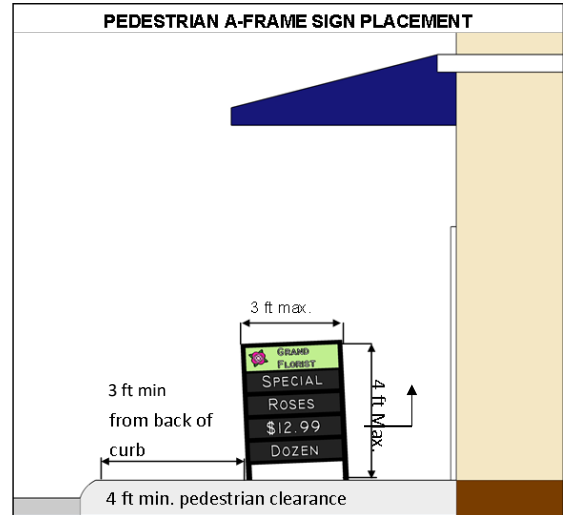
- ii. The area of the A-frame sign shall not exceed six (6) square feet per side or a total of 12 sq ft total.

- iii. One (1) such sign shall be permitted per customer entrance or per on-site business, whichever is less.

- iv. The sign height of the sign structure shall be no greater than four (4) feet and the width shall be no greater than three (3) feet.

- v. The sign shall not be illuminated in any manner.

- vi. The sign shall be located a minimum of three (3) feet from the back of street curb and it shall not be located in a manner as to interfere with vehicular or pedestrian traffic flow or visibility. A four (4) ft minimum pedestrian clearance area is required.



- vii. The sign is permitted only during operating business hours or from the hours of 6:00am to 10:00pm, whichever is less, and must be stored inside when the establishment is not open to the general public.

- viii. A-Frame signs shall be spaced a minimum of 20 feet apart.

- ix. The sign must be professionally constructed of weather-proof, durable material, and kept in good repair.

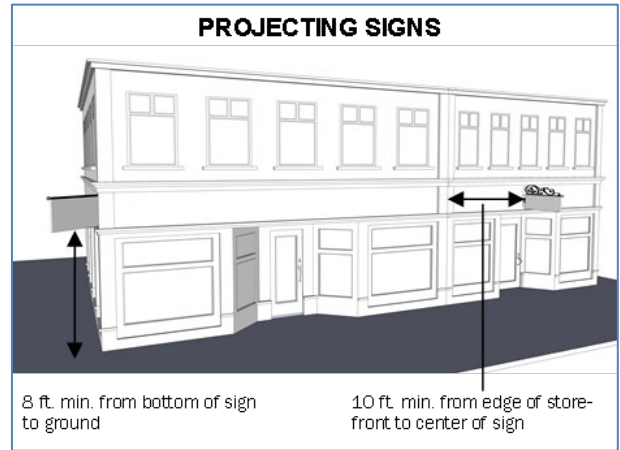
- x. The sign shall have a black or silver/gray frame. Changeable message panels shall be either professionally printed or white changeable letters shall be used on a black or dark color background. A "blackboard-style" message area, similar to those used for daily restaurant specials, may all be used for all or a portion of the sign area.

- xi. The signs shall not be illuminated, nor shall they contain moving parts, or have balloons, windsocks, pinwheels, streamers, pennants, or similar adornment attached to them.

**D. Projecting Signs.** Projecting signs are for the primary benefit of pedestrians and are encouraged to be decorative in design. Such signs shall only be permitted under the following provisions:

- i. Projecting signs shall only be permitted in the MX and Village Center districts.

- ii. Projecting signs shall be placed on the sign band, when provided, unless a wall sign prohibits placement there.
- iii. Projecting signs shall be a minimum of 8 feet above ground level, shall be placed no closer than 20 feet from another projecting sign (measured center of sign to center of sign), shall be no taller than 4 feet above the bottom edge of the projecting sign, shall be no greater than 16 square feet in area, and shall project no farther than 4.5 feet from the façade.
- iv. Projecting signs shall be placed no closer than 10 feet to the horizontal edge of the storefront façade associated with the subject establishment provided; however, that this subsection shall not apply to the corner portion of a corner building.
- v. Projecting signs shall have a maximum depth (thickness) of 2 feet; however, up to 33 percent of the sign may be up to 4 feet thick in order to provide for creative sign design.
- vi. Support structures for projecting signs shall be constructed of a material and color to match the sign and complement the building.



**E. Other Signs.**

- i. **Outline Tubing Sign:** Outline tubing signs are limited to two square feet and one per business.
- iii. ii. **Parking of Vehicles Displaying Signs.** Mobile signs are prohibited. Commercial vehicles and trucks 1) displaying signs that are typically found on said vehicles and 2) that have a primary function of carrying goods or people, not advertising, may be permitted to park on the site of the principal use provided parking shall be in a rear or interior side yard.

**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. **Signs** up to one per non-residential driveway, limited to two square feet per sign and a maximum height of two and one-half feet.
- F. Signs up to two (2) square feet, limited to one for each occupant of a multi-tenant building at each entrance.
- G. **Window signs.** Window signs shall be permitted for non-residential uses. Window signs on a building side shall not exceed ten (10) 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 5 ft from any property line. The maximum height shall not exceed 30 feet. The total number of flags on any lot shall not exceed four (4).

I. Temporary Signs (new)

i. Temporary signs shall be permitted as follows:

**TABLE 52-26 i.. MAXIMUM AREA PER SIGN FACE, MAXIMUM HEIGHT, AND ALLOWED TYPE OF TEMPORARY SIGNS**

| DISTRICT            | PERMITTED TYPES   | MAXIMUM AREA OF ALL TEMPORARY SIGNS BY TYPE   | MAXIMUM AREA OF ANY INDIVIDUAL SIGN  | MAXIMUM HEIGHT (FREESTANDING) |
|---------------------|-------------------|---|--|-------------------------------|
| (1) Residential     | Freestanding      | 0.2 square feet (sf) of sign area per linear foot of street frontage, provided the maximum allowable total area shall not be less than 15 sf nor more than 48 sf  | 12 square feet   | 5 feet                        |
|                     | Wall <sup>1</sup> | 3 square feet per building in single family residential districts; 12 square feet per building in multiple family residential districts.                          | 3 square feet in single family districts; 12 square feet per building in multiple family residential districts |                               |
| (2) Non-Residential | Freestanding      | 0.6 square feet (sf) of sign area per linear foot of street frontage, provided the maximum allowable total area shall not be less than 32 sf nor more than 100 sf | 32 square feet   | 6 feet                        |
|                     | Wall <sup>1</sup> | 20 square feet  | 20 square feet   |                               |

<sup>1</sup>The display period for temporary wall signs shall be limited to a total of twenty-eight (28) days per calendar year. Such signs shall not be displayed for any continuous period greater than fourteen (14) days. After this time expires, the sign shall be removed. See Section 10 for permit requirements.



- ii. Freestanding temporary signs shall be setback five feet from all property lines. The maximum display time of freestanding temporary signs is 65 days. After this time expires, the sign shall be removed. Once the temporary sign is removed, there shall be a gap of at least thirty (30) days between display of the same temporary sign on the same zoning lot.
- iii. Notwithstanding the above, 3 square feet of temporary freestanding or temporary wall sign area is allowed on each zoning lot at any time and without expiration of display time. The area of this sign is counted towards the area maximum in Table 8.A.
- iv. When all or a portion of a building or land area on a zoning lot is listed or advertised for sale or lease, the maximum display time for temporary signs shall be the duration the building, building unit or land is listed or advertised for sale or lease. Once a building unit is leased or sold, the sign shall be removed if it has been displayed for more than 65 days. In all cases, the sign area limits in the Table 8.A. shall apply.
- v. Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display; provided, however, that each zoning lot may have one temporary freestanding sign up to three square feet constructed of any non-illuminated material. All temporary freestanding signs larger than three square feet shall have a frame or rigid border.
- vi. Temporary signs shall be subject to the maintenance standards of this section.

**PART 6 – Sections 52-27 Sign Permits**

**52-27 Permitting - Sign Permit Application Requirements.**

- A. Sign permits shall be issued by the Planning and Zoning Administrator or his/her designee upon approval of a written application. Where electrical permits are required, they shall be obtained at the same time as the sign permit.
- B. The permit application shall identify the following:
  - i. Name and address of the sign owner and the property owner
  - ii. Name and address of the person who will erect the sign
  - iii. Location of the sign
  - iv. Drawing in color showing design, size, height, materials
  - v. Topography of land in the parcel
  - vi. Any other pertinent information the Administrator may require to ensure compliance with the ordinances of the City.
  - vii. Fees for sign permits shall be set by the City Council.
  - viii. A sign permit shall expire if the sign for which the permit was issued has not been erected within six (6) months of issuance of the permit.
  - ix. All plans shall address the removal of all previously installed signage and repairs to mounting surfaces impacted by previous mountings.
- C. The Planning and Zoning Administrator or his/her designee shall consider and deny, approve, or approve with conditions, all sign applications for which an application is made and a review fee is

paid. The Planning and Zoning Administrator may initiate a review by the Downtown Development Authority, if the site falls within the DDA district.

