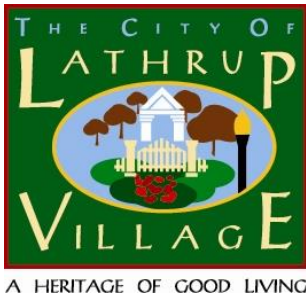


# Planning Commission Agenda

Tuesday, June 17, 2025 at 7:00 PM  
27400 Southfield Road, Lathrup Village, Michigan 48076

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1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Meeting Minutes**
  - [A.](#) May 2025 - Planning Commission Meeting Minutes
5. **Public Comment**
6. **Old Business and Tabled Items**
  - [A.](#) Zoning Amendment - Solar Panel and Battery Power Storage
7. **New Business**
  - [A.](#) First Reading of Zoning Amendment - Money Service Business Use Classification
  - [B.](#) First Reading of Zoning Amendment - Small Box Retail Discount Stores
8. **Other Matters for Discussion**
9. **General Communication**
  - [A.](#) Site Development Update Report
10. **Adjourn**



## Planning Commission Agenda

Tuesday, May 20, 2025 at 7:00 PM  
27400 Southfield Road, Lathrup Village, Michigan 48076

1. **Call to Order** 7:06pm
2. **Roll Call**

Present: Chair Stansbery, Commissioner Nordmoe, Commissioner Scussel, Commissioner Hammond, Commissioner Hillman

Absent: Co Chair Fobbs, Commissioner Dizik

Motion by Commissioner Hammond, seconded by Commissioner Hillman, to excuse Co Chair Fobbs and Commissioner Dizik.

Yes: Hillman, Stansbery, Nordmoe, Scussel, Hammond

No: N/A

Motion carried.

3. **Approval of Agenda**

Motion by Commissioner Scussel, seconded by Commissioner Hillman to approve the agenda as presented.

Yes: Hillman, Stansbery, Nordmoe, Scussel, Hammond

No: N/A

Motion carried.

4. **Approval of Meeting Minutes**

Motion by Commissioner Scussel, seconded by Commissioner Hillman, to approve minutes with corrections stated by Atty Baker.

Yes: Hillman, Stansbery, Nordmoe, Scussel, Hammond

No: N/A

Motion carried.

## 5. Public Comment

Jonathan Terra, California Dr SW, made comments including: the definition of a primary business, that sometimes something that is not primary can become the primary business, as well as a campaign that he has seen in Waterford, to inform the public against scams related to Bit Coin ATMs, and who to contact.

## 6. Old Business and Tabled Items None

## 7. New Business

### A. Public Hearing - Site Plan 26710 Southfield Road

DDA Director Colson, explained the retail premade meal business, that was proposed for a former Salon location, is a change of use, that is permitted by the district, and the approved site plan and parking requirements were located so it doesn't require a Planning Commission approval, it is just before the Planning Commission to answer any questions.

Abbas Zreik, the owner of this Primealete Nutrition location gave background saying in part, that there are 12 Primealete Nutrition locations, cooked in their commissary that is licensed by the State, the average customer is in and out in about 3 minutes, and there is not dining in, just a counter, pricing board, and refrigerators.

Atty Baker, said the Notice of Public Hearing for this site plan was published.

Chair Stansbery opened the Public Hearing at 7:23pm, there were no comments, the Public Hearing was closed at 7:23pm.

Motion by Commissioner Hammond, seconded by Commissioner Scussel to approve the site plan for 26710 Southfield Rd., unit 6.

Yes: Hillman, Stansbery, Nordmoe, Scussel, Hammond

No: N/A

Motion carried.

### B. Set Public Hearing for Zoning Amendment – Solar Panel and Power Storage

DDA and Community Economic Development Intern Thomas Kennedy, explained the proposed ordinance and went over the proposed ordinance language, that this helps to fulfil the City's Redevelopment Ready Certification, the included safety regulations and process requirements, providing the best practice for installation and for decommissioning and how it can help to combat scams related to the Solar Power industry.

DDA and Community Economic Development Intern Thomas Kennedy and Planning Commission members discussed:

- The other renewable energy options that could have been used as part to the City's RRC qualifications

- How this will impact preexisting homes with Solar Power
- ESS – Energy Storage System placement recommendations and requirements including:
  - Not in the basement
  - Not in the house
  - In a garage or shed, or a second shed based on the shed's location
  - Concerns around placement in an attached garage, and the attics attached to the house
  - Placement on an outside wall
  - Whether items should be in the Ordinance or as an informational pamphlet
- Solar Power related scams that have happened in different communities
- Roof top versus ground installation
- Placement on non-street facing roof tops
  - best location for the sunlight based on the time of the year
  - Historic homes versus non-historic homes
  - Homes with two front yards
- Deadline for the Ordinance and having it for the July meeting
- Maintenance and/or inspection of the Solar Panels and Energy Storage System
  - How many times and how often
  - Should it be by the City with an inspection fee?
  - Should it be annually with the results presented to the City
  - How would the private inspections be tracked
  - If panels get compromised or damaged
  - Potential hazard to neighbors
  - The City does not require this for generators, EV Chargers for cars
- The importance of the ESS units being decommissioned if non-operational for 12 months
  - How City will know if they are non-operational for 12 months
- Separate language for ESS systems with and without Solar Panels
- Solar Panels are in the newly approved Fee schedule

Jonathan Terra, commented including expressing that he was glad the City is talking about battery storage, and many people may put these in the basement, and could use the placement guidance.

Motion by Commissioner Hammond , seconded by Commissioner Hillman, to set the Public Hearing for Solar Panel and Power Storage for July 15, 2025 and provide an updated draft prior to June 17, 2025, Planning Commission meeting.

Yes: Hillman, Stansbery, Nordmoe, Scussel, Hammond

No: N/A

Motion carried.

#### C. Set Public Hearing for Zoning Amendment – Money Service Business Use Classification

Eric Pietsch of Giffels Webster explained the zoning amendment, and he along with City Attorney Baker, and the Planning Commission members discussed:

- The language for the ordinance being similar to the City of Southfield
- The goal of this being brought before the Planning Commission on August 19<sup>th</sup> and the City Council on September 15<sup>th</sup>, 2025
- Ways to limit them without zoning code
- The two in the City and the districts that they are in
- Whether or not to restrict them to one district, or keep them one mile apart and multi-districts
- Placing them in a C2 district
- Possible negative impact of the businesses
- Burden on the applicants to show that there will be no negative impact
- Applicants including a plan to address Police Department recommendations
- Addressed: Jonathan Terra's point, that if check cashing is not their main/primary business, should they be in this ordinance, and the consequences if they misrepresent their primary business
- Addressed: Jonathan Terra's other point, of these companies being required to have educational materials for the public on site in their businesses through an ordinance

Motion by Commissioner Hillman, seconded by Commissioner Hammond to set the Public Hearing for Money Service Business Use Classification for the June 15, 2025 Planning Commission meeting.

Yes: Hillman, Stansbery, Nordmoe, Scussel, Hammond

No: N/A

Motion carried.

#### D. Set Public Hearing for Zoning Amendment – Small Box Retail Discount Stores

Eric Pietsch of Giffels Webster, explained the zoning amendment for Small Box Retail Discount Stores, and referenced a map indicating the location of several of these types of stores in Southfield, and explained that the City of Lathrup Village, is not deprived by not having one.

Motion by Commissioner Hammond, seconded by Commissioner Hillman, to set the Public Hearing for Small Box Retail Discount Stores for the June 17, 2025, Planning Commission meeting.

Yes: Hillman, Stansbery, Nordmoe, Scussel, Hammond

No: N/A

Motion carried.

### 8. Other Matters for Discussion

DDA Director Colson, said that Mr. Fobbs indicated that he would be resigning, and the DDA will start advertising for applicants.

Commissioner Hillman asked if potential candidates for City Council, could be contacted by members of the Planning Commission, and Attorney Baker responded by saying they would need to update their cover letter, and apply once the position is posted.

Commissioner Hammond, announced that the City Council appointed Maria Mannarino Thompson to join the Council until the next election.

9. **General Communication**

A. Site Development Update Report

DDA Director Colson, gave an update on the status of development projects.

10. **Adjourn**

Motion by Commissioner Hillman, seconded by Commissioner Hammond, to adjourn the meeting at 9:41pm.

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# LATHRUP VILLAGE SOLAR ORDINANCE REVIEW: AMENDED ORDINANCE VERSION

Presented By: Tom the Intern

Facilitated By: The Lathrup Village Planning  
Commission



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# THE ORDINANCE

- Defined Setbacks, Height limits, review processes, decommission processes, recycle processes, safety standards, special requirements for aesthetics and historical buildings, and permitting, amongst others.
  - Was, admittedly, filled with redundancies.
  - Was turned in for review to the University of Michigan Graham Sustainability Institute, and returned on June 12<sup>th</sup> with amendment recommendations.
  - The ordinance utilized “The Planning & Zoning For Solar Energy Systems Guidebook for Michigan Local Governments” and “The Planning & Zoning for Battery Energy Storage Systems Guidebook for Michigan Local Governments”.
    - The original ordinance draft used the 2024 copy of both books- an amended copy was published in May 2025.
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# IMPORTANT NOTE:

- This ordinance is still not ready to be voted on, though it has been amended to reflect the changes recommended by the University of Michigan Graham Institute.
- It is still a draft. As such, we can still make changes to it before the vote in July.
- You had a chance to review the ordinance and make recommendations for language changes or to ask questions.
  - If you have any, please wait until the end of this presentation.
- Any and all changes or amendments you wish to see will be made before the July vote.
- I will not be presenting the entire ordinance like the May presentation. I will inform you of *some* of the UMGI recommendations.

