

ZONING ORDINANCE
TOWNSHIP OF RILEY
ST. CLAIR COUNTY, MICHIGAN

TITLE

An Ordinance enacted under Michigan Zoning Enabling Act 110 Of 2006, as amended, (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) governing the unincorporated portions of the Township of Riley, St. Clair County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence, and for public and semi-public or other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes, to divide the Township into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

PREAMBLE

Pursuant to the authority conferred by the Michigan Zoning Enabling Act 110 of 2006 , as amended (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) of the State of Michigan in such case, made and provided for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Riley by protecting and conserving the character and social and economic stability of the residential, commercial, agricultural, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air, and reasonable access; facilitating adequate and economical provisions of transportation, water, sewers, schools, recreation, and other public requirements; and by other means, all in accordance with a comprehensive plan, now therefore:

ENACTING CLAUSE

THE TOWNSHIP OF RILEY ORDAINS:

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE I
SHORT TITLE

SECTION 101. SHORT TITLE:

This Ordinance shall be known and may be cited as the Township of Riley Zoning Ordinance.

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ARTICLE II
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 201. CONSTRUCTION OF LANGUAGE:

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- G. The word "person" includes: an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more terms, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
 - 1. "And" items, conditions, provisions, or events may apply singly or in any combination.
 - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them.

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SECTION 202. DEFINITIONS:

Accessory Use, or Accessory: An "accessory use" is a use which is clearly incidental to, customarily found in connection with and (except in the case of accessory off-street parking spaces or loading) located in the same zoning lot as the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to the following:

1. Swimming pools for the use of the occupants of a residence or their guests.
2. Domestic or agricultural storage in a barn, shed, tool room, garage or similar accessory building or other structure.
3. Home occupations.
4. A news stand primarily for the convenience of the occupants of a buildings, which is located wholly within such building and has no exterior signs or displays.
5. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
6. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
7. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
8. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
9. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
10. Boathouses used for the accessory storage of not more than two (2) boats on any lot or parcel.

Adult Arcade: An establishment where, for any form of consideration, one (1) or more motion picture projectors, slide projectors or similar machines for viewing by five (5) or fewer persons. Each are used to show films, motion pictures, video cassettes, slides, DVD's, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

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(Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Adult Bookstore or Supply Store and Video Stores: An establishment wherein its stock in trade and offers for sale, for any form of consideration, any one or more of the following: books, magazines, periodicals or any such other printed matter, photographs, photographic media, films, motion pictures, video cassettes, slides, DVD's, and/or similar type media or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas: or instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Adult Business: Any business that exploits interest in sex in a graphic manner; also know as "sexually orientated businesses" or "SOB". (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Adult Cabaret: A nightclub, bar, restaurant or similar commercial establishment that features (a.) persons who appear in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or (c) films, motion pictures, video cassettes, slides, DVD's, photographic reproductions, and/or similar type media in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas." (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Adult Merchandise Store: A commercial establishment wherein its stock in trade and offers for sale, for any form of consideration, any one or more of the following: magazines, periodicals, books, photographs, videotapes, films, objects or other visual representations which depict, describe or portray "specified sexual activities" or "specified anatomical areas" as defined herein. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Adult Motion Picture Theater: an establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown. And in which a substantial portion of the total presentation time devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Adult Peep Show: A means of entertainment provided within an adult business that is characterized by one of the following: A coin or token operated machine where someone may view a motion picture film which depicts, describes or portrays "specified sexual activities" or "specified anatomical areas" as defined herein. A booth or other such constructed area where an individual may, for the payment of a fee, view a motion picture film, videotape recording or live entertainment which depicts, describes or portrays "specified sexual activities" or "specified anatomical areas" as defined herein. (Adopted

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9/2/09; Published 9/4/09; Eff. 9/11/09)

Adult Personal Service Business: A business or service referring or directed to a particular person in an offensive sense or manner, pertaining to the body. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Agricultural: Means farms and general farming including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry and other similar enterprises or uses, but no farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants or for commercial slaughter houses.

Agricultural WECS: Shall mean any WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to serve the needs of the farm or agricultural operation. (Adopted 4-6-201: Published 4/9/2010; Eff. 4/16/2010)

Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Ambient Sound Level: is the amount of background noise at a given location prior to the installation of a WEC (s) which may include, but not be limited to: traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute. (Adopted 4-6-201: Published 4/9/2010; Eff. 4/16/2010)

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

Automobile Service Station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Auto Repair Station: A place where, along with the sale of engine fuels, the following services may be carried out: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical

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distance from the average grade to the ceiling. A basement shall not be counted as a story.

Block: The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the municipality.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, chattels or property of any kind.

Board of Appeals: Means the Zoning Board of Appeals of Riley Township.

Boarding House: Means a dwelling where meals or lodging is provided for compensation to three (3) or more persons by prearrangement for definite periods of not less than one (1) week.

Building Area: Means the space remaining after the minimum open space requirements of this Ordinance have been met.

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Inspector: Refers to the Building Department for the Township of Riley.

Building Line: A line formed by a wall of the building, and for the purposes of this Ordinance, a minimum building line is the same as a setback line.

Campground: Means any parcel of land wherein sites are offered for the use of the public or members of any organization, either free of charge or for a fee, for the establishment of temporary living quarters for the occupation of two (2) or more tents, travel trailers, truck campers or other similar recreational units.

Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals.

Colocation: The location by two or more wireless communication providers of wireless communication facilities on a common structure. (Amended 3-03; Adopted 7-03; Published 7-16-03)

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Commercial WECS: shall mean any WECS that is designed and built solely to provide electricity to the state/national electrical grid. (Adopted 4-6-201; Published 4/9/2010; Eff. 4/16/2010)

Communication Tower: A freestanding monopole design, or the newer technology available, whenever possible attached directly to the ground or to another structure, used for transmission, reception or relay of communication signals by communication facilities thereon. Also, a communication tower shall not be included under the existing definition of essential services. (Amended 3-03; Adopted 7-03; Published 7-16-03)

Contractor: One that agrees to furnish materials or perform services at a specified price, especially but not limited to construction work. (9-16-00)

Convalescent or Nursing Home: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

Decibel: is defined as unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute. (Adopted 4-6-201; Published 4/9/2010; Eff. 4/16/2010)

Detention Pond (Facility): A facility designed for holding runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle. The objective of a detention facility is simply to regulate the runoff from a given rainfall event and to reduce the impact on downstream drainage systems, natural or man-made. (Also includes sediment basins). P.H. 11-17-03; Adopted 4-5-04; Published 4-14-04; Effective 5-14-04

Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

District: A portion of the unincorporated area of the municipality within which certain regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Dwelling Unit: A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

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Dwelling, One-Family: A detached building entirely separated from other buildings or structures on adjacent lots designed for or occupied exclusively by one family. For regulatory purposes, the term is not to be construed to include travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of portable or temporary housing.

Dwelling, Two-Family: A building designed exclusively for and occupied by two (2) families living independently of each other.

Dwelling, Mobile Home: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

Dwelling, Pre-manufactured or Modular Home: A detached one-family dwelling constructed according to special rules promulgated by the State Construction Code Commission exclusively designed for placement on a permanent foundation and assembled at other than the final location by a repetitive process generally recognized as systems or component building and under circumstances intended to insure uniformity of quality and material content. The term does not include a mobile home although a pre-manufactured or modular home commonly arrives at final location by some method of transport from location of assembly.

Dwelling, Multiple-Family: A building or a portion thereof, designed exclusively for occupancy by three (3) or more families living individually of each other.

Eaves: The overhanging lower edge of a roof.

Efficiency Apartment: A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for occupancy for living, cooking, and sleeping purposes and having no separate, designated bedroom.

Employee: Means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, and agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or the delivery of goods to the premises. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like shall be considered a part of erection.

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Escort services: An establishment which provides the services of escorting persons for payment of a fee. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal department of underground, surface or overhead gas, electrical, steam, fuel or water distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cable, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings, which are necessary for the furnishing of adequate service to the Township by such utilities or municipal departments for the general health, safety or welfare.

Establishment means and includes any of the following:

- a) The opening or commencement of any sexually oriented business as a new business;
- b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- c) The additions of any sexually oriented business to any other existing sexually oriented business; or
- d) The relocation of any sexually oriented business. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Excavation: Any breaking of ground, except common household gardening and working of ground for agricultural purposes.

Family: One (1) or two (2) persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two (2) or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

Farm: The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

Feedlot: A relatively small, confined land area on which a large concentration of livestock is raised.

Floodplain: Means those areas of land adjacent to the rivers, and other water courses of the Township which are deemed official on the Riley Township Floodplain Map, subject to periodic flooding as designated.

Floor Area, Residential: For the purposes of computing the minimum allowable floor area

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in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Usable (for the purposes of computing parking): That area used for or intended to be used for the sale of merchandise or service, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Garage, Service: Any premises used for the storage or care of motordriven vehicles or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage, Commercial: Any premises used for the storage, care, repair or refinishing of motor vehicles, but not including a place where any such vehicles are for hire or sale.

Garage, Private: Means an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is necessary.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Hazardous Substances: Includes hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshall Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products, waste oils, and oil sludge are subject to regulation under this Ordinance as hazardous substances.

Helipad: An area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up and discharging passengers, tie-down space or storage in one (1) hanger building. (1-5-98)

Highway: A public dedicated right-of-way, which is publicly maintained, and included and incorporated into the street, road and/or highway system of the County of St. Clair,

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State of Michigan, and/or the United States of America. Streets, roads and highways shall mean the entire width between boundary lines of a publicly maintained way, when any part thereof is open to the actual use of the public for purposes of vehicular travel. See definitions set forth in MCLA 257.20, 257.55, and 257.64. (Published 3/19/97)

Home Occupation: An occupation that is traditionally and customarily carried on in the home, being primarily incidental to the principal residential use. A "Home Occupation" shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Junk: Means any motor vehicles, machinery, appliances, product or merchandise with parts missing, or scrap metals, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured. Specifically included are motor vehicles not movable under their own power, excluding agricultural machinery.

Junk Yard: An open space where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel, Commercial: Any lot or premises on which dogs, cats or other household pets are either permanently or temporarily boarded, kept or bred for commercial purposes.

Kennel, Private: Any lot or premises on which four (4) to eight (8) dogs are kept for personal and/or recreational use, such as participation in shows, field/obedience/working trials, hunting, and similar personal uses. (8-98)

Licensee: means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Limited Business Use: Limited Business uses are primarily engaged in producing a product or providing a service, where the external physical effects will not extend beyond the property lines. Limited business uses are to be completely enclosed within a building, and any product manufactured should not be sold primarily on-site. These uses are distinguished from home occupations because limited business uses typically occur in a structure other than a residential dwelling. Examples of limited business uses include, but are not limited to: design and assembly of prototype products, such as computer circuit boards or small parts molds/dies; limited bulk mail processing; light assembly, and

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manufacture of small machine parts. To qualify as a limited business, the use must meet the requirements of Section 1135 of this ordinance.

Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

Lot, Corner: A lot where the interior angle or two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty (130) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150') feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Interior: Any lot other than a corner lot.

Lot, Through: Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage and front yard setbacks shall be provided as required.

Lot, Zoning: A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot Lines: The lines bounding a lot as defined herein:

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Front Lot Line: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot or double frontage lot, is that line separating said lot from either street (see definition of street).

Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by municipal or county officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot Width: The straight-line horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects with side lot lines.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Major Thoroughfare: An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

Massage: Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in the practice. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fermentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state, this definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as

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an incidental or accessory service. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Master Plan: The Comprehensive Community Plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mezzanine: An intermediate floor in any story occupying not more than one-third (1/3) of the floor area of such story.

Motor Home: Any vehicle designed, used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

Mobile Home: See "Dwelling, Mobile Home"

Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use as a temporary trailer park.

Mobile Home Development: A parcel of land under single ownership which has been planned and improved for the placement of a mobile home for nontransient use, for the exclusive use of the owner.

Mobile Home Lot or Site: A parcel of land for the placement of a single mobile home and the exclusive use of its occupants within a licensed mobile home park, condominium or subdivision project or development.

Mobile Home Stand: That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

Motel: A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Municipality: The Township of Riley.

Nonconforming Lot: Means a lot which exists as a legal lot of record and which existed as a legal lot of record at the effective date of adoption or amendment of the Ordinance, which does not conform to the lot requirements of this Ordinance.

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Nonconforming Structure: Means a lawful structure which existed at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by means of restrictions on area, lot coverage, height, yards or other dimensional requirements.

Nonconforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nude Body Painting or Modeling Studio: An establishment which provides the services of body painting or nude photography of the human body is offered for observation of the patrons therein. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Nude or Semi-Nude Dancing (Topless Dancing) A nightclub, bar, restaurant or similar commercial establishment that features live performances that are characterized by the exposure of specified anatomical areas. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Nudity or a State of Nudity: means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nuisance Factors: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage.

Nursery Schools, Day Care Centers: Means a facility other than a private residence, receiving more than six (6) pre-school or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The

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facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative pre-school, play group, or drop-in center. Child care center or day care center does not include Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

Off-Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of vehicles.

Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

Parking Space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Principle Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

Private Use: Landing Field: Any location, either on land or water, that is used for the take-off or landing of aircraft, and is to be used by the owner or persons authorized by the owner for emergency purposed. No private use landing field may be rented, leased or subleased without prior written authorization of the Township. Commercial operations shall not be conducted on private landing areas.

Private WECS: Shall mean any WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.

Public Utility: A person, firm or corporation, municipal department, board of commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Retention Pond (Facility): A system whereby water is held for a considerable length of time for aesthetic, agricultural, consumptive or other uses. The water may never be discharged to a natural watercourse, but it may be consumed by plants, evaporation or infiltration into the ground. (Also includes sediment basins). P.H. 11-17-03; Adopted 4-5-04; Published 4-14-04; Effective 5-14-04

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Road: A public dedicated right-of-way, which is publicly maintained, and included and incorporated into the street, road and/or highway system of the County of St. Clair, State of Michigan, and/or the United States of America. Streets, roads and highways shall mean the entire width between boundary lines of a publicly maintained way, when any part thereof is open to the actual use of the public for purposes of vehicular travel. See definitions set forth in MCLA 257.20, 257.55, and 257.64. (Published 3/19/97)

Roadside Stand: Means an open front stand so designed that service to the patron does not require entering the building, and used solely for the sale of farm products and for sale of the by-products of agricultural produce.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in the area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented having one (1), two (2), or three (3) bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Setback: The distance required to obtain front, side or rear yard open space provisions of this Ordinance.

Sexual Encounter Establishment: An establishment other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Sexual Exploitation: The use of explicit sexual material, esp. in motion picture, to increase sexual appeal. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Signs: For the purpose of Section 909: Signs: the following terms are here within defined:

Accessory Signs: A sign, which is accessory to the principal use of the premises. A sign, which is directed to the business activity or service conducted on the premises upon which a business is located. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Agriculture Produce Signs: A sign advertising agriculture products for sale, provided it included products which are grown on the premises. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Announcement Sign or Bulletin Board: A sign with changeable letters, located on

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the property of a church, school, or other non-profit agency which provides information relevant to church services, religious activities and events; educational activities and events; or services offered and events. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Awning Sign: An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Billboard sign: An off-site or non-accessory outdoor sign, which advertises a business use or service not conducted on the premises upon which the sign is placed. Billboard structures are generally leased or rented and designed with changeable copy. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Canopy Sign: An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by not less than one stanchion. A canopy is comprised of a rigid structure over which a covering is attached. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Directional Sign: A sign not utilized for advertising purposes, but used to direct vehicular or pedestrian traffic to parking areas, loading areas, or to portions of a building or a location. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Garage Sale and Estate Sale Signs: Signs used for the advertising the sale of household goods, furniture, equipment, etc. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Help Wanted Signs: Signs used to solicit employees for the place of business where posted. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Mural: A large picture or advertisement painted directly on a wall or attached to a wall. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Non-Accessory Sign: A sign which is not accessory to the principal use of the premises. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Non-Residential Real Estate Signs: Signs used for the advertising of non-residential land or buildings for rent, lease or sale. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Residential Real Estate Signs: Signs used for the advertising of residential land or

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buildings for sale. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. Any words, numbers, figures, devices, designs, logos, trademarks, letters, characters, marks, points, planes, posters, pictorials, pictures, strokes, stripes, lines, reading matter, illuminating devices (when permitted) or paint visible to the general public and designed to inform or attract the attention of persons, including the structure upon which such may be printed, painted or affixed to. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Special Event Sign: A sign used to advertise i.e., a grand opening, going out of business sale, once a year sale, etc. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Temporary Construction Sign: A temporary sign denoting the business name, building, architect, engineer, lender and/or contractor involved in any building construction or renovation. (P.H. 1-16-06; Adopted 6-5-06; Published 6-14-06; Effective 6-22-06)

Skid row area: An usually run down section of a municipality frequented by indigent alcoholics, vagrants, derelicts, etc. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Small Solar Energy System: Shall mean a system composed of a solar energy collector, an energy storage facility, and components for the distribution of transformed energy that may be attached to a residence or other structure. A small solar energy system may be a photovoltaic system to convert the sun's energy to electricity or it may be a solar thermal system used to heat water.

Small Wind Energy System: Shall mean a wind energy conversion system consisting of a wind turbine, a support structure, and if electrical; the associated control or conversion electronics and that has a rated capacity of not more than 2.5 kW and that is intended to reduce on-site consumption of utility power. (Adopted 4/6/2010; Published 4/9/2010; Eff. 4/16/2010)

Specified Anatomical Areas: As used herein, specified anatomical areas means and includes any of the following:

- 1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- 2) Human male genitals in a discernibly turgid state, even if completely or opaquely covered. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

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Specified criminal activity: means any of the following offenses:

- a) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offences to those described above under the criminal or penal code or other states or countries;
- b) For which:
 - 1) less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - 2) less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - 3) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or conviction of misdemeanor offenses occurring within any twenty-four (24) month period.
- c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Specified Sexual Activities: As herein, specified sexual activities means and includes any of the following: 1.) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; 2.) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; 3.) Masturbation, actual or simulated; or 4.) Excretory functions as part of or in connection with any of the activities set forth in Zoning Ordinance #33, Section 1134 or this subsection. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Street: A public dedicated right-of-way, which is publicly maintained, and included and incorporated into the street, road and/or highway system of the County of St. Clair, State of Michigan and/or the United States of America. Streets, roads, and highways shall mean the entire width between boundary lines of a publicly maintained way, when any part thereof is open to the actual use of the public for purposes of vehicular travel. See definitions set forth in MCLA 257.30, 257.55, and 257.64. (Published 3/19/97)

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50%) percent, by cubic content, is below the height level of the adjoining ground.

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Story, Half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet, six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4') feet clear height between floor and ceiling.

Soil Removal: Means the removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.

Street: A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Structure: Means anything constructed, placed or erected which requires permanent location on the ground, to include but not limited to all building. Excluded are fences, sidewalks, paving on streets, driveways, parking areas, and patios.

Structural Alterations: Means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof, or any additional floor space added to the building.

Subdivision Regulations: Means the regulations governing the subdivision of land, providing the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of record of final plats, approval of the plat of the Township Board, providing for platting regulations and requirements in regard to conformity to the Township's Master Plan.

Tattoo Parlor: Means a business having as its principal activity the application or placing, by any method, designs, letters, scrolls, figures, symbols or any other marks upon or under human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Temporary Use of Building: A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

Trailer Coach: Any vehicle designed, used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.

Transfer of Ownership or Control of a sexually oriented business means and includes the following:

- a) the sale, lease, or sublease of the business;
- b) the transfer of securities which constitute a controlling interest in the business,

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- whether by sale, exchange, or similar means; or
- c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control. (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

Underground or Earth-Sheltered Building: A building where a significant portion of the walls and/or roof are covered with earth, that is specifically designed and constructed to meet the requirements of this Ordinance and the building code for minimum floor area, light and ventilation, emergency egress, waterproofing, and similar requirements, and approved by the Building Inspector. An approved Underground Building or Earth-Sheltered Building shall not be considered a basement.

Use: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Utility Structure: Means facilities related to and necessary for the operation of: oil, gas, water, pipelines, sewer pipelines, electric transmission lines, telephone and telegraph lines, oil and gas wells and underground storage fields. Included are such facilities as pumping stations, compressor stations, transformer stations, and switching stations.

Wind Energy Conversion System (WECS): Shall mean any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy. (Adopted 4/6/2010; Published 4/9/2010; Eff. 4/16/2010)

Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

Rear Yard: An open space extended the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to

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circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

Zoning Administrator: A Township Employee designated/appointed by the Township Board and thereby given powers and duties that includes granting zoning permits, agriculture zoning permits, officiating zoning compliance and making inspections of buildings or premises as required to implement and/or enforce the Zoning Ordinance, for permits not requiring a building permit. Any and all other duties as directed by the Township Board. (Amended 10-17-05; Adopted 12-5-05; Published 12-21-05)

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ARTICLE III
ZONING DISTRICTS AND MAP

SECTION 301. DISTRICTS ESTABLISHED:

For the purpose of this Ordinance, the Township of Riley is hereby divided into the following districts:

- AR Agricultural-Rural Residential District
- R-1 Residential District
- RC River Conservation District
- EC Extensive Commercial District

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE III
ZONING DISTRICTS AND MAP

SECTION 302. DISTRICT BOUNDARIES:

The boundaries of these districts are hereby established as shown on the Zoning Map, Township of Riley Zoning Ordinance which accompanies this Ordinance, and which map, with all notations, references and other information shown thereon, shall be as much a part of this Ordinance as if fully described herein.

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 302 of the Zoning Ordinance of the Township of Riley (include date of adoption)". If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry of the amending ordinance number on the Official Zoning Map.

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ARTICLE III
ZONING DISTRICTS AND MAP

SECTION 303. DISTRICT BOUNDARIES INTERPRETED:

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
- D. Boundaries indicated as parallel to or extensions of features shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- E. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1. through 4. above, the Board of Appeals shall interpret the district boundaries.
- F. Insofar as some or all of the various districts may be indicated in the Zoning Map by patterns which, for the sake of map clarity, do not cover public right-of-ways, it is intended that such district boundaries do extend to the center of any public right-of-way.

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ZONING DISTRICTS AND MAP

SECTION 304. DISTRICT REQUIREMENTS:

All buildings and uses in any district shall be subject to the provisions of Article IX General Provisions, and Article X General Exceptions.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IV
AGRICULTURAL - RURAL RESIDENTIAL DISTRICT (AR)

SECTION 401. INTENT:

The intent of this district is to provide those areas which are best suited for agricultural and rural residential uses. Densities are to be kept low due to soils that are generally poor for septic systems and the fact that public sewer, water and other services are not planned to be extended to these areas.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IV
AGRICULTURAL - RURAL RESIDENTIAL DISTRICT (AR)

SECTION 402. PRINCIPAL USES PERMITTED:

In an Agricultural-Rural District (AR), no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- A. Single-family dwellings.
- B. Signs and name plates, as provided in Section 909.
- C. General and specialized farming and agricultural activities, except hog farms and feedlots, but including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, fur-bearing animals and other farm animals, and plants, trees, shrubs, and nursery stock.
- D. Sale of agricultural products, provided it includes products raised or grown on the farm premises, including roadside stands for such sales, provided an adequate area is available for off-street parking.
- E. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
- F. Site Condominium Developments: subject to Site Plan Approval by the Planning Commission and the requirements of Article 9: Section 920. (5-2001)
- G. Two-family dwellings, subject to site plan approval by the Planning Commission and the following standards:
 - 1. The minimum site size for a two-family dwelling shall be two and one half (2.5) acres with a minimum lot width of three hundred (300') feet.
 - 2. Where the domestic well produces a flow of less than 10 gallons per minute, a separate well shall be provided for each unit and approved by the County Health Department. As an alternative, the developer may add a minimum 120-gallon storage tank to a single well producing at least 2 gallons per minute, similar in design to the County's approved system for wells that produce methane.
 - 3. A single system may be used only where the natural soils are well-suited to septic tank and tile disposal fields, as determined by the Health Department and the St. Clair County Soil Survey. On heavy clay or similar soils, a separate septic tank and tile disposal field shall be provided for each unit and approved by the County Health Department. As an option, a singled engineered system may also be used, only if approved by the County Health Department.

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AGRICULTURAL - RURAL RESIDENTIAL DISTRICT (AR)

4. Two separate off-street parking areas shall be provided with two (2) spaces for each unit, either in separate driveways, parking bays, or in private garages.
5. There shall be no raising of animals or home occupations conducted on property with a two-family dwelling.
6. No two-family dwelling shall be located within thirteen hundred twenty (1320') feet of another two-family dwelling, unless the applicant complies with the following:
 - a) Obtains a list of names and addresses of all property owners within 1320 feet of the parcel(s) under consideration on a form approved by the Township, from the Township Clerk; and
 - b) Secures the signature of at least fifty-one percent (51%) of the property owners on the list stating their approval of the proposal to locate more than one two-family dwelling within 1,320 feet of one another.
- H. Accessory uses customarily incidental to a permitted use.
- I. Uses which, in the opinion of the Planning Commission, are similar to the above permitted uses.
- J. Any use not shown as a permitted use or special approval use requires a determination by the Zoning Board of Appeals for appropriate zoning district.
- K. Essential services, as defined in this Ordinance.
- L. Cluster Housing and Open Space Preservation (Section 921) (Amended 4-03; Adopted 7-1-03; Published 7-16-03)
- M. Family Child Care Home (Six (6) or less children): Subject to the following regulations:
 - a) Must be an accessory to a family residence.
 - b) Must register with the Township. Applicant must keep current State Certification on file with the Township.
 - c) Must meet all State Licensing requirements and be State Licensed. (Amended 10-17-05; Adopted 12-05-05; Published 12-21-05)
- N. Agricultural Secure Farmland:

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IV
AGRICULTURAL - RURAL RESIDENTIAL DISTRICT (AR)

- 1) Purpose: It is recognized that the public health and welfare of citizens of Riley Township, Saint Clair County, State of Michigan, are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within Riley Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.
- 2) Intent: This Agriculture Secure District is dependent on voluntary enrollment by the property owner. Enrollment of one's property in this district will make the property owner eligible to participate in any future government programs established for the purpose of buying and selling of property rights. Such selling of development rights will further the township's goal of preserving farmland.

The AR District acknowledges that agriculture is a specialized form of industry characterized by the production through animal husbandry and crops of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment). (402 N P.H. 8-21-06; Adopted 10-02-06; Published 10-11-06; Eff. 10-19-06)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IV
AGRICULTURAL - RURAL RESIDENTIAL DISTRICT (AR)

SECTION 403. USES PERMITTED ON SPECIAL APPROVAL:

The following uses shall be permitted subject to the review and approval of the Planning Commission and subject further to such reasonable conditions as may be imposed by the Planning Commission, all in accordance with the provisions of Article XI, including the submission of a site plan conforming with the requirements of Section 913.

- A. Agribusiness uses. (Section 1110).
- B. Campgrounds, overnight camping parks, and specialized resorts. (Section 1112)
- C. Cemeteries. (Section 1113).
- D. Churches, places of worship. (Section 1114).
- E. Commercial, non-retail greenhouse. (Section 1115).
- F. Convalescent or rest home. (Section 1116).
- G. Golf course, country club. (Section 1117).
- H. Hog farms, feedlots, egg factories, mushroom processing plants and farms. (Section 1118).
- I. Home occupations. (Section 1119).
- J. Hospitals. (Section 1120).
- K. Kennels, commercial. (Section 1122).
- L. Kennels, private. (Section 1123).
- M. Mining of sand, gravel, soil and other earth materials. (Section 1124).
- N. Multiple family dwellings. (Section 1126).
- O. Nursery schools, day-care centers. (Section 1127).
- P. Public buildings without storage yards. (Section 1128).
- Q. Riding academies and stable, commercial. (Section 1129).

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ARTICLE IV
AGRICULTURAL - RURAL RESIDENTIAL DISTRICT (AR)

- R. Schools. (Section 1130).
- S. Local utility structures, electric stations. (Section 1133).
- T. Limited business uses. (Section 1135).
- U. Composting. (Section 1136)
- V. Private Use Aircraft Landing Fields. (Section 1137). (9/98)
- W. Contractors and Storage of Commercial Vehicles and Equipment (Section 1138). (9/16/00)
- X. Accessory buildings and uses customarily incidental to one of the above special approval uses. (Published 3-19-97)
- Y. Wireless Communication Facilities and Towers. (Section 1139) (Amended 3/03; Adopted 7/1/03; Published 7/16/03)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IV
AGRICULTURAL - RURAL RESIDENTIAL DISTRICT (AR)

SECTION 404. DEVELOPMENT REGULATIONS

Refer to Article VIII for the height, bulk, density, area, and setback requirements.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE V
RESIDENTIAL DISTRICT (R-1)

SECTION 501. INTENT:

It is the purpose of this district to provide for single family residences and for the development of mobile home sits, and mobile home parks, at appropriate locations in relation to the existing and potential development of their surroundings and in relation to other uses and community facilities to afford a proper setting for these uses and a proper relation to other land uses and the comprehensive development of the Township.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE V
RESIDENTIAL DISTRICT (R-1)

SECTION 502: PRINCIPAL USES PERMITTED:

In the Residential District (R-1), no building or land shall be used and no building or development shall be erected or started except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- A. Single family dwellings.
- B. Signs and nameplates as provided in Section 909.
- C. Conservation and/or recreation area, including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
- D. Site Condominium Developments: Subject to Site Plan Approval by the Planning Commission and the requirements of Article 9: Section 920. (5-2001)
- E. Two-family dwellings, subject to Site Plan Approval by the Planning Commission and the Standards of Section 402 G, 1 through 6.
- F. Accessory uses customarily incidental to a permitted use.
- G. Uses which, in the option of the Planning Commission, as similar to the above permitted uses.
- H. Essential services, as defined in this Ordinance.
- I. Family Child Care Home (Six (6) or less children): Subject to the following regulations:
 - a) Must be an accessory to a family residence.
 - b) Must register with the Township. Applicant must keep current State Certification on file with the Township.
 - c) Must meet all State Licensing requirements and be State Licensed. (Amended 10-17-05; Adopted 12-05-05; Published 12-21-05)
- J. Agriculture Secure Farmland:
 - 1) Purpose: It is recognized that the public health and welfare of citizens of Riley Township, Saint Clair County, State of Michigan, are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within Riley Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE V
RESIDENTIAL DISTRICT (R-1)

irretrievably deplete agricultural lands.

- 2) Intent: This Agriculture Secure District is dependent on voluntary enrollment by the property owner. Enrollment of one's property in this district will make the property owner eligible to participate in any future government programs established for the purpose of buying and selling of property rights. Such selling of development rights will further the township's goal of preserving farmland.

The AR District acknowledges that agriculture is a specialized form of industry characterized by the production through animal husbandry and crops of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment). (P.H. 8-21-06; Adopted 10-02-06; Published 10-11-06; Eff. 10-19-06)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE V
RESIDENTIAL DISTRICT (R-1)

SECTION 503. USES PERMITTED UPON SPECIAL APPROVAL:

The following uses shall be permitted subject to the review and approval of the Planning Commission and subject further to such reasonable conditions as may be imposed by the Planning Commission, all in accordance with the provisions of Article XI and the submission of a site plan conforming with the requirements of Section 913.

- A. Cemeteries. (Section 1113)
- B. Churches. (Section 1114)
- C. Golf course, country club. (Section 1117)
- D. Home occupations. (Section 1119)
- E. Mobile home park or condominium project. (Section 1125)
- F. Multiple family dwellings. (Section 1126)
- G. Nursery schools, day-care centers. (Section 1127)
- H. Public buildings without storage yards. (Section 1128)
- I. Schools. (Section 1130)
- J. Local utility structures. (Section 1133)
- K. Home Occupation Medical Marihuana Primary Caregivers and Facilities. (Section 1119)
(Amended 06/2021)
- L. Any use not shown as a permitted use or a special approval use requires a determination by the Zoning Board of Appeals for appropriate zoning district.
(Amended 10-2000)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE V
RESIDENTIAL DISTRICT (R-1)

SECTION 504. DEVELOPMENT REGULATIONS:

Refer to Article VIII for the height, bulk, density, area, and setback requirements.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VI
RIVER CONSERVATION DISTRICT (RC)

SECTION 601. INTENT:

To insure the clarity and purity of the water and to protect the economic value to the community and its property owners of the scenic quality of the Belle River, the River Conservation District is hereby established.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VI
RIVER CONSERVATION DISTRICT (RC)

SECTION 602. PRINCIPAL USES PERMITTED:

In the River Conservation District (RC), no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

- A. General and specialized agriculture, except feedlots shall not be permitted.
- B. Sale of agricultural products raised or grown on the premises, including the use of roadside stands.
- C. One family detached dwellings.
- D. Site Condominium Developments: subject to Site Plan Approval by the Planning Commission and the requirements of Article 9: Section 920. (5/2001)
- E. Two-family dwellings, subject to site plan approval by the Planning Commission and the standards of Section 402 G, 1 through 6.
- F. Signs as provided in Article IX, Section 909.
- G. Any accessory use customarily incidental to the above permitted uses.
- H. Essential services as defined in this Ordinance.
- I. Agriculture Secure Farmland:
 - 1) Purpose: It is recognized that the public health and welfare of citizens of Riley Township, Saint Clair County, State of Michigan, are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within Riley Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.
 - 2) Intent: This Agriculture Secure District is dependent on voluntary enrollment by the property owner. Enrollment of one's property in this district will make the property owner eligible to participate in any future government programs established for the purpose of buying and selling of property rights. Such selling of development rights will further the township's goal of preserving farmland.

The AR District acknowledges that agriculture is a specialized form of industry characterized by the production through animal husbandry and crops of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment). (P.H. 8-21-06; Adopted 10-02-06; Published 10-11-06; Eff. 10-19-06)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VI
RIVER CONSERVATION DISTRICT (RC)

SECTION 603. USES PERMITTED ON SPECIAL APPROVAL:

The following uses shall be permitted subject to the review and approval of the Planning Commission and subject further to such reasonable conditions as may be imposed by the Planning Commission, all in accordance with the provisions of Article XI:

- A. Campgrounds and overnight camping parks. (Section 1112)
- B. Golf courses and country clubs. (Section 1117)
- C. Home occupations. (Section 1119)
- D. Shooting ranges and gun clubs. (Section 1131)
- E. Any accessory use customarily incidental to the approved special land use.
- F. Any use not shown as a permitted use or special approval use requires a determination by the Zoning Board of Appeals for appropriate zoning district. (10-00)
- G. Wireless Communication Facilities and Towers (Section 1139) (Amended 3-03; Adopted 7-1-03; Published 7-16-03)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VI
RIVER CONSERVATION DISTRICT (RC)

SECTION 604. REQUIRED CONDITIONS:

- A. No structure shall be erected or maintained within thirty (30') feet from the river bank or from the edge of any embankment, identified as an "escarpment" or a "short steep slope" in the 1974 St. Clair County Soil Survey, whichever is greater, and further provided that before issuance of a building permit the proprietor shall submit a site plot plan to the Building Inspector showing the proposed location of the dwelling unit in relation to river banks, escarpments, steep slopes, woodlands and/or floodplain boundaries where applicable.
- B. Any land owner or developer who contracts for, allows or engages in an earth change in this district shall obtain a permit from the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) prior to commencement of an earth change which is within five hundred (500') feet of a lake or stream of this County.
- C. The part of the lot which lies within thirty (30') feet of the river bank shall be maintained in its natural condition and shall not be filled or excavated except as needed for water pipes. No change shall be made in the natural grade. A lot shall be regarded as maintained in its natural wooded condition at any time when there is at least one (1) tree or shrub having a height of at least fifteen (15') feet for each five (5') feet of river frontage or fraction thereof on the same side of the river and within thirty (30') feet of the river bank.
- D. All proposed building or construction, except for one-family detached dwellings, shall conform to Section 913, "Site Plan Review" of this Ordinance.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VI
RIVER CONSERVATION DISTRICT (RC)

SECTION 605. DEVELOPMENT REGULATIONS:

Refer to Article VIII for the height, bulk, density, area and setback requirements.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VII
EXTENSIVE COMMERCIAL DISTRICT (EC)

SECTION 701. INTENT:

The intent of this district is to establish and preserve extensive commercial areas permitting a wide and considerable range of commercial and light industrial activities. The district regulations are designed to ensure that land will be developed in a manner having the least possible adverse impact upon surrounding land uses.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VII
EXTENSIVE COMMERCIAL DISTRICT (EC)

SECTION 702. PRINCIPLE USES PERMITTED:

In the Extensive Commercial District (EC), no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- A. Stores which sell commodities, such as but not limited to: clothing, dry goods, hardware, appliances, building materials, sporting goods, notions, household articles, jewelry, drugs and foods; but not including food stores where any slaughtering of animals is done on the premises.
- B. Sale and rental of automobiles, trucks, farm implements, heavy equipment, recreation vehicles, mobile homes, and similar items.
- C. Service establishments, such as but not limited to: banks, loan companies, insurance offices, real estate offices, repair shops, tailor shops, beauty or barber shops, photographic studios, plumbing, electrical and heating contractors' shops, laundry and dry cleaners.
- D. Professional offices, including but not limited to: offices of doctors, dentists, lawyers, engineers, and other professional persons.
- E. Eating and drinking establishments, hotels and motels.
- F. Churches and governmental buildings.
- G. Funeral homes.
- H. Signs subject to the provisions of Section 909.
- I. Site Condominium Developments: subject to Site Plan Approval by the Planning Commission and the requirements of Article 9: Section 920. (5/2001)
- J. Local utility structures.
- K. Any accessory use customarily incidental to the above permitted uses.
- L. Essential services as herein defined in this Ordinance.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VII
EXTENSIVE COMMERCIAL DISTRICT (EC)

SECTION 703. USES PERMITTED ON SPECIAL APPROVAL:

The following uses shall be permitted subject to the review and approval of the Planning Commission and subject further to such reasonable conditions as may be imposed by the Planning Commission, all in accordance with the provisions of Article XI:

- A. Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building.
- B. Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be totally obscured by a wall on those sides abutting Agricultural-Rural (AR), Residential (R-1), and River Conservation (RC) Districts. In the Extensive Commercial (EC) District the extent of such a wall may be determined by the Planning Commission on the basis of usage. Such a wall shall not be less than four feet six inches (4'6") in height and may, depending upon land usage, be required to be eight (8') feet in height, and shall be subject further to the requirements of Article IX, "General Provisions". A chain link fence with intense evergreen shrub planting shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height as above set forth.
 1. Warehousing and wholesale establishments; trucking facilities.
 2. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware and cutlery, tool, die, gauge, and machine shops.
 3. The manufacture, compounding, assembling or treatment of articles of merchandise from previously-prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
 4. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 5. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
 6. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VII
EXTENSIVE COMMERCIAL DISTRICT (EC)

7. Laboratories- experimental, film or testing.
 8. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 9. All public utilities, including buildings, necessary structures, storage yards and other related uses.
- C. Warehouses, storage and transfer and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations; water supply and sewage disposal plants, water and gas tank holders; railroad transfer and storage tracks, railroad right-of-ways, freight terminals.
- D. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractors' equipment and supplies provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting an (AR), (R-1), or (RC) district and on any yard abutting a public thoroughfare. In the (EC) district the extent of such fence or wall may be determined by the Planning Commission on the basis of usage. Such a fence or wall shall not be less than five (5') feet in height and may, depending upon land usage, be required to be eight (8') feet in height. A chain link type fence with intense evergreen shrubbery inside of said fence shall be considered to be an obscuring fence.
- E. Municipal uses such as water treatment plants and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
- F. Commercial kennels.
- G. Commercial greenhouses, including retail sales.
- H. Trade or industrial schools.
- I. Businesses offering indoor recreation and public entertainment, such as but not limited to: bowling alleys, skating rinks, pool halls, movie theaters, and arcades.
- J. Auto service stations, auto engine and body repair, and undercoating shops when completely enclosed. (Section 1111).
- K. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VII
EXTENSIVE COMMERCIAL DISTRICT (EC)

- L. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities, such as but not limited to: lumber yards, building materials outlet, upholsterer, cabinet maker, outdoor boat, house trailer, automobile garage, used parts dealer or agricultural supply sales.
- M. Junk yard, auto salvage/recycling operations. (Section 1121).
- N. Shooting ranges and gun clubs. (Section 1131).
- O. Adult bookstore, adult motion picture theater, massage parlor, and cabarets. (Section 1134).
- P. Any accessory use customarily incidental to the approved land use.
- Q. Any use not shown as a permitted use or special approval use requires a determination by the Zoning Board of Appeals for appropriate zoning district. (10/00)
- R. Wireless Communication Facilities and Towers (Section 1139) (Amended 3/03; Adopted 7/1/03; Published 7/16/03)
- S. Vehicle Wash Facilities (Section 1140) (Proposed 7/2003; Public Hearing 8/18/03; Adopted 11/3/03; Published 11/12/03)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VII
EXTENSIVE COMMERCIAL DISTRICT (EC)

SECTION 704. SITE PLAN APPROVAL:

All uses in the Extensive Commercial District shall require site plan review and approval by the Planning Commission, subject to the requirements of Section 913.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VII
EXTENSIVE COMMERCIAL DISTRICT (EC)

SECTION 705. DEVELOPMENT REGULATIONS:

Refer to Article VIII for the height, bulk, density, area, and setback requirements.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VIII
AREA, WIDTH, SETBACK AND HEIGHT REGULATIONS

SECTION 801. GENERAL RESTRICTIONS:

Except as otherwise specifically provided in this Ordinance, no lot shall be smaller than the minimum size specified below; nor less than the minimum width specified below; nor shall the buildings or structures on any lot occupy a greater percentage of the lot than the maximum specified below.

Also, except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below, and no building shall be erected or maintained which exceeds the height limit specified below. The side setback requirement applies to a side lot line and shall also apply to any lot line which is neither a front, rear, nor side lot line as defined in this Ordinance. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, may be counted or calculated to satisfy a yard or other open space requirement for any other building which is not located on the same lot.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VIII
AREA, WIDTH, SETBACK AND HEIGHT REGULATIONS

SECTION 802. FOOTNOTES TO TABLE OF AREA, WIDTH SETBACK AND HEIGHT REGULATIONS:

- A. In the case of a utility structure, as herein defined, the Board of Appeals may grant a variance from the minimum lot size if the utility company can demonstrate that such size is not necessary for the facility, provided protection is afforded to adjoining neighborhoods and uses, and provided that the facility shall still comply with the minimum setback requirements of this Ordinance.
- B. Only one (1) main building shall be located, erected, or moved onto a lot (unless otherwise approved by the Board of Appeals).
- C. Minimum setback requirements shall be determined in accordance with the definitions of "lot lines" contained in this Ordinance. The front setback shall be measured from the center of the road. (See setback requirements). It is important to note that a front setback is required on any side of a lot line that lies adjacent to a public or private road.
- D. Building height shall be measured from the average ground level of the grade where the walls or other structural elements intersect the ground to the highest point on the building, excepting chimneys, antennas, or church steeples. Except as otherwise provided for in this Ordinance, the height limitations of this provision do not apply to structures that are not buildings.
- E. Minimum floor area per dwelling units in one-family and two-family dwellings shall be as follows:

One-bedroom dwellings	870 sq. ft.
Two-bedroom dwellings	870 sq. ft.
Three-bedroom dwellings	1,056 sq. ft.

Plus 120 sq. ft. for each additional bedroom over three (3).

- F. Minimum floor area per unit for multiple-family dwellings shall be:

One-bedroom dwellings	500 sq. ft.
Two-bedroom dwellings	700 sq. ft.
Three-bedroom dwellings	960 sq. ft.
Four-bedroom dwellings	1,100 sq. ft.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE VIII
AREA, WIDTH, SETBACK AND HEIGHT REGULATIONS

G. Minimum lot area per unit for multiple-family dwellings shall be:

Efficiency	16,200 sq. ft.
One-bedroom dwellings	16,600 sq. ft.
Two-bedroom dwellings	17,000 sq. ft.
Three-bedroom dwellings	17,400 sq. ft.
Four-bedroom dwellings	17,800 sq. ft.

Plans presented which include a den, library, or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.

- H. All lots, parcels and/or division of property, created after the effective date of this Amendment to the Riley Township Zoning Ordinance shall front upon, and have actual frontage upon, a public street, road or highway, as defined under the terms and provisions of this Ordinance, for at least the minimum lot width (frontage) as required in the district in which it is located. The said lot width (frontage) shall be calculated and measured in accordance with the terms and provisions of this Ordinance, and the said lot, parcel and/or division of property shall physically and actually abut and lie immediately adjacent to and along the said public street, road or highway. Published 3-19-97
- I. In the EC District, side setbacks may be reduced to ten (10') feet on one side with a cumulative total side setback of thirty (30') feet when the abutting parcel is in the EC District. When the abutting parcel in a non-commercial district, the thirty (30') foot setback must be maintained.
- J. All lots in all districts having frontage on Belle River Road must also meet the minimum lot width (frontage) of three (300') feet and the minimum lot size of three (3) acres. (5-6-02 Approved; 5-15-02 Published; Effective 45 days after publication; Moratorium until December 31, 2002, all lot splits not meeting these requirements shall be approved prior to this date.)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IX
GENERAL PROVISIONS

SECTION 901. CONFLICTING REGULATIONS:

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or Ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provision of such Ordinance shall govern.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IX
GENERAL PROVISIONS

SECTION 902. FLOODPLAIN AND WETLANDS PROTECTION:

The Township of Riley finds that flood plain protection is important in order to reduce the flood risk to Township residents and other communities upstream. Likewise, wetlands conservation is a matter of Township concern since loss of wetlands may deprive people in the Township of: flood and storm control by hydrologic absorption and storage capacity of the wetland; wildlife habitat through loss of breeding, nesting and feeding grounds; protection of subsurface water resources and provision of valuable watersheds and groundwater recharge areas; pollution treatment by serving as a biological and chemical oxidation basin; and erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.

For the above reasons it shall be unlawful to construct any building or otherwise fill any area that causes a reduction in the floodway of a river or stream in the Township. Likewise, it shall be unlawful to deposit or permit the placing of fill material in a wetland; dredge, remove, or permit the removal of soil or minerals from a wetland; construct, operate, or maintain any use or development in a wetland; or drain surface water from a wetland. A wetland shall be defined as any area shown as a marsh, wooded marsh or submerged marsh on United States Geological Survey data or any other are characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

All proposed development on property with identified wetlands shall require site plan review and approval by the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) prior to beginning construction. Where there is an identified flood plain, no development shall occur within the flood plain or an area 30 feet beyond the established 100-year flood plain level. Where no official flood plain level has been established, there shall be no development within an area 30 feet beyond the water's edge.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IX
GENERAL PROVISIONS

SECTION 903. SCOPE:

No building or structure or part thereof shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure, or land, or part thereof, except in conformity with the provisions of this Ordinance.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IX
GENERAL PROVISIONS

SECTION 904. NONCONFORMING LOTS, NONCONFORMING USES OF LAND,
NONCONFORMING STRUCTURES & NONCONFORMING CHARACTERISTICS OF USE:

A. Applicability

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the approved plans, construction or designated use of any structure or land on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance and that there is likelihood that said lawful construction will be completed twelve (12) months after the effective date of this Ordinance.

Actual construction is hereby defined to include any lawful and approved physical operation on the premises which is preparatory to intended development or to the establishment of a use such as excavation, grading, fill, drainage and the like, or the placing of construction materials in permanent position and fastened in a permanent manner; except that where lawful and approved demolition or removal has begun preparatory to rebuilding, such lawful and approved demolition or removal shall be deemed to be actual construction, provided that said lawful and approved demolition and subsequent reconstruction of the building or structure involved is completed within eighteen (18) months after the effective date of this Ordinance.

The adoption of this Ordinance shall not be deemed to affect, alter or change any special approval use, interpretation, or variance previously decided or granted by the appropriate administrative or legislative body of the Township or by a court of competent jurisdiction upon review of the action of such administrative or legislative body.

B. Lawfully Existing Nonconforming Lots

1. The intent of this section is to allow reasonable development of lawfully existing nonconforming lots.
2. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance.

This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variance may be obtained through approval of the Board of Appeals. (Removal of paragraph proposed 10/02; P.H. 11/18/02; Adopted 2/3/03; Published 2/12/03)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IX
GENERAL PROVISIONS

C. Definition and Classification of Nonconforming Uses and Structures.

Nonconforming uses and structures are those which do not conform to certain provisions or requirements of this Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses and structures are those which have been so designated by the Zoning Board of Appeals after application by any interested person or the Building Inspector upon findings that (1) continuance thereof would not be contrary to the public health, safety or welfare, (2) that the use or structure does not and is not likely to significantly depress the value of nearby properties, (3) that the use or structure was lawful at the time of its inception, and (4) that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

All nonconforming uses, buildings or structures not designated as Class A are Class B nonconforming uses, buildings or structures.

D. Procedure for Obtaining Class A Designation, Conditions

A written application shall be filed with the Township Clerk (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) setting forth the name and address of the applicant, giving a legal description of the property to which, the application pertains and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based.

Conditions may be attached, including any time limit, where necessary to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance.

No vested interest shall arise out of a Class A designation.

E. Revocation of Class A Designation

Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

F. Regulations Pertaining to Class A Nonconforming Uses and Structures:

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IX
GENERAL PROVISIONS

1. No Class A nonconforming use of land, building or structure shall be resumed if it has been, for any reason, discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period.
2. An individual Class A use or structure may be used, altered or enlarged provided that it does not violate any condition imposed by the Board of Appeals at the time of its designation.

G. Regulations Pertaining to Class B Nonconforming Uses and Structures:

1. Intent: It is the purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.
2. No Class B nonconforming use shall be resumed if has been discontinued for a continuous period at least eighteen (18) months or it has been changed to a conforming use for any period or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50%) percent of the reproduction cost of such structure.
3. No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50%) percent of the reproduction cost of such structure.
4. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.
5. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.
6. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
7. No Class B nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

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8. If a Class B nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
9. Ordinary repair and maintenance work may be done on any Class B nonconforming structure, including repair and replacement of non-bearing walls, fixtures, wiring or plumbing to an extent no exceeding fifty (50%) percent of the assessed value of the structure provided that the cubic content of the building as it existed at the time of adoption of this Ordinance shall not be increased.

H. Repairs and Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any nonconforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

I. Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided that there is no change in the nature or character of such nonconforming uses.

J. Record of Nonconformity

Within six (6) months after the adoption of this Ordinance, the Township Assessor or as designated by the Riley Township Board (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) shall prepare and complete a record of all known nonconforming uses and structures existing at the time of the adoption of this Ordinance.

Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extend of us. Such record shall also contain any information regarding action by the Zoning Board of Appeals for designation of Class A status.

Such record shall be available at all times in the office of the Township Clerk.

K. Nonconforming Characteristics of Use

1. It is the intent of this Ordinance to eliminate, as nearly as it practicable with the prevailing requirements of this Ordinance, nonconforming characteristics of use and to eliminate them as rapidly as is possible without payment of compensation.

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2. Notwithstanding other provisions of this Ordinance, whenever a change in use, ownership or tenancy occurs or when structural alterations are made, or when renewal of an operating license as provided by other Township Ordinance is made, those nonconforming characteristics of use which were lawfully inadequate or totally lacking at the effective date of this Ordinance, or amendments thereto, shall be eliminated.

Such upgrading of characteristics of use shall be completed within twelve (12) months after the occurrence of a change in use, ownership or tenancy, or before the expiration date of the renewed operating license, or after issuance of building permit for structural alterations.

3. The Zoning Board of Appeals may grant an extension of time to remedy those deficient characteristics of use found to exist. In granting such extension of time, the Zoning Board of Appeals shall base their written decision upon findings that (a) the applicant can document conclusively that personal hardship exists presently but there is likelihood that the improvements can be completed if the initial time allotment is extended, and (b) that the reasons of personal hardship justify granting an extension of time so as to make possible the reasonable use of land or structure concurrent with the upgrading of those deficient characteristics of use found to exist.

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SECTION 905. ACCESSORY BUILDINGS:

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- B. A detached accessory building shall be located only in a rear or side yard and a detached accessory building is allowed in a non-required front yard for property that has frontage on the Belle River, but in both circumstances all setback requirements of this Ordinance shall be adhered to. See exception C. (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06)
- C. Exception: When a residence is setback more than five hundred (500') feet from the center of the road, one (1) accessory building will be allowed in front of the residence subject to the following:
 - 1. Must be setback a minimum of three hundred (300') feet from the center of the road.
 - 2. Accessory building cannot exceed twelve hundred (1200) square feet in size and fifteen (15') feet in height.
 - 3. All other setback requirements of this Ordinance shall be adhered to. (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06)
- D. An accessory building shall not occupy more than twenty-five (25%) percent of a required rear yard, plus forty (40%) percent of any non-required rear yard.
- E. No detached accessory building shall be located closer than ten (10') feet to any main building. (Published 3-19-97)
- F. No detached accessory building in a recorded residential plat shall exceed one (1) story or fourteen (14') feet in height.
- G. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. (1/5/98)
- H. The parking of a mobile home, for periods exceeding twenty-four (24) hours on lands not approved for mobile home parks shall be expressly prohibited. The parking of travel trailer or motor home is allowed in a rear yard on private property. All travel

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trailers and motor homes owned by residents of the Township and stored on their individual lots shall respect the requirements of this section applicable to accessory buildings insofar as distances from principal structures, lot lines and easements are concerned. All travel trailers and motor homes parked or stored shall not be connected to sanitary facilities and shall not be occupied.

- I. No Accessory building may be constructed prior to construction of a residence. No building permit(s) will be issued for additional accessory buildings or expansion to existing building until a Certificate of Occupancy is issued for the residence. This does not apply to agricultural buildings. (Amended 3-03; Adopted 7-1-03; Published 7-16-03) Amended 6-1-2021, Published 6-9-2021)
- J. Shipping Containers will be considered an accessory building. (Amended 12-7-2021 / published 12-22-2021)

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SECTION 906. OFF-STREET PARKING REQUIREMENTS:

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

- A. Off-street parking spaces may be located within a non-required side or rear yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Ordinance.
- B. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300') feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- C. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and subject to the provision of Section 905, "Accessory Buildings", of this Ordinance.
- D. Any area once designated as required off-street parking shall never be changed to another use unless and until equal facilities are provided elsewhere.
- E. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- F. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- G. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.

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- H. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles within an area established as off-street parking is prohibited unless otherwise located in the EC district.
- I. For those uses not specifically mentioned, the requirements for off-street parking facility shall be in accord with a use which the Planning Commission considers is similar in type.
- J. When units or measurements determining the number of required parking spaces result in the requirement of a fraction space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) additional parking space.
- K. For the purpose of computing the number of parking spaces required, the definition of "Usable Floor Area" in Article II, "Definitions", Section 202 shall govern.
- L. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE:	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE:
<u>1. Residential</u>	
One-family and Two-family	Two (2) for each dwelling unit (Paved or Unpaved)
Multiple-family	Two (2) for each dwelling unit (Paved or Unpaved)
Housing for the Elderly	One (1) for each two (2) units & one (1) for each employee. Should units revert to general Occupancy, then two (2) spaces Per unit shall be provided. (Paved or Unpaved)
Mobile Home Park	Two (2) for each mobile home Site & one (1) for each employee of the mobile home park. (Paved)

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2. Institutional

Churches or Temple	One (1) for each three (3) seats or six (6') feet of pews in the main unit of worship (Paved or Unpaved)
Hospitals	One (1) for each (1) bed. (Paved)
Homes for the aged & convalescent homes	One (1) for each two (2) beds. (Paved or Unpaved)
Private clubs or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. (Paved or Unpaved)
Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One (1) for each two (2) member, families or individuals plus spaces required for accessory use, such as a restaurant or bar. (Paved or Unpaved)
Golf courses open to the general public, except miniature or "par 3" courses	Six (6) for each one (1) golf hole & one (1) for each one (1) employee, plus spaces required for each accessory use. (Paved or Unpaved)

3. Business and Commercial

Planned commercial or shopping	One (1) for each one hundred (100) sq. ft. of usable floor area. (Paved)
Auto wash (self-service or coin operated)	One (1) for each washing stall in addition to the stall itself. (Paved)
Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs and one and one-half (1-1/2) spaces for each additional chair. (Paved or Unpaved)
Bowling alleys	Five (5) for each one (1) bowling lane plus accessory uses. (Paved or Unpaved)

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Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls and assembly halls without fixed seats	One (1) for each two (20 persons allowed within the maximum occupancy load as established by local, county or state fire building or health codes. (Paved or Unpaved)
Establishment for sale & consumption on the premises of beverages, food or refreshments	One (1) for each fifty (50) sq. ft. of usable floor area. (Paved or Unpaved)
Furniture & appliance, household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair & other similar uses	One (1) for each eight hundred (800) sq. ft. of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein. (Paved or Unpaved)
Automobile service stations	Two (2) for each lubrication stall, rack, or pit, and one (1) for each gasoline pump. (Paved)
Laundromats & coin operated dry cleaners	One (1) for each two (2) washing or dry-cleaning machines. (Paved or Unpaved)
Motel, hotel or other commercial lodging establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee (Paved)
Motor vehicle sales & service establishments	One (1) for each two hundred (200) sq. ft. or usable floor area of sales room & one (1) for each one (1) auto service stall in the service room. (Paved)
Nursery school, day nurseries, or child care centers	One (1) for each three hundred fifty (350') sq. ft. of usable floor area. (Paved or Unpaved)

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Retail stores except as otherwise specified herein

One (1) for each one hundred fifty (150') sq. ft. of usable floor area. (Paved or Unpaved) – For total usable floor area less than three thousand (3000') sq. ft. (Paved) – For total usable floor area greater than three thousand (3000) sq. ft.

4. Offices

Business offices or professional offices except medical & dental

One (1) for each two hundred (200) sq. ft. of usable floor area. (Paved or Unpaved)

Professional offices of doctors, dentists or similar professions

One (1) for each fifty (50) sq. ft. of usable floor area in waiting rooms, & one (1) for each examining room, dental chair or similar use area. (Paved or Unpaved)

5. Industrial

Industrial or research establishments, & related accessory offices

Five (5) plus one (1) for every one & one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction. (Paved or Unpaved)

– For total usable floor area less than three thousand (3000') sq. ft. (Paved) – For total usable floor area greater than three thousand (3000') sq. ft.

Warehouses & whole- sale establishments & related accessory offices

Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1700') sq. ft. of usable floor area, whichever is greater. (Paved or Unpaved) – For total usable floor area less than three thousand (3000') sq. ft. (Paved) – For total usable floor area greater than three thousand (3000') sq. ft.

6. Other Uses Not Mentioned

One (1) for each one hundred fifty (150) sq. ft. of usable floor area. (Paving requirements will be evaluated based on total usable sq. ft. and usage)

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SECTION 907. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:

Whenever the off-street parking requirements in Section 906 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed unless and until a permit thereof is issued by the Zoning Administrator. Applications for a permit shall be submitted to the Zoning Administrator in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) set of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- B. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern in Degrees	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
Parallel	12'	8'	23'	40'
30 to 53	12'	9'	18'	52'
54 to 74	15'	9'	18'	58'
75 to 90	20'	9'	18'	60'

- C. All spaces shall be provided with adequate access by means of maneuvering lanes. Backing directly into a street shall be prohibited except for one and two-family residential uses.
- D. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- E. Ingress and egress to a parking lot lying in an area zoned for other than one-family residential use shall not be across land zoned for one-family residential use.
- F. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.

Adopted 4/6/2010; Eff. 4/16/2010; AMENDED 2/2011; P.H. 3/21/11; ADOPTED 6/7/11; PUBLISHED 6/24/11; EFFECTIVE 7/2/11

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- G. Each entrance and exit to and from any off-street parking lot located in a (EC) district shall be at least twenty-five (25') feet distant from adjacent property located in any (AR), (R-1), or (RC) district.
- H. If off-street parking is required to be paved per Section 906, L, then the entire parking area, including parking spaces and maneuvering lanes required under this Section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township Building Inspector.
- I. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- J. All lighting used to illuminate any off-street parking area shall be installed as to be confined within and directed onto the parking area only.

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SECTION 908. OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods, display, a department store, a wholesale store, a market, a hotel, a hospital, a mortuary, a laundry, a dry cleaning establishment, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the streets or alleys.

If the usage requires off-street parking to be paved, then all loading and unloading areas, including all access drives required above, shall also be paved.

Such loading and unloading spaces, unless otherwise adequately provided for, shall be in an area ten (10') feet by forty (40') feet with a fourteen (14') foot height clearance and shall be provided according to the following table:

Gross Floor Area (in square feet)	Loading And Unloading Spaces Required
0 to 3,000	None
3,000 to 20,000	One (1) space
20,000 to 100,000	One (1) space plus one (1) space for each 20,000 sq. ft. of excess over 20,000 sq. ft.
100,000 to 500,000	Five (5) spaces plus one (1) space for each 40,000 sq. ft. of excess over 100,000 sq. ft.
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 sq. ft. of excess over 500,000 sq. ft.

No loading space may be on any street frontage and provision for handling all freight shall be on those sides of any building which do not face on any street, with a solid masonry wall not less than six (6') feet in height.

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SECTION 909. SIGNS:

An ordinance to regulate and control signs in the Township of Riley.

THE TOWNSHIP OF RILEY ORDAINS:

A. INTENT

The intent of this Ordinance is to create a comprehensive system of regulating signs to facilitate communication, to enhance the physical appearance of the Township, and to create a more attractive economic and business climate. It is intended by the provisions of this Ordinance to reduce signage and advertising distraction, to eliminate hazards caused by signs being too close to roads, to avoid confusion of conflicting adjacent signs, to protect property values, and to eliminate obsolete, non-conforming and deteriorated signs and to support and complement strategies of the Riley Township Master Plan. With these purposes in mind, it is the intention of this Ordinance to authorize the use of signs, which are:

- Compatible with their surroundings.
- Appropriate to the type of activity to which they pertain.
- Expressive of the identity of the proprietors or the development.
- Legible in the circumstances in which they are seen.
- Protect the public right to receive messages, especially non-commercial messages such as religious, political, economical, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- Prevent placement of signs, which will conceal or obscure signs of adjacent uses.
- Prevent off site signs from conflicting with land uses.
- Preserve and improve the rural atmosphere of the Township by encouraging signs of consistent size, which are compatible with and complimentary to related buildings and uses, and are harmonious with their surroundings.

The Riley Township Planning Commission may limit signs permitted by this Ordinance and Riley Township Zoning Board of Appeals pursuant to any reasonable conditions established by those bodies with regard to the granting of any special land use approval and/or variance notwithstanding any provision contained herein.

B. COMPLIANCE STATEMENT

All signs erected or located in the Township shall comply with the requirements of this Ordinance. No person(s) shall alter, resurface, connect, relocate, erect, place, or construct a sign, except as otherwise specified herein, unless a permit for said sign has been issued by the Township.

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C. APPLICATION PROCESS

1. Application: Written applications for sign permits shall be made on forms provided by the Township. The application shall be accompanied by and include the following information:
 - a) A scaled site plan (scale to be no less than 1 inch = 20 feet) showing the location of the sign and all structures located within two hundred (200') feet of the sign both on and off of the site.
 - b) The location of the sign in relation to all existing and proposed streets, parking areas, and site entrances within two hundred (200') feet.
 - c) A scaled drawing (scale to be no less than 1 inch = 1 foot) of the proposed sign specifying the height of the sign above the ground, the surface area and material of the sign, the lettering as it will appear on the sign, method of illumination, and any other information as the Township deems necessary to fully understand the sign application request.
2. Review: The Township shall review the application and supporting documentation (sign drawing, site plan, etc.) and any other pertinent information and determine the level of review/approval required. In addition to the Township, review may be required by the Riley Township Planning Commission for compliance with the requirements of the Riley Township Zoning Ordinances. The application may also be reviewed by the Township Building Inspector and/or the Electrical Inspector for compliance with Michigan Building Codes.
3. Approval: If the sign is determined to be in compliance with all applicable Ordinances and Codes by Riley Township a sign permit shall be issued.

D. GENERAL REGULATIONS

All signs in the Township shall comply with the following requirements:

1. Illumination: Illumination of signs shall be directed and/or shaded so as not to interfere with the vision of persons on adjacent streets or properties. Illumination shall be so positioned so that minimal light spills onto adjacent properties. There shall be no flashing, oscillating or intermittent type of illuminated sign or display nor shall there be movement of any nature in the lighting.

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- a) No illumination in excess of one-quarter (1/4) foot-candle power shall spill over onto property used for residential purposes or onto any property zoned for residential use. (Intensity to be measured at the residential property line or the residential zoning district line, whichever is closer to the sign.)
2. Right-of-way Encroachment: No sign, except those established and maintained by the Township, County, State or Federal Government, shall be located in, projecting into, or overhang a public road right-of-way.
3. Setbacks:
 - a) Road Setbacks: No sign shall be located within any road right-of-way.

E. EXEMPTIONS

The following signs are exempt from application and permit requirements of Section C, but must comply with all setback requirements of Section D and the following standards:

1. Political Signs: Signs advocating or opposing candidates or ballot issues shall not be displayed longer than ninety (90) days before the election and no more than ten (10) days after the election for which the signs were erected.
2. Bulletin Boards: Bulletin Boards shall not exceed one hundred (100) square feet in size and ten (10') feet in height from finish grade, for public, charitable, educational or religious institutions, when the bulletin board is located on the premises of said institutions. Minimum fifty (50') foot setback requirement from all property lines, and shall not be located within any road right-of-way.
3. Temporary Construction Signs: Signs shall not exceed sixteen (16) square feet in any Residential District (AR), River Conservation District (RC) and Medium Residential District (R-1) or thirty-two (32) square feet in any Commercial District (EC). All signs shall be removed prior to the issuance of the Certificate of Occupancy/Use Permit being issued.
4. Residential Real Estate Signs: Temporary real estate for sale signs not exceeding thirty-two (32) square feet in size may be permitted on any residentially zoned parcel offered for sale. All such signs shall be removed within ten (10) days following the sale of the property.

