

**VILLAGE OF LAKE ODESSA  
IONIA COUNTY, MICHIGAN**

Trustee \_\_\_\_\_, supported by Trustee \_\_\_\_\_, moved the adoption of the following ordinance:

**ORDINANCE NO. 2023-03**

**AN ORDINANCE TO AMEND THE CODE OF  
ORDINANCES OF THE VILLAGE OF LAKE ODESSA BY  
ADDING SECTION 36-102 TEMPORARY USES TO  
ARTICLE VI SUPPLEMENTAL USE REGULATIONS OF  
CHAPTER 36 ZONING**

**THE VILLAGE OF LAKE ODESSA ORDAINS:**

**Section 36-102 Temporary Uses**

The Zoning Administrator may issue temporary use permits for the uses listed below, unless otherwise indicated, after determining that such uses will meet the standards under subsection (e) of this section and review standards for the specific use included in this section. The Zoning Administrator, in his or her discretion, may refer any request for a temporary use permit to the Planning Commission, which shall apply the same standards for review and approval as are required of the Zoning Administrator.

- (a) **Temporary Uses in All Districts.** Permits may be issued for the following temporary uses in all zoning districts subject to the standards specified herein:
  - 1. Temporary buildings and facilities for uses incidental to construction work for a period of up to 12 months. Such buildings shall be removed within 15 days after completion or abandonment of construction work;
  - 2. Storage of building supplies and machinery, temporary storage buildings, the assembly of materials and customary trade; and contractor, architect, and identification signs in connection with a construction project for a period of up to 12 months;
  - 3. Parking on unimproved areas of a property for a period of up to 30 days.
- (b) **Temporary Uses in the CBD – Central Business District and HC – Highway Commercial District.** Permits may be issued for the following temporary uses in the CBD- Central Business District and HC – Highway Commercial district subject to the standards specified herein:
  - 1. Temporary outdoor structures, facilities, fixtures, and furnishings in connection with seasonal uses of a commercial nature for a period not to exceed 30 days in any calendar year; provided such structures, facilities, fixtures, and furnishings do not occupy more than 20% of required parking spaces for the principal use on the site;
  - 2. Temporary outdoor structures, facilities, fixtures, and furnishings in connection with special events of a commercial nature, such as grand opening celebrations

and sales promotions, for a period not to exceed 7 days in any calendar year; provided such structures, facilities, fixtures, and furnishings do not occupy more than 20% of required parking spaces for the principal use on the site.

- (c) **Temporary Uses on Church Properties in All Districts.** Permits may be issued for temporary outdoor structures, facilities, fixtures, and furnishings in connection with special events of a noncommercial nature by churches on their property in all districts; provided such structures, facilities, fixtures, and furnishings do not occupy more than 20% of required parking spaces for the primary use on the site; provided, however, the temporary uses may occupy more than 20% of required parking spaces if the special event occurs at times when the primary use of the site does not occur.
- (d) **Mobile Food Establishments.** Permits may be issued for food trucks, barbeque wagons, and similar mobile food establishments in conjunction with uses for which temporary use permits are issued pursuant to subsections (b) and (c) of this section subject to the following standards:
1. The operator of the mobile food establishment shall obtain a license pursuant to Chapter 21 of the Village of Lake Odessa Code of Ordinances;
  2. The area occupied by the mobile food establishment shall be included within the 20% limitation on occupancy of required parking spaces for the permitted temporary use;
  3. The mobile food establishment shall operate only during hours of operation of the permitted temporary use;
  4. The mobile food establishment shall provide waste receptacles capable of preventing blowing of waste around or from the site and shall arrange for regular removal of waste so as to prevent waste spilling from the receptacles onto the site.
- (e) **General Standards for Temporary Uses.** All temporary uses permitted pursuant to this section shall comply with the following general standards:
1. The principal use of the site has been granted site plan approval and is in compliance with all current zoning regulations;
  2. The location of any temporary structures, facilities, fixtures, and furnishings, and of any materials, supplies, and equipment shall conform to all of the regulations of the zoning district in which they are situated and all other applicable regulations of this Chapter;
  3. The temporary use will not be injurious to adjacent properties or the surrounding neighborhood and will not otherwise affect public health, safety, or welfare;
  4. The temporary use, if located within 200 feet of property zoned residential, shall not create noise in excess of that typical of residential areas nor will it result in glare from artificial lights that illuminates an area beyond the property line where the temporary use is located;
  5. Signs associated with the temporary use shall comply with the sign standards for the zoning district in which the temporary use is located.
- (f) **Applications for Temporary Use Permits.** Applications for temporary use permits shall be submitted in writing on forms prescribed by the Zoning Administrator. The application shall include a sketch showing the location of any permanent structures and parking facilities on the site and the proposed locations of all temporary structures, facilities, fixtures, furnishings, materials, and supplies.

- (g) **Extension or Renewal of Temporary Use Permits.** Any applicant who wishes to extend or renew a temporary use permit previously granted by the Zoning Administrator shall submit a new application pursuant to subsection (f) of this section and shall state the reason or reasons for requesting the permit extension or renewal. If the time period of such extension or renewal would extend beyond the limitations for such temporary use as provided in this section, the Zoning Administrator shall refer the application to the Planning Commission for action. The Planning Commission shall not grant its approval for the extension or renewal if the temporary use fails to comply in all other respects with the standards described in this section or if the applicant fails to demonstrate good cause why the permit should be granted.
- (h) **Temporary Open-Air Businesses.** The provisions of Section 36.95 (7) applicable to temporary open-air businesses shall be deemed to supersede the provisions of this section except for those provisions of subsection (d) of this section. A temporary open-air business may apply for a temporary use permit pursuant to subsection (d) in conjunction with, and subject to the same restrictions as, a special event of a commercial nature as described in subsection (b)2.
- (i) **PR - Public Recreational District.** The provisions of this section shall not apply to uses permitted by right in the PR - Public Recreational District pursuant to Section 36-35(j)(2)c of this Chapter.
- (j) **Sunset Date.** The provisions of this section shall sunset and shall no longer be in force or effect on \_\_\_\_\_, 2025

**Section 2.** Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

**Section 3.** Effective Date. This ordinance shall take effect seven days following its publication in a newspaper circulated within the Village.

**Section 4.** Publication. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the Village Clerk in a newspaper of general circulation in the Village.

Ayes:  
Nays:  
Abstain:  
Absent:

**ORDINANCE DECLARED ADOPTED.**

Dated:

\_\_\_\_\_  
Karen L. Banks, Village President

\_\_\_\_\_  
Kathy Forman, Village Clerk

CERTIFICATION

This ordinance is a draft document. It has not been adopted by the Village Council.

I, the undersigned duly appointed Village Clerk of the Village of Lake Odessa, Ionia County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in the Lakewood News, a newspaper of general circulation in the Village, on \_\_\_\_\_, 2023, and that such ordinance was entered into the Ordinance Book of the Village on ,2023.

Date: \_\_\_\_\_

\_\_\_\_\_  
Kathy Forman, Village Clerk

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