



AGENDA  
LAKE ODESSA PLANNING COMMISSION  
REGULAR MEETING FOR MAY 22, 2023 AT 7:00 PM  
PAGE MEMORIAL BUILDING  
839 FOURTH AVENUE, LAKE ODESSA, MI 48849

1. Call to Order
2. Pledge of Allegiance
3. Attendance Roll Call
4. Approval of Written Agenda
5. Limited Public Comment
6. Approval of March 27, 2023 Planning Commission Meeting Minutes
7. Public Hearings
  - a. None
8. Action Items
  - a. Stuart Ventures  
Site Plan Review
  - b. Supplemental Use Regulations  
Discussion on Ordinance 2023-03, an Ordinance 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.
9. Discussion Items
  - a. Tattoo Parlors  
Discussion Regarding Current Prohibition
10. Other Business
11. Member Comments
12. Adjournment

Individuals wishing to speak during public comment are limited to five (5) minutes. The Village of Lake Odessa complies with the Open Meetings Act. If you require special accommodations to attend or participate because of a disability, please contact Village Manager Ben Geiger at (616) 374-7110 or by email at [bgeiger@lakeodessa.org](mailto:bgeiger@lakeodessa.org)

VILLAGE OF LAKE ODESSA  
PLANNING COMMISSION

**DRAFT**

MINUTES  
MARCH 27, 2023 REGULAR MEETING  
Page Memorial Building  
Lake Odessa, Michigan

Present: Karen Banks, Beth Barrone, Meg Wheeler, Martha Yoder, Gregg Guetschow  
Note: Al Hamp arrived at 7:09pm  
Staff: Jeanne Vandersloot, Kathy Forman  
Visitors: Ben DeJong

Meeting called to order by Chairperson Wheeler at 7:00 p.m.

**APPROVAL OF AGENDA:** Motion by Banks, supported by Barrone, to approve the agenda as amended. Voice vote. Approved 5-0.

**PUBLIC COMMENT** – No public comment.

**MINUTES** – Motion by Barrone, supported by Yoder, to approve the following Planning Commission meeting minutes:

1. January 23, 2023 Planning Commission meeting minutes

Voice vote. Approved 5-0.

**PUBLIC HEARING**

- a) Proposed Amendment to the Village Ordinance Chapter 36 – Zoning, Article IV – Supplemental Use Regulations, Section 36-94 – Planned Developments, of the Village’s Zoning Ordinance

Motion by Banks, supported by Barrone, to enter a Public Hearing at 7:04pm. Voice vote. Motion approved 5-0.

Note: Al Hamp arrived at 7:09

Motion by Banks, supported by Barrone, to close the Public Hearing at 7:15pm. Voice vote. Motion approved 6-0

**ACTION & DISCUSSION ITEMS:**

DRAFT

- a) Discussion and Action: Proposed Amendment to the Village Ordinance Chapter 36 – Zoning, Article IV – Supplemental Use Regulations, Section 36-94 – Planned Developments of the Village’s Zoning Ordinance.

Discussion of the amendment took place.

Motion by Banks, supported by Yoder, to forward the proposed changes to council and recommend approval. Voice vote. Motion approved unanimously, 6-0.

- b) Discussion and Action: Update on Master Plan review.

Gregg Guetschow reviewed the process for hiring a consulting firm and starting an RFP for the process.

- c) Discussion: Update on Food Trucks

Reviewed a memo to the Downtown Development Authority about Food Trucks. It was discussed that no more special use permits should be issued using the same process as before.

Motion by Banks, supported by Yoder that a Moratorium be placed on further food truck permitting and regulating until this is defined in an ordinance. Voice vote. Motion approved unanimously, 6-0.

**BOARD MEMBER COMMENTS:** Guetschow offered Planning Commissioner’s Toolkit workbooks to all members.

**ADJOURNMENT:** Motion by Banks, support by Guetschow, to adjourn the meeting. Motion approved unanimously, 6-0. Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Kathy Forman  
Village Clerk / Treasurer



Item 8A (Stuart Ventures)  
Summary of Contents

| Packet Page(s) | Item  |
|----------------|---|
| 5-6            | Memo  |
| 7              | General Site Plan Review                          |
| 8-10           | Review of Elevation Drawings and Driveway Surface |
| 11-14          | PUD Review  |
| 15-16          | Multifamily Review                                |

**MEMO TO LAKE ODESSA PLANNING COMMISSION**

**FROM ZONING ADMINISTRATOR – Jeanne Vandersloot**

**REGARDING: Stuart Project on Third Ave**

5-17-21

The Stuarts have applied for a special use permit to construct a PUD development with condominiums on the old school property along Third Ave. In the PUD section, a preapplication conference is required with the Planning Commission to get feedback on the concept plan. This will take place at the May 22 meeting. After that meeting, they will create a final site plan to bring back to you along with maintenance agreement/condo documents, other agency approvals or permits, engineering review, drainage review, landscaping plan, conservation easements for the required permanent open space and the driveway/circulation system. When the final site plan and other requirements are ready, a public hearing will need to be set after the final plan review.

The project consists of multifamily buildings of various sizes and unit sizes spread around the property with green space in between and a walking trail system plus a gazebo.