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# CHANGES PLANNING COMMISSION DESIRED

(In no particular order)

- Add language to have contractors show proof of inspections no more than every 2 years, with evidence that shows a need of inspections.
  - Non-streetside facing roof-mounted solar panels with the option of acquiring a variance.
  - Reduce 15' Height requirement to 10' Height Requirement.
  - Add that batteries must be on an exterior wall in the garage if unable to be set in an accessory structure.
  - Ground-Mount safety requirement language.
  - Rules for batteries can only be applied to sites that have them in the first place.
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## AMENDMENTS MADE PRIOR TO UM GRAHAM INSTITUTE REVIEW

- Added a provision for repowering of solar panels.
- After discussions, added that roof-mounted SES panels must match the color of the roof shingles/roofing material.
- Discussed with Birmingham staff; discovered they amended their solar ordinance to allow for residential solar panels to be on all sides of the house- felt it was too restrictive. Made similar changes.

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# CHANGES UM GRAHAM INSTITUTE RECOMMENDED (1/?)

These are also changes we have made to the ordinance. (In no particular order)

- 10' Height requirement on Small Principal-Use Panels is too restrictive. 15' is recommended.
  - Remove Redundancies and amend language in multiple areas.
  - Amending the definition for Energy Storage System (ESS) to Battery Energy Storage System (BESS)
  - Add definitions for On-Site and Off-Site Battery Energy Storage Systems.
  - Redefine Principal-Use SES.
  - Separate Commercial and Residential Zoning Standards across the board to alleviate confusion.
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# CHANGES UM GRAHAM INSTITUTE RECOMMENDED (2/?)

- Redefine certain definitions to fit standards of the 2025 Planning and Zoning for Solar Energy Systems Guidebook.
  - Adds Section for Repowering of units with greater detail based on Guidebook Standards.
  - Added a chapter for Building Integrated SES (BISES)
  - Removed section that details demands for proof of recycling of decommissioned/removed material while keeping the standards for decommissioning and removal.
  - Changes Section 6: Aesthetics and Design Guidelines heavily due to redundancies.
  - Remove Glare Mitigation review and replace it, due to international standards changing, no longer requiring the need for such.
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# CHANGES UM GRAHAM INSTITUTE RECOMMENDED (3/?)

- Reduce and combine Permitting Requirements and Safety Requirements into other Sections where applicable.
- Land Use and Design Standards are integrated into SES section instead of having their own sections.
- Added *specific* compliance with National Electrical Code, National Fire Protection Association and the Michigan Building Code.
- Added Alignments to Public Act 169 (Historic & Design Review), 235 (requiring utilities source 50% of their electricity by renewables by 2030), and PA 233 (provides developers the opportunity to bypass local zoning and obtain land use approval from the Michigan Public Service Commission (MPSC) for large-scale projects).

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# OUR RESPONSE:

- Wow.
- Our decision is that it is easier to rewrite the ordinance, applying what we have gleaned from our discussions with UM.
- We added an administrative review process that eliminates ZBA, ensuring that all issues regarding installation are handled in a timely manner.
- We still intend on garnering feedback or questions from residents who have any to ensure their voices are heard, while also ensuring all questions are answered.

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# COMMENTS MADE WE NEED TO DISCUSS

In no particular order:

- Do we want to add a chapter to Section 4 that gives the city authority to inspect panel installations, OR create commercial safety plans?
- The Graham Institute believes a 10' height restriction is too restrictive. 15' is their recommendation.
- Regarding outdoor storage for BESS: Do we want to consider an amendment to the Zoning Ordinance that allows for a protective shed *exclusively for* BESS that is well ventilated- in doing so, this shed will *not* count towards the available square footage of the yard but must meet very specific size requirements.





## **SOLAR ENERGY SYSTEMS ORDINANCE**

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### **CITY OF LATHRUP VILLAGE ORDINANCE NO. [X]**

**AN ORDINANCE AMENDING THE ZONING CODE OF LATHRUP VILLAGE TO ALLOW FOR THE USE OF SOLAR PANELS AND BATTERY STORAGE SYSTEMS ON COMMERCIAL & RESIDENTIAL PROPERTIES AND REGULATING THE PROCESS FOR DECOMMISSIONING SOLAR PANELS & THEIR BATTERY SYSTEMS FOR SAFE, ENVIRONMENTALLY FRIENDLY METHODS.**

## **Section [X]: The Use of Solar Energy Systems on Commercial Properties**

**WHEREAS**, the City of Lathrup Village recognizes the importance of promoting sustainable energy practices, including the use of renewable energy sources such as solar panels and battery storage systems; and

**WHEREAS**, the City seeks to create an environment that fosters the installation of solar energy systems on commercial properties while ensuring safety, compatibility with existing structures, and consideration of aesthetics; and

**WHEREAS**, solar energy technology has advanced to provide affordable, efficient, and environmentally friendly alternatives for homeowners; and

**WHEREAS**, the City desires to regulate the installation of solar panels and battery storage systems to meet energy needs while maintaining the character of the community.

**WHEREAS**, the City desires to ensure that solar panels and battery storage systems are installed safely, are aesthetically compatible with existing structures, and adhere to established zoning and building code requirements.

**NOW, THEREFORE**, the City of Lathrup Village ordains:

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### **Section 1. Amendment to Zoning Ordinance**

A new section is hereby added to the Zoning Ordinance of the City of Lathrup Village to permit solar panels and battery storage systems on commercial and residential properties, whilst also ensuring that solar energy systems, including photovoltaic (PV) panels and energy storage batteries, are properly decommissioned at the end of their useful life. This section shall be titled "Solar Panels and Battery Storage Systems on Commercial & Residential Properties" and shall be read as follows:

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### **Section 2. Definitions**

For the purposes of this ordinance, the following definitions apply:

- **Solar Panel:** A device or system that captures solar energy and converts it into electricity, including photovoltaic panels installed on roofs, walls, or ground-mounted systems.
- **Battery Energy Storage System (BESS):** One or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and

feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures

- **On-Site BESS:** A Battery Energy Storage System (BESS) that is intended primarily to serve the electricity needs of the applicant property but may, at times, discharge into the electric grid.
- **Off-Site BESS:** A Battery Energy Storage System (BESS) for the primary purpose of off-site use through the electrical grid.
  - o **Small Off-Site BESS:** An Off-Site Battery Energy Storage System (BESS) with a nameplate capacity of 20 MW or less.
  - o **Medium Off-Site BESS:** An Off-Site Battery Energy Storage System (BESS) with a nameplate capacity greater than 20 MW and less than 50 MW. Off-Site BESS with a nameplate capacity of 50 MW or more but with an energy discharge capability of less than 200 MWh are also considered Medium Off-Site BESS.
  - o **Large Off-Site BESS:** An Off-Site Battery Energy Storage System (BESS) with a nameplate capacity of 50 MW or more and an energy discharge capability of 200 MWh or more.
- **Solar Energy System (SES):** A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.
- **Solar Array:** A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.
- **Commercial Property:** Property used for commercial purposes, including retail, office, industrial, and mixed-use zones.
- **Residential Property:** A property used for Residential Purposes, including homes, apartments and other dwellings as permitted by the Zoning Ordinance.
- **Roof-Mounted Solar Energy System:** A solar energy system mounted on a racking that is attached to or ballasted on the roof of a building or structure.

- **Wall-Mounted Solar Energy System:** A solar energy system mounted or attached to the wall of a building or structure.
- **Principal-Use Solar Energy System:** A commercial solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market
  - o **Small Principal-Use SES:** A Principal-Use Solar Energy System with a nameplate capacity less than 5 MW AC.
  - o **Medium Principal-Use Solar Energy System:** A Principal-Use Solar Energy System with a nameplate capacity 5 MW AC and greater but less than 50 MW AC.
  - o **Large Principal-Use Solar Energy System:** A Principal-Use Solar Energy System with a nameplate capacity of 50 MW AC and more, any portion of which is on property regulated by this zoning ordinance.
- **Non-Participating Lot(s):** One or more lots for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.
- **Participating Lot(s):** One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant project.
- **Accessory Ground-Mounted Solar Energy System:** A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.
- **Building-Integrated Solar Energy System:** A solar energy system that is an integral part of a principal or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
- **Photovoltaic (PV) System:** A semiconductor material that generates electricity from sunlight.
- **Solar Carport:** A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.
- **Maximum Tilt:** The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

- **Minimum Tilt:** The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
- **Decommissioning:** The process of removing and disposing of the solar energy system and associated components, including panels and batteries, at the end of their operational life or when the system is no longer in use.
- **Repowering:** the process of upgrading or replacing components of an existing SES to restore or enhance its capacity, performance, or efficiency. This may include, but is not limited to, the replacement of solar panels, inverters, mounting systems, or other associated equipment.

### **Section 3: Permitted Uses**

Solar panels and battery storage systems are permitted in all zoning districts of Lathrup Village, subject to the following conditions:

#### **Chapter 1: Roof-Mounted Solar Panels:**

Commercial-Use Roof-Mounted Solar panels may be installed on the roof of a commercial structure, provided the panels do not extend more than 24 inches beyond the plane of the roof surface and comply with building code height limitations.

Residential-Use Roof-Mounted Solar Panels may be installed on the roof of a residential structure, provided the panels do not extend more than 12 inches beyond the plane of the roof surface and do not exceed the height of the existing structure.