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5. Non-Residential Real Estate Signs: Shall be permitted when located on the land or buildings intended to be rented, leased or sold. Such signs shall not exceed thirty-two (32) square feet in size for any given lot or building. All signs shall be placed a minimum of fifty (50') feet from any property line or shall not be located within any road right-of-way. All signs shall be removed within ten (10) days after the property has been sold, rented, or leased.
6. Directional Signs: Directional signs not exceeding eight (8) square feet in area may be permitted on any site for orientation purposes. No advertising or logo shall appear on such signs.
7. Agricultural Produce Signs: Shall be permitted in any agricultural / residential zoned district (AR). All signs shall be placed a minimum of fifty (50') feet from any property line or shall not be located within any road right-of-way.
8. Garage Sale and Estate Sale Signs: Signs shall not exceed six (6) square feet in size, six (6') feet in height from finish grade and must be entirely on private property. Sign shall be erected no more than ten (10) days before date of sale and must be removed within two (2) days after the sale.
9. Help Wanted Signs: Signs shall not exceed six (6) square feet in size and six (6') feet in height from finish grade.
10. Community Special Event Signs: May be used for thirty (30) days before the event and shall be removed within forty-eight (48) hours after the event. Signs shall not exceed forty-five (45) square feet in size. Signs shall not be located within any road-right-of-way, unless approved governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
11. Residential Identification Sign: Sign shall not be located within any road-right-of way.

F. AGRICULTURAL AND RESIDENTIAL DISTRICT REQUIREMENTS (AR)

1. Residential Special Approval Use Signage: One sign of a double-faced design not to exceed six (6) square feet in area shall be permitted in a residential/agricultural district (AR) for a Special Approval Use. All signs must meet the

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setback/intersection requirements of Section D(3)(a) of this ordinance. Height of sign shall not exceed six (6) feet from finish grade. Sign requires approval by the Zoning Administrator and must meet requirements of Section C Application Process. No illumination will be permitted.

2. Residential Development Identification Signs - Temporary: One (1) accessory freestanding ground sign is permitted during the development of a residential project. The building official may issue a permit to the project builder, for the temporary use, for a period not to exceed twelve (12) months. Additional twelve (12) month extension(s) may be granted. All such signs shall not exceed thirty-two (32) square feet. The sign shall not exceed eight (8') feet in height from finish grade. No illumination will be permitted.
3. Residential Site Condominium or Platted Development Entrance Identification Signs - Permanent: In all residential/agricultural districts (AR) one (1) monument development identification sign may be permitted for Site Condominium or Platted Developments. It shall be limited to the principal entrance to the finished development. The sign shall not exceed ninety-six (96) square feet in size, eight (8') feet in height as measured from the established finished grade. The sign must meet the setback/intersection requirements of Section D (3) (a) of this ordinance. The property upon which the sign is to placed shall be owned or leased by the applicant or the development and evidence of such shall be provided for Township review. Sign may require a building permit where structural requirements mandate, and must meet the requirements of Section C Application Process. No illumination will be permitted.

G. COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICT REQUIREMENTS

1. Office Signs: In all office areas with uses located on individual lots, the wall sign shall not cover more than thirty-three (33%) percent in square footage of the total square footage of the wall on which the sign is being placed, but in no case shall it be larger than one hundred (100) square feet. A permitted freestanding sign shall not exceed one hundred (100) square feet and ten (10') feet in height from finish grade. A free-standing sign shall be a minimum of fifty (50') feet to any adjacent residential district (AR). For all office areas that have uses grouped in an office building, a pylon or pole sign may be permitted in order to accommodate a listing of all occupants of that building. The directory of occupants shall be designed as an integral part of the pylon/pole sign and be uniform in size,

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appearance, surface material and color.

2. Commercial Signs: All local business areas located in the Extensive Commercial (EC) District, on individual lots, the wall sign shall not cover more than thirty-three (33%) percent in square footage of the total square footage of the wall on which the sign is being placed, but in no case shall it be larger than one hundred (100) square feet. A permitted freestanding sign shall not exceed twenty (20') feet in height from finish grade. A free-standing sign shall be a minimum of fifty (50') feet to any adjacent residential district (AR) on the same side of the road. For all local business areas grouped in a shopping center, the wall sign shall be no larger than thirty-three (33%) of the total square footage of the wall on which the sign is being placed, but in no case shall it be larger than one hundred (100) square feet. The permitted freestanding sign shall not exceed one hundred (100) square feet. A directory of the occupants of the center shall be designed as an integral part of the freestanding sign and be uniform in size, appearance, surface material, and color. Any Commercial Business within one half (1/2) mile of Interstate I-69 located in the Extensive Commercial (EC) District may be permitted a freestanding sign with a maximum height of sixty (60') feet with an adequate fall zone.
3. Billboard Signs and Non-accessory signs: Billboards and non-accessory signs shall be located in the Extensive Commercial (EC) District. Can be spaced no closer than one thousand (1000') feet between signs on the same side of the right-of-way. A free-standing sign shall be a minimum of fifty (50') feet to any adjacent residential district (AR). A permitted billboard sign and non-accessory sign shall not exceed a maximum height of fifty (50') feet.
4. Industrial Signs: One (1) sign may be permitted on any industrially developed site, located in the Industrial District (LII). Sign shall not exceed a maximum area of one hundred (100) square feet, and twenty (20') feet in height from finish grade. One (1) additional sign, not to exceed a maximum area of sixteen (16) square feet and four (4) feet in height, may be permitted for each access drive to the site. A free-standing sign shall be a minimum of fifty (50') feet to any adjacent residential district (AR). Such signs may be located adjacent to the access drive.
5. Awning Signs: Which may or may not advertise the business or service provided for identity purposes and/or used for weather protection.
6. Canopy Signs: Which may or may not advertise the business or service provided

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for identity purposes and/or used for weather protection.

7. Murals: Allowed on one side of the building. Mural shall require prior approval from the Planning Commission and the Riley Township Board.
8. Special Event Signs: A sign used to advertise a special event in a Commercial District (EC) District only. The sign can be used for thirty (30) days before the event and must be removed within twenty-four (24) hours after the event. Signs must meet the requirements of Sections C and D. Applicability to be determined by the Riley Township Zoning Administrator. Sign shall not exceed forty-five (45) square feet in size and twenty (20') feet in height from finish grade.

H. MAINTENANCE OF SIGNS

If upon inspection by the Township, a sign is found to be unsafe, insecure, corroded, subject to corrosion or otherwise poorly maintained, then the owner shall repair the sign by completing any necessary reconstruction, repairs, painting or other improvements in accordance with the following timetable: unless the sign is required to be removed by non-conforming regulations herein:

1. If the Township determines that the sign is an immediate threat to the safety of persons or property nearby, all required action to correct the defect shall be taken within forty-eight (48) hours from the time of notification in writing from the Township, provided that the sign can be cordoned off or adequately secured during the intervening time so as to remove any immediate threat to safety. If such sign cannot be cordoned off or secured so as to eliminate any immediate threat to safety of persons or property, then all required action to correct the defect shall be made immediately.
2. If the Township determines that the sign is not an immediate threat to the safety of persons or property, all required action to correct the defect shall be made within thirty (30) days after notification in writing from the Township. The Township may extend the thirty (30) day timetable if temperatures below fifty-five (55°) degrees Fahrenheit prevent painting, or if the defects involved are minor, not generally noticeable to the public, and not a hazard to public safety.
3. If defects are not corrected within the specified time limits, the Township may remove, or cause to be removed, such signs at the expense of the sign owner or tenant to whom the sign applies. Such expenses shall be paid within thirty (30) days after receiving notification of such expenses from the Township. Such

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notification shall be made by First Class Mail. Any expenses, which are not paid, shall be assessed on the tax billing for the property on which the sign is located.

I. EXISTING SIGNS

Any sign already existing on the effective date of this Ordinance or any applicable amendment which is not in compliance with the provisions of this Ordinance, shall be subject to the following regulations:

1. Any sign in the Agricultural Rural Residential District (AR), which is a non-conforming sign, shall be taken down and removed by the owner, agent, or person responsible for the sign within thirty (30) days after written notification from the Township.

Any sign in the Extensive Commercial District (EC) which advertises a business no longer being conducted, or a product no longer being sold on the property, the information on the sign shall be removed by the owner, agent, or person having the beneficial use of the building, or structure or land within thirty (30) days from the date of written notice from the Township.

2. Removal of Signs: Whenever a sign is removed or is required to be removed for safety purposes by this Ordinance or by order of the Building Official or other Township Official, the entire sign structure, including fastenings and anchorage's, shall be removed. The Township shall have the authority to remove the entire sign structure, if the owner or persons in possession of said sign fails to comply with the Building Official or other Township Officials order. The cost of the removal shall then be charged to the land owner and/or person in possession of the building. Any expenses which are not paid, shall be assessed on the tax billing for the property on which the sign is located.
3. Legally existing non-conforming signs see Section 904.

J. PROHIBITED SIGNS

The following signs are prohibited:

1. Any sign not expressly permitted.
2. Any sign or sign structure which:
 - a) Is structurally unsafe.

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- b) Is not kept in good repair, such as, but not limited to, that it has broken parts, missing letters, or non-operational lights.
- c) Obstructs free access or egress from any building.
- d) Makes use of words "Stop" or "Danger" or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- e) In any way simulate or could be confused with the lighting of emergency vehicles or traffic signs.
- f) Are painted on or attached to street furniture, but not limited to, such as benches or trash containers. Township Wide Garbage Company trash cans and dumpsters are exempt.
- g) Interfere with the clear vision area for motorist, bicyclists and pedestrians or interfere with motorists' vision of regulatory signs, traffic control devices or street signs.

K. VIOLATIONS

1. Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecution or by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment at the discretion of the Court, together with the costs of such prosecution.
2. The Township of Riley Ordinance Enforcement Officer or designated officials by the Riley Township Board are authorized to issue Notices for violations of this Ordinance.

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SECTION 910. EXTERIOR LIGHTING:

- A. All outdoor lighting in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
- B. All outdoor lighting in all use districts shall be directed toward and confined to the grounds of lawns or parking lots.
- C. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

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SECTION 911. CORNER CLEARANCE:

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines at a distance along each line of twenty-five (25') feet from their point of intersection.

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SECTION 912. FRONTAGE ON A PUBLIC STREET:

No lot, parcel and/or property shall be used for any purpose permitted by and/or under the terms and provisions of this Ordinance unless the said lot, parcel and/or property abuts, and lies immediately adjacent to, a public street or highway as described under the terms and provisions of this Ordinance. AND

PUBLIC STREET, ROAD AND/OR HIGHWAY: The terms of street, road and/or highway, wherever they appear and/or are referred to in this Ordinance, refer only to those streets, roads and/or highways, which are improved, traveled upon by members of the general public and are included in and part of the dedicated public street, road and/or highway systems of the County of St. Clair, State of Michigan and/or the United States of America. Further, the terms street, road and/or highway do not include, and do not refer to or identify, any private and/or non-public driveway, lane, access road, street, easement, right-of-way, means of ingress and/or egress and/or road which is not as a matter of record included within the street, road and/or highways systems of the County of St. Clair, State of Michigan, and/or the United States of America.

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SECTION 913. SITE PLAN PROCEDURES AND STANDARDS:

A. INTENT

It is the purpose of this Article to provide standards and requirements for site plan submissions for land all uses and all structures within the Township and establish procedures for the submission and review of site plans as authorized by the Township Enabling Act 110 of 2006, as amended.

The site plan approval process offers the opportunity for all public officials, utility companies and the developer to obtain a clear understanding of what is to be done before the project is started.

B. SITE PLAN REQUIRED

The development of any new use, the construction of any new structures, any change in an existing use of land or structure that impacts any requirements of these regulations, and all other buildings or development activities shall require site plan approval prior to construction and/or occupancy pursuant to this Article.

C. LEVEL ONE (A) SITE PLAN (New Single Family)

For new single family dwellings (new construction and the development or construction of any accessory uses or structures on vacant land) the following information is required to be submitted to the Building Department for site plan approval by the Zoning Administrator or their designee:

1. For vacant land a plot plan of the parcel shall be prepared including a copy of Certificate of Survey and the legal description.
2. Plot plan will be drawn to a scale 1" = 100', all numbers must be legible, and must include north arrow. Drawn on an 8 1/2" X 14" legal size sheet (preferred), larger sheets allowed as needed. All plot plans must show distances of all existing and proposed structures (Must meet setbacks of Ordinance #33) from all property lines, swales, existing easements and utilities, natural drainage, water courses, ponds, driveway, well, septic field, reserve septic field, wet lands, and established drains.
3. Septic and well permits from governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011).

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4. Culvert permit from governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011).

If construction of development is within five hundred (500') feet of a natural watercourse, *or more than one (1) acre of land is being disturbed*, and/or an established drain a Soil and Sedimentation permit from appropriate agency will be required prior to a building permit being issued. If construction or development is considered to be wetlands, or flood plains a permit from the appropriate State agency is required prior to a building permit being issued. Ordinance #53-10 must also be followed.

1. Soil and Sedimentation permit (when applicable) from governing government agency.
2. All required State agency Permits (when applicable).

NOTE: This list of requirements is not intended to be all-inclusive. Conditions may warrant that additional information be provided or items may not be applicable to your plan.

D. LEVEL ONE (B) SITE PLAN (Family dwelling)

For additions or alterations to family dwellings or construction of any accessory uses or structures on developed land (land with an existing single-family dwelling) the following information is required to be submitted to the Building Department for site plan approval by the Zoning Administrator or their designee:

1. A copy of the legal description, proof of ownership, certificate of survey (if available).
2. All plot plans must show distances of all existing and proposed structures (Must meet setback requirements of Ordinance #33) from all property lines, utilities, existing buildings, ponds, well, septic, natural watercourses, established drains, wetlands and flood plains.

If construction of development is within five hundred (500') feet of a natural watercourse, *or more than one (1) acre of land is being disturbed*, and/or an established drain a Soil and Sedimentation permit from appropriate agency will be required prior to a building permit being issued. If construction or development is considered to be wetlands, or flood plains a permit from the appropriate State agency is required prior to a building permit being issued. Ordinance #53-10 must also be followed.

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NOTE: This list of requirements is not intended to be all-inclusive. Conditions may warrant that additional information be provided or items may not be applicable to your plan.

E. REVIEW PROCEDURE

1. Level One A & B: All documents shall be submitted to the Building Department for review and approval by the Zoning Administrator or their designee. Upon receipt of complete documents, the Zoning Administrator or their designee shall give final approval based upon compliance with Zoning Ordinance #33 and aforementioned standards within seven (7) days of having complete documents.
- Denial of site plan may be appealed to the Zoning Board of Appeals.

F. LEVEL TWO SITE PLAN (Special Use Single family only)

For Special Approval Uses in conjunction with a single family dwelling (excludes all Commercial Uses). For application for a Special Approval Use, change in use, expansion, altering or conversion of a building or structure the following information is required to be submitted to the Planning Commission, 14 days prior to next scheduled meeting, in ten (10) identical copies and shall include the following:

1. A certificate of survey of the property prepared, signed and sealed by a Land Surveyor is required if change in use, expansion, altering or conversion of a building or structure.
2. The site plan shall include the following:
 - a) A scale of not less than 1" = 20' if the subject property is less than three (3) acres and not less than 1" = 100' if the subject property is more than three (3) acres in size. Include on plan the bar scale used.
 - b) The boundary lines of the area, metes and bounds, dimensions and reference to a section corner, quarter corner or point on a recorded plat. Show existing and proposed right of ways.
 - c) North arrow.
 - d) The shape, size, location, height and floor area of all structures and the floor area being used for Special Approval Use.
 - e) Natural features such as woodlot, streams, lakes or ponds, existing roads and

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structures, with indication as to which are to be retained, removed or altered.

- f) Adjacent properties and their uses shall be identified.
 - g) All site plans must show distances from all existing and proposed structures, existing buildings, ponds, well, septic, natural watercourses, wetlands, flood plains and established drains.
 - h) Streets and driveways, including widths, number of parking spaces and their sizes, sidewalks, including their width. With indication of direction of travel for one-way streets and drives and inside radius of all curves. Any other information necessary to establish compliance with this and other Ordinances or the availability of adequate utility capacity.
3. All County, State and Federal requirements when applicable, documentation and/or permits from such agencies.
 4. Any other information as requested by the Planning Commission.
 5. Soil and Sedimentation permit when applicable.
 6. Appropriate State agency permit (when applicable).
 7. Well, septic, and culvert permits when applicable.

NOTE: This list of requirements is not intended to be all-inclusive. Conditions may warrant that additional information be provided or items may not be applicable to your plan.

G. LEVEL THREE SITE PLAN REVIEW (Commercial)

1. Site Plan Required for Commercial, Site Condominium Developments and Cluster Housing Developments

Site Plan Review is required for the development of any new use, the construction of any new structures, any change of an existing use of land or structure that impacts any requirement of these regulations for example, but is not intended to be all-inclusive:

- a) Erection, moving, relocation, or conversion of a building or structure to create additional floor space.

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- b) Any development that would, if approved, provide for the establishment of more than one (1) principal use on a parcel, such as a single-family site condominium or similar project where a single parcel is developed to include two (2) or more sites for detached single family dwellings.
- c) Any change in land use or change in the use of a structure that potentially affects compliance with the standards set forth within these regulations.
- d) The development or construction of any accessory uses or structures.
- e) Any use or construction for which submission of a site plan is required by any provision of these regulations.
- f) Establishment of any regulated use.

2. Required Information on Site Plans

The following information shall be included on all site plans:

Application Form: The application form shall contain the following information:

- a) Applicant's name and address.
- b) Name, address, signature of legal owner, if different from applicant along with an affidavit granting applicant permission to make application.
- c) A scale of not less than 1" = 20' if the subject property is less than three (3) acres and not less than 1" = 100' if the subject property if more than three (3) acres in size. Include on plan the bar scale used.
- d) Common description of property and complete legal description including parcel tax identification (Sid well) number(s).
- e) Total gross and net acreage of the site.
- f) Existing zoning.
- g) Proposed use of land and name of proposed development, if applicable.

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- h) Proposed buildings to be constructed, including square feet of gross floor area.
- i) Proof of property ownership.
- j) Names, addresses, and telephone numbers of engineers, attorneys, architects, and any other professionals associated with the project.
- k) Any additional information required by this Ordinance or additional guidelines adopted by the Township Planning Commission.

3. Descriptive and Identification Data:

Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than one (1") inch = twenty (20') feet for property less than three (3) acres and not less than one (1") inch = one hundred (100') feet for property larger than three (3) acres. Site Plans must be on 24" X 36" paper ("D" Size). (For property in the River Conservation District (RC) site plans must be on NAVD 88. The following descriptive and identification information shall be included on all site plans:

- a) Applicant's name, address and telephone number.
- b) Title blocks indicating the name of the development.
- c) Scale.
- d) Dates of submission (month, day, and year).
- e) Date of revisions (month, day, and year) include reason why revision is necessary and who caused the revision.
- f) Location map drawn to scale with north arrow.
- g) Legal and common description of property, including parcel identification (Sidwell) number(s).
- h) The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.

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- i) A schedule for completing the project, including the phasing or timing of all proposed developments, if applicable.
 - j) Identification and seal of an architect, engineer, land surveyor, licensed community planner or landscape architect who prepared plan.
 - k) Written description of proposed land use.
 - l) Zoning classification of applicant's parcel and all abutting parcels.
 - m) Proximity to driveways serving adjacent parcels.
 - n) Proximity to major thoroughfare(s).
 - o) Notation of any variances that have or must be secured.
 - p) Net acreage (minus right-of ways) and total acreage, to the nearest one-tenth (1/10) acre.
 - q) Any additional information required by Riley Township Ordinances and guidelines adopted by the Township Planning Commission.
4. Site Data Required (refer to appropriate Zoning Ordinance Section)
- a) Existing lot lines, building lines, structures, parking areas, and all existing improvements on the site and on all parcels within one hundred (100') feet of the site.
 - b) Front, side and rear setback dimensioned from minimum location(s).
 - c) Topography on the site and within one hundred (100') feet of the site at a minimum of two (2') foot intervals showing contours and referenced to a U.S.G. S. benchmark (RC district must use NAVD 88 datum).
 - d) Proposed site plan features, including buildings, roadway widths and names, and parking areas.

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- e) Dimensions and centerline of existing and proposed roads and road right-of-ways, along with declarations of jurisdiction for each.
- f) Accelerations, deceleration and passing lanes, where required.
- g) Proposed location of driveway entrances and on-site driveways with dimensioned minimum and maximum widths.
- h) Typical cross-section of proposed roads and driveways, if applicable.
- i) Location of existing or proposed underground improvements such as storage tanks, culverts, and water gates.
- j) Location of sidewalks within the site and within the right-of way, if applicable.
- k) Exterior lighting locations and method of shielding following IDSA, IES or IESNA guidelines. (Zoning Ordinance Section 910)
- l) Trash Receptacle locations and method of screening, if applicable.
- m) Transformer pad location(s) and method of screening, if applicable.
- n) Parking spaces, including delineated handicap spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
- o) Information needed to calculate required parking in accordance with Zoning Ordinance standards. (Zoning Ordinance Section 906)
- p) Cross-section of proposed berms.
- q) Location, description, and County Registrar of Deeds filing identification of all easements for public right-of-ways, utilities, access, shared access, and drainage.
- r) Designation of fire lanes.
- s) Dedicated loading/unloading area(s). (Zoning Ordinance Section 908)

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- t) The location of any outdoor storage of materials and the manner by which it will be screened.
- u) Storm Water Management program. (Zoning Ordinance Section 918)
- v) Any additional information required by Riley Township Ordinance and/or guidelines adopted by the Township Planning Commission.

5. Building and Structure Details Required

- a) Location, height, and outside dimensions of all proposed buildings or structures.
- b) Indication of the number of stores and number of commercial or office units to be contained in the building.
- c) Total floor area.
- d) Proposed usable floor area.
- e) Location, size, height and lighting information of all proposed signs. (Zoning Ordinance Section 909)
- f) Proposed fences and walls, including typical cross-section and height above current finish grade. (Zoning Ordinance Section 914)
- g) Any additional information required by Riley Township Ordinance and/or guidelines adopted by the Township Planning Commission.

6. Information Concerning Utilities, Drainage, and Related Issues Required

- a) Schematic layout of existing and proposed sanitary septic systems, lagoons and well locations that service the site; and the location, size or capacity of gas, electric, telephone lines, internet service, and/or cable TV, and proposed building leads.

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- b) Location and size or capacity of exterior drains, catch basins, retention/detention areas, culverts and other facilities designed to collect store, or transport storm or waste water. The point of discharge for all drains and pipes must be specified on the site plan.
- c) Proof of compliance with County, State regulations for drainage systems and lagoon system must be submitted with application.
- d) Indication of site grading, drainage patterns, and proposed contours.
- e) Soil erosion and sedimentation control measures (if applicable).
- f) Proposed finish grades on the site, including the finish grades of all buildings, driveways, sidewalks, and parking lots.
- g) Listing of types and quantities of hazardous substances and polluting materials that will be used or stored on-site at the facility in quantities greater than twenty-five (25) gallons per month.
- h) Location of underground storage tanks.
- i) Delineation of areas on the site that is known or suspected to be contaminated, together with a report on the status of site cleanup.
- j) Any information required by guidelines adopted by the Township Planning Commission.

7. Items Not Applicable

If any of the items listed are not applicable to a particular site, the following must be provided on the site plan:

- a) A statement of each item considered not applicable.
- b) The reason(s) why each listed item is not considered applicable.

8. Other Data That May Be Required

Any information required by guidelines adopted by the Township Planning

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Commission must also be supplied. Other data may be required if deemed necessary by the Planning Commission, Professional Planner, Township Engineer, Township Attorney, or Zoning Administrator to determine compliance with provisions in these regulations. Such information may include traffic studies, photo metric surveys, market analysis, environmental assessment and evaluation of the demand on public facilities and services.

9. Standards for All Site Plan Approvals

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

- a) **Adequacy of Information:** The site plan shall include all required information in sufficiently complete and understandable form to provide accurate description of the proposed uses and structures.
- b) **Site Design Characteristics:** Elements of the site design shall be harmoniously and efficiently organized. The site shall be developed so as to not adversely affect adjacent properties and be consistent with the surrounding property uses, and the Township Master Plan.
- c) **Site Appearance:** Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing with nearby existing properties.
- d) **Compliance with District Requirements:** The site plan shall comply with the district requirements in which it is located and all other requirements set forth.
- e) **Privacy:** The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.
- f) **Emergency Vehicle Access:** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency access.
- g) **Ingress and Egress:** Every structure or unit shall be provided with adequate means of ingress and egress including sidewalks.

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- h) **Pedestrian Circulation:** The site plan shall provide a pedestrian circulation system that is insulated as reasonably possible from the vehicular system.
- i) **Vehicular and Pedestrian Circulation Layout:** The arrangement of public and common ways for vehicular and pedestrian circulation with respect to existing roads and pedestrian sidewalks in the vicinity. The width of roads and drives shall be appropriate for the volume of traffic they will carry.
- j) **Drainage:** Appropriate measures shall be taken to ensure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the County Drain (if applicable). Provisions shall be made for a feasible storm drainage system, the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the Township Engineer.
- k) **Soil Erosion and Sedimentation:** The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current governing government agency standards (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
- l) **Exterior Lighting:** Exterior lighting shall be designed so that it is deflected away from adjacent properties, visual glare is minimized, and so that it does not impede the vision of drivers along adjacent roads.
- m) **Water and Septic:** Proof of proposed or existing lagoon and well has sufficient capacity to service the development must be provided.
- n) **Screening:** Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height.

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- o) **Danger from Fire and Hazards:** Sites that include significant storage of flammable or hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and private lagoon system.
- p) **Health and Safety Concerns:** Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws, and regulations with respect to noise, dust, smoke and other air pollutants; vibrations; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and toxic and hazardous materials.
- q) **Sequence of Development:** All development phases shall be designed in logical order to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
- r) **Coordination with Adjacent Sites:** All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

10. Site Plan Application Process:

- a) Ten (10) identical copies stamped and sealed shall be submitted to the Riley Township Offices a minimum of fourteen (14) days prior to the next scheduled Planning Commission Meeting.
- b) Upon receipt of the Site Plan, the Zoning Administrator or their designee shall review for required information, compliance with applicable Township Ordinance and demonstration of adequate utility services, and presence of adequate drainage.
- c) The Zoning Administrator or their designee will make a preliminary approval or disapproval of the Site Plan based on the above stated criteria and will notify the applicant only if additional information or changes are needed or if the site plan is denied. This notification shall include any change or modifications in the proposed site plan as are needed to achieve conformity with the standards specified in this Ordinance. The applicant may appeal any such denial to the

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Planning Commission.

- d) The approved site Plan will be forwarded to the Planning Commission.

11. Review and Action

- a) Planning Commission will accept the application at the first meeting when application and site plan is received.
- b) Public Hearing will be scheduled (if applicable).
- c) Planning Commission may hold informal workshop at formal meeting or special meeting if scheduled and paid for by applicant.
- d) The Planning Commission may recommend submission of Site Plan to Professional Planner, Township Attorney, and if drainage is involved Site Plan shall be required to be submitted to the Township Engineer. A separate Engineering Review will be conducted by the Township Engineer. This may be a two (2) stage process for large projects with a Site Plan Review and an Engineering Review being conducted separately.
- e) Planning Commission reviews the findings of professionals, discusses the findings and recommendations with applicant. When Site Plan Review and Engineering Review are being conducted as a two (2) stage process, Riley Township Engineer will discuss findings and recommendations with applicant at a Riley Township Planning Commission Meeting.

12. Request for Revisions:

Upon review of the site plan proposal, the Planning Commission may require the applicant to revise the plans or require the applicant to supply additional information. The applicant shall submit any revised plans for review prior to formal action being considered. It shall be the applicant's responsibility to consult with Township Staff during any revision process. Action on the site plan shall remain tabled until the next regular Planning Commission meeting following submission of a revised plan.

13. Submission of Plans for Final Review:

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Ten (10) copies of the revised site plan shall be submitted for review in advance of a meeting according to the processing schedule adopted by the Planning Commission. The Zoning Administrator or their designee will make a preliminary approval or disapproval and forward the revised plans to the Planning Commission. Applicant will be notified in writing of the preliminary approval or disapproval by the Zoning Administrator or their designee.

14. Final Action:

The Planning Commission is authorized to take the following actions on a site plan, subject to the guidelines of the Zoning Ordinance:

- a.) Approval
- b.) Approval with stipulations or conditions (With Time limits)
- c.) Denial
- d.) Table the site plan

- When both a Site Plan Review and an Engineering Review is being conducted as a two (2) stage process The Planning Commission is authorized to take Final Action on each review separately using the above process subject to the guidelines of the Zoning Ordinance. The Planning Commission may require a Performance bond in addition to normal Performance bonds if Approval with stipulations or conditions (With Time limits) is granted. The bond will cover the cost of the condition to be met. Riley Township Ordinance #29.

15. Revisions of Approved Site Plans:

Existing or proposed developments which have received approval from the Planning Commission as required herein shall not be changed unless the proposed revisions are approved. All review fees must be paid prior to any review.

The provisions shall apply to the specific improvements depicted on the approved Site Plan, such as but not limited to the following:

- a) Change of use to principal and or accessory buildings or structures.
- b) Parking lots, service drives, sidewalks, etc.
- c) Rubbish pick-up areas.

16. Appeals and Questions of Interpretation of Ordinance

Any persons considering themselves aggrieved by the decision of the Planning Commission in granting or denying the site plan approval shall have the right to appeal said decision to the Zoning Board of Appeals. The appeal must be filed with

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the Township Clerk within thirty (30) days of the decision by the Planning Commission. Appeals of the Zoning Board of Appeals shall be taken to the court of competent jurisdiction.

17. As Built

A complete set of as built plans of the site shall be submitted to the Building Department prior to the Certificate of Occupancy being issued. All final grading, landscaping, greenbelt and parking shall be completed according to Ordinance #33. As built plans shall be signed and sealed by professional engineer, architect and or surveyor and shall include but not limited to showing the finish grades as bold or highlighted next to the proposed or existing grade as shown on the approved site plan. As built dimensions of building (s), setbacks, well, septic, parking lot, signs, etc. shall be shown.

- Township reserves the right to have a Township representative verify submitted information. Should the supplied information proved to be incorrect then Township will require applicant to cover costs incurred.

H. REVOCATION OF SITE PLAN APPROVAL:

The Planning Commission shall have the authority to revoke any Site Plan approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this Section, other applicable Sections of this Ordinance, or conditions and or stipulations of the Site Plan approval. The Planning Commission shall have the authority to revoke the Site Plan Approval under the premises that application for the building permit has not been made within one hundred twenty (120) days after approval, and no extension has been granted, and/or construction has not commenced within six (6) months, or when such work has been abandoned for a period of three (3) months. The Planning Commission or the Township Board may grant the applicant one (1) three (3) month extension of time thereof for good cause shown under such terms and conditions.

Prior to revocation of a Site Plan Approval the Planning Commission shall notify the applicant of said intention by registered mail, return receipt, and first class mail, granting them forty five (45) days to come into compliance.

Any use permitted by the Township under all Sections of this Article 913 shall terminate immediately when the lot area requirements set forth herein are decreased in any manner, the provisions of this Ordinance are violated, or when any condition or safeguard required by the Planning commission is ignored or violated.

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SECTION 914. WALLS:

A. For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential use in an AR, RC or R-1 district an obscuring wall as required below (except otherwise required in Subsection D. of this Section 914):

<u>USE:</u>	<u>REQUIREMENTS:</u>
1. Off-street parking area	4'-6" high wall
2. (EC) District	4'-6" to 8' high wall or fence. (Height shall provide the most complete obscuring possible.)
3. Auto wash, drive-in restaurants	6'-0" high wall
4. Hospital-ambulance and delivery areas	6'-0" high wall
5. Utility buildings, stations and/or sub-stations	6'-0" high wall

B. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance required conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.

C. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Building Inspector. All walls herein required shall be constructed of materials approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained; and wood or wood products shall be only permitted if they are pressure treated against insect damage and decay. Masonry

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walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20%) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Building Inspector.

- D. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200') feet distant from such abutting residential district.
- E. The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served by strict adherence of this Ordinance provided that in no instance shall a required wall be permitted to be less than four feet six inches (4'-6") in height except where Section 811 applies.

In consideration of request to waive wall requirements between nonresidential and residential districts, the Board shall refer the request to the Planning Commission for a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.

In such cases as the Planning Commission determines the residential district to be a future nonresidential area, the Board may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the Board.

- F. A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height as set forth in this section.

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SECTION 915. GREENSTRIP, PLANT MATERIALS:

Whenever in this Ordinance a green strip or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

A. Plant Material Spacing

1. Plant materials shall not be placed closer than four (4') feet from the fence line or property line.
2. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
3. Evergreen trees shall be planted not more than thirty (30') feet on centers, and shall be not less than five (5') feet in height.
4. Narrow evergreens shall be planted not more than six (6') feet on centers, and shall be not less than three (3') feet in height.
5. Tree-like shrubs shall be planted not more than ten (10') feet on centers, and shall be not less than four (4') feet in height.
6. Large deciduous shrubs shall be planted not more than four (4') feet on centers, and shall be not less than six (6') feet in height.
7. Large deciduous trees shall be planted not more than thirty (30') feet on centers, and shall be not less than eight (8') feet in height.

B. Trees Not Permitted:

- 1) Box Elder.
- 2) Soft Maples (Red, Silver).
- 3) Elms.
- 4) Poplars.
- 5) Willows.
- 6) Horse Chestnut (nut bearing).
- 7) Tree of Heaven.
- 8) Catalpa.