I went through the Multi-Family District section and multiple family dwellings are a special use. A PUD is also a special use. The proposed number of units is 41 where about 45 is allowed per the 8 units per acre formula (5.7 acres). The units meet and exceed the square footage minimums.

In the Site Plan Review Chapter, the concept plan has most of the final plan items already on it such as vicinity map, owners of adjacent property, boundaries, streets and driveway system. The final plan will have more detail such as water and sewer locations and landscaping and a copy of deed restrictions/covenants. They are proposing to do the project in phases with phase 1 at this time. In # 4 it says if done in phases the entire development shall be presented for approval of the entire project which is strangely worded. Typically, if a project is phased, the review and approval is per phase with a concept of the remainder, so they come back for each phase approval. During construction of phase 1, requests or sales trend can dictate more closely what phase 2 will have. It could be as shown or may be different. You will mainly be reviewing phase 1 when the final site plan is ready. See the ordinance page with my notes on it.

In the PUD section, a lot of detail is on the concept plan but more is needed for the final plan. You should give feedback on items to be added yet and other comments to the applicant's team. One thing to note is there is a requirement for the 20 ft setback surrounding the property to be landscaped with a planting formula. Starting at the SW corner at Third Ave and going east is a proposed driveway and about 3 ft of open space between that and a proposed fence along the south border. Pretty much anything in a PUD can be modified to give the opportunity to work with the land and the project for flexibility and creativity. You need to decide if this portion is acceptable or do you want some landscaping in that 3 feet or grass or wood chips. They are proposing a new fence to be placed along that border to screen the homes on the south side.

A minimum of 20% of the property must be put in a conservation easement to be permanently preserved as open space. There is a formula to determine what that can be and it should be shown on the final plan. It appears that more than 20% may be open space.

A general narrative should be typed up explaining and detailing the project.

Utilities will be shown on a final plan.

The 20 foot setback around the perimeter will need to be shown and the landscaping formula added to it. If less than a 20 foot setback is proposed, that can be approved as a modification or stay with the 20 feet.

Easements will be needed for water and sewer lines and locations shown on the final plan.

The Village Engineer will review later plans for stormwater and related.

The Village Attorney will review condo documents.

Parking spaces of 10' by 20' need to be shown (2 spaces per dwelling unit).

They need to check if the buried stormwater drain is County owned and can the driveways be constructed over it. There is an easement for it across the property.

There are sample elevation plans and a sheet showing the material to be used in the driveways that are over the buried stormwater line.

See the ordinance sections with my notes on them. You can create your own sets of notes and comments for the feedback to the applicant.

# Sec 36-66 Site Plan Review

- (g) **Conformity to approved site plan.** Property which is the subject of the site plan approval must be developed in strict compliance with the approved site plan, and with any revisions, amendments or modifications made thereto. If construction and development does not conform with such approved plan, the approval there of shall be revoked by the zoning administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.
- (h) **Performance bond required.** Wherever any physical improvements to the property in question are to be provided by the applicant as a requirement or condition of site plan approval, the applicant or his agent shall post a performance bond. See article V of this chapter for posting of bonds.
- (i) **Site plan specifications.** The information to be submitted as part of the site plan document must include the following:

- (1) A vicinity area map at a convenient scale, showing proximity to any railroads, streams, streets, and street intersections; the location of the nearest public roads on all sides; and all such schools, firehouses, houses of worship, recreational areas, etc.
- (2) A map of applicant's entire subject property and all surrounding properties at a designated scale; and which shall display:
  - a. The name of all owners of record of adjacent property;
  - b. Existing fire, school and other special district boundaries within 500 feet of the tract, if any;
  - c. Boundaries of property and existing lot lines as shown on the existing plat or tax map;
  - d. Existing public streets, easements, or other reservations of lands;
  - e. Location of all existing structures on the site, as well as those of adjacent properties within 100 feet of subject lot line; *See aerial*
  - f. The proposed location and use of any building or structure;
  - g. The proposed location of any use not requiring a structure, including walkways, benches, fences, and recreational facilities; *gazebo*
  - h. Location and design of all driveways, parking and loading areas, if any;
  - Final Plan need* - i. Location of all existing and proposed water lines, valves, and hydrants, and all sewer lines, if any;
  - j. Proposed fencing, screening and landscaping; and *shows new trees + fencing*
  - None* k. Location of existing watercourses, wooded areas, and rock outcrops, if any.
- with Final Plan* - (3) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.
- (4) Where the applicant wishes to develop the project in stages, a site plan indicating total development shall be presented for approval of the entire parcel.
- (5) The zoning administrator (for zoning permits) and the planning commission (for special use permits) may require additional data where it is warranted due to special conditions of the site or complexity of the proposed development.

