

## Section 719.150– Seasonal Businesses

- A. The Township Board finds and declares that the interests of the public health, safety, and welfare of the citizens of Lenox Township require the regulation, licensing, and control of seasonal businesses within Lenox Township. This Section is intended to provide standards for those temporary, seasonal businesses not explicitly permitted in any district.
- B. General Provisions:
  - 1. The allowance of a temporary, seasonal business shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary, seasonal business is permitted.
  - 2. Temporary, seasonal businesses shall be in harmony with the general character of the district.
  - 3. The allowance of the temporary seasonal business shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
  - 4. No temporary, seasonal attraction permit shall be granted without first giving notice to adjacent property owners and tenants of the time and place of a public hearing to be held as further provided in this Chapter.
- C. A person who owns or operates a seasonal attraction as defined herein must adhere to all of the site plan requirements as set forth in this Zoning Ordinance. The Planning Commission, in its discretion, may waive certain technical parts of the site plan requirements, such as requiring the stamp of a certified engineer or formal surveys, if good cause exists.
- D. A person shall not own or operate a seasonal attraction in Lenox Township unless and until that person has obtained special land use approval as defined in this Zoning Ordinance.
- E. Any person desiring to own or operate a seasonal attraction within Lenox Township shall make a formal site plan application, pursuant to Chapter 719.103, Site Plan Review Procedures, and shall pay the requisite site plan review fee and the requisite special land use application fee.

- F. In addition to the other requirements outlined in Section 719.102, Special Land Use Procedures, the application for the special land use approval shall also contain the following:
1. The name, age, residence, and mailing address of the person making the applications. (Where the person making the application is, this information shall be provided for all partnerships, corporations, or other associations. This information shall be provided for all partners, officers, directors, or members. Where the person is a corporation, a copy of the Articles of Incorporation shall be filed, and the means and addresses shall be provided of all shareholders having a financial interest greater than Five Hundred and 00/100 (\$500.00) Dollars.
  2. A statement of the kind, character, and type of proposal the property, even if they are temporary and seasonal, must comply with the Lenox Township Building Code in its entirety should those structures be occupied at any time by either employees of the seasonal business or persons attending the seasonal business. In addition, such structures, including tents with sides, must comply with the Lenox Township Fire Code in every respect, including, but not limited to, safe ingress and egress by persons within the structure and emergency exit lighting. Likewise, all structures must have working fire extinguishers nearby, as approved by the Lenox Township Fire Chief.
- A. Seasonal Outdoor Sales Requiring Site Plan Approval: Seasonal Outdoor Sales establishments may be permitted in the AG, NB, CB, OS, LI, and HI zoning districts, subject to the following requirements:
1. A site plan meeting the requirements of Section 305 shall be submitted to the Planning Commission for approval. The application for site plan approval must be made in writing on such forms and in such manner as prescribed by the Clerk of the Township and shall be made at least sixty (60) days before the opening of the proposed seasonal retail sales use.
  2. Seasonal outdoor sales may occur not more than four (4) times per calendar year on a lot or parcel (i.e., four sales events per year per lot). The total duration of a sales event shall not exceed thirty (30) days. There shall be at least fifteen (15) days between two seasonal sales events on a lot or parcel.
  3. Seasonal outdoor sales may be conducted only on a lot or parcel of property with frontage on a major or secondary thoroughfare.

4. Temporary outdoor sales areas and temporary structures, such as tents, shall comply with the district's setback requirements for buildings.
5. If seasonal outdoor sales are proposed to be conducted in the parking lot of active use, the applicant shall demonstrate that there is ample space for the seasonal outdoor sales, any principal uses, and parking for both the seasonal outdoor use and any other use on the subject site, without adverse impact on parking lot circulation.
6. The seasonal outdoor sales use shall have up to five (5) days to establish the temporary use, including the erection of tents, placement of merchandise, and temporary sign placement.
7. Seasonal outdoor sales may include up to one (1) primary temporary tent plus one (1) additional temporary tent, temporary storage container, or trailer. Sales and storage shall be limited to the approved tent(s) and, when provided, storage container. No tent shall exceed 2,400 square feet in area, nor shall it be greater than twenty (20) feet in height.
8. If a seasonal outdoor sales use has a temporary storage container or trailer for the purpose of temporary storage of related merchandise, sales, or a combination of storage and sales, the exterior design, appearance, and color scheme of the container/trailer shall be in keeping with the general color scheme of the surrounding development or a neutral color. For example, a bright yellow or orange container/trailer located in a shopping center with a brick façade shall not be permitted. When both a container/trailer and a tent are proposed, the container/trailer shall not be placed closer to a public street than the tent.
9. Each temporary use may have one sign attached to a tent or other structure on the site. The sign area shall not exceed fifty (50) square feet. For corner lots, one additional sign of up to fifty (50) square feet may be permitted. Additionally, signs required by law, such as those designating fire routes, tent entrances, and exits, shall be permitted. Also, directional signs up to four (4) square feet in area and not greater than 3 feet in height may be allowed at driveways serving the site, and up to 4 additional directional signs may be placed at locations within the site if necessary for wayfinding and traffic safety. No balloons, festoons, inflatables, or other similar devices designed to attract attention to the site or use shall be permitted. Temporary signs erected for Seasonal Retail Sales shall comply with the Lenox Township Sign Ordinance.