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SECTION 916. SINGLE FAMILY DWELLING STANDARDS:

All single family dwellings, whether site-built or factory built, shall comply with the following:

- A. All such dwelling units must meet the current construction standards of the State of Michigan and Riley Township prior to being brought into the Township and prior issuance of a building permit. The minimum acceptable standard for factory-built homes shall be the Department of Housing and Urban Development "Mobile Home Construction and Safety Standards" being 24 CFR 3280, and as from time to time such standards may be amended.
- B. All such dwelling units must meet the minimum floor area requirements of this Ordinance for the district in which they are located. Any addition to a factory-built home must be designed and constructed by the original manufacturer or a certified engineer and/or an architect. Rev. 7/1/02; Published 7/10/02. All additions shall be constructed with similar quality workmanship as the original structure, shall be permanently attached to the principal structure, and permanently supported by and anchored to an approved foundation.
- C. All such dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code in affect in the Township and shall have a wall of the same perimeter dimensions as the dwelling, and constructed of such materials and type as required in the building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
- D. All wheels, axles and towing apparatus must be removed from a mobile home prior to issuance of a Certificate of Occupancy.
- E. All such dwellings shall be connected to a public sewer and water system or private facilities approved by the St. Clair County Health Department.
- F. All such dwellings shall be compatible in appearance with other site-built homes in the Township. To this end, a roof with a minimum pitch of 4/12 shall be required with

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overhangs or eaves of at least six (6") inches. There shall not be less than two (2) exterior doors, on different sides of the dwelling, with access to both doors by means of exterior steps or porches, where a difference in elevation requires the same. All such dwelling units shall have a minimum width on all sides of at least twenty-four (24') feet for at least 75 percent of the length of the dwelling unit.

- G. All such dwellings shall contain a storage capability area in a basement under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- H. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State Law or Federal Law.

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SECTION 917. HAZARDOUS MATERIALS:

All businesses and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to approximately 25 gallons or 220 pounds) shall comply with the following requirements:

A. Aboveground Storage:

1. Primary containment of hazardous substances shall be product-tight.
2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance.
3. Outdoor storage of hazardous substances is hereby prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, including an allowance for the expected accumulation of precipitation.
4. At a minimum, State of Michigan and Federal agency requirements for storage, leak detection, recordkeeping, spill prevention, emergency response, transport, and disposal shall be met.

B. Underground Storage:

1. Existing and new underground storage tanks shall be registered with the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) in accordance with Federal and State requirements.
2. Installation, operation, and maintenance of underground tanks shall be in accordance with the requirements of the Fire Department, the Michigan State Police, Fire Marshall Division, and the Michigan Department of Natural Resources.
3. Out-of-service and/or abandoned underground tanks shall be emptied and removed from the ground if they have been out-of-service for more than nine (9) months, unless an extension is approved by the Township Board, after consultation with the Fire Chief.

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SECTION 918. GRADING AND DRAINAGE REQUIREMENTS:

A. INTENT:

The purpose of this Section is to provide a mechanism to guarantee that all requirements of this Section have been met and that adequate drainage is provided to eliminate surface water to flow onto the adjacent properties.

The requirements for grading and drainage shall be as follows:

B. REQUIREMENTS:

1. These requirements apply to but are not limited to the development of any new use, the construction of any new structures, ponds, and any other major earth change.
2. Any activities listed about (but not limited to) shall not block the natural drainage of the subject property or the properties adjacent to the subject property. Projects that effect the natural drainage must be resolved by rerouting the drainage (i.e., swales, ditches, ponds, etc.) as to not cause adverse conditions to the adjacent properties (i.e., run-off of surface water to flow onto the adjacent property, etc.).
3. Natural drainage is the direction of the flow of water as observed during normal spring rains.
4. Each property owner is responsible for their own drainage and the flow of water. If the adjacent properties drain through your property via a natural watercourse, it is your responsibility to maintain the flow of the natural watercourse and/or provide an alternate drainage route(s).
5. When a new building is constructed on a vacant lot the grades of the existing building(s) on the subject property and on properties adjacent to the subject property shall be taken into consideration in order to establish grade. *Grades at homes and other buildings that were built first do not always have the most desirable solution to a drainage problem. Septic and finish grades of the 1970's and earlier are not up to the same specs of today's Health Departments standards. Grades must be looked at on a case-by-case basis*

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6. Removal of the existing ditch bank must have approval from the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011).
7. Drainage away from the road ditch to a source of natural drainage such as a county drain, a natural watercourse, gully, etc. is the preferred method of handling drainage. Care is to be taken in protecting future projects. The construction of a swale is the ideal way to direct water to an alternate means of drainage. Property owners are encouraged to work with their neighbors to create swales, etc. to correct and or prevent problems.
8. New homes must be built from the plot plan requirements. Grading and drainage must meet the Building Inspector's approval. It may be determined by the Building Inspector that a swale, gully, etc. is necessary and must be installed. In the case of a dispute, it the homeowner's and/or contractors' responsibility at their own expense to gain information to prove otherwise.

C. ENFORCEMENT: GRADING AND DRAINAGE

1. The Building Inspector may determine that it is necessary to require the owner and/or contractor to submit a plan for proper drainage. The Building Inspector may require a registered land surveyor or civil engineer prepare this plan at the owner's and/or contractor's expense.
2. The Building Inspector shall approve the final grades of a new project. The Building Inspector shall inspect all swales, gullies, etc. that have been installed prior to final inspection.
3. The Building Department may withhold a Certificate of Occupancy and/or Performance Bond it deems the grades, drainage and/or the swales, gullies, etc. to be non-complying. In a case of dispute, it is the homeowners and/or contractors' responsibility at their own expense to gain information to prove otherwise.
4. Once all requirements have been met, a Certificate of Occupancy has been issued, and a Performance Bond has been released any change in the existing grade must follow Section 918.
5. In the event that a dispute between neighbors over drainage emerges:

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- a) The Township is not responsible for poor workmanship of grades or the altering of grades after final inspection.
- b) All parties involved should contact the Drain Commissioner's Office and/or Road Commission if the dispute concerns their jurisdiction. Parties involved are responsible for any and all fees associated with said agencies.
- c) It is recommended that all parties try to resolve the problem on their own, as this is the most efficient and least costly method.

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SECTION 919. PONDS:

Private residential ponds and agricultural or farm ponds may be permitted on a minimum of (2) acres and two hundred (200') foot frontage subject to the following:

- A. No pond shall be located within thirty (30') (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06) feet of the side property lines or within thirty (30') (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06) feet of the rear property lines. (Adopted change 10-6-03; Published 10-15-03) All ponds shall be setback one hundred fifty (150') feet from the center of the road. On a corner parcel the pond must be setback one hundred fifty (150') feet from the center of each road. No pond shall be permitted within one hundred (100') feet of any residential structure. No pond shall be permitted within twenty-five (25') feet of any accessory buildings such as but not limited to pole buildings, garages, sheds, agricultural buildings and similar type uses, (*See accessory structures to ponds) (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06) or domestic water supply. There shall be a minimum setback from any septic tank and/or tile disposal field of at least one hundred (100') feet.
- B. The minimum depth of a pond shall be fifteen (15') (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06) feet. The minimum width of the pond shall be ninety (90') feet. (P.H. 10-20-08; Adopted 2-03-09; Eff. 2-26-09) The minimum size requirement of all ponds shall be five thousand (5000) square feet. Where a pond will be used for swimming, there shall be no slope in excess of 5:1 (five feet horizontal to one foot vertical) until the water reaches a depth of six (6') (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06) feet, on the beach side of the pond. In no case shall any slope exceed 3:1.
- C. There shall be a minimum of two (2) pressure treated posts on opposing sides of the pond with one (1) danger sign and one (1) U.S.C.G. Approved life ring with a minimum of seventy-five (75') (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06) feet minimum of rope attached to each life ring on each post. Upon final approval by the Building Department, it is the responsibility of the property owner to maintain the safety equipment.
- D. It is the responsibility of the property owner to provide overflow drainage to eliminate the possibility of flooding neighboring properties. Berms shall have no slope in excess of a 4:1. (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06)

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- E. Excavated materials, in excess of one thousand (1000) cubic yards, may not be hauled off the site unless a mining permit is obtained pursuant to Section 1124 of this Ordinance.
- F. All applications for pond approval shall be accompanied by a drawing of the proposed pond including all required setbacks, a permit fee, and a bond (Adopted 10-06-03; Published 10-15-03) in the amount established by resolution of the Township Board. Enlargement of an existing pond requires a pond permit. (Adopted 10-06-03; Published 10-15-03) Cleanouts or maintenance that do not enlarge the pond do not require a permit. (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06)
- G. Ponds that will disturb over one (1) acre of land shall obtain a Soil Erosion Control Permit from the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) and all work shall be done in a manner that strives to protect the property and adjoining properties against soil erosion. Ponds of five (5) acres or more in size shall obtain a lake permit from the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
- H. All approved ponds shall be completed within six (6) months from the date of issuance of the permit. The Building Department may grant six (6) month extension(s) of the permit for just cause.
- I. Use of any residential, agricultural, or farm pond by the public for swimming, fishing, or the like, shall be prohibited.
- J. No pond shall be located directly beneath an overhead electrical line, wire, or conductor, nor within ten (10') feet within any utility. (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06)
- K. All ponds must be accessory to a residence. No pond permit will be issued for vacant land. 9/96
- L. Retention ponds, detention ponds, and basins (such as but not limited to) must adhere to any required regulations of any governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011). (Adopted 10-06-03; Published 10-15-03)
- M. Accessory Structures to Ponds: Accessory structures to ponds will be permitted subject to the following regulations:

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1. It is six hundred twenty-five (625) square feet or less.
 2. Minimum setback from the pond is ten (10') feet from high water mark.
 3. Minimum elevation of finished floor is 12" above high-water mark.
 4. It is described as the following type of structure:
 - a) Gazebo
 - b) Pavilion
 - c) An open or lattice type structure that is used for outdoor entertaining and dining.
 - d) A small roofed structure that is screened on all sides that is used for outdoor entertaining and dining.
 - e) A changing house that is used for the changing of clothes and/or outdoor restroom facility and/or storage.
 - f) Similar type open or screened, or enclosed structures used for outdoor entertaining, dining, and storage.
 - g) Decks
 - h) Sheds for storage of boating and/or fishing equipment.
 5. Necessary permits will be required. A zoning permit is required for structures two hundred (200) square feet and under and a building permit is required for structures over two hundred (200) square feet. (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06)
- N. Docks, slides, rafts, bridges, boat houses, piers and diving boards are a permitted accessory structure to a pond. (P.H. 5-15-06; Adopted 8-14-06; Eff. 8-30-06)

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SECTION 920: SITE CONDOMINIUM DEVELOPMENTS:

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans shall require approval by the Planning Commission before units may be sold or site improvement initiated. The Planning Commission may consult with the Township Attorney, Township Engineer, and the Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

1. Definitions:

- a) Condominium Act: means Act 59 of 1978, as amended.
- b) Condominium Subdivision: shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.
- c) Condominium Subdivision plan: means the site, survey and utility plan; floor plans; floodplain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.
- d) Condominium Unit: means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
- e) Consolidating Master Deed: means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- f) Contractible Condominium: means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- g) Conversion Condominium: means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

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- h) Convertible Area: means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
 - i) Expandable Condominium: means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
 - j) Lot: shall mean the same as "Homesite" and "Condominium Unit".
 - k) Master Deed: means the condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
2. The review process shall consist of the following two steps:
- a) PRELIMINARY PLAN REVIEW: In the preliminary review phase, the Planning Commission shall review the overall plan for the site. Including but not limited to basic road and lot configurations and the consistency of the plans with all applicable provisions of the Riley Township Zoning Ordinance and Master Land Use Plan.
 - b) FINAL PLAN REVIEW: Final site condominium approval would be based upon approval from all necessary county and state agencies and the submittal of detailed design.
3. With notice required to be given Riley Township pursuant to Section 71 of Public Act 59 of 1978, as amended, a person firm, or corporation intending to develop a condominium development shall provide the following information for the preliminary plan review:
- a) The name address and telephone number of:
 - 1.) All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (i.e. fee owner, optionee or land contract vender).
 - 2.) All engineers, attorneys, architects, planners or registered land surveyors associated with the project.
 - 3.) The developer or proprietor of the condominium development.

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- b) The legal description of the land on which the condominium development will be developed together with the appropriate tax identification number(s).
 - c) The acreage content of the land on which the condominium development will be developed.
 - d) The purpose of the development (i.e. residential, commercial, industrial, etc.)
 - e) Number of condominium units to be developed on the subject parcel (may be shown as stage one, two,...) Each stage must have a preliminary and a final approval by the Planning Commission prior to construction beginning.
 - f) Application(s) of the well system(s) contemplated.
 - g) Application(s) of the septic system(s) contemplated.
 - h) A survey plan of the condominium subdivision.
 - i) A flood plain plan, when appropriate.
 - j) A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township, when applicable, for installation, repair and maintenance of all utilities. All utilities must be underground.
 - k) A street construction, paving and maintenance plan for all streets within the proposed condominium subdivision. All streets, roads, etc. must meet St. Clair County Road Commission standards.
 - l) A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities. A Soil and Sedimentation Permit from the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) must be obtained if disturbing any earth within five hundred (500') feet of a river, drain or natural watercourse.
4. Each building site shall have direct access to a public street, road and or highway as defined in Article 9: Section 912.
5. There shall be compliance with all requirements of Article 8: Area, Width, Setback and Height Regulations.

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6. Encroachment Prohibited: Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.
7. Relocation of Boundaries: The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of the Riley Township Ordinance for the district in which the project is located, shall be approved by the Planning Commission, and this requirement shall be made part of the bylaws and recorded as part of the master deed.
8. Subdivision of Condominium Units: All subdivision of individual condominium units shall conform to the requirements of Riley Township Ordinance for minimum lot width, lot area, and building setback requirements, shall be approved by the Planning Commission, and these requirements shall be made part of the bylaws and recorded as part of the master deed.
9. Mobil Home Condominium Project: Mobile Home Condominium projects shall conform to all requirements of Riley Township Ordinance and shall be located only in the R-1 District.
10. Prior to issuance of building permits for site condominium units, the developer shall demonstrate approval by the Township, County, and State entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal, storm drainage and other utilities. Prior to issuance of building permits the Building Inspector must review and approve the building plans. As to the phase in which the unit is located, prior to the issuance of a building permit, the Building Inspector shall determine that all improvements such as, but not limited to, roads, water supply, sewage disposal, storm drainage and other utilities have been completed in accordance with approved plans.
11. With respect to each building envelope, within ninety (90) days following final inspection and Certificate of Occupancy being issued for the improvement, the developer shall submit to the Building Inspector an "as built" survey which includes dimensions between each improvement and the boundaries of the building site. Monuments shall be located in the ground in accordance with MCL 560.125.
12. The fees for all reviews shall be established by resolution of the Township Board.

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13. Amendment or Termination of Condominium Project: If there is no co-owner other than the developer, the developer with the consent of any interested mortgagee, may unilaterally terminate the condominium project or amend the master deed. Any proposed amendment or termination of a Master deed which would involve any subject matter reviewed or reviewable under this Ordinance shall be reviewed and approved by the Planning Commission prior to recordation.

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SECTION 921. CLUSTER HOUSING AND OPEN SPACE PRESERVATION:

- A. INTENT: The purpose of this section is to provide a mechanism for development of single-family residences in rural areas which assists in meeting the following goals: maintain the rural character of the area, maintain an image of open space, permanently preserve open space and natural resources, protect a portion of lands for agriculture and farming, and achieve a balance between farming, open space and residential growth.
- B. USES PERMITTED OR ELIGIBILITY FOR OPEN SPACE DEVELOPMENT: To utilize this development option a site shall be located within the AR district, contain a minimum of twenty (20) contiguous acres of land and to prevent too large a concentration of homes in any given area, a maximum of one hundred twenty (120) acres. Not less than fifty (50%) percent of the parcel must be perpetually preserved in an undeveloped state.

All proposals under this option must comply with the following:

C. PLAN REQUIREMENTS

All applications shall comply with the following requirements for information, plan content and design:

1. A Community Impact Statement shall be submitted which describes the project's anticipated impact on:
 - a) Public services and facilities such as but not limited to police, fire protection, emergency medical services, public schools, and the like.
 - b) The public road system.
 - c) Neighboring uses.
 - d) Visual character of the site.
 - e) Utility Plan: Underground utilities are recommended to maintain the rural character.

The Community Impact Statement must be included with the application as a separate written submittal.

2. A resource inventory shall be submitted which clearly identifies the following:
 - a) All floodplains, wetlands and waterbodies.
 - b) A woodlands analysis describing all significant tree stands and methods of preserving identified areas.
 - c) A survey and analysis of on-site soils and slopes, bases on Soil Conservation

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and USGS maps and data.

- d) An analysis of the cultural features of the site, such as views, historic structures, patterns of original farm fields, active agricultural or equestrian uses, fences or stone walls, recreational uses and the like.
 - e) The resource inventory components must be submitted as a separate written document.
3. The permanent open space shall include the site's most significant natural and/or cultural environmental features, such as:
 - a) steep slopes, escarpments,
 - b) wetlands, floodplains, natural watercourses,
 - c) woodlands,
 - d) scenic views,
 - e) agricultural or equestrian components,
 - f) historical structures,
 - g) recreational pathways and facilities,
 - h) similar features approved by the Planning Commission.
 4. All lots shall be served by an internal road network. No lots shall front upon the existing major road, unless specifically approved by the Planning Commission.
 5. Individual dwellings and clusters of homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a typical subdivision.
 6. The open space shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network.
 7. Site Plans submitted under this option shall be accompanied by information regarding the following:
 - a) The proposed manner of holding title to open land in perpetuity.
 - b) The proposed method of regulating the use of open land.
 - c) The proposed method of maintenance of property and financing thereof.

Approval under this section requires that a site plan meeting the requirements of this section and Section 913 be reviewed and approved by the Planning Commission. In addition to a site plan, the Planning Commission may require the submittal of additional documents as specified or called for herein.

D. DESIGN REQUIREMENTS

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1. The 50% (fifty percent) conservation area shall be designated and permanently protected for uses such as but not limited to mature woodlands, significant wildlife habitat areas, recreation, prime farmland, historic, or scenic views. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the Township Attorney to assure the following:
 - a) That title to the open land is held in common by the owners of all dwelling units in the detached single family cluster development.
 - b) A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to issuance of the building permit.
2. All open space shall be permanent and set aside in perpetuity.
3. Open space shall be preserved using one or a combination of the following methods:
 - a) Deed restrictions or condominium master deed restrictions.
 - b) Dedication of open space to a public body or private land conservancy or trust. (i.e. Blue Water Conservancy, Michigan Nature Association, Michigan Department of Natural Resources, St. Clair County Parks and Recreation).
 - c) All open space agreements which involve donations of land to the Township or which names the Township as a party to any agreement shall be approved by the Township Board prior to the approval of the development proposal by the Planning Commission.
4. A cluster development shall front upon, and have actual frontage upon, a public street, road or highway, as defined under the terms and provisions of this Ordinance, for at least a minimum of three hundred thirty (330') feet. The cluster development shall have a minimum of twenty (20) acres and a maximum of one hundred twenty (120) acres.
5. ROAD STANDARDS: All internal roads shall be designed and constructed to meet all requirements of the St. Clair County Road Commission.
6. MINIMUM LOT SIZE: The conventional minimum lot area and width requirements set forth in the Area, Width, Setback and Height Regulations (Section 803) shall not apply to a residential building. The minimum lot area and width shall be large enough for anticipated rural household activities and shall also be determined by land area and distances required to comply with yard and setback requirements and County Health Department on-site sewage disposal and well requirements

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(including isolation distances and sufficient land area for replacement septic fields). However, in no instance shall a lot have less than one (1) acre in area or a width of less than two hundred (200') feet. Exceptions can be approved by the Planning Commission in the case of off-lot septic systems.

7. LANDSCAPING: To maintain the rural character of the district, the frontage along the perimeter public road (s) shall be heavily landscaped to screen clustered homesites from view of the public to the greatest extent feasible. A landscape plan for such areas shall be reviewed and approved by the Planning Commission. Existing natural screens, or new screens may be used. The Planning Commission may require the installation of a landscaped berm where necessary to meet the intent of this Section.
8. Density Limit: The number of dwellings permitted to be constructed shall not exceed the number that would be permitted under conventional zoning regulations as determined by gross parcel area, less easements and unbuildable areas, divided by the minimum lot area for the zoning district involved.

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SECTION 922. NEW COUNTY LOT SPLIT ROADS:

When a new county road development is proposed in the Township and is not subject to the standards established under the State Subdivision Control Act or the Condominium Act, the following shall be required by the Planning Commission and the Riley Township Board as minimum new road standards.

1. APPLICATION:

An application to the Township shall include all of the information required by this ordinance. In addition to the completed application the following items shall be submitted:

- a) A copy of the site plan that has or will be submitted to the St. Clair County Road Commission (SCCRC) showing the proposed new road leading off of existing road and all abutting parcels, showing the proposed lot splits, (frontage, dimensions, acreage, etc.) on the new proposed road prepared by a land surveyor or civil engineer. Both a and b can be combined on one plan.
- b) Proposed Road Name.
- c) Such fees as set by Riley Township Board Resolution.

2. PROCEDURE:

These procedures are designed to assist in the processing of a New County Lot Split Road.

- a) Applicant submits completed application form accompanied by the above information listed under Application a-c.
- b) A minimum of eight (8) copies of the application and drawings must be submitted to the Township at least fourteen (14) days prior to the Planning Commission Meeting in order to be placed on the agenda. The Township will distribute copies to the Planning Commission.
- c) Planning Commission will accept the application and schedule the Public Hearing for the following month, if information submitted meets all requirements of this Ordinance.
- d) Riley Township will mail notice of New Proposed County Lot Split Road with copy of application and location for their review and response prior to the Public hearing to the following agencies:
 - 1.) Fire Department
 - 2.) Richmond Lenox EMS
 - 3.) School District Affected by proposed road

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- e) The information shall be published per Section 1105; with all property owners within three hundred (300') feet of subject parcel being notified.
- f) Planning Commission will hold the Public Hearing. Once the Public Hearing is closed the Planning Commission will consider the application for compliance with all applicable Zoning Ordinance provisions including this Ordinance.
- g) The Planning Commission is to pay special attention to:
 - 4.) That the proposed parcels meet the minimum frontage and acreage requirements of the zoning district they are located in.
 - 5.) All proposed roads must meet required setbacks as to not affect the current status of any adjoining or abutting property.
 - 6.) Design standards.
- h) Following the Planning Commissions review they will make a recommendation to the Township Board. All information is submitted to the Township Board for their approval.
- i) Once the Township Board has granted approval for the proposed new county lot split road, one copy shall be stamped as approved only for meeting the requirements of Riley Township ordinances. Applicant must still meet all other requirements of the St. Clair County Road Commission.

3. DESIGN STANDARDS:

- a) All new proposed county lot split roads must meet all requirements of the St. Clair County Road Commission.
- b) When the parcel for the new county lot split road can be built through to the next road this is a mandatory requirement.
- c) A cul-de-sac is required per County Requirements and per County specs. Unless road is built through to next road.
- d) New road must be approved and accepted into the St. Clair County Road System prior to any lot split approvals.
- e) All front property lines are to the center of the road.
- f) New road must be setback a minimum of one hundred and ten (110') from all property lines.

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SECTION 923. WIND ENERGY CONVERSION SYSTEMS (WECS) AND SOLAR ENERGY SYSTEMS:

INTENT: The purpose of this Ordinance is to establish guidelines for construction and usage of Wind Energy Turbines (WETs) and Solar Energy Systems (SECs).

A. PRIVATE WECS:

1. Accessory use: A small wind energy system is allowed as an accessory use in all zones in which structures are permitted.
2. General standards:
 - a. The minimum distance between the ground and any part of a rotor blade must be at least 10 feet.
 - b. Small wind energy systems may not be illuminated, nor may they bear any signs or advertising.
 - c. Small wind energy systems must have automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the support structure, rotor blades, and turbine components.
 - d. All wiring serving small wind energy systems must be underground. All electrical compartments, storage facilities, wire conduit and interconnections with utility companies must conform to national and local electrical codes.
 - e. Noise produced by small wind energy systems may not exceed 55 dBA measured at the property line.
 - f. Small wind energy systems must not cause any interference with normal radio and television reception in the surrounding area, with any public safety agency or organization (including but not limited to police, fire, ambulance) radio transmissions, or with any microwave communications link. The owner shall bear the costs of immediately eliminating any such interference should any occur, or must immediately shut down the system or parts of the system causing the interference.
 - g. A finish (paint/surface) must be provided for the small wind energy system that reduces the visibility of the facility, including the rotors. In most circumstances this

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condition may be satisfied by painting the support structure and rotors with flat light haze gray paint. If the support structure is unpainted, it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

- h. The diameter of the area swept by the rotors may not exceed 25 feet.
- i. Small wind energy systems must be located in the rear yard of the property.

3. Free-standing systems, additional standards

Small wind energy systems may be mounted on a tower detached from other structures on the lot.

- a. **Setback:** The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point plus 50% of the distance. In addition to the system's structures, guy wires, if needed, associated with towers shall meet applicable setbacks for the zone district.
- b. **Height:** Support structures for free standing systems may not exceed 80 feet in height.
- c. **Security**
- d. Support structures for free standing systems must not be climbable from the ground to a height of at least 15 feet.
- e. **Number**
- f. A maximum of one free standing small wind generator system may be allowed on a minimum parcel of 2 acres. On additional free-standing system is allowed for each additional acre.

4. Roof-mounted systems, additional standards

Small wind energy systems may be mounted on the roof of a structure as an appurtenance.

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- a. Height: Roof-mounted systems may not be more than 5 feet over the maximum allowed height for the structure.
- b. Number: There is no maximum number of roof-mounted systems permitted.

B. Agriculture WECS

1. Small wind energy systems may be mounted on a tower detached from other structures on the lot. They must meet General Standards A 2.
 - a. Setback: The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point plus 50% of the distance. In addition to the system's structures, guy wires, if needed, associated with towers shall meet applicable setbacks for the zoning district.
 - b. Height: Support structures for free standing systems may not exceed 80 feet in height.
 - c. Security: Support structures for free standing systems must not be climbable from the ground to a height of at least 15 feet.

C. Commercial WECS

1. Based on wind map surveys for Michigan, Riley Township does not anticipate Commercial WECS.

D. Small Solar Energy Systems

1. Accessory use: A small solar energy system is allowed as an accessory use in all zones in which structures are permitted.
2. General standards:
 - a. Ground-mounted solar energy systems are considered structures and must meet applicable setbacks for the zone district.
 - b. All wiring serving ground-mounted solar energy systems must be underground.
 - c. Roof-mounted systems shall be mounted as flush as possible to the roof but in any case, not more than three feet above the existing roof. (EOD)

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SECTION 924. FENCES:

The purpose of this Ordinance is to establish guidelines for construction and regulation to control the height, location, appearance, safety and construction materials of fences and walls to ensure proper vehicular and pedestrian visibility with placement of fences.

A. TITLE: This Ordinance shall be known and cited as the RILEY TOWNSHIP FENCE ORDINANCE, and will be referred to herein as "this Ordinance".

B. PURPOSE AND AUTHORIZATION

1. An Ordinance adopted pursuant to and under the provision of Act No. 246 of the Public Acts of 1945, as amended, to regulate and control the height, location, appearance, safety and construction materials of fences, and to insure proper vehicular and pedestrian visibility associated with placement of fences, to prescribe rules and regulations, to provide penalties for the violation of this Ordinance and to provide for the relationship of this Ordinance to other laws and ordinances.
2. This Ordinance is enacted for the purpose of promoting public health, safety and welfare.

C. HEIGHT

1. No fence hereafter erected in the Township of Riley shall be in excess of six (6) feet high nor less than three (3) feet high, **measured from finish grade** (AMENDED 4-11-23, PUB 4-19-23).
2. Barbed wire cradles may be placed on top offences that are six (6) feet high enclosing public utility uses deemed necessary in the interest of public safety.

D. BUILDING LINE

1. No fence shall be constructed to extend into the road right-of-way.
2. Fences for Agricultural uses may be erected along the property or right-of-way line provided they are wire construction and do not obscure the view of pedestrians.

E. APPEARANCE

1. No solid or other completely obscuring fence more than three (3) feet in height shall be placed parallel to any roadway adjoining the lot or parcel, as established

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by the Zoning Ordinance.

2. All fences hereafter erected shall be for purposes of enclosure or of an ornamental nature only, as determined by the Building Inspector.
3. Obscuring and ornamental fences shall have the finished or decorative side facing toward all abutting or neighboring properties.

F. MAINTENANCE: All fences shall be maintained in good repair.

G. SAFETY

1. Barbed wire, razor wire, spikes, nails, or any other sharp point or instrument of any kind on top of or protruding from any fences, or electric current or charge in said fences is hereby prohibited, except as permitted by Section D(2) and the following Section H(2).
2. Bona fide farms and agricultural uses may use barbed wire and electric fences for the purposes of containing livestock, consistent with currently accepted, good farming practices.

H. MATERIALS

1. Obscuring fences shall be constructed of wood, pressure treated wood, brick, stone, masonry, or other decorative materials approved by the Building Inspector.
2. Wire-type fences for the purposes of enclosure shall be chain link, woven wire, wrought iron, or similar materials approved by the Building Inspector.
3. The use of salvaged materials for fence construction such as metal panels, doors, and the like, is hereby prohibited.

I. VISIBILITY

1. No fence or wall shall be erected, established, or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, within a triangular area formed by the street right-of-way and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street right-of-

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way lines extended.

- J. PERMITS REQUIRED: Whenever a fence is proposed for other than agricultural use, it shall require the issuance of a building permit.
- K. STATE AND LOCAL REGULATIONS: Must comply with all other state and local regulations.
- L. VIOLATIONS AND PENALTIES: A violation of any provision of this Ordinance shall constitute a misdemeanor. Any person who violates any provision of the Ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five-hundred and 00/100 (\$500.00) dollars, or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both such fine and imprisonment at the discretion of the Court.
- M. SEVERABILITY: If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a Court, such invalidity shall not affect the remaining portions applications of this Ordinance which can be given effect without the invalid portion or application provided such remaining portions are not determined by the Court to be inoperable, and to this end, this Ordinance is declared to be severable.

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ARTICLE X
GENERAL EXCEPTIONS

SECTION 1001. AREA, HEIGHT AND USE EXCEPTIONS:

The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

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ARTICLE X
GENERAL EXCEPTIONS

SECTION 1002. ESSENTIAL SERVICES:

Essential services, as defined in this Ordinance, shall be permitted as authorized and regulated by law and other Ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

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ARTICLE X
GENERAL EXCEPTIONS

SECTION 1003. VOTING PLACE:

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

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SECTION 1004. HEIGHT LIMIT:

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, or public monuments; provided however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a Special Approval Use.

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ARTICLE X
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SECTION 1005. LOT AREA:

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted for which special lot area requirements are specified in this Ordinance, permitted in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance except as provided in Section 904 B, "Nonconforming Uses". Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any such lot.

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ARTICLE X
GENERAL EXCEPTIONS

SECTION 1006. YARD REGULATIONS:

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

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SECTION 1007. PROJECTIONS INTO YARDS:

Architectural features, not including vertical projections, may extend or project into a required side yard or rear yard not more than three (3') feet.

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SECTION 1008. ACCESS THROUGH YARDS:

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front yard and side yards. Further, any walk, terrace or other pavement serving a like function, and not in excess of nine (9") inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

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ARTICLE XI
PLANNING COMMISSION – SPECIAL APPROVAL USES

SECTION 1101. INTENT:

Special Land Uses are those uses of land which are not essentially incompatible with those otherwise permitted in a Zoning District. But they do possess characteristics or locational qualities requiring individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this section is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land uses. The criteria for decision and requirements provided for under the provisions of this section shall be in addition to those required in Ordinance #33 which are applicable to the special land use under consideration. These procedures are adopted to provide guidelines for the Riley Township Planning Commission to follow in formulating any decision over which the Commission has jurisdiction.

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ARTICLE XI
PLANNING COMMISSION – SPECIAL APPROVAL USES

SECTION 1102. APPLICATION PROCEDURES AND FEES:

1. An application for the Special Land Use permit shall be made to the Planning Commission by submitting to the Township Clerk and/or the Riley Township Offices a minimum of fourteen (14) days prior to the next scheduled Planning Commission Meeting. Each application shall be accompanied by the payment of the fees and deposits in accordance with the adopted schedule of fees by the Riley Township Board, to cover the costs of processing the application.
2. Upon receipt of any Special Land Use application, the Zoning Administrator or their designee shall review it to determine whether it contains the required information, complies with the applicable Township Ordinances and demonstrated the adequacy of utility service.

Within ten (10) business days following the submission of the Special Land Use application, site plan and required documents, the Zoning Administrator or their designee shall give preliminary approval or disapproval on such Special Approval Use and Site Plan based on the criteria of Special Approval Use permit application and notify the applicant of their recommendation in writing. This notification shall include any change or modifications in the proposed special approval use and/or site plan as are needed to achieve conformity with the standards specified in this Ordinance. The applicant may appeal any such denial to the Planning Commission.

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ARTICLE XI
PLANNING COMMISSION – SPECIAL APPROVAL USES

SECTION 1103. REQUIRED INFORMATION:

1. Completed Special Use application.
2. A site plan, as specified in Section 913.
3. The proposed Special Use location, size and character and that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
4. The proposed Special Use statement of proposed operation, such as, but not limited hours of operation, number of employees, screening of operation from adjacent properties (i.e. greenbelt, fences, etc.), parking, plan to protect the natural environment and conserve natural resources and energy, and to promote the use of the land in a socially and economically desirable manner.

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ARTICLE XI
PLANNING COMMISSION – SPECIAL APPROVAL USES

SECTION 1104. PUBLIC HEARING:

Upon receipt of an application for a Special Use application the Planning Commission shall call for a public hearing at their next regular scheduled meeting, unless applicant has paid for a special meeting in accordance with the adopted schedule of fees by the Riley Township Board. Notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township not less than fifteen (15) days preceding the date of said hearing. Notice shall be sent by mail or personally delivered to the owners of the property to be considered, to all persons to whom real property is assessed within three hundred (300') feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300') feet in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101, et seq.).

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ARTICLE XI
PLANNING COMMISSION – SPECIAL APPROVAL USES

SECTION 1105. REVIEW PROCEDURES:

The Planning Commission shall review the application for a Special Use, the Zoning Administrator's or their designee's preliminary approval or disapproval, comments received at the public hearing, the site plan and other materials submitted in relation to the application, and make a determination on the special use application in accordance with the criteria for approval in Section 913, and such standards contained in this Ordinance which relate to the special use under consideration and the following procedures:

1. The special use must meet all the requirements which relate to the special use under consideration and will be in accordance with the general objectives, intent and purposes of this Ordinance.
2. The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
3. The special use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production or effects of traffic, noise, smoke, fumes, glare, etc.
4. The special use shall not place demands on public roadways, services or other facilities in excess of current capacity.

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ARTICLE XI
PLANNING COMMISSION – SPECIAL APPROVAL USES

SECTION 1106. DETERMINATION AND IMPOSITION OF CONDITIONS:

The Planning Commission may require additional information be provided prior to making a determination, with a set time limit for additional information to be submitted. Additional time may be granted by the Planning Commission when good faith is shown by applicant to obtain the necessary information.

The Planning Commission may deny, approve, or approve with conditions or stipulations a request for a Special Use permit.

The Planning Commission may impose such conditions or stipulations in granting approval as may be permitted by State Law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions or stipulations may include, conditions necessary to ensure that public services and facilities affected by a proposed special use or activity will be capable of accommodating increased service and facility loads caused by the special use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:

1. Be designed to protect the natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the special use or activity under consideration; residents and landowners immediately adjacent to the proposed special use activity; and the Township as a whole.
2. Be necessary according to the stated intent and purpose of this Ordinance.
3. Relate to the standards established in this Ordinance for the special use activity under consideration, and ensure compliance with those standards required.
4. Be recorded in the minutes of the Planning Commission minutes and on the Special Use Permit, and shall remain unchanged. Conditions may be changed upon the mutual consent of the Commission and the land owner. The Township shall maintain a record of conditions or stipulations which have been changed.
5. Conditions or stipulations can be appealed to the Riley Township Zoning Board of Appeals.

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ARTICLE XI
PLANNING COMMISSION – SPECIAL APPROVAL USES

SECTION 1107. APPROVAL:

If the Planning Commission determines that the particular special use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in a special use permit a statement of findings and conclusions relative to the special use which specifies the basis for the decision any conditions or stipulations imposed, and particular use(s) which have been allowed and applicable conditions or stipulations. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special use so approved. In all cases where a particular special use has been granted as provided herein, application for a building permit, when required in pursuance thereof must be made and received by the Township not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked, provided, however, the Planning Commission or Township Board may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate. The Special Use approved pursuant to this Section shall be under construction within six (6) months after the date of approval of the Special Use.

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SECTION 1108. DENIAL:

If the Planning Commission shall determine that the particular special use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public, health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial. No petition for special use approval which has been denied shall be resubmitted for a period of one (1) year from the date of denial, except as may be permitted after learning new and significant facts or conditions which address the reasons for the initial denial exist.

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SECTION 1109. REVOCATION OF SPECIAL APPROVAL USE PERMIT:

The Planning Commission shall have the authority to revoke any Special Use Permit approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this Section, other applicable Sections of this Ordinance, or conditions and or stipulations of the special use approval. The Planning Commission shall have the authority to revoke the Special Use Permit approval under the premises that application for the building permit has not been made within one hundred twenty (120) days after approval, and no extension has been granted, and/or construction has not commenced within six (6) months, or when such work has been abandoned for a period of three (3) months. The Planning Commission or the Township Board may grant the applicant one (1) three (3) month extension of time thereof for good cause shown under such terms and conditions.

Prior to revocation of a Special Use Permit the Planning Commission shall notify the applicant of said intention by registered mail, return receipt, and first-class mail, granting them twenty-one (21) days to come into compliance.

Any use permitted by the Township under all Sections of this Article XI shall terminate immediately when the lot area requirements set forth herein are decreased in any manner, the provisions of this Ordinance are violated, or when any condition or safeguard required by the Planning Commission is ignored or violated.

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SECTION 1110. AGRIBUSINESS USES:

Agribusiness uses, such as but not limited to, cider mills, farmers markets, farm dairies and pick-your-own farms, may be permitted in AR districts, subject to the following:

- A. All such uses shall be located on a County Primary Road unless the use is seasonal in nature and has no permanent buildings for use by the public.
- B. All buildings, any equipment, materials or produce being stored or for sale shall be set back at least one hundred (100') feet from all property lines.
- C. Maximum of one (1) non-illuminated sign per the minimum road frontage allowed in AR district. (i.e. if road frontage is 200' then one (1) sign is allowed every 200'. Sign(s) not to exceed a total of thirty-two (32) square feet and eight (8') feet in height, is permitted for all agribusiness uses on the same parcel. (2\99)
- D. Adequate off-street parking shall be provided to serve the expected number of patrons and shall have at least a gravel surface properly graded and dust-free at all times. In determining the adequacy of the number of spaces being proposed, the Planning Commission shall compare the proposed use to similar uses.
- E. Whenever the proposed use is adjacent to a residential zoning district or use, the Planning Commission may require that a landscaped greenbelt be provided in order to provide proper screening of the agribusiness use from the residential district or use.

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SECTION 1111. AUTO SERVICE CENTERS AND AUTO SERVICE STATIONS:

Auto service centers such as muffler and brake shops, new tire sales, tune-up shops, quick oil change shops, and similar establishments for minor repairs, routine maintenance and auto accessories, and auto service stations for the sale of fuel and minor repairs, may be permitted in the Extensive Commercial Districts subject to the following:

- A. The use shall be completely enclosed within a building.
- B. No vehicles awaiting repair shall remain on-site for more than 72 hours.
- C. All parking areas shall be paved and screened from the view of an abutting residential district or use by a 4 foot 6-inch-high masonry wall of face brick or precast masonry panels with the appearance of face brick.
- D. All trash storage areas shall be screened from view by a 6-foot-high enclosure approved by the Planning Commission. Old parts such as tires, mufflers, pipes, and the like, shall be kept inside the enclosure and shall not be permitted to accumulate for periods longer than 1 week unless stored within the building.
- E. Management plans shall be submitted for the collection, storage, and recycling or proper disposal of all used or waste automotive fluids resulting from repair or service operations.

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SECTION 1112. CAMPGROUNDS, OVERNIGHT CAMPING PARKS AND SPECIALIZED RESORTS:

Campgrounds and overnight camping parks for tents, campers, travel trailers, and similar recreational vehicles, and specialized resorts may be permitted on a minimum site of twenty (20) acres in AR and RC districts, subject to the following:

- A. There will be no permanent storage of tents, campers, or travel trailers or motor homes. Mobile home units will not be allowed in the development. No individual tent or recreational vehicle may occupy the same site in any campground for periods longer than 30 days.
- B. Accessory commercial uses, such as convenience food stores, gift shops, self-service laundries, and similar uses, shall be housed in a single building and designed to serve primarily the needs of park users and shall provide off-street parking in accordance with the standards of this Ordinance.
- C. Where a campground site abuts property zoned residential, the entire perimeter shall be properly fenced. In addition, no active use areas shall be situated within 100 feet of the abutting residential zone and a 30-foot side greenbelt shall be provided unless a dense growth of natural vegetation already exists.
- D. The use shall be located on and have all access from paved, public roads.

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SECTION 1113. CEMETERIES:

Cemeteries may be permitted in all Agricultural and Residential districts, subject to the following:

- A. Minimum site size shall be 20 acres with a minimum lot width of 330 feet.
- B. There shall be no burial plots within 50 feet of any property line. This 50-foot setback area may be used for required greenbelts, driveways, parking areas and the like.
- C. No service building shall be located closer than 100 feet to any property line and all service and storage yards shall be screened from view by an obscuring wall or fence at least 6 feet high.
- D. On all sides abutting property in a zoning district that permits residential uses, there shall be a landscaped greenbelt at least 25 feet wide.

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SECTION 1114. CHURCHES, HOUSES OF WORSHIP:

Churches and other places of worship may be permitted in all Agricultural and Residential districts, subject to the following:

- A. The site shall have direct access to a major or collector thoroughfare as designated on the Township's adopted Master Plan.
- B. All parking areas shall be screened from adjoining properties by a four-foot six inch (4'6") high masonry wall of face brick or decorative precast panels with the appearance of face brick. The Planning Commission may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a Landscape Plan.
- C. A Drainage and Retention Plan shall be submitted for the parking area and all other impervious surfaces showing the method of holding storm water and preventing it from flowing onto or otherwise affecting adjoining properties.
- D. The principal building shall comply with all setback requirements of the district in which it is located provided, however, that in no case shall the principal building be located closer than twice its height to any property line.
- E. The applicant shall provide evidence from the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) of approval of all on-site water supply and sewage disposal facilities to be used by the public.

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SECTION 1115. COMMERCIAL, NON-RETAIL GREENHOUSE:

A commercial greenhouse may be permitted in the AR districts, subject to the following:

- A. Accessory retail sales shall be limited to only those products which are grown on-site.
- B. All areas for customer and employee parking shall be set back at least 100 feet from all property lines. A Drainage and Retention Plan shall be submitted for proper control of storm water run-off from the parking areas.
- C. All greenhouse buildings shall be set back at least 50 feet from any property line.
- D. All service and storage areas for equipment and materials shall be screened from view of an abutting residential district or residential use by a 6-foot-high masonry wall or obscuring fence approved by the Planning Commission.
- E. One (1) non-illuminated sign, not to exceed thirty-two (32) square feet in area and eight (8') feet in height, may be placed no closer than twenty-five (25') feet to any lot line.

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SECTION 1116. CONVALESCENT OR REST HOME:

A convalescent or rest home, orphanage, or home for the elderly may be permitted, in the AR districts, subject to the following:

- A. All vehicular ingress and egress shall be directly onto a major or collector thoroughfare.
- B. The minimum site size shall be five (5) acres.
- C. All buildings shall be set back at least 75 feet from all property lines.

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SECTION 1117. GOLF COURSE:

Golf courses, which may include an accessory driving range but not a miniature golf course, may be permitted in AR and R-1 districts, subject to the following:

- A. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop may be located in separate structures. No structure shall be located close than seventy-five (75') feet from the lot line of any adjacent residential district or public right-of-way.
- B. All maintenance, service, and storage yards shall be screened from view by a 6-foot-high masonry wall, pressure treated wood fence, greenbelt, or dense natural vegetation, as approved by the Planning Commission.
- C. All parking areas shall be properly drained, dust-free at all times, and shall be located or screened so as not to affect any adjoining residential district.
- D. All ingress and egress from the site shall be directly onto a major or collector thoroughfare.
- E. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
- F. Whenever included, swimming pools shall be provided with a protective fence not less than six (6') feet in height, and entry shall be provided by means of a controlled gate or turnstile.

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SECTION 1118. HOG FARMS, FEEDLOTS, EGG FACTORIES, MUSHROOM PROCESSING PLANTS, AND MUSHROOM FARMS:

Because of the nature of hog farms, piggeries, egg factories and poultry raising operations, cattle feedlots, mushroom processing plants and farms, they may be allowed only in the AR districts, subject to the following:

- A. All of the above operations shall strictly adhere to the performance standards of this Ordinance.
- B. All pens, cages, fenced areas and buildings used to house any animal shall be set back one hundred fifty (150') feet from all property lines abutting other properties in AR districts and two hundred (200') from all property lines in abutting residential districts.
- C. Buildings and/or processing plants, other than those for keeping of animals, shall be set back at least one hundred (100') feet from all property lines.
- D. Areas used for the dispensing of compost shall be set back at least one hundred (100') feet from all property lines and screened from view by an obscuring, pressure treated wood fence of at least six (6') feet in height.
- E. Areas used for the stockpiling or storage of animal manure shall be set back at least two hundred (200') feet from property lines, three hundred (300') feet from any adjacent residential dwelling and shall be completely screened from view. The Planning Commission may waive this requirement for specialized manure handling systems that contain all odors within the property lines.
- F. The minimum size parcel required for all of the above uses shall be 40 acres. The Planning Commission may modify the acreage requirements for specialized operations that control odors, noise, and other objectionable features associated with such commercial animal and crop raising plants. In no case, however, shall the site be reduced to less than 20 acres.

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SECTION 1119. HOME OCCUPATIONS

I. HOME OCCUPATIONS – GENERAL

Home occupations are permitted as an accessory use to a single-family residence in AR and R-1 districts, subject to the following standards:

- A. The home occupations shall be carried on entirely within the dwelling and exclusively by the inhabitants thereof.
- B. No article shall be offered for sale on the premises unless it is produced within the dwelling or is provided incidental to the service or profession conducted therein.
- C. A home occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage or signs not customary in residential areas.
- D. The home occupation shall not utilize more than twenty-five (25%) percent of the total floor area of the dwelling, but in no event more than five hundred (500) square feet of floor area.
- E. The home occupation shall not generate traffic volumes greater than normally expected in a residential area. All parking shall be off-street and may not be located in a front yard.
- F. No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference, detectable to the normal senses beyond the property line of the home occupation. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences, or causes fluctuations in line voltages off the premises.

II. HOME OCCUPATION – MEDICAL MARIHUANA PRIMARY CAREGIVERS AND FACILITIES ORDINANCE – SPECIAL APPROVAL (Adopted 06-2021)

- 1. Medical Marihuana Caregivers are those persons defined under the MMMA and are issued a registry identification card who cultivate marihuana.
- 2. Registered Primary Caregivers, operating in compliance with the MMMA General Rules, the MMMA, and the requirements of this section, are regulated as a Home Occupations subject to facilities cultivation approvals required under this section.

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3. The use shall be by application and zoning permit applying the standards in this section as a Special Use Permit and under Article XII, Section 1100: Planning Commission – Special Approval Uses.
4. Caregivers shall be permitted after Special Approval under this section to be allowed only in residential zoning districts - AGRICULTURAL-RURAL RESIDENTIAL DISTRICT (AR) and RESIDENTIAL DISTRICT (R-1).
5. Caregivers must comply with the applicable provisions of this section and the Riley Township Zoning Ordinance as applicable.
6. The cultivation, delivery or distribution of marihuana to treat or alleviate a debilitating medical condition is otherwise prohibited, except in compliance with the Michigan Medical Marihuana Act (“MMMA”) of 2008, this zoning ordinance, or other State of Michigan law.

A. STANDARDS

1. The following standards and requirements shall apply to the location at which the medical use of marihuana is conducted by a primary caregiver. Growth, storage, manufacturing and cultivation of medical marihuana must otherwise comply with the following standards:
 - a. The medical use of marihuana shall comply at all times with the MMMA and the MMMA General Rules, as amended.
 - b. Except as otherwise required by law, not more than one registered primary caregiver, who shall also be a full-time resident of a residential dwelling where the cultivation occurs, shall be permitted to operate and cultivate as a primary caregiver at any single property parcel.
 - c. The medical growth of marihuana shall be conducted entirely within a dwelling occupied by the caregiver, attached garage, outbuilding, accessory building, or structure, or in an “enclosed, locked facility” (as that phrase is defined by the MMMA), for up to 12 marihuana plants for each registered qualifying patient (up to 5 patients) with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.
2. Approved Facility. The Home Occupation for medical growth of marihuana shall be conducted entirely within an approved dwelling occupied by the caregiver,

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or attached garage, or outbuilding, or accessory building, other structure, or in an “enclosed, locked facility” (as that phrase is defined by the MMMA) approved under this section.

3. Primary Residence. The Home Occupation shall be clearly incidental and secondary to the use of premises as a residence.
4. Application. First time applicants shall be required to pay the applicable plan review and inspection fees as set by resolution of the Township Board.
5. Nuisance. No noise, odor, fire hazard, or traffic congestion shall be created beyond which is normal in a residential area. No equipment or process shall be used in the growth of marihuana which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses which interferes with neighboring parcels use and quiet enjoyment of land. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises or interferes with neighboring parcels use and quiet enjoyment of land.
6. Outside Storage. No outdoor storage or visible display of marihuana or materials shall be allowed, except in compliance with this Ordinance.
7. One Caregiver per property. There shall be no other caregiver allowed to cultivate on a single property, except a State of Michigan licensed caregiver who resides in the home and the growing and cultivation facilities are approved under this section.
8. Signage. In order to maintain the residential character of the residential districts, a commercial sign identifying as a Primary Caregiver or home occupation by word, image or otherwise, or indicating that the medical use or cultivation of marihuana is taking place on the premises, shall not be permitted, nor shall any vehicle having such a sign be parked anywhere on the premises.
9. Materials. Approved lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical cultivation of marihuana are allowed on the property, however, no other materials or equipment not generally associated with normal home ownership, use, and maintenance of a dwelling shall be permitted.
10. Distribution. Distribution of marihuana or use of items in the administration of marihuana other than allowed under the MMMA shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to,

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or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marihuana. There shall be no sales of marijuana, except recoupment of costs for registered primary caregiver who may receive compensation for costs associated with assisting a registered qualifying patient in the medical use of marihuana to the extent allowed by the MMMA.

11. Delivery. Except for the primary caregiver, no other person shall deliver marihuana to the qualifying patient.
12. Underage Access. No one under the age of 21 years shall have access to medical marihuana, except as otherwise allowed by law.
13. On-site Consumption. No on-site consumption or smoking of medical marihuana shall be permitted within the dwelling or on the property of a primary caregiver, except for lawful medical marihuana consumption by the primary caregiver if registered as also qualifying patient under the MMMA or as otherwise allowed by law.
 - a. MMMA Controls. Medical marihuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by the MMMA and this section.
 - b. The use shall be maintained in compliance with the requirements of this section, the MMMA and the MMMA General Rules. Any departure shall be grounds to revoke the permit and take other lawful action. If there is a compliance issue, the enforcement official may request a show cause hearing before the Township Planning Commission why a permit should not be revoked for a violation of this section. The applicant shall be provided notice and opportunity to be heard before revocation. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted. The permittee shall appeal any denial or revocation or other adverse action to the zoning board of appeals as allowed by the Michigan Zoning Enabling Act before seeking judicial relief as an administrative remedy.
 - c. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act, unless required to be disclosed by law.

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14. Building Code Permits. In addition to the permit granted hereunder, all building, electrical, plumbing and mechanical, soil or other permits required under the State of Michigan Building Codes or Ordinance shall be obtained for any portion of a building, structure, or facility in which equipment and devices that constructed in support the cultivation, growing or harvesting of marihuana are located or used.
15. Product Sales. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver.
16. Registration and Annual Inspection. The property shall be registered with the Township. The property shall be required to pass, on an annual basis, all required inspections by the Township including, but not limited to, the fire department and building officials. Such inspections shall include, but not be limited to, inspections of the heating equipment, filtration system, electrical wiring, lighting, watering and disposal methods that are used for the cultivation, growth and/or harvesting of medical marihuana, and the storage of any chemicals associated with the cultivation, growth, manufacturing and/or processing of medical marihuana. A certificate of approval will be issued to the registrant following passage of the required inspections. The registrant will be required to pay an additional fee annually as set by resolution of the Township Board.
17. Open Burn. There shall be no open burning of marihuana or chemicals used in cultivation of marihuana.
18. Discarded Materials. All discarded marihuana and all by-products associated with the growth, processing and cultivations of medical marihuana must be disposed of in a way that prevents persons or animals from accessing the discarded materials.
19. Cost Recovery. In the event of any explosion, release, or other hazardous condition or situation that results from the growth, cultivation or processing of medical marihuana, the responsible party shall be responsible for reimbursement of any and all emergency response costs.
20. Commercial Facilities-Provisioning Centers Prohibited. It shall continue to be unlawful to establish or operate a for-profit or nonprofit marihuana dispensary, collective, commercial use, cooperative or provisioning center within the Township, even if such use is intended for the medical use of marihuana. It is the intent of this ordinance to prohibit the pooling of caregiver cards to establish more allowable plant growth or a larger growth operation beyond five

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qualified registered patients per caregiver as permitted by the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq other State of Michigan law, and only one caregiver per parcel may be approved, except as otherwise allowed by this section.

21. Personal Use and Recreational Use. The use of the dwelling or other permitted facility of a qualifying patient to cultivate medical marihuana in accordance with the MMMA, solely for personal use, or recreational use does not require a permit under this subsection; however, all applicable State of Michigan requirements must be met.

B. PERMIT REQUIREMENTS

1. Permit Application: A complete and accurate permit application shall be submitted on the application form provided by the Township along with a uniform application fee in an amount determined by resolution of the Township Board of Trustees.
2. Special Use Permit. The facility and cultivation shall be permitted only with the prior issuance of a special use permit.
 - a. The application shall include site plan(s) describing the processing, storage and cultivation of medical marihuana. The plan shall describe, in detail, the process and methods used for the growth, processing and/or cultivation of medical marihuana, including a description of the heating equipment and processes, chemical storage, filtration equipment, electrical wiring and lighting, and plant material and water disposal methods to be utilized.
 - b. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marihuana cultivation and processing; the number of patients served, and a description of the location at which the use will take place, the parcel number and lot size.
 - c. The zoning administrator may require additional information or permits necessary to demonstrate compliance with all requirements. The zoning administrator shall review the application to determine compliance with this section, the MMMA and the MMMA General Rules and the other applicable provisions of the zoning ordinance.

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- d. Special Approval Use. Upon completion of the application with the zoning official, the application shall be sent to the Planning Commission for review as applicable under SECTION 1100: PLANNING COMMISSION – SPECIAL APPROVAL USES
 - e. The Township Planning Commission shall make the final determination for approval of the zoning permit, which may be approved, denied, or approved with conditions. The decision shall be incorporated in a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed.
 - f. Land spilt approvals and other municipal permits may be suspended during the application process.
3. Site Plan: The applicant for Special Use Permit approval shall provide the following site plan information:
- a. Zoning Site Plan: Prior to construction of any cultivation facility, the property owner, agent or designee shall provide the zoning official a site plan which will include the location of the structure, building or enclosed locked facility, the size of the structure, and the type of materials to be used in construction, the size of the lot, the parcel number, the setbacks and other information the zoning official may require to process the application.
 - b. Chemicals and Fertilizers Plan: The plan shall include the Material Safety Data Sheets (MSDS) containing information on the potential hazards (health, fire reactivity and environmental impact) related to chemical products. The site plans shall also include the type, amount and location of stored chemicals and fertilizers.
 - c. Oder Control Plan: The site plan shall include a plan for odor control. The plan shall include the location and type of control for odor-emitting activity(ies). The applicant must provide information related to the location of doors, windows, ventilation systems, and odor sources. The plan should describe the odor-emitting activities or processes (e.g., cultivation) that take place with odor mitigation practices based on specific best control technologies and best practices.
 - d. Plumbing, Mechanical, and Energy Plans: The property owner shall provide the zoning official, a plumbing, mechanical, and energy plan with details of any building, facility, structure or enclosed locked facility used for the growth and cultivation of marihuana.

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- e. Electrical Plans and Specifications. The property owner shall submit a detailed set of electrical plans and specifications with the application for an electrical permit for any wiring or alteration to an electrical system if the system requires installation of electrical equipment that has an ampacity of more than 200 amperes for the service. The electrical drawings shall include all of the following details:
 - i. Lighting layout
 - ii. Circuiting
 - iii. Switching
 - iv. Conductor and raceway sizes
 - v. Wattage schedule
 - vi. Service location and riser diagram
 - vii. Load calculations and available fault current calculations
 - viii. A proposed method of construction with construction symbols
 - ix. The plans shall include the selection of suitable disconnect and overcurrent devices to provide proper coordination and interrupting capacity for a wiring system is the responsibility of the designer
 - x. Approval from the local electrical energy supplier that the request shall not place undue burden on the transfer or its electrical system
- f. Disposal, Pollution, Water Quality Control. The applicant shall provide a disposal and pollution control plan. An approved permit holder shall be prohibited from degrading water quality, or disposing of marijuana or chemicals or fertilizer into wells, drains or township sewers.
- g. Michigan Department of Environment, Great Lakes and Energy (EGLE). The applicant may be required to present permits or approvals from EGLE as applicable.
- h. Soil Erosion and Stormwater Runoff and Drainage Control. The applicant shall provide a soil erosion control plan and must apply for a soil erosion permit as applicable to engage in specified earth changes. The applicant may not alter the drainage of their land that unreasonably interfere with others' land, which creates a nuisance.
- i. Setbacks. Any portion of a building or other structure proposed for marijuana growth, such as a cultivation room, or facility including an "enclosed, locked facility" as defined by the MMMA, shall meet the setback requirements from adjacent property lines as defined and stated for in each allowed zoning district. No structure shall attach to any other structure or cause a nuisance onto a neighboring property.

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- j. Lighting. If medical marihuana is grown or located in a room, building, structure or facility with windows or with exterior lighting, all lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
4. When approving site plans, the Township does not assume responsibility for the design or for any deviations from any plan drawings. The permit holder shall ensure that the plans and specifications approved by the Township are maintained in good working order and not expanded from the approved plans. A copy of the plans and specifications, shall be available on the site.
5. Excluded from requirements in the site plans are fences, sidewalks, and paving on streets, driveways, parking areas and patios.
6. Inspection. In addition, all other applicable application requirements in this section and the zoning ordinance, codes and laws, any portion of a building or other structure, such as a cultivation room, or facility including a "enclosed, locked facility" as defined by the MMMA, used for the growth or storage of marihuana, are subject to inspection and approval. Prior to approval, the property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official, Fire Chief or designee, other law enforcement, Planning Commission or Township official. Failure to allow inspection is a violation of this Ordinance and the zoning official may seek an administrative warrant to inspection the property and structures for purposes of enforcement and shall also be considered an incomplete application.

C. OTHER COMMERCIAL CULTIVATION ESTABLISHMENTS PROHIBITED

Commercial Marihuana establishments prohibited. Any and all types of a "marihuana establishment," as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are completely prohibited in Riley Township and may not be established or operated in any zoning district, by any means, including by way of a variance. Any and all types of "marihuana facilities" as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act are completely prohibited and may not be established, licensed or operated in any zoning district, by any means, including by way of a variance.

D. ENFORCEMENT

1. Violation of this section shall be enforced as a nuisance pursuant to the Michigan Zoning Enabling Act, MCL 125.3407 or applicable law. The court shall

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order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, facility, tent, recreational vehicle, or land is liable for all costs and fees to abate for maintaining a nuisance per se.

2. Nonuse Variance: The zoning board of appeals may grant a non-use variance for structures, buildings, enclosed locked facilities under this section as long as the spirit of this ordinance is observed, public safety secured, and substantial justice done pursuant to the Michigan Zoning Enabling Act 110 of 2006 as amended and the Riley Township Zoning Ordinance for variance standards now or later enacted.
3. Nothing in this section shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq other State of Michigan law.

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SECTION 1120. HOSPITALS:

General hospitals and similar facilities may be permitted in the AR districts, subject to the following:

- A. All hospitals shall be developed on sites consisting of at least five (5) acres for the first one hundred (100) beds or less plus one (1) acre for each additional twenty-five (25) beds.
- B. The proposed site shall have at least one property line abutting a major thoroughfare and vehicular access to and from the site shall be directly onto said thoroughfare.
- C. The site plan shall show that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways and parking areas to insure pedestrian and vehicular traffic safety.
- D. All the development features including the principal building and any accessory buildings, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.

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SECTION 1121. JUNK YARD, AUTO SALVAGE/RECYCLING OPERATIONS:

Junk yards and auto salvage and/or recycling operations may be permitted in the EC districts subject to the following:

- A. Only those operations whose purpose is the eventual recycling of scrap materials shall be permitted. A use that intends to permanently store wrecked cars and other materials will not be allowed.
- B. The entire area for storage, dismantling and all other on-site operations shall be completely enclosed by an obscuring fence at least 8 feet in height.
- C. In order to protect groundwater resources in Riley Township, all areas for dismantling shall be fully enclosed, and situated on a paved surface that includes a system for collecting spills of automotive and automotive-type fluids to be contained and recycled or disposed of in accordance with the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011).

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SECTION 1122. KENNELS, COMMERCIAL:

DEFINITIONS:

"Commercial Kennel" shall mean an establishment where dogs of any breed are bred and sold for profits.

"Service Kennel" shall mean an establishment where dogs of any breed are boarded or kept for another owner at a profit of the kennel owner.

Commercial kennels, service kennels, and the like, may be permitted as a Special Approval Use, accessory to a residence, in the AR district only, subject to the following:

- A. A limited kennel is defined as having not less than six (6) but not more than ten (10) dogs. For such use, there shall be provided a minimum of one hundred fifty (150') feet from the kennel or run to any side or rear lot line, and not less than two hundred fifty (250') feet from the center of the road. A minimum site shall be five (5) acres.
- B. An unlimited kennel is defined as having more than ten (10) dogs. For such use there shall be a minimum of two hundred fifty (250') feet from the kennel or run to any side or rear lot line and not less than three hundred fifty (350') feet from the center of the road. The minimum site shall be ten (10) acres.
- C. All pens are to be enclosed in a building and runways shall be screened from view from all directions by either a building or greenbelt plantings as required by the Planning Commission. A secondary fence must enclose all runs.
- D. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The health and welfare of the animals shall meet the St. Clair County regulations governing kennels. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety, or general welfare.
- E. There shall be an opening in the building housing the animals to permit them easy entrance and exit. The opening must have a door to retain the dogs.
- F. All gates on fences where the dogs are enclosed must have a self closing latch to which a lock may be fastened. (5/96)
- G. Kennels housing more than ten (10) dogs shall provide one (1) off-street parking space for each five (5) kennel runs. All users shall provide parking to accommodate the maximum number of patrons using the facility at any one time with a minimum of three (3) spaces required. The parking area shall be screened from view of an abutting

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residential district by a wall, pressure treated wood fence, or a greenbelt in a manner that is satisfactory to the Planning Commission.

- H. All objectionable noise shall be controlled as required by the Performance Standards of this Ordinance.
- I. Any use permitted by the Township under this Section shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this Ordinance are violated.
- J. All animals six (6) months of age and older shall be counted in the total number of animals.

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SECTION 1123: KENNELS, PRIVATE:

Private kennels for housing only those animals owned by the proprietor, may be permitted in the AR districts, subject to the following:

- A. A private kennel must be accessory to a permitted single-family residence.
- B. No animal shall be allowed to run free. Pens and runs shall be located no closer than one hundred and fifty (150') feet to any property line.
- C. The proprietor shall not keep more than eight (8) dogs over the age of six (6) months. No animal shall be housed that is not the personal property of the proprietor except for incidental breeding.
- D. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.
- E. There shall be an opening in the building housing the animals to permit them easy entrance and exit. The opening must have a door to retain the dogs.
- F. All gates on fences where the dogs are enclosed must have a self-closing latch to which a lock may be fastened.
- G. All objectionable noise shall be controlled as required by the performance standards of this Ordinance.
- H. Any use permitted by the Township under this Section shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this Ordinance are violated.
- I. When a Private Kennel License is obtained through the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) the kennel may be subject to an Annual Inspection the governing government agency. (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)

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SECTION 1124. MINING OF SAND/GRAVEL/TOPSOIL:

A. General

The mining, excavating, extraction or quarrying of sand, gravel, and/or topsoil may be permitted as a special land use in AR districts only after proper notice has been given as provided in Article XI and after review and approval of the use and location by the Planning Commission, subject to the requirements and standards of this section and the submission of a site plan conforming to the requirements of Section 913. Sand, gravel, and topsoil removal operations shall also be required to obtain an annual operating permit from the Township Board, subject to this Section.

In reviewing the application for special land use approval, the Planning Commission shall be certain that the following characteristics of the use are present and complied with:

1. Processing and stockpiling of materials will be accomplished in a manner that minimized effect on adjacent properties.
2. Uses permitted herein shall be screened from view and set back from the property lines at least one hundred (100') feet on all sides, provided the Planning Commission may increase this requirement where additional protection is required for adjacent properties and/or uses.
3. Uses permitted shall comply with all applicable pollution control requirements of the governing government agency. (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
4. Mining of deposits in such AR districts shall not constitute a hazard to public health, safety, and welfare, and shall be conducive to and result in the reclamation of the land for another use or uses permitted in the district.

