

**Packet for May 19, 2021,  
Special Township  
Board Meeting**

May 12, 2021

PENINSULA TOWNSHIP

**DRAW REQUEST DATED MAY 10, 2021**

The bank received a recent draw request on Fire Station #3 from the contractor. The amount requested appears to be for \$72,340.15.

Attached please find the Contractor's Application for Payment No. 7 for \$72,340.15, a sworn statement dated March 29, 2021 with a current amount due of \$22,569.03 and a sworn statement dated April 26, 2021 with a current amount due of \$49,707. These two amounts total \$72,276.03. There is a slight variation between the contractor's draw request and the two sworn statements provided of \$64.12.

Summary:

Draw request #7	\$72,340.15
Bank loan available to draw	<u>\$24,311.35 **</u>
Amount of Shortfall	\$48,028.80

\*\* This is the amount remaining to draw on the original loan for \$880,000 and please remember when draw number 1 was done it included \$4,310.00 in closing costs.

Typically the borrower covers any shortfalls and any additional costs to the project (if any?).

## RESOLUTION 2021-05-19 #1

### TEMPORARY SUSPENSION OF ENFORCEMENT OF THE PENINSULA TOWNSHIP ZONING ORDINANCE WITH REGARD TO TEMPORARY STRUCTURES AND THEIR USE

**Note: this resolution dissolves and replaces RESOLUTION 2021-04-13 #1.**

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 safe and healthy environments. As a result, Peninsula Township will suspend enforcement of its zoning ordinance with regard to temporary structures as set forth below.

**Peninsula Township shall suspend enforcement of the zoning ordinance as it relates to the use of temporary structures immediately upon adoption of this resolution and ending October 31, 2021, or sooner should orders from the governor and various departments of health and human services allow for legally allowed use of buildings.**

**The temporary suspension of enforcement of the zoning ordinance as it relates to the use of temporary structures 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 October 31, 2021, unless further extension is made by Peninsula Township, or sooner should orders from the governor and various departments of health and human services allow for legally allowed use of buildings.**

#### **A. Participation**

In order for a commercial business entity to participate in the temporary suspension of the zoning ordinance regarding the use of temporary structures, the commercial business entity must be in **“good standing”** with Peninsula Township. **“Good standing”** means 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 any temporary structures.

#### **B. Compliance with CDC, Local Health Department, MIOSHA, and State of Michigan**

The temporary 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 with regard to temporary structures and their use. However, before applying for temporary suspension of the zoning ordinance with regard to temporary structures and their use, the commercial business entity must remove the temporary structure(s) and go through the process 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, or any aspect of the remainder of the Peninsula Township Zoning Ordinance, Peninsula Township shall end the temporary suspension of the zoning restrictions as to the use of temporary

structures 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 with regard to temporary structures and their use.**

### C. Requirements

1. Applicant must provide a copy of the site plan not greater than 11" x 17" drawn to scale and showing the following:

- a. Property boundaries;
- b. All existing structures;
- c. Location of temporary structure(s) drawn to scale. **\*All structures must meet setbacks.\***
- d. Bathroom facilities present in sufficient numbers and proximity to handle the maximum allowed human traffic. Note: some businesses will have sufficient bathrooms already accessible on site; others will require portable bathrooms.

2. Applicant acknowledges and agrees that by signing the Use of Temporary Structures Permit Application, applicant will:

- a. Comply with the provisions of all current and future Michigan statutes, orders of the MDHHS, governor, or other state department mandates regarding face coverings, social distancing, protective clothing or equipment, party size, occupancy requirements, and any other applicable standards, conditions, or requirements.
- b. Comply with all state and county department of health regulations.
- c. Comply with the Michigan Building Code.
- d. Comply with setbacks from neighboring properties consistent with building setbacks as set forth in Peninsula Township Ordinance 6.8.
- e. Comply with hours of operation consistent with the allowed hours of operation of the existing business (unless restricted further by state orders or laws).
- f. Must comply with the requirement that the total number of people allowed in the temporary structure(s) and/or in the brick and mortar building(s) may not exceed the total legal capacity of the existing brick and mortar building(s) as determined by the fire chief in accordance with applicable fire codes.
- g. Mitigate any nuisance(s) that arise from the outdoor seating. Applicant and/or property owner is responsible for any negative impacts on surrounding properties.
- h. Comply with Peninsula Township Nosie Ordinance #40.
- i. Remove the temporary structure on or before the termination date set forth in the amended Peninsula Township Use of Temporary Structures Permit Resolution.

Failure to comply with the requirements could result in revocation of this temporary use permit. Applicant could also be subject to further enforcement.