(Ord. No. 119, § 4.5, 8-1993)

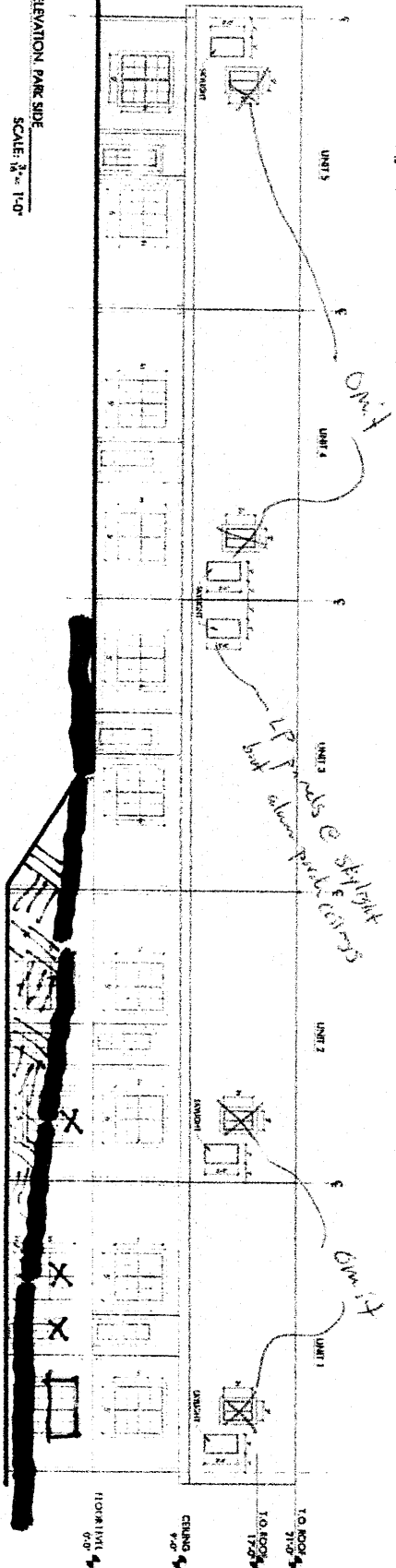
**State Law reference**— Site plan, MCL 125.584d.

Sec. 36-67. - Special use permits.

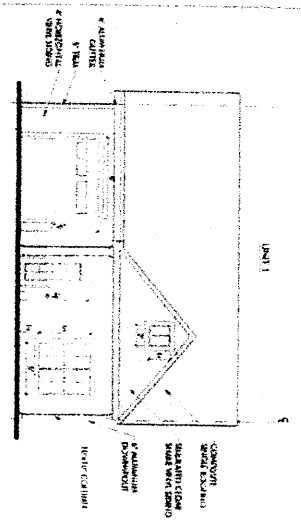
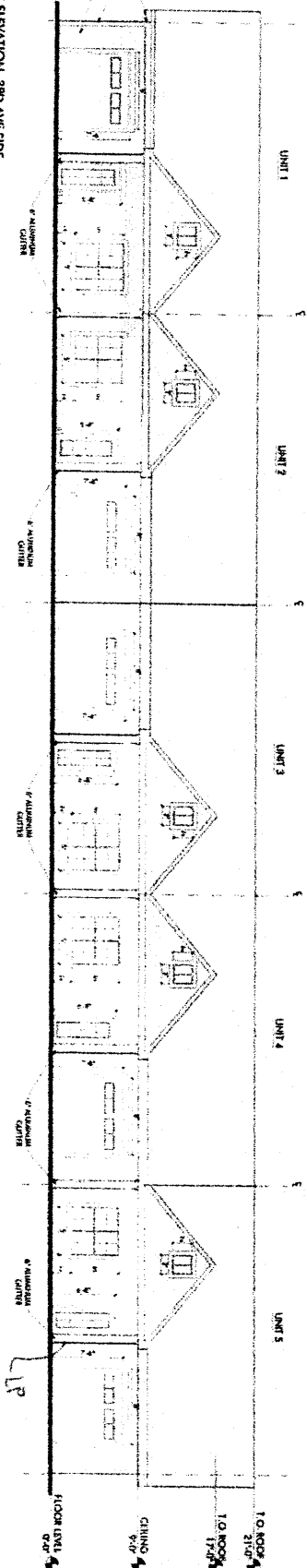
*5.7 acres  
about 45 units  
allowed  
proposed 41 units -*

# BUILDING 1.

EAST ELEVATION, PARK SIDE  
SCALE: 1/8" = 1'-0"



WEST ELEVATION, 3RD AVE SIDE  
SCALE: 1/8" = 1'-0"



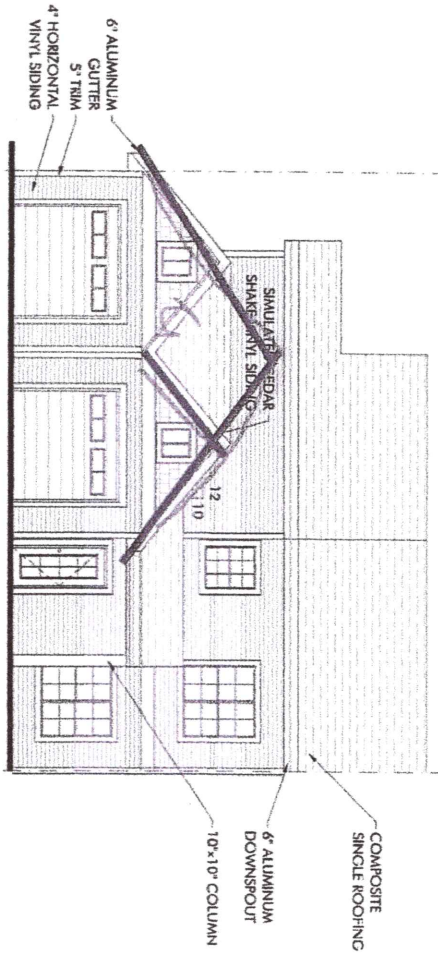
FLOOR LEVEL: 0'-0"  
TO ROOF: 21'-0"  
TO ROOF: 17'-0"  
TO ROOF: 17'-0"  
TO ROOF: 17'-0"  
TO ROOF: 17'-0"  
TO ROOF: 17'-0"