10. Provided that the seasonal outdoor sales use complies with all conditions of site plan approval and reuses the approved site plan without modification, re-approval of the seasonal use permit shall be automatic each year upon receipt of the fee.
11. Fireworks stands shall not be located within three hundred (300) feet of a residence.
12. Seasonal outdoor sales shall comply with all other applicable laws and ordinance regulations of the Township.

B. Seasonal Attractions Requiring Special Land Use Approval:

1. A person who owns or operates a seasonal attraction as defined herein must adhere to all the site plan requirements as outlined in this chapter. The Planning Commission, in its discretion, may waive certain technical parts of the site plan requirements, such as requiring the stamp of a certified engineer or formal surveys, if good cause exists. A person shall not own or operate a seasonal attraction in Lenox Township unless and until that person has obtained special land use approval as defined in this Zoning Ordinance.
2. Any person desiring to own or operate a seasonal attraction within Lenox Township shall make a formal site plan application and shall pay the requisite site plan review fee and the requisite special land use application fee.
3. The application for the special land use approval shall also contain the following:
  - a. The name, age, residence, and mailing address of the person making the applications. (Where the person making the application is, this information shall be provided for all partnerships, corporations, or other associations and all partners, officers, directors, or members. Where the person is a corporation, a copy of the Articles of Incorporation shall be filed, and the means and addresses shall be provided of all shareholders having a financial interest greater than Five Hundred and 00/100 (\$500.00) Dollars.
  - b. A statement of the proposed assembly's kind, character, and type.

- c. The address, legal description, and proof of ownership of the site at which the proposed assembly will be conducted. Where ownership is not vested in the prospective licensee, the licensee shall submit an affidavit from the owner indicating consent to use the site for the proposed assembly.
  - d. The date or dates and hours during which the proposed assembly will be conducted.
  - e. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission that will be used and of the sequential numbering or other method that will be used for accounting purposes.
- 4. The application for site plan approval must be made in writing on such forms and in such manner as prescribed by the Clerk of the Township and shall be made at least ninety (90) days before the date of the opening of the proposed seasonal attraction.
- 5. Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the seasonal attraction owner or operator's plans to provide for the following:
  - a. Police and fire protection.
  - b. Food and water supply and facilities.
  - c. Health and sanitation facilities.
  - d. Medical facilities and services, including emergency vehicles and equipment.
  - e. Vehicle access and parking facilities.
  - f. Camping and trailer facilities, if applicable.
  - g. All parking lot and exterior lighting, including controls to minimize glare and lighting on adjacent properties.
  - h. Communications facilities.

- i. Noise control and abatements.
  - j. Facilities for clean-up and waste disposal.
  - k. Insurance and bonding requirements including, but not limited to, general liability insurance of no less than one million dollars (\$1,000,000.00) per occurrence with Lenox Township being named as an additional named insured together with an agreement on the part of the seasonal attraction owner or operator to hold harmless and indemnify Lenox Township from and against all causes of action whatsoever arising out of the use and operation of the seasonal attraction.
- 6. On receipt by the Clerk, copies of the application and site plan shall be forwarded to the Lenox Township Building Department and the Lenox Township Fire Chief. The Building Department and Fire Department have the right to inspect the property, including all the attractions proposed on the property. They shall review and investigate matters relevant to the application within twenty (20) days of receipt and report their findings and recommendations to the Township Board and the Township attorney.
  - 7. If the application for special land use approval is approved at the public hearing, a signed special land use permit shall be a prerequisite to the opening of the seasonal attraction. The special land use permit shall contain all conditions imposed upon the approval. The special land use permit shall be valid for that year's seasonal attraction operation only.
  - 8. Approval of one seasonal use shall not be construed to constitute approval of a different seasonal use to occur separately or simultaneously.
  - 9. If a seasonal attraction is granted special land use approval and desires re-approval for the following year if all of the conditions for the initial special land use approval have been strictly adhered to, the seasonal attraction does not have to submit a new site plan if the prior year's site plan is going to be used and adhered to. However, a new site plan is required if the seasonal attraction changes the original site plan or adds any new structures, including temporary or seasonal structures, or any new attractions. If there are no changes to the original site plan and the nature and extent of the attraction remain unchanged, the applicant may rely upon the original site plan and representations set forth in the original application for special land use approval and shall request re-approval in writing from the Township Clerk.