- **Nonconformities:**
  - A Roof-Mounted SES installed on a nonconforming building, structure, or use does not constitute an expansion of the nonconformity.
  - A Wall-Mounted SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.
  - Building-Integrated SES are subject only to zoning regulations applicable to the structure or building and not subject to Roof-Mounted, Wall-Mounted, or Accessory Ground-Mounted SES permits.

#### **Chapter 2: Ground-Mounted Solar Panels**

##### **A. Applicability**

- *Accessory Ground-Mounted SES – Commercial Use:* Accessory ground-mounted solar panels are not permitted due to the limited space in commercial business districts.

- *Accessory Ground-Mounted SES – Residential Use:* Permitted in accordance with the standards listed below.
- *Principal-Use Ground-Mounted SES – All Districts:* May be permitted in cleared or available space without a variance if the applicant provides a full site plan, construction plan with material list, decommissioning plan, maintenance plan, and signed agreements from all benefiting properties. Such proposals are subject to administrative and/or Planning Commission review and approval.

## **B. Screening / Landscaping**

- *All Accessory Ground-Mounted SES:* Must be screened from public view when visible from the public right-of-way or adjacent residential properties. Screening must consist of non-deciduous landscaping or opaque fencing at least 6 feet in height.

## **C. Setbacks**

- *Residential Accessory Ground-Mounted SES:* Minimum setback of 10 feet from any property line.
- *Commercial Accessory Ground-Mounted SES:* Minimum setback of 10 feet from any property line.

## **D. Height**

- *Residential Accessory Ground-Mounted SES:* Shall not exceed 15 feet above grade, including framing, and shall not be lower than 2 feet above ground level.
- *Commercial Accessory Ground-Mounted SES:* Shall not exceed 10 feet above grade, including framing.

## **E. Lot Coverage**

- *Commercial Accessory Ground-Mounted SES:* The solar array area shall not exceed 35% of the square footage of the primary building, unless located over required parking (i.e., a solar carport), in which case there is no maximum lot coverage. These systems shall not count toward the maximum number or square footage of accessory structures or maximum impervious surface limits if the ground beneath remains pervious.
- *Residential Accessory Ground-Mounted SES:* The solar array area shall not exceed 50% of the square footage of the primary building, unless located over required parking (i.e., a solar carport), in which case there is no maximum lot coverage. These systems shall not count toward the maximum number or square footage of accessory structures or maximum impervious surface limits if the ground beneath remains pervious.

## **F. Visibility**

- *Residential Accessory Ground-Mounted SES*: Must be located in the side or rear yard to minimize visibility from public right-of-way(s). Front yard placement may be allowed by administrative approval if the applicant demonstrates that:
  1. Rear or side yard placement decreases efficiency due to topography, structures, or shading;
  2. Rear or side yard placement interferes with accessory structures or septic systems; or
  3. Rear or side yard placement requires sitting on the waterfront side of the property (if applicable).

#### **G. Exemptions**

- *All Accessory Ground-Mounted SES*: Any system used solely to power a single small device or feature, such as a lawn ornament, light, weather station, thermometer, clock, or well pump, is exempt from the requirements in this section.

### **Chapter 3: Rooftop Solar Energy Systems**

#### **A. Applicability**

- Rooftop Solar Energy Systems (RSES) are permitted as accessory uses in all zoning districts, provided they meet the standards outlined below.

#### **B. Design Standards**

- *Residential Accessory RSES*: Panels shall be mounted parallel to the roof surface and not project more than 12 inches above the roof plane. Systems must not extend beyond the edge of the roof or exceed the building height limit defined in the zoning district.
- *Commercial Accessory RSES*: Panels may be mounted at an angle on flat roofs but must be screened from public view with parapet walls or similar architectural features, where feasible. The system may not exceed 10 feet in height above the roof deck.

#### **C. Aesthetic Integration**

- Panels and mounting hardware shall be of a color that minimizes contrast with the underlying roof material (e.g., black or dark tones) when visible from the public right-of-way.
- Conduit, wiring, and other visible system components shall be painted to match the surface to which they are affixed. Alternatively, any method used to hide such components within the structure that ensures they are not visible are acceptable, so long as they are in line with NFPA and Michigan Building Code Standards.

#### **D. Visibility**

- For residential structures, rooftop solar systems are encouraged to be located on rear- or side-facing roof planes to minimize visual impact from the street. Placement on front-facing roofs may be permitted when rear or side installation is impractical due to efficiency loss, structural constraints, or shading.

#### **E. Historic or Design Review Districts**

- Rooftop Solar Energy Systems located within designated historic or design review districts are subject to the provisions outlined in Chapter 7 of this ordinance.

#### **F. Structural Requirements**

- All rooftop installations must comply with the Michigan Building Code and local structural load requirements. Roofs must be capable of supporting the weight and wind loads of the proposed system. A structural certification may be required at the discretion of the Building Official.

#### **G. Fire Access and Emergency Provisions**

- All RSES installations must comply with applicable fire access and emergency clearance requirements as detailed in Chapter 4.

### **Chapter 4: Building-Integrated and Other Solar Energy Systems**

#### **A. Applicability**

- Building-integrated solar energy systems (Bises), including but not limited to systems incorporated into walls, windows, skylights, façades, canopies, awnings, or other structural elements, are permitted as accessory uses in all zoning districts.

#### **B. Design Integration**

- Bises shall be architecturally integrated into the structure on which they are installed. Materials, color, and design should minimize visual contrast with the host building and surrounding structures.
- The system shall not appear as an unrelated or add-on component and should retain the visual character of the primary structure.

#### **C. Location & Use**

- Building-integrated systems may be used on any façade or surface of a principal or accessory building, subject to visibility standards for historic and design review districts (see Chapter 7).



- Systems may project up to 24 inches from the surface of the building, provided the projection does not encroach upon a required setback or public right-of-way.

#### **D. Height and Dimensional Standards**

- BISES must comply with all height and bulk regulations of the zoning district, except as otherwise permitted for minor architectural projections.
- For freestanding structures (e.g., solar awnings or pergolas not attached to a principal building), setback, lot coverage, and accessory structure standards shall apply unless specifically exempted under this ordinance.

#### **E. Permitting and Review**

- All BISES installations require a building permit and must comply with the Michigan Building Code, National Electrical Code, and applicable local construction and safety standards.
- The Building Official may require architectural drawings or product specifications to verify integration and code compliance.

#### **F. Historic or Design Review Districts**

- BISES in designated historic or design review districts are subject to additional review and approval as detailed in Chapter 7.

### **Chapter 5: Battery Energy Storage Systems (BESS)**

#### **A. Applicability**

- This section applies exclusively to Battery Energy Storage Systems (BESS), installed on-site as accessory components of a permitted Solar Energy System.
- If no BESS is proposed, the standards in this section do not apply.

#### **B. Residential BESS Standards**

- BESS must be located in a detached shed that is:
  - Not visible from the public right-of-way,
  - Set back at least 10 feet from all property lines,
  - Properly enclosed and ventilated for safety.
- If installation in a detached shed is infeasible due to site constraints, the BESS may be installed within an attached garage, provided it:
  - Is mounted on an exterior wall,

- Includes appropriate air filtration and ventilation systems,
- Is reviewed and approved by the Building Official for safety compliance.
- BESS are **prohibited** from being located in basements, crawl spaces, or below-grade structures due to safety and environmental concerns.
  - While International Residential Code R302.6 does permit On-Site BESS to be in basements, it is only with proper building requirements. Local Fire Officials believe that current construction on residential properties do not have the necessary construction materials to meet this standard, and thus we prohibit On-Site BESS from being in the basements.
- Outdoor BESS may be permitted if:
  - Located at least 10 feet from any property line,
  - Properly screened from public view with landscaping or fencing,
  - Clearly marked as containing electrical equipment,
  - Compliant with applicable setback and fire safety codes.

### C. Commercial BESS Standards

- BESS may be installed within a principal building or accessory structure, or outdoors if:
  - The system is enclosed in a ventilated, secure cabinet,
  - Located at least 10 feet from any property line,
  - Properly screened and labeled for safety,
  - Reviewed for code compliance by the Building Official.

### D. Safety Standards

- All BESS installations must comply with:
  - The Michigan Building Code,
  - The National Electrical Code (NEC),
  - National Fire Protection Association (NFPA) standards,
  - Any additional requirements adopted by the City.
- Systems must include:
  - Emergency shutoff capability,
  - Manufacturer specifications for ventilation and thermal management,

- Secure housing to prevent tampering or unauthorized access.

#### **E. Screening and Visibility**

- BESS must not be visible from public right-of-way where feasible.
- Screening with non-deciduous landscaping or opaque fencing is required for all outdoor systems.

#### **F. Permits and Inspection**

- All BESS installations require a building and electrical permit.
- Regular maintenance and inspection must be performed per manufacturer guidance.
- Proof of BESS inspection and/or maintenance shall be submitted to the City every one to two years to confirm safe operation and environmental compliance.

### **Section 4: Safety and Structural Standards**

#### **A. Applicability**

- This section applies to all solar energy systems (SES) and Battery Energy Storage Systems (BESS) permitted under this ordinance, including ground-mounted, rooftop, and building-integrated systems in all zoning districts.

### **Chapter 1: Structural Integrity and Installation**

#### **A. Applicability**

- This chapter applies to all solar energy systems (SES), including rooftop, ground-mounted, and building-integrated systems, as well as any supporting structures required for Battery Energy Storage Systems (BESS).

#### **B. Compliance with Building Codes**

- All SES installations must comply with the Michigan Building Code, including:
  - Structural load requirements (wind, snow, seismic),
  - Anchorage and uplift resistance,
  - Frost protection and foundation standards for ground-mounted systems.
- Rooftop solar systems shall not compromise the structural integrity of the roof and may require certification by a licensed structural engineer, as determined by the Building Official.