## **PART 7 – Sections 52-28 Prohibited Signs**

**52-28 Prohibited Signs.** The following signs are prohibited:

- A. Add-on signs
- B. Animated signs
- C. Beacon lights
- D. Banners (except street banners advertising community/special events)
- E. Feather and flutter signs
- F. Festoons
- G. Inflatable signs
- H. Mirrors or mirrored signs
- I. Moving signs
- J. Obsolete signs
- K. Painted Wall signs
- L. Pennants
- M. Pole signs
- N. Roof signs
- O. Snipe signs

## **PART 8 – Sections 52-29 Non-Conforming Signs**

### **52-29 Non-conforming Signs**

- A. A non-conforming sign may remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare, except as provided in subsection F, Amortization, below.
- B. If the property upon which the sign is located is vacant and the previous use is abandoned, the entire sign (including above-ground base, height, poles, size, wires, panels and any other element) shall be removed within 30 days of the property becoming abandoned.
- C. A non-conforming sign shall not:
  - i. Be relocated, expanded or changed, except as to periodic message changes.
  - ii. Be structurally altered so as to prolong the life of the sign or to change the shape, size, type, placement or design of the sign.
  - iii. Be altered or repaired after being damaged if the repair or the re-erection of the sign would cost more than fifty percent (50%) of the cost of a similar sign.

- D. For the purpose of this Section of the Ordinance, the terms “altered”, “repaired”, “changed” and “expanded” shall not include normal maintenance, reducing the copy area, changing copy, changing ornamental molding, frames or other such features or landscaping below the copy area, installing or changing electrical wiring.
- E. If a property line, easement or right-of-way line is altered that affects the setbacks required by this Ordinance, the owner of the sign, building or property shall either (1) remove the non-conforming sign, (2) conform with this Ordinance, or (3) apply for a variance.
- F. Amortization. Any existing sign that does not comply with all of the provisions of this Article 2, Sign Ordinance, on the effective date of the ordinance:
  - i. Shall not be changed to another type of sign which is not in compliance with this chapter.
  - ii. Shall not be structurally altered so as to prolong the life of the sign or so to change the shape, size, type, or design of the sign.
  - iii. Shall not have its face or faces changed unless the sign is brought into conformance with the requirements of this chapter, or unless the sign is an off-premises sign or billboard constructed to permit a change of face.
  - iv. Shall not be re-established or otherwise used, after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer.
  - v. Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50% of the appraised replacement cost as determined by the building official.
  - vi. Shall not ever be placed, maintained, or displayed by someone other than the person who owned the premises on the date of adoption of the ordinance from which this chapter is derived.
  - vii. Shall not be placed, maintained, or displayed by any person or entity on or after December 31, 2020.

**PART 9 – Sections 52-30 Maintenance**

**52-30 Maintenance.**

- A. Damaged or Abandoned Signs.
  - i. Signs which are broken, torn, bent or whose supports are broken, bent or damaged, and signs that are not reasonably level and plumb shall be repaired and installed in a manner prescribed by the Enforcement Officer and / or Building Official, but in no case shall repair requirements exceed building code requirements and the original condition of the sign and/or its supports.
  - ii. Abandoned signs shall be removed or put into service. Removal of such signs shall include removal of the poles and/or supports.
- B. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code. Failure to comply with this section may result in action by the Enforcement Officer or Building Official to rescind the permit with subsequent removal of the entire structure.
- C. A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped



or peeling paint, poster paper or other material for a period of more than 30 successive days.

- D. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of more than 30 successive days, unless determined by the Building Official to pose a safety hazard, in which case immediate action may be required.
- E. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than 30 successive days.
- F. An internally illuminated sign shall not be allowed to stand with only partial illumination for a period of more than 30 successive days.

#### **PART 10 – Sections 52-31 Enforcement**

##### **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 ordinance.
- C. In addition, the enforcement and penalty provisions of the Zoning Ordinance apply to signs.

