

# ERIE TOWNSHIP

## Artificial Pond Information/Application Packet



### Pond Approval Request – Submittals Check List\*

All of the following shall be completed/furnished before any request will be considered.	Date Submitted: ____/____/20__
1. Completed Zoning Permit Application (for Special Land Use Approval)	<input type="checkbox"/>
2. Paid Special Use Hearing Fee – (Planning) \$200.00	<input type="checkbox"/> Receipt #
3. Paid Special Use Hearing Fee – (TWP Board) \$100.00	<input type="checkbox"/> Receipt #
4. Detailed and Complete “Sealed” Site Plan	<input type="checkbox"/>
5. Monroe County Soil and Erosion Permit	<input type="checkbox"/>
6. Copy of Hold Harmless Agreement (to be recorded)	<input type="checkbox"/>
6. Cash Bond Escrow – Deposit with Township \$1,500.00	<input type="checkbox"/> Receipt #
7. Contractors Name: _____ Address: _____ City: _____ State: _____ Zip: _____ License Number: _____ State: _____	<input type="checkbox"/>
Notes:	<p style="text-align: right;"><b>Application Received</b></p> <p style="text-align: right;">By: _____</p> <p style="text-align: right;">Date: _____</p>

**Review this packet and all requirements**

**NOTE - SITE PLAN MUST INCLUDE THE FOLLOWING:**

- Distance from property lines and road right-of-way.  
(50 foot minimum from road and any other lot lines)
- Pond size (dimensions) and Location of pond on property.
- Show relation to any and all buildings within 100 feet.
- Elevations at two (2) foot contour intervals.
- Type of overflow drain and location.
- Scale must be 1 inch = 100 feet.
- Cross section of pond showing side slopes:  
(Minimum grade of 1:10 feet but no greater than 4:1 feet to a depth of 5 feet).
- Date and North arrow.
- Easements must be shown on Plan.
- Location of septic and water systems.

**\*PLEASE Note:**

- **Applicant will be sent a notice of public hearing and the Applicant or Contractor must be present at Public Hearing.**
- **A Minimum of a \$1,500.00 cash bond and the permit fee(s) are required before any work may be started.**

**Artificial Ponds (Sec. 20.25)**

Artificial ponds, as defined in this Ordinance, are hereby classified as a special land use when proposed to be established as an accessory use on a residential lot or as the principal use on any lot, and shall be subject to the special land use review and approval provisions of Article 5 and Section 11.24. All other artificial ponds shall be subject to site plan review according to Article 4.

**Artificial Pond Definition:** A body of water created other than by natural environmental conditions as an accessory use of an agricultural or residential property, or as a part of an engineered storm water management system associated with a commercial or industrial property. The term “artificial pond” shall also include all land areas designed to be inundated by water as a result of the artificial or man-made alterations of drainage patterns. Artificial ponds are typically made by constructing a dam or excavating an area to be filled with water.

**Artificial Ponds – Standards/Requirements (sec. 11.24)****(A) The following site and developmental requirements shall apply:**

1. An artificial pond shall be set back a minimum of fifty (50) feet from any existing right-of-way and fifty (50) feet from any other lot line.
2. No artificial pond shall be less than two (2) feet deep except along its banks, which shall be at a minimum grade of 1:10 but no greater than 1:4, to a depth of five (5) feet.
3. No artificial pond shall be created within fifty (50) feet of ecologically sensitive sites, including wetlands and streams, unless all applicable county, state and federal permits are obtained.
4. No artificial pond shall cover more than twenty percent (20%) of the area of a lot.