- Ground-mounted systems must be designed and installed to withstand site-specific soil conditions, prevent erosion, and maintain foundation stability throughout seasonal changes.

### **C. Engineering and Design Standards**

- All components (racking, panels, fasteners, etc.) shall be designed and installed according to the manufacturer's specifications and applicable engineering standards.
- Systems must be reviewed for:
  - Weight distribution and load path (especially for retrofit rooftop systems),
  - Potential for uplift or shear under wind loading,
  - Long-term durability under freeze-thaw and moisture exposure.
- Additional documentation may be required for systems with atypical designs or in areas with known geotechnical constraints (e.g., high water table, slope instability).

### **D. Approval and Inspection**

- Building permits are required for all SES installations, including structural review when applicable.
- The City may require submission of:
  - Structural drawings stamped by a licensed design professional,
  - Load calculations for rooftop systems,
  - Foundation design for large ground-mounted arrays.
- Final approval shall be contingent upon inspection and verification that the system was installed according to permitted plans and applicable codes.

## **Chapter 2: Fire Access and Emergency Clearance**

### **A. Applicability**

- This chapter applies to all rooftop, ground-mounted, and battery-integrated solar energy systems (SES) installed in the City of Lathrup Village.

### **B. Rooftop Systems – Access & Pathways**

- All rooftop solar energy systems shall be installed in compliance with NFPA 1, IFC, and the Michigan Residential Code, which require:
  - Minimum clearances around roof edges and ridgelines (typically 36 inches on either side of a ridge for pitched roofs),

- Pathways for firefighter movement (minimum 36-inch-wide unobstructed walking paths),
- No panels installed over roof vents, skylights, or access hatches,
- A minimum 18-inch setback on either side of a roof ridge for residential buildings, unless otherwise permitted by the Fire Marshal.
- Systems installed on townhouses, multifamily buildings, or commercial structures may require alternate layout reviews by the Fire Department for compliance with more stringent codes.

### **C. Ground-Mounted Systems – Emergency Access**

- Ground-mounted systems must be sited so as not to obstruct:
  - Emergency vehicle routes,
  - Driveways or service access areas,
  - Fire hydrants or utility shutoffs.
- Systems located near emergency infrastructure may be required to submit a site-specific fire access plan showing unobstructed access zones, particularly in commercial or multifamily applications.

### **D. Battery Energy Storage Systems (BESS)**

- BESS installations must:
  - Include a clearly visible emergency disconnect or shutoff switch,
  - Be labeled with hazard warnings and emergency contact information,
  - Maintain clear access around all sides for inspection and emergency personnel, with minimum 3-foot clearance unless otherwise approved.
- Indoor BESS (e.g., garage-mounted) must include:
  - Fire-rated enclosures (if required by product listing or code),
  - Adequate ventilation or filtration as determined by manufacturer specifications and the Building Official.

### **E. Emergency Signage and Marking**

- All SES and BESS installations must be labeled at main service entrances and disconnects with durable placards stating:
  - Presence of solar and/or battery systems,

- System voltage and shutoff locations,
- Name and emergency contact of the installer or system owner.
- Placards shall be weather-resistant, at least 6 inches by 6 inches, and located in accordance with NFPA 70 and NEC Article 690 requirements.

### **Chapter 3: Electrical Standards and Code Compliance**

#### **A. Applicability**

- This chapter applies to the electrical components of all solar energy systems (SES) and Battery Energy Storage Systems (BESS) installed within the City of Lathrup Village, including rooftop, ground-mounted, and building-integrated systems.

#### **B. National Electrical Code Compliance**

- All electrical work associated with SES and BESS must comply with the most recent edition of the National Electrical Code (NEC), including but not limited to:
  - Article 690 (Photovoltaic Systems),
  - Article 706 (Energy Storage Systems),
  - Article 705 (Interconnected Power Production Sources).
- Electrical permits must be obtained prior to installation, and all work shall be inspected by a licensed City or State electrical inspector.

#### **C. Equipment Standards and Listings**

- All electrical components (inverters, disconnects, charge controllers, combiner boxes, batteries, etc.) shall be UL-listed or listed by a nationally recognized testing laboratory (NRTL).
- Wiring, conduits, junction boxes, and cable trays must be:
  - Weather-rated for exterior installations (where applicable),
  - Properly grounded and bonded,
  - Protected from physical damage and sunlight exposure.

#### **D. Disconnect and Overcurrent Protection**

- All SES installations must include a readily accessible AC and DC disconnect switch, clearly labeled and installed per NEC standards.
- Overcurrent protection (fuses or breakers) must be sized according to system design and NEC requirements.

- For grid-tied systems, the point of interconnection must be identified on the electrical service panel, with any line-side taps requiring documentation.

### **E. Conduit and Wiring Appearance**

- Conduit and electrical raceways shall be:
  - Mounted neatly and as inconspicuously as possible,
  - Painted to match the surface to which they are affixed (on visible surfaces),
  - Secured at regular intervals and protected from corrosion.

### **F. System Labeling and Diagrams**

- Placards and permanent labels must be installed at:
  - The main electrical panel,
  - All disconnect switches,
  - The inverter or combiner box,
  - Battery enclosures (if applicable).
- A one-line diagram of the full system must be submitted as part of the electrical permit and must be posted at the main disconnect for systems with BESS.

## **Section 5: Decommissioning, Abandonment, and Removal**

### **Applicability**

This section applies to all Solar Energy Systems (SES), including ground-mounted, rooftop, building-integrated systems, and any Battery Energy Storage Systems (BESS) installed as part of the SES. The provisions herein apply to both residential and commercial properties, with additional requirements for principal-use systems as applicable.

### **Chapter 1: Triggers for Decommissioning**

#### **A. Applicability**

This chapter applies to all solar energy systems (SES) and associated Battery Energy Storage Systems (BESS), including rooftop, ground-mounted, building-integrated, residential, and commercial installations.

#### **B. Required Decommissioning**

Decommissioning and removal of the SES and any associated BESS shall be required under any of the following conditions:

**1. Abandonment of Use**

- The system fails to produce energy or demonstrate regular use for a continuous period of 12 consecutive months, unless the property owner provides documentation of an ongoing maintenance or repair plan approved by the City.

**2. Damage or Structural Failure**

- The system is damaged and declared inoperable or unsafe by the City's Building Official, Fire Marshal, or another authorized authority having jurisdiction.

**3. Zoning or Site Use Change**

- The property undergoes a change in zoning, use, or ownership that renders the system noncompliant with applicable regulations, and no variance or special land use approval is granted.

**4. Ongoing Noncompliance**

- The system is in violation of this ordinance or other applicable codes, and the owner fails to take corrective action within the timeframe prescribed by the City following official notice.

## **Chapter 2: Decommissioning Plan Requirements**

### **A. Applicability**

This chapter applies to all Principal-Use SES and large-scale Commercial Accessory SES installations. It does not apply to typical residential rooftop or ground-mounted systems unless otherwise required by the City.

### **B. Required Submittals**

A **Decommissioning Plan** shall be submitted as part of the site plan review and must include the following:

**1. Component Removal Plan**

- Description of how all SES and BESS components will be dismantled and removed, including panels, mounting hardware, foundations, underground wiring, fencing, and battery systems.

**2. Site Restoration Plan**

- Steps for restoring the site to its pre-installation condition, including:



- Removal of concrete or gravel pads unless repurposed,
- Grading and backfilling where needed,
- Topsoil replacement and revegetation with native or approved ground cover.

### 3. Responsible Party

- Name and contact information of the party responsible for carrying out the decommissioning.

### 4. Cost Estimate and Financial Assurance *(if required)*

- An itemized estimate of the cost to decommission and restore the site, prepared by a qualified contractor or engineer.
- The City reserves the right to require financial security (e.g., bond, escrow) to ensure availability of funds for decommissioning.

## Chapter 3: Removal and Restoration Standards

### A. Applicability

This chapter applies to all SES and BESS installations that are decommissioned, regardless of size, zoning district, or use classification.

### B. Removal Requirements

Upon decommissioning, the following components shall be fully removed from the site unless otherwise approved by the City:

#### 1. Above-Ground Equipment

- Solar panels, racking, support structures, fencing, inverters, batteries, and accessory electrical components.

#### 2. Below-Ground Infrastructure

- Foundations, mounting poles, and underground conduit or wiring must be removed to a depth of at least three feet below grade, unless the City permits otherwise due to safety, environmental, or reuse considerations.

#### 3. Utility Connections

- All utility connections shall be disconnected and removed in accordance with utility company and electrical code requirements.

### C. Site Restoration

After component removal, the following restoration steps must be completed:

**1. Grading and Drainage**

- Ground must be regraded to blend with surrounding terrain and prevent erosion.

**2. Soil Stabilization**

- Any disturbed topsoil must be replaced and stabilized.

**3. Revegetation**

- Site must be revegetated with grass, native plantings, or other ground cover acceptable to the City.

**D. Exceptions and Reuse**

- Property owners may request to retain specific system elements (e.g., concrete pads, fencing) if they are to be repurposed in a manner consistent with the Zoning Ordinance and approved in writing by the City.

**Chapter 4: Timelines and Enforcement**

**A. Decommissioning Timeline**

- Decommissioning must begin within 90 days of the trigger event defined in Chapter 1 (e.g., system abandonment, structural failure, zoning change).
- Decommissioning must be completed within 180 days, including:
  - Full removal of equipment,
  - Restoration of the site,
  - Final inspection and approval by the City.
- The City may grant a one-time extension (not to exceed 90 additional days) upon written request showing good cause.