B. Uses Permitted

The following uses shall be permitted, each of which shall meet applicable performance standards and be subject to all limitations described herein.

1. Mining, excavating, extracting, or quarrying of sand, gravel, stone and/or similar material (hereinafter referred to as mining or mined).
2. Construction and maintenance of plants, be they temporary or permanent, for the processing of such mined material, and to include necessary accessory uses, building, and equipment.

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3. Storage and stockpiling of said mining material.

C. Application Procedures for Mining Permit

The following application procedure shall be compiled with prior to the commencement of any new mining and/or the horizontal expansion of any mined area which exists as of the effective date of this Ordinance. The application form shall be obtained from the Township Clerk.

1. Application Contents:

- a. Name of the owner, or owners, of land from which removal is to be made.
- b. Name and address of applicant making a request for such permit.
- c. Name and address of the person, firm, or corporation that will be conducting the actual removal operation.
- d. Location, size, and description of the area from which the removal is to be made.
- e. Location of the processing plant.
- f. Type of materials or resources to be removed.
- g. Proposed method of removal, general haul route, and whether blasting or other use of explosives will be required.
- h. General description of equipment to be used.
- i. The estimated number of years to complete operations.
- j. A statement that a bond satisfactory to the Township Board, or other type of security, in a minimum amount of \$20,000 for the first 20 acres and minimum of \$1,000 for each additional acre over 20 acres, being mined will be furnished. Upon submission of a topographical survey of the reclaimed areas by a registered civil engineer, the bond or security shall be released, in accordance with the amount of security required per acre.

1. The application shall be accompanied by a processing fee, to be paid by the applicant in an amount to be established by the Township Board.
2. The initial and/or subsequent application for a mining permit shall be referred by the Township Clerk to the Planning Commission. The Planning Commission shall review the site plan for the proposed use and the rehabilitation plan for the mined areas and approve or deny the special land use according to the requirements and standards of Article 11.
3. After hearing, the Planning Commission may approve the request for a mining permit once it determines all standards and requirements are complied with.

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4. As part of the application, the applicant shall submit a topographic survey of the existing parcel drawn to scale and prepared by a Registered Engineer or Registered Land Surveyor with ten-foot contour intervals based upon U.S.G.S. datum. The drawing shall also clearly show the area to be mined, areas for stockpiling, processing plant locations, maintenance areas, and similar use areas. The applicant shall also prepare a plan of reclamation which depicts the final elevations referenced to U.S.G.S. datum and prepared by a Registered Engineer and/or Registered Land Surveyor. The applicant will propose a certain plan of operation and will be expected to comply with such plan during the year a mining permit is issued for. (Removed word "Civil" P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
5. The mining permit shall be annual in nature and the applicant shall reapply sixty (60) days prior to the anniversary date of issuance of permit to renew the mining permit for the parcel being mined. (P.H. 2/20/06; Adopted 4/3/06; Published 4/12/06; Effective 4/12/06) Prior to granting continued approval, the Planning Commission shall review the mining operation as to compliance with the original site and rehabilitation plans. Upon finding the applicant has complied with the plan, another mining permit may be issued.
6. In order to defray the expenses incurred by the Township for surveillance of the mining operation and engineering inspections to insure compliance with the approved mining plan and rehabilitation plan, there shall be an annual surveillance and inspection fee for each mining operation. The amount of the fee shall be based on the surface area, in acres, of the proposed operation times the depth, in yards, of the pit. The amount of the surveillance/inspection fee per acre shall be set by resolution of the Township Board. In setting the amount of the fee, the Board may consult with a Registered Engineer or Registered Landscape Architect with expertise in reclamation of mining sites and the cost thereof. (Removed word "Civil" P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)

D. Standards for Mining Operations

1. All equipment shall be located no closer than one hundred fifty (150') feet to the nearest abutting property line.
2. No excavation or mining shall take place within one hundred fifty (150') feet of the nearest abutting property line.
3. All excavated and mined areas shall be fenced with a minimum five (5') foot high woven wire or a chain link fence along the perimeter of the development protected by locked gates when the operator is not present. (Amended 2/18/08; P.H. 2/18/08; Adopted 5/6/08; Eff. 5/22/08)

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4. There shall be no removal of topsoil or overburden from the mining site. Said earthen materials may be used to construct a berm, as required in subsection (5) below, as a means for storage on-site.
5. All active excavations shall be screened from view by one of the following:
 - a. Construction of a raised earth berm, along the boundaries of the property, at least six (6') feet in height at its center above the actual elevation of the property along the property lines. The berm shall have slopes not in excess of one foot vertical to four feet horizontal and shall be planted with grass, trees, and similar vegetation.
 - b. Plantings of coniferous trees having a minimum diameter of 3 inches along the boundaries of the property with sufficient rows, staggered and of a depth, that will guarantee effective screening.
6. General hours of operation of the mining machinery and the processing plant shall be 7 a.m. to 7 p.m. No hours of operation shall be permitted Sundays and legal holidays. The specific hours of operation shall be approved by the Planning Commission.
7. All sand and gravel sites operable under the provisions of this Ordinance shall have direct access to a major thoroughfare as designated on the Township's adopted Master Plan having a minimum right-of-way width of 120' and shall be improved to the specifications of the governing government agency. (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011).
8. All equipment and facilities used in the production, processing or transportation of sand, gravel, or stone shall be constructed, maintained, and operated, in such a manner as to eliminate, insofar as practicable, noises, vibrations, or dust which are injurious or unduly annoying.
9. All trucks leaving the site shall have their loads, covered to prevent blowing of material onto Township roads and/or private property.
10. Any paved public road providing access to the mining site shall be swept at least once daily but more frequently if needed to prevent any accumulation of soil, sand and/or gravel on the public roads. All gravel public or private roads providing access to the mining site shall be kept dust-free at all times during mining operations.
11. The applicant shall acquire approval as to haul routes, bonding requirements, weight limits, speed limits, and other matters within the jurisdiction of the agencies responsible for the public roads.

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12. The haul route shall be chosen so as to cause the least amount of disturbance to uses outside the Agricultural districts.
13. No cut shall be made in the original excavation that exceeds a slope of three feet horizontal to one-foot vertical (3:1), and such cut shall not begin closer than one hundred fifty (150') feet from any property line.
14. A cash performance guarantee shall be deposited with the Township Board in the amount of one thousand dollars (\$1,000.00) per acre to be disturbed. The excavation shall proceed in cells of then (10) acres maximum, and each such working cell shall be fully restored and rehabilitated prior to proceeding into the next cell, unless the operator chooses to submit the required cash performance guarantee for the additional cell or cells.
15. Other limitations may be established by the Planning Commission to ensure protection of the adjoining neighborhood, such as, truck trips per day, total amount of material removed from an individual site on a daily basis, special measures to reduce noise levels, rumble strips on-side, and similar limitations determined to be necessary to protect the health, safety and general welfare of nearby residents and land uses, and the community as a whole.
16. Upon termination of any excavation and/or mining operation either by the operator, owner, the Township through the Ordinance, and/or through judicial means, the land shall be backfilled and graded to the developer's site plan which was approved by the Planning Commission.

E. Standards for Rehabilitation of Mined Areas

1. All excavations shall be made either to a water-producing depth of at least eight (8') feet below the low-water mark for at least eighty (80%) percent of the water area, or shall be graded or backfilled with earthen materials, to insure:
 - a. That the excavated area shall not collect and permit to remain therein, stagnant water; or,
 - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, and so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

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2. The banks of all sand and gravel excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be less than three (3') feet horizontal to one (1') foot vertical (3:1), and said banks shall be restored with vegetation in a manner set forth hereunder.
3. Vegetation shall be restored by the use of sufficient soil and overburden and by appropriate seeding of grasses or planting of shrubs or trees in all parts of the mining area where such area is not submerged under water, as provided above.
4. Upon cessation of mining operations by abandonment or otherwise, the operator, within a reasonable period of time not exceeding twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment unless such building or structures can be lawfully used in the district in which same are located.

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SECTION 1125. RESIDENTIAL MOBILE HOME PARK:

A. INTENT: The purpose is to provide for development of mobile home residences in mobile home parks and to harmonize this type of residential development in the communities housing pattern. A mobile home park may be permitted in the R-1 District subject to the following regulations. These districts should be located with access to paved roads (i.e. road, street or highway) and if available where public water and sanitary sewer facilities are available. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system.

B. USES PERMITTED:

1. No structure or part thereof shall be erected, altered or used and no land shall be used except those that are subject to the provisions of this Article including site plan review procedures as described in Article 9, Section 913.
2. A mobile home shall be a factory built, portable unit with kitchen, dining, sleeping, toilet and bathing facilities, shall meet Section 802 E requirements, and conforming to all applicable building, plumbing, heating and electrical codes. All units must be new double-wide models with a shingled, pitched roof.

C. MOBILE HOME PARK DEVELOPMENT REQUIREMENTS:

A mobile home park development may be permitted provided such development is found to provide for the health, safety and welfare of the occupants and the community and complies with the following minimum requirements:

1. Hard surfaced, off-street parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home lot, an additional one-half (1/2) space per lot for visitors and one (1) for each employee shall be provided in a common area.
2. Area- the minimum lot area for a mobile home park shall be twenty (20) acres. Minimum width and depth shall be three hundred (300') feet. The depth of the lot shall not exceed three (3) times the width.
3. Front and street-side setbacks shall be provided in accordance with Section 803.
4. Front and street-side setbacks, for parking areas shall be maintained in accordance with Article 9, Section 907. For reference, the street or road definitions are those defined in the Riley Township Zoning Ordinance #33, Article II.

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5. No mobile home or any structure within a mobile home development shall be located less than twenty-five (25') feet to any property line
6. No building shall exceed the height of two (2) stories or thirty-five (35') feet.
7. A building is recommended to be constructed to accommodate the residents of the park. The structure shall be constructed to code with masonry walls and an incombustible roof. The facility could be used for a activity center, tornado shelter, etc.

D. DESIGN REQUIREMENTS:

1. No mobile home park shall be developed on any parcel of land less than twenty (20) acres, which twenty (20) acres shall be fully developed for total occupancy prior to occupancy by the first mobile home.
 - a. If zoning for mobile home park shall be given for an area larger than twenty (20) acres and the developer thereof shall propose a partial development or periodic development in stages, then development shall be allowed for only that portion planned for immediate development.
 - b. If the initial development or any successive stage of development shall not proceed and be completed as proposed and contemplated by the original or successive site approval, then such failure shall be sufficient ground for denial of approval for further development stages.
2. The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.
3. The mobile home sites shall consist of:
 - a. There shall be at least one (1) mobile home site provided for every mobile home, and it shall be grass covered except for the space directly under the mobile home.
 - b. Mobile homes shall be so located on each space that there shall be at least fifteen (15') foot clearance between the mobile homes or attachment and

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structures provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may not be less than fifteen (15') feet.

- c. No mobile home shall occupy more than twenty-five (25%) percent of land area on which it is placed.
 - d. Recreation space is recommended in a central location with an area not less than eight (8%) percent of the total area of the mobile home park. Such space will be enclosed with shrubs and/or evergreens.
4. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development. If the park abuts a non-residential development, the park need not provide screening. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
 5. Two-way streets within a mobile home park shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street. The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted 23 feet where parallel parking is permitted along one side, and 33 feet where parallel parking is permitted along both sides and adhere to AASHTO specs.
 6. Concrete walkways, not less than thirty-six (36") inches wide, is recommended from each mobile home space to all service structures.
 7. A mobile Home Park shall have access to a paved county primary road or a paved state highway.
 8. A fence of no less height than five (5') feet, but no higher than seven (7') feet is recommended to be erected around the park.

E. GENERAL REQUIREMENTS:

1. Storage/Parking: If boats, boat trailers and utility trailers are permitted to be parked within the mobile home park, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this ordinance and shall be adequately locked, fenced (the fence shall be no less than five (5') feet in height and no higher than seven (7') feet in height and permanently buffered.
2. Each mobile home shall have a safe and unobstructed primary exit, and an emergency exit.

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3. All electrical service conduits shall be underground.
 - a. Each mobile home site shall be provided with underground electrical service.
 - b. Wiring shall comply with recommended standards of the local utility company and the Riley Township Electrical Code known as the 1996 Edition of the National Electrical Code with Technical Amendments approved and recommended by the Reciprocal Electrical Council Inc. and approved by the Bureau of Construction Codes.
4. Public sewer systems shall be required in mobile home parks, if available within 200 feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system and:
 - a. Approval from the Michigan Department of Environmental Quality (MDEQ) must also be submitted to the Township Clerk along with Michigan Department of Consumer & Industry Services pre-licensing inspection.
 - b. No mobile home park shall be constructed unless it shall be connected to a public sewer system, if available, or in the alternative, parcel to be developed shall have a private system for sewage treatment that shall connect to a Michigan Department of Environmental Quality (MDEQ) approved sewage system.
 - c. A central water supply system connected to a public water supply where available with water supplied to each mobile home shall be provided.
 - d. Fire hydrants shall be provided within five hundred (500') feet of each mobile home site if public water system is available.
5. Street and yard lights are recommended to be provided following the requirements of Rule 929 of the Mobile Home Commission Rules Handbook.
6. Each mobile home lot shall be provided with approved garbage containers.
 - a. The containers shall be kept in a sanitary condition at all times.
 - b. It shall be the responsibility of the park owner to insure that garbage containers do not overflow.
 - c. Exterior property areas shall be maintained free from organic and inorganic material that might become a health hazard, accident or fire hazard.

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- d. Facilities for cleaning refuse receptacles shall be provided in a central location approved by Riley Township.
 - e. Requirements of the MDEQMHP Garbage and Rubbish Disposal Standards must be adhered to.
7. Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number so located within the park as to satisfy applicable regulations of the Michigan State Fire Code.
- a. No open fires shall be permitted at any place which may endanger life or property.
 - b. No fire shall be left unattended at any time.
 - c. Fire extinguishers shall bear the underwriter's label and be of such type approved for such services by the Commissioner of the State Police.
 - d. Each fire extinguisher shall be periodically examined and kept at all times in a usable condition in compliance with regulations of the fire department.
 - e. Requirements of Rules 702a and 703 of the Mobile Home Commission Rules must be adhered to.
8. Fences along mobile home lot lines are not recommended so as to provide fireman access to all sides of each mobile home if a fence is permitted by the park, it shall be not more than three (3') feet in height and shall have not less than two (2) access gates which provide free access to all sides of the mobile home in the event of an emergency.
9. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home development provided the development permits the sale. No business of any kind shall be conducted in any mobile home without Special Approval Use if allowed in the district in which the Mobile Home Park is located.
10. The grounds of a mobile home park shall be graded to drain property and to satisfactorily meet the requirements of Part 4 of the MDEQ Mobile Home Park Standards.
11. Skirting on each mobile home shall be required.

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- a. Enclosed canopies and the method of installation shall be first approved by the Building Inspector.
 - b. The use of an awning of fabricated factory-built aluminum or fiberglass, which space may be screened in, shall be permitted. The screened area shall not be greater than nine (9') feet in width.
 - c. Skirting must meet Rule 604 standards of the Mobile Home Commission and skirting must be installed within 90 days of the date the mobile home is sited.
12. There shall be no storage of any kind underneath any mobile home and each mobile home shall be maintained in a clean and presentable condition at all times.
13. Rules 934-940 of the Mobile Home Commission Rules Handbook must be adhered to.
14. Rule 602 of the Mobile Home Commission Rules Handbook must be adhered to regarding installation of the mobile home.
15. STORAGE AREAS: No personal property shall be stored outside or under any mobile home. Storage shed may be used to store property but need not be supplied by the owner of the mobile home development. Shed requirements are at the discretion of the Mobile Home Park operator/management.

F. PERMITS:

1. In addition to the foregoing regulations, all mobile home parks shall comply with the provisions of the Mobile Home Commission Act, as amended, and all amendments thereto are incorporated herein and made a part hereof by reference.
2. A permit shall be required for each mobile home which shall hereafter be located or relocated in an approved Mobile Home Park on an approved mobile home site.
3. Application for such permit shall be made within five (5) days after such location or relocation by the owner of the mobile home or his agent who shall pay to the Township Building Department a fee, in the amount necessary, to defray the cost of inspection. Compliance with this requirement shall be joint and several responsibilities of the Mobile Home Park owner subject thereto and the person, firm, partnership or corporation operating the Mobile Home Park wherein said mobile home is located or relocated.

G. CASH BOND:

(10-29-97)

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A cash bond shall be required by the Township Board to ensure that the ultimate erection of the mobile home park buildings and structures and that the development of the site shall be in accordance with the approved plans and proposals. Such bond shall be in an amount equal to the estimated cost of the site improvements.

H. INSPECTION FEES:

Inspection fees may be required to defray cost of inspections of the mobile home units within the park. The amount of said fees shall be established by a separate resolution by the Township Board. Section 17(2) and Section 36 of the Mobile Home Commission Act and other related Statutes.

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SECTION 1126. MULTIPLE FAMILY DWELLINGS:

Multiple family dwellings may be permitted in the AR and R-1 districts subject to the following standards:

- A. The site shall have direct access to a major thoroughfare or collector street, as designated on the Township's adopted Master Plan.
- B. All parking areas shall be screened from an adjoining residential district or use by a four-foot six inch (4'6") high masonry wall of face brick or precast concrete panels with the color and appearance of face brick. The Planning Commission may permit the substitution of a landscaped greenbelt and or an obscuring fence where they determine it would be more appropriate in the particular neighborhood area.
- C. All outdoor trash receptacles shall be provided with a completely obscuring masonry enclosure complete with gates.
- D. The storage of boats, trailers, campers and the like shall occur only in a designated area approved by the Planning Commission. If the Commission finds that protection for adjoining properties is required, it may specify a screen fence be provided to enclose the vehicle storage area.
- E. The development of property for multiple family dwellings shall not increase the cost of providing public services, such as police and fire protection, water supply and sewage disposal, above the normal cost associated with single family residential development in the same area.
- F. Where the domestic well produces a flow of less than ten (10) gallons per minute, a separate well shall be provided for each unit and approved by the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011). As an alternative, the developer may add a minimum one hundred twenty (120) gallon storage tank to a single well producing at least two (2) gallons per minute, similar in design to the approved system for wells that produce methane.
- G. A single system may be used only where the natural soils are well-suited to septic tank and tile disposal fields, as determined by the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) and the St. Clair County Soil Survey. On heavy clay or similar soils, a separate septic tank and tile disposal field shall be provided for each unit and approved by the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011). As an option, a single engineered system may also be used, only if approved by the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011).

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SECTION 1127. NURSERY SCHOOLS, DAY-CARE CENTERS, CHILD CARING INSTITUTION, AND GROUP DAY CARE HOMES (7-12 CHILDREN):

Nursery schools, day-care centers and group day care homes with seven (7) to twelve (12) children shall be permitted in the AR, R-1, and the RC Districts, subject to the following:

- A. LICENSING: All facilities and such uses shall be licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities, in accordance with applicable state laws.
- B. REGISTRATION: All facilities must register with the Township. Applicant must keep current State Certification on file with the Township.
- C. OUTDOOR RECREATION AREA: A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per child at the licensed capacity of the nursery school, day-care center and/or group day care homes, provided that the overall area shall not be less than 2000 square feet. The outdoor recreation area shall be suitably fenced, secured, and screened from abutting residential uses in accordance with said Section 915 (Greenstrip, Planting Materials). The Planning Commission may approve the use of off-site outdoor recreational facilities to satisfy this requirement. If outdoor recreation area is located in the front yard a minimum setback of two hundred (200') feet from the center of the road.
- D. PICK-UP AND DROP-OFF AREA: Adequate areas shall be provided for employee, resident parking, and pick-up and drop-off of children and adults in a manner that minimizes pedestrian-vehicle conflicts and disruption of traffic flow on the public roads.
- E. SEPARATION REQUIREMENTS: New nursery schools, day-care centers and group day care homes shall be located a minimum of one thousand five hundred (1500') feet from any other state licensed residential facility, as measured between the nearest points on the property lines in question.
- F. HOURS OF OPERATION: Nursery schools, day-care centers and group day care homes in the residential district or accessory to a residential use may operate up to sixteen (16) hours per day with a maximum of twenty-four (24) hours with approval by the Planning Commission.
- G. SIGNS: See Section 909
- H. Applicant must notify the police, fire and rescue of location and operation.

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SECTION 1127. CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, AND GROUP CHILD CARE HOMES (Amended 6-13-2023; Published 6-21-2023):

Child Care Centers, Family Child Care Homes and Group **Child** Care Homes shall be permitted in the AR, R-1, and the RC Districts, subject to the following (Amended 6-13-2023; Published 6-21-2023):

A. DEFINITIONS (Amended 6-13-2023; Published 6-21-2023):

CHILD CARE CENTER is a facility, other than a private residence receiving 1 or more children under thirteen (13) years of age for care for a period of less than 24 hours a day, where parents are not immediately available to the child.

FAMILY CHILD CARE HOME is a private home where up to six (6) children are taken care of and supervised for compensation for periods of less than 24 hours at a time.

GROUP CHILD CARE HOME is a private home where more than seven (7) up to twelve (12) children are taken care of and supervised for compensation for periods of less than 24 hours at a time.

INCREASED CAPACITY allows one (1) additional child added to the total number of minor children received for care and supervision in a Family Child Care Home, or two (2) additional children in a Group Child Care Home that is eligible for increased capacity with ALL of the following criteria:

1. Holds a current license,
2. Licensed to operate for at least twenty-nine (29) consecutive months,
3. One (1) or more unrelated minor children under supervision during licensed period, and
4. Received renewed regular license after at least twenty-nine (29) months of licensed operation.

B. LICENSING: All facilities and such uses shall be licensed **as regulated** by the State of Michigan, and shall comply with the minimum standards outlined for such facilities, in accordance with applicable state laws (Amended 6-13-2023; Published 6-21-2023).

C. REGISTRATION: **All Child Care Centers must apply for Special Approval Use (see Sections 1102 thru 1109).** All **private home** facilities must register with the Township. Applicant must keep current State Certification on file with the Township (Amended 6-13-2023; Published 6-21-2023).

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- D. OUTDOOR RECREATION AREA:** A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per child at the licensed capacity of the **Child Care Center, Family Child Care Home** and/or Group **Child Care Home**, provided that the overall area shall not be less than 2000 square feet (Amended 6-13-2023; Published 6-21-2023). The outdoor recreation area shall be suitably fenced, secured, and screened from abutting residential uses in accordance with said Section 915 (Green strip, Planting Materials). The Planning Commission may approve the use of off-site outdoor recreational facilities to satisfy this requirement. If outdoor recreation area is located in the front yard a minimum setback of two hundred (200') feet from the center of the road.
- E. PICK-UP AND DROP-OFF AREA:** Adequate areas shall be provided for employee, resident parking, and pick-up and drop-off of children and adults in a manner that minimizes pedestrian-vehicle conflicts and disruption of traffic flow on the public roads.
- F. SEPARATION REQUIREMENTS:** New **Child Care Centers, Family Child Care Homes** and Group **Child Care Homes** shall be located a minimum of one thousand five hundred (1500') feet from any other state licensed residential facility, as measured between the nearest points on the property lines in question (Amended 6-13-2023; Published 6-21-2023).
- G. HOURS OF OPERATION:** **Child Care Centers, Family Child Care Homes** and Group **Child Care Homes** in the residential district or accessory to a residential use may operate up to sixteen (16) hours per day with a maximum of twenty-four (24) hours with approval by the Planning Commission (Amended 6-13-2023; Published 6-21-2023).
- H. SIGNS:** See Section 909
- I.** Applicant must notify the police, fire and rescue of location and operation.

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SECTION 1128. PUBLIC BUILDINGS WITHOUT STORAGE YARDS:

Public buildings such as libraries, fire stations, recreation centers, and similar uses, may be permitted in any agricultural or residential district, subject to the following:

- A. There shall be no storage yard or uses like a public works garage.
- B. The site shall have all access from a major or collector thoroughfare.
- C. All off-street parking shall be screened from abutting residential property by a brick wall, decorative wood fence, or a landscaped greenbelt at least fifteen (15') feet wide.

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SECTION 1129. RIDING ACADEMIES AND STABLES, COMMERCIAL:

Commercial riding academies and stables may be permitted only in the AR districts, subject to the following:

- A. The minimum site size shall be twenty (20) acres with a minimum width of six hundred sixty (660') feet.
- B. All buildings, corrals, or other enclosures for animals shall be set back at least two hundred fifty (250') feet from any property line abutting a residential use.
- C. The entire area of the site used for riding trails shall be fenced to prevent horses and riders from entering adjoining properties.
- D. There shall be no storage of customer's trailers or other vehicles for transporting horses unless they are completely screened from view of adjoining properties in a manner that is satisfactory to the Planning Commission.
- E. Adequate off-street parking shall be provided for customers in the ratio of one (1) space for every two (2) horse boarding stalls. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.
- F. All areas for stockpiling manure shall be screened from view, shall not be located closer than two hundred (200') feet to any property line, and shall not be allowed to become a nuisance.

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SECTION 1130. SCHOOLS:

Public and private primary and secondary schools (Pre-kindergarten through grade 12) may be permitted in all Agricultural and Residential districts, subject to the following:

- A. Adequate off-street parking shall be provided for all teachers, employees, and visitors.
- B. Off-street waiting space shall be available so that school buses and parents' automobiles are not forced to stand within the right-of-way of any public street.
- C. The layout of all parking lots, driveways, waiting areas and loading zones shall be designed with pedestrian safety as the primary consideration.
- D. All buildings shall be set back at least fifty (50') feet from all lot lines abutting a residential use.

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SECTION 1131. SHOOTING RANGES AND GUN CLUBS:

Shooting ranges, gun clubs, and similar uses, such as survival and other air-gun games, may be permitted in RC and EC districts subject to the following:

- A. The minimum site size shall be eighty (80) acres with a minimum width of one thousand three hundred twenty (1320') feet.
- B. Off-street parking shall be provided in the ratio of one (1) space for each three (3) users at capacity. All parking areas shall be kept dust-free at all times so as not to become a nuisance to adjoining properties.
- C. All parking areas shall be screened from view of an adjoining residential district or use by either a greenbelt, obscuring fence, or a masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.
- D. The hours when shooting is permitted at a gun club or shooting range shall be limited from 9 a.m. to 9 p.m. Monday through Saturday and 12 noon to 6 p.m. Sundays. The Planning Commission may apply more restrictive hours where protection for adjoining residents is necessary.
- E. The design of the facility shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued. The design of all ranges shall incorporate the recommended safety features of the National Rifle Association or similar safety features.
- F. The firing range shall be fenced on all sides except the firing line, by a fence no less than eight (8') feet in height. Such fence shall be either of a chain-link type or of board construction sufficient to prevent persons from passing over or through the fence.
- G. The firing line or other area from which firearms are discharged shall be located no closer than one hundred fifty (150') feet from any property line, not closer than five hundred (500') feet from any existing residential structure other than those on the premises.
- H. Properties used for survival games or other air-gun games shall be completely fenced to prevent participants from trespassing on adjoining properties. Signs warning participants not to cross the fence shall be placed every two hundred (200') feet along its perimeter. Failure to follow this requirement shall be grounds for immediate revocation of the applicant's Special Land Use Permit.

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SECTION 1133. UTILITY STRUCTURES, UTILITY TRANSMISSION SYSTEMS, WIRELESS TRANSMISSION/RECEPTION RELAY TOWERS:

A. Local Utility Structures:

Utility structures, such as but not limited to, electric transformer stations and sub-stations, gas regulator stations, sewer lift stations, and the like, (Cellular towers and wireless transmission towers see separate Ordinance Article 11: Section 1139) shall be permitted in all districts subject to Site Plan Approval by the Planning Commission and the following standards:

1. Operating requirements necessitate the proposed location in order to serve the residents of the Township.
2. All such uses shall be completely enclosed and without storage yards.
3. No structure shall exceed the height limit of the district in which it is to be located.
4. All buildings shall be designed to be compatible in style and materials with other uses permitted in the district.
5. No building shall be located closer than fifty (50') feet to any property line abutting land zoned for residential use.
6. A minimum fifteen (15') foot landscaped greenbelt shall be provided around the entire perimeter of the utility building site.
7. Adequate off-street parking shall be provided for any service personnel and all drives and parking areas shall be properly drained and dust-free at all times.

B. Utility Transmission Systems

Utility transmission systems, such as but not limited to, high voltage electric transmission lines, high pressure gas pipelines, and oil pipelines shall require Special Land Use Approval by the Planning Commission subject to the following requirements and standards:

1. All such utility lines shall follow existing utility corridors where possible, and reasonable, as determined by the Planning Commission.
2. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained,

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whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.

3. Any area destroyed by necessity in the construction of such approved facilities, may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
4. During construction or repair of any facilities approved hereunder, the following shall be required:
 - a. All internal roads shall be kept dust-free at all times during construction or repair operations.
 - b. Any damages to public or private roads, fences, structures, or facilities shall be repaired immediately.
 - c. No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
 - d. All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the Planning Commission.
5. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

C. Utility Transmission Structures

Utility transmission structures, such as but not limited to, high voltage electric stations, gas compressor stations, oil well pumping/storage facilities, and wireless communications, receiving or transmitting towers, shall require Special Land Use Approval by the Planning Commission subject to the following requirements and standards:

1. The following types of utility transmission structures shall be permitted only in the listed districts:

<u>Use</u>	<u>District</u>
Electric Stations	AR, EC
Gas Compressor Stations	EC
Oil Storage Facility	EC

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2. In order to provide a pleasing community appearance and to prevent noise levels, odors, dust, and similar external physical effects from adversely affecting adjoining properties, all equipment shall be completely enclosed within a building, unless the setback and screening guidelines specified in subsection "3" below are followed, as approved by the Planning Commission.
3. If the equipment proposed will not be enclosed within a building, a setback of three hundred (300') feet from all property lines shall be required. In addition, an obscuring, landscaped buffer shall be provided, based on the following guidelines, as determined by the Planning Commission after considering the type, size, height, and anticipated noise levels of all equipment being proposed:
 - a. A landscaped earthen berm at least eight (8') feet high, along all sides of the equipment.
 - b. A landscaped greenbelt at least twenty-five (25') feet in width, along all sides of the equipment.
 - c. An obscuring fence or a masonry wall at least six (6') feet high, completely surrounding the equipment.
 - d. Any combination of the above requirements approved by the Planning Commission.
4. All buildings and equipment permitted under this section shall be setback at least one hundred (100') feet from all adjoining property lines. Expansions of transmission facilities, which facilities existed prior to the effective date of this amendment, may be placed within one hundred (100') feet of an adjoining property line only after approval of the Zoning Board of Appeals and only when fully enclosed within a building.
5. Where there will be employees stationed at the utility building on a permanent or intermittent basis, adequate off-street parking shall be provided that is properly drained and dust-free at all times.
6. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety or emergency repairs at that particular utility transmission structure site.
7. Where the utility transmission structure proposed is a wireless transmission, receiving or relay tower which exceeds the height limit of the particular zoning district in question, it shall comply with the following special standards:

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- a. No wireless transmission tower in excess of one hundred (100') feet in height shall be located closer than two thousand (2000') feet to any other such tower.
- b. All wireless transmission towers not subject to the regulations of the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) shall be painted with a color designed to cause the tower to blend in with the surrounding landscape.
- c. No new wireless transmission tower shall be constructed where there exists another tower that could reasonable be used to carry the transmission or receiving equipment proposed. The purpose of this section is to require the sharing of tower space by more than one company where broadcast and receiving frequencies do not prohibit such sharing of tower space.

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SECTION 1134. SEXUALLY ORIENTATED BUSINESS ORDINANCE:

A. PURPOSE:

It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent deleterious location and concentration of sexually oriented businesses within the Township. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material. In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent area. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In addition to the review standards contained in this Article, additional special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e. not more than two (2) such uses within one thousand (1000') feet of each other) which would create such adverse effects.

B. LOCATION REQUIREMENTS:

1. Must be located in Extensive Commercial (EC) District.
2. An adult only business shall be located in a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.
3. Adult only businesses are prohibited from locating within one thousand (1000') feet of an: agricultural/residential (AR) zoning district, existing residentially/agriculturally used lot or parcel, religious institution, place of worship, school, library, public park or playground, non-commercial assembly facility, public office building, licensed day care facility or arcade within the Township of Riley or surrounding communities. Measurements shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult only business will be situated.
4. That all applicable regulations of this Ordinance will be observed.

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5. The Planning Commission may waive the locational requirement established in subsection B. herein for adult entertainment and business establishments if the following findings are made:
 - a. That the proposed use will not be contrary to the public interest or cause negative secondary affects to nearby properties, and that the spirit and intent of this Ordinance will be observed.
 - b. That the proposed use will not enlarge or encourage the development of a "skid row" area.
 - c. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation.
 - d. The Planning Commission shall not consider the waiver of locational requirements as hereinabove set forth until a petition shall have been filed with the Township Clerk. Such petition shall indicate approval of the proposed regulated use by fifty-one (51%) percent or more of the persons owning property within a radius of one thousand (1000') feet of the location of the proposed use as measured by the lot line. The petitioner, or his agent, shall attempt to contact all eligible property owners within this radius and must maintain a list of all addresses at which no contact was made. Petition shall contain an affidavit signed by the party circulating the petition attesting that the petition was circulated by him and that the circulator personally witnessed the signatures on the petition.
6. The Township Clerk shall be responsible for the petitions per State Guidelines governing the procedure for securing the petition of consent provided for in this Section of the Ordinance. The rules shall provide that the circulation of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Township Clerk and that the circulation personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.
7. The Planning Commission shall not consider the waiver of locational requirements set forth in subsection 5: a, b, c until the above-described petition shall have been filed and verified.