10. If all the conditions of special land use approval have been strictly adhered to in prior years and there have been no complaints or problems relating to the operation of the seasonal attraction, the Planning Commission may, at its discretion, waive the requirement for a new public hearing. However, if any of the prior requirements of the special land use approval were not adhered to, or if there were complaints or problems regarding the operation of the seasonal attraction, the Planning Commission shall schedule another public hearing.
  11. If all the prior conditions of special land use approval were strictly adhered to and there have been no complaints or problems regarding the operation of the seasonal attraction, the Planning Commission shall re-approve the special land use for one (1) year.
- C. Seasonal attraction operations may occur not more than four (4) times per calendar year on a lot or parcel (i.e., four events per year per lot). The total duration of a sales event shall not exceed thirty (30) days. There shall be at least fifteen (15) days between two seasonal events on a lot or parcel. Businesses exceeding these standards shall not be considered seasonal businesses and shall be subject to the same regulations as other permanent businesses. This provision is intended to prevent approved seasonal attractions from becoming permanent businesses with rotating operations.
- D. Minimum Requirements:
1. The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the Township Board, in cooperation with the Law Enforcement Authority, is satisfied that the proposed security is necessary and sufficient for the duration of the assembly.
  2. The Licensee shall provide potable water sufficient in quantity and pressure to ensure proper operation of all water-using facilities under conditions of such demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Act 368, Public Acts of 1978, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from source and delivered and stored in a manner approved by the Township Board.

3. The licensee shall provide separate enclosed flush-type water toilets as defined in Act 733, Public Acts of 2002, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local ordinances. If such flush-type facilities are not available, the Township Board may permit the use of other facilities which are following Act 368, Public Acts of 1978, and rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law.
4. The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 733, Public Acts of 2002, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water, soap, and paper towels.
5. The number and type of facilities required shall be determined, based on the number of attendees, in the following manner:
  - a. Toilets 1:300
  - b. Urinals 1:100
  - c. Lavatories 1:200
  - d. Drinking Fountains 1:500
  - e. Spouts or Faucets 1:500
6. Where the assembly is to continue for more than twelve (12) hours and includes camping facilities, the licensee shall provide shower facilities based on the number of attendees in the following manner:
  - a. Shower Heads 1:100. All facilities shall be installed, connected, and maintained free from obstructions and defects and shall always be in operable condition as determined by the Township Board,
7. If food service is provided on the premises, it shall be covered only through concessions licensed and operated in accordance with the provisions of Act 368, Public Acts of 1978, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law.



8. If the assembly attracts more than 1,000 patrons at one time and is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The type, location, staff strength, medical and other supplies, and equipment of such facilities shall be prescribed by the Township Board.
9. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Township Board. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with any other applicable state or local law, and prior to issuance of any license, the licensee shall provide the Township Board with a true copy of an executed agreement in force and effect with a true copy of an executed agreement will assure proper, effective and frequent removal of liquid waste from the premises to neither create nor cause a nuisance or menace to the public health.
10. The licensee shall provide for solid waste storage on and removal from the premises. Storage shall be in approved, covered, fly-tight, and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Township Board with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective, and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.
11. The licensee shall provide or make available public swimming pools only in accordance with Act 299, Public Acts of 1980, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable provision of state or local law.
12. The licensee shall provide for ingress to and egress from the premises to ensure the orderly flow of traffic onto and off the premises. Access to the premises shall be from a highway or road that is a part of the county system of highways or that is a highway maintained by the State of Michigan—traffic lanes for access by ambulance, fire equipment, helicopter, and other emergency vehicles.

13. The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall be provided less than one (1) automobile space for every four (4) attendants.
14. Camping and Trailer Parking. A licensee who permits attendants to remain on the premises between 2:00 A.M. and 6:00 A.M. shall provide for camping and trailer parking and facilities in accordance with Public Act 368 of 1978, Part 125, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable provision by state or local law. Temporary campground permits are issued by the county health department.
15. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Township Board.
16. Signs. Each temporary use may have one sign attached to a tent or other structure on the site. The sign area shall not exceed fifty (50) square feet. For corner lots, one additional sign of up to fifty (50) square feet may be permitted. In addition, signs required by law designating fire routes, tent entrances, and exits shall be permitted. Also, directional signs up to four (4) square feet in area and not greater than three (3) feet in height may be permitted at driveways serving the site. Additional directional signs may be placed at locations within the site if necessary for wayfinding and/or traffic safety. No balloons, festoons, inflatables, or other similar devices designed to attract attention to the site or use shall be permitted. Signs shall not be posted more than ten (10) days prior to the opening of the attraction and must be removed within five (5) days of the attraction's closing. Temporary signs erected for Seasonal Retail Sales shall comply with the Lenox Township Sign Ordinance.
17. Other Conditions. The Planning Commission may impose additional conditions for the special land use approval, based on the uniqueness of the seasonal attraction and/or special considerations regarding the uniqueness of the proposed seasonal attraction's location.