

## **Section 20.19 Temporary Non-Residential Buildings and Uses**

**A. Authorization:** Temporary non-residential uses and buildings are prohibited except as authorized by this Section, upon approval of an application for such temporary condition. Such temporary uses and buildings may include, but shall not be limited to, field offices and tool sheds associated with new construction projects; temporary mobile homes and other buildings associated with school and religious facilities; temporary real estate offices part of a multi-unit residential development; and outdoor circuses, carnivals, theatrical exhibitions, and musical festivals.

**B. Application:** An applicant shall submit a completed application for a temporary non-residential building or use to the Zoning Administrator on a form established for that purpose. The application shall include a detailed description of the proposed temporary building and use, and a scaled drawing delineating the proposed location of all temporary buildings and uses, their locational relationship to existing and proposed permanent buildings and uses and required principal building setbacks, and measures to be employed to ensure the public health, safety and welfare including potable water and sewage disposal facilities, and traffic circulation. This requirement shall not be interpreted to require the submittal of a full site plan for the temporary condition, meeting the requirements of Article 14, unless the approving body finds such submittal information to be necessary.

**C. Review and Action:** The Zoning Administrator shall be responsible for the review and approval of temporary non-residential buildings and uses, except that the Township Board shall be the approving body for temporary conditions associated with a special land use or any events anticipated to attract more than one-hundred fifty (150) persons during any single twenty-four (24) hour period. The Zoning Administrator may also refer an application to the Township Board for action in the case where, in the reasonable judgment of the Zoning Administrator, the application presents complexities or public health, safety and welfare issues that can most adequately be reviewed and acted upon by the Township Board. The approving body may require the submittal of additional information to adequately evaluate the merits of the request. The Township Board or Zoning Administrator may refer an application to building, police and fire officials to solicit comments regarding public health, safety and welfare concerns.

**D. Permit Duration, Performance Guarantee and Removal:** The zoning permit shall specify the date by which the removal of the temporary use and associated facilities shall occur, and the approving body may require a performance guarantee according to Section 2.6. A Certificate of Occupancy shall be required for buildings according to the State Construction Code.

1. No zoning permit issued under this Section shall be authorized for a period exceeding thirty (30) days except in the case where the applicant demonstrates to the satisfaction of the approving body that the nature of the temporary building or use requires a longer duration, such as in the case of a model home in a subdivision serving as a real estate office for the sale of homes or lots in the subdivision. However, in no case shall such initial authorization exceed a six (6) month period and in no case shall more than one (1) additional authorization period be granted, not to exceed six (6) months. The temporary condition shall be removed from the lot no later than the termination date of the permit or upon the temporary condition becoming no longer necessary, whichever comes first.
2. Reasonable conditions may be attached to any permit issued hereunder.

**E. Approval Standards:** Temporary buildings and uses shall comply with the site plan approval standards of Article 14, including setbacks, except where the approving body finds that specific standards need not apply due to the temporary nature of the use and provided the approving body determines the waiving of such standards shall not undermine the public health, safety and welfare including compatibility with surrounding land uses. In ensuring the public health, safety and welfare, the approving body shall consider demands for and accommodations for public services including police, fire, and other emergency services, and utility services, can be adequately provided. Costs for providing such services, to the extent they exceed the normal operating costs of the Township, shall be the responsibility of the owner or operator. The following additional standards and conditions shall apply:

1. In the case of a use that is intended to attract more than one-hundred fifty (150) persons during any single twenty-four (24) hour period, or where the nature of the temporary use involves the sale of outdoor items including Christmas trees, the area of the lot on which any temporary activities shall occur, including access drives, parking, restroom facilities, and lighting, shall not be located within one-hundred fifty (150) feet of a dwelling on another lot, and the permit shall not exceed

thirty (30) days in duration.

**F. Garage/Yard Sales:** Garage sales and similar events shall comply with the Lake Township Garage Sale Ordinance, Ordinance No. 2015-01, as amended.