C. SITE DEVELOPMENT REQUIREMENTS:

1. The site layout, setbacks, structures, function and overall appearance shall be compatible with adjacent uses and structures.

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2. Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual exploitation. All such displays and signs shall be in conformance with all Township Ordinances.
3. All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area as determined by the Planning Commission.
4. No loud speakers or sound equipment shall be permitted to project sound outside of the adult only business.
5. An adult only business shall clearly post notification at the entrance to the business, or any portion of the business utilized for adult only use, that minors are excluded.
6. "Adult cabarets" (as defined in Section 202) are required to include a stage raised at least three (3') feet from the viewing floor, with a horizontal barrier of at least two (2') feet at the edge of the stage. A person is in violation of this Ordinance if he or she permits an entertainer off of the stage or permits a customer on the stage.
7. "Mainstream media outlets" carrying less than a "substantial portion" of "Adult Media" (all as defined in Section 202) are not subject to the standards for adult only businesses. Adult media in a shop to which this section is applicable shall be kept in a separate room or section of the shop, which room or section shall:
 - a. Restrict access to any person under the age of 18.
 - b. When the doors are open it shall be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8') feet high or to the ceiling, whichever is less.
 - c. Shall be located so that the main entrance is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children.
 - d. Shall have access controlled by any means to ensure that persons under age 18 will not gain admission and that the general public will not accidentally enter such room or section or provide continuous video or window surveillance of the room by store personnel and;
 - e. Shall provide notification at all entrances stipulating that persons under 18 are not permitted inside.

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D. CLASSIFICATION:

Sexually oriented businesses are defined in Section 202 and are classified as follows:

- (1) Adult Arcade
- (2) Adult Bookstore or Supply Store and Video Stores
- (3) Adult Cabaret
- (4) Adult Merchandise Store
- (5) Adult Motion Picture Theater
- (6) Adult Peep Show
- (7) Adult Personal Service Business
- (8) Escort Services
- (9) Massage Parlor
- (10) Nude body painting or Modeling Studio
- (11) Tattoo Parlor
- (12) Nude or Semi-Nude Dancing (Topless Dancing)

E. USE REGULATIONS:

1. No person shall reside in or permit a person to reside in the premises of an adult on business.
2. No person shall operate an adult only business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the process for all services performed therein. No person operating or working at such a place of business shall solicit or accept any fees, and or tips except those indicated on any posted notice.
3. The owners, operators, or persons in charge of an adult only business shall not allow entrance into such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.
4. No adult only business shall possess, disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
5. No person shall operate an adult personal service business without first obtaining special approval use by the Riley Township Planning Commission. Such use permit shall be issued by Riley Township Offices. Such license shall be subject to all regulations of federal, state and local governments.
6. No person shall lease or sublease, nor shall anyone become the lessee or sub-lessee of any property for the purpose of using said property for an adult only business without the express written permission of the owner of the property for such use

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and only upon having obtained the required licenses and permits from the Township, County, State and Federal government.

7. The provisions of this Section regarding massage parlors shall not apply to hospitals, nursing homes, medical clinics, physician, surgeon, chiropractor, osteopath or the offices of a medical professional who is licensed to practice their profession in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan, clergymen, certified members of the American Massage and Therapy Association and certified members of the International Myomas Ethics Federation.
8. No person shall operate a Tattoo parlor without first obtaining special approval use by the Riley Township Planning Commission. Such use permit shall be issued by the Riley Township Offices. Such License shall be subject to all regulations of federal, state and local governments.
9. Hours of operation for a sexually orientated business shall be 12:00 P.M. Noon to 12:00 A.M. Midnight, Monday-Saturday and closed Sunday.

F. LICENSE REQUIRED:

(A.) It is unlawful:

1. For any person to operate a sexually orientated business without a valid oriented business license issued by the Riley Township pursuant to this ordinance.
2. For any person who operated a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the Riley Township pursuant to this ordinance.
3. For any person to obtain employment with a sexually orientated business without having secured a sexually orientated business employee license pursuant to this ordinance.

(B.) An application for a license must be made on a form provided by Riley Township.

(C.) All applicants must be qualified according to the provisions of this ordinance. The application may request and the applicant shall provide such information (including fingerprints) as to enable the Township to determine whether the applicant meets the qualifications established in this ordinance.

(D.) A person, who wishes to operate a sexually oriented business, must sign the application for a license as an applicant. If a person other than an individual

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wishes to operate a sexually orientated business, all persons legally responsible for the operations of the sexually orientated business or who have the power to control or direct its operations must sign the application for a license as applicant. Such persons include, but are not limited to, general partners, corporate officers, corporate directors, legal owner(s) and controlling shareholders(s). Each application must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

(E.) The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:

1. If the applicant is:
 - (a) an individual, the individual shall state his/her legal name and name changes, and any aliases and submit proof that he/she is eighteen (18) years of age;
 - (b) a partnership, the partnership shall state its complete name, and the name of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - (c) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and controlling stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
2. If the applicant intends to operate the sexually orientated business under a name other than that of the applicant; he or she must state 1.) the sexually oriented business's fictitious name and 2.) submit the required registration documents.
3. Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this ordinance, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.
4. Whether the applicant, or a person residing with the applicant, has had a previous license under this ordinance or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer,

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director or principal stockholder of a corporation that is licensed under this ordinance whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

5. Whether the applicant or a person residing with the applicant holds any other licenses under this ordinance or other similar sexually oriented business ordinance from any Governing Agency such as, but not limited to another city or county and, if so, the names and locations of such other licensed businesses.
 6. The single classification of special approval use license for which the applicant is applying.
 7. The location of the proposed sexually oriented business, including a legal description of the property, parcel number, street address, phone number(s).
 8. The applicant's mailing address and residential address.
 9. A recent dated photograph of the applicant(s).
 10. The applicant(s) driver's license(s) when application is made. (Copies will be made at time of application.)
 11. A current certificate and straight line drawing prepared by a registered land surveyor depicting the property lines and the structures(s) containing any existing sexually oriented businesses within one thousand (1000') feet of the property to be certified; the property lines of any established residence, religious institution/synagogue, school, or public park or recreation area within one thousand (1000') feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram must be drawn to scale with marked dimensions of the interior of the premises.
- (F.) Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the Township the following information:
1. The applicant's name or any other name (including "stage" names) or aliases used by the individual;
 2. Age, date, and place of birth;

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3. Height, weight, hair and eye color;
4. Present residence address and telephone number;
5. Present business address and telephone number;
6. Date, issuing state and number of driver's permit or other identification card information; and
7. Proof that the individual is at least eighteen (18) years of age.
8. License update for change of address.

(G.) Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:

1. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid for by the applicant.
2. A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state, or country has ever had a license, permit or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
3. A statement whether the applicant has been convicted of a specified criminal activity as defined in this ordinance and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

G. ISSUANCE OF LICENSE

(A.) Upon the filing of said application for a sexually oriented business employee license, and having met all other requirements of this ordinance. The application shall then be referred to the appropriate departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within forty-five (45) days from the date the completed application is filed. After the investigation, the Township, the Township shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

1. The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

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2. The applicant is under the age of eighteen (18) years;
 3. The applicant has been convicted of a "specified criminal activity" as defined in this ordinance;
 4. The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this ordinance; or
 5. The applicant has had a sexually oriented business employee license revoked by the Township within two (2) years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in this ordinance.
- (B.) A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the Township that the applicant has not been convicted of any specified criminal activity as defined in this ordinance or committed any act during the existence of the previous license, which would be grounds to deny the initial license application.
- (C.) Within forty-five (45) days after receipt of a completed sexually oriented business application, the Township shall approve or deny the issuance of a license to an applicant. The Township shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
1. An applicant is under eighteen (18) years of age.
 2. An applicant or a person with whom the applicant is residing is overdue in payment to the Township of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.
 3. An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
 4. An applicant or a person with whom the applicant is residing has been denied a license by the Township to operate a sexually orientated business within the preceding twelve (12) months or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
 5. An applicant or a person with whom the applicant is residing has been convicted of a specific criminal activity defined in this ordinance.
 6. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
 7. The license fee required by this ordinance has not been paid.
 8. An applicant of the proposed establishment is in violation of or is not in compliance with any provisions of this ordinance.

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- (D.) The license, if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued. All licenses shall be posed in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.
- (E.) The applicant shall submit the health department, fire department, and the building official certification that the premises is in compliance or not in compliance at time of application to the Township.
- (F.) A sexually oriented business license shall be issued for only one classification.

H. FEES

- (A.) Every application for a sexually oriented business license (whether for a new license or for a renewal) shall be accompanied by non-refundable application and investigation fees as set by the Riley Township Board.
- (B.) These fees are in addition to the special approval use application fees.

I. INSPECTION

- (A.) An applicant or licensee shall permit representative of the Police Department, Health Department, Fire Department, Zoning Department, or other Township Departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
- (B.) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.

J. EXPIRATION OF LICENSE

- (A.) Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 10. Application for renewal shall be made at least sixty (60) days prior to the expiration date.
- (B.) When the Township denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial.

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K. SUSPENSION

- (A.) The Township shall suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:
1. Violated or is not in compliance with any section of this ordinance;
 2. Refused to allow an inspection of the sexually oriented business premises as authorized by this article.

L. REVOCACTION

- (A.) The Township shall revoke a license if a cause of suspension in Section 15 occurs and the license has been suspended within the preceding twelve (12) months.
- (B.) The Township shall revoke a license if it determines that:
1. A licensee gave false or misleading information in the material submitted during the application process;
 2. A licensee has knowingly allowed possession, use, or sale of a controlled substance on the premises;
 3. A licensee has knowingly allowed prostitution and or solicitation on the premises;
 4. A licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
 5. Except in the case of a motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or
 6. A licensee is delinquent in payment to the Township, County or State for any taxes or fees past due.
- (C.) When the Township revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented business license for one (1) year from the date the revocation became effective.
- (D.) After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action by the Zoning Board of Appeals.

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M. TRANSFER OF LICENSE

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

N. PROHIBITION AGAINST CHILDREN IN A SEXUALLY ORIENTED BUSINESS

A person commits a misdemeanor if the person knowingly allows a person under the age of eighteen (18) years on the premises of a sexually oriented business.

O. SEVERABILITY

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and the clauses shall not be affected.

P. CONFLICTING ORDINANCES REPEALED

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Q. EFFECTIVE DATE

This ordinance shall become effective September 11, 2009 .

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SECTION 1135. LIMITED BUSINESS USES:

- A. Limited business uses that are primarily engaged in producing a product or providing a service, where the external physical effects will not extend beyond the property lines, may be permitted in AR districts subject to the following:
- B. Only owner/operator types of businesses shall be allowed.
- C. All such uses shall be completely enclosed within a building and shall be designed and operated by the owner/operator as a use accessory to his or her permitted residential use.
- D. There shall be no open storage of equipment, vehicles, materials, or wastes.
- E. The product manufactured on-site shall not be sold primarily at retail on-site, rather, the product should be distributed elsewhere by the owner/operator.
- F. The building used for production or servicing shall not exceed six thousand (6,000) square feet in floor area and shall be no more than one (1) story or twenty (20') feet in height.
- G. All areas for employee and customer parking shall be designed and arranged so as to be screened from public view. Where necessary, the Planning Commission may require screening of the parking area.
- H. For signs see Section 909. (P.H. 8-21-06; Adopt. 11-13-06; Pub. 11-22-06; Eff. 11-30-06)
- I. The minimum size parcel required for all Limited Business Uses in AR districts shall be five (5) acres with a minimum width and road frontage of three hundred (300') feet.
- J. The owner/operator shall have restroom facilities available for all employees on-site.

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SECTION 1136. COMMERCIAL COMPOSTING:

A. INTENT:

The intent of this ordinance is to regulate the siting of commercial composting operations, their development and continued use. Development shall be regulated in such a fashion as to protect natural resources and the general health, safety, and welfare of the community as a whole. This Regulation is also intended to preserve, protect, and enhance the social and economic well-being of those proposing the use, in addition to the residents and property owners in the immediate surrounding area. It is also intended that the regulation ensure compliance with appropriate state, county, and local regulations, guidelines and policies.

This ordinance is not intended nor shall it be construed to prohibit an individual from composting yard wastes from the individual's own household, as long as the composting does not create a nuisance or hazard to health. Yard wastes and solid waste accumulated as part of an improvement or the planting of privately owned farmland may be disposed of on the property if the method used is not injurious to human life or property, does not cause unreasonable interference with the enjoyment of life, property, and does not violate any other state, county, or local act, ordinance or regulation.

Activities conducted in accordance with Public Act 240 of 1987 of the Public Acts of the State of Michigan, Right to Farm Act, are exempt from this ordinance.

B. DEFINITIONS:

AS-BUILT: The final approved Site Plan.

CONTAMINANTS: Material received along with the yard wastes which can not be composted and therefore should be removed from the yard wastes in preparation for composting. Contaminants include but are not limited to: plastic bags, string or wire used to bundle brush, cardboard boxes, burlap wrapping, etc.

COMPOST: A complex, highly stable material formed as a result of the breakdown or decomposition of compostable materials; the end product of the composting process; also known as humus.

COMPOSTING: A yard waste management alternative to burning and/or landfilling in which compostable yard waste is collected, processed, and recovered as a resource rather than disposed of. Involves the biological decomposition of organic matter under controlled conditions characterized by piles that generate heat under aerobic conditions. Sheet composting shall not be considered a permitted use.

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COMPOSTABLE MATERIAL: For the purpose of this ordinance, compostable or organic matter and material shall include typical yard wastes and clippings such as and limited to leaves, grass clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four (4') feet in length and two (2") inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewage sludge or garbage.

YARD WASTE: For the purpose of this ordinance, yard wastes shall be limited to leaves, grass clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four (4') feet in length and two (2") inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewage sludge or garbage.

C. **YARD WASTE COMPOSTING FACILITIES:** Yard waste composting facilities that manage the biological decomposition of organic matter under controlled, aerobic conditions, will be permitted in the AR District only, subject the issuance of a Special Land Use Permit and compliance with the following conditions and standards:

1. Site Location and Design

(a) Because of the level of truck traffic associated with this use, direct access is required to a paved public roadway designated as a major thoroughfare in the Riley Township Master Plan and capable of carrying Class A loadings on a year-round basis. As an alternative, a site may be permitted on a paved public roadway that has a seasonal weight restriction only if a plan for reduced loadings is agreed to by the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) and approved by the Township Board. Under no circumstance can trucks use a public road as a staging area. (Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07)

(b) All internal roads and operation areas shall be kept dust-free at all times.

(c) The site shall be level and well-drained with a uniform gradient of two (2%) to three (3%) percent. A grading and drainage plan prepared by a licensed civil engineer should be submitted as part of the site plan application package, including existing and future grades. A letter from the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) shall be submitted stating their jurisdiction and if a detention pond is required. (Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07)

(d) A survey of soil types on-site shall be submitted, demonstrating their permeability and capacity to absorb water. The plans shall illustrate all surface

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and subsurface artificial drainage systems required to eliminate standing water, seasonal high-water tables of less than one (1') foot, and any restrictions on the ability to operate the facility's large equipment.

- (e) The minimum site size for a compost operation shall be fifty (50) acres. Adequate space must be provided for required setbacks, buffers, berms, and drainage systems along with room for staging areas, initial processing, windrows, screening areas, curing areas, storage of finished products, management office, general storage, internal roads, and storm water retention basins.
- (f) In order to avoid an undue concentration of yard waste facilities in any one neighborhood or area, a minimum spacing of two thousand (2000') feet shall be required between individual composting operations.
- (g) Sites proposed to be located on lands which have been previously issued a development rights agreement, under the Farmland and Open Space Preservation Act, P.A. 116 of 1974, are prohibited from use as compost sites for the duration of the Agreement.
- (h) Composting operations shall not be permitted within a one hundred (100) year flood plain or within fifty (50') feet of a regulated wetland, river, stream, creek, county drain and natural water course. The application and site plan shall include a statement and boundaries of the one hundred (100) year flood plain and regulated wetlands. A twenty-five (25') foot wide grass filter strip shall be added in addition to the fifty (50') foot setback and maintained adjacent to the regulated wetland, river, stream, creek, county drain and natural water course. Final determinations on location of wetlands shall be made governing government agency. (P.H. 6/13/2011; (Adopted 10/4/2011; Published 10/13/2011)
- (i) Per governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) order 5200-5A, composting operations are prohibited within five thousand (5000') feet of any runway used by piston powered craft, and within ten thousand (10,000') feet of any runway used by turbine powered craft unless governing government agency (P.H. 6/13/2011; (Adopted 10/4/2011; Published 10/13/2011) approval is obtained.)
- (j) If the site abuts and existing residential site or property shown as residential on the Riley Township Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to - three hundred (300') feet from all adjoining property lines. All buffer zones shall include a minimum six (6') foot high berm and four (4') foot flat top with

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four (4') foot high evergreen trees spaced a maximum of fifteen (15') feet apart. Slopes shall not exceed three to one (3-1) slope. (Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07)

- (k) All site access roads or drives, initial processing areas, and all areas for employee parking shall be paved with asphalt or concrete. Internal haul roads may be unpaved.
- (l) Height of berm may be increased to shield adjoining properties and or roadways. Under no circumstances shall composting be seen from adjoining properties and/or roads. (Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07)
- (m) In addition to the standard in (k.) above, a minimum of five (5) paved, off-street parking spaces shall be provided on-site.
- (n) The site plan submitted shall be prepared by an engineer licensed in the State of Michigan in accordance with Article 9 Section 913. (Word "Civil removed P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
- (o) An "as-built" site plan shall be submitted for approval by the Township Engineer upon completion of all improvements, certified by a licensed engineer, demonstrating compliance with all requirements and conditions prior to release of any portion of the performance guarantee and prior to operations beginning on-site. (Word "Civil removed P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
- (p) Site plan shall show location and depth of any wells located within three hundred (300') feet from proposed site. Composting operation owners will be liable for any contamination or testing to be done on said properties located within this three hundred (300') foot. (Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07)

D. SITE MANAGEMENT:

1. The operator shall establish a Site Management Plan to be submitted with the site plan review. The Site Management plan shall contain, at a minimum the following:
 - a) Name, address, and telephone number of the owner or owners of the land of the subject site;
 - b) Name, address, and telephone number of the applicant a making request for the special approval use permit;

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- c) Name, address, and telephone number of person, firm or corporation who, or which, will be managing the actual composting operation and who is also responsible for correcting all operational problems that may result in complaints being made to Riley Township;
- d) An outline of the management structure complete with names, titles, addresses, and telephone numbers;
- e) The Township shall be notified within fifteen (15) days of changes that occur in a, b, c, and/or d above.
- f) Location, size and legal description of the total land area proposed for such use;
- g) The projected capacity of the facility, including shredded leaves, grass, and brush. Targeted quantities to be processed, incoming and outgoing;
- h) A statement on the population intended to be serviced by the facility (where will the compostable material be received from, evidence of contracts shall be included), and how this material will be brought to the site;
- i) Types of materials to be composted and what form it will be accepted in. Procedures for monitoring incoming and outgoing material, controlling the disposal or refusal of unacceptable materials;
- j) Method of composting to be used (sheet composting is prohibited);
- k) The operator shall provide plans showing all equipment (i.e. shredders, front-end loaders, windrow turning machine, screening and shakers, etc.) maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment. Fuel storage shall meet or exceed flammable and combustible liquids code as adopted with amendments by the appropriate governing government agency. P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
- l) Personnel: number to be employed and duties of each;
- m) An outline of the operational cycle and timetable beginning with acceptance of material on-site to the disposal of final product. This outline shall include plans for the pre-processing or staging of material (i.e. chipping, mixing materials, windrow formation, material layering, watering), the compost activity (i.e. windrow turning, monitoring moisture content and temperature, windrow

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combining, curing and finishing, including screening), and the distribution of the final product;

- n) Operational details shall be stated, including the hours of operation and days of the week that the facility will be open throughout the year; estimated truck trips per day; approval by the appropriate governing government agency for ingress and egress to site from public road. P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
- o) List of the chemicals or accelerating agents to be used, including bacteria, fungi, or nitrogen. Include established guidelines for use and storage of these agents;
- p) A statement on the methods to be used to monitor and ensure protection of the environment (odor, dust, noise, blowing, trash, anaerobic problems, methane production). This shall include an outline of the necessary steps which will be taken to reverse a breakdown in the composting system or pollution problem;
- q) Plans for the disposition of nonmarketable compost.
- r) Shall include a plan for the disposition of the final products. This plan shall encompass targeted users, projected quantities to be produced and distributed, and the manner of distribution and sales (i.e. retail, individual bags, truckloads, or wholesale). The applicant shall present to the Township a copy of their registration issued by the Michigan Department of Agriculture as evidence of compliance with P.A. 634 of 1976, the Commercial Fertilizer Regulation Act;
- s) Evidence on the previous use, or nonuser, of this site for waste disposal;
- t) Statements indicating that the applicant is aware of, has read, and understands as it applies to the proposed composting operation, Public Acts of the State of Michigan, including P.A. 245 of 1929 as amended, the Water Resources Commission Act; P.A. 348 of 1965 as amended, the Michigan Air Pollution Control Commission Act; P.A. 116 of 1974, the Michigan Farmland and Open Space Preservation Act; P. A. 634 of 1976, the Commercial Fertilizer Regulation Act; and P. A. 198 of 1975, the Fertilizer Act. This plan shall also include a copy of the applicant's soil erosion and sedimentation control permit, as evidence of compliance with Act 347 of 1972 of the Public Acts of the State of Michigan and
- u) A contingency operations plan which addresses action to be taken in the event of a natural disaster, equipment failure, extended adverse weather, storm

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sewer failure, unauthorized receipt or dumping of hazardous material, or a breakdown in the composting process resulting in odor, dust, or offsite surface or groundwater contamination. These plans shall address reserve or alternate equipment, alternative handling methods, agencies to be contacted or alerted, and alternative operational plans.

E. OPERATION:

1. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.
2. Only yard wastes shall be composted at such facilities, typically including leaves, grass, clippings, brush and tree or shrub trimmings. All yard wastes must be brought to the site loose or in biodegradable paper bags designed to degrade rapidly under aerobic conditions. All bags brought to the site shall be broken up and turned into compost windrows within five (5) days of delivery to the site. In no instance shall yard wastes be accepted in plastic bags.
3. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors. Towards this end, the temperature of compost piles shall be monitored regularly during the decomposition process, and all unfinished compost piles shall be turned when the internal temperature drops below one hundred and twenty (120°F) degrees Fahrenheit.
4. Poned water shall not be permitted to collect on a yard waste composting site. A plan for collection, retention and drainage of storm water shall be provided for review and approval. Filtration of runoff prior to discharge off-site shall be accomplished by use of grass swales and detention ponds. Any direct discharge to a water body will require a permit from the appropriate governing government agency. (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
5. The operator shall provide sufficient equipment on-site to properly manage the composting process. At a minimum this shall include a front-end loader or similar machinery for loading and unloading, a scarab or similar windrow machine for turning and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.
6. The volume of yard wastes handled by the facility shall not exceed six thousand (6000) cubic yards of incoming yard wastes per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer

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zones, and similar areas. In no instance shall the volume of yard wastes accepted by any facility exceed three thousand (3000) cubic yards per acre based on the total site area.

7. The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for enforcement action by the Township and the voiding of Special Approval Use Permit per Article 11 Section 1109.
8. Treated yard wastes shall be actively rotated in an aerobic condition. Wastes shall not be allowed to accumulate for longer than three (3) years before being finished and removed from the site.
9. An annual inspection/permit fee for all yard waste composting facilities shall be established by resolution of Township Board, and the facility shall be open for inspection by the appropriate governing government agencies P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) at all times.
10. Copies of all the appropriate governing government agencies P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) applications/permits, if required, shall be provided to the Planning Commission as part of the application package.
11. All outside storage of equipment and vehicles shall be screened from view from public streets and adjacent residential property by a building, decorative screen wall, or landscaped buffer area.
12. The applicant shall provide a copy of the annual permit issued by the appropriate governing government agency. P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) for the sale of finished compost products to the Township Board within thirty (30) days of receiving said permit.
13. A sign must be installed according to Section 909. Sign must include the following information: the name and address of the facility, days and hours of operation, and material accepted. (Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07)

F. ANNUAL OPERATING PERMIT

- (A.) All yard waste composting facilities shall obtain an annual operating permit from the Township Board. An annual operating permit shall be issued only after the Planning Commission's approval of the site plan and special land use, payment of all application, review, inspection and permit fees, and deposit of required

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performance guarantees. Issuance of all subsequent annual operating permits shall be on condition of conformance to all ordinance requirements, design plan and operating features, and conditions on the special land use. Annual inspection shall be made simultaneously by a licensed engineer and one (1) Planning Commission Member. The composting permit shall be annual in nature and the applicant shall reapply sixty (60) days prior to the anniversary date of issuance of permit to renew the composting permit for the parcel with the composting facilities. (Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07)

- (B.) In the event that the Township retains the services of an independent engineer to evaluate the site plan operation/management plan, the proposed yard waste composting facility shall comply with the conditions of the Planning Commission Review. Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07 (Removed word "compost" P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)

G. PERFORMANCE GUARANTEE

1. The Township shall require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township Board covering the estimated cost of all improvements associated with the project and plans as a guarantee for their completion. This performance guarantee shall be returned to the developer upon completion of all required improvements and following receipt and approval of a certified, as-built site plan.
2. The Township shall also require a performance guarantee in the form of cash, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township Board to guarantee restoration in the event of default or abandonment by the operator. A minimum amount of One Hundred Thousand (\$100,000) Dollars, plus six thousand (\$6000) dollars per acre of the total site shall be established and held as a performance guarantee. This performance guarantee shall be maintained in force for the entire operating life of a yard waste composting facility. (Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07)

H. AGRICULTURAL OPERATIONS

Activities conducted in accordance with the Right to Farm Act, Michigan Public Act 240 of 1987, as amended, and in accordance with generally accepted, good farming practices are exempt from the provisions of Article 11, Section 1136 regarding yard waste composting facilities.

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I. GENERAL COMPREHENSIVE LIABILITY INSURANCE

1. Requirement Established The applicant shall secure and file with the Township Clerk certifications of proof of insurance, insuring the Applicant, his employees and/or agents or representative, and the Township for general comprehensive liability in an amount of at least One Million Dollars (\$1,000,000.00) per person and Two Million Dollars (\$2,000,000.00) per occurrence. These policies shall have no pollution and/or contamination exclusions. (Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07)
2. Notice of Discontinuance The certifications or renewals thereof shall provide that the Township shall be notified upon discontinuance or alteration of any such insurance coverage for any reason.

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SECTION 1137: PRIVATE USE AIRCRAFT LANDING FIELDS:

Landing fields for the private use of the property owner as defined under the terms and provisions of this Ordinance may be permitted in the Agricultural-Rural District (AR) as a special approval use subject to the following:

- A. Said landing field is subject to all rules and regulations of the governing government agencies (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) which such agencies shall approve the preliminary plans submitted to the Township.
- B. No landing field for private use shall be established within five (5) miles of a public use facility certified by the governing government agencies (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) without approval of such agencies.
- C. All landing fields shall have a runway with a one thousand eight hundred (1800') foot landing length in each direction from a clear approach slope of 20:1 and a fifty (50') foot usable width with an additional twenty-five (25') feet minimum width on each side which is free of obstructions. The approach slope with a width of not less than one hundred (100') feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of fifteen (15') feet or seventeen (17') feet over an interstate highway, a railway clearance of twenty-three (23') feet, and a clearance at the property line of twenty-five (25') feet. A shorter runway length may be permitted provided approval for same has been granted by the governing government agencies (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) for the type of aircraft. It is not required that the necessary clear zones be contained within the site, however, if future development intrudes upon the required clear zones, use of the landing field shall immediately cease. The landing area shall be marked in accordance with the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
- D. No landing field shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property. No such landing strip and/or facility shall be located closer than three hundred and fifty (350') feet from the property line, an existing permitted dwelling or Residential District.
- E. Hazards to Navigation: No obstruction of whatever character, object of natural growth, or use of land, upon the premises of the landing field which prevents the safe use of such facilities for the takeoff or landing of aircraft shall be permitted.
- F. Yard and Placement Regulations:
 - 1. Landing fields shall be located on a contiguous parcel of land that meets the setback requirements as in C.) and D.) above.

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- G. The property shall be registered every two (2) years with the Township. Special Approval Permit may be revoked at any time if conditions are no longer being met.
- H. All lights used for landing fields and other lighting facilities shall be non-obtrusive to adjoining properties.
- I. Prohibited Uses:
 - 1. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted.
 - 2. Private use landing field would permit persons authorized by the owner to use the facility. No commercial activity or operations such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the flying of student instruction, the provision of shelter or the tie-down of an aircraft (except for aircraft owned by and for the personal use of the property owner), the overhaul or repair of an aircraft or of engines, or otherwise offering aeronautic facilities or services to the public shall be permitted on the premises.
- J. One hanger structure shall be permitted in which privately owned aircraft may be stored and with which light mechanical service may be performed on that aircraft.
- K. Because of the potentially hazardous impact such uses can have on adjacent land use, the following additional conditions shall apply.
 - 1. All applicable State and Federal codes shall be met and all plans shall have been reviewed and approved by the appropriate State and/or Federal agencies prior to a Special Approval Permit being issued by the Township Planning Commission.
- L. Existing Landing Fields that do not conform to the foregoing standards: See Section 904J.
- M. All private airstrips must be accessory to a residence.
- N. Facilities for the accommodation of helicopters are considered separately under this Section. For purposes of accommodating helicopters, the facility is defined in Section 202: Definitions. These facilities shall be subject to the review procedures and the following:
 - 1. When reviewing an application for a helipad, the Township shall require contemporary standards recommended by the governing government agencies (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011 for the proper operation of such facilities.)

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2. Particular attention shall be given to the following:
 - a) That the surface of the facility is such that dust, dirt or other matter will not be blown onto adjacent property by helicopter operations.
 - b) That all applicable provisions of building, fire and health codes are met, including special provisions applicable in the case of rooftop helipads.
3. All Helipads must be an accessory to a residence.

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SECTION 1138. CONTRACTORS AND STORAGE OF COMMERCIAL VEHICLES AND EQUIPMENT:

Contractors, such as but not limited to, excavators, landscapers, and snow removal businesses and the storage of commercial vehicles and equipment, such as but not limited to, pickup trucks, vans, delivery vehicles, snow plow, lawn maintenance equipment, tank trucks, semi tractors and trailers, and construction equipment may be allowed in the AR district but subject to and conditioned upon the following:

- A. The business shall be the owner-operator type, accessory to their residence where the owner-operator lives.
- B. All such uses shall be located on Class A Seasonal Roads only. All movement of trucks, vehicles and equipment shall be in accordance with State and County Transportation rules and regulations.
- C. All equipment or stored materials shall be set back at least one hundred and fifty (150') feet from all property lines, provided the Planning Commission may increase this requirement where additional protection is required for adjacent properties and/or uses.
- D. Adequate off-street parking shall be provided to serve the expected number of users of the commercial vehicles and for the storage of the commercial vehicles.
- E. That the number of commercial vehicles or pieces of equipment on site shall be limited to five (5). For purposes of counting, a truck and trailer normally used together and stored together will be counted as one (1) vehicle. A piece of equipment that is stored on the trailer of a truck/trailer combination shall not be counted as an additional vehicle.
- F. Vehicles stored within a building will not be counted for the above limitations.
- G. All work, repairs and/or maintenance shall be limited to the trucks, trailers and equipment of the property owner-operator; and shall only be allowed and permitted during the hours of operation as established in the special approval use permit.
- H. Full and adequate measures shall be taken and employed to prevent the discharge and/or release of any oil gas, hazardous and/or toxic chemicals, substances and/or materials; and full and adequate containment, prevention and clean-up measures, apparatus and equipment shall be maintained and provided by the owner-operator, and proof of same shall be provided at least annually to the Township of Riley. Moreover, the owner-operator shall employ, take, exercise and maintain at all times all measures, protection, treatments, and other items as required by the Federal, State, County and Township governments, and departments and agencies of same, as shall be applicable to same and for environmental protection. Any and all hazardous materials shall conform to all requirements of Section 917: Hazardous Materials.

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- I. Storage of materials, such as but not limited to, topsoil, dirt, gravel, sand, limestone, aggregates, and crushed concrete, stored on the premises for use in commercial activity will be limited to occupying one area or more with a total of no more than three thousand (3000) square feet of contiguous ground per parcel; free standing piles or in bins. That adequate means are to be provided to prevent these materials from spreading to adjacent properties due to wind or rain. Materials shall be stored in such a manner and/or location that it will not interfere and/or obstruct in the drainage and natural flow of water on, upon, at, and/or under the subject property.
- J. An inventory of all equipment on the property must be filed with the Township by February 1st of each year. That on site property inspections will be allowed with prior notice.
- K. Whenever the proposed use is adjacent to a residential zoning district or use, the Planning Commission may require that a landscaped greenbelt/berm be provided in order to provide proper screening of the vehicle(s), equipment or material storage from the residential district or use.
- L. Hours of operation shall only be allowed and permitted as established in the special approval use permit.
- M. Other limitations may be established by the Planning Commission to insure protection of the adjoining neighborhood, such as, but not limited to, truck trips per day, total amount of material removed and/or stored on an individual site on a daily basis, special measures to reduce noise levels, and other similar limitations determined to be necessary to protect the health, safety and general welfare of nearby residents and land uses, and the community as a whole.
- N. All lighting at, on and/or about the site shall be shielded, and directed as to prevent unwanted and/or excessive glare, illumination and/or interference with in the area of the subject site.

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SECTION 1139. WIRELESS COMMUNICATION FACILITIES AND TOWERS:

A. INTENT

The changing technology in the field of communication has resulted in reliance upon more versatile convenient forms of communication. Businesses, individuals and government have developed a strong dependence upon ability to quickly contact others. Uses of radios and cellular phones have proven themselves in emergency situations.

Therefore, in recognition of the fact that the promotion of public safety and general welfare of residents of Riley Township the township requires reasonable control of communication towers and facilities within its boundaries.

Riley Township also finds that a coordinated system of towers is in the best interests of land use and the public health, safety and welfare.

B. DISTRICT REQUIREMENTS

1. Municipal property must be considered as the First (1st) option for new wireless communication towers. Municipal property is not limited to the number of cell towers that may be located on the municipal property. Municipal property shall be subject to the seventy-five (75') foot setbacks from property lines only. All other setback requirements do not apply to municipal property towers.
2. Wireless communication facilities and towers are allowed in the AR, RC, and the EC Districts subject to site plan review (Article 9; Section 913) and Special Approval Use (Article 11; Section 1101 through Section 1109).
3. A Certified Survey is required prior to issuance of special approval use from the Township.

C. MINIMUM STANDARDS

1. The carrier, contractor, and or applicant shall demonstrate and justify the need for a tower, the proposed location, and demonstrate why collocating on an existing tower is not feasible.
2. All towers shall be of the freestanding monopole type, or the newer technology available, whenever possible and designed and constructed so as to accommodate collocating.
3. The use of guy wires is strictly prohibited.

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4. The tower compound shall have a chain link fence which is a minimum of eight (8') feet completely surrounding the equipment, topped by three strands of barbed wire on top to prevent access, and a six (6') foot shrub screening surrounding the fence.

D. MINIMUM DESIGN STANDARDS

1. Height of the tower shall be the minimum height demonstrated to be necessary by the radio frequency engineer of the applicant but shall not exceed three hundred (300') feet from grade.
2. The fence or any other structures associated with the tower shall meet the setbacks of the zoning district in which it is located. The tower shall maintain a minimum of seventy-five (75') foot setbacks from property lines and a minimum of three hundred (300') feet to an existing residential dwelling on adjacent property. Erection of a residential building within the above restricted distance of a previously erected cellular tower shall not render the wireless communication tower non-conforming.
3. Accessory structures are limited to uses associated with the operation of the tower.
4. All towers shall be equipped with an anti-climbing devise to prevent unauthorized access.
5. The plans of the tower construction shall be certified by a registered structural engineer.
6. All towers must meet the standards of the governing government agencies P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011. Prior to issuance of construction permits, copies of these approvals and/or license must be filed with the Township.
7. Metal towers shall be constructed of, or treated with, corrosive resistant material.
8. Towers shall comply with all local, and/or state applicable building and/or construction code.
9. All signal and remote-control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be buried underground.
10. Towers shall not be artificially lighted unless required by the governing government agencies (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) and, if so required, lighting shall be the minimum provided for under the regulations, subject to the Township's approval and orientated inward so as not to project onto surrounding property. STROBE LIGHTS SHALL NOT BE USED. The owners or lessee

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will, when requested by the Township, demonstrate that they are in compliance with these regulations.

11. Underground utilities are preferred.

E. PERFORMANCE STANDARDS

1. When a wireless communication structure has not been used for a period of ninety (90) consecutive days, or ninety (90) days after new technology is available which permits the operation of a facility without the necessity of a wireless communication structure, all parts of the structure shall be removed within one hundred and eighty (180) days. This includes any accessory equipment and fencing. The base of any tower and/or support anchors shall be removed to a point twelve (12') feet below grade and the excavation filled with suitable soil, then covered with top soil and re-seeded. The removal of antenna or other equipment from the structure or the cessation of reception or transmission of radio signals shall be considered the beginning of non-use. Riley Township may secure the removal of the structure if it is still standing thirty (30) days after the Township has sent notice to the operator stating the need to remove the structure.
2. Removal costs shall be the responsibility of the property owner and the lessee.
3. If the support structure is painted, the color will be a light color, such as, but not limited to gray or light blue.
4. Written assurances by the applicant, and/or lessee that the facility complies with all current State and/or Federal regulations concerning nonionizing electromagnetic radiation, and the applicant and/or lessee further agrees in writing that if more restrictive State and/or Federal regulations are adopted during the operating life of the facility, the applicant and/or operator shall commence efforts to bring the facility into conformance with such standards within sixty (60) days of the adoption of such standards, and the applicant and/or lessee agrees that they shall bear the costs of testing and verification of compliance with all such standards.
5. The owner, and/or lessee of an existing wireless telecommunications support structure in the Township, which possesses unused attachable space for the collocation of an additional antenna or antenna array shall allow the attachment of another wireless telecommunications antenna or antenna array by another wireless provider who desires to provide their service within the service area of the support structure. The owner and/or lessee of the existing support structure shall not therefore discourage the attachment of additional service antennas or antenna arrays to the support structure by demanding unreasonable rates, terms or conditions for attaching services. The owner, and/or lessee of an existing support

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structure may establish the rates, terms, or conditions for attaching services, but such rates, terms or conditions shall be just and reasonable.

6. Copies of routine safety inspections that are performed shall be filed with the Township.

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SECTION 1140. VEHICLE WASH FACILITIES:

Vehicle Wash Facilities may be permitted in the Extensive Commercial (EC) District as a special approval use subject to the following:

- A. Minimum Lot Size: See Section 803
- B. Layout: All washing activities shall be carried on within a building. Vacuuming activities, if outdoors, shall be at least one hundred (100') feet from any Agriculture-Rural Residential (AR) zoned lot line or residential use. Wash bays for self-service washes shall be located at least fifty (50') feet from any Agriculture-Rural Residential (AR) lot line. These areas shall be located so as not to conflict with any required parking, drive or automobile standing areas. Self-contained, covered waste receptacles shall be provided at each proposed vacuum station to provide convenient disposal of customer refuse.
- C. Entrances and Exits: Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street, highway or road. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets, highways or roads shall not be used for maneuvering or parking of vehicles to be serviced by the automobile wash. A minimum distance of one hundred twenty-five (125') feet shall be maintained between the exit door of the was structure to the nearest exit driveway to permit adequate time for excess water to drip off of the vehicle. All vehicles standing and waiting to enter the facility shall be provided off street, road or highway waiting space and no vehicle shall be permitted to wait on the public right of way as part of the traffic approach.
- D. Orientation of Open Bays: Buildings should be orientated so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot or building. Exit lanes shall be sloped to drain water back to the wash building or to drainage grates.
- E. Water Runoff System: All car wash facilities shall provide a drainage system installed midway from the exit door of the wash structure to the nearest exit drive at a low point to limit water runoff. A series of rumble strips (1/2" to 1 1/2" high or deep, 3" to 4" wide and 90-degree crossway to traffic) must be located between the car wash building exit and the drainage system collection point.
- F. Sufficient Stacking: Sufficient stacking capacity shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service washes a minimum of two (2) stacking space per stall and a minimum of one (1) space per stall at the exit shall be provided.

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- G. Sewage Wastes and Water Pollution: Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by all the governing government agencies (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
- H. Surfacing: The entire lot, excluding areas occupied by landscaping and building, shall be hard-surfaced with concrete or asphalt material. The site shall be graded and drained so as to dispose of surface waters. Subject to standards of Section 907.
- I. Lighting: All lighting shall be noted on the site plan and shall be shielded downward and away from adjacent properties and right-of ways.
- J. Signs: Subject to Section 909 standards.
- K. Site Plan: Subject to standards of Section 913. Site Plan shall detail the location of all proposed vacuum stations, car wash bays, standing areas, stacking areas, drainage requirements, and landscaping, including screening.
- L. The site shall be screened from abutting property in conformance with Section 915. The Planning Commission may require additional landscaping or screening when it is determined that it is necessary to prevent negative impacts on adjoining properties.
- M. Parking: See Section 906.

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ARTICLE XII
ADMINISTRATION AND ENFORCEMENT

SECTION 1201. ENFORCEMENT:

The provisions of this Ordinance shall be administered by the Building Inspector/Zoning Administrator or such other officials as may be designated by the Township Board.

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SECTION 1202. DUTIES OF THE BUILDING INSPECTOR/ZONING ADMINISTRATOR:

The Building Inspector/Zoning Administrator or such other Officials as may be designated by the Township Board, shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector/Zoning Administrator to approve any excavation or construction until he has inspected such plans in detail and found them to conform to this Ordinance.

Under no circumstances is the Building Inspector/Zoning Administrator permitted to make changes in this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector/Zoning Administrator.

The Building Inspector/Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said permit.

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SECTION 1203. ALL SINGLE AND TWO-FAMILY DETACHED DWELLING UNITS AND FARM BUILDINGS SITE PLAN REQUIREMENTS:

All applications for building permits and zoning compliance permits shall be accompanied by plans and specifications, including a site plan, in triplicate, drawn to scale showing the following:

- A. The actual shape, location and dimensions of the lot.
- B. The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- E. This section shall apply only to those uses exempted from the provisions of Section 913, "Site Plan Approval Requirements".
- F. For all other uses, no permits shall be issued until the Site Plan has been approved in accordance with Section 913.

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SECTION 1204. PERMITS:

The following shall apply in the issuance of any permit:

- A. **Permits Not to be Issued:** No building permit shall be issued for the erection, alteration or use of any building or structure, or part thereof, or for the use of any land, which is not in accordance with all provisions of this and other Ordinances.
- B. **Permits Required:** No building or structure, or part thereof, shall be hereinafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction; type, class or kind of occupancy; light or ventilation; means of egress and ingress; or other changes affecting or regulated by the Township Building Code, Housing Law of Michigan or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.
- C. Construction plans for water mains, sanitary sewers, paving, storm drainage facilities and site grading, approved by the Township Engineer, shall also accompany an application for a building permit, where necessary.

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SECTION 1205. CERTIFICATES:

No land, building or part thereof shall hereinafter be occupied by, or for, any use unless and until a bond is posted as required by Building Permit Bond Ordinance #29 and a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificates:

- A. Certificate for New Use of Land: No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a use of a different class or type, unless a certificate of occupancy is first obtained for the new or different use.
- B. Certificate for New Use of Building: No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- C. Certificates Not to be Issued: No certificate of occupancy shall be issued for any building, structure or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance.
- D. Certificates Required: No building or structure, or parts thereof, which is hereafter erected or altered shall be occupied or used, or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- E. Certificates Including Zoning: Certificates of occupancy, as required by the Township Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
- F. Certificates for Existing Buildings: Certificates of occupancy shall be issued for existing buildings, structures or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
- G. Records of Certificates: A record of all certificates issued shall be kept on file in the office of the Building Inspector/ Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- H. Certificates for Dwelling Accessory Buildings: Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

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- I. Application for Certificates: Application for certificates of occupancy shall be made in writing to the Building Inspector/ Zoning Administrator on forms furnished by him, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or parts thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant thereof shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

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SECTION 1206. FINAL INSPECTION:

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the Building Inspector/Zoning Administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

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SECTION 1207. FEES:

Fees for inspection and issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Inspector/Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

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ADMINISTRATION AND ENFORCEMENT

SECTION 1208. INTERPRETATION:

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XII
ADMINISTRATION AND ENFORCEMENT

SECTION 1209. TEMPORARY MOBILE HOME OR CONSTRUCTION OFFICE:

The Building Inspector may issue a permit for the temporary placement of a mobile home as a temporary residence, subject to the following:

- A. In the event of loss of use of a dwelling due to fire, tornado, or similar natural disaster, the Building Inspector may approve the temporary placement of a mobile home on the owner's property for use as a residence while the dwelling is being rebuilt or replaced, subject to the following:
 - 1. A building permit for repair or replacement of the permanent residence must be applied for within three (3) months of the placement of the temporary unit. (Approved 9/9/02; Published 9/18/02; Effective 10/18/02)
 - 2. The initial permit period for the temporary residence shall not exceed twelve (12) months and not more than one (1) extension of three (3) months may be granted by the Building Inspector. Approved 9/9/02; Published 9/18/02; Effective 10/18/02
 - 3. A cash bond shall be deposited with the Township Clerk, in an amount established by resolution of the Township Board, to insure removal of the mobile unit upon expiration of the temporary permit. Failure to complete construction of the permanent structure, within the time limits specified in the building permit and this section, shall be sufficient grounds for the Township Board to declare the cash bond as forfeited and use the proceeds for legal and removal fees as necessary. (9/24/97)
- B. Said temporary trailer must be removed prior to the Final Inspection and issuance of the Final Certificate of Occupancy. (9/24/97)
- C. Mobile home cannot exceed five (5) years in age. (Approved 9/9/02; Published 9/18/02; Effective 10/18/02)
- D. Construction office trailers are allowed but not limited to construction of schools and commercial or industrial buildings. (Approved 9/9/02; Published 9/18/02; Effective 10/18/02)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

SECTION 1301. CREATION AND MEMBERSHIP:

There is hereby created a Board of Appeals, which shall perform its duties and exercise its powers as provided in Michigan Zoning Enabling Act 110 of 2006, as amended, (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of the following five (5) members:

- A. The first member shall be a member of the Township Planning Commission, for the term of his office.
- B. The second member may be a member of the Township Board, appointed by the Township Board for the term of his/her office.
- C. The next three (3) members shall be selected, and appointed by the Township Board from among the electors, residing in the unincorporated area of Riley Township, for a period of three (3) years, provided, that no elected officer of the Township nor any employee of the Township Board may serve simultaneously as the third member or as an employee of the Township Board of Appeals.
- D. The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Board of Appeals. The alternates may sit as regular members as specified in the Zoning Ordinance when regular members are unable to attend two (2) or more consecutive meetings, or for a period of more than thirty (30) consecutive days. The alternate may also serve if a regular member has a conflict of interest and abstains from voting.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

SECTION 1302. MEETINGS:

All meetings of the Township Board of Appeals shall be held upon demand (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) and at other times as the Board in its rules of procedure may specify. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, which shall be a public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance, or to affect any variation in this Ordinance. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

SECTION 1303. APPEAL:

An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator. (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) shall forthwith transmit to the Zoning Board of Appeals (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

The Board shall select a reasonable time and place for the hearing of the appeal and give notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

SECTION 1304. FEES:

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed said fee shall be paid to the Township Clerk (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) who shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township of Riley.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

SECTION 1305. JURISDICTION:

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, or interpretation and to authorize a variance as defined in this section and laws of the State of Michigan. Said powers include:

- A. Administrative Review: To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Building Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
- B. Variance: To authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the Zoning Board of appeals (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Zoning Board of appeals (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) shall state the grounds upon which it justifies the granting of a variance.
- C. Interpretations and Special Approvals: To hear and decide in accordance with the provision of this Ordinance: requests for interpretation of the Zoning Map or Ordinance, appeals from the decision of the Zoning Administrator and on any provision of this Ordinance that the Zoning Board of Appeals are required to pass. Also, the Zoning Board of Appeals shall hear and decide on any special approval uses on appeal from the decision of the Planning Commission, subject to such conditions as the Zoning Board of Appeals (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this Ordinance, including the following:
 - 1. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance.
 - 2. Permit the modification of the automobile parking space or loading space requirements where, in particular instance, such modification will not be consistent with the purpose and intent of such requirements.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

3. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
4. Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Township and for periods not to exceed six (6) months in developed sections. Extensions may be granted for construction purposes.
5. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature.

The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- (a) The granting of a temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 - (b) The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted and arrangement for removing the use at the termination of said temporary permit.
 - (c) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Riley, shall be made at the discretion of the Board of Appeals.
 - (d) In classifying uses not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
 - (e) The use shall be in harmony with the general character of the district.
 - (f) (Removed (f) P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
- D. The Zoning Board of Appeals has the authority to classify uses that are not listed in the Zoning Ordinance. (10/00)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

- E. In consideration of all appeals and all proposed variations to this Ordinance, the Zoning Board of Appeals (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonable increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonable diminish or impair established property values within the surrounding area, or in any other respect impair the public safety, health, comfort, morals, or welfare of the inhabitants of the Township of Riley. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirements, decisions, or determinations of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of the Township of Riley, in the manner provided by law.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

SECTION 1306. ORDERS:

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

SECTION 1307. NOTICE:

The Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. It shall by general rule or in specific cases, determine the interested parties who, in the opinion of the Board may be affected by any matter brought before it, which shall in all cases include all owners of record of property within three hundred (300') (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) feet of the premises in question, such notices shall be according to the requirements of the Michigan Zoning Enabling Act (ZEA), Public Act 110 of 2006 as amended. (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

SECTION 1308. MISCELLANEOUS:

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIV
CHANGES AND AMENDMENTS

The Township Board may from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Michigan Zoning Enabling Act 110 of 2006, as amended. (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) An application for rezoning of any real property shall be accompanied by a processing fee, in an amount established by resolution of the Township Boards.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XV
INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issues pursuant to the law that where this Ordinance imposed a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XVI
VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XVII
ENFORCEMENT, PENALTIES AND OTHER REMEDIES

SECTION 1701. VIOLATIONS:

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecution or by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the Court, together with the costs of such prosecution.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XVII
ENFORCEMENT, PENALTIES AND OTHER REMEDIES

SECTION 1702. PUBLIC NUISANCE PER SE:

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed such sequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XVII
ENFORCEMENT, PENALTIES AND OTHER REMEDIES

SECTION 1703. FINE, IMPRISONMENT:

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XVII
ENFORCEMENT, PENALTIES AND OTHER REMEDIES

SECTION 1704. EACH DAY A SEPARATE OFFENSE:

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XVII
ENFORCEMENT, PENALTIES AND OTHER REMEDIES

SECTION 1705. RIGHTS AND REMEDIES ARE CUMULATIVE:

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XVIII
SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIX
REPEAL

Section 1901. REPEAL:

The existing zoning regulations of Riley Township, County of St. Clair, being Ordinance No. 5, as amended, are hereby repealed.

The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation is also a violation of the provisions of this Ordinance.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XX
EFFECTIVE DATE

Section 2001. EFFECTIVE DATE:

Public hearing having been held herein, the provisions of this Ordinance are hereby given immediate effect upon its publication pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended.

Made and passed by the Township Board of the Township of Riley, St. Clair County, Michigan on this 1st day of February, 1988.

Date of Public Hearing: September 30, 1987.

Date of Adoption by Township Board: February 1, 1988.

Date of Notice of Adoption: February 10, 1988.

Date That Penalty Provisions and This Ordinance Shall Take Effect: March 11, 1988.

Gerald Hannon
Township Supervisor

George Gravilla
Township Clerk

RILEY TOWNSHIP – ST. CLAIR COUNTY

ORDINANCE NO # 59 – 2023 Wind and Solar Moratorium

An ordinance to impose a moratorium on the issuance of permits, licenses, or approvals for, or for any construction of, wind energy conversion systems, met towers and solar energy facilities.

Section 1: Definitions.

- A. "Wind Energy Conversion System" includes all equipment that is used to convert, store or transfer energy from wind into usable forms of energy and includes any wind turbines or wind generators as well as any bases, blades, foundations, generators, nacelles, rotors, towers, transformers, turbines, vanes, wires, or other components used in such a system whose purpose is to provide electricity to the electric utility grid.
- B. "Meteorological Tower" ("MET Tower") includes a tower used for the measurement of wind speed.
- C. "Large Solar Energy Facilities" means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

Section 2. Purpose and Findings. The purpose of this moratorium is to provide sufficient time for Riley Township to fully explore, analyze, research, and make informed decisions regarding Wind Energy Conversion Systems, Meteorological Towers and Large Solar Energy Facilities. In support of this Ordinance, the Riley Township Board has determined the following:

- A. The Township Board has become aware that developers may be interested in constructing Wind Energy Conversion Systems or Large Solar Energy Facilities in the Township.
- B. The integration of these Wind Energy Conversion Systems and Large Solar Energy Facilities within the Township emphasizes the need for suitable regulations and controls.
- C. The Township Board is authorized to establish reasonable requirements and regulations to govern and control Wind Energy Conversion Systems, MET Towers and Large Solar Energy Facilities within the Township to protect the public health, safety and welfare of the Township residents and their property.
- D. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary to allow the Township time to fully explore, analyze, research, and develop any proposed regulations regarding the integration of Wind Energy Conversion Systems, MET Towers and Large Solar Energy Facilities within the Township.

- E. A moratorium should be imposed upon the issuance of any and all permits, licenses, and approvals for any property in the Township for the establishment and use of Wind Energy Conversion Systems, MET Towers and Large Solar Energy Facilities for 18 months.

Section 3: Moratorium. A moratorium is hereby imposed upon the issuance of any and all permits, licenses, or approvals for any property in the Township for the establishment and use of Wind Energy Conversion Systems, MET Towers and Large Solar Energy Facilities, so long as this Ordinance is in effect.

Section 4: Term of Moratorium; Renewal. The moratorium imposed by this Ordinance remains in effect 18 months following the effective date of this Ordinance, unless repealed sooner.

Section 5: Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 6: 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 7: Effective Date. This Ordinance shall take effective seven (7) days following publication.

This ordinance was offered for adoption by MARK BARANOWSKI, and was seconded by MIKE RUSHING.

The ROLL CALL vote being as follows: YEAS: Supervisor Al Titus, Treasurer Mike Rushing, Clerk Dawn Behem, Trustee Duane Hagle, Trustee Mark Baranowski. NAYS: None. ABSENT/ABSTAIN: None.

Ordinance declared adopted by the Township Supervisor.

Dawn Behem, Riley Township Clerk

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Riley Township Board at a regular meeting held at the Riley Township Hall held on January 10th, 2023, at 7:00 p.m., pursuant to the required statutory notice and procedures and published in a newspaper of general circulation within Riley Township as required by law on January 18th, 2023.

Dawn Behem, Riley Township Clerk

Riley Township
St. Clair County, Michigan
Ordinance #55-13 Anti-Noise and Public Nuisance

An ordinance to control noise within Riley Township; whereas, excessive noise is a serious hazard to the public health and welfare, peace, safety, and the quality of life; whereas, people have a right to and should be ensured an environment free from excessive sound; and now therefore, be it ordained by the Riley Township Board, Riley, Michigan, as follows:

Article 1: Short Title

This ordinance shall be known and cited as the “Riley Township Anti-Noise and Public Nuisance Ordinance”.

Article 2: Definitions

For purposes of this ordinance the following words or terms shall have the meanings set forth in this Article. All terminology not defined in this Article shall have the meaning scribed in applicable publications of the American National Standards Institute (ANSI) or its successor body.

- A. Construction: Any site preparation, excavation, grading assembly, erection, paving, substantial repair, alteration or similar action, but excluding demolition, for or of any structures, utilities, public or private rights of way or other property.
- B. Demolition: Any dismantling, intentional destruction or removal of structures, utilities, public or private rights of way or other property.
- C. Motor Vehicle: Any vehicle (except an interstate commercial carrier) which is propelled or drawn on land by an engine, such as, but not limited to, passenger cars, trucks, truck trailers ,semi-trailers, campers, tractors, motorcycles, motor scooters, minibikes, go-carts, mopeds, snowmobiles, amphibious craft on land, dune buggies or racing vehicles.
- D. Loud and Excessive Noise: Any sound which is unreasonably and/or unnecessarily loud, excessive, injurious and or detrimental to the health, peace, quiet, comfort, repose, safety, and/or general welfare of the residents of Riley Township. Any sound that annoys or disturbs humans or which causes or tend to cause an adverse physiological effect on humans.
- E. Noise Disturbance: Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs the comfort or repose of a reasonable person of normal sensitivities.
- F. Person: Any individual, association, partnership or corporation, and any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State or Federal agency not associated with national defense.

- G. Real Property Boundary: Any imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that, owned by another person, but not including intra-building real property divisions.
- H. Hours: The hours referred to in this ordinance are those based upon local time applicable in Riley Township, St. Clair County, Michigan.

Article 3: Noise Disturbances Prohibited

- A. General Prohibition: No person, firm, company, limited liability company, corporation and/or other entity shall cause, create, and or maintain any unreasonable and/or unnecessarily loud noise and/or disturbance detrimental to the health, peace, quiet, comfort, repose, safety, and/or general welfare of the residents and/or property owners of/in Riley Township, nor shall any of the above named entities within Riley Township unreasonably make, continue, or cause to be made or continued, any noise disturbance across a residential real property boundary or within a noise sensitive zone. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court is prohibited.
- B. Specific Noise Prohibitions: Without in any way limiting or affecting the provisions of Section 3 (A.), the following acts, and the causing thereof, are specifically declared to be in violation of this ordinance.
 - 1. Noises Associated with Motor Vehicles
 - a. Horns: The sounding of any horn or warning device on any motor vehicle except when required by law, or when necessary to give a timely warning of the approach of the motor vehicle or as a warning of impending danger to persons driving other motor vehicles or to a person upon a street. The sounding of any horn or warning device on any motor vehicle which emits an unreasonably loud or harsh sound. The sounding of any horn or warning device on any motor vehicle for any unnecessary or unreasonable period of time.
 - b. Commercial Transport: The making of excessive, unnecessary and avoidable noises in the operation of any commercial vehicle.
 - c. Motor Vehicles: The operation of any automobile, motorcycle, off road vehicle, all-terrain vehicle (ATV), dirt bike, motor sport or moto cross vehicle, super cross or snow cross vehicle, snowmobile, and/or any other vehicle so designed, modified, altered, out of repair, and/or so loaded and/or constructed and/or operated in a manner as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise, including noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort, peace and/or repose of other persons.
 - d. Miscellaneous Night Noises: The warming up or idling of any motor vehicle, and the unnecessary and repeated idling, acceleration and deceleration or starting and stopping of any motor vehicle, between the hours of 11:00 pm and 6:00 am the following day, prevailing time.
 - 2. Noises Associated with Commercial Construction or Demolition Work: The carrying on of any construction or demolition work at any time on Sundays, or at any time other than between the hours of 8:00 am and 6:00 pm, prevailing time, on Saturdays, or between the hours of 7:00 am and 6:00 pm, prevailing time, on any other days.

The provisions of this subsection shall not apply to interior or exterior repairs or interior alteration when the work is actually performed entirely by a homeowner or occupant between the hours of 8:00 am and 10:00 pm, prevailing time, provide that the work is done without creating any noise disturbance across a residential real property boundary.

The provisions of this subsection shall not apply to specific construction work in case of an emergency declared by the township engineer or township supervisor as to a public works project or in case of an emergency declared by the township as to a private project, provided that any such declaration is based upon a finding that the public health and safety will be impaired unless specific work is performed during the times prohibited by this subsection.

3. Noises Associated with Domestic Power Tools: Operating any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower or similar device outdoors in residential areas at any time other than between the hours of 8:00 am and 10:00 pm, prevailing time, on Saturdays and Sundays, or between the hours of 6:00 am and 10:00 pm, prevailing time, on any other days.
4. Noises Associated with Motors, Engines, Fans, and Pumps: Operating any motors, engines, fans, blowers or pump, including by way of example but not limitation, air conditioning systems, compression devices and pool filter systems, which create a noise disturbance across a residential real property boundary or within a noise sensitive zone. Exception is made for emergency power generators during periods of power interruption from public utilities.
5. Amplifiers, Loudspeakers, Radios, Television Sets, Musical Instruments and Similar Devices: Using or operating, either indoors, outdoors, or in any vehicle, any amplifier, loudspeaker, radio receiving set television set, musical instrument, phonograph, tape recorder, compact disc, or the equipment or device for the producing, reproducing or amplification of sound at any time with a volume louder than is necessary for the convenient hearing of persons who are in the room, immediate vicinity, or vehicle where such equipment or device is operated and who are voluntary listeners thereto. The use or operation of any such equipment or device between the hours of 11:00 pm and 8:00 am the following day, prevailing time, in such a manner as to be plainly audible (1) at a distance of 100 feet from the building or vehicle in which it is located or (2) through a dwelling unit partition wall of a multi-family structure shall be prima facie evidence of a violation of this subsection.
6. Animal and Birds Sounds: Owning, keeping, possessing or harboring any dog or other animal or bird which frequently or for continued periods barks, howls, cries or squawks when such sounds are plainly audible beyond the limits of the property upon which the animal or bird is kept.
7. Weapons: The discharge of any firearm between dusk and dawn except for legal hunting purpose.
8. Sounds by Humans: Yelling shouting, hooting, whistling or singing on the public streets or within residential areas or noise sensitive zones between dusk and dawn.

Article 4: Exemptions

The provisions of this ordinance shall not apply to any of the following:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- B. Church bells or chimes.

- C. Celebrations and parades scheduled by a governmental entity.
- D. Excavation or repair of bridges, streets, highways, or other property on the behalf of the State of Michigan, Riley Township or the County of St. Clair, between sundown and 7:00 am when the public welfare, safety, or health and/or convenience render it impossible to perform such work during other hours.
- E. Any agricultural uses, operations, and/or activities which are protected under the Michigan Right to Farm Act, PA 1981, No. 93, as amended, being MCLA 286.471, *et seq*, and other laws and ordinances; any agricultural tractors, implement, vehicles, and/or equipment is/are excluded, while they are engaged, used, operated, and or employed in normal agricultural activities, including but not limited to, farming, planting, cultivation, irrigation, harvesting, processing, transporting, loading, unloading, and/or growing or growing of crops, and/or raising, feeding and maintaining of cattle, poultry, stock and/or farm related animals.
- F. Noises occurring between 7:00 dusk and dawn caused by maintenance of grounds, provided such noise is not unduly excessive.
- G. Noises emanating from the discharge of firearms are excluded in areas, and during times, such as legally permitted hunting, areas of authorized use and/or where the use and discharge of firearms is/are permitted and/or authorized under Michigan Law.
- H. Any activity exempt from the provisions of local control by State or Federal law.

Article 5: Enforcement

The provisions of this ordinance are enforceable by representatives of the Riley Township Board and by members of the Police Department operating within the County of St. Clair and the State of Michigan.

Article 6: Penalties

1st Offense: Verbal Warning

2nd Offense: A letter notifying that a second complaint has been received within 48 hours of the first complaint.

3rd Offense: A \$100 ticket will be issued for a third complaint received within 48 hours of the second complaint.

Additional Offenses: A \$250 ticket followed by a \$400 ticket, finally a \$500 ticket, with the checks made payable to the St. Clair County Court.

The person(s) putting in the complaint must be willing to be present in court to verify the complaint and testify against the person who they have made the complaint against.

Article 7: Remedies not Exclusive

The provisions of this ordinance are not intended to be exclusive or to supersede any other remedies provided by law or ordinance.

Article 8: Separability of Provisions

If any clause, sentence, paragraph, section or article of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but such judgment shall apply only to the provision involved directly in the controversy in which such judgment was rendered.

Article 9: Effective Date

This ordinance goes into effect 30 days after publication.

Article 10: Adoption

This Riley Township Anti-Noise and Public Nuisance Ordinance, being identified herein as Township Ordinance #55-13, was duly adopted by the Riley Township Board at its regular meeting thereof held on December 3, 2013.

Susan Chmielewski, Township Clerk
Township of Riley

Certification by the Clerk

I hereby certify that the foregoing Anti-Noise and Public Nuisance Ordinance of the Township of Riley, being designated herein, as Township Ordinance #55-13, was duly adopted by the Riley Township Board at a regular meeting thereof held on the 3rd day of December, 2013, and was ordered published by the Riley Township Board.

Susan Chmielewski, Township Clerk
Township of Riley

Published in The Voice

Publication Date: December 18, 2013

A copy of the Riley Township Anti-Noise and Public Nuisance Ordinance, being identified as Township Ordinance #55-13, may be purchased or inspected during regular business hours at the Riley Township Office, 13042 Belle River Rd, Riley, MI, 48041; telephone number (810)392-2326.

Riley Township
St. Clair County, Michigan
Ordinance #39-97 Land Division

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended and being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of the ordinance.

THE TOWNSHIP OF RILEY ORDAINS THAT:

Section 1: Title

This ordinance shall be known and cited as the Riley Township Land Division Ordinance.

Section 2: Purpose

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinance and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety, and welfare of the residents and property owners of the township by establishing reasonable standards for prior review and approval of land divisions with the township.

Section 3: Definitions

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- A. Applicant: a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. Divide or Division: the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of other applicable local ordinances.
- C. Exempt split or exempt division: the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than forty (40) acres or the equivalent.

- D. Forty (40) acres or the equivalent: either forty (40) acres, a quarter section containing not less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.
- E. Governing body: the Riley Township Board.

Section 4: Prior Approval Requirement for Land Divisions

Land in the township shall not be divided without the prior review and approval of the township assessor, or other official designated by the governing body, