

**Second Packet Addition
for April 13, 2021, Regular
Township Board Meeting**

**Resolution 2021-04-13 #1,
Temporary Suspension
of Enforcement of the Peninsula
Township Zoning Ordinance**

RESOLUTION 2021-04-13 #1

TEMPORARY SUSPENSION OF ENFORCEMENT OF THE PENINSULA TOWNSHIP ZONING ORDINANCE

PREAMBLE: In response to the continued extraordinary circumstances experienced as a result of COVID-19, Peninsula Township desires to assist its citizens and business entities in recovering from the pandemic while continuing to ensure healthy and safe environments for residents and the public. As a result, Peninsula Township will suspend enforcement of its zoning restrictions with regard to all business entities including but not limited to wineries, farms, farm stands, stores, churches, restaurants, and all other related entities with regard to the details set forth below.

This resolution was presented to the Peninsula Township Board of Trustees on Tuesday, April 13, 2021, at 7:00 p.m., held at the township offices.

Members in attendance:	Supervisor:	Rob Manigold
	Clerk:	Rebecca Chown
	Treasurer:	Brad Bickle - ABSENT
	Trustee:	Marge Achorn
	Trustee:	Dave Sanger
	Trustee:	Isaiah Wunsch
	Trustee:	Warren Wahl

INTRODUCTORY STATEMENTS

Peninsula Township, on motion by the township board, shall suspend enforcement of the zoning ordinance as it relates to the following structures beginning May 1, 2021, and ending September 6, 2021 (after completion of the requirements set forth in paragraphs A–D), as follows:

1. **Roof-only tents and pop-up tents;**
2. **Sun sails;**
3. **Umbrellas; and**
4. **Awnings (free standing and/or attached).**

The suspension of enforcement of the zoning ordinance shall apply to all commercial business entities including but not limited to wineries, farms, farm stands, stores, churches, restaurants, and all other related entities and shall automatically expire on September 6, 2021, unless further extension is made by Peninsula Township.

I. **Participation in Suspension of Zoning Ordinance**

In order for a commercial business entity to participate in the suspension of the zoning ordinance, such commercial business entity must be in “**good standing**” with Peninsula Township. “**Good standing**” shall mean that the commercial business entity is not presently subject to an existing violation of the

zoning ordinance, is current on its taxes, and has not already erected tents, sun sails, umbrellas, and/or awnings. Assuming this is the case, the entity may submit its letter and supporting documents to the township board. If the township board approves the request of the commercial business entity, the commercial business entity MUST obtain a land use permit for the temporary placement of the items listed above (1-4) as set forth in paragraphs A and B.

The decision on whether the commercial business entity shall be entitled to erect tents, sun sails, umbrellas, and/or awnings shall be made by the township board. The commercial business entity may seek reconsideration of the decision of the township board to the township board by presenting, in writing, how the commercial entity is in compliance with this resolution and why the decision should be reversed. The commercial entity denied participation in the suspension of enforcement of the zoning ordinance as set forth herein shall have the burden of demonstrating that it is in compliance at the time the request was originally submitted to the township board for review.

A. The Process for Acquiring a Land Use Permit from the Zoning Administrator

1. Commercial business entity submits a letter to the township board requesting approval of the temporary structure(s).
2. The commercial business entity submits a site plan indicating the location of the temporary structure(s) with its letter to the township board. The site plan must show the length and width of the structure(s) in addition to location.
3. The commercial business entity provides human capacity of the existing brick and mortar building and calculations of human capacity/number of tables to be placed in each temporary structure (the capacity of the temporary structures may not exceed the capacity of the existing brick and mortar building as determined by the fire chief in accordance with applicable fire codes) in its letter submitted to the township board. Further, the combined capacity usage may not exceed the existing brick and mortar building capacity.
4. Portable bathroom units **MUST** be located on-site and within the proximity of the temporary structure(s) in sufficient numbers to handle the human traffic, and such location must be part of its letter submitted to the township board.
5. No outdoor music or amplified noise is permitted. This statement shall be included in the letter to be submitted to the township board.
6. The use of temporary structures shall be from 7:00 a.m. until 7:00 p.m. This statement shall be included in the letter to be submitted to the township board.

The interpretation of the township board as it relates to items 1 through 7 above shall be binding on applicant.

B. Township Board Approval and Issuance of Land Use Permit

The material prepared by the commercial business entity shall be reviewed by the township board at a regular meeting that is open to the public. The material submitted by the commercial business entity will be included in the board packet.

After review by the township board of the items in paragraph A, 1-7, and a finding that the items have been satisfied at the regular township meeting, the township board shall approve the request of the commercial business entity and direct the zoning administrator to issue a land use permit to the commercial business entity.

The commercial business entity must execute the land use permit and pay the fee of \$150.

C. Denial of Land Use Permit – Appeal to Township Board

If a commercial business entity does not meet the requirements set forth in **paragraph A, 1-7 above**, and is not issued a land use permit as set forth in **paragraph B**, the commercial business entity may seek reconsideration by the township board, at which time the commercial business entity bears the burden of establishing that it has complied with the requirements set forth herein at the time of its initial letter and supporting documents.

If the board directs issuance of the land use permit, the commercial business entity must comply with paragraph B.

If the board denies issuance of the land use permit and, therefore, participation in the suspension of the zoning ordinance as set forth herein, the commercial business entity may apply again once the violation has been resolved by proceeding through the steps set forth in this resolution.

D. Compliance With CDC, Local Health Department, MIOSHA, and State of Michigan

Suspension of enforcement of the zoning restrictions as referenced above is subject to and contingent upon the commercial business entity complying with the current COVID-19 restrictions, CDC and OSHA guidelines, and any governor's executive orders. This includes wearing masks and social distancing. If a commercial business entity is found to have violated any of these guidelines, Peninsula Township shall end the suspension of the zoning restrictions as to that particular commercial business entity and take further action as permitted by Michigan law and the Peninsula Township Zoning Ordinance. **A violation of this kind shall not prohibit a commercial business entity from bringing itself into compliance and applying again for suspension of the zoning ordinance. However, before applying for suspension of the zoning ordinance, the commercial business entity must remove the following items: 1. roof-only tents and pop-up tents, 2. sun sails, 3. umbrellas, and 4. awnings (free standing and/or attached) and go through the process set forth in paragraphs A and B as if this is a new application.**

Similarly, suspension of enforcement of the zoning restrictions as referenced above is subject to and contingent upon the commercial business entity complying with local health codes and the requirements set forth in this resolution. If a commercial business entity is found to have violated any local or state health code or any provision of this resolution, Peninsula Township shall end the suspension of the zoning restrictions as to that particular commercial business entity and take further action as permitted by Michigan law and the Peninsula Township Zoning Ordinance. **A violation of this kind shall prohibit a commercial business entity from future participation in the suspension of the zoning ordinance.**

RESOLVED, that this RESOLUTION shall be deemed to be effective this April 13, 2021:

AYES:

NAYS:

RESOLUTION DECLARED _____
ADOPTED NOT ADOPTED

I hereby certify that the foregoing is a true and complete copy of the resolution adopted by the township board at the township meeting held on April 13, 2021, and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of the meeting were kept and will be or have been made available as required by the act.

Rebecca Chown, Township Clerk

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I certify that the foregoing resolutions were adopted by the township board at a duly noticed meeting held on April 13, 2021.

By: _____
Rebecca Chown, Township Clerk

Robert Manigold, Supervisor

Dated: