

**Amendment Ordinance
to the
Lake Township Zoning Ordinance
Lake Township, Huron County, Michigan
Ordinance No. 2022 - 2**

An Ordinance to amend the Lake Township Zoning Ordinance adopted on November 16, 2020 and commonly referred to as the 2020 Lake Township Zoning Ordinance and to revise the Official Zoning Map to rezone Parcel #3213-013-159-10 (Tatham/Anderson) from the B-1 Local Commercial District to the PUD Planned Unit Development District.

**Section 1
Rezoning of Parcel 3213-013-159-10**

The Official Zoning Map of the 2020 Lake Township Zoning Ordinance is hereby amended by the reclassification of the following described 2.93-acre parcel, with a tax identification number of 3213-013-159-10, from the B-1 Local Commercial District to the PUD Planned Unit Development District:

A parcel of land in the SOUTHEAST $\frac{1}{4}$ of the NORTHEAST $\frac{1}{4}$ of fractional SECTION 13, T18N- R11E, Lake Township, Huron County, Michigan; described as: Commencing at the EAST $\frac{1}{4}$ CORNER of said SECTION 13, thence N 02°17'47"W along the EAST LINE of said SECTION 13, 662.0 feet to the POINT OF BEGINNING. Thence S87°42'13"W 425.0 feet; thence N02°17'47"W parallel with the said EAST SECTION LINE 300.0 feet; thence N87°42'13"E 425.0 Feet; thence S02°17'47"E along the said EAST SECTION LINE 300.0 feet to the POINT OF BEGINNING. (the "Parcel").

**Section 2
Restrictions on Rezoning**

Pursuant to Article 4 of the Lake Township Zoning Ordinance (the "Zoning Ordinance") and the Michigan Zoning Enabling Act, the development and use of the Parcel is subject to the rezoning as delineated in Section 1 of this Amendment Ordinance and is also subject to all of the following restrictions and conditions:

1. No construction or use of the Parcel shall be initiated or occur prior to final approval of the PUD application and site plan by the Township Board, after receiving a recommendation from the Planning Commission, and the Zoning Administrator issues a zoning permit for the PUD.
2. All construction on and use of the Parcel shall fully comply with the final approved PUD application and site plan and any conditions that the Township Board may attach to such approval.
3. The final site plan shall be based on the preliminary site plan approved by the Township Board and the following conditions of such approval:
 - a. Each sheet, drawing, letter, and any other submittal shall include the applicant's full name, the project's name if applicable ("Tatham PUD" or similar), the most recent date the item was prepared or revised, and the name, address, and phone number of the preparer of each submitted item.
 - b. If structural modifications are to be made to the existing sign (including the replacement of the current sign with a new sign structure) and the plans for the sign are not made part of the final PUD site plan (including design and construction details), no such modifications shall be made except upon the issuance of a zoning permit in response to a subsequent permit application for the sign.
 - c. The final site plan shall identify the location and height of all exterior lights, and the site plan shall specify that all exterior lighting shall be directed downward and that the source of the light (light bulb or other light source) shall not be visible from beyond the Parcel. This condition shall not prohibit decorative lighting that complies with all of the following: (i) the decorative lighting is limited to neon lights and bulbs not exceeding fifteen (15) watts, which may be visible; (ii) the decorative lighting shall be set back a minimum distance of 20' from all lot lines except as provided under (iii); (iii) individual decorative lights that illuminate a globe-like device in excess of 6" in diameter shall be set back a minimum of forty (40) feet from lot lines; and (iv) decorative lighting not customarily associated with a national or religious holiday shall not operate except during the hours that the facility is open to the public.

- d. The final site plan sheet shall in graphic and/or narrative form provide for a wheel stop for each parking space and signage requiring 90° parking, and shall identify the location and means of accommodating a minimum of one (1) handicap parking space including the dimensions thereof.
 - e. The final site plan shall identify a *“reserve area for additional parking”* on the Parcel that shall accommodate a minimum of three (3) additional parking spaces (27’ wide and 20’ deep) on the Parcel, extending from the most westerly parking space. The site plan shall specify that the additional parking spaces shall be of similar ground surface as the balance of the parking spaces.
4. The issuance of a zoning permit for the PUD and the construction and operation of the PUD, shall be subject to all of the following conditions:
- a. Unless the Township Board determines otherwise, final approval of the PUD shall not be granted prior to the Township receiving suitable evidence that all county and state approvals have been received for the PUD including, but not necessarily limited to, the county health department and county road commission. No construction shall occur or be initiated prior to final approval by the Township Board including a final site plan, and no construction shall occur or be initiated for any work that is dependent on permits or other approvals by county agencies and the Township building department unless satisfactory evidence has been received by the Zoning Administrator that all such permits/approvals have been issued. This condition shall not require a liquor license for wine tasting to be secured prior to the initiation of construction, but in no case shall any wine tasting occur prior to the applicants’ receipt of a liquor license and written approval from the Zoning Administrator for the initiation of wine tasting after receiving a copy of the liquor license.
 - b. No construction shall occur or be initiated until the Township building department has granted approval of a building permit as provided by the state construction code.
 - c. The lavender crop shall comprise a minimum of one half of the acreage on the Parcel devoted to cultivation, and any cultivation of additional crops shall be limited to tulips, daffodils, sun flowers, daisies, chrysanthemum, impatiens, begonia, edelweiss, and similar plant types common to flower gardens. The growing of marijuana or hemp is prohibited.

- d. No more than ten percent (10%) of the retail store floor area of the former tavern building that is used to display, store and/or sell products shall be devoted to the display, storage and/or sale of products that do not principally originate from the growing of flowers on the Parcel or craft products created on the Parcel exclusively by the applicants. Examples of products subject to the ten percent (10%) restriction include baskets, ribbons, artwork, and engraved glassware, if not principally created on the Parcel. The restrictions of this Condition (d) shall separately apply to any retail store wall area used to display, store and/or sell products.
- e. The PUD facility and Parcel shall not be open to the public between the hours of 9:00 p.m. and 9:00 a.m.
- f. The Parcel shall not be used for special events such as weddings, parties, reunions, funerals, concerts, celebrations, and similar planned gatherings.
- g. The Township Board may subsequently require that the access drive and/or parking area be reconstructed and/or paved upon finding that the existing unpaved areas do not adequately facilitate circulation and promote parking that ensures the public health, safety, and welfare.
- h. The Township Board may subsequently require the establishment and installation of an effective screen of the parking area along the south property line should the woodlands directly south of the Parcel be cleared, die off or otherwise be altered so as not to provide effective screening from the south.
- i. The Township Board may subsequently require that the required *“reserve area for additional parking”* on the Parcel be converted to useable parking spaces similar to those initially proposed, upon a finding by the Township Board that the 13 parking spaces on the Parcel do not adequately address the parking needs of the PUD or the Parcel.
- j. All parking of vehicles for PUD customers, workers, the applicants and visitors to the Parcel shall be entirely on the Parcel. Parking on or along Oak Beach Road (or in its right-of-way or easement) is prohibited, as is the shuttling of customers or visitors from a location off of or beyond the Parcel.
- k. All parking lot lighting (including lighting for any approved overflow parking) shall be off when the facility is not open to the public.

- l. Arrangements shall be made by the applicants for the regular collection of solid waste so as to keep the facility free of odors, rodents, flies and similar nuisances. The outdoor storage of solid waste is prohibited except within closed containers designed for such purpose.
- m. All changes to the final site plan shall be deemed to be a “major change,” subject to a Planning Commission recommendation to the Township Board and subsequent final action by the Township Board. This condition shall replace the provisions of Section 14.6 of the Zoning Ordinance. The Township Board may conduct a hearing on any proposed change if the Township Board finds that the proposed change constitutes a substantive departure from the approved PUD application. A change in the fundamental character of the PUD as originally approved shall require the submittal of a wholly new PUD application.
- n. The applicants and the PUD shall at all times fully comply with the requirements of the Zoning Ordinance, this Ordinance, and the approved final site plan.
- o. Except as otherwise expressly provided in this approval or the Zoning Ordinance, the applicants (and their assigns) must meet all other applicable Township ordinances as well as all federal and state laws, and the applicants shall obtain all necessary approvals, permits and licenses from state, county and local governmental agencies which are required for the proposed operation or use. No wine tasting shall occur unless a valid state liquor license is in effect allowing such use.
- p. If any condition or requirement imposed herein is ever finally determined by a court of competent jurisdiction to be illegal or contrary to law as a result of a successful challenge by the applicants or their successors, the Township reserves the right to review the entire project under the PUD provisions of the Zoning Ordinance, and further, to withdraw its approval of the PUD if the Township Board finds that absent the effect of the invalidated condition or requirement, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.
- q. All conditions and requirements contained herein shall be binding upon the applicants and the future owner(s) of the Parcel, as well as their successors, creditors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment by the Township of the PUD approval and ordinance amendment.

- r. This document may be recorded with the Huron County Register of Deeds. This document and the PUD approval shall run with the land and shall bind the lands involved.
- s. Failure to comply with any provision of the Zoning Ordinance, the approved final site plan, this Ordinance or any of the PUD approval documents shall be deemed to be a violation of the Lake Township Zoning Ordinance. Violation of the Lake Township Zoning Ordinance could prompt legal action against the applicants or the then-property owners, including, but not limited to, prosecution, a civil lawsuit and/or revocation of any approvals or permits hereunder.
- t. The Parcel and all operations on site shall fully comply with all applicable local, county, state and federal ordinances, codes, laws and regulations at all times, including, but not limited to, environmental laws.
- u. The applicants shall pay all Township zoning escrow fees.
- v. The Planning Commission (at the option and discretion of the Township) may review compliance with this document and the approved final site plan for the Parcel once every 3 years. The then-owner(s) of the Parcel shall be given at least 30 days prior written notice of any such review. If the Planning Commission determines that additional conditions and requirements are necessary pursuant to such review in order to meet the intent of this document or to eliminate or minimize any adverse impacts of the operations occurring on the Parcel to neighboring and nearby parcels or occupants, the Planning Commission may recommend such additional reasonable conditions to the Township Board and the Township Board may adopt some or all of those additional recommended conditions for the Parcel. Any such additional conditions imposed by the Township Board on the Parcel shall be deemed to be a formal amendment to this document.

SECTION 3

Ratification and Reaffirmation

The remaining provisions of the 2020 Lake Township Zoning Ordinance and Zoning Map are hereby ratified and reaffirmed.

SECTION 4
Severance

In the event that any provision of this amending Ordinance is held to be unconstitutional or void for any reason by a court of competent jurisdiction, that provision shall be struck from the amendment and severed and the remaining provisions shall be enforced according to their terms and provisions.

SECTION 5
Effective Date

This amendment Ordinance shall be effective upon the expiration of seven (7) days after adoption and publication as provided by law. Upon adoption, this Amendment Ordinance shall supersede Ordinance 2022-1.

CLERK'S CERTIFICATION

I, James Deming, the duly appointed, qualified and acting Clerk of the Township of Lake, Huron County, Michigan, hereby certify that the foregoing Amending Ordinance (Ordinance to amend the 2020 Lake Township Zoning Ordinance and Zoning Map) was adopted at a regular meeting of the Township Board on the 18th day of July, 2022, at which a quorum was present and voted. I further certify that Dale Hartsell moved for the adoption of the ordinance, supported by Clay Kelterborn, and that the vote on the said proposed ordinance was:

Yeas: Hartsell, Deming, McCallum, Kelterborn

Nays: None

Absent: Collins

James Deming, Lake Township Clerk

Date: July 18, 2022