

LAKE TOWNSHIP, ROSCOMMON COUNTY, MICHIGAN
ZONING ORDINANCE AND ZONING MAP LEGEND AMENDMENT
ORDINANCE NO. 55A

At a regular meeting of the Township Board of Lake Township, Roscommon County, Michigan, held at the Lake Township Hall on June 9, 2021 at 7 p.m., Township Board Member Trier moved to adopt the following Ordinance, which motion was seconded by Township Board Member Stiles.

An Ordinance to amend the Lake Township Zoning Ordinance, as amended, and the Lake Township Zoning Map Legend, as amended, to provide for the zoning regulation of Commercial Medical Marihuana Facilities and Recreational Marihuana Establishments; and designate such Facilities and Establishments as special exception uses; to add to special exception uses; to revise requirements related to special exception applications; to update the number of campers or recreational vehicles permitted in certain districts; and to correct clerical errors; in order to maintain the public health, safety, and welfare of the residents of Lake Township.

LAKE TOWNSHIP, ROSCOMMON COUNTY, ORDAINS:

SECTION 1. AMENDMENT OF ARTICLE II, CHAPTER 1D, SECTION 202: The Lake Township Zoning Ordinance, Article II, Chapter 1, Section 2.02, shall be amended to add the following new and additional definitions:

Marihuana Provisioning Center: Both a “provisioning center” as defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 *et seq.*, as amended (“MMFLA”), and a “marihuana retailer” as that term is defined in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as amended (“MRTMA”).

SECTION 2. AMENDMENT OF ARTICLE III, CHAPTER 11.5, SECTION 370: The Lake Township Zoning Ordinance, Article III, shall be amended to add Chapter 11.5, Section 370, Marihuana Overlay District, providing as follows:

370 MO MARIHUANA OVERLAY DISTRICT

INTENT AND PURPOSE

The Marihuana Overlay District (“MO District”) is intended to provide opportunities for the development of certain Commercial Medical Marihuana Facilities permitted under the MMFLA and certain Marihuana Establishments permitted under the MRTMA. This Section proposes to accomplish this through the implementation of regulations that promote the use of land within the MO District for certain Commercial Medical Marihuana Facilities and Marihuana Establishments.

A. DISTRICT BOUNDARIES; APPLICATIONS TO REZONE

The MO District is established as an overlay zoning district over those portions of the C-1 Commercial District: 1) Located west of Old 27 (North Harrison Road) and having frontage on the north side of West Lake City Road (M-55); or 2) Located north of West Lake City Road (M-55) and south of Mary Street and having frontage on the west side of Old 27 (North Harrison Road). Applications to rezone to MO District will only be considered for parcels located within the Township's C-1 Commercial District. Land located within such overlay district may be developed according to the provisions of the underlying zoning districts and according to the provisions of this Section.

B. SPECIAL EXCEPTION USES, see Article IV

1. Marihuana Provisioning Centers.

C. PROHIBITED USES

All uses not specifically allowed in this overlay district or the underlying zoning district are prohibited.

SECTION 3. AMENDMENT OF ARTICLE X, CHAPTER 10, SECTION 360(B): The Lake Township Zoning Ordinance, Article X, Chapter 10, Section 360(B) shall be amended to add "assembly and construction of sheds" as a special exception use in the C-1 Commercial District, and shall read as follows:

B. SPECIAL EXCEPTION USES, see Article IV

1. Apartments.
2. Marinas.
3. Hospitals or health care services.
4. Indoor theaters.
5. Churches.
6. Bus Terminals.
7. Indoor and/or outdoor recreational facilities.
8. Drive-in and fast food restaurants.
9. Engine service and repair.
10. Dry cleaning and/or laundry.
11. Gas station.
12. Auto repair.
13. Automobile sales, inside or outside.
14. Bowling center.
15. Veterinary hospital or clinic.

16. Pet shops.
17. Wholesale sales and enclosed warehouse.
18. Bulk storage of flammable fuel in tanks installed above ground for non-domestic use.
19. Essential public utility service buildings.
20. Natural Gas or electric regulator stations or buildings.
21. Parks and public recreation areas.
22. Buildings up to 55 feet in height.
23. Taverns.
24. Single-family dwellings.
25. Two-family dwellings.
26. Lots or parcels within 80% of the required lot/parcel size, provided that all other requirements of this Ordinance are met.
27. An additional accessory building beyond what is permitted by right, provided that the additional accessory building does not exceed 1,500 square feet in area.
28. Taxi Services.
29. Manufactured Home Sales.
30. Indoor Storage Facilities.
31. Car Washes.
32. Microbreweries.
33. Assembly and construction of sheds.

