

ERIE TOWNSHIP ORDINANCE NO. 117-C  
(Amendment to Erie Township Zoning Ordinance No. 117)

An ordinance enacted pursuant to the authority granted in Act 110, Public Acts of 2006, as amended, better known as the Michigan Zoning Enabling Act, and according to the General Development Plan of the Township, dated May 8, 2012, as amended from time to time, and to further provide for the public health, safety and general welfare of the persons and property of the Township of Erie, and to amend Erie Township Ordinance #117, known as Erie Township Zoning Ordinance, by amending the following sections, for the purposes of promoting and protecting the public health, safety and general welfare of the residents and property of the Township of Erie:

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

SECTION 1: AMENDMENTS TO ARTICLE 4, PROCEDURES FOR PLOT PLAN AND SITE PLAN REVIEW, SECTIONS: 4.02, 4.04 and 4.09:

- 4.02 (A) Township Planning Commission Approval for Site Plans:** Except as provided by (C) below, site plan approval is required by the Township Planning Commission, prior to the issuance of a Zoning Permit, for the following land uses:
- 4.02-ADD (A) 7.** Artificial Ponds of greater than one hundred (100) square feet or greater than two feet deep.
- 4.02 (C) Additions:** Except in the case of a special land use, the Zoning Administrator may take action on a site plan where an addition is proposed to an existing building or parking area and the addition does not exceed one thousand (1,000) square feet in area or twenty percent (20%) of the building or parking area, whichever is less. The Zoning Administrator may defer action to the Township Planning Commission where the Zoning Administrator finds the complexity of the addition warrants Planning Commission action.
- 4.04 (C) 2.** The Township Planning Commission shall have the authority to approve a preliminary site plan as a final site plan if it finds that the preliminary plan includes all necessary data and portrays such data in sufficient detail and accuracy to verify that such plans are in compliance with all standards of the Ordinance.
- 4.04 (D) Final Site Plan Submittal, Distribution and Data:** Applications for final site plan approval shall be submitted to the Zoning Administrator on a form for that purpose. Upon receipt of plans and zoning permit application forms which are found to be complete, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, and other agencies or individuals selected to review such plans. Formal review of such complete plans will occur only if provided ten (10) or more calendar days before a meeting of the Planning Commission.. The final site plan application shall include the following, except where the Planning Commission or Zoning Administrator determines that certain specific data is not necessary in rendering a sound and educated decision on the specific site plan before it:
- 4.04 (D) 1. & 2.** *Change* Twenty (20) copies to Fifteen (15) copies
- 4.04 (E) Final Site Plan Recommendation by Planning Commission:** 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. After conducting a review, the Planning Commission shall deny, approve, conditionally approve, or require that final site plan be resubmitted with specific changes, based on compliance with the standards of Section 4.05. A site plan shall be approved by the Township Planning Commission if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and

federal statutes. Any conditions defined by the Planning Commission for approval or resubmittal shall be stated in writing, together with the reasons and delivered to the applicant.

**4.04** (F) *Delete Section*

**4.04** *Change G to (F) Update: **Approved Site Plans:*** Three (3) copies of the approved site plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Township Zoning Administrator, for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

**4.04** *Change H to (G)*

**4.04** (I) *Delete Section*

**4.09** (A) **Final Plot Plan and Site Plan Approval Time Limit:** If, within one year after the final plot plan approval by the Zoning Administrator or site plan approval by the Township Planning Commission, 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 final plot plan or site plan shall be null and void unless the Zoning Administrator or Township Planning Commission has extended the effective time period for the final plot plan or site plan approval.

**4.09** (B) **Seasonal/Temporary Plot Plan Approval Time Limit:** The Zoning Administrator, Planning Commission, or Township Board may require a lesser period of time for a building permit or a use permit to be obtained for a site plan or a plot plan for a temporary use, seasonal use or other special purposes.

**SECTION 2: AMENDMENTS TO ARTICLE 5, PROCEDURES FOR SPECIAL LAND USES, SECTIONS: 5.02, 5.04 and 5.07:**

**5.02** (A) *Change Twenty (20) copies to Fifteen (15) copies*

**5.02** (B) *Delete five copies to the Township Board,*

**5.02** (D) **Planning Commission Action and Basis for Action:** Upon review of the special land use application, all supporting materials, and public hearing comments, the Township Planning Commission 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 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 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 Planning Commission 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.

**5.02** (E) *Delete Section*

**5.04** **Reapplication -** No application for a Zoning Permit for a special land use which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions that the Township Planning Commission finds has direct bearing upon the basis for the final action taken on the original application, and only then pursuant to the provisions of Section 5.02.

**Time Limits for Special Land Uses**

**(A) Special Land Use Time Limit:** If, within one year after the special land use and final site plan approval by the Township, 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 Planning Commission has extended the effective time period for the special land use and final site plan approval.

**(B) Seasonal/Temporary Special Land Use Approval Time Limit:** The Township Board or Planning Commission may require a lesser period of time for a building permit or a use permit to be obtained for special land use for a temporary use, seasonal use or other special purposes to be determined by the Township.

**(C) Time Limit for Non-Use of Site:** Pursuant to special land use approval granted by the Township, and for a building permit or use permit granted in connection therewith, where the special land use ceases to exist for a six month consecutive period or for a total of 18 months during a three year period, the special land use approval may be revoked by the Township Board.

### SECTION 3: AMENDMENTS TO ARTICLE 10, TABLE 10-2, USES OF A PRIMARILY INDUSTRIAL CHARACTER:

<b>Update</b>	Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; storage and transfer establishments; distribution plants; and parcel delivery service. – <i>Add permitted as a Special Use in the I-1 District</i>
<b>Update</b>	Container storage facilities, freight terminals and intermodal terminals. – <i>Update Definition</i>
<b>Delete</b>	<del>Energy production &amp; co-generation facilities with outdoor storage of raw materials or fuels.</del>
<b>Delete</b>	<del>Energy production &amp; co-generation facilities without outdoor storage of raw materials or fuels</del>
<b>Update</b>	Hazardous materials disposal, storage or incineration of any materials. - <i>Update Definition</i>
<b>Update</b>	Heavy equipment sales/rental (51 hp or more). - <i>Add permitted as a Special Use in the C-2 District</i>
<b>Delete</b>	<del>Heavy manufacturing of goods from raw materials which represent the initial processing of products that will require additional processing, fabrication, or assembly before ultimate consumer use or consumption. Some manufacturing and/or storage of materials may be necessary outside of a building.</del>
<b>Delete</b>	<del>Incinerators</del>
<b>Delete</b>	<del>Inter-modal freight terminal</del>
<b>Delete</b>	<del>Iron and steel foundry and smelting.</del>
<b>Update</b>	Life science technology and medical laboratories, including but not limited to biomedical engineering, materials engineering, biotechnology and genomics. - <i>Add permitted as a Special Use in the C-1 &amp; C-TC Districts and BR in the C-2 &amp; I-2 Districts</i>
<b>Add New</b>	Manufacturing or production of goods or commodities from raw materials, previously prepared materials or finished parts, including processing, fabrication, assembly, treatment, and packaging of such products, along with incidental storage, sales, and distribution of such products for final consumer use or consumption, or subsequent processing or assembly. All manufacturing activities are <u>confined</u> within a building, and manufacturing, assembly, fabrication, packaging or processing of products <u>does not</u> have the potential to produce noise (above ambient levels), dust, glare, odors or vibration beyond its property line. Outdoor storage of raw materials, partially finished goods, or finished goods does not exceed 5% of the lot. – <i>BR in the I-1 &amp; I-2 Districts</i>
<b>Add New</b>	Manufacturing or production of goods or commodities from raw materials, previously prepared materials or finished parts, including processing, fabrication, assembly, treatment, and packaging of such products, along with incidental storage, sales, and distribution of such products for final consumer use or consumption, or subsequent processing or assembly. Certain manufacturing activities <u>may not be confined</u> within a building, and/or the manufacturing, assembly, fabrication, packaging or processing of products, <u>may</u> have the potential to produce noise (above ambient levels), dust, glare, odors or vibration beyond its property line. Outdoor storage of raw

	materials, partially finished goods, or finished goods equals or exceeds 5% of the lot. – <i>Permitted as a Special Use in the I-1 District and BR in the I-2 District</i>
<b>Delete</b>	<del>Machine and battery building, and tire recapping and retreading.</del>
<b>Delete</b>	<del>Manufacturing of small electrical components, such as personal computers, computer accessories, precision instruments, household electronics, personal communications equipment, medical devices, photographic equipment and business machines.</del>
<b>Delete</b>	<del>Manufacturing, assembly, fabrication, packaging or processing of products having potential to produce noise, dust, glare, odors or vibration beyond its property line.</del>
<b>Add New</b>	Outdoor storage of basic or raw materials as a principal use. – <i>BR in the I-2 District</i>
<b>Update</b>	Recycling facilities and/or transfer stations (with outdoor storage of materials or equipment).
<b>Update</b>	Recycling facilities and/or transfer stations (without outdoor storage of materials or equipment)
<b>Move</b>	Repair and sale of small electrical components, such as personal computers, computer accessories, precision instruments, household electronics, personal communications equipment, medical devices, photographic equipment and business machines. – <i>Move to Uses of a Primarily Commercial or Business Character</i>
<b>Update</b>	Research, design, engineering, testing, diagnostics and pilot or experimental product development, including but not limited to medical device and alternative energy technologies. - <i>Add permitted as a Special Use in the C-1, C-2 &amp; C-TC Districts and BR in the I-2 District</i>
<b>Delete Part</b>	<del>Sanitary landfills or transfer stations.</del>
<b>Move</b>	Public assembly facilities such as, but not limited to, cemeteries, parks, schools, libraries, religious facilities, and museums. - <i>Move to Other Principle and Accessory Uses</i>
<b>Move</b>	Public facilities not otherwise included in (1) above such as, but not limited to, fire stations, police stations, substations, jails, and public parking lots. - <i>Move to Other Principle and Accessory Uses.</i>
<b>Move</b>	Private Landing Strips. - <i>Move to Other Principle and Accessory Uses.</i>

**SECTION 4: AMENDMENT TO ARTICLE 11, STANDARDS FOR SPECIFIC SPECIAL LAND USES, ADDITION OF SECTION 11.33 - MANUFACTURING OF GOODS FROM PREVIOUSLY PREPARED MATERIALS OR FINISHED PARTS WHEN OUTDOOR STORAGE EXCEEDS 5% OF THE LOT:**

- 11.33 Manufacturing of goods from previously prepared materials or finished parts when outdoor storage exceeds 5% of the lot
- (A) The following site and developmental requirements shall apply:
1. The site shall provide sufficient space, to buffer any adjacent non-industrial areas or districts. Buffering shall screen outdoor storage of material from lines of sight from adjacent property and may include a mounding, plant material or natural or manmade landscape treatments. Buffering may be required to achieve up to 100% opacity at the time of installation if adjacencies include residential areas.
  2. All storage tanks containing substances posing a threat to groundwater shall be at least three hundred (300) feet from any water well.
  3. The storage of any soil, fertilizer, or other loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands and drainage ways

**SECTION 5: REPEAL.**

All ordinances or parts of ordinances, in conflict with this Ordinance are hereby repealed.

**SECTION 6: SEVERABILITY.**

This Ordinance, and the various parts, sections, and clauses are hereby declared to be severable. If any part, sentence, section or clause is determined unconstitutional or invalid by a court of law, the remaining Ordinance will not be affected.

**SECTION 7: EFFECTIVE DATE.**

This Ordinance shall become effective eight (8) days after publication in a newspaper of general circulation in the Township of Erie, County of Monroe, State of Michigan, unless otherwise provided by law.

**THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF ERIE, COUNTY OF  
MONROE, STATE OF MICHIGAN:**

By: \_\_\_\_\_  
Kim Cousino, Erie Township Clerk

**AUTHENTICATED:**

By: \_\_\_\_\_  
William D. Frey, Erie Township Supervisor

I, Kim Cousino, do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify in this ordinance that this ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, in the regular meeting of the Township Board held at the Erie Township Hall, Erie Township, Michigan, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

The vote on said Ordinance, \_\_\_\_\_ members being present and \_\_\_\_\_ members being absent as follows:

Member's Last Name

Voting in Favor:

_____	_____
_____	_____
_____	

Voting Against:

_____	_____
_____	

Abstained:

_____	_____
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Absent:

_____	_____
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I, Kim Cousino, the Township Clerk of the Township of Erie, do hereby certify that this ordinance or a summary of it, was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 in a newspaper of general circulation in the Township of Erie, within eight (15) days after adoption of the Ordinance.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Kim Cousino,  
Erie Township Clerk

ATTEST:

\_\_\_\_\_  
William D. Frey,  
Erie Township Supervisor

ADOPTED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_