



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
6:00 p.m.**

STUDY SESSION - HELD REMOTELY

1. **Call to Order** by Chair Piotrowski
2. **Discussion Items:**
 - A. Sign Ordinance
 - B. R-1 Amendment – Parking as Special Land Use
3. **Planning Commissioner Comments**
4. **Public Comments**
5. **Adjourn**

ZOOM MEETING

Join Zoom Meeting

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NOTICE OF ELECTRONIC PUBLIC MEETING
CITY OF LATHRUP VILLAGE
Study Session – Tuesday, October 20, 2020
6:00pm

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 study session.

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,

ZOOM MEETING SIGN IN INFORMATION

Topic: LV Planning Commission Study Session

Time: Oct 20, 2020 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

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memorandum

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

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.

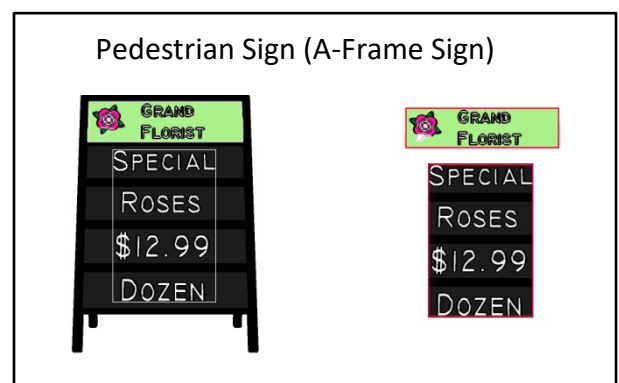
Pedestrian sign means a sign near street or sidewalk level, oriented and scaled to the pedestrian rather than the motorist. Such signs shall be self-supporting, as with an A-frame type sign, and not be permanently installed.

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.

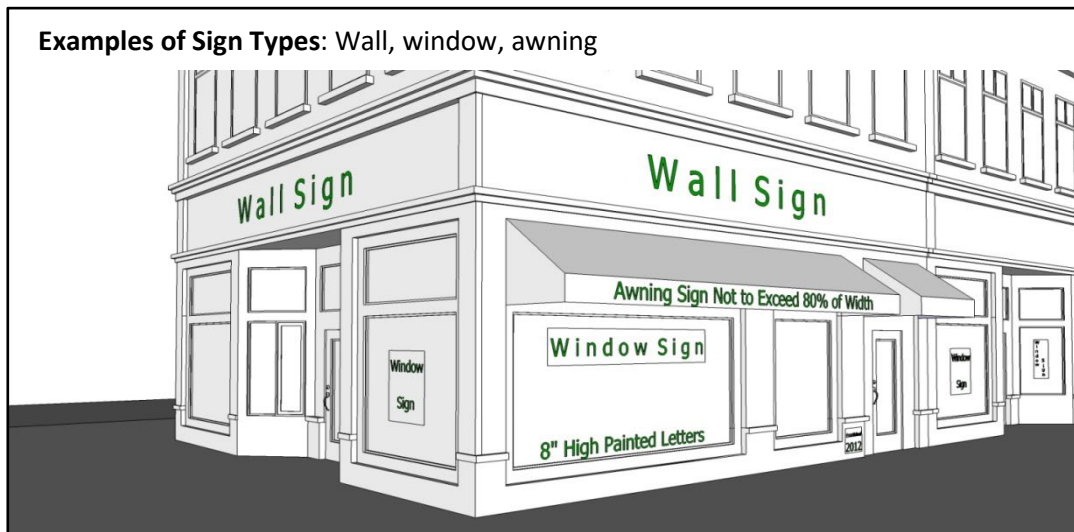
Sign means any words, numbers, figures, presentations, designs, objects, trademarks, inflatables, announcements, pennants, emblems, banners, pictures



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).





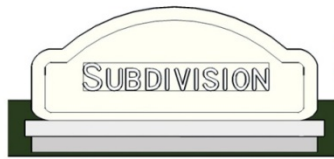
Sign height shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction; or (2) mounding or excavating solely for the purpose of locating 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.



SUBDIVISION

Individual Copy on Freestanding Sign

Calculate sign area defined by imaginary panel drawn around outside of copy



SUBDIVISION

Copy on Oval Panel of Freestanding Sign

Calculate sign area defined by imaginary panel drawn around actual oval panel



SUBDIVISION

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



RESTAURANT

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

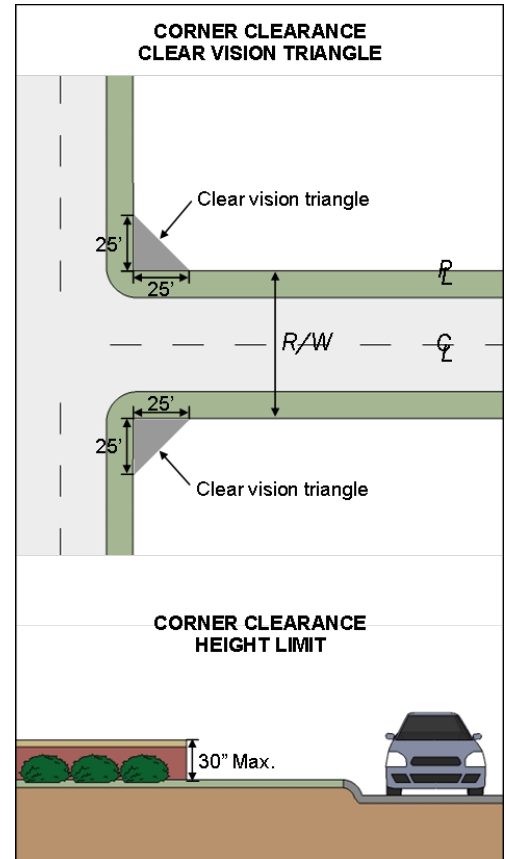
cafe & bakery

Ascenders and Decenders 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

52-24. Sign Types Permitted by District				
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 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

52-23. Sign Types Permitted by District				
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 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 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 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

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

52-24 Sign Types Permitted by District

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

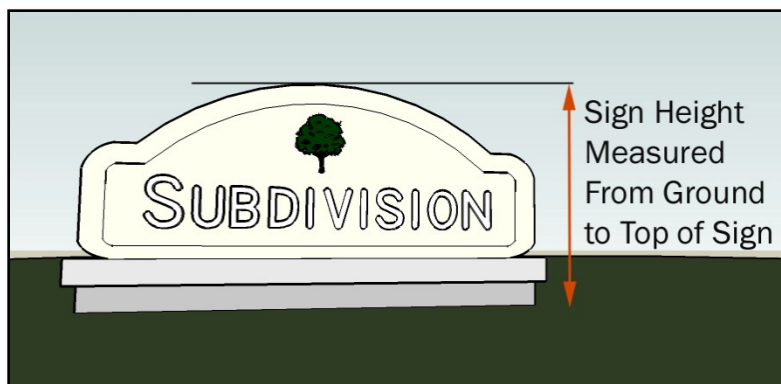
Sign Type	Location	Max. Area	Max. Height	Number
Wall Sign	On principal building façade at the sign band	10% of ground floor street-facing building face up to a maximum of 64 sq ft.	Not to exceed height of building	1 per street level business with building frontage. Corner buildings shall be permitted 1 on each frontage
Projecting Sign or Blade sign See Section 52-25.D.	i. At least 8 ft. above ground level ii. No closer than 20 ft to another such sign 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— 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 — No permit required. 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. 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.

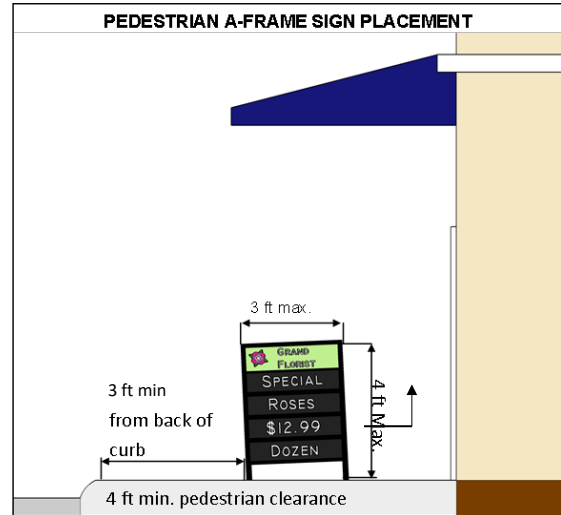
B. Wall Signs.

- 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:

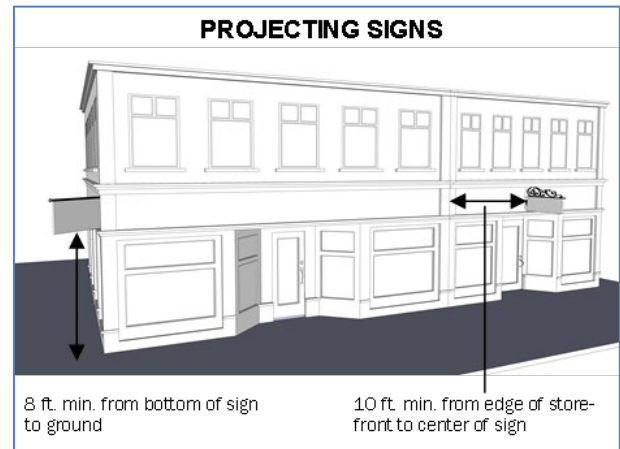
- i. A-Frame Signs shall be permitted in the following districts: MX and Village Center Districts.
- ii. The area of the A-frame sign shall not exceed six (6) square feet per side or a total of 12 sq ft total.
- iii. One (1) such sign shall be permitted per customer entrance or per on-site business, 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 ¹	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 ¹	20 square feet	20 square feet	

¹The 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

ORDINANCE NO __ OF 2018

**ORDINANCE AMENDING
THE LATHRUP VILLAGE ZONING ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LATHRUP VILLAGE
MICHIGAN:**

PART 1.

Amend the Intent statement for the R1 district as follows:

The R1 district is intended to be limited ~~exclusively~~ **primarily** to single-family dwelling units for use as a residence by one family per dwelling unit under regulations specially tailored to preserve the quality of life that appeals to the average resident of this city. **The City also recognizes that the provision of limited off-street parking in this district, adjacent to the Mixed Use districts only, may foster quality redevelopment of those parcels that aligns with the City's vision for a vibrant, pedestrian-oriented commercial corridor.** The regulations in this article apply everywhere within an R1 district in addition to the other applicable regulations of this ordinance.

PART 2.

Amend Section 3.1.2 of the Zoning Code to allow parking as special land uses with a reference to conditions as follows:

3.1.2.C. i. **Parking (4.16) to serve customers and employees of uses within 500 ft**

PART 3.

Amend Section 4 of the Zoning Code by adding Section 4.16 to add standards for parking as follows:

4.16. Parking in the R-1 District. Parking may be permitted in the R-1 district, subject to standards of Section 36-6.2, special land uses, and the following conditions:

- 1. The parcel on which the parking lot is located shall share a lot line that abuts the MX – Mixed Use district, or is adjacent to a public alley adjacent to the MX district, or shall share a north or south lot line with a parcel that is currently developed as a parking lot and is within 150 ft of the Southfield Road right-of-way.**
- 2. The applicant shall demonstrate that substantial investment will be made into the redevelopment of the parcel that the parking will serve and that ground floor uses in the redeveloped parcel will include retail, restaurant, or residential uses. The architectural standards of the Village Center district, Section 3.1.8.E., Building Elements, shall apply.**
- 3. Parking areas are setback a minimum of 5 ft from the street right-of-way and 10 ft from a residential district. Parking lot ingress and egress shall be at least 20 ft from any adjacent property in a residential district.**

4. The parking lot shall be developed so as to maintain the north-south public alley, where one exists. Where a public alley does not exist, a public alley or private backstreet equivalent shall be provided in conjunction with redevelopment of the parking lot and Southfield Road properties, consistent with the City's Master Plan.
5. The parking lot shall not be used for outdoor sales, display, or storage.
6. The parking lot shall be landscaped and screened as follows:
 - A. A 6 ft masonry screenwall shall be located 10 ft from the property line that abuts residential property. The wall shall be constructed of red-brown brick or the equivalent integrally colored masonry unit and shall include a stone cap.
 - B. The 10 ft setback area between the screenwall and residential property line shall be landscaped in accordance with Section 5.15.3, buffer requirements. The wall height shall be modified to meet corner clearance requirements at intersections.
 - C. All parking lots shall be separated from a public thoroughfare by a planted hedge of small shrubs or by a masonry wall a minimum of 42 inches high. The wall shall be constructed of red-brown brick or the equivalent integrally colored masonry unit and shall include a stone cap. When a hedge is proposed, it shall be planted and maintained so as to form a continuous visual screen. The size and plant spacing shall be configured so that a continuous visual screen will be established within three (3) years of planting.
 - D. The parking lot shall be landscaped in accordance with Section 5.15.4, parking facility landscaping.
 - E. The owner of the parking lot shall maintain the landscape buffer area in good condition, per Section 5.15.9.B.
7. The parking lot and landscaping shall be maintained year-round in good condition.

PART 5.

If any section, paragraph, sentence, clause and/or phrase of this Ordinance or the application thereof is declared unconstitutional, unenforceable or invalid by the valid judgment of any court of competent jurisdiction such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and/or phrases of this Ordinance, since the same would have been enacted by the City of Lathrup village without the incorporation in this Ordinance of any such unconstitutional, unenforceable or invalid section, paragraph, sentence, clause or phrase. To this end, the provisions of this Ordinance are hereby declared severable.

PART 6.

All other Ordinances, or any parts thereof, which are in conflict with the provisions of this Ordinance, are hereby repealed. To the extent that any provision or provisions of this Ordinance are inconsistent or in conflict with any other provision of the Code of Ordinances or any regulation of the City, the provisions of this Ordinance shall be deemed to control.

PART 7.

This Ordinance shall become effective upon final adoption and publication of the same in the manner prescribed by law.

This Ordinance was introduced on _____, by _____; Notice of Public Hearing was published on _____. A Public Hearing was held, the title having been read and the Ordinance considered, on motion to adopt by _____, seconded by _____, a record vote was taken and the following result was had:

YEA:

NAY:

ABSENT:

WHEREUPON, the presiding officer declared the above Ordinance duly adopted on the _____ day of _____.

ATTEST:

Concept Sketch for Parking in the R-1 district