SECTION 4. AMENDMENT OF ARTICLE XIV, CHAPTER 14, SECTION 402(A): The Lake Township Zoning Ordinance, Article XIV, Chapter 14, Section 402(A) shall be amended as follows:

402 A. All applications for Special Exception Use/Special Land Use Permits shall be filed with the Ordinance Enforcement Officer and shall include all pertinent plans, specifications, and other data required by this Ordinance. The Ordinance Enforcement Officer shall review applications for completeness and notify applicants of any missing or incomplete information. When the Ordinance Enforcement Officer determines that an application is complete, he or she shall file the complete application with the Township Clerk, who shall forward the application to the Planning Commission. None of the deadlines described in this Chapter shall begin to run until the Ordinance Enforcement Officer determines that an application is complete and files it with the Township Clerk, and the Ordinance Enforcement Officer's determination that an application is complete shall not preclude the Planning Commission from requiring additional information. Applications are

neither deemed granted nor denied if any deadlines under this Chapter are not met. A filing fee, as established by resolution of the Lake Township Board, is required.

SECTION 5. AMENDMENT OF ARTICLE XV, CHAPTER 15, SECTION 417(F)(5): The Lake Township Zoning Ordinance, Article XV, Chapter 15, Section 417(F)(5) shall be amended as follows:

5. To conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.

SECTION 6. AMENDMENT OF ARTICLE XVII, CHAPTER 17, SECTION 437(D): The Lake Township Zoning Ordinance, Article XVII, Chapter 17, Section 437(D) shall be amended as follows:

- D. Only one (1) camper or recreational vehicle on a lot shall be permitted to be stored outdoors (but not occupied) in the R-1, RR-1, R-2, R-3, and R-4 Districts.
 1. In the AG District, campers and recreational vehicles may be stored (but not occupied) in accordance with the following:

Parcel Size	Maximum Number of Campers or Recreational Vehicles Permitted
Smaller than 5 acres	1
At least 5 acres but smaller than 30 acres	2
At least 30 acres but smaller than 40 acres	3
At least 40 acres but smaller than 50 acres	4
50 acres or larger	5

2. On all parcels that contain a dwelling, a camper or recreational vehicle may be occupied for a period not to exceed two (2) consecutive weeks for the purpose of accommodating owner or lessee, guests or family members. The property owner must render sanitary facilities as prescribed by the Health Department. A period of seventy-two (72) hours must elapse after such occupancy prior to repeat usage.
3. A single camper or recreational vehicle may be stored on parcels without a dwelling in the AG, RR-1, R-2 and R-3 Districts but may not be occupied.

SECTION 7. AMENDMENT OF ARTICLE XXI, CHAPTER 21, SECTION 802(15): The Lake Township Zoning Ordinance, Article XXI, Chapter 21, Section 802(15) shall be amended as follows:

15. Barbed wire and electrified fences are prohibited in all zoning districts except the AG District. This prohibition shall not apply to underground dog fences.

SECTION 8. AMENDMENT OF ARTICLE XXI, CHAPTER 21, SECTION 802(F)(2): The Lake Township Zoning Ordinance, Article XXI, Chapter 21, Section 802(F)(2) shall be amended as follows:

2. Front yard. A fence not to exceed four (4) feet in height is permitted in the front yard. The Planning Commission will determine the appropriate setback distance from the fence to the front property line or road right-of-way during site plan review.

SECTION 9. AMENDMENT TO THE LAKE TOWNSHIP ZONING MAP LEGEND, ARTICLE XX, CHAPTER 26, SECTION 2002. Consistent with the amendments to the text of the Lake Township Zoning Ordinance, the Lake Township Board amends the Zoning Map Legend of the Lake Township Zoning Ordinance, as set forth in Article XX, Chapter 26 of the Zoning Ordinance, to add the new and additional Section 2002, which shall establish the boundaries of the MO Marihuana Overlay District as follows:

2002 The MO Marihuana Overlay District

All parcels within the C-1 Commercial District: 1) Located west of Old 27 (North Harrison Road) and having frontage on the north side of West Lake City Road (M-55); or 2) Located north of West Lake City Road (M-55) and south of Mary Street and having frontage on the west side of Old 27 (North Harrison Road).

SECTION 10. SEVERABILITY: The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 11. REPEAL: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 12. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: Stiles, Surprenant, Trier

NAYS: Farhat, Russo Jr.

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

Original signature on file

Keith Stiles, Township Supervisor