

**SAGINAW CHARTER TOWNSHIP
SAGINAW COUNTY, MICHIGAN**

ORDINANCE NO. 767

**AN ORDINANCE TO TEMPORARILY SUSPEND CERTAIN PROVISIONS OF
SAGINAW TOWNSHIP ZONING ORDINANCE SECTION 1603.2,
“TEMPORARY OUTDOOR DISPLAY PERMIT,” AND TO IMPLEMENT
EXTENDED TEMPORARY PERMITS FOR OUTDOOR DINING,
SALES, AND DISPLAYS**

SAGINAW CHARTER TOWNSHIP ORDAINS:

CHAPTER 18 – BUSINESSES

ARTICLE III – CARNIVALS AND OUTDOOR AMUSEMENTS

SECTION 18-100. PURPOSE

This Ordinance is intended to promote the public health, safety, and welfare and to safeguard the health, economic stability, safety, and welfare of the citizens of Saginaw Township (“Township”) by temporarily suspending certain requirements of Section 1603.2 of the Zoning Ordinance, Temporary Outdoor Uses, and implementing an administrative permit process for restaurants or retail businesses that wish to provide or expand outdoor seating, sales, or displays in response to the COVID-19 pandemic. The intent is to allow local restaurants and retail businesses to reopen while maintaining social distancing practices in a manner consistent with the Governor’s executive orders and to allow for new business innovations on a temporary basis. Additional activity in parking lots will be permitted through December 31, 2020, or until this Ordinance is repealed, whichever is sooner.

SECTION 18-101: APPLICABILITY

This Ordinance applies to all restaurants and retail businesses within the Township that would otherwise seek a Temporary Outdoor Display Permit under Section 1603.2 of the Zoning Ordinance.

- A. This Ordinance does not apply to any businesses other than restaurants and retail businesses in the Township.
- B. This Ordinance does not impact the applicability of the any ordinance, policy, or procedure in the Township other than Section 1603.2 of the Zoning Ordinance.
- C. This Ordinance does not exempt restaurants and retail businesses from obtaining all other licenses and certifications necessary for conducting their business, including but not limited to health code certifications, liquor licenses, or business permits.

SECTION 18-102: DEFINITIONS

The following definitions apply in this Ordinance:

- A. "Outdoor Business" means (1) temporary outdoor seating provided by a Restaurant, which consists of tables and chairs located in the adjacent sidewalk or parking lot of a Restaurant; (2) temporary sidewalk sales, meaning the sale or display to the public of any goods or services on the sidewalk or area in front of or adjacent to a Retail Business conducting such sale; and (3) temporary outdoor displays, meaning the sale or display to the public of any goods or services in a parking lot, under a tent, or in another outdoor space.
- B. "Restaurant" means any business licensed to prepare and serve food and/or beverages, including but not limited to alcohol, on site.
- C. "Retail Business" means any business that offers goods or services for sale from a physical location within Saginaw Township.

SECTION 18-103: SUSPENSION OF TEMPORARY OUTDOOR DISPLAY PERMIT REQUIREMENT FOR RESTAURANTS AND RETAIL BUSINESSES

- A. The temporary outdoor display permit requirement under Saginaw Township Zoning Ordinance Section 1603.2, Temporary Outdoor Uses, is temporarily suspended with respect to Restaurants and Retail Businesses conducting Outdoor Business while this Ordinance is in effect.
- B. Any Restaurant or Retail Business doing business in the Township may apply for an Administrative Permit for Outdoor Business by submitting an application to the Saginaw Township Community Development Department in lieu of a Temporary Outdoor Display Permit application to the Township Clerk. Any and all permits administratively issued under this Ordinance shall (i) be temporary in duration, (ii) no permanent changes to any site plan shall be permitted, and (iii) any permits approved under this Ordinance shall not result in any vested rights and/or continuation of any temporary use beyond the timelines established by this Ordinance or any permit issued pursuant to this Ordinance.
- C. In all other respects, Section 1603 of the Zoning Ordinance remains in effect and continues to apply to all businesses in Saginaw Township, with the exception of those exempted herein

SECTION 18-104: APPLICATION

- A. All Restaurants or Retail Businesses seeking an Administrative Permit for Outdoor Business must submit an application to the Saginaw Township Community Development Department.
- B. Application Requirements.**