A103

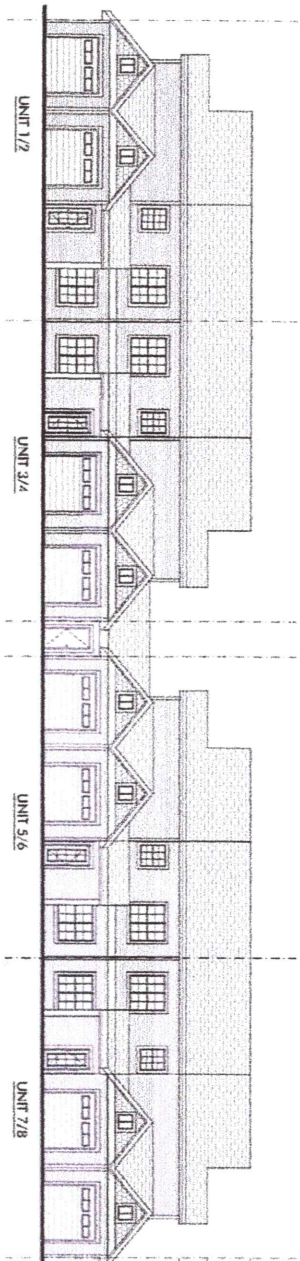
PROJECT NAME:  
InTown Condos of Lake Odessa (phase 1)

PREPARED FOR:  
Stuart Ventures and  
Tall Tree Realty and Property Management.  
PROJECT ADDRESS:





UNIT 1/2 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



BUILDING 2 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



BUILDING 2 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"

1.0. ROOF 21'-0"  
T.O. ROOF 21'-0"  
CEILING 19'-0"  
CEILING 9'-0"  
FLOOR LEVEL 0'-0"

32 (41-)

1.0. ROOF 21'-0"  
T.O. ROOF 21'-0"  
CEILING 19'-0"  
CEILING 9'-0"  
FLOOR LEVEL 0'-0"

32 (41-)

**BUILDING 2**

|   |  |
|---|--|
| PROJECT NAME:<br>Intown Condos of Lake Odessa (phase 1) | PREPARED FOR:<br>Stuart Ventures and Tall Tree Realty and Property Management. |
| SHEET NO.:<br>A109                                      | DATE:<br>3/1   |

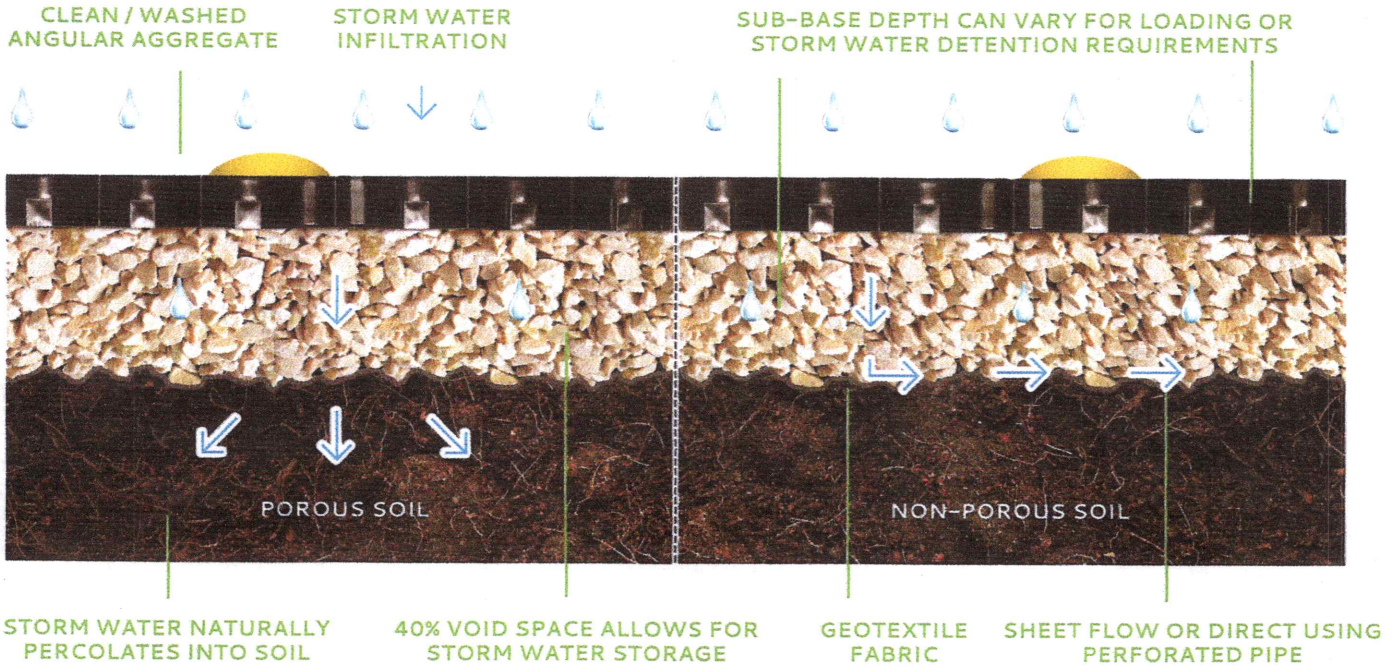
# WORKS IN ALL CLIMATES AND SOILS

## STORM WATER DETENTION

 100% PEROUS COVER

 1000+ INCHES/HOUR INFILTRATION RATE

 0.0 - 0.05 RUNOFF COEFFICIENT



### HOW TO CALCULATE STORM WATER DETENTION CAPACITY

Detention Capacity = TRUEGRID Area (A) x Total Aggregate Depth (d) x 40% Void Space =  $A \times d \times 0.40$

**WHERE:**

$d = \text{Depth of Sub-base} + \text{TRUEGRID Height}$

**EXAMPLE:**

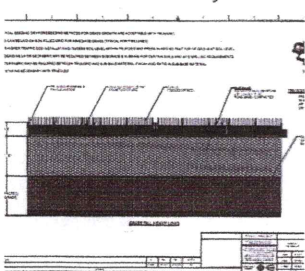
1 Acre Lot, TRUEGRID PRO PLUS, 8in Sub Base Fill & Sub Base -  $\frac{3}{4}$ " Clean/Washed Angular Stone  
 Detention Capacity =  $A \times d \times 0.40$

**WHERE:**

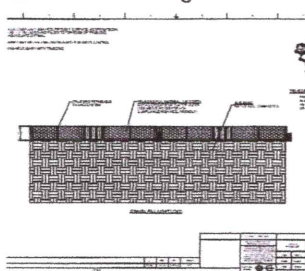
$A = 1 \text{ Acre} = 43,560 \text{ sf}$   
 $d = 8 \text{ in} + 1.8 \text{ in} = 9.8 \text{ in} = 0.8 \text{ ft}$   
 Detention Capacity =  $43,560 \times 0.8 \times 0.4 = 13,939 \text{ cf}$

Go to TECHNICAL INFO on [TRUEGRIDpaver.com](http://TRUEGRIDpaver.com) for typicals. Call for site specific questions: 1-855-355-GRID (4743)

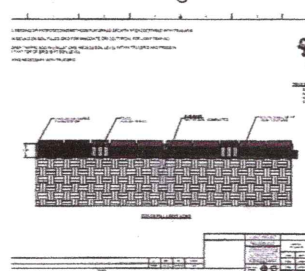
#### 1. Grass Fill Heavy Load



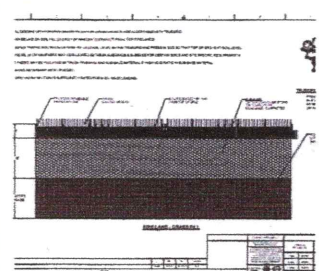
#### 2. Gravel Fill Light Load



#### 3. Grass Fill Light Load



#### 4. Fire Lane



- w. All mobile homes shall be skirted within 60 days following their placement within the mobile home park with standard skirting materials or material of equal quality for both aesthetic purposes and to lessen heat loss.
  - x. No retail sales of mobile homes shall be permitted from a mobile home park except for mobile homes that are located within the park on a developed mobile home site meeting all of the requirements set forth herein.
- (4) *State rules and regulations.* Mobile home parks and mobile homes shall abide by rules and regulations as so stated in State of Michigan, Mobile Home Commission Rules and any or all amendments of said commission rules, past, present or future.

(Ord. No. 119, § 5.2, 8-1993)

Sec. 36-94. - Planned developments.

PUD

- (a) *Intent and purpose.* Planned developments are provided herein by special use permit in order to allow for flexibility in design of residential areas, economy in the usage of land, and conservation of sensitive physical and environmental features. Based upon the standards and criteria contained in sections 36-67 and 36-94, the village may review, and permit with conditions, a modification in bulk requirements in order to allow residential development containing both privately owned sites and common property, and which are planned collectively as a single unit. The planned development section of this chapter is provided in order that the growing demands for housing for young married couples, senior citizens and existing residents (who no longer wish to maintain a large one-family house) may be met by a greater variety of innovative housing types, and by planning and design of structures with the benefit of cost effective land utilization in such developments.
- (b) *Cluster development.* In any district in which single-family detached dwellings are a use permitted by right, the minimum required lot areas for such use, as set forth in the bulk regulations of this chapter, may be reduced by an amount not to exceed 50 percent; provided that a quantity of land at least equivalent to the total amount deducted from all lots shall be dedicated for open space so that the overall gross density for the entire area shall not exceed that permitted in the applicable zoning district.
  - (1) Compliance with subdivision regulations. Any such plan for cluster development shall be subject to the provisions for special use permit approval by the planning commission and must be in accordance with all of the procedures and provisions set forth in the subdivision regulations of the village.
  - (2) *Site eligibility.* The minimum area necessary to qualify as a cluster development shall not be less than five contiguous acres of land.
- (c) *Residential planned unit development.* A residential planned unit development (residential PUD) may be applied for through the special use permit procedure. The granting of a special use permit for a residential PUD is permitted only for R-1 and MF zoning districts.
  - (1) *Site eligibility.* The minimum area necessary to qualify as a residential PUD shall not be less than five contiguous acres of land. However, an owner of land less than the minimum required area may apply if his land is adjacent to a proposed or constructed residential PUD.
  - ↘ (2) A minimum of 20 percent of the property shall be dedicated as open space. Open space includes natural areas and parks. Public and private streets, any rights-of-way, the area of any lot or unit, and 25 percent of streams, lakes, ponds, and wetlands shall not be included in the open space calculation and shall not be counted as open space.
  - (3) Density on the remainder of the property may be increased up to 1.75 times the maximum number of dwelling units per acre permitted under R-1 zoning. The density increase shall be applied to the remnant acreage of the property after the proposed open space acreage, which shall be a minimum of 20 percent, has been deducted.

Need Narrative of details

Show percentage preserved

MF here

- (4) A further density increase may be granted by the planning commission at the specific request of the applicant if the planning commission finds that the density increase would:
  - a. Result in a recognizable benefit to the village and residents of the PUD;
  - b. Provide additional amenities; and
  - c. Preserve additional open space or natural features.

→ (5) The dwelling units in the residential PUD may be constructed in any combination of housing types, except for mobile homes.

First Step  
5-22-23

(d) *Preapplication conference with planning commission for concept review.* Prior to formal application submission for a proposed planned development, the developer/applicant shall be required to make a presentation to the planning commission in order to discuss initial design concepts and the application of said concepts to the land in question. The purpose of the pre-application conference is to inform the planning commission of the proposal and to receive preliminary review comments in connection with the standards of this section.

put rest ↓  
on final plan

(e) *Standards and considerations.* In addition to complying with the standards for special use permits, the following special standards for a cluster development or a PUD must be met:

→ (1) *Ownership.* The tract of land may be owned, leased or controlled by a single person, partnership, corporation, cooperative association, or association of individual owners (condominium). An application may be filed by the owner, jointly by the owner of all property to be included, or by a person, persons, corporation, or corporations, with an option to buy said property. A plan, once approved, shall be binding.

On Final Plan  
to show  
location  
+  
type

(2) *Utilities.* A cluster development and a PUD shall connect to public water and sewer provided by the developer, and must be approved by all legal state, county and local agencies (health, conservation, etc.) which are in authority and have jurisdiction.

(3) *Permitted residential housing types and uses.* The following are considered eligible for inclusion in an application:

a. *Primary uses:*

1. Single-family detached homes.
2. Two-family houses.
3. Single-family attached homes (such as row houses and town houses) of eight dwelling units or less per building.
4. Multiple-family structure (apartments) of ten dwelling units or less per building.

Need  
types  
+  
units per bldg  
+ square feet  
of each unit

b. *Accessory uses and amenities:*

1. Open space - passive and active.
2. Indoor and outdoor recreational facilities, decks, gazebos, children's playhouses or similar typical uses.
3. Carports, garages, and personal storage facilities for use by residents of the development.
4. Community building and meeting halls.
5. On-premise laundry facilities for use by residents of the development.

(4) *Site design standards.* Unless modified by the <sup>PC</sup> council in writing at the time of application approval, compliance with the following design standards is required:

a. Minimum yard requirements and building setbacks from the exterior perimeter of the development property lines shall be 30 feet.

show  
most 20'  
third Ave  
bumpouts 15'

b. Maximum building height, 2½ stories or 35 feet (excludes antennas, steeples, spires, etc.) measured from the average existing topography (no grade mounding).

No single family types c. Minimum spacing between single-family <sup>none</sup> attached homes and multiple family structures shall not be less than the building height of the tallest building. Bulk regulations shall be determined by the planning commission after reviewing the proposed site plan. Criteria to use for making the determinations shall include the following:

1. Granting of the PUD will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
2. In comparison to the bulk regulations ordinarily applied, the proposed type and density of uses shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment. Fire safety shall not be compromised and fire hydrants shall be located to adequately serve the site.
3. The proposed development shall be compatible with the master plan of the village and shall be consistent with the intent and purpose of a PUD as expressed in section 36-94(a).
4. The PUD shall not change the essential character of the surrounding area.
5. High quality building materials shall be provided.

d. All sensitive natural features such as drainage ways and streams, wetlands, lands within the 100-year floodplain, and stream or river banks (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall remain unencumbered by residential buildings and structures except for approved docks, boardwalks, benches and access stairs.

Need — e. All access and egress easements and street openings from the development onto public or private roads shall be in accordance with the regulations and standards of the appropriate agency having jurisdiction over the proposed entrance areas (Ionia County Road Commission, Michigan Department of Transportation and/or Village of Lake Odessa).

on Final Plan Show — f. Within the required <sup>20</sup> 30-foot perimeter setback, a planted or landscaped buffer area is required along all exterior perimeter boundaries of the proposed property area to be developed. The following requirements for plantings in the buffer areas shall be met:

1. Two evergreen trees and two deciduous trees shall be required for every 50 linear feet of buffer area, or fraction thereof.
2. Evergreen trees shall be a minimum of six feet in height at time of planting; and deciduous trees shall be a minimum of eight feet in height at time of planting.
3. Existing trees within the <sup>20</sup> 30-foot perimeter setback may count toward the planting requirements, as long as the existing trees meet the minimum height requirements in subsection 2.

For Final Plan Stormwater — g. Drainage requirements shall be reviewed and approved by the village engineer.

Do for Final Plan h. Permanent conservation easements or other forms of equivalent irrevocable conveyance shall be created and recorded to protect required open space areas from future development.

Show on Final Plan (5) i. Off-street parking is required at the rate of two parking spaces per dwelling unit.

(5) Applicable standards. All applicable standards of the zoning ordinance outside of this section must be met, unless waived by the planning commission in consideration of the standards set forth in subsection (4)c.1. through 5.

Can drives be over storm water drainage easement? Get approval of agency letter or similar

- Do for utilities (6) *Public easements on common property which is privately owned.* When common property exists in private ownership, the owners shall grant easements, over, under and through such property, to the village as are required for public purposes.
- Create Master Deed + Bylaws or similar (7) *Common property in the planned unit development.* Common property in the PUD is a parcel or parcels of land, a privately owned road or roads, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property shall be private. When privately owned, arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service parking and recreational areas. A proposed maintenance agreement to permanently protect and provide for future maintenance of the common areas shall be reviewed and approved by the village attorney prior to issuance of any village permits. The approved agreement shall be recorded at the Ionia County Register of Deeds.
- (8) *Dimensional variances prohibited.* After approval of planned development under section 36-94, no dimensional variances may be granted to the approved application.
- (f) *Appeals.* Any and all administrative interpretations, decisions, and requirements of the planned development provisions shall be appealed within 15 days to the zoning board of appeals. Except for the prohibited granting of dimensional variances after planned development approval, the zoning board of appeals shall exercise all its power and duties as provided for in sections 36-137 and 36-138.
- (g) *Public hearing.* A public hearing is required for all planned developments in accordance with Section 103 of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

(Ord. No. 119, § 5.3, 8-1993; Ord. No. 2008-6, § 1, 12-15-2008)

**State Law reference—** Planned unit development, MCL 125.584b.

Sec. 36-95. - Design standards for certain uses.

The following site facility and design standards with respect to certain uses shall control:

- (1) *Signs.* See permitted accessory signs in the district regulations and section 36-63 General Regulations, subsection (i) Signs.
- (2) *Drive-in theater.*
  - a. The lot location shall be such that at least one property line abuts a major thoroughfare and shall be at least 1,000 feet from any residentially zoned district.
  - b. The premises shall be enclosed with a solid screen fence seven feet in height (minimum).
  - c. All points of entrance or exit shall be located no closer than 250 feet to any intersection (as measured to the nearest intersection right-of-way line).
  - d. The interior of the premises shall be designed with respect to lighting, drainage and the like, to the satisfaction of the approval body or official, as designated by this chapter.
  - e. Space shall be provided, on-premises, for a reasonable amount of waiting vehicles to stand at the entrance to the facility.
  - f. The theater screen shall not face directly, or obliquely by less than 75 degrees, a major thoroughfare.
  - g. Acceleration and deceleration lanes shall be provided at points of public ingress and egress to the site.
- (3) *Hotel, motel, motor court, inn, lodge.*

In the excess of 3 bedroom

940 + 80 sq. ft. for each additional bedroom.

(7) *Minimum off-street parking:* One space (ten feet by 20 feet) per residence: one-half dwelling unit. For other permitted uses such as church, public building, adult foster care facility, nursing and convalescent houses and essential public services: one space for every 200 square feet of floor area, but not less than one space for each three seats where provided. For school and nursery schools, one space for each 12 seats or students.

→ (d) **MF, Medium/high density:** Multiple family residential district. Zoning district regulations for the MF, medium/high density: multiple family residential district shall be as follows:

(1) *Intent and purpose.* The multiple family residential district is intended for new uses and structures such as apartment buildings of three or more dwelling units, specialized housing for seven or more unrelated individuals and senior citizen housing.

(2) *Uses permitted by right.* Uses permitted by right in the MF district shall be as follows:

- a. Single-family dwellings.
- b. Two-family dwellings, duplexes.
- c. Type 1 home occupations within a dwelling.

(3) *Uses permitted by special use permit.* Uses permitted by special use permit in the MF district shall be as follows:

- a. Multiple family dwellings.
- b. Essential public services.
- c. Residential planned developments. See section 36-94.
- d. Nursing homes, convalescent homes, housing for the elderly.
- e. Type 2 home occupations within an accessory building.

(4) *Permitted accessory uses.* Permitted accessory uses in the MF district shall be as follows:

Private garages (noncommercial), lawn sheds, swimming pools, and accessory private parking.

(5) *Permitted accessory signs.* One ground sign or one wall sign is permitted, with a maximum permitted sign area of 25 feet. The minimum sign setback for ground signs shall be one-half the required setback for the yard in which the sign is located. Only signs identifying the use and occupant are permitted. No sign shall be illuminated by flashing or moving lights and external illumination shall be downward facing.

(6) *Bulk regulations.* Bulk regulations for the MF district shall be as follows:

a. *Minimum lot area:* The minimum lot area for multiple family development shall be 4,000 square feet per unit or eight units per acre. For single-family and two-family development lot size shall be 8,700 square feet. All other uses permitted by special use permit, the lot size shall be nine acres. *Elderly housing 8700 sf*

b. *Minimum lot width:* The minimum lot width for single-family and two-family dwellings shall be 66 feet and for other permitted uses, 200 feet.

c. *Required front yard:* The required front yard shall be 25-foot setback for single-family and two-family dwelling and 30 feet for all other permitted uses. *PUD allows modification*

d. *Required side yard:* Six feet minimum side yard is required for both single-family and two-family dwellings and for other permitted uses it shall be 30 feet. Total width for both required

*PUD allows modification*

*4/units*

*No Bldg 8 shown*

*Is storage bldg*

side yards: The total minimum width of both required side yards for single-family and two-family dwellings shall be 12 feet. For all other permitted uses the total width shall be 60 feet.

- e. *Required rear yard depth:* Minimum rear yards for single-family and two-family dwellings shall be not less than 20 feet, for all other permitted uses, 30 feet. *Through lot - 2 streets*
- f. *Maximum building height:* The maximum building height for all uses shall be 2½ stories or 35 feet. Accessory buildings shall not exceed a height of 15 feet.

g. *Minimum dwelling floor area:*

1. Each new single-family detached dwelling shall have a minimum finished living area of 864 square feet of floor area with a minimum of 650 square feet on the ground floor for units of more than one story.
2. Attached single-family including two-family and townhouses, each new dwelling unit shall have a minimum finished living area of 800 square feet with a minimum of 600 square feet on the ground floor for units of more than one story.
3. Other permitted uses shall follow the following floor area requirements:

| For                            | Floor Area/Unit                               |
|--------------------------------|---|
| Efficiency                     | 375 sq. ft.                                   |
| 1 bedroom                      | 600 sq. ft.                                   |
| 2 bedroom                      | 780 sq. ft.                                   |
| 3 bedroom                      | 940 sq. ft.                                   |
| In the excess of three bedroom | 940 + 80 sq. ft. for each additional bedroom. |

h. *Minimum off-street parking:*

- Show 2 spaces per unit*
1. One space (ten feet by 20 feet) per residence: one-half dwelling unit. For other permitted uses such as a church, public building, adult foster care facility, nursing and convalescent homes and essential public services: one space for every 200 square feet of floor area, but not less than one space for each three seats where provided. For school and nursery schools, one space for each 12 seats or students.
  2. Nonresidential parking requirements of this chapter may be satisfied by participation in a municipal or joint community parking program designed to serve a larger area, provided all plans for such community parking have been first approved by the planning commission.

(e) ~~MH, mobile home park (medium/high density residential district).~~ Zoning district regulations for the MH, mobile home park (medium/high density residential district) shall be as follows:

- (1) ~~Intent and purpose.~~ The mobile home park zoning district is designed for those who prefer mobile home living. Although a single-family unit, the mobile home park has essentially a higher density impact than the conventional single-family development. In order not to adversely affect other





Item 8B (Supplemental Use Regulations)  
Summary of Contents

| Packet Page(s) | Item                         |
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| 18-22          | Ordinance Draft              |
| 22             | Zoning Administrator Remarks |

**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

DRAFT

**Jeanne Vandersloot**

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**From:** Jeanne Vandersloot <zoningadmin@msn.com>  
**Sent:** Friday, May 5, 2023 10:52 AM  
**To:** 'Gregg Guetschow'  
**Subject:** RE: Temporary Uses/Food Trucks

I read through the proposed amendments and the Peddler Ordinance, which I did not know existed.

It is designed for a temporary permit for construction supplies and buildings in any district, outdoor seasonal uses or special events in CBD and HC, nonprofits in R1 and R3 and mobile food establishments (food trucks or trailers).

I would add a sentence that these temporary uses cannot be on a public sidewalk.

In b, what about sidewalk versus parking spaces, as in downtown it is mostly street parking. Will this temp permit be for sidewalk sales?

There are several parts that limit the temp use to not more than 20% of the required parking spaces but I presume this means if a business has a parking lot and owns it? What about street parking spaces?

In c, it has temp uses for churches in R1 and R3. There is at least one church in CBD, so this should be addressed. What about a commercial event on a church property? Like a yard sale or fund raising for something?

In d, does an applicant have to address numbers 2-4 on their peddlers license application? So they need a peddlers license and a temp use permit? It appears a peddlers license is good for one year. How long is a temp use permit good for? In b 1, this most describes a food truck that wants to come in once a week or similar time frame. Will the temp use permit be for the season as long as it is not over 30 total days?

So any extensions of a temp use permit all go to the planning commission? They don't meet often.

In the peddlers ordinance, it appears that any food truck (or other types of sales) is exempt if parked on private property with the owner's approval. So could any food truck park on private land and set up food sales? I think this needs to be coordinated with the temp use section somehow.

The clerk issues a peddlers license and the ZA issues the temp use permit, so we will need to coordinate those.

Those are my comments and questions. I hope they are helpful.

Thank you,

Jeanne Vandersloot  
Zoning Administrator  
616-897-4242  
[zoningadmin@msn.com](mailto:zoningadmin@msn.com)  
PO Box 294  
Lowell MI 49331-0294