



City Council Special Meeting Agenda

Monday, November 14, 2022 at 6:00 PM
27400 Southfield Road, Lathrup Village, Michigan 48076

ZOOM REMOTE MEETING INFORMATION

Webinar ID: 811 3736 3185

Password: Lathrup22

Online: <https://zoom.us/>

Telephone: 646.558.8656 or 312.626.6799

In accordance with Emergency Orders issued by the Michigan Department of Health and Human Services, Oakland County, local officials, and State of Michigan legislation, which allows for electronic meetings of public bodies, notice is hereby given that the City of Lathrup's City Council will be meeting electronically using [www.Zoom.us](https://zoom.us/) for videoconference and public access.

1. **Call to Order** by Mayor Garrett
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Agenda**
5. **Public Comments for Items on the Agenda** (Speakers are limited to 3 minutes)
6. **Public Hearing**

A. Eldorado Place Special Assessment District

7. **Action Requests - For Consideration / Approval**

A. Confirmation of Roll for Eldorado Place Special Assessment District

B. Council Rules of Order and Procedure Revision

C. Dumpster/Waste & Rubbish Discussion

D. Special Land Use - 26647 Southfield Road

E. Zoning Text Amendments - Permanent Power Generators

F. Zoning Text Amendments - Impervious Surface Coverage

8. **New Business**

A. Council Meet with the Public Discussion

9. **Infrastructure Committee Report**
10. **Public Comment**
11. **Mayor and Council Comments**
12. **Adjourn**

Upcoming Meetings:

Council Study Session is November 28th at 6:00pm

Council Regular Meeting is November 28th at 7:30pm

Council Training Opportunities:

MML - Newly Elected Officials Training November 30th in Lansing for in person and December 8th & 15th for virtual.

CITY OF LATHRUP VILLAGE
OAKLAND COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

ELDORADO PLACE
SPECIAL ASSESSMENT DISTRICT

NOTICE IS HEREBY GIVEN:

1. The City Council of the City of Lathrup Village, Oakland County, Michigan has passed a resolution to approve plans and estimates for the paving of Eldorado Place and directed the City Treasurer to make the Special Assessment Roll.
2. The City has declared its intention to enter into a cost-sharing agreement with the residents and make the following improvements in the City of Lathrup Village:

ELDORADO PLACE
SPECIAL ASSESSMENT DISTRICT

The project consists of the paving of Eldorado Place from 11 Mile Road to Meadowbrook Way.

The cost estimate of the improvements and the parts assessed against the lands in the Special Assessment District are as follows:

Estimated Construction Cost \$132,000 – \$180,000

DESCRIPTION OF SPECIAL ASSESSMENT DISTRICT

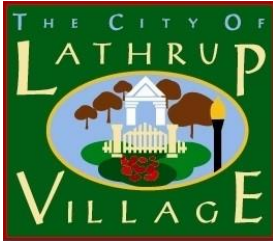
The Eldorado Place Special Assessment District consists of the following parcels of property located in the City of Lathrup Village and having the following tax identification sidwell numbers:

24-14-477-020	24-14-477-019	24-14-477-018	24-14-477-017
24-14-477-016	24-14-477-015	24-14-477-014	24-14-477-013
24-14-478-001	24-14-478-002	24-14-478-003	24-14-478-004

3. The Petitions, maps, showing the location of the improvements and the Special Assessment Districts, plans, specifications and a cost estimate for the improvements are on file with the City Clerk for public examination.
4. The City Council will meet on Monday, **November 14, 2022 at 6 :00 p.m.** in the Council Chambers located at 27400 Southfield Road, to hear from any and all interested parties as to all matters bearing upon the propriety of the tentative roll as prepared by the City Treasurer.
5. If the City Council confirms the roll, a special assessment will be levied against the properties that benefit from the improvements. Act 186 of the Public Acts of Michigan 1973, as amended, provides that the special assessment must be protested at the hearing held for the purpose of confirming the Special Assessment Roll before the Michigan Tax Tribunal may acquire jurisdiction of any dispute involving the Special Assessment Roll will be heard, if at all, at some time in the future pursuant to notice given as required by law. Appearance and protest at such hearing is required in order to appeal the amount of the special assessment to the Michigan Tax Tribunal. An owner of, or party in interest, in the property to be assessed, or his or her agent, may appear in person to protest the special assessment, or may protest the special assessment by letter filed with the City Clerk at or prior to the time of the hearing, in which case appearance in person is not required.

This notice is given by resolution of the City Council.

KELDA LONDON, City Clerk
City of Lathrup Village
27400 Southfield Road
Lathrup Village, MI 48076
(248) 557-2600



Susan Montenegro

City Administrator

City of Lathrup Village

27400 Southfield Road | Lathrup Village, MI 48076

smontenegro@lathrupvillage.org

Office: 248.557.2600 x 225 | Cell: 248.520.0620

Item B.

COUNCIL COMMUNICATION:

TO: Mayor Garrett and City Council Members

FROM: Susan Montenegro, City Administrator

DATE: November 14, 2022

RE: Council Rules of Order and Procedures Revision

Historically, Council packets have been sent to Council members on the Friday prior to the meeting date. The Council Rules of Order and Procedures state in section 5 that packets shall be delivered on the Thursday evening of the week preceding the meeting. Staff has found this timeline is very difficult to meet and asks Council to reconsider this portion of the document. The language change is presented in **red** for consideration.

Suggested Motion:

To change the packet submission timeline to Council to the Friday evening of the week preceding the meeting.

RESOLUTION NO. 22-**COUNCIL RULES OF ORDER AND PROCEDURE**

The Lathrup Village City Council meeting is dedicated to the premise that government has a responsibility to the residents of the City and to the media to conduct a well-organized and objective meeting and an obligation to keep them informed. Council meetings should be attractive, interesting and understandable to all in attendance with as much opportunity for audience participation as is possible. Accordingly, the following Rules of Order and Procedure are adopted:

1. Regular Council Meetings

The Council shall set a regular schedule for its meeting dates (February through January of the following year) as a part of the agenda at its organizational meeting (first meeting in January). The place and time of the meeting shall be decided by the Mayor and shall be included in the agenda calling for the meeting.

2. Special Meetings

According to Section 6.2 of the Charter, special meetings shall be called by the Clerk on the written request of the Mayor, the City Administrator or any two members of the Council on at least 24 hours written notice to each member of the Council, e-mail notice is sufficient; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

The City Clerk will also make a diligent effort to notify each member of the Council in person of each special session. At such a meeting only the matters in the notice shall be acted upon.

3. Recessed Meetings

Any session of the Council may be continued to another day but no such continuation shall be for a longer period than until the next regular meeting thereafter.

4. Study Meetings

A study meeting may be convened on call by the Mayor or by two or more members of the Council. All members of the Council must be notified of the time and place of the meeting as in Rule # 2. Attendance at study meetings and notices calling such meetings shall be in harmony with the provisions of the Michigan Open Meetings Act.

The call for the meeting may also invite such people as may be required for consultation and advice with respect to the matters under discussion. At a study meeting no formal votes may be taken on any matter under discussion nor shall any Council members enter into a commitment with another respecting a vote to be taken subsequently at a public meeting of the Council. All study meetings shall be called by the Mayor at regular Council meetings.

A brief confirmation of the time and date may be held at the meeting and all study meetings will be attempted to be held on Monday nights between regular Council dates.

5. Council Meeting Agenda

The agenda for all council and study meetings shall be prepared by the Mayor and/or Mayor Pro Tem with the assistance of the City Administrator. The City Clerk shall furnish a copy to each member of the Council, the City Administrator, the City Attorney, and all other citizens who are involved in the meeting such as the Chairperson of Advisory Committees or other functions, on the ~~Thursday-Friday~~ evening of the week preceding the meeting. All reports, communications, ordinances, resolutions, contract documents or other materials to be submitted to the Council shall be delivered to the members of the Council, the City Administrator, and the City Attorney by the City Clerk as early as possible but no later than ~~Thursday-Friday~~ evening.

6. Official Reports

Wherever possible, reports by the City Administrator, City Attorney, Police Department, City Clerk, Advisory Boards and Committees will be made in writing to the Council, submitted prior to the meeting and listed on the agenda. Under such procedure, discussion at an open council meeting will be limited to general questions from the audience or the Council on the subject matter of these reports. Concluding action may be taken at this time. Items requiring action by request of the City Administrator or City Attorney will be listed as regular agenda items and, unless conditions make it impossible, will be submitted to members of the Council with the agenda for the meeting. Copies of other reports will be distributed to the Council for their information.

7. Correspondence

The City Administrator and the Mayor are delegated the responsibility of handling all correspondence. Under this system only those correspondence which necessarily requires Council decision on policy will be brought before the council meeting. Copies of other correspondence may be distributed to the Council for their information.

Correspondence received by all Council Members via email which require council decision on Policy shall be acknowledged and responded to by the Mayor within a reasonable time frame; the correspondence shall then be transmitted to the City Administrator for inclusion on the agenda of the next regular meeting.

Correspondence received by individual Council Members via email which require council decision on Policy shall be forwarded to the Mayor for acknowledgement and response within a reasonable time frame; the correspondence shall then be transmitted to the City Administrator for inclusion on the agenda of the next regular meeting.

Correspondence received by all Council Members via email which does not require council decision on Policy shall be acknowledged and responded to by the Mayor within a reasonable time frame; the correspondence shall then be transmitted to the City Administrator for follow-up and if necessary, action.

Correspondence received by individual Council Members via email which does not require council decision on Policy shall be acknowledged and responded to within a reasonable time

frame; the correspondence shall then be transmitted to the City Administrator for follow-up and if necessary, action.

Correspondence from any Council Member to the City Administrator shall also cc the Mayor as part of that communication.

8. Attendance at Conferences

The selection of the City's representative at conferences and meetings with outside organizations and officials, where official designation is required, is delegated to the Mayor, with concurrence of Council if substantial expense is involved.

Newly elected officials shall be required to attend the 'Newly Electeds' training offered through the Michigan Municipal League within the first six (6) months of being sworn in.

9. Presiding Officer

The Mayor shall take the chair at the time appointed for the Council to meet and call the members to order. The Role will be noted by the Mayor and recorded by the Clerk for the minutes. The Mayor Pro Tern shall take the chair as presiding officer in the absence of the Mayor.

10. Temporary Chairperson

In case of absence of the Mayor and Mayor Pro-tern, the Clerk shall call the Council to order and call the roll. If a quorum is found to be present, the Clerk shall appoint a Chairperson to act until the Mayor or Mayor Pro Tem appears.

11. Council Privileges

The presiding officer may move, second, and debate from the chair, subject only to such limitations on debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Council member by reason of his/her acting as the presiding officer.

12. Decorum and Order

Meetings are to be formal with the enforcement of stringent rules for debate which will control the expenditure of valuable time. The presiding officer shall preserve decorum and decide all questions of order, subject to formal appeal to the Council as a whole. Council shall make every effort to ask staff clarifying questions regarding items in the meeting packet prior to public meetings.

Every person desiring to speak shall address the chair and shall wait to be recognized by the chair. They shall then confine himself/herself to the question under debate. Every Council member desiring to question the administrative staff shall address their questions to the City Administrator, who may either answer the inquiries or designate some member of staff for that purpose. A Council member, once recognized, shall not be interrupted while speaking unless a point of order is raised.

13. Quorum

The majority of the Council members elected shall constitute a quorum. In the case that a lesser number than a quorum shall convene at a regular or special meeting, the majority of the members present may send for any of all absent members by agreement. In the event a quorum cannot be obtained, the meeting must be adjourned. It is the duty of each Council member to notify the Mayor or Administrator if he/she cannot attend any Council meeting a minimum of 2 hours prior to the start of the meeting. A Council member who has provided timely notice shall be excused from attendance. A Council member that fails to provide timely notification shall not be excused. Any member of Council that fails to provide timely notice of absence may, at the next regular meeting, present an explanation of absence and if warranted may have their absence excused.

14. City Administrator

The City Administrator shall attend all meetings of the Council unless excused by the Mayor. He/she shall keep the Council fully advised as to the needs of the City and make recommendations to the Council; they may take part in discussions on all matters concerning the welfare of the City and shall have a seat but no vote in the council meetings.

15. City Clerk

The City Clerk shall be the Clerk for the City Council and shall attend all regular and special Council meetings unless excused by the Administrator, wherein the Administrator shall provide for the recording of minutes. The Clerk shall be responsible for keeping the minutes of the meetings and shall perform such other duties in the meeting as may be in order. Within one week after the meeting, the Clerk shall make available upon request a copy of the minutes of the preceding meeting. Each member shall be furnished a copy of the preceding meeting minutes no later than the next regular meeting.

16. City Attorney

The City Attorney shall attend all regular and special meetings of the Council unless excused by the Mayor. Any member of the Council may at any time call upon the City Attorney for an oral or written opinion concerning routine questions of law with respect to the City which do not require extensive research.

17. Right of Appeal

Any Council member may appeal to the full Council from a ruling of the Presiding Officer. If the appeal is seconded, the Presiding Officer shall immediately put the question of sustaining the decision of the chair to a vote.

18. Voting

Every Council member present when an ordinance or resolution is put to a vote shall vote, whether "yes" or "no", on a question during roll call. The only exception to this requirement for voting shall be in the case of a conflict of interest which shall preclude a Council member from voting.

19. Personal Privilege

The right of a Council member to address the Council on a question of personal privilege in cases where his integrity or motives are questioned, shall be given preference over other discussions. Any member shall have the right to express dissent against any ordinance or resolution of the Council and have the reason therefore entered upon the official minutes, and whenever possible shall present to the City Clerk his expression in written form for the official records.

20. Code of Ethics

City Council members occupy positions of public trust. All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion both as to the legality and to the propriety of such transactions. Council members shall not have a pecuniary interest either directly or indirectly in contracts of any character with the City, unless fully and publicly disclosed to the full Council and handled in accordance with proper legal procedures.

Council members shall conduct themselves so as to bring credit upon the City as a whole and so as to set an example of good ethical conduct for all citizens of the community. Council members shall bear in mind their responsibility to the entire electorate, shall refrain from actions benefiting special interest groups at the expense of the City as a whole, and shall do everything in their power to ensure equal and impartial law enforcement throughout the City at large.

Council members shall conduct themselves in accordance with City Charter and all ordinances of the City.

21. Order of Business

The business of all regular meetings of the Council shall be generally transacted in the following order at the discretion of the Mayor:

1. Call to Order
2. Roll Call of Council
3. Pledge of Allegiance
4. Approval of Agenda
5. Presentations
6. Public Comment for Agenda Items
7. Consent Agenda
 - a. Approval of Minutes
 - b. Approval of Disbursement Reports
 - c. Acceptance of Departmental Reports
 - d. Routine and non-controversial action request
8. Petitions
9. Public Hearings
10. Action Request
11. City Administrator's Report

- 12. City Attorney's Report
- 13. Reports of Boards, Commissions and Committees
- 14. New Business
- 15. Old Business
- 16. Correspondence
- 17. Public Comment
- 18. Mayor and Council Comments
- 19. Adjournment

22. Parliamentary Procedure

The conduct of Council meetings shall be in accordance with the manual on parliamentary procedures entitled "Roberts Rules of Order".

23. Permission to Address Council/ Public Comment Procedure

Persons other than members of the Council and City Officials shall be permitted to address the Council upon recognition by the presiding officer by introducing the subject upon which they desire to speak and stating their name. The presiding officer may limit participation by the general public to designated times-during the meeting.

24. State or Federal Cooperation - Procedure

All proposals for projects which contemplate cooperation with, or financial participation by, the State or Federal government, shall be transmitted to Council by the City Administrator. If a City Board or Commission desires to propose such a project, the proposal shall first be filed with the City Administrator. All proposals shall be in approved form and accompanied by proper plans and specifications conforming to the requirements of respective State or Federal governments. If the Council approves the proposal, it shall by resolution authorize the City Administrator to make an application to the proper authority.

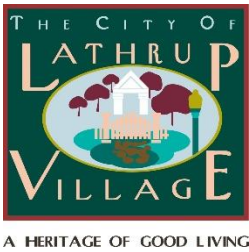
25. Suspension of Rules

Any provisions of these rules not governed by the Charter or Code may be temporarily suspended at any meeting of the Council by the Presiding Officer unless objected to by any Council member. Such objection must then be sustained by majority vote of the Council.

The vote on any such suspension shall be taken by "yeas" and "nays" and entered upon the records.

26. To Amend Rules

These rules may be amended, or new rules adopted by a majority vote of all members of the Council. Any such alterations of or amendments to, shall be submitted in writing at the preceding regular meeting and shall be placed on the calendar under the order of new business. This requirement shall be waived only by unanimous consent, with a recorded vote of all members.



Memorandum

To: Sue Montenegro, City Administrator
From: Susie Stec, Director – Community & Economic Development
Date: November 10, 2022
RE: Dumpsters/Waste & Rubbish

At their most recent meeting on October 18th the Planning Commissioners were reviewing the site plan for 26647 Southfield Road (Ambassadors Institute). During their discussion, the question arose as to whether a dumpster is required or if conventional rubbish pick-up was permissible. It became apparent that there were conflicts regarding dumpsters and waste & rubbish between the general and zoning codes. Ultimately, the Planning Commission chose to approve the site plan with the condition that this provision of the site plan be handled administratively. This allows the Special Land Use component of the application to move forward thereby minimizing potential delays for opening of the business.

The City Attorney, staff, and planners met to review and discuss the ordinance conflicts following that meeting. Essentially, when it comes to site plan review, the general code seems to offer more common sense. It allows for non-residential properties to store their trash in standard containers outside of the building, so long as they are screened from public view. A dumpster may be utilized, so long as it is built to compliance with the zoning standards.

The zoning ordinance is more restrictive. Every building is required to provide indoor storage that is adequately suppressed. This requirement for indoor waste storage contradicts the general code in that sense and makes it difficult to fully understand what is required. The remainder of the zoning code (Sec. 5.3) only discusses the applicable standards for dumpsters.

To further complicate matters, the city enacted a sunset provision as part of the zoning ordinance with respect to the dumpster enclosures. All non-residential properties that had existing dumpsters as of 4/8/2014 were required to bring those structures into compliance with the new standards on or before 4/1/2019.

The recommendation is that the conflicts between the ordinances be removed, and that Council has an in-depth discussion at an upcoming study session.

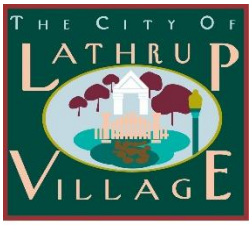
Below is the existing code language for reference:

General Code Sec. 54-32.C: Refuse outside nonresidential building.

Whenever refuse storage containers are used, and in all instances where there is storage or accumulation of refuse on other than residential premises, all refuse stored or accumulated outside of a building shall be stored or accumulated only in the refuse storage containers or the strong metal containers, as the case may be, with covers in place at all times except when refuse is being deposited or removed.

General Code Sec. 54-35. – Dumpsters.

Any business establishment generating more waste than can be stored within its building between collections shall contract privately with rubbish collectors for pickup. Dumpsters can be used by business establishments for outside storage by obtaining necessary permits in conformity with the zoning ordinance.



The following discrepancies were identified with Section 54 (as a whole), as it relates to solid waste:

Zoning Code Sec. 5.3. – Waste & Rubbish.

Sec. 5.3.1: *No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, wastepaper, cartons, boxes, crates, inoperable machinery, discarded building materials, discarded household goods, or any offensive or obnoxious matter, shall be kept in open containers or piled, placed, or stored on the open ground. The owners and occupants of every building shall provide proper receptacles for said waste and keep receptacles clean and not exposed on the grounds outside of a building. Rubbish may, however, be placed at roadside for pickup on designated days in conformity with the city's ordinances regulating rubbish collections.*

Sec. 5.3.2: *Every building in every district other than R1 and R2 shall provide within the building a fire protected waste and refuse storage space or spaces measuring five cubic feet for each 100 square feet of building floor area, but at least 225 cubic feet. To be acceptably fire protected, the waste and refuse storage space must be in an enclosure or room with a one-hour fire rated construction with self-closing fire door and must have sprinkler heads installed and maintained in working order. The heating furnace may not be located in the waste and refuse storage space.*

Sec. 54-32.H: Placement at curb. *All solid waste shall be stored inside a building or in an inconspicuous location on private property not exposed to public view until the collection date designated by the city for collection. After 4:00 p.m. of the day before collection, properly prepared solid waste may be placed at the curbside for pickup.*

October 5, 2022

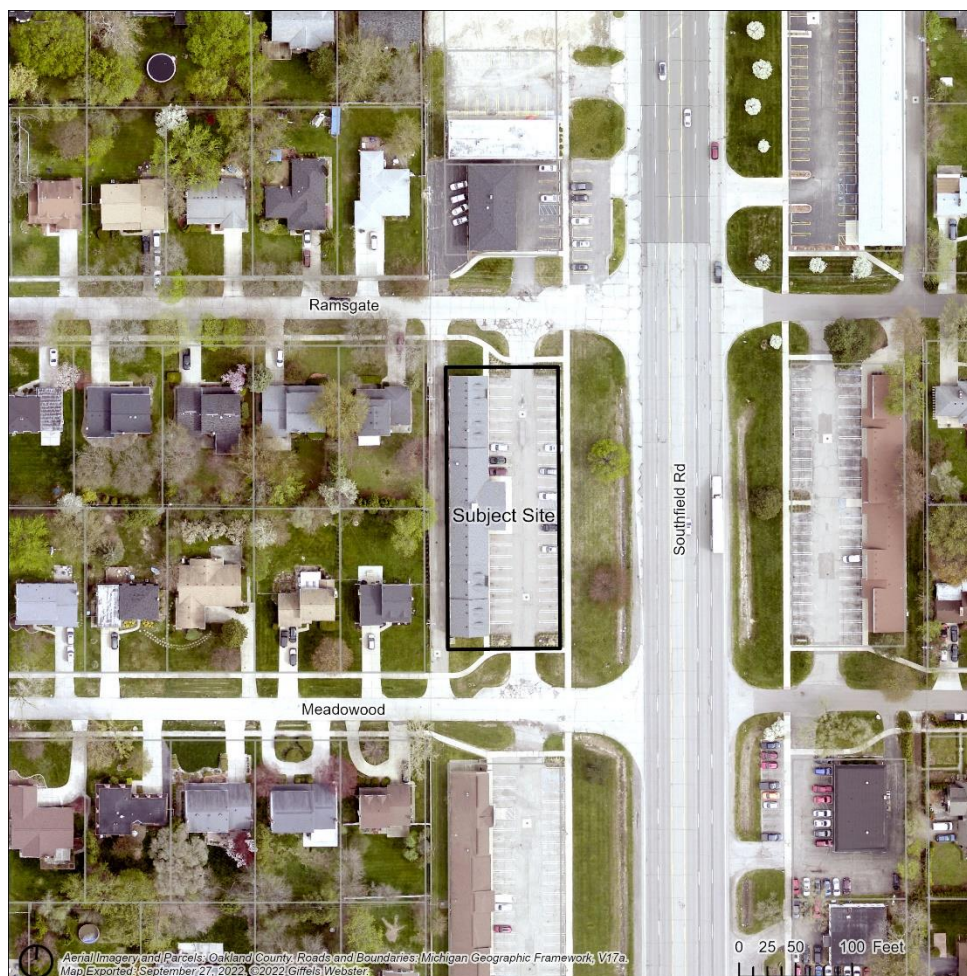
Planning Commission
City of Lathrup Village
27400 Southfield Road
Lathrup Village, MI 48076

Site Plan Review and Special Land Use

Site: 26647 Southfield Road
Applicant: Patricia A. Felton
Plan Date: September 20, 2022
Zoning: MX Mixed Use District
Parcel ID: 24-23-230-041
Proposal: Trade/Vocational School

Dear Planning Commissioners,

We have reviewed the site plan and special land use application and a summary of our findings is below. Items in **bold** require specific action by the applicant.



REVIEW SUMMARY

The applicant shall provide the following:

1. Parking needs of the overall site is required to determine that the proposed special land use will comply with the minimum parking requirements of the ordinance, as well as not negatively impact the parking accessibility of the surrounding businesses. ***See the parking standards table in item 5 below.***
2. ***Provide a statement pertaining to any proposed lighting improvements to the site and provide information if changes to lighting are proposed.***

DETAILED REVIEW

Project Summary

The 0.57-acre site is zoned MX – Mixed Use District and is located along the west side of Southfield Road, between Ramsgate Drive to the north and Meadowood Court to the south. The existing building consists of one floor and five (5) tenant lease spaces with a total area of 7,326 square feet. The northern-most tenant space is proposed to be converted to a use that will accommodate academic instruction, which is a special land use classification of the Mixed Use District. According to the information provided by the applicant, the parking lot along Southfield Road is accessible by drives at Ramsgate and Meadowood respectively. No direct vehicular access is taken from Southfield Road. An existing alley abuts the west side of the subject site, which also connects Ramsgate Drive and Meadowood Court. The existing surface parking lot contains 40 off-street parking spaces, which include two handicap spaces. No additional parking spaces are located on, or adjacent to the alley. Parcels fronting Southfield Road, south of the site, are zoned Mixed Use, while parcels fronting Southfield Road north of the site are zoned Commercial Vehicular. Parcels west of the site are zoned R-1 Single-Family Residential. The subject site's previous use was an insurance office. No additional square footage is proposed within the scope of work for this development.

Proposed

1. **Use.** The applicant intends to renovate the interior of the existing tenant space for a new use. The proposed floor plan consists primarily of office space; however, the intended use is for small-scale academic and educational instruction. While office is a principle permitted use in the MX District, conducting educational instruction in the office space requires special land use approval. The hours of operation will be 8:30 am to 4:30 pm, Monday through Thursday, with occasional Fridays of the same hours. The facility will operate occasionally on Saturdays from 10:00 am to 2:00 pm but will not have Sunday hours. No additional square footage is proposed to be added to the existing 900 square foot tenant space.
2. **Waste and Rubbish (Section 5.3). Required (Section 5.3.2).** Every building in every district other than R1 and R2 shall provide within the building a fire protected waste and refuse storage space or spaces measuring five cubic feet for each 100 square feet of building floor area, but at least 225 cubic feet. To be acceptably fire protected, the waste and refuse storage space must be in an enclosure or room with a one-hour fire rated construction with self-closing fire door and must have sprinkler heads installed and maintained in working order. The heating furnace may not be located in the waste and refuse storage space. **The site plan of the existing overall facility does not indicate an area with a dumpster enclosure. Therefore, the applicant shall indicate how solid waste will be stored at the tenant space and removed from the site. A site visit to the property observed exposed waste cans located in the alley behind the building. See image at right.**



3. **Outside Illumination (Section 5.8).** All lighting apparatus used for outside illumination shall direct all light downward and shall be so constructed as to prevent the directed light from extending beyond the lot being illuminated. Except as otherwise provided in this ordinance, no lighting apparatus shall be placed more than 18 feet above grade as measured to the point on the ground nearest the light. No light source shall cause or permit direct, indirect, or reflected light to extend beyond the lot upon which it is placed so as to be annoying to any occupant of a neighboring lot who is of ordinary sensibilities. **The site plan identifies existing parking lot light poles and fixtures; however, no additional lighting information is included, particularly pertaining to wall-mounted light fixtures, or those facing adjacent single-family residential properties. The applicant should provide information pertaining to lighting the property. If lighting is proposed, it shall comply with the standards of this section.**



4. **Off-Street Parking (Section 5.13.3)** Increase of floor area or change in use. Whenever a use requiring off-street parking is increased in floor area and such uses are located in a building existing on or before the effective date of this article, and whenever a use of existing premises is changed to one requiring greater off-street parking, parking facilities for the total floor area and use shall first be provided and thereafter maintained in the amounts specified in this article. **An off-street parking analysis was not found within the set of plans. The applicant shall provide a parking analysis that includes all tenant spaces. Verify if the proposed use requires additional parking than the previous use.**
5. **Minimum number of parking spaces required (Section 5.13.13.D).**

Parking Standards				
Ordinance Standard	Zoning Ord Section	Required	Provided	Comments
26647 Institutional	Sec. 5.13.13.D.	1 per 3 seats or 1 per 3 persons by capacity.	40 on-site spaces	<i>The applicant shall identify and calculate the parking required of this use classification.</i>
26641 Identify Use Classification		Identify and calculate the parking requirement for each use classification.		
26631 Identify Use Classification		Identify and calculate the parking requirement for each use classification.		To be determined.
26621 Identify Use Classifications		Identify and calculate the parking requirement for each use classification		To be determined.
26603 Identify Use Classifications		Identify and calculate the parking requirement for each use classification.		To be determined.

6. **Landscaping (Section 5.15.15).** Special landscaping requirements. When requested by the building official, all site plans submitted for approval shall include a landscape element which clearly shows all existing trees which are more than six inches in trunk caliper when measured three feet above ground level in height. The plans must clearly designate which of such trees are to be saved and which will be destroyed by the development. The landscape element must also show the landscape design features of the development. No site plan shall be approved unless the plan affirmatively shows that reasonable care and diligence has been exercised to preserve existing healthy trees and shrubs and other valuable mature plant materials on the site. The proposed change of use does not include additional

landscaping. The site plan shows the existing landscaping, and **unless parking lot or exterior changes are made, additional landscaping is not required.**

7. District Development Standards – Mixed Use (Section 3.1.9).

Development Standard	Zoning Ord Section	Required	Provided	Comments
Lot Size	3.1.9	5,000 square feet	Approx. .57 acre; 24,829 square feet	Compliant
Maximum Height		30 feet or 2 stories, whichever is less	one story (existing building)	Compliant
Front Yard		10 foot minimum	Approx. 60 feet (existing building)	Compliant
Side Yard		0 feet – each side	Approx. 11 feet (north side) Approx. 10 feet (south side)	Compliant (existing)
Rear Yard		5 feet	N/A	Compliant



Standards for Special Land Use Approval (Section 6.2.10)

1. **Reasonable Use.** The proposed use is considered “reasonable” when it would be harmonious, compatible, and appropriate for the use along with not impinging unreasonably on the value or use of nearby properties.

As noted previously, the proposed use as an educational instruction facility is not specifically included in the permitted uses of the Mixed Use District, however, it fits the category of “Recreation, Education, and Assembly” uses.

2. **Conformity with other regulations of the City.** The site is existing and proposes no physical changes to the property. As a change of use application, the proposed educational instruction facility may require additional parking spaces than the previous use, which has not been confirmed upon review of the site plan. **The applicant should respond to additional review comments outlined in the letter above.**

3. **Location, intensity, and periods of operation.** The location, intensity, and periods of operation of the use must be such as to eliminate any reasonable likelihood that it will be, cause, or create a public or private nuisance in fact.

The proposed use is reasonable within the context of location, intensity, and periods of operation of the City of Lathrup Village.

4. The use, as and where proposed, must not be inconsistent with the spirit and purpose of this ordinance nor contrary to the principles of sound community planning.

*The proposed reuse of an available tenant space in the MX – Mixed Use District as an educational instruction use is consistent with the spirit of the ordinance and is in line with sound community planning. **The required number of off-street parking spaces should be addressed and confirmed to comply by the applicant prior to site plan approval.***

5. **Uses Character on Adverse Effects and Neighbors.** *The proposed use does not appear to draw a significant number of people and there is no outdoor space proposed. **Proposed lighting, if any, should be identified on the site plan to comply with ordinance standards. The applicant intends to meet the ordinance standard for hours of operation.***

6. The use must not diminish the fair market value of neighboring lands or buildings to any substantial or significant degree. *This standard is likely met.*

7. **Site Design.** The site and manner of operation provide for the maximum reasonable and feasible enhancement of the environment of the surrounding area.

The exterior of the existing facilities is proposed to remain unchanged. If any exterior improvements are pursued, additional enhancements may be required.

8. **Demonstrated Need.** Establishments involving the sale of alcoholic beverages must demonstrate a quantifiable need for the proposed use within either the City or surrounding area.

There is no indication that the proposed use will seek a liquor license; additional approvals may be required.

We will look forward to discussing the site plan and special land use application with the Planning Commission on October 18, 2022.

Regards,
Giffels Webster

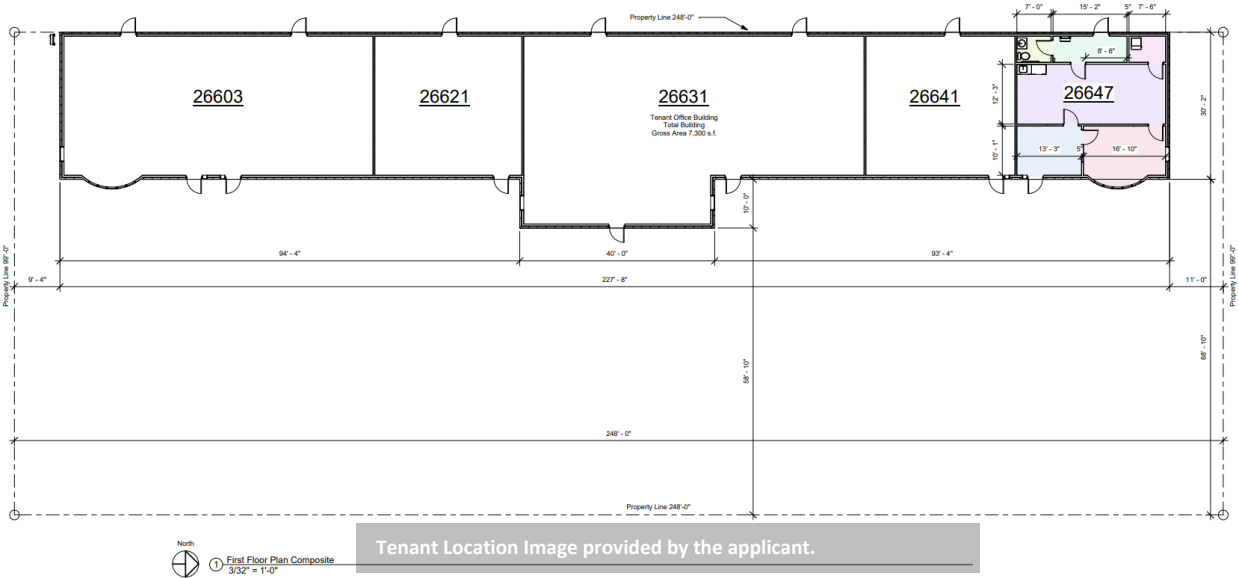
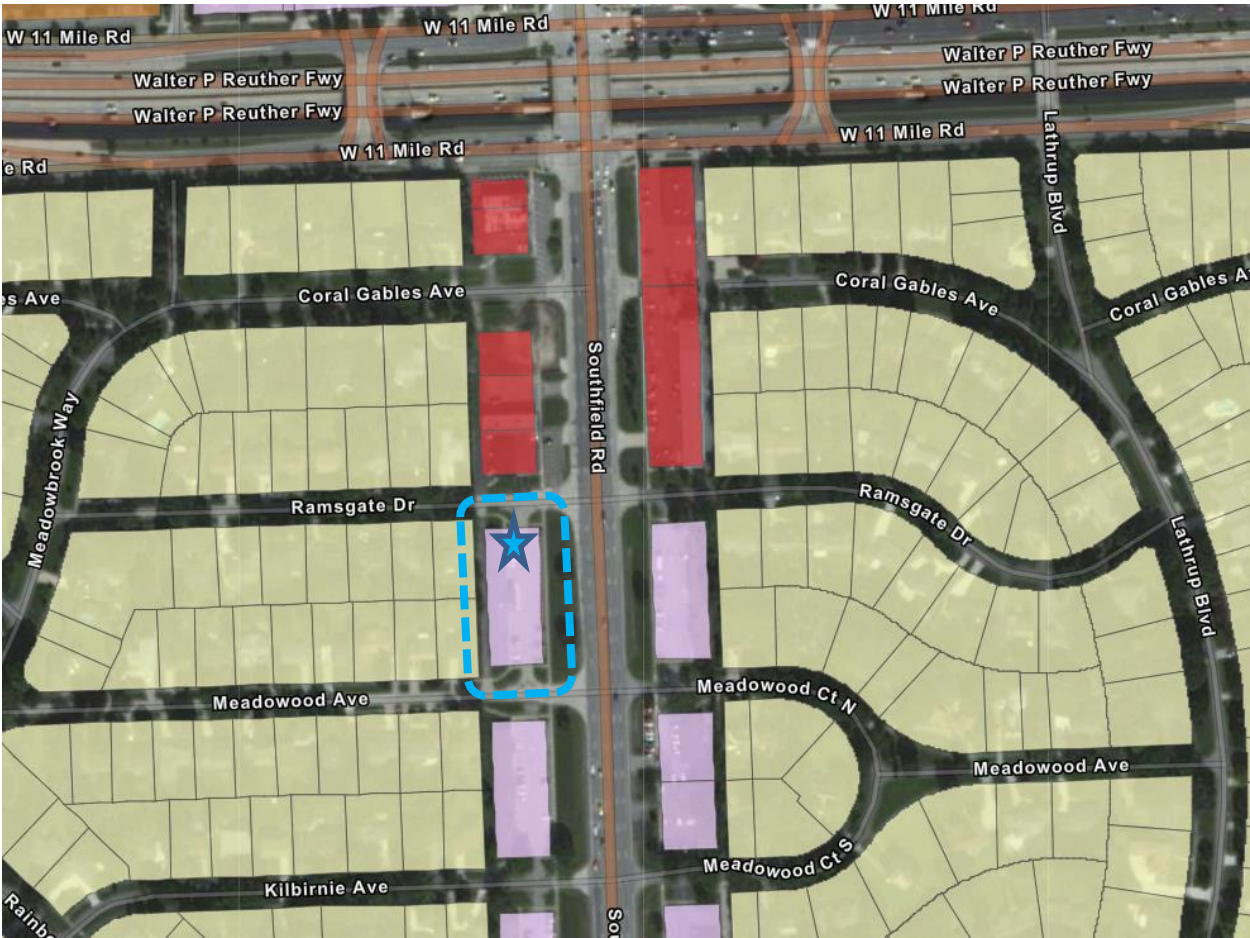


Jill Bahm, AICP
Partner

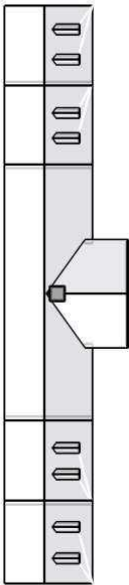


Eric Pietsch
Senior Planner

Zoning.



26611 Southfield Rd, Lathrup Village, MI 48076



In this 3D model, facets appear as semi-transparent to reveal overhangs.

Report Details

Report: 48395741

Roof Details

Total Roof Area = 10,281 sq ft
Total Roof Facets = 30
Predominant Pitch = 7/12
Number of Stories <=1
Total Ridges/Hips = 353 ft
Total Valleys = 98 ft
Total Rakes = 323 ft
Total Eaves = 687 ft
Total Penetrations = 34
Total Penetrations Perimeter = 167 ft
Total Penetrations Area = 60 sq ft

Report Contents

Images	1
Length Diagram.....	4
Pitch Diagram	5
Area Diagram	6
Notes Diagram	7
Penetrations Diagram	8
Report Summary	9

Company: McCrary Group, LLC.,
Address: 400 Renaissance Center, Suite 2600 - #1882
Detroit MI 48243

Measurements provided by www.eagleview.com



Certified Accurate

www.eagleview.com/Guarantee.aspx

Images

The following aerial images show different angles of this structure for your reference.



Report: 48395741

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North Side



South Side



East Side



West Side



Length Diagram

Total Line Lengths:

Ridges = 351 ft**Hips = 2 ft**

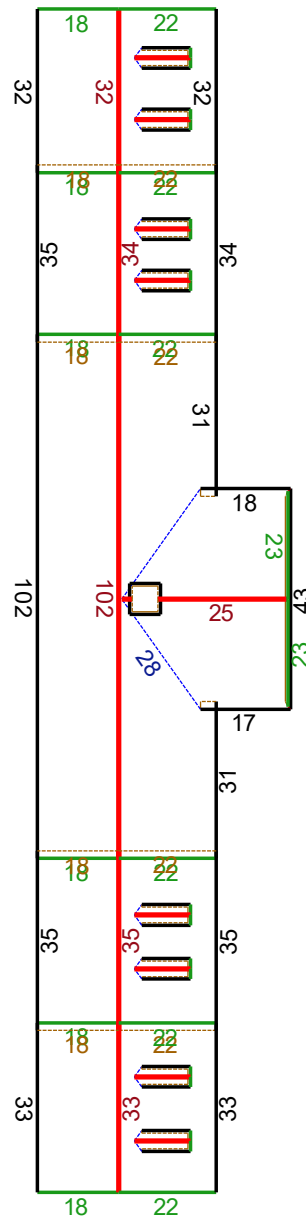
Valleys = 98 ft

Rakes = 323 ft

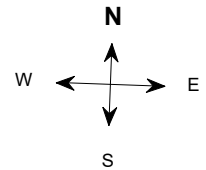
Eaves = 687 ft

Flashing = 85 ft

Step flashing = 348 ft

Parapets = 0 ft

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Note: This diagram contains segment lengths (rounded to the nearest whole number) over 5 feet. In some cases, segment labels have been removed for readability. Plus signs preface some numbers to avoid confusion when rotated (e.g. +6 and +9).

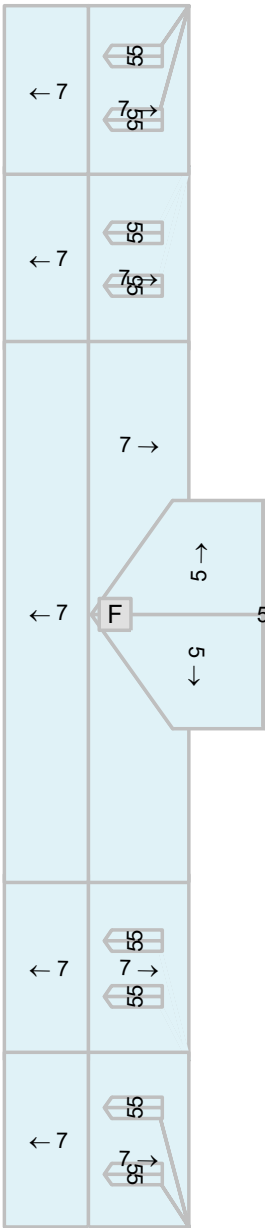


Report: 48395741

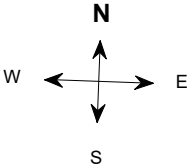
© 2008-2022 Eagle View Technologies, Inc. and Pictometry International Corp. – All Rights Reserved – Covered by one or more of U.S. Patent Nos. 8,078,436; 8,145,578; 8,170,840; 8,209,152; 8,515,125; 8,825,454; 9,135,737; 8,670,961; 9,514,568; 8,818,770; 8,542,880; 9,244,589; 9,329,749. Other Patents Pending.

Pitch Diagram

Pitch values are shown in inches per foot, and arrows indicate slope direction. The predominant pitch on this roof is 7/12.



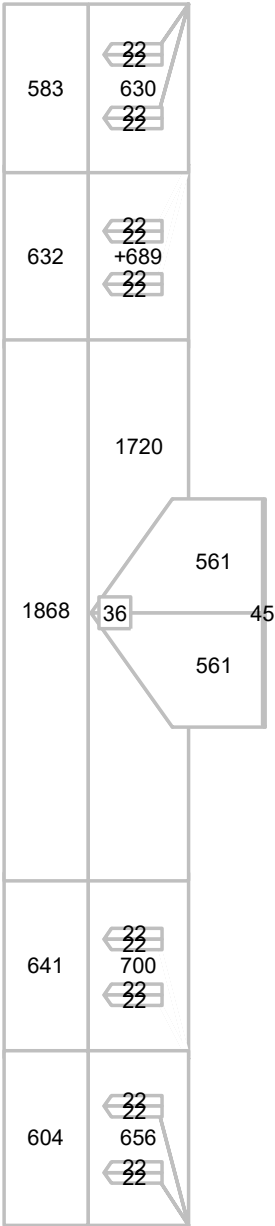
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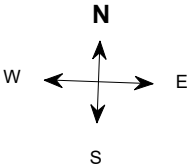
Note: This diagram contains labeled pitches for facet areas larger than 20 square feet. In some cases, pitch labels have been removed for readability. Plus signs preface some numbers to avoid confusion when rotated (e.g. +6 and +9). Blue shading indicates a pitch of 3/12 and greater. Gray shading indicates flat, 1/12 or 2/12 pitches. If present, a value of "F" indicates a flat facet (no pitch).

Area Diagram

Total Area = 10,281 sq ft, with 30 facets.



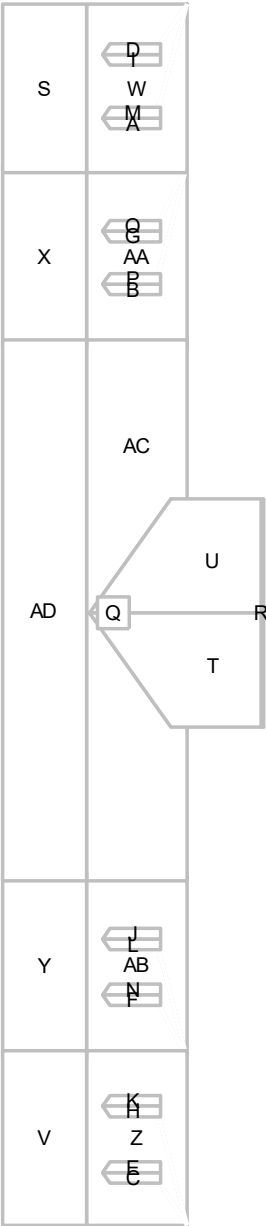
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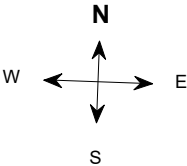
Note: This diagram shows the square feet of each roof facet (rounded to the nearest foot). The total area in square feet, at the top of this page, is based on the non-rounded values of each roof facet (rounded to the nearest square foot after being totaled).

Notes Diagram

Roof facets are labeled from smallest to largest (A to Z) for easy reference.



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Penetrations Notes Diagram

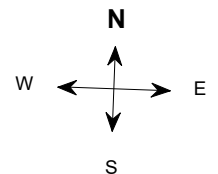
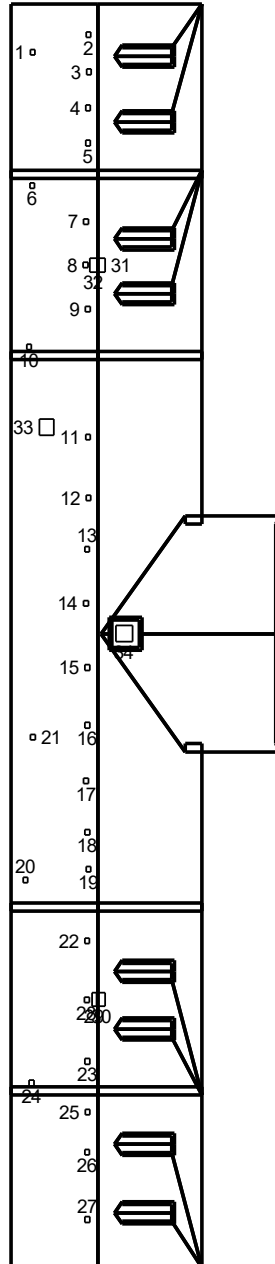
Penetrations are labeled from smallest to largest for easy reference.

Total Penetrations = 34

Total Penetrations Perimeter = 167 ft

Total Penetrations Area = 60 sq ft

Total Roof Area Less Penetrations = 10,221 sq ft



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Report: 48395741

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Report Summary

Below is a measurement summary using the values presented in this report.

All Structures

Areas per Pitch

Roof Pitches	0/12	5/12	7/12
Area (sq ft)	36.0	1521.6	8722.8
% of Roof	0.4%	14.8%	84.8%

The table above lists each pitch on this roof and the total area and percent (both rounded) of the roof with that pitch.

Waste Calculation Table

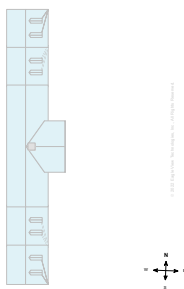
Waste %	0%	10%	12%	15%	17%	20%	22%
Area (sq ft)	10,281	11309.1	11514.7	11823.2	12028.8	12337.2	12542.8
Squares	102.8	113.1	115.1	118.2	120.3	123.4	125.4

This table shows the total roof area and squares (rounded up to the nearest decimal) based upon different waste percentages. The waste factor is subject to the complexity of the roof, individual roofing techniques and your experience. Please consider this when calculating appropriate waste percentages. Note that only roof area is included in these waste calculations. Additional materials needed for ridge, hip, valley, and starter lengths are not included.

Penetrations	1-28	29	30-32	33-34						
Area (sq ft)	1	2.5	3.7	9						
Perimeter (ft)	4	7	8	12						

Any measured penetration smaller than 3x3 feet may need field verification. Accuracy is not guaranteed. The total penetration area is not subtracted from the total roof area.

All Structures Totals



Total Roof Facets = 30
Total Penetrations = 34

Lengths, Areas and Pitches

Ridges = 351 ft (15 Ridges)
Hips = 2 ft (2 Hips).
Valleys = 98 ft (18 Valleys)
Rakes † = 323 ft (30 Rakes)
Eaves/Starter ‡ = 687 ft (34 Eaves)
Drip Edge (Eaves + Rakes) = 1,010 ft (64 Lengths)
Parapet Walls = 0 (0 Lengths).
Flashing = 85 ft (29 Lengths)
Step flashing = 348 ft (32 Lengths)
Total Penetrations Area = 60 sq ft
Total Roof Area Less Penetrations = 10,221 sq ft
Total Penetrations Perimeter = 167 ft
Predominant Pitch = 7/12
Total Area (All Pitches) = 10,281 sq ft

Property Location

Longitude = -83.2224102
Latitude = 42.4851550

Notes

This was ordered as a commercial property. There were no changes to the structure in the past four years.

† Rakes are defined as roof edges that are sloped (not level).
‡ Eaves are defined as roof edges that are not sloped and level.

Online Maps

Online map of property

http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=26611+Southfield+Rd,Lathrup+Village,MI,48076

Property of: MGI LLC.,



Report: 48395741

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Important Legal Notice and Disclaimer

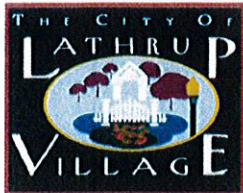
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No Warranty: The Copyrighted Materials are provided to you "as is," and you agree to use it at your own risk.

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Contractors agree to always conduct a preliminary site survey to verify Roof Report ordered. In the event of an error in a Report, your sole remedy will be a refund of the fees paid by you to obtain this Report.





A HERITAGE OF GOOD LIVING

City of Lathrup Village
27400 Southfield Road
Lathrup Village, MI 48076
Phone: (248) 557-2600

Office Use OnlyDate Submitted: 8.8.20

SLU Review Date: _____

Public Hearing Date: _____

Application for Special Land Use

Please note that information requested and the procedure followed is pursuant to Sec. 6.2 Special Land Use and Standards. As stated above, the Special Land Use will be necessary to allow for special uses not automatically allowed in the zoning district. The Special Land Use application requires a Public Hearing in front of the Planning Commission. Applicant is encouraged to be present to answer questions and speak to the business development.

Property Information

Project Name:	Ambassadors Institute		
Subject Property Address:	26647 Southfield Road, Lathrup Village, Michigan 48076		
Subject Property Parcel Number:	40-24-23-230-04		
Legal Description:	Lots 2273 through 2284, both inclusive, LOUISE LATHRUP'S CALIFORNIA SUNBUNGALOW, NO. 4, according to the plat thereof, as recorded in Liber 35, Page 16 of Plats, Oakland County Records.		
Acreage:	0.57	Frontage (in feet):	7,326 Sq. Ft. - Building
		Dimensions:	Lot Size: 250' X 100.0'
Proposed Use:	Trade/Vocational School		
Current Zoning:	MX- Mixed Use		

Applicant Information

Name:	Patricia A. Felton			
Address:	25830 Mulberry Drive, Southfield	State:	Mich	Zip Code:
				48033
Phone Number:	248-943-8925	Fax:	248-200-7296	
Email Address:	patafelton@ambassadorsinstitute.org			
Interest in Property:	Five year Lease- Leasing suite space			
*If the applicant is a corporate or a partnership, please attach certificate from the state in which it is organized.				

Property Owner Information

Name:	Quadir M. Jaleel			
Address:	26237 Southfield Road	State:	Mich	Zip Code:
				48076
Phone Number:	248-945-1962	Fax:	248-945-1963	
Email Address:	www.qmjmedical.com			
Description of Proof of Ownership Provided:	Fidelity National Title			

Land Use Questions

Please describe the type and nature of the business being proposed for the property you are seeking special land use approval for. In addition please list the appropriate Class Use that the proposed business falls under:

Ambassadors Institute is a post-secondary trade/vocational healthcare school educating young adults in the skills necessary to become certified as Nursing Assistants or Patient Care Technicians.

C- Special Land use: vi - instruction centers for academic and fine arts purposes

Please list the following information about your hours of operation.			
Weekdays	Monday, Tuesday, Wednesday, Thursday 8:30 AM to 4:30 AM. Occasional Fridays 8:30 AM -4:30 AM		
Weekends	Occasional Saturday's - 10:00 AM -2:00 PM. No Sunday schedule.		
Please list the peak hours of operation, and the maximum number of persons who will be occupying the business during the listed peak hours (space is provided for multiple peak hours.)			
Peak Hours Weekdays:	9:00 AM -4:00 AM - Monday through Friday. Maximum number of people = 8		
Peak Hours Weekends:	Saturday -10:00 AM - 2:00 PM - Maximum number of people 4 Sunday - No scheduled classes		
Maximum number of vehicles which will be attracted to the property for which you are seeking special land use approval: Maximum number of vehicles = 5			
Describe what additional requests or demands for City services there may be. Examples may be traffic regulation, ordinance enforcement, public safety, and water and sewer services.			
There will be no special requests for City Services.			
Describe how the proposed use qualifies as a "reasonable use". Section 2.2 of the Zoning Ordinance defines it as: A proposed use is "reasonable" when it would be harmonious, compatible, appropriate, would not impinge unreasonably on the value or use of nearby properties, and would not impair sound communal development as and where proposed to be established. An existing use is "reasonable" when it is harmonious, compatible, and appropriate as and where established, does not impinge unreasonably on the value or use of nearby properties, and does impair sound communal development. Uses which are not "reasonable" are "unreasonable." No use shall be deemed "reasonable" if its establishment or actual conduct is unlawful under the statutory or common law of this state."			
This establishment will provide a instructor- student learning environment that is harmonious, compatible, and an appropriate service within the proposed zoning area.			
If the special use is granted, will the use then conform to all of the other regulations of the Zoning Ordinance and other ordinances of the City without a need for any variances?		☒ Yes	☐ No
Describe what, if any, activities may reasonably be anticipated to occur on the premises and in the neighborhood as a result of the occupancy which reasonable persons or ordinary sensibilities may possibly find seriously annoying – in particular what changes, if any, will be observed in the following items:			
	More	Less	Same
Noise			X
Dust or dirt			X
Lights, glare			X
Odors/Fumes			X
Pedestrian/Vehicle Traffic			X
Litter/Waste/Trash			X
If you checked any item as more, please describe what, if any, impact you believe will result on adjacent properties.			

Will the location, intensity and periods of operation proposed will cause or create a public or private nuisance. Typical nuisance complaints associated with our business community include, but are not limited to, those listed above as well as parking problems, lights falling onto adjacent properties, and property appearance and maintenance.		Yes		No		X	
Please describe how you will provide for the maximum reasonable and feasible enhancement of the environment of the surrounding area. This may include, but not be limited to, buffering, landscaping, signage, façade, or other site amenities pursuant to the City's Zoning Ordinance and Design Guidelines.							
Signage							
Site Plan Information							
Is there an existing site plan on file:				X Yes		No	
Applying concurrently							
If yes, when was site plan approval obtained?				2006			
Prepared By:		Unknown					
Street Address:		26611 Southfield Road			State: Mich		Zip Code: 48076
Phone Number:		248-945-1962		Cell: 313-610-4213		Fax: 248-945-1963	
Email Address:		www.qmjmedial.com					
Application Checklist							
The applicant is required to submit the following materials to the City Hall 30 days prior to the regularly scheduled date of the Public Hearing. Failure to supply all required information will result in the rejection of the application by the							
☒ One (1) completed and signed copy of the Special Land Use application							
☐ One (1) full-sized (24x36) set of the proposed or existing Site Plan							
☒ PDF of complete special land use application materials							
☒ Review Fee: \$1,750							
Applicant's Declaration							
I declare that the foregoing answers honestly and fairly describe the nature of the proposed use to the best of my information, knowledge, and belief. I understand that City Officials and the City Council will rely upon my representations in processing this application and agree that any resulting decisions or approvals may be conditioned upon the use being conducted as represented and may be voided or modified in the event any such representation may later be determined to have been materially faults or misleading.							
Applicant's Printed Name		PATRICIA FELTON					
Applicant's Signature		Patricia Felton					
Date:		8/11/22					
Property Owner's Printed Name		SMJ Building LLC (QUADIR JALEEL)					
Property Owner's Signature		Jaleel					
Date:		8/11/2022					


Fidelity National Title
NO WATER ESCROW AGREEMENT

SMJ Building, LLC, a Michigan limited liability company (purchaser), who, after being duly sworn, deposes and says the following:

SMJ Building, LLC, a Michigan limited liability company, is purchasing the property located in the City of Lathrup Village, County of Oakland, State of Michigan and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Commonly known as: 26611 Southfield Rd, Lathrup Village, MI 48076-4530
Parcel No.: 40-24-23-230-041

Furthermore, I/we understand that a water escrow will NOT be held by Fidelity National Title Company, LLC. The seller is to provide water billing information to the purchaser upon purchaser's request. All future balances will be the buyer's responsibility.

I/We do hereby agree to hold Fidelity National Title Company, LLC, its agents, employees, officers, directors, and its successors and/or assigns, harmless from any and all losses or damages resulting from matter which would be harmful to the property and/or the merchantability of title.

I/We further acknowledge that Fidelity National Title Company, LLC is not responsible for any delinquent or future charges related to the water/sewer/utility billing for the above property.

Further affiant sayeth not.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

SMJ Building, LLC

By: Quadir M. Jaleel Revocable Living Trust dated
January 7, 2011, sole member

5/11/18
Date

BY:

Quadir M. Jaleel
Sole Trustee

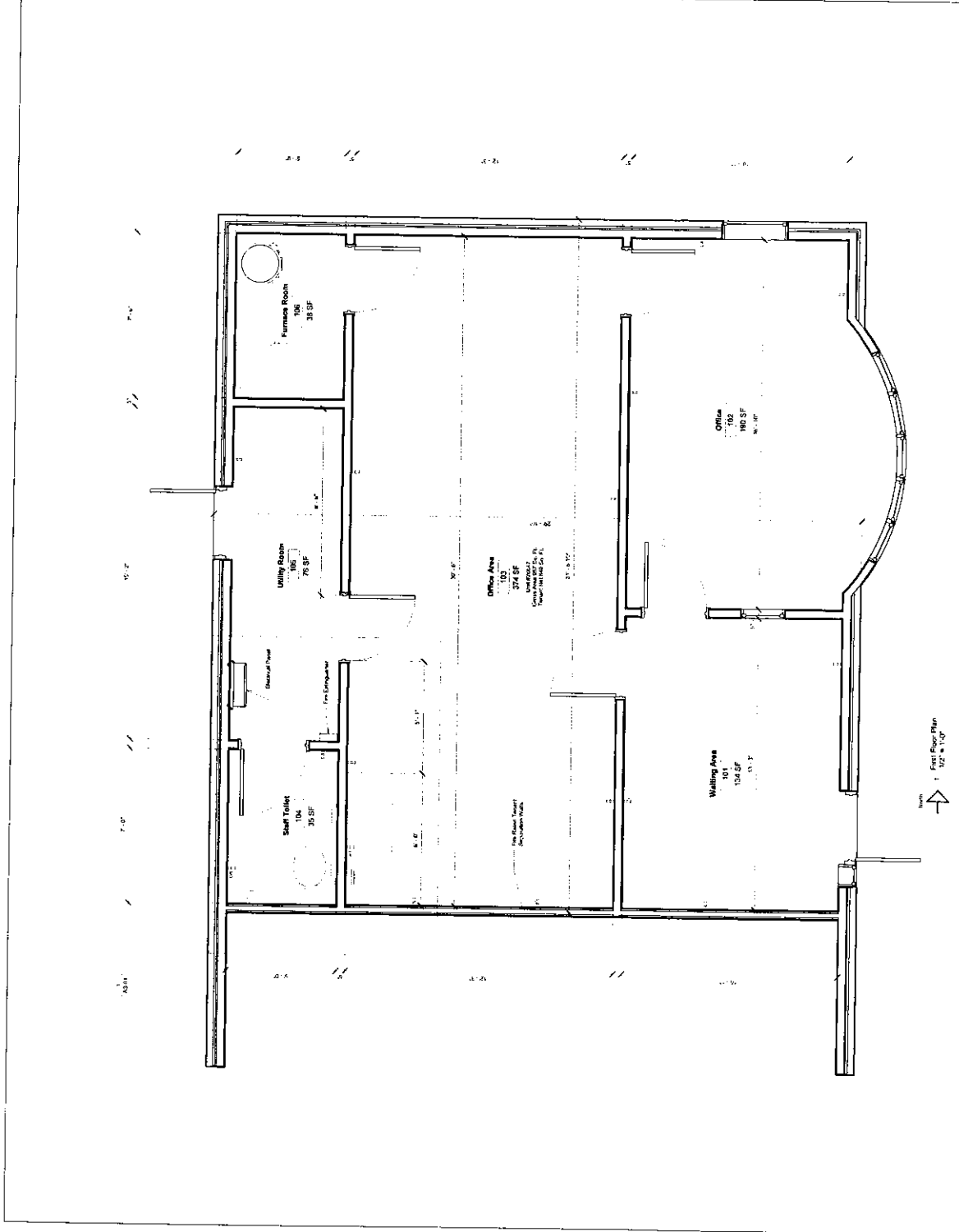
EXHIBIT "A"
Legal Description

Land situated in the City of Lathrup Village, County of Oakland, and State of Michigan, described as:

Lots 2273 through 2284, both inclusive, LOUISE LATHRUP'S CALIFORNIA BUNGALOW SUBDIVISION NO. 4, according to the plat thereof, as recorded in Liber 35, Page 16 of Plats, Oakland County Records.

 McCrory Group LLC. info@mc-crorygroup.com	Project Location: 26647 Southfield Rds. Lathrup Village, MI 48076 Architectural Design: McCrory Group LLC 400 Renaissance Center Lathrup Village, MI 48076 Detroit, MI 48202 313.333.4031	Submittal and Revisions <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Issued for Owner Review</td> <td>08-10-2022</td> </tr> </tbody> </table>	No.	Description	Date	1	Issued for Owner Review	08-10-2022	Owner Ambassador Institute	Floor Plan Project Number: 2022.06.17 Date: August 10, 2022 Drawn By: C. McCrory Checked By: CEM A2-01 Scale: 1/2" = 1'-0"
No.	Description	Date								
1	Issued for Owner Review	08-10-2022								

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Item D.

City of Lathrup Village

Invoice For PlanRevi Pze22-007

27400 Southfield Rd.

Print Date: 08/12/2022

Lathrup Village, MI 48076

(248) 557-2600

(248) 663-6013

Item D.

Pay by Account In Full



Pay by Account In Full

\$ 1,750.00

TAYLOR, LAKIESHA

17587 MARGATE AVE

LATHRUP VILLAGE MI 48076-4619

Invoice No	Invoice Date	PlanReview Numbe	Address	Amount Due
00010154	08/12/22	Pze22-007	17587 MARGATE AVE	\$ 1,750.00

Fee Details:	Quantity	Description	Amount Cost	Balance
	1.000	Special Land Use	\$1750.00	\$ 1,750.00

Total Amount Due

\$ 1,750.00

CT# 160207912

memorandum

DATE: October 25, 2022
TO: Mayor Kelly Garrett and Lathrup Village City Council
FROM: Jill Bahm & Eric Pietsch, Giffels Webster
SUBJECT: Zoning Amendment – Location of Permanent Power Generators

Introduction

What prompted this amendment?

With severe or extreme weather events becoming more common, an increasing number of property owners in the city have considered installing exterior generators in the event of power outages. The zoning ordinance permits generators in all zoning districts; however, they are restricted to rear yard locations only. Considering every parcel in the city is different, restricting the location of generators to the rear yard may not always be the most feasible. Recent permit applications that proposed side yard locations, and thus requests for variance approval, have spurred conversation that explores considering an amendment to the ordinance that would allow for permanent power generator units to be installed in a property's side yard.

Current Ordinance

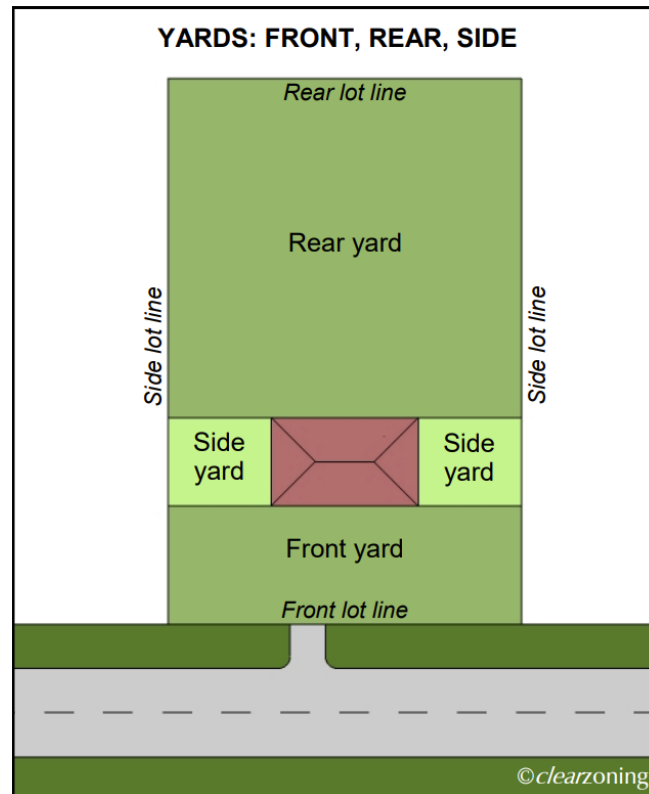
The use standards of Article 4 include permanent power generators under 4.12, allowing for their use as a source of interim power for standby conveyance or medical emergency purposes subject to the following 6 criteria:

- 1) Noise shall be limited to 70 dB (A) at the point of measurement.
- 2) When the ambient noise is greater than 65 dB (A) at the property line, the noise generated from the generator in combination with the ambient noise shall not exceed more than 10 dB(A) above the ambient noise.
- 3) Periodic cycling, e.g., testing or maintenance, shall be permitted only between 9:00 a.m. to 5:00 p.m. Monday through Saturday.
- 4) Power generators that are installed as a permanent fixture or structure connected to the electrical system of a building shall require permits issued by the Building Department in addition to permits required under the applicable construction codes; a permit for installation; and a permit for operation. Following installation, no operation shall be permitted until a use permit is issued, which shall require a noise test administered by the City with the generator operation under load for the purposes of insuring that the noise requirements of this section are met.
- 5) To the extent necessary for compliance with this section, walls, and/or an enclosure, and/or landscaping to screen the power generator 365 days per year shall be necessary, and it shall be the duty of the owner of the generator, and not the duty of the City, to determine the abatement measures needed, to secure all permits required under applicable codes and ordinances and to conform with this section.
- 6) All power generators must be located in the rear yard.

Definitions.

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

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



Considerations

What are the driving forces that restrict generators to a rear yard?

Of the 6 criteria outlined above, half include noise as a regulated feature. It can be argued that criterion 3 is also a noise-related restriction that permits testing and maintenance of the units during daytime hours only. Criterion 5 emphasizes the requirement to adequately screen the generator units from view. Since generator units are only permitted in a rear yard, this would imply that the screening is intended primarily for neighboring properties as views from the street would likely be obstructed by the primary residence the generator is affixed to. Criterion 4 relates to operating safety as a factor when connecting a generator to the electrical system of a building.

If these three criteria, **noise, screening, and safety** have any influence over the required rear yard location of generators, then how can they apply, if at all, to generators permitted in side yards?

Current Industry Standards Pertaining to Noise.

With advancements in technology, research indicates home generator brands offer quieter units, many of which emit 60dB or less of sound when activated. For comparison, 60dB is about the sound level of a normal conversation between two people.

Screening Standards.

Screening of units is an existing code requirement for rear yard generators. Consideration is for ordinance language to provide enhanced screening, whether landscaping or enclosures such as fences or walls, with the intent to obscure side yard units from adjacent property, or views from the street(s).

Ordinance Safety Standards.

No change to the ordinance language pertaining to safety measures should be considered for side yard generators. Safety standards can and should be the same for any location a generator is installed.

Setbacks.

Generators shall follow the setback requirements of accessory structures (no encroachment permitted in a minimum side yard setback requirement (Sec. 5.16.1.B.)). For residential properties, the standards of Sec. 5.16.2.G shall apply to generator units. Note that the encroachment of 3' into a side yard setback is permitted if the adjacent property is occupied by a use other than one-family residential.

Summary / Recommendation

On October 18, 2022, the Planning Commission moved to amend the zoning ordinance to allow permanent power generators in a property's side yard and forward the amendments to City Council for approval. The attached draft outlines the proposed changes that may be considered.

These include the removal of Section 4.12 "Permanent Power Generators" and relocate it to Section 5.16 "Accessory Buildings and Structures."

Maintain the standards for permanent power generators located in a rear yard and allow for the location of permanent power generators in a property's side yard. Maintain the noise (sound decibels) and screening standards for side yard generators.

Amend Article 4 to remove Section 4.12, Permanent Power Generators

Amend Article 5, Site Development Standards, to add “permanent power generator” to Section 5.16.2.G. and to add the language of Section 4.12 to a new Section 5.16.2.H as follows:

Section 5.16.2.G.

A central air conditioning unit, permanent power generator, heat pump, swimming pool pumps and equipment, or any other noise-producing mechanical system located in the yard of a residential unit may be located as follows:

- i. Within a rear yard, provided that such system is not located closer to a side lot line than the distance required by the side yard setback (see item D. for corner lots).
- ii. Within a side yard which is in excess of the required side yard setback.
- iii. Within a side yard setback, provided that such system does not extend into the setback by more than three feet and if the abutting parcel is occupied by a use other than one-family residential.
- iv. If such system is not located in a rear yard, or if it is located in a rear yard of a corner lot and is visible from the street, it shall be screened with landscape material with starting size not less than the height of the system.

Section 5.16.2.H.

1. Permanent power generators may be used for standby conveyance or for medical emergency purposes, whenever they occur, as a source of interim power, subject to the following regulations.
 - i. Noise shall be limited to 70 dB (A) at the point of measurement for rear yard and side yard permanent power generators.
 - ii. For rear yard permanent power generators, when the ambient noise is greater than 65 dB (A) at the property line, the noise generated from the permanent power generator in combination with the ambient noise shall not exceed more than 10 dB(A) above the ambient noise.
 - iii. Periodic cycling, e.g., testing or maintenance, shall be permitted only between 9:00 a.m. to 5:00 p.m. Monday through Saturday.
 - iv. Permanent power generators that are installed as a permanent fixture or structure connected to the electrical system of a building shall require permits issued by the Building Department in addition to permits required under the applicable construction codes; a permit for installation; and a permit for operation. Following installation, no operation shall be permitted until a use permit is issued, which shall require a noise test administered by the City with the permanent power generator operation under load for the purposes of insuring that the noise requirements of this section are met.
 - v. To the extent necessary for compliance with this section, walls, and/or an enclosure, and/or landscaping to screen the permanent power generator 365 days per year from adjacent properties and adjacent rights-of-way, shall be necessary, and, it shall be the duty of the owner of the permanent power generator, and not the duty of the City, to determine the abatement measures needed, to secure all permits required under applicable codes and ordinances, and to conform with this section.
2. Permanent power generators are allowed in all Zoning Districts as an accessory use and structure, anything to the contrary notwithstanding.

memorandum

DATE: October 26, 2022
TO: Mayor Kelly Garrett and Lathrup Village City Council
FROM: Jill Bahm & Eric Pietsch, Giffels Webster
SUBJECT: Zoning Amendment – Impervious Surfaces

Previous Discussion

The Planning Commission discussed the need to create standards for impervious surfaces as part of a larger goal to better address stormwater runoff, which contributes significantly to ongoing flooding in the city. Zoning standards to limit impervious surfaces are one of the tools in the stormwater management toolbox. At the August 2022 meeting, the Planning Commission decided not to include the allowance of an additional 5% of coverage when bioretention or rain garden areas are provided.

At the September 2022 meeting, the Planning Commission discussed several options of regulating impervious coverage requirements and settled on a flat percentage of a lot's overall size. The Commission may modify this standard over time.

The Commission expressed concern regarding extending residential driveways into the right-of-way, however, regulations pertaining to improvements in the right-of-way are found in the municipal code and not the zoning ordinance. As it relates to lot coverage and impervious surfaces, we recommend not more than one driveway leading from the street to the garage. See updated amendment language.

The remainder of this memo is provided as background.

Introduction

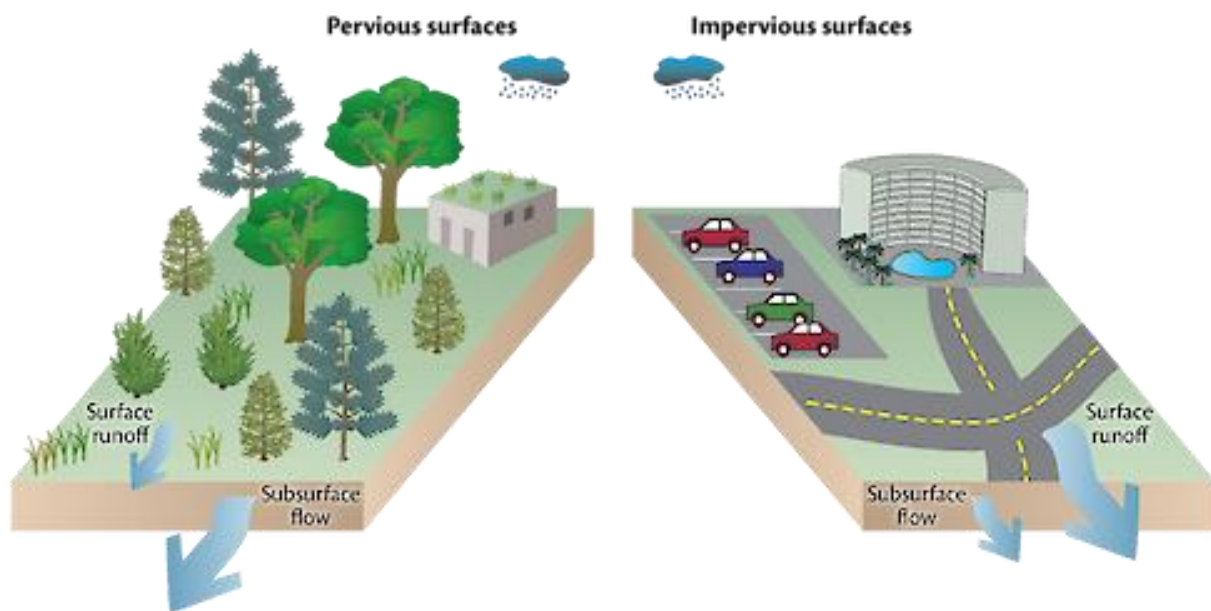
What prompted this amendment?

The Planning Commission has discussed previously the impact of impervious surfaces on stormwater runoff in the city, particularly with respect to flooding concerns.

Impervious surfaces are surfaces that limit the ability of water to be absorbed into the ground. Buildings and roofed areas, parking areas, loading areas, driveways, roads, sidewalks, concrete areas, and asphalt are all surfaces that prevent water from being absorbed. Further, even dirt or gravel surfaces that are highly compacted, like driveways that support vehicles, can also significantly prevent water from being adequately absorbed.

These surfaces affect water quality by increasing the amount of untreated water delivered to a waterbody during and after rainfall or storm event. As has been seen in the city, often the volume and speed of runoff during a storm event is more than the storm drain system can handle, and flooding occurs. In addition, this runoff has regional impacts as precipitation travels on top of the impervious surfaces and picks up pollutants and momentum before reaching a surface water body, like a stream, river, lake, or wetland. Both the pollutants and speed/volume of water negatively impact the receiving water body when this stormwater runoff arrives.

The City of Lathrup Village is located in the Rouge River Watershed, which covers 467 square miles, and is 50% urbanized (developed). As noted in the 2021 Comprehensive Plan, threats to the entire watershed include flooding and streambank erosion, combined sanitary and stormwater sewer overflows, illegal discharges, loss of wildlife habitat, and invasive species. Impervious surfaces play a significant role in these threats. However, efforts to reduce impervious surfaces in the watershed helps local streams withstand increased pollutant loads, peak flood flows, and channel stability. Limiting impervious surfaces allows precipitation that hits the natural ground surface to slowly infiltrate through the ground and into the groundwater.



Pervious surfaces such as grass, soils, and green roofs allow water to infiltrate the ground, slowing and reducing runoff and recharging groundwater. Impervious surfaces such as cement, asphalt, and roofing prevent infiltration, increasing the volume and velocity of surface runoff which carries nutrients and sediments with it. Diagram courtesy of the Integration and Application Network (ian.umces.edu).

Current Ordinance

The ordinance does not regulate impervious surfaces.

Considerations

How does limiting impervious surfaces affect property owners?

Using our mapping tools, we conducted a random sample of 14 residential properties throughout the city and approximated coverage by buildings, driveways, and other things like pools. We did not include commercial properties as they are primarily developed and have limited opportunities to reduce impervious surfaces in meaningful ways. Within this sample, we selected several parcels with circular driveways and/or inground pools, which contribute to higher amounts of impervious surfaces. In this small study, the lowest amount of impervious surface coverage is 24% and the highest is 53%. The average is 35% impervious surface coverage. We will share a map and table of these random properties at our upcoming meeting.

How do other communities regulate impervious surfaces?

Most communities have some regulations on impervious surfaces, whether through regulating all impervious surfaces or by limiting “lot coverage”, which may only address buildings and structures.

Berkley: Maximum percentage of lot coverage is 35% in all residential districts. In R-1A to R-1D districts, maximum lot coverage for corner lots shall not exceed 45%.

Beverly Hills: Maximum coverage of lot by all buildings varies from 25% to 35% in residential districts. In the R-M Multiple Family district, the total land coverage in multiple-developments by all buildings other than carports shall not exceed thirty percent (30%) of land area.

The Building Official shall have the authority to allow up to a 5% increase above the maximum building coverage if low impact design practices are incorporated into the storm water management plan for the property such that it mitigates the coverage increase.

Birmingham: Maximum lot coverage is 30% in single-family residential (R1A, R1, R2, R3) districts.

Oak Park: “Impervious Surface Coverage” definition includes calculation and bonus is allotted if green roofs are installed.

Maximum Impervious Surface is 50% in R-1, R-2, and R-3-50 districts and 60% in R-3-35 and R-4 districts, but 70% for non-residential uses in those districts. R-5, R-6, and R-7 the maximum is 65% for single-family, and 70% for two-family, 70-80% for non-residential, and townhomes and multi-family 75-80% in the R-6 and R-7 districts.

Detached accessory structures are included in and must comply with all maximum impervious surface and building coverage requirements.

Southfield: Maximum lot coverage is 25% in all single-family residence (R A, R 1 to R-4, and R E) districts, but none listed in other residential districts.

Discussion

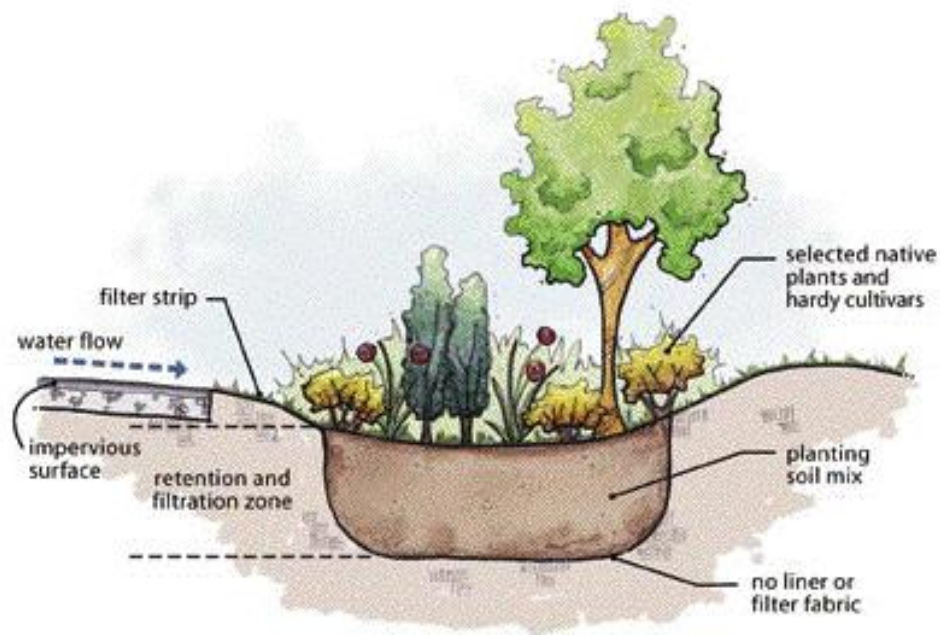
There are several options for regulating impervious surfaces, including:

One maximum percentage of impervious surfaces for all residentially zoned parcels.

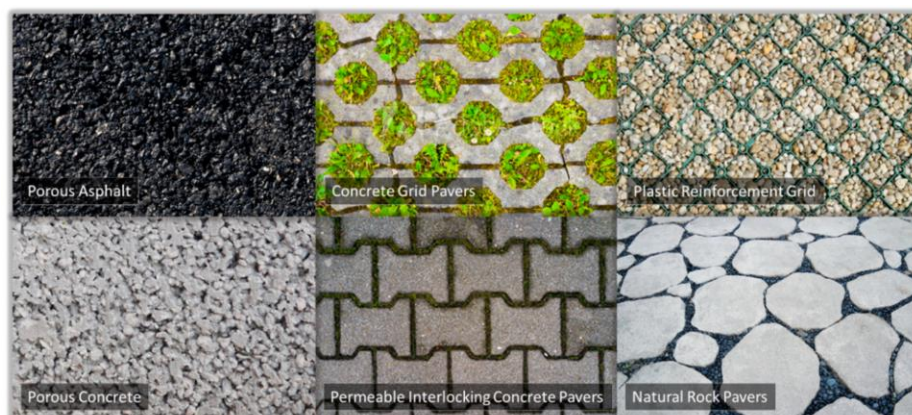
A sliding scale for regulating impervious surfaces that recognizes that smaller parcels may necessarily have more impervious surfaces with their house, driveway, patio, and other structure, like a swimming pool. The percentage of impervious surfaces on larger lots equates to more land area than on smaller lots.

Allow for offsets from the maximum percentage of impervious surfaces provided other techniques are used. Evaluation of these methods, some of which are noted below, would be by the city engineer.

Bioretention Areas (including rain gardens): These are natural features that capture and store stormwater runoff and pass it through a filter bed of sand, soil, and organic matter. Filtered runoff may be collected and returned to a storm drain or allowed to infiltrate into the soil. Lathrup Village has a history of utilizing rain gardens and several may still be found around the community, including at City Hall.



Permeable Pavements: Unlike concrete or asphalt, permeable pavement may include porous concrete and or pervious pavers. They are typically units separated by gaps filled with small stones or sand, layered over other aggregate that slows down and holds water until it can be absorbed. These pavements can be good for low traffic areas.



Rain Barrels: These are containers that hold water, typically from a downspout. The [Friends of the Rouge](#) has some interesting information on the benefits and types of rain barrels.

Green Roofs: A roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. These materials slow the flow of precipitation.



Summary / Recommendation

On October 18, 2022, the Planning Commission moved to amend the zoning ordinance to add a definition for Impervious Surfaces and Lot Coverage to Section 2.2., and to add development standards for impervious surfaces and lot coverages to Section 3.1.2.D. Lastly, a new Section of 5.17 for impervious surfaces will be added outlining the intent of these amendments. The attached draft outlines the proposed changes that may be considered.

Amend Section 2.2: Definitions to add:

Impervious Surfaces. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Impervious surfaces include all drives, parking areas, building coverage, patios, decks, pools, pool decks, sport courts, graveled surfaces, and any other surface which does not readily absorb water. Permeable surfaces shall mean those areas that the City's consulting engineers determine are covered by materials that are sufficiently porous to allow water and/or other liquids to pass through said surface areas and shall not be included in the 45% impervious surface allowance.

Lot Coverage. The part or percentage of the lot occupied by buildings, including accessory buildings and swimming pools.

Amend Section 3.1.2.D, Development Standards, to add a new standard:

Lot Coverage: 30% maximum

Impervious Surface Coverage: 45% maximum

Amend Article 5, Site Development Standards, to add a new section:

Section 5.17 Impervious Surfaces

1. Intent. The purpose of the impervious surface standard is to limit the amount of impervious surfaces on residential lots, which make up the majority of land in the City of Lathrup Village, ensuring that adequate drainage is achieved, and potential runoff of the lot is controlled. In addition to the impact on the physical environment, impervious surfaces, and some permeable surfaces designed to support heavy loads, also have a visual impact that can detract from greenspace and landscaping that is part of the character of the city's residential neighborhoods. Some impervious surfaces, like recreational areas, provide visual relief from the built environment.
2. Impervious surface coverage is calculated as the percentage of all impervious surface areas of the total area of the lot.
3. A residential lot shall have no more than one driveway of a width not exceeding twenty (20) feet and the length being the single most direct route between the road right of way and a garage.