**D. Denial of Land Use Permit – Appeal to Zoning Officer**

If a commercial business entity does not meet the requirements set forth above and is not issued a use of temporary structures permit, the commercial business entity may seek reconsideration by the zoning official, 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 application.

If the zoning official denies issuance of the temporary structures 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.

RESOLVED, that this RESOLUTION shall be deemed to be effective this \_\_\_\_\_:

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 May 19, 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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert Manigoid, Supervisor

\_\_\_\_\_  
Date

# PENINSULA TOWNSHIP

## Use of Temporary Structures Permit Application

1. Parcel Tax # 28-11- \_\_\_\_\_.

2. Property Address: \_\_\_\_\_

3: Proposed Use of Temporary Structure: \_\_\_\_\_

4. Property Owner's Name and Address: \_\_\_\_\_

**5. Applicant Must Provide a Copy of the Site Plan not greater than 11" x 17" drawn to scale and showing the following:**

a. Property boundaries;

b. All existing structures;

c. Location of temporary structure(s) drawn to scale. **\*All structures must meet setbacks.\***

d. Bathroom facilities present in sufficient numbers and proximity to handle the maximum allowed human traffic on site. Note: some businesses will have sufficient bathrooms already accessible on site; others will require portable bathrooms.

**6. By signing this Use of Temporary Structures Permit application, applicant acknowledges and agrees that applicant:**

a. Must comply with the provisions of all current and future Michigan statutes, orders of the MDHHS, governor, or other state department mandates regarding face coverings, social distancing, protective clothing or equipment, party size, occupancy requirements, and any other applicable standards, conditions, or requirements.

b. Must comply with all state and county department of health regulations.

c. Must comply with the Michigan Building Code.

d. Must comply with setbacks from neighboring properties consistent with building setbacks as set forth in Peninsula Township Ordinance 6.8.

e. Must comply with hours of operation consistent with the allowed hours of operation of the existing business (unless restricted by state orders or laws).

f. Must comply with the requirement that the total number of people allowed in the temporary structure(s) and/or in the brick and mortar building(s) may not exceed the total legal capacity of the existing brick and mortar building(s) as determined by the fire chief in accordance with applicable fire codes.

# Use of Temporary Structures Permit Application

g. Must mitigate any nuisance(s) that arise from the outdoor seating. Applicant and/or property owner is responsible for any negative impacts on surrounding properties.

h. Must comply with Peninsula Township Noise Ordinance No. 40.

i. Must remove the temporary structure on or before the termination date set forth in Resolution 2021-05-19 #1 (which dissolves and replaces Resolution 2021-04-13 #1).

Failure to comply with the requirements could result in revocation of this temporary use permit. Applicant could also be subject to further enforcement.

**Peninsula Township shall suspend enforcement of the zoning ordinance as it relates to the use of temporary structures immediately upon adoption of this resolution and ending October 31, 2021, or sooner should orders from the governor and various departments of health and human services allow for legally allowed use of buildings.**

**The temporary suspension of enforcement of the zoning ordinance as it relates to the use of temporary structures 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 October 31, 2021, unless further extension is made by Peninsula Township.**

## **Application Permit Approval Process for the Use of Temporary Structures**

1. The applicant(s) obtains and completes a Use of Temporary Structures Permit Application.
2. The applicant(s) submits the Use of Temporary Structures Permit Application, required additional materials, and \$150.00 fee to the zoning official.
3. The zoning official reviews the submittal for completeness. It is the responsibility of the applicant(s) to ensure the application package is complete and in accordance with the requirements established by the Peninsula Township Board of Trustees. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.
4. Once a complete set of application materials is received, the zoning official shall conduct a review and notify the applicant(s) of any revisions required for the application to be approved.
5. The zoning official shall approve those use of temporary structures permit applications that meet all the standards, conditions, and requirements therein and provide the applicant(s) with a signed copy of the Use of Temporary Structures Permit.
6. Permit must be prominently displayed.

Applicant name, signature, and date: \_\_\_\_\_

Zoning official name, signature, and date: \_\_\_\_\_

DATE \_\_\_\_\_

PERMIT NO. TUP # \_\_\_\_\_

# TEMPORARY USE PERMIT

**This Permit Must Be Displayed on the Premises**

Any Person willfully destroying this permit will be punished to the fullest extent of the law.

**Permit shall be removed once the permit has expired.**

This permit is issued for \_\_\_\_\_

Location \_\_\_\_\_

Fee \$ \_\_\_\_\_

Peninsula Township \_\_\_\_\_

Expiration Date \_\_\_\_\_

Authorized by \_\_\_\_\_