**B. Property Owner Responsibility**

- The property owner is solely responsible for:
  - All costs associated with decommissioning and site restoration,
  - Compliance with all applicable permit and safety regulations,
  - Coordinating with utility providers for disconnection and equipment removal.

**C. Enforcement and Penalties**

- If decommissioning is not completed within the prescribed timeline, the City may:

- Issue a Notice of Violation requiring compliance within a specified period,
- Perform removal and restoration itself and recover costs from the owner via lien or special assessment,
- Issue municipal civil infractions for continued noncompliance or documented environmental damage, in accordance with City Code.

## **Section 6: Repowering of Solar Energy Systems**

### **A. Applicability**

This section applies to the repair, upgrade, or replacement of any component of a previously approved Solar Energy System (SES), including panels, inverters, racking systems, or Battery Energy Storage Systems (BESS), whether residential, commercial, or principal-use.

### **B. Definition of Repowering**

For the purposes of this ordinance, “repowering” shall mean the partial or complete upgrade, replacement, or rebuilding of an existing SES or BESS using newer or higher-efficiency technology, where the system's fundamental purpose (on-site generation and/or storage) remains the same.

### **C. Permitting Requirements**

- Repowering activities that involve changes to the physical footprint, system height, location, or visual impact (e.g., panel relocation, racking changes) shall require submission of updated site plans and a zoning review.
- If repowering includes only internal component swaps (e.g., inverter replacement, panel-for-panel upgrades of the same size and placement), a building and/or electrical permit may be required, but zoning approval is not unless specified by the Building Official.
- In all cases, repowered systems must comply with the current Michigan Building Code, NEC, and NFPA safety standards.

### **D. Decommissioning Timeline Reset**

- A repowered system is considered “active” and shall reset any decommissioning or abandonment timelines outlined in Section 5, provided it resumes operation within 60 days of completion.

## **Section 7: Historic and Design Review Districts**

## **A. Applicability**

This section applies to all Solar Energy Systems (SES) and Battery Energy Storage Systems (BESS) proposed on properties located within a designated Historic District or Design Review Overlay District as defined by City ordinance.

## **B. Review Authority and Process**

- Any SES or BESS installation within a historic or design review district shall be subject to review and approval by the Historic District Commission (HDC) or Design Review Board, as applicable.
- Applicants must submit:
  - A site plan or roof layout showing proposed system placement,
  - System specifications (color, mounting style, panel finish),
  - Photographic documentation of the existing conditions,
  - A visibility analysis, where requested.
- The Commission or Board shall review applications for conformance with:
  - The City's Historic District ordinance,
  - Design guidelines or overlay standards,
  - The Secretary of the Interior's Standards for Rehabilitation, where applicable.

## **C. Design Compatibility Standards**

- Systems should be installed in locations that minimize visibility from the public right-of-way whenever feasible.
- Preferred placement includes:
  - Rear-facing roof planes,
  - Detached accessory structures (e.g., garages or sheds),
  - Ground-mounted systems in rear yards with appropriate screening.
- Where front-facing or highly visible installations are proposed due to site constraints, systems must:
  - Be integrated into the building form or roofline,
  - Use low-profile panels with matte or non-reflective finishes,
  - Match or complement existing materials and colors.

### **D. Exceptions and Appeals**

- If strict application of these standards would prevent effective use of solar energy, the Commission or Board may approve alternative placement or design with documented justification.
- Applicants may appeal a denial in accordance with the City's established procedures for the Historic District Commission or Design Review Board.

## **Section 8: Administrative Procedures**

### **A. Applicability**

This section outlines the procedures for the review, approval, and enforcement of all Solar Energy Systems (SES) and Battery Energy Storage Systems (BESS) regulated under this ordinance.

### **B. Permit Application Requirements**

- All proposed SES or BESS installations shall require the submittal of a permit application to the City's Building Department or Planning Department, as applicable.
- The application shall include:
  - A completed application form,
  - Site plan or roof layout showing location and dimensions of SES/BESS,
  - Structural details and mounting method,
  - Electrical system plan including inverter, disconnects, and interconnection points,
  - Product specifications for panels, batteries, and inverters,
  - For ground-mounted systems: screening/landscaping plan and setback distances,
  - For historic/design districts: materials required in Section 7.
- If required by this ordinance, the applicant shall also submit a:
  - Decommissioning Plan,
  - Maintenance plan (for commercial systems or BESS),
  - Structural certification (for retrofit rooftop systems).

### **C. Review and Approval Process**

- Permit applications will be reviewed by the Zoning Administrator, Building Official, and other relevant City staff to ensure compliance with this ordinance and all applicable building and safety codes.
- Applications may be referred to the Planning Commission, Historic District Commission, or Design Review Board for additional review where applicable.
- Permits shall be issued upon confirmation that the application meets all relevant standards, and all fees have been paid.
- Work must begin within 180 days of permit issuance and be completed within the time period specified in the permit or as required by the applicable code.

#### **D. Modifications, Appeals, and Variances**

- Any modification to an approved SES or BESS (e.g., system expansion, relocation) shall require updated plans and review by the appropriate City departments.
- Applicants may request administrative relief or minor adjustments (e.g., alternate screening, panel placement) where strict compliance would cause undue hardship or significantly reduce system performance. Requests must include justification and may be approved at staff discretion or referred to the Planning Commission.
- Appeals of permit denials or interpretation of this ordinance shall follow the City's standard appeal procedures, including those available under the Zoning Ordinance or to the Zoning Board of Appeals (ZBA), if applicable.

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### **Section 9. Severability**

If any section, sentence, clause, or phrase of this ordinance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining sections.

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### **Section 10. Effective Date**

This ordinance shall take effect on [Effective Date], following its adoption and publication as required by law.

# memorandum

**DATE:** June 13, 2025

**TO:** Lathrup Village Planning Commission

**FROM:** Jill Bahm & Eric Pietsch, Giffels Webster

**SUBJECT:** Zoning Amendment – Money Service Businesses

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## Previous Discussion

At the May 20, 2025 meeting, the Planning Commission discussed the proposed ordinance amendment language as well as the research provided in the planner's memo, pertaining to establishing limitations to money service businesses in the community. While there was some interest in further restricting the use to the Commercial Vehicular District only, the overall consensus was that the proposed 1-mile separation requirement would prevent more than 2 or 3 money service businesses from being permitted in the city as a whole. The community and surrounding area are served by money services businesses that exist, within reach, beyond the city limits.

An update to the proposed amendment is found in Section 4.23 which removed reference to the Southfield Police Department. Otherwise, the Planning Commission moved to establish a public hearing to consider the proposed amendment, as written, at the June 17<sup>th</sup> meeting.

*The remainder of this memo is provided as background.*

## Introduction

### What prompted this amendment?

At the March 17, 2025 meeting, the Lathrup Village City Council resolved to impose a 180-day moratorium on accepting any applications to locate money service businesses within the city and that the Planning Commission shall not process any applications for such uses during the moratorium period. In recognition that market size of money service businesses has grown rapidly in recent years with a compounded annual growth rate greater than ten percent a year, there is an inherent need to study the issue in order to ensure consistent, cohesive, and sensible land use and development in the city, including responding to the local needs and goals of the Master Plan. As part of the resolution, the City Planner, City Attorney, and City Administrative Staff are tasked to propose language to be presented for a public hearing to the Planning Commission and ultimately to the City Council to define what a money service business may consist of, to propose which zoning district(s) that such use should be located within, whether such use shall be a permitted or special land use within the applicable zoning district, and to propose regulations managing the concentration of such businesses.

1. InCharge Debt Solutions. [What Is Check Cashing? Benefits, Downsides, & How it Works](#)
2. [Drowning in Debt: A Health Impact Assessment of How Payday Loan Reforms Improve the Health of Minnesota's Most Vulnerable - Human Impact Partners](#)

### Why is there concern?

According to InCharge Debt Solutions<sup>1</sup>, check cashing businesses provide services to millions of people, but they should not be relied upon for the long term. On a one-time basis when the need is high, using the service can be beneficial, but the high fees of the service add up and lead to a debt spiral that is hard to break. The fees to cash checks on a continuous basis can result in difficult cycles, particularly for low-income users who are seeing a percentage of the little money they earn, go to a service just to cash a check. Among the negatives:

- **Fees:** The Consumer Federation of America reports the average nationwide percentage to cash a check at a service is 4.1% of the value of the check and that it varies by state.
- **Upselling:** The selling of predatory lending, such as payday loans, for immediate cash but with unreasonably high interest rates.
- **Risk:** Customers who complete a transaction at a check cashing business with a large amount of cash may be targeted by would-be criminals.
- **No federal protection:** There is no FDIC protection of money as there is at a bank.
- **Getting trapped:** The instant gratification of easy money may be convenient but in the long term, results in more harm than good to a person's financial wellbeing.

The high fees and interest charged by check cashing payday loan businesses drain money from local economies, reducing the disposable income of residents and limiting community investment. This can lead to a decline in local business activity and hinder community development efforts.<sup>2</sup>

## Current Ordinance

The ordinance does not include any provisions for money service businesses, more commonly referred to as check cashing businesses, nor does it define a term, or related term. It is important to state that money service businesses are not banks and do not provide banking services, and therefore, it is imperative to include a definition within the ordinance to establish that distinction.

Money service businesses are a convenience by nature and therefore operate within modest-sized building footprints. There are currently two existing money service businesses located in the city; one within the CV -Commercial Vehicular zoning district, and the other in the MX -Mixed-Use zoning district; and both along the west side of Southfield Road near 12 Mile Road. Communities throughout the country are taking precautionary measures in order to ensure the presence, or overabundance, of money service businesses do not negatively impact the quality of life, public health, safety, and general welfare of the community. As a built-out community, Lathrup Village is well positioned to amend its zoning ordinance in order to address these uses in a manner that is fitting for the residents of the community.

## Considerations

### What are the appropriate options for money service businesses?

The neighboring city of Southfield adopted restrictions limiting the location of money service businesses in 2012. The city of Southfield has implemented a set of conditions for Alternative Financial Services that may be viewed as excessive in Lathrup Village, given its much more confined context. With that said, for consistency, we propose the definition of terms to be aligned with those found in Southfield's code. A combination of restricting money service businesses to be no less than 1 mile from each other and allowing for the permitting of them as special land uses within the Commercial Vehicular and Mixed-Use districts only, significantly limits where this type of use could be permitted within a city of such small stature. Our analysis finds that money service businesses exist in close proximity to all city boundaries of Lathrup Village, and as a result, satisfy the demand for one or more facilities in a 1-to-2-mile distance. The context



of the built environment along the commercial corridors in Lathrup Village, coupled with the intentions of non-residential zoning districts, and the community's Comprehensive Plan, result in a recommendation that any development application for a money service business be restricted to the Commercial Vehicular and Mixed-Use districts as a special land use, subject to the review and consideration of the Planning Commission and City Council, with solicited input from the public.

Considering there are money service businesses in two separate zoning districts that provide service to the city's residents, we suggest proposing spatial restrictions within these districts (Commercial Vehicular and Mixed-Use) and prohibit the use in all other zoning districts. These restrictions are listed in Article 4, Use Standards, below, and will restrict additional money service businesses, will initially allow for no more than three such uses, and ultimately will likely permit no more than two uses in the city in the future.

Bearing in mind the "Intent" statements of the Commercial Vehicular and Mixed-Use districts in the zoning code, the intent of the Commercial Vehicular district is *"to provide automobile-oriented commercial uses that typically create higher trip generation along major intersections within the city, where potential adverse impacts on adjacent uses may be minimized."*

- These areas are limited to Southfield Road at 12 Mile Road and Southfield Road at 11 Mile Road/I-696.

The intent of the Mixed-Use district is *"to allow flexibility in the redevelopment of property along Southfield Road, where frontage lots limit the availability of parking and compliance with building setbacks. This district will encourage pedestrian-oriented design and will complement the Village Center district."*

- The majority of parcels along Southfield Road are zoned Mixed-Use, which dictates the proposed separation dimensions that will ultimately limit the number of money service businesses along Southfield Road, and to a lesser extent, the north side of 11 Mile Road (east of Southfield Road).

The articles of the ordinance where amendments are proposed are briefly summarized below. The proposed text amendment follows this memo.

## **Article 2. Definitions.**

See attached text amendment.

## **Article 3. Zoning Districts.**

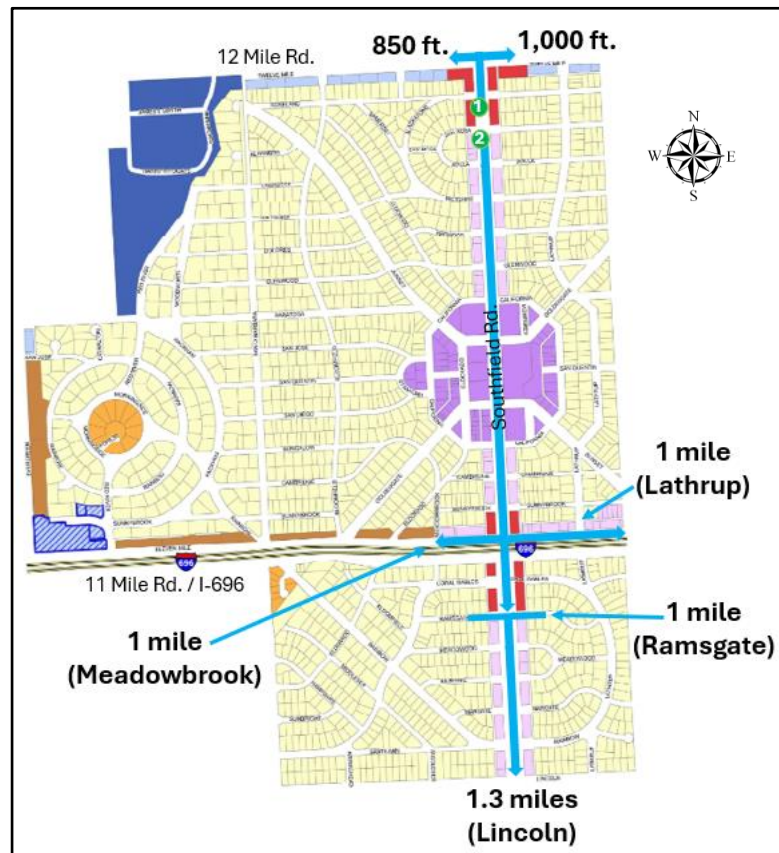
Money Service Businesses may be permitted in the CV -Commercial Vehicular and MX -Mixed-Use zoning districts, subject to special land use approval. Proposed special land uses require a full site plan review for consideration by the Planning Commission, a public notice for a public hearing, and ultimately, approval by the City Council. Money service businesses will not be permitted by right in any zoning district.

**Article 4. Use Standards.** A money service business cannot be located nearer than 1 mile (5,280 feet) to any other money service business location. Establishing this type of requirement is considered a “dispersal standard”. In Lathrup Village, there are two existing money service businesses that are approximately 500 feet apart; therefore, these uses shall be considered legally nonconforming until one, or both, no longer exist.

In the future, if one of the two businesses were to close, and/or relocate, they would only be able to do so, by way of a special land use request, on either a Commercial Vehicular or Mixed-Use zoned parcel, and no less than one mile from any other money service business. Applying this standard would limit possible parcels to the south side of the city within either the CV or MX district. The map in Figure 1, at right, shows the approximate 1-mile distance from the existing money service businesses, and further illustrates how the proposed ordinance language will limit these uses.

**FIG. 1. Distances (blue arrows) from existing money service businesses (green circles). No money service business is permitted within 1 mile of another and may be permitted as a special land use in the CV district (red) and MX district (pink) only.**

A third money service business may be considered for special land use approval but would be restricted to MX parcels on Southfield Road, south of Ramsgate, and MX parcels, on 11 Mile Road, east of Lathrup; locations that are no less than a mile from the existing money service businesses.



If any one of the three money service businesses were to close, any future scenario would likely result in only two money service businesses existing at any given time thereafter, as their separation would consistently be limited to 1 mile or greater within the boundaries of the city. *Distances are approximate in Fig. 1 above.*

Per Section 4.7 of the zoning code, businesses in Lathrup Village are permitted to operate between the hours of 7:00 a.m. and 11:00 p.m. We recommend the allowed hours of operation for money service businesses be reduced to 8:00 a.m. and 7:00 p.m. We find that a common hours of operation for money service businesses is between the hours of 9:00 a.m. and 6:00 p.m. The Planning Commission may consider allowing different operating hours.

#### **Article 5. Site Development Standards.**

Off-street parking requirements for money service businesses would align with the current standards for professional and administrative office uses, which are defined as, “*Businesses which serve as offices for professional, executive, administrative, and medical uses, including the offices of architects, accountants,*

*insurance, doctors, dentists, government, and financial institutions*". Therefore, money service businesses are proposed to require:

- 1 space for every 275 square feet of gross floor area. Section 5.13.14.C.i. Business and Commercial Uses (professional and administrative offices, including cannabis safety compliance facilities).

## What does the Master Plan say?

### Vision, Goals, & Objectives

What do we want and why?

- Thriving local businesses
- Employed workforce
- A convenient selection of goods and services
- A diverse tax base with a resilient economy
- Provide meaningful, well-paying jobs for residents
- Provide entry-level jobs for younger residents
- Offer access to local goods and services for residents

### Future Land Use

#### Commercial Vehicular

- The intent of the Commercial Vehicular category is to serve transient customers, creating a higher trip generation to the commercial site. These areas are located along Southfield Road at the intersections of 11 Mile Road and 12 Mile Road. The uses envisioned within this land use class would include retail, restaurant, service businesses such as banks, professional offices, and gas stations.

#### Mixed Use

- The blocks north of the Village Center and blocks south of 11 Mile Road are designated mixed use, to be redeveloped with residential, office, and "lower trip-generation retail businesses." Most of the Southfield Road Corridor, except the Village Center and mile road intersections, are designated as Mixed Use.
  - Given the modest size of money service businesses, the Mixed-Use district is likely to accommodate this type of use in the existing urban context.

#### Village Center

- The Village Center establishes a concentrated area for commercial and civic activities. It is envisioned that there will be a mix of public and private property, including residential, office, retail, restaurant, entertainment, gathering spaces, and recreation areas. The final configuration of Southfield Road will dictate the size and development footprint of the area. It is anticipated that the internal road network will be developed to continue the alley system and the conceptual "Park Street Promenade." The current civic facilities are intended to remain in the Village Center area but may be leveraged or reconfigured to accommodate the redevelopment as envisioned for a vibrant, compact, pedestrian-oriented downtown area.

- Given the extent to which the proposed amendment language restricts money service businesses to not less than 1 mile, the Village Center is not included in the zoning districts that will allow for those types of uses.

#### Commercial Corridors / Downtown Plan

- The Lathrup Village Downtown Development Authority (DDA) includes all parcels zoned CV - Commercial Vehicular. The Commercial Corridors and Downtown Plan reports, *“the future success of Lathrup Village’s current effort to revitalize its commercial area will depend, in large measure, on the readiness and ability to initiate public improvements that strengthen the commercial area and when feasible to participate in the development of new private uses that clearly demonstrate the creation of new jobs, the attraction of new business, and the generation of additional tax revenues.”* The moratoria placed upon money service businesses is a proactive response to a recognized threat and relies upon the Master Plan and its studies to determine how to best address the ongoing goals of revitalizing the downtown area.
- When considering applications for special land use approval, the Planning Commission should look to the goals and objectives of the Commercial Corridor Plan of the Master Plan. This will provide sound guidance when considering whether a particular site is suitable for use as a money service business.

## Summary / Recommendation

The Planning Commission may wish to discuss the proposed draft language that follows. Once satisfied with the text, a public hearing may be set. A recommendation to City Council will follow.

## **Amend Section 2.2: Definitions to add:**

**Money Service Business.** Any non-chartered financial institution offering check cashing services, currency exchange, pay-day loans, and/or similar services as its primary function.

**Check Cashing Facility.** A money service business that for compensation engages, as its primary function, in the business of cashing checks, warrants, drafts, money orders, or other commercial papers serving the same purpose. "Check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. "Check cashing facility" also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for a minimum flat fee as a service that is incidental to its main purpose or business.

## **Amend Section 3, Zoning Districts, to add Money Service Business as a special land use in the CV -Commercial Vehicular Zoning District and MX -Mixed-Use Zoning District.**

Section 3.1.7.C.xiii. Money Service Business

Section 3.1.9.C.xi. Money Service Business

## **Amend Section 4, Use Standards, to add a new standard:**

Section 4.23. Money Service Business. When permitted as a special land use, the Planning Commission shall consider all of the following:

1. A money service business shall not be located any nearer than 1 mile (5,280 feet) to any other money service business location.
2. That the money service business will not have a negative impact on adjacent residential neighborhoods.
3. That the money service business will not result in a negative impact on surrounding businesses.
4. The petitioner has implemented the recommendations made by the City of Lathrup Village's Police Department regarding site security.

## **Amend Section 5, Site Standards, to add a new use:**

Section 5.13.14.C. Business and Commercial. i. Professional and Administrative Offices including cannabis safety compliance facilities to include "money service business".

1 space for every 275 square feet of gross floor area.

# memorandum

**DATE:** June 13, 2025

**TO:** Lathrup Village Planning Commission

**FROM:** Jill Bahm & Eric Pietsch, Giffels Webster

**SUBJECT:** Zoning Amendment – Small Box Retail Discount Store

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## Previous Discussion

At the May 20, 2025, meeting, the Planning Commission discussed the proposed ordinance amendment language as well as the research provided in the planner's memo pertaining to establishing limitations to small box retail discount stores in the community. Due to the findings that there is no shortage of accessible dollar stores in the surrounding area, the Planning Commission moved to establish a public hearing to consider the proposed amendment, as written, at the June 17<sup>th</sup> meeting.

*The remainder of this memo is provided as background.*

## Introduction

### What prompted this amendment?

At the March 17, 2025 meeting, the Lathrup Village City Council resolved to impose a 180-day moratorium on accepting any applications to locate small box discount retail stores within the city and that the Planning Commission shall not process any applications for such uses during the moratorium period. In recognition that chain dollar stores are rapidly expanding, there is an inherent need to study the issue in order to ensure consistent, cohesive, and sensible land use and development in the city, including responding to the local needs and goals of the Master Plan. As part of the resolution, the City Planner, City Attorney, and City Administrative Staff are tasked to propose language to be presented for a public hearing to the Planning Commission and ultimately to the City Council to define what a small box discount retail store may consist of, to propose which zoning district(s) that such use should be located within, whether such use shall be a permitted or special land use within the applicable zoning district, and to propose regulations managing the concentration of such businesses.

### Why is there concern?

Research has found that one of the most serious problems for a community's economic health is the impact of small box discount retail stores on existing businesses and, in particular, their impact on grocery stores. Most chain dollar stores stock only a limited selection of fresh or frozen vegetables, fruits, or meats. Even those that offer an expanded selection of fresh food, like DG Market and Dollar Tree Plus!, still provide only a fraction of the fresh food that a grocery store of comparable size offers. Yet, in both urban neighborhoods and small towns, these chains are opening stores at such a density that they crowd out full-service grocery stores and make it nearly impossible for new ones to open. A [2022 study by UCLA and the University of Toronto](#) found that if there are three chain dollar stores within a two-mile radius of one another, a full-service grocery store there will likely close.<sup>1</sup>

1. [Adopt Dollar Store Restrictions - Institute for Local Self-Reliance](#)

## Current Ordinance

The ordinance does not include any provisions for small box retail discount stores, more commonly referred to as dollar stores, nor does it define a term, or related term.

Of all the zoning districts in Lathrup Village, the Commercial Vehicular district is the most appropriate to consider including small box retail uses. Data shows that small box discount retail stores are becoming uses that oversaturate local markets and that communities throughout the country are taking precautionary measures in order to ensure their presence, or overabundance, does not negatively impact quality of life, public health, safety, and welfare. As a built-out community, Lathrup Village is well positioned to amend its zoning ordinance in order to address these uses in a manner that is fitting for the residents of the community.

## Considerations

### What are the appropriate options for small box retail discount stores?

Permit as a special land use in the CV -Commercial Vehicular district.

Considering the “Intent” statements of the Commercial Vehicular, Mixed Use, and Village Center districts in the zoning code, the intent of the Commercial Vehicular district is most fitting as it pertains to small box retail discount store uses. It states the CV district’s intent is *“to provide automobile-oriented commercial uses that typically create higher trip generation along major intersections within the city, where potential adverse impacts on adjacent uses may be minimized.”* These areas are limited to Southfield Road at 12 Mile Road and Southfield Road at 11 Mile Road / I-696.

Given the 1.5 square mile city of Lathrup Village is entirely surrounded by the city of Southfield, we recommend consistency with the zoning standards set forth in the city of Southfield, beginning with the definition, as written below.

### Article 2. Definitions.

**Small Box Retail Discount Store.** A retail store with a floor area ranging from 5,000-15,000 square feet that offers for sale an assortment of physical goods, products or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming and health products and other consumer goods, with the majority of items being offered for sale at lower than the typical market price. Small box discount stores do not include retail stores that: contain a prescription pharmacy; sell gasoline or diesel fuel; primarily sell specialty food items (e.g. meat, seafood, cheese, or oils and vinegars); or dedicate at least 15% of floor area or shelf space to fresh foods and vegetables.

### Article 3. Zoning Districts.

Small box retail discount stores may be permitted in the CV -Commercial Vehicular zoning district, subject to special land use approval. Proposed special land uses require a full site plan review for consideration by the Planning Commission, a public notice for a public hearing, and ultimately, approval by the City Council.

**Article 4. Use Standards.** A small box retail discount store cannot be located any nearer than 1 mile (5,280 feet) to any other small box retail location. Establishing this type of requirement is considered a “dispersal standard”.

Our research finds small box retail discount stores exist within less than a mile from the Commercial Vehicular zoning districts in Lathrup Village. Unless any of the outlying, existing stores become permanently closed, applying this standard would restrict small box retail discount stores to limited parcels within the CV district near Southfield Road and I-696. The map in Figure 1, on the page below, shows approximate

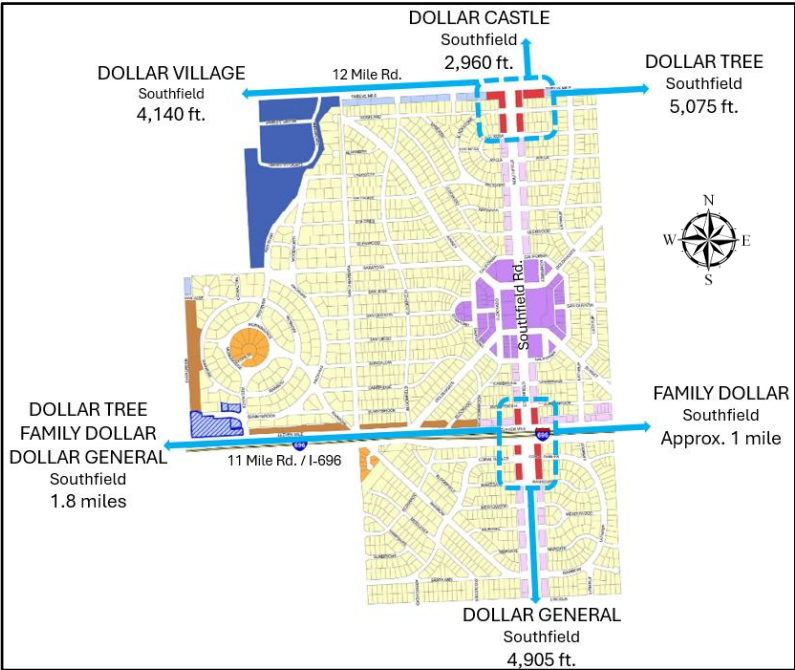


distances from the CV districts to the nearest small box retail discount stores, all of which are located in the neighboring city of Southfield.

When reviewing a request for a Special Use Permit, the Planning Commission shall consider all of the following;

- 1) Whether the small box retail discount store will have a detrimental impact on the development of grocery stores and other businesses that sell fresh and healthy food items in the area to be served by the proposed use.
- 2) The availability of healthy food options in the area of the proposed use, including the proximity of full-service grocery stores within one mile of the proposed use, and effect of the use on the retail food environment.
- 3) A Special Land Use approved under this section must stipulate that a minimum of 15 percent of the floor area of the variety/small box store must be dedicated to fresh produce, meat, and dairy products.

**FIG. 1. Nearest small box retail discount store from the CV - Commercial Vehicular zoning districts in Lathrup Village. Parcels zoned as CV are highlighted in red.**



This criterion reduces the parcels eligible for special land use allowance of small box retail discount stores to those along Southfield Road, within the blocks between 11 Mile Road and Sunnybrook Avenue, north of I-696. These sites are shown in the images below.



Hours of operation for small box retail discount stores in Southfield are limited to 8:00 a.m. to 10:00 p.m.



Per Section 4.7 of the zoning code, businesses in Lathrup Village are permitted to operate between the hours of 7:00 a.m. and 11:00 p.m. We recommend these hours remain consistent when applied to small box retail discount stores, unless the Planning Commission suggests otherwise.

#### **Article 5. Site Development Standards.**

No change to these standards is proposed. Off-street parking requirements for small box retail discount stores would align with the current retail use standards, and would be as follows:

- 1 space for every 200 square feet of usable floor area. Store sizes ranging from 5,000 to 15,000 square feet would generate a parking requirement of about 25 spaces minimum to 75 spaces maximum. Section 5.13.14.C.iv. Business and Commercial Uses (retail).

## **What does the Master Plan say?**

### Vision, Goals, & Objectives

What do we want and why?

- Thriving local businesses
- Employed workforce
- A convenient selection of goods and services
- A diverse tax base with a resilient economy
- Provide meaningful, well-paying jobs for residents
- Provide entry-level jobs for younger residents
- Offer access to local goods and services for residents

### Future Land Use

#### Commercial Vehicular

- The intent of the Commercial Vehicular category is to serve transient customers, creating a higher trip generation to the commercial site. These areas are located along Southfield Road at the intersections of 11 Mile Road and 12 Mile Road. The uses envisioned within this land use class would include retail, restaurant, service businesses such as banks, professional offices, and gas stations.

#### Mixed Use

- The blocks north of the Village Center and blocks south of 11 Mile Road are designated mixed use, to be redeveloped with residential, office, and “lower trip-generation retail businesses.” Most of the Southfield Road Corridor, except the Village Center and mile road intersections, are designated as Mixed Use.
  - The context of the physical layout and intent of the Mixed-Use district is not conducive to accommodating small box retail establishments.

#### Village Center

- The Village Center establishes a concentrated area for commercial and civic activities. It is envisioned that there will be a mix of public and private property, including residential, office, retail, restaurant, entertainment, gathering spaces, and recreation areas. The final configuration of Southfield Road will dictate the size and development footprint of the area. It is anticipated that the internal road network will be developed to continue the alley system and the conceptual “Park Street Promenade.” The current civic facilities are intended to remain in the Village Center area but may be leveraged or reconfigured to accommodate the redevelopment as envisioned for a vibrant, compact, pedestrian-oriented downtown area.

- Given the amount of parking required for small box retail stores, as well as the intended compact, pedestrian-oriented goals of the district, the Master Plan does not support these types of uses in the Village Center district.

#### Commercial Corridors / Downtown Plan

- The Lathrup Village Downtown Development Authority (DDA) includes all parcels zoned CV - Commercial Vehicular. The market study of the Master Plan reports, *while there does not seem to be a demand for additional retail goods and related service space, there is the potential to capture exported space in "Food," "General Merchandise," and "Miscellaneous" retail that includes operations such as Barber/Beauty salons, Book Stores, Florist/ Nurseries, Paper/Paper Products, and Gifts and Novelties. The catalytic activity and focus could be on specialty food activity.*
- Recommendations of the market study generally do not lend support for small box retail discount stores. Recommendations such as, but not limited to the following:
  - Continue to enhance the walkability of the city and its neighborhoods
  - Expand specialty food opportunities beyond a traditional farmers' market
  - Utilize first floor spaces for year-around and seasonal pop-up retail, and co-working activities
  - Expand community activity space for arts, culture, and educational training.

## Summary / Recommendation

The neighboring city of Southfield adopted restrictions limiting the location of small box discount retail stores in 2021. As an enclave surrounded entirely by Southfield, these restrictions would be reasonably effective if extended into the city of Lathrup Village. A combination of restricting small box discount retail stores to be no less than 1 mile from each other and allowing for the permitting of them as special land uses within the Commercial Vehicular district only, significantly limits where this type of use could be permitted within a city of such small stature. Our analysis finds that small box discount retail stores exist in close proximity to all city boundaries of Lathrup Village, and as a result, satisfy the demand for one or more stores in a 1-to-2 mile distance. In one instance, there are currently three independent stores at the intersection of 11 Mile and Lahser Roads to the west: Family Dollar, Dollar Tree, and Dollar General. The context of the built environment along the commercial corridors in Lathrup Village, coupled with the intentions of non-residential zoning districts, and the community's Comprehensive Plan, result in a recommendation that any development application for a small box discount retail store be restricted to the Commercial Vehicular district as a special land use, subject to the review and consideration of the Planning Commission and City Council, with solicited input from the public.

## **Amend Section 2.2: Definitions to add:**

**Small Box Retail Discount Store.** A retail store with a floor area ranging from 5,000-15,000 square feet that offers for sale an assortment of physical goods, products or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming and health products and other consumer goods, with the majority of items being offered for sale at lower than the typical market price. Small box discount stores do not include retail stores that: contain a prescription pharmacy; sell gasoline or diesel fuel; primarily sell specialty food items (e.g. meat, seafood, cheese, or oils and vinegars); or dedicate at least 15% of floor area or shelf space to fresh foods and vegetables.

## **Amend Section 3, Zoning Districts, to add Small Box Retail Discount Store as a special land use in the CV -Commercial Vehicular Zoning District.**

Section 3.1.7.C.xii. Small Box Retail Discount Store

## **Amend Section 4, Use Standards, to add a new standard:**

Section 4.22. Small Box Retail Discount Store. When permitted as a special land use, the Planning Commission shall consider all of the following:

1. A small box retail discount store shall not be located any nearer than 1 mile (5,280 feet) to any other small box retail location.
2. Whether the small box retail discount store will have a detrimental impact on the development of grocery stores and other businesses that sell fresh and healthy food items in the area to be served by the proposed uses.
3. The availability of healthy food options in the area of the proposed use, including the proximity of full-service grocery stores within one mile of the proposed use, and effect of the use on the retail food environment.
4. A Special Land Use approved under this section must stipulate that a minimum of 15 percent of the floor area of the variety/small box store must be dedicated to fresh produce, meat, and dairy products.

## Lathrup Village - Site Development Status

PZE Process #	Address	Applicant Name	PZE Process Type	Started	Date Completed PZE Process	Completed Construction (Yes/No)	Notes
PZE23-010	27300 Southfield Rd	Sadier Abro	Site Plan Review	6/15/2023	2/20/2024	No	<p>The Planning Commission reviewed and issued a zoning interpretation confirming that a laundromat is a permitted use, allowing the project to move forward. Following this decision, the site plan was formally approved on February 20, 2024.</p> <p>The approved site plan permits retail and personal care uses in the remaining units. An accounting firm, which previously occupied the northern unit, is returning to its original location. A nail salon and smoke shop are currently waiting completing the interior build-out.</p>
PZE24-013	26600 Southfield Rd	Hatem Hannawa	Site Plan Review	8/1/2024		No	<p>The revised site plan was approved by the Planning Commission on January 21, 2025. The engineering review for both interior and exterior build-out has been completed, and the necessary building permits have been obtained. Construction is now underway.</p>
PZE24-019	27700 Southfield Rd	Akiva Investments, LLC	Site Plan Review	10/22/2024		No	<p>The applicant is requesting site plan approval for the historic preservation and adaptive reuse of Lathrup Village's former high school, proposing its transformation into multi-family housing, co-working space, and an activity/event space. The project received approval from the Lathrup Village Historic District Commission (HDC) on February 19, 2025.</p> <p>A public hearing was held on April 15,</p>

							2025, at which the applicant presented the site plan to the Planning Commission for review and consideration, and the plan was approved on that date.
PZE24-020	28317 Southfield Rd	Lantei Takona	Site Plan Review	11/4/2024	12/17/2024	No	The site plan for a golf simulator business was approved by the Planning Commission on December 17, 2024. Since no interior construction is required, the business is currently in the process of installing golf simulator equipment in preparation for opening. Permanent wall sign was installed in June 2025.
PZE25-004	26710 Southfield Rd	Hueissine Alsayed	Site Plan Review	4/16/2025		No	The applicant requested approval for a change of use for a commercial unit located in the Mixed-Use (MC) district, converting the existing personal services use to retail. The proposed use supports a premade meal business, which prepares meals off-site in a commercial kitchen and sells them at retail locations. The Planning Commission approved the application at its May 20, 2025, meeting, and a new wall sign has since been installed at the site.
PZE25-005	28309 Southfield Rd	Raymond Sherer	Site Plan Review	5/6/2025		No	The applicant proposed a change of use for a commercial property in the Mixed-Use (MX) district, converting the unit from retail to personal services to accommodate an acupuncture massage and spa business. This business has operated in the city for several years at a different location. Since the proposed use is permitted by-right in the MX district and has the same parking requirements as the previous retail use, the site plan review was eligible for administrative approval.