

CITY OF LATHRUP VILLAGE PLANNING COMMISSION

Proposed Agenda for the Study Session November 22, 2016

The study session for the Planning Commission will be held at 6:00 p. m. on Tuesday, November 22, 2016 in the Conference Room at City Hall, 27400 Southfield Road, Lathrup Village, MI 48076, Phone (248) 557-2600, FAX (248) 557-2602.

1. Call to Order

2. Planning Commission Will Discuss:
 - a. Zoning Ordinance revision timeline
 - b. Zoning amendment by referendum
 - c. Wireless Communications Facilities
 - d. Clearzoning Health Checkup
 - e. Site Standards

3. General communication & correspondence

4. Adjourn

Respectfully submitted,
Yvette Talley
City Clerk

At 7:02 p.m. the Regular meeting was called to order by Chair Hulleza on Tuesday, October 25, 2016 in the City Council Chambers of the Municipal Building, 27400 Southfield Road, Lathrup Village, Michigan.

Commissioners Present: Charito Hulleza, Chair
Mark Piotrowski, Vice Chair
Karen Miller, Secretary
Maria Mannarino Thompson, City Council Liaison
Keith Brown, Resident

Staff Present: Sean Kammer, Assistant City Administrator, Yvette Talley, City Clerk

Also Present: City Attorney Scott Baker
Jason Bibby, Giffels Webster, Inc.

All present joined in the Pledge of Allegiance.

PC-74-16 APPROVAL OF AGENDA

Motion by Commissioner Mannarino Thompson, seconded by Commissioner Piotrowski to approve the agenda.

Motion carried.

Commissioner Brown stated that next month he would like to have a Study Session to discuss what going on with Southfield Road.

PC-75-16 MINUTES OF STUDY SESSION ON SEPTEMBER 27, 2016

Motion by Commissioner Piotrowski, seconded by Commissioner Mannarino Thompson to approve the minutes of the Study Session of September 27, 2016.

Motion carried.

PC-76-16 MINUTES OF REGULAR MEETING ON SEPTEMBER 27, 2016

Motion by Commissioner Piotrowski, seconded by Commissioner Mannarino Thompson to approve the minutes of the Regular Meeting minutes of September 27, 2016 with a correction.

Motion carried.

PC-77-16 AUDIENCE PARTICIPATION

There was no audience participation.

PC-78-16 PUBLIC HEARING

None

PC-79-16 **ACTION ITEMS**

None

PC-80-16 **OLD BUSINESS AND TABLED ITEMS**

Jason Bibby – Giffels Webster at next month’s Study Session meeting will discuss the health check-up.

Items that will be discussed January 24, 2017 meeting: Wireless Ordinance and the Medical Marijuana Act Public Hearing.

Sean Kammer said we will look at updating forms and the application.

Motion by Commissioner Piotrowski, seconded by Commission member Miller to table the establishment of the public hearing date until the November 22, 2016 meeting.

Motion carried.

PC-81-16 **NEW BUSINESS**

None

PC-82-16 **OTHER MATTERS FOR DISCUSSION**

a. Master Plan Village Center Parking Feasibility

Jason Bibby, Giffels Webster gave an overview and answered questions from the Commissioners’. Looking at developing the area in a phase approach. Commissioner Piotrowski said we have to look at the level of demand of parking this project would create.

Commissioner Piotrowski stated that the decision has to be made as to what should be done first the Master Plan Village Center parking feasibility or parking.

Commission Brown said parking should be considered first. If we place parking around the school it will destroy the center of the City.

b. MDOT Southfield EA Meeting to discuss Parking Mitigation Study

Jason Bibby, Giffels Webster gave an overview and answered questions from the Commissioners’. Will attend a meeting on October 27th where there are several properties with parking in the right of way and will look at the business displacement plan. The Road Commission will provide an actual footprint of what their preferred alternative will show. What type of conceptual plan are they looking for at the environmental assessment level.

Commissioner Piotrowski stated, this is the beginning of the opportunity to demonstrate to the Community the constraints that this project places on the business district. What it will mean to the Community financially as to the form of taxes, if we lose business revenue.

a. DDA Update

Annie Lathrup School – met with the Surnow Company and Peter Allen and Associates to discuss redeveloping Annie Lathrup School.

Farmers Market will be indoors starting October 19th - December 14th.

Food Truck Fridays has been very successful.

Detroit SCORE has rescinded their request to locate in Lathrup Village City Hall. The DDA and Main Street Committee are exploring other options.

Tech 248 – will be held at Michigan First Credit Union on November 15th at 2:30 p.m. It's an Oakland County run technology business event.

b. Planner's Update

i. Medical Marijuana Memo

Impact on local Governments – Marihuana Facilities:

Growers, Processors, Provisioning centers, secure transporters, Safety compliance facilities.

c. Legal Update

City Council passed a 90 day Medical Marijuana extension.

Sean Kammer, Assistant City Administrator/DDA Director gave an overview of the Michigan First Credit Union Headquarters Expansion. Commission Miller asked that Mr. Kammer follow up with Michigan First Credit Union regarding striping the driveway.

Motion by Commission Miller, seconded by Commissioner Mannarino Thompson to adjourn this meeting.

Motion carried.

The meeting adjourned at 8:38 p.m.

Submitted by Yvette Talley

Recording Secretary

MEMORANDUM

DATE: November 1, 2016
TO: Lathrup Village Planning Commission
FROM: Jason Bibby, Senior Planner
SUBJECT: Zoning Ordinance Amendment Outline & Milestone Estimated Timelines

Based on the 2016 Health Checkup and discussions with the Planning Commission, and Council, we propose the following outline and timeline for amendments within our retainer services, please note these are milestone estimated timelines and not proposed deadlines:

1. Priority Amendments:
 - a. Wireless communications facilities – update per state and federal law. **September 2016**
 - b. Zoning Amendments by Referendum **November 2016**
 - c. Village Center District **November 2016**
 - d. **Public Hearing for Priority Amendments. January 2017**
2. Residential Districts
 - a. Update intent statements to better reflect Master Plan.
 - b. Provide definitions, standards for accessory dwelling units. **February 2017**
3. Sign Standards **March 2017**
 - a. Update definitions, provisions for temporary signs to comply with recent case law
4. Office, Commercial, and Industrial Districts
 - a. Update outdated standards in these districts **April 2017**
5. Site and Use Standards:
 - a. Update standards. **May 2017**
6. Development and Administration Review Standards
 - a. Update the development review process, including procedures for site plan and special land use approval. **July 2017**
 - b. Update administrative provisions to align with state law. **July 2017**

Public Hearing for Amendments Package 2-6 August 2017

Zoning Amendment by Referendum

Lathrup Village's zoning ordinance section 7.9.6 provides for the ability to challenge the zoning ordinance by referendum. Based on City attorney review, this provision is not authorized by the Zoning Enabling Act, PA 110 of 2006; MCL 125.3101 et seq. The amendment of the City's zoning code may only be accomplished in the manner provided by the Michigan Zoning Enabling Act as it was revised in 2006. Based on regulatory changes, the following amendment to Section 7.9.6 is proposed.

Section 7.9.6

~~6. Referendum. Within 30 days following the passage of the zoning ordinance, a petition signed by a number of qualified and registered voters may be filed with the city clerk requesting submission of an ordinance or part of an ordinance to the electors for their approval, in accordance with section 402 of Michigan Public Act 110 of 2006, as amended.~~

Wireless Communication Facilities

There have been many changes to federal and state regulations related to wireless facilities, and other changes to regulations and rules may be forthcoming. This proposed draft strives to be consistent with the current district in which such facilities are permitted (PS) as well as additional districts to consider (O, CV, VC, MX, and GO). We recommend that the City attorney review this draft and provide input based on recent case law and regulatory changes.

Definitions:

~~Wireless telecommunication towers and antennas.~~

- A. ~~Alternative tower structure. Man-made trees, clock towers, bell steeples, light poles, flag poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.~~
- B. ~~Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.~~
- C. ~~Backhaul network. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.~~
- D. ~~FAA. The Federal Aviation Administration.~~
- E. ~~FCC. The Federal Communications Commission~~
- F. ~~Height. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.~~
- G. ~~Preexisting towers and preexisting antennas. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.~~
- H. ~~Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.~~

~~**Wireless communication facilities.** No antenna structure of any kind shall be constructed, installed or maintained in any district otherwise than in conformity with the provisions of this section, the applicable provisions of the ordinances of this city, and all state and federal laws and regulations.~~

~~1. **Purpose.** The purpose of this ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this ordinance are to:~~

- ~~A. Protect residential areas and land uses from potential adverse impacts of tower and antennas;~~
- ~~B. Encourage the location of towers in nonresidential areas;~~
- ~~C. C. Minimize the total number of towers throughout the community;~~
- ~~D. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;~~
- ~~E. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;~~
- ~~F. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;~~
- ~~G. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;~~
- ~~H. Consider the public health and safety of communication towers; and~~
- ~~I. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the City of Lathrup Village shall give due consideration to the City of Lathrup Village's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.~~

~~2. **Applicability.**~~

~~A. New towers and antennas. All new towers or antennas in the City of Lathrup Village shall be subject to these regulations, except as provided in sections 4.20.2 B through D, inclusive;~~

~~B. Amateur radio station operators/receive only antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.~~

~~C. Preexisting towers or antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of sections 4.20.3 F and G~~

~~D. AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.~~

~~3. **General requirements.**~~

~~A. Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.~~

~~B. Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.~~

~~C. Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the building official for an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either~~

~~within the jurisdiction of the City of Lathrup Village or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The building official may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City of Lathrup Village, provided, however that the building official is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.~~

~~D. Aesthetics. Towers and antennas shall meet the following requirements:~~

~~i. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.~~

~~ii. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.~~

~~iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or loosely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.~~

~~E. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views and approved by the building official.~~

~~F. State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.~~

~~G. Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Lathrup Village concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.~~

~~H. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Lathrup Village irrespective of municipal and county jurisdictional boundaries.~~

~~I. Not essential services. Tower and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.~~

~~J. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Lathrup Village have been obtained and shall file a copy of all required franchises with the building official.~~

~~K. Public notice. For purposes of this ordinance, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners~~

~~and all property owners who are entitled to notice under article 16 of Zoning Ordinance No. 230.~~

~~L. Signs. No signs shall be allowed on an antenna or tower.~~

~~M. Buildings and support equipment.~~

~~Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 4.20.7~~

~~N. Multiple antenna/tower plan. The City of Lathrup Village encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites.~~

~~4. Permitted uses. The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit: Antennas or towers located on property owned, leased, or otherwise controlled by the City of Lathrup Village provided a license or lease authorizing such antenna or tower has been approved by the City of Lathrup Village.~~

~~5. Administrative approved uses~~

~~A. The building official may administratively approve the uses listed in this section.~~

~~B. Each applicant for administrative approval shall apply to the building official providing the information set forth in sections g(2)(A) and g(2)(C) of this ordinance and a nonrefundable fee of \$500.00 to reimburse the City of Lathrup Village for the costs of reviewing the application.~~

~~C. The building official shall review the application for administrative approval and determine if the proposed use complies with sections d, g(2)(D) and g(2)(E) of this ordinance.~~