The same fees for a Temporary Outdoor Display Permit application shall apply to an Application for an Administrative Permit for Outdoor Business. Applications must include all of the following:

- a. A brief description of the business operated by the Applicant;
- b. A description of the Outdoor Business proposed;
- c. A diagram of the Applicant's plan for use of outdoor space, including:
 1. the specific footprint of the outdoor business;
 2. major streets, landmarks, or physical barriers impacted;
 3. boundaries and property lines;
 4. neighboring businesses, whether or not impacted;
 5. ingress and egress;
 6. a plan for customer parking; and
 7. electrical and lighting sources, as needed.
- d. Verification that the Outdoor Business will not unreasonably interfere with any of the following:
 1. vehicle traffic or sightlines;
 2. pedestrian traffic;
 3. existing utility infrastructure;
 4. existing or new construction authorized by the Township;
 5. access to private property not owned by the Applicant; and
 6. public parking spaces, whether metered or free.
 7. no permanent facilities or infrastructure are necessary or will be installed in any outdoor areas.
 8. all temporary activities, facilities and infrastructure authorized by a permit issued under this Ordinance shall be removed upon (i) expiration of the permit, (ii) immediately following repeal of this Ordinance, or (iii) no later than December 31, 2020, whichever is earlier.
- e. Verification that the Outdoor Business will comply with the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 et seq. or Michigan's Persons with Disabilities Civil Rights Act, MCL 37.1101 et seq. regarding access and movement.
- f. Applications will be reviewed by Township staff and are not subject to Planning Commission or Township Board review. Applications will be reviewed in a nondiscriminatory manner. Decisions regarding an application will be communicated to the Applicant using the contact information provided on the application.

SECTION 18-105: ADMINISTRATIVE PERMIT FOR OUTDOOR BUSINESS

A. Authority.

The permit holder of an Administrative Permit for Outdoor Business may conduct the Outdoor Business described in the Application without having to obtain a Temporary Outdoor Display Permit described in Section 1603.2 of the Zoning Ordinance.

B. Social Distancing & Safety

Restaurants and Retail Businesses conducting any Outdoor Business under this Ordinance must comply with all social distancing and other safety measures and requirements set forth in any executive orders issued by the Governor that are in effect while the Outdoor Business is operated.

C. Duration.

An approved Administrative Permit for Outdoor Business is effective for sixty (60) days and may be renewed under Section 6.3. This Ordinance will remain in effect until midnight on December 31, 2020, but may be repealed sooner upon abatement of the COVID-19 pandemic and the effects of the State's response, as determined by the Township in its sole discretion.

D. Renewal.

The permit holder may apply to renew the Administrative Permit for Outdoor Business by filing an Application for Renewal. The Application for Renewal may be substantially similar to the initial Application for the Administrative Permit for Outdoor Business, but may contain any changes, modifications, or alterations of the Outdoor Business.

SECTION 18:106: VALIDITY AND SEVERABILITY

A. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such holding will not be construed as affecting the validity of the remaining portions of this Ordinance.

SECTION 18-107: REPEALER CLAUSE

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 18-108: EFFECTIVE DATE

9.00 Effective Date. This Ordinance will become effective immediately following publication.

The adopted ordinance, the Saginaw Charter Township Zoning Ordinance, and Zoning Map are available for public inspection at the Saginaw Charter Township Offices, 4980 Shattuck Road, Saginaw, Michigan 48603, during regular business hours. For further information, please contact the Township Clerk's Office, Saginaw Charter Township Hall, (989) 791-9830.

ROLL CALL VOTE:

AYES: Supervisor Braun, Clerk Wazny, Treasurer Gerhardt, Trustees Connolly,
Gorney, Howell, and Kelly

NAYS: _____

ABSENT: _____

ORDINANCE DECLARED ADOPTED.

Date: August 10, 2020

Timothy J. Braun, Supervisor

Shirley M. Wazny, Clerk

CERTIFICATE

I, the undersigned, duly acting Township Clerk of Saginaw Charter Township, Saginaw County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in the Saginaw News, a newspaper of general circulation in the Township on August 13, 2020, and that such ordinance was entered in the Ordinance Book of the Township on August 13, 2020.

Dated: August 10, 2020

SHIRLEY M. WAZNY, CLERK