**(B) Special Performance Standards:**

1. Erosion control must be provided for all filled or disturbed surface areas including the water body margin. These areas must be covered or treated during all phases of construction to prevent material from being wind blown onto neighboring properties or eroded by runoff. The applicant must meet all requirements of the most currently published standards and specifications for soil erosion control promulgated by the Monroe County Soil Conservation District and Monroe County Drain Commissioner.
2. All excavated material shall be deposited on the property and suitably landscaped to assure the appearance of natural landforms, unless the Township board specifically permits the removal of excavated material from the site. However, Special Use Approval (Article 5) for an extraction operation shall be required in conjunction with an artificial pond application where a proposed artificial pond provides for the removal of more than two thousand five hundred (2,500) cubic feet of excavated material and such material is to be placed at a location other than the lot or parcel on which the proposed artificial pond is to be placed.
3. All surface areas disturbed by excavation and filling activities, which are intended to be above the water level of the pond, shall be provided with a minimum three (3) inch layer of arable topsoil. The area shall be landscaped with grass or other live material and maintained as such.
4. The application for an artificial pond shall include a plan for the reclamation of the pond site and surrounding disturbed areas should the excavation of the pond not be fully completed or should the pond area be subsequently abandoned or discontinued as a feature on the site. The reclamation plan shall provide for the filling of excavated areas to return said areas to their surface elevations prior to any pond excavation activities taking place. The reclamation plan shall provide for the continued landscaping of the area previously proposed as the pond, or otherwise disturbed by excavation activities, consisting of live groundcover.
5. The approving body may require screening around the pond, in the form of plant material or fencing, if it finds that such screening or transition strip, because of the pond’s location and character in relation to surrounding land uses or circulation systems, is beneficial to assure compatibility between land uses or otherwise protect the public health, safety, or welfare.
6. Artificial ponds shall be so located and designed so as to reduce the potential of pollution from nearby sources such as septic tanks, site drainage, and the like, and farm operations when the artificial pond is not intended for agricultural use.
7. The construction and maintenance of an artificial pond shall not adversely impact neighboring uses by changes in surface drainage or underwater aquifers.

8. A sealed engineering report must be submitted addressing the requirements of this section and the following minimum information:
- A water body profile with elevations and changes in slope illustrated at two (2) foot intervals.
  - Soil evaluation for the site with any necessary soil modifications due to seepage or other concerns.
  - Specifications for spillway or drain, foundation preparation, and fill placement.
  - A detailed plan for stormwater runoff and erosion control provisions.
9. As a condition precedent to the issuance of the permit, the applicant shall indemnify and hold harmless Erie Township, its officials, agents, and employees, from all manner of liability, whatsoever, that may arise as a result of such pond construction.
10. The applicant shall have the responsibility and obligation to stop work and immediately notify the Township or the proper utility, at any time during such pond construction, when an underground electrical line or conduit is uncovered and shall continue such work stoppage until an inspection of same can be made by said personnel.

### **Procedures for Special Land Uses (sec. 5.02)**

An application for a Zoning Permit for any special land use or structure identified as such in a particular zoning district shall be submitted and processed under the following procedures:

**(A) Submission and Distribution of Application:** Any person owning or having an ownership interest in the subject property may file an application for one or more Zoning Permits for a special land use as provided for in this Ordinance. At least twenty (20) copies of a application shall be submitted to the Zoning Administrator's office on a special form for that purpose and each application copy shall be accompanied by a site plan prepared pursuant to Section 4.03. Applications shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. The Zoning Administrator's office shall record the date of receipt and shall transmit all copies of the application to the Planning Commission.

**(B) Planning Commission Action:** The Planning Commission shall review the application forms and plans for completeness and if such materials are not complete according to Section 4.03, the materials shall be returned to the applicant with a written notice identifying the inadequacies. Upon receipt of completed forms and plans, the Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05, and shall forward five (5) copies to the Township Board, one (1) copy to the Fire Department, and the remaining copies shall be retained by the Zoning Administrator. The Planning Commission may also submit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application for the special land use.

1. County Road Commission, 2. County Health Department, 3. County Drain Commissioner, 4. Fire Department,
5. Other agencies as relevant.

**(C) Public Hearing:** Upon certification that the application materials are complete, the Planning Commission shall schedule a public hearing and publish a notice in accordance with Section 3.09.

**(D) Planning Commission Recommendation and Basis for Recommendation:** Upon review of the special land use application, all supporting materials, and the public hearing, the Planning Commission shall recommend approval, denial, or approval with conditions regarding the special land use application, and forward its recommendation to the Township Board for its consideration. The recommendation shall state the reasons for the decision reached. The Planning Commission may recommend to the Township Board that a performance guarantee, in accordance with Section 3.07 of this Ordinance, be deposited with the Township to insure completion of improvements. The Planning Commission's recommendation shall be to deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. In arriving at its recommendation, the Planning Commission shall refer to and be guided by the site plan standards set forth in Section 4.05, the general special land use standards of Section 5.06, and the specific special land use standards of Article 11.

**(E) Township Board Action:** Upon review of the special land use application, all supporting materials, public hearing comments, and the recommendations of the Planning Commission, the Township Board shall deny, approve, or approve with conditions the application for special land use approval. This decision shall include a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. Its decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Township Board shall refer to and be guided by the site plan standards set forth in Section 4.05, the general special land use standards set forth in Section 5.06, and the specific special land use standards set forth in Article 11. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Township Board may require that a performance guarantee, in accordance with Section 3.07 of this Ordinance, be deposited with the Township to insure completion of improvements.

**Changes (sec. 5.05)**

**(A) Site Plan:** The site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved site plan. Amendments to the approved Site Plan shall comply with the application and review procedures of Section 4.07.

**(B) Use or Activity:** A change in the character of the use or activity from what the originally approved Zoning Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:

1. The addition of land to the legal description of the original special land use permit;
2. The establishment of another special land use;
3. The addition of more sales or service area, or the addition of dwelling units; and
4. An expansion or increase in intensity of use.

**Approval Standards (sec. 5.06-inpart)**

**(A)** Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. An application for a special land use shall be denied except upon a finding that all of the following standards have been met by the application:

1. The project will be harmonious with and in accordance with the Master Plan of the Township.
2. The project will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. The project will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
  - a. The bulk, placement, scale, and design of pond and all proposed structures. Such considerations include the exterior materials placed, landscape treatments, fence design and exterior lighting, if any.
4. The project will not be hazardous to any person or property, or detrimental or disturbing to the public welfare or to existing or reasonably anticipated future uses in the same general vicinity.
5. The project will be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties
6. The project will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. The project will not create excessive additional requirements at public cost for public facilities and services.
8. The project shall be in compliance with the site plan approval standards of Section 4.05.
9. The project shall be in compliance with all applicable and use-specific development requirements of Article 11 (Standards for Specific Special Land Uses).

**Time Limits for Special Land Uses (sec. 5.07-inpart)**

**(A) Special Land Use Time Limit:** If, within one year after the special land use and final site plan approval by the Township Board, a building permit has not been obtained and paid for, or in the alternative if no building permit is required, and no use permit has been obtained, the special land use and final site plan shall be null and void unless the Township Board has extended the effective time period for the special land use and final site plan approval.

**Erie Township**  
**Monroe County, Michigan**  
 2065 Erie Road, P.O. Box 187, Erie, MI 48133-0187 (734-848-4530)

**ZONING PERMIT APPLICATION**

(References to "Section" and "Article" refer to the Erie Township Zoning Ordinance. They are provided to assist the applicant. The references highlight parts of the Ordinance that may be applicable but do not necessarily identify all parts that apply.)

*Important Notice to Applicants: This application must be completed in full and the required number of copies submitted to the Zoning Administrator (see #15). All questions must be answered completely. If additional space is needed, number and attach additional sheets. Approval of this application is required before a Zoning Permit can be issued. The erection of a building or structure, or excavation for any building or structure, prior to the issuance of a Zoning Permit is a violation of the Zoning Ordinance.*

1) APPLICANT:

Name	Street Address	City / State / Zip Code	Telephone #
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2) Applicant's Interest in Property:  Owner  Lessee  Buy Option  Other/Specify:

3) Property Address: \_\_\_\_\_ between \_\_\_\_\_ and \_\_\_\_\_ Roads

4) Legal Description (attach sheet if necessary)	12) This application is made for a: <i>Refer to Article 10 – 15 to determine whether the proposed use/building is classified as a "Use Permitted by Right," "Special Land Use," or Accessory Use/Building," according to the District in which it is to be located.</i> (check <u>all</u> that apply)		
		<b>NEW</b>	<b>Addition or Alteration</b>
5): Tax Parcel #:	Dwelling (Sec. 19.13)	<input type="checkbox"/>	<input type="checkbox"/>
6) Zoning District:	Temporary Dwelling (Sec. 19.12)	<input type="checkbox"/>	<input type="checkbox"/>
7) Parcel Acreage:	Principal Permitted Use (other than Dwelling)	<input type="checkbox"/>	<input type="checkbox"/>
8) Present Use:	Specify:		
9) Is parcel in a: <input type="checkbox"/> platted sub. <input type="checkbox"/> condo. sub. If "yes", subdiv. name:	Open Space Community (OSC, Art. 12) Platted Subd. <input type="checkbox"/> Yes <input type="checkbox"/> No Condominium Subd. <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>
10) Deed restrictions on parcel: <input type="checkbox"/> Yes <input type="checkbox"/> No	Platted Subdivision (Not an OSC)	<input type="checkbox"/>	<input type="checkbox"/>
11) Names, addresses, phone #s of all other persons, firms or corp. having legal or equitable interest in the land:	Condominium Subdivision (Not an OSC) (Sec. 20.13)	<input type="checkbox"/>	<input type="checkbox"/>
a)	Special Land Use (Arts. 5, 11) Specify:	<input type="checkbox"/>	<input type="checkbox"/>
b)	Accessory Bldg./Garage (Sec. 20.06)	<input type="checkbox"/>	<input type="checkbox"/>
	Accessory Bldg./Pool (Sec. 20.06, 20.22)	<input type="checkbox"/>	<input type="checkbox"/>
c)	Other Accessory Use/Bldg. (Sec. 20.06)	<input type="checkbox"/>	<input type="checkbox"/>
	Sign (Art. 15)	<input type="checkbox"/>	<input type="checkbox"/>
d)	Private Road (Art. 19)	<input type="checkbox"/>	<input type="checkbox"/>
	Other/Specify	<input type="checkbox"/>	<input type="checkbox"/>

**FOR TOWNSHIP USE ONLY**

Application Number:	Tax Parcel Number:																			
Date Received:	Date of Final Action:     -     -																			
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13) Detailed Description: Provide a detailed description of the proposed actions being applied for, including any proposed uses of land and/or proposed uses of existing and new buildings. If a dwelling is being proposed, include information on the dwelling's height and floor area (See Art. 21 for definition of "Building Height" and "Floor Area"). If a commercial or industrial use is being proposed, include information on the number of total employees, employees per shift, principal products for sale or manufacture, hours of operation, anticipated truck/delivery traffic, and related operational characteristics. Attach additional sheets if necessary.

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14) If the parcel or any existing structure(s) are nonconforming, describe each nonconformity (see Article 9). These nonconformities may apply to such things as, but not limited to, building setbacks, lot area, and lot width.

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15) SUPPORTING DOCUMENTS: The following applicable materials must be submitted along with this application form when applying for a Zoning Permit:

A. Plot Plan: Sec. 4.02(B) identifies the uses for which Plot Plan approval is required prior to the issuance of a Zoning Permit, such as single-family dwellings. If Plot Plan approval for the applicant's project is required by Section 4.02(B), the applicant shall submit at least 3 copies of both this completed application form and a Plot Plan prepared according to Sec. 4.03(A).

B. Site Plan: Sec. 4.02(A) identifies the Uses for which Site Plan approval is required prior to the issuance of a Zoning Permit, such as commercial and industrial uses. If Site Plan approval is required for the applicant's project by Section 4.02(A), the applicant shall submit at least 20 copies of both this completed application form and a Site Plan according to Sec. 4.04(B).

C. Special Land Uses: Article 10 identifies what uses are classified as "Special Land Uses," according to each District. If special land use approval is required according to the particular District in which the parcel is located, the applicant must submit at least 20 copies of this completed application form and a Site Plan according to Sec. 4.04. Section 5.06 identifies general standards for the review of special land use applications. The applicant is encouraged (not required) to submit written documentation to support the application according to these standards.

D. Open Space Communities (OSC): Article 12 presents the principal provisions applicable to OSC developments. If the applicant is applying for approval of an OSC development, the applicant must submit at least twenty (20) copies of the following: a) this completed application form; b) a Site Plan according to Sec. 4.04; and c) a Conventional Plan according to Sec. 12.03.

E. Private Road: Article 19 presents the principal provisions applicable to private roads. If the applicant is applying for approval of a private road, the applicant must submit at least 20 copies of the following: a) this completed application form; b) a Site Plan according to Sec. 4.04 if the road is being proposed in conjunction with a use that requires site plan approval; and c) the information required by Section 19.05.

F. Proof of Property Ownership: The applicant must attach proof of ownership of the property subject to the application, such as a tax bill or property deed, or other evidence of interest in the property.

G. Deed Restrictions: The applicant must attach a copy of all existing deed restrictions impacting the property.

16) AFFIDAVIT: I (we) the undersigned affirm that the foregoing answers, statements, and information are in all respects true and correct to the best of my (our) knowledge and belief. I (we) the undersigned understand that the Zoning Permit applied for, if granted, is issued on the representations made herein and that any Zoning Permit or Building Permit subsequently issued may be revoked because of any breach of representations or conditions, or because of the lack of continued conformance with Zoning Ordinance requirements.

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Applicant Signature(s)      Date

Property Owner's(s) Signature(s)      Date  
(if different than applicant)