#### **PART 11 – Sections 52-32 Appeals & Variances**

##### **52-32 Appeals & 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.

## **PART 12: Section 52-33 Liability Insurance**

### **Sec. 52-32. Liability insurance.**

- A. Liability insurance for signs. If any monument or wall sign is suspended over the right-of-way of a public street or property, or if the vertical distance of such sign above the street is greater than the horizontal distance from the street, as to be able to fall or be pushed onto public property, then the owner of such sign shall keep in force a public liability insurance policy, approved by the city attorney, in the amounts set by resolution of the city council. The policy shall indemnify the owner from all damage suits or actions of every nature, brought or claimed against the owner, for or on account of injuries or damages to persons or property received or sustained by any person through any act of omission or negligence of the owner, his/her agents or employees regarding such sign.
- B. Liability insurance for sign erectors. Every person, before engaging in or continuing in the business of erecting, repairing or dismantling signs, boards or other display signs in the city, shall first furnish the city a public liability insurance policy approved by the city attorney, in the amounts set by resolution of the city council. The policy shall indemnify the erector from all damage suits or actions of every nature brought or claimed against the erector for or on account of injuries or damages to persons or property received or sustained by any person through any act of omission or negligence of the erector, his/her agents or employees in the erection, repair

or dismantling of any sign, board or other display sign. The policy shall contain a clause whereby the policy cannot be cancelled until after a written notice of intention to cancel has been filed with the city clerk at least ten days prior to the date of cancellation. The policies shall be renewed annually on or before the first day of May of each year and certificates of renewal or new policies shall be filed with the city clerk.

**PART 13:** EFFECTIVE DATE

The provision of this Ordinance is ordered to take effect seven (7) days following publication of Notice of Adoption in a newspaper of general circulation in the City.

**PART 14:** ADOPTION

This Ordinance is declared to have been \_\_\_\_\_ by the City Council of the City of Lathrup Village at a meeting thereof duly called and held on the \_\_\_\_ and ordered to be given publication in the manner prescribed under the laws and ordinances of the City.

\_\_\_\_\_  
Frank Brock, Mayor

\_\_\_\_\_  
Yvette Talley, City Clerk

**PART 15:** CERTIFICATION

I, Yvette Talley, the duly qualified Clerk of the City of Lathrup Village, Oakland County, Michigan, do hereby certify the foregoing is a true and complete copy of the Ordinance \_\_\_\_\_ by the City Council of the City of Lathrup Village at a regular meeting held in the Lathrup Village City Hall, 24700 Southfield Road, Lathrup Village, Michigan, on the \_\_\_\_, the original of which is on file in my office, which was \_\_\_\_\_ by the City Council at a regular meeting held on \_\_\_\_ by a majority of the members of the board present and voting.

I further certify the above, or a summary of its regulatory effect, was published in a newspaper of general circulation in the City as required by law.

\_\_\_\_\_  
Yvette Talley, City Clerk



# memorandum

**DATE:** August 28, 2020  
**TO:** City of Lathrup Village Planning Commission  
**FROM:** Jill Bahm, Giffels Webster  
**SUBJECT:** Zoning Discussion - Cannabis

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## Introduction

This memo is intended to provide an overview and background related to zoning considerations for cannabis facilities. The intent is to facilitate initial discussion of the issue at the upcoming September 15, 2020 meeting of the Planning Commission. We do not make any recommendations nor outline any specific ordinance language at this time.

### *What prompted this discussion?*

- On November 6, 2018, Michigan voters approved Proposal 18-1, which legalized recreational marijuana and created the Michigan Regulation and Taxation of Marihuana Act (MRTMA). The law required all Michigan communities to decide if it would allow or prohibit state-licensed recreational marijuana establishments.
- The city of Lathrup Village held an informational town hall meeting in January 2019 and the city, along with many other communities across the state, opted out of the MRTMA. City Council included a “sunset” on the opt-out, to encourage discussion on the issue.
- A subcommittee has been researching how other communities regulate cannabis facilities and, in August 2020, recommended that the city allow a limited number of facilities.
- City Council extended the sunset on the opt-out through August 2021, allowing for time to create ordinances that are appropriate to the city of Lathrup Village. This will include general code and zoning amendments.

### *What types of facilities are permitted by the MRTMA?*

The MRTMA and its associated administrative rules define the following uses:

- **“Designated consumption establishment”** means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license issued under the Michigan regulation and taxation of marihuana act.
- **“Grower”** means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.
- **“Microbusiness”** means a person or entity licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a Marihuana Safety Compliance Facility, but not to other marihuana establishments.

- **"Processor"** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.
- **"Provisioning center"** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a registered primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act.
- **"Safety compliance facility"** means a licensee that is a commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
- **"Secure transporter"** means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
- **"Temporary marihuana event license"** means a state license held by a marihuana event organizer under the Michigan regulation and taxation of marihuana act, for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license.

*What is the difference between cannabis, marihuana and marijuana?*

According to the Michigan Marihuana Regulatory Agency (MRA), Michigan's spelling with an "h" was chosen for the Marihuana Tax Act of 1937. As governing state laws spell marihuana with an "h," MRA legal communication and references to statutes in relation to the Michigan Medical Marihuana Act or the Michigan Medical Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act – and the corresponding administrative rules will use an "h" in the spelling of Marihuana. In non-formal communication, "j" will generally be used.

Regardless of the spelling, there are some people who consider the word marijuana to be pejorative and racist, due to the classification given by drug enforcement agencies during and after prohibition and again in the 1960's. We recommend using the term cannabis to refer to the industry from a more objective perspective that removes any historical stigma and negative connotations coming from the use of the word marijuana.

## Current Language

*What does the Zoning Ordinance say?*

- Since cannabis facilities are not currently permitted in the city, the zoning ordinance does not address them. If the city did permit them without specific zoning standards, the Planning Commission would determine which permitted uses are the most similar and those standards would apply.
- For example, a provisioning center is essentially a retail use and would be permitted wherever retail uses are permitted and any standards, such as parking, etc. that apply to retail

establishments would apply to provisioning centers. Other establishments, such as a transporter, may be more industrial in nature and be permitted as such.

## Potential impacts and considerations

The MRTMA allows communities to select which types of facilities and how many it wishes to permit. The recent petitions submitted vary from two provisioning centers to as many as seven provisioning centers and each of the other facilities. Zoning standards may be developed to protect the public health, safety, and welfare. The city may wish to consider potential impacts of cannabis facilities to determine if any specific standards should apply to mitigate those impacts. Some of those issues may include:

- Safety. Are there safety concerns for employees of the facilities, patrons of the facilities or the public in surrounding areas? What about the appearance of security measures like shutters, bars and the like?
- Parking and traffic. Are there any unusual parking or traffic considerations associated with these uses?
- Energy and water consumption. In particular, grow and processing facilities can be high-demand uses for energy and water. Are there any areas of the city in which this could be problematic? Could this be mitigated by including renewable energy and water re-use in the scoring criteria and rewarding businesses that address these issues effectively with additional points?
- Nuisances. What nuisances are typically associated with these facilities? These concerns generally include odor, but are there other concerns?

These concerns may be addressed through some of the following approaches:

- Location. Where in the community should such uses be permitted?
  - Facilities are generally grouped as follows:
    - Grow, processing, testing and transport facilities, in urban areas, are mainly indoor uses, and are generally industrial in nature.
    - Microbusinesses have a grow component but also may sell to the public, similar to a micro-brewpub.
    - Provisioning centers are retailers and designated consumption establishments are similar to bars. Many communities recognize that these centers may be perceived as safer when located in a standard retail-type setting, rather than in an industrial setting.
  - Issues to be explored:
    - Are there any compatibility issues with existing uses?
    - State law requires uses to be located at least 1,000 ft from schools, which precludes several areas of the city, including most of downtown – but should these uses be permitted downtown? Should there be setbacks from residentially zoned areas? Is a setback from residential zoning practical given that nearly all non-residential properties in the city abut residential zoning?
    - Is there a concern about concentration of such uses or should they all be located together?



- Are there any accessory uses that should be considered, like drive-through facilities, or the sales of other products, including alcohol?
- Trash. How is waste handled? Where is it stored?
- Hazardous materials. Specific standards related to the storage of hazardous materials should apply.
- Hours of operation. Should any of these uses be limited in their hours of operation?
- Parking. How is visitor parking accommodated? What should the standards be? How are deliveries accommodated?
- Outdoor activities. Should any outdoor sales, storage or seating be permitted?
- Signage. Signs will be regulated through the city's sign ordinance; any cannabis-related facilities should be treated the same way in terms of time, place and manner. While the MRTMA does allow some content-based regulation, it is unclear if this is consistent with general sign-based case law.
- Lighting. How is the site lit to ensure safety while limiting an overly bright site, glare and excessive energy usage?
- Building design. Are there standards for building design and/or form that should be included? Should facilities have any energy-related standards?
- Fencing/screening and landscaping. Are there any additional site improvements needed to screen or buffer any of these facilities from surrounding uses?
- Permitted uses. With use and site standards in place, should these uses be permitted by-right or as special land uses (which require public hearings)?