~~D. The building official shall respond to each such fully completed application within 60 days after receiving it by either approving or denying the fully completed application. If the building official fails to respond to the applicant within said 60 days, then the fully completed application shall be deemed to be approved.~~

~~E. In connection with any such administrative approval, the building official may, in order to encourage shared use, administratively waive any zoning district setback requirements in Section 4.7.6.B.iv or separation distances between towers in Section 4.7.6.B.v by up to 50 percent.~~

~~F. In connection with any such administrative approval, the building official may, in order to encourage the use of monopoles, administratively allow the reconstructing of an existing tower to monopole construction.~~

~~G. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to section g prior to filing any appeal that may be available under the zoning ordinance.~~

~~H. List of administratively approved uses. The following uses may be approved by the building official after conducting an administrative review:~~

~~i. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the building official as an accessory use to any commercial, industrial, professional, institutional, or multifamily structure of eight or more dwelling units, provided:~~

~~a. The antenna does not extend more than 30 feet above the highest point of structure;~~

~~b. The antenna complies with all applicable FCC and FAA regulations; and~~

~~c. The antenna complies with all applicable building codes~~

~~d. Only one such antenna per structure can be approved administratively.~~

~~ii. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the building official and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the~~

following:

a. ~~A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the building official allows reconstruction as a monopole.~~

b. ~~Height.~~

~~(1) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of one additional antenna.~~

~~(2) The height change referred to in subsection (III)(a) may only occur one time per communication tower.~~

~~(3) The additional height referred to in subsection (III)(a) shall not require an additional distance separation as set forth in section g. The tower's remodification height shall be used to calculate such distance separations.~~

c. ~~Onsite location.~~

~~(1) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location.~~

~~(2) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.~~

~~(3) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section g (2)(E). The relocation of a tower hereunder shall in no way be deemed to cause a violation of section g(2)(E).~~

~~(4) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in section g(2)(E) shall only be permitted when approved by the building official.~~

~~iii. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.~~

6. ~~Special use permits.~~

A. ~~General. The following provisions shall govern the issuance of special use permits for towers or antennas by the city council:~~

~~i. If the tower or antenna is not a permitted use under section e of this ordinance or permitted to be approved administratively pursuant to section f of this ordinance, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.~~

~~ii. Applications for special use permits under this section shall be subject to the procedures and requirements of article 16 of Zoning Ordinance No.230, except as modified in this section.~~

~~iii. In granting a special use permit, the city council may impose conditions to the extent the city council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.~~

~~iv. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.~~

~~v. An applicant for a special use permit shall submit the information described in this section and nonrefundable fee in the amount of \$500.00 to reimburse the City of Lathrup Village for the costs of reviewing the application.~~

B. ~~Towers.~~

i. Information required. In addition to any information required for applicants for special use permits pursuant to article 16 of Zoning Ordinance No. 230, applicants for a special use permit for a tower shall submit the following information:

a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances set forth in section g(2)(E), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the building official to be necessary to assess compliance with this ordinance.

b. Legal description of the parent tract and leased parcel (if applicable).

c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to section d(3) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower (s) and the owner/operator of the existing tower(s), if known.

e. A landscape plan showing specific landscape materials.

f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

g. A description of compliance with sections d(3), (4), (5), (6), (7), (10), (12), and (13), g(2)(D), g(2)(E) and all applicable federal, state or local laws.

h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users. If the tower will not, then additionally the applicant must make the statement that it will, in good faith, consider future collocation if the subsequent applicant will bear the cost of reconfiguring the tower for collocation.

i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

j. A description of the suitability of the use of existing towers, other structures or current alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

k. A description of the feasible location(s) of future towers or antennas within the City of Lathrup Village based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

ii. Factors considered in granting special use permits for towers. In addition to any standards for consideration of special use permit applications pursuant to article 16 of Zoning Ordinance No. 230, the city council shall consider the following factors in determining whether to issue a special use permit, although the city council may waive or reduce the burden on the applicant of one or more of these criteria if the city council concludes that the goals of this ordinance are better served thereby:

a. Height of the proposed tower;

b. Proximity of the tower to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of

~~reducing or eliminating visual obtrusiveness;~~

~~g. Proposed ingress and egress; and~~

~~h. Availability of suitable existing towers, other structures, or current alternative technologies not requiring the use of towers or structures, as discussed in section g(2)(C) of this ordinance.~~

~~iii. Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city council that no existing tower, structure or current alternative technology that does not require the use of towers or structures can accommodate the applicant's a [sic] proposed antenna. An applicant shall submit information requested by the city council related to the availability of suitable existing towers, other structures or current alternative technology. Evidence submitted to demonstrate that no existing tower, structure or current alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:~~

~~a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.~~

~~b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.~~

~~c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.~~

~~d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.~~

~~e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.~~

~~f. The applicant demonstrate that there are other limiting factors that render existing towers and structures unsuitable.~~

~~g. The applicant demonstrates that a current alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple~~

~~low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of current alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.~~

~~iv. Setbacks. The following setback requirements apply to all towers for which a special use is required; provided, however, that the council may reduce the standard requirements if the goals of this ordinance be better served thereby:~~

~~a. Towers should be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. However, if the tower is constructed in such a manner so that it will "crimp in" on itself in the event of a structural collapse, then the setback shall be established at a safe distance as determined by the city.~~

~~b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.~~

~~v. Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the city council may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.~~

~~a. Separation from off-site uses/ designated areas. Distances shall be measured from the base of the tower~~

to the lot line of the off site uses and/or designated areas.

Tower separation shall be 100 ft or 100% of the height of the tower, whichever is greater for the following:

- (1) Single Family or duplex residential units, includes modular homes and mobile home used for living purposes
- (2) Vacant single family or duplex residentially zoned land which is either platted or has preliminary subdivision plat approval which is not expired. In this case, the separation shall be measured from the base of the tower to the closest building setback line.
- (3) Vacant unplatted residentially zoned lands, including any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.
- (4) Existing multifamily residential units greater than duplex units.
- (5) For nonresidential zoned lands or nonresidential uses, there is no separation requirement; only setbacks apply.

b. Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in the table that follows.

vi. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti climbing device; provided,

Separation Distance between Towers				
	Lattice	Guyed	Monopole 75 feet in height or greater	Monopole less than 75 feet in height
Lattice	5,000 ft	2,500 ft	1,000 ft	500 ft
Guyed	2,500 ft	2,500 ft	1,000 ft	500 ft
Monopole 75 feet in height	1,000 ft	1,000 ft	1,000 ft	500 ft
Monopole less than 75 feet in height	500 ft	500 ft	500 ft	500 ft

however, that the city council may waive such requirements, as it deems appropriate.

~~vii. Landscaping. The following requirement shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the city council may waive such requirements if the goals of this ordinance would be better served thereby:~~

- ~~a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.~~
- ~~b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.~~
- ~~c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.~~

~~7. Buildings or other equipment storage.~~

~~A. Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas mounted on rooftops shall be contained within the building upon which the antenna is mounted.~~

~~B. Antennas mounted on utility poles, light poles or flag poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:~~

~~i. In residential district, the equipment cabinet or structure may be located:~~

~~a. In a side yard provided the cabinet or structure is no greater than eight feet in height or 100 square feet of gross floor area and the cabinet/structure is located a minimum of 15 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least eight feet and a planted height of at least 48 inches.~~

~~b. In a rear yard, provided the cabinet or structure is no greater than eight feet in height or 100 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 48 inches.~~

~~ii. In high intensity commercial or industrial districts the equipment cabinet or structure shall be no greater than eight feet in height or 100 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 48 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 48 inches.~~

~~iii. Antennas located on towers. The related unmanned equipment structure shall not contain more than 300 square feet of gross floor area or be more than nine feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.~~

~~8. Removal of abandoned antennas and towers.~~

~~Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within~~

~~90 days of receipt of notice from the City of Lathrup Village notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.~~

~~9. Nonconforming uses.~~

~~A. Not expansion of nonconforming use.~~

~~Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.~~

~~B. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.~~

~~C. Rebuilding damaged or destroyed nonconforming towers or antennas. Notwithstanding section h, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Sections 4.7.6.B.iv and 4.7.6.B.v. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in section h.~~

Definitions:

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

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

for the sole or primary purpose of providing that support.

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

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

- iv. It entails any excavation or deployment outside the current site;
 - v. It would defeat the concealment elements of the eligible support structure;
 - vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (g)(i)-(g)(iv) of this section
- **Wireless communication support structures (towers).** Structures erected or modified to support wireless communication antennae. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Standards:

Section 1 WIRELESS COMMUNICATION FACILITIES AND SERVICES.

- a. **Purpose.** The purpose of this section is to permit facilities within the city that are necessary for the operation of wireless communications systems.
 - (1) In recognition of the public need and demand for advanced telecommunication and information technologies and services and the impacts such facilities may have on properties within the city, it is the further intent of this section to:
 - (a) Maximize the use of existing and future wireless communication facilities by encouraging co-location of multiple antennae on a facility where feasible.
 - (b) Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and buildings from potential adverse impacts of such facilities.
 - (c) Minimize the adverse visual and other impacts of such facilities through innovative design, adequate screening, sufficient setback area, and timely removal of facilities upon the discontinuance of use.
 - (d) Minimize the adverse impacts caused by these facilities on the public health and safety of persons and property within the city, as well as to minimize the adverse aesthetic impacts caused by these facilities.
 - (2) It is not the intent of this section to materially limit wireless transmission or reception, or unnecessarily burden access to wireless services or competition among different communication providers.
- b. **Application Review.**
 - a. **Application.** The City of Lathrup Village shall prepare and make publicly available an application form which shall be limited to the information necessary for the City of Lathrup Village to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
 - b. **Type of Review.** Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the Building Department shall review such application to determine whether the application so qualifies.
 - c. **Timeframe for Review.** 60 days of the date on which an applicant submits an application seeking

approval under this Chapter, the City of Lathrup Village shall approve the application unless it determines that the application is not covered by this section for Eligible Facilities.

- d. **Tolling of the Timeframe for Review.** The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the City of Lathrup Village and the applicant, or in cases where the Building Department determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
 - (1) To toll the timeframe for incompleteness, the City of Lathrup Village must provide written notice to the applicant within 14 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - (2) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City of Lathrup Village's notice of incompleteness.
 - (3) Following a supplemental submission, the City of Lathrup Village will notify the applicant within 5 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- c. **Collocations Allowed by Administrative Approval or Requiring Site Plan Approval.** For proposed collocations that meet 1-4 below, review fees shall not exceed the actual review and processing fees or \$1,000, whichever is less. Any proposed collocation that meets items 1 & 2 below, but not 3 & 4, shall follow the procedures for site plan review as provided in Chapter 82. Administrative approval shall be granted if the following conditions are met:
 - (1) Equipment must be collocated on an existing wireless communications support structure or in an existing wireless equipment compound.
 - (2) The existing wireless support structure or existing equipment compound is in compliance with the provisions of this Ordinance or was approved by the City of Lathrup Village.
 - (3) The proposed collocation would not do any of the following:
 - i. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - ii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - (4) The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the approving body.
- d. **New Facilities Permitted as Special Land Uses in the PS District.** Wireless communication facilities with monopole support structures shall be permitted as special land uses only, in the PS district. If located on the same parcel with another permitted use, such facilities and any other structures connected therewith shall not be located in a front yard.
- e. **New Facilities Permitted as Special Land Uses in Other Non-Residential Districts.** If an applicant can demonstrate to the satisfaction of the Planning Commission that a location permitted in in sections c and

d above cannot reasonably meet the coverage and/or capacity needs of the applicant, and the applicant can demonstrate that it has reasonably exhausted all efforts to locate its facility in accordance with subparagraph c and d above, a wireless communication facility with a monopole support structure may be permitted as a special land use or a special accessory use within all other non-single family residential zoning districts, subject to the following standard:

- (1) Wireless communication support structures in such locations shall be of an alternative or stealth design such as (without limitation) a steeple, bell tower, tree, or other form which is compatible with the existing character of the proposed site, the adjacent neighborhoods, and the general area, as approved by the Planning Commission.
- f. Required information. The following information shall be provided for all new wireless communication facilities permitted as special land uses in Sections d-e above:
- (1) *Site plan.* A site plan shall be prepared in accordance with this ordinance, showing drawings for all proposed attached wireless communication facilities or wireless communication support structures.
 - (2) *Demonstration of need.* The applicant shall demonstrate the need for the proposed wireless communication support structure due to a minimum of one of the following:
 - (a) Proximity to an interstate or limited-access highway or major thoroughfare.
 - (b) Proximity to areas of population concentration.
 - (c) Proximity to commercial or industrial business centers.
 - (d) Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.
 - (e) Other specific reasons.
 - (3) *Service area and power.* As applicable, a description of the existing and planned service areas, wireless communication support structure height and type, and signal power expressed in effective radiated power (ERP) upon which the service area has been planned.
 - (4) *Map of nearby facilities.* A map showing existing or proposed wireless communication facilities within the city, and further showing existing and known proposed wireless communication facilities within a seven-mile radius which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If the information is on file with the city, the applicant shall update as needed. A written request for confidentiality must be prominently stated by the applicant.
 - (5) *Data on nearby facilities.* For each location identified by the applicant/provider, the applicant shall include the following data, if known, with the applicant/provider expected to exercise reasonable diligence to obtain information:
 - (a) The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - (b) Evidence of property owner approvals.
 - (c) Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility; if the location cannot be used, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing services.
 - (6) *Fall zone certification.* To determine the required setbacks, a State of Michigan registered engineer shall submit a determination and certification regarding the manner in which the

proposed structure will fall. The fall zone or collapse distance as cited in the certification shall be the minimum setback required from a property line or occupied structure. In the absence of an engineer's certification, the minimum setback shall equal 75 feet or the height of the tower, whichever is greater.

- (7) *Description of security for removal.* A performance guarantee shall be required for the wireless communication support structure to ensure removal and maintenance, in accordance with this section. The security shall be in the form of a performance bond or dedicated escrow account placed with the city for coverage of stated purposes, and may be required as part of a development agreement between the city and the applicant. The security shall be a promise of the applicant and owner of the property to remove the facility in accordance with the requirements of this section, with the provision that the applicant and owner shall pay costs and attorney's fees incurred by the city in securing removal.
 - (8) *FCC and FAA approval.* The applicant shall provide proof of approval for the location and design of the wireless communication facility from the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and Michigan Aeronautics Commission (MCC).
 - (9) *Lot area.* All wireless communication facilities shall be located on a minimum of a one-half acre parcel and shall have direct or deeded access to a public road right-of-way. Verification of said access shall be provided upon application for approval.
 - (10) *Screening.* All existing vegetation shall be shown on the site plan and shall be preserved during and after installation to the maximum extent possible. Furthermore, additional landscaping shall be required in accordance with the provisions of this chapter for the district in which it is located.
 - (11) *Security information.* All wireless communication sites shall be fenced with appropriate material with a minimum height of six feet and a maximum height of eight feet. All accessory buildings shall be located within the fenced area. The use of barbed wire, electric current or charge of electricity is strictly prohibited.
- g. *Compatibility of support structures.* Wireless communication support structures shall not be injurious to the neighborhood or detrimental to the public safety and welfare. Support structures shall be harmonious with the surrounding areas, and aesthetically and architecturally compatible with the natural environment. In addition, all structures shall be equipped with an anti-climbing device to prevent unauthorized access.
- h. *Maximum height.* The maximum height of wireless communication support structures with capacity for collocation shall be the lesser of 125 feet, the minimum height demonstrated to be necessary by the applicant, or such lower heights as required and approved by the Federal Aviation Administration.
- (1) The applicant shall demonstrate a justification for the height and provide an evaluation of alternative designs that might result in lower heights.
 - (2) Accessory buildings shall be limited to the maximum height for accessory structures within respective zoning districts.
- i. *Setbacks from all zoning districts.* Wireless communication support structures shall have a minimum setback of 75 feet.
- j. *Variances.* The Zoning Board of Appeals may grant variances for the setback of a wireless communication support structure to accommodate a change that would reduce its visual impact, to meet the required collocation standards, or otherwise be in compliance with Federal and state laws or regulations. The Zoning Board of appeals may also grant variances for the height of a support structure in cases where a variance would permit additional collocations.

- k. *Compatibility of accessory structures.* Wireless communication facilities proposed on the roof of a building with an equipment enclosure shall be architecturally compatible with the principal building upon which they are located. The equipment enclosure may be located within the principal building or may be an accessory building, provided the accessory building conforms with all district requirements for accessory buildings and is constructed of the same or compatible building material as the principal building.
- l. *Appearance of support structures.* The color of wireless communication support structures and all accessory buildings shall minimize distraction, reduce visibility, maximize aesthetics, and ensure compatibility with its surroundings. The applicant shall be responsible for the maintenance of the wireless communication facility in a neat and orderly condition, as well as maintaining the safety of the site and structural integrity of any structures.
- m. *Federal and state requirements.* The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted on the site plan. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. Furthermore, if more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the approval and permit for the structure shall be subject to revocation by the city. The cost of testing and verification of compliance shall be borne by the operator of the antenna.
- n. *Lighting.* Lighting on a wireless communication facility shall be prohibited unless otherwise required by the Federal Aviation Administration or Michigan Aeronautics Commission. The Planning Commission may require a height reduction to eliminate the need for lighting unless the applicant provides adequate technical data demonstrating the need for the requested height, including an analysis demonstrating that other sites are unavailable or inadequate for their purposes.
- o. *Collocation offer required.* An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for collocation. If, during a period of 30 days after the notice letters are sent to potential users, a user requests in writing to collocate on the new support structure, the applicant shall accommodate the request(s) unless collocation is not feasible based on the criteria of this section.
- p. *Removal.* When a wireless communication facility has not been used for 180 consecutive calendar days, the party who owns or controls such a facility shall notify the city in writing of its discontinued use and shall undertake removal of all or parts of the wireless communication facility by the users or owners or their successors of the facility and owners of the property on which the facility is located within 90 days of notifying the city.
 - (1) The removal of antennae or other equipment from the facility, or the cessation of operations (transmission or reception of radio signals) shall be considered as the beginning of a period of non-use. The situation(s) in which removal of a wireless communication facility is required may be applied and limited to a portion of the facility.
 - (2) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communication facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the facility.
 - (3) If the required removal of the wireless communication facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice sent by certified mail, the city may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or

collected from the security posted at the time application was made for establishing the facility or, if necessary, through appropriate judicial remedies.

- q. *Radio frequency emission standards.* Wireless communication facilities shall comply with applicable federal and state standards relative to electromagnetic fields and the environmental effects of radio frequency emissions.
- r. *Effect of approval.* Final approval for a wireless communication support structure shall be effective for a period of 180 calendar days. One extension of up to an additional 180 calendar days may be granted, provided that a written request is submitted prior to the expiration date.

Clearzoning® health checkup for Lathrup Village

The first step towards a clear and updated Zoning Ordinance

This is intended as a brief overview to highlight what's working and what needs work in the City's Zoning Ordinance.



FORMAT		
Criteria	Current Ordinance	Comment
Logical organization	The ordinance is organized in a logical format	
Easy to understand language	There are many graphics that illustrate terms.	Consider opportunities to add more graphics
Easy to navigate	The simplicity of having uses listed in Article 3, with their related standards in Article 4 requires knowledge of where to find those related standards.	

DEFINITIONS – Chapter 2		
Criteria	Current Ordinance	Comment
Are the definitions complete?		<p>Consider adding definitions for the following:</p> <ul style="list-style-type: none"> • Animal day care • Self-storage (there is a parking standard, but no mention of where it is permitted) • Accessory dwelling units • Light industrial uses (permitted in the CV district, but not defined) • Nonconforming lots and structures • Consolidate uses classified/recognized by state law as residential care facilities (e.g., family day care home, adult foster care home – pursuant to the Michigan Zoning Enabling Act) • Temporary structures (tents, temporary car garages)

DEFINITIONS – Chapter 2

Criteria	Current Ordinance	Comment
Are the definitions current?		<p>Update definitions for the following:</p> <ul style="list-style-type: none"> • Day spa – this is defined but never used. Add to the examples of “personal service uses” • Drive-through • Family (review case law with City Attorney) – at least remove reference to “bona fide servants” • Garage: is this needed? Does the definition of accessory building suffice? Reference to garage in Section 3.4.1 would need to be considered allowing non-attached garage to house in R-1. • Light industrial uses should be defined • Nonconforming lots and nonconforming structures need definitions • Restaurants (define carryout, standard, full-service, and consider other types of liquor licenses, including brewpubs) • Remove sign definition as signs are regulated in a separate ordinance. • Update definition for special land use • Wireless communications – update pursuant to state and federal law
Are the definitions clear?	Graphics help with the understanding of certain terms.	

RESIDENTIAL DISTRICTS – Chapter 3

Criteria	Current Ordinance	Comment
Review Intent sections	There are three residential districts: Most of the City is zoned R1 – single family residential. Smaller areas are zoned R2 (multiple family) and R3 (cluster single family)	Update the intent statements for R1 and R2 to remove redundant language at the end (“The regulations in this article....”).
Home occupations	There are provisions for home occupations	Consider updating the standards in Sec. 4.11 that regulate home based businesses. Remove prohibition of “display shelves,” using accessory structures, and hours of operation (change to a restriction on deliveries). Remove provisions for “periodic inspection” as external site conditions are the primary areas for potential conflict. It is impractical to require home businesses to register and it is likely that few know about this requirement. Consider a separate, optional registration that could help promote home businesses. Item 4 about non-compliance seems unnecessary.
Accessory dwelling units	Not permitted	Consider where accessory dwelling units may be appropriate, with design and site standards. Would backyard cottages be appropriate on larger lots (City of Seattle has excellent standards and guidelines)?
Other		

OFFICE, COMMERCIAL & INDUSTRIAL DISTRICTS – Chapter 3

Criteria	Current Ordinance	Comment
Review Intent	Non-residential districts have specific intent statements.	
Public Service district	This district is on the west side of the city, near the high school.	<p>Consider changing “instruction centers for academic and fine arts purposes,” to “schools, private” for clarity.</p> <p>Consider whether the uses under special land uses are appropriate in this district. If the school did not occupy this district, what uses are appropriate in this location?</p> <p>Consider the need for a minimum floor area of 1,250 sf.</p> <p>The reference to Section 3.8.1.B prohibits accessory structures in the CV district – does this also apply to PS?</p>
Office district	This district is primarily located on 12 Mile, with an additional area on Evergreen.	<p>Consider changing “instruction centers for academic and fine arts purposes,” to “schools, private” for clarity.</p> <p>Are veterinary clinics appropriate in this district? Consider standards that limit outdoor kennels.</p>
Commercial vehicular district	This district is located around the intersections of 11 and 12 Mile Roads and Southfield Road.	<p>Consider whether it is consistent to allow bars and taverns as permitted uses, but have establishments involving the manufacture and sale of alcoholic beverages be special land uses.</p> <p>Light industrial uses are permitted as special land uses in this district. While potentially appropriate, this use should be defined and standards created to protect adjacent uses from noise, odor, smoke, and other nuisances.</p> <p>Sec. 3.8 (CV district standards): Add Section 3.8.1 to the setback requirements; consolidate landscape standards into Section 5.15 (landscaping). Move Section 3.8.3 outdoor storage to Chapter 5, site standards and section 3.8.4 open air activities to Chapter 4, use standards.</p>

OFFICE, COMMERCIAL & INDUSTRIAL DISTRICTS – Chapter 3

Criteria	Current Ordinance	Comment
Village Center district	This district is intended to guide redevelopment along Southfield Road and the California Drives.	<p>Review restaurants and establishments selling alcohol – consistent in list of uses?</p> <p>The City should consider establishing a street light fixture and other street furnishings – this could be included in the sub-area plan.</p>
Mixed Use district	This district runs along Southfield Road.	Consider reducing the parking setback of five feet as this may be too restrictive. Replace this standard with a parking screening requirement of a 42 inch screenwall and/or landscape screen.
Gateway office	This district is located at 11 Mile and Evergreen.	<p>Are veterinary clinics appropriate in this location – create standards for outdoor spaces.</p> <p>Consider adding restaurants to list of permitted uses.</p> <p>The Development Standards table incorrectly notes the side yard setback for parking (copied from the building setback above). The correct setback is provided in Section 3.1.10.G.</p> <p>Clarify Section 3.1.10.F “such uses” should be changed to “permitted and special land uses.”</p> <p>Clarify that the Gateway Overlay is the Gateway Office district</p> <p>Section 3.1.10.G.2 allows council to reduce setbacks, but should be the ZBA. Section 3.1.10.H special findings, should be changed from council to the Planning Commission as the PC has final approval of site plans.</p>

OFFICE, COMMERCIAL & INDUSTRIAL DISTRICTS – Chapter 3

Criteria	Current Ordinance	Comment
Other district standards		<p>Section 3.2 Lots, Uses for yards, etc.:</p> <ul style="list-style-type: none"> Move 3.2.1 on open porches to 3.11.6; remove the provision for projections 36 inches as this is covered in 3.11.6. Move 3.2.3. to a new section for nonconforming lots. <p>Section 3.3. Cluster Housing. This section should be rewritten to specifically address the one small district the city has identified for cluster housing. Additional standards are noted in 3.6, which also may not be necessary.</p> <p>Section 3.4. Many of the standards in this section are outdated – are any standards still appropriate and needed?</p> <p>Section 3.5. Many of the standards in this section are outdated – are any standards still appropriate and needed? Subsection E should be moved to 3.1.3.D.</p> <p>Section 3.7. These standards pertain to accessory structures and should be consolidated to Chapter 5, site standards.</p> <p>Section 3.11 General exceptions. Update subsection 3 on height limits to provide maximum allowed height over that which is otherwise permitted in the district; remove wireless transmission towers into a separate section. Subsection 4 refers to a planned development, which is not defined or otherwise referenced in the ordinance. Move subsection 5 to subsection 6.</p>

USE STANDARDS – Chapter 4

Criteria	Current Ordinance	Comment
4.1 Outside storage		Move to Chapter 5 and consolidate text to make less wordy.
4.2 Garage sales		Move these standards to the general code of ordinances
4.3 Basketball backboards		Is this still necessary?
4.4 Financial institutions	Requires special land use for drive-through banks.	This section conflicts with Section 5.13 and should be removed
4.5 Schools	Fencing and lighting standards	As this is likely intended to regulate the high school, it should probably be removed as it is outdated and is not enforceable.
4.6 Wireless telecommunications	Standards for wireless facilities	This section should be updated to comply with state and federal law.
4.7 Hours of operation		This section should be removed from the zoning ordinance. If still applicable, it should be moved to the general code of ordinances.

USE STANDARDS – Chapter 4

Criteria	Current Ordinance	Comment
4.11 Home based businesses		See comments under residential districts, above.
Automobile washracks and gas stations		Consider additional standards in addition to general special land use standards
Pawn shops		Consider additional standards in addition to general special land use standards
Restaurants, bars, etc. that serve alcohol	No special standards other than general special land use standards	Consider whether it is necessary to make all establishments that serve alcohol be special land uses. Establishments that are primarily full-service restaurants that serve alcohol could be permitted uses, with standards.
Veterinary clinics & animal kennels	No special standards other than the general special land use standards	Create standards that address screening and size of outdoor spaces.
Wireless communication facilities		Update per state and federal law changes (2012). Review and comment timelines are critical. Consider permitting ornamental security fence and change from city council to PC approval
Outside Storage		Consider allowing only impervious construction materials used for rear and side yard outdoor storage to reduce pervious pavement

SITE STANDARDS – Chapter 5

Criteria	Current Ordinance	Comment
5.1 Vision clearance		Update and add graphic for clarity
5.3 Waste and rubbish		Update this section. Remove standards covered in Building Code to ensure no conflicts. Keep standards but remove the requirement for a special permit for a dumpster; they are covered under site plan review. Consider creating standards to improve waste management and encourage recycling efforts.
5.4 Building materials		Should the Planning Commission have ability to modify materials if other materials can be demonstrated to be high quality and/or appropriate for building design?
5.5 Protective or barrier walls		Update this section and move to Section 5.15 Landscaping. Require screenwalls whenever any district other than R-1 abuts an R-1 district. Allow landscape materials in certain circumstances.
5.6 & 5.7 Inoperable vehicles & Blight		Move to general code of ordinances
5.8 Lighting		Update lighting standards
5.10 Used building materials		Move to Section 5.4; consider allowing recycled materials

SITE STANDARDS – Chapter 5

Criteria	Current Ordinance	Comment
5.11 Temporary dwellings		Covered by Section 4.1 Consider renaming temporary structure to cover all uses (not just for dwelling) and add to definition section
5.14 Nuisances prohibited		Review general code of ordinances; update this section as needed.
5.15 Landscaping		Update this section. Landscaping should be reviewed with site plan by the Planning Commission (not the Building Department). Consider replacing the 5% minimum landscape requirement with requiring foundation plantings, which could be provided in planters. Clarify the Section 5.15.3 for buffer strips only applies to the CV district. Allow the waiver of right-of-way landscaping when that area is developed as parking. Consider alternatives to parking landscaping in the MX district so as not to limit redevelopment options on the existing shallow lots. Consider updating tree caliper to minimum 2.5” Add minimum 3” large deciduous tree to right of way landscaping Under special landscaping requirements, include more language for tree removal/tree replacement ratio and protection for landmark trees.
Electric vehicle charging	No provisions	Consider allowing for electric vehicle charging (external locations) Consider creating standard for electric vehicle charging infrastructure readiness requirement.
Bicycle parking	No provisions	Consider adding bicycle parking standards – credit for vehicle parking?
Stormwater management		
Minimize impervious surfaces		Consider creating standards to improve stormwater management and allow credits for low impact facilities
Role of wetlands		
Rain gardens/Low impact development		
Gray water		
Renewable Energy		
Wind		Consider updating to better regulate solar panels on residential and non-residential property.
Solar		
Access Management		
Connectivity		Consider development of access management standards to improve traffic safety and flow.
Driveways		
Easements		
Natural Features		
Trees		Consider creating standards to protect the city’s trees

DEVELOPMENT REVIEW – Chapter 6		
Criteria	Current Ordinance	Comment
Site plan review		Site plan approval section could be updated for clarity. Remove reference to planned development as there are no associated standards. Clarify that Planning Commission is final approving body for site plans (Section 6.1.2.E and Section 6.1.3). Section 6.1.3.F may be redundant per Section 6.1.B.
Special land uses		Consider allowing the final decision to rest with the PC for special land uses. Otherwise, add reference to the Planning Commission making a recommendation to council for final approval.
Nonconformities	The ordinance provides for nonconforming uses and structures.	Consider allowing small (less than 10%) additions to nonconforming structures as long as not increasing nonconformities.
Reuse or reoccupancy	Ordinance provides reuse or reoccupancy criteria	Suggest adding: proposed use is a permitted use in the district in which it is located
Site Plan Standards	Soil Erosion and Sedimentation	Suggest changing in accordance to Part 91, as amended per SESC of NREPA

ADMINISTRATION – Chapter 7		
Criteria	Current Ordinance	Comment
7.2 General provisions		This section should be updated to clarify provisions for interpretations. Subsection A and 3 are unnecessary. Subsection 7 should be moved to Chapter 5, site standards.
7.7 ZBA		Update this section. Subsection 3 may be a conflict when the ZBA is asked for an appeal of a council decision (for example, a special land use), when the council serves as the ZBA. Subsection 7 should simply cross reference to Section 7.6.2 on public hearings. Delete subsection 9 as deviations are provided for in subsection 14. Delete subsection 15 for special exceptions and subsection 16 as it is confusing.
7.8 Nonconformities	The ordinance provides for nonconforming uses.	Add provisions for nonconforming lots and structures
7.9 Zoning Amendments		Clarify subsection 3.D by removing subsection vi. Delete reference to Southfield Eccentric in subsection 5. Remove subsection 6 pursuant to state law.
7.13 Conformity to Enabling Act	State Statutes resolve any conflicts	Remove outdated provisions

Site Standards

Introduction: The Planning Commission seeks to updated site standards related to vision clearance with updates and added graphic for clarity:

Recommended text in blue below ~~Language removed in strikethrough~~

SITE STANDARDS – Chapter 5

Table of Contents with Sections

Sec. 5.1 ~~Vison~~ **Corner Clearance and Fences**

Article 5.0 Site Standards

5.1 ~~Vision~~ **Corner Clearance and Fences**

5.1 ~~Vision~~ **Corner Clearance and Fences.**

No wall, fence, shrubbery, trees, **sign** or other landscaping shall be erected, maintained, or planted which shall obstruct or interfere with pedestrian or vehicular traffic visibility **above a height of (30) inches from the top of curb at street level shall be permitted within the triangular area formed at the intersection of any existing or proposed street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.** ~~on a curve of any street or at the intersection of any streets or any sidewalk.~~ Fences shall be of ornamental iron, wooden or vinyl construction, not over six feet in height, and shall not be erected in any required front yard. Separate fence regulations apply in the PS district as specified in Section 4.6.

