

Erie Township – Large Public Gatherings Requirements – Zoning Ordinance 117, Section 20.23 (in-part)

20.23 Temporary Uses and Non-Residential Buildings and Structures

Temporary uses and nonresidential buildings and structures may be established only under the following conditions as authorized by a temporary zoning permit issued by the Zoning Administrator:

(A) Application, Permit, and Conditions

1. **Application:** An applicant shall submit a completed application for a temporary zoning permit to the Zoning Administrator on a form established for that purpose. A plot plan meeting the requirements of Section 4.03 and 4.04 shall be submitted with such application. The Zoning Administrator shall refer the application to the Township Board in instances where the proposed gathering is expected to exceed 100 people, and in other instances where the reasonable judgment of the Zoning Administrator suggests that the temporary use may represent a possible threat to the public health, safety and welfare due to the potential created by large gatherings and/or vehicles. The Township Board shall require the submittal of a site plan prepared according to Section 4.04(B) to adequately evaluate the merits of the request.

2. **Conditions of Approval:** No temporary use application shall be approved, or shall such use be permitted to continue, which does not comply with the following conditions

- a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
- b. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
- c. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
- d. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located. The entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.
- e. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.

f. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this Section and a permit issued thereunder.

e. Temporary restroom facilities may be required in instances where the proposed gathering is expected to exceed 100 people at a single time. Such a determination shall be made by the Zoning Administrator depending on local circumstances and the availability of restroom facilities in adjacent buildings.

3. **Permits:** A temporary zoning permit may be approved, modified, conditioned, or denied by the Zoning Administrator. A written temporary zoning permit will be issued for all approved temporary uses and shall contain the following information:

- a. The applicant's name.
- b. The location and effective dates of the temporary use.
- c. Conditions specified by which the permit was issued, such as:
 - 1) use and placement of signs.
 - 2) provision for security and safety measures.
 - 3) control of nuisance factors.
 - 4) submission of performance guarantee.

(B) Permitted Temporary Buildings, Structures, and Uses (in-part)

7. **Large Public Gatherings:** No large public gathering shall occur prior to the issuance of a temporary zoning permit after the Township Board has determined that the large gathering will be adequately served by potable water, sewage disposal, emergency services, and the conditions of this section, and that such large gathering shall not threaten the public health, safety, and welfare. For the purposes of this subsection, a large public gathering shall be defined as a gathering of more than two-hundred (200) persons for the purposes of entertainment of an outdoor nature such as, but not limited to circuses, carnivals, theatrical exhibitions, public shows, displays, and musical festivals.

A. **Site Plan Required:** The Township Board shall require the submittal of a site plan prepared according to Section 4.04(B) to adequately evaluate the merits of the request.

B. Conditions of Approval: No temporary use application shall be approved, or shall such use be permitted to continue, which does not comply with the following conditions:

- a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
- b. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
- c. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
- d. The temporary use will not create hazardous vehicular or pedestrian traffic conditions, and the applicant shall provide the design and installation of all practicable temporary traffic control devices including signage to minimize traffic congestion, as may be required.
- e. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located. The entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.
- f. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
- g. Temporary restroom facilities shall be required in instances where the proposed gathering is expected to exceed 100 people at a single time. Such a determination shall be made by the Zoning Administrator depending on local circumstances and the availability of restroom facilities in adjacent buildings.
- h. Adequate sanitary facilities, utility, drainage, refuse management, emergency services and access, and similar necessary facilities and services will be available to serve employees, patrons or participants.
- i. Where a tent or similar structure is to be used, such structure shall be directly related to or accessory to, the proposed use, and shall additionally comply with the requirements of subsection C.
- j. Provide details on the proposed Signage related to the temporary use, demonstrated to be in general conformance with the sign regulations of this ordinance.
- k. Applicant shall provide information on or what precautions that will be taken to lessen the impact of such use or structure, in the area, as to not threaten the public health, safety, and welfare.
- l. The Zoning Administrator or Township Board may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this Section and a permit issued thereunder.

C. Tents and other Temporary Structures: any temporary structure, including multiple structures, exceeding two hundred (200) square feet in total area shall additionally comply with the following conditions.

- a. Comply with the requirements of the Township and State fire code;
- b. Demonstrate that the tent is flame resistant by providing a certificate of flame resistance or other assurance that the structure has been properly treated with flame retarder and has been maintained as such.
- c. Shall obtain a Building Permit and comply with all requirements of the Michigan Building Code.
- d. Provide the Township with a certificate of insurance to cover the liability of the applicant or sponsor.

D. Permits: A temporary zoning permit may be approved, modified, conditioned, or denied by the Zoning Administrator. A written temporary zoning permit will be issued for all approved temporary uses and shall contain the following information:

- a. The applicant's name.
- b. The location and effective dates of the temporary use.
- c. Conditions specified by which the permit was issued, such as:
 - 1) use and placement of signs.
 - 2) provision for security and safety measures.
 - 3) control of nuisance factors.
 - 4) submission of performance guarantee.

E. Performance Guarantee: The Zoning Administrator or Township Board may require a performance guarantee in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Treasurer, be deposited with the Township Clerk in an amount equal to the estimated cost of removing any temporary structure authorized under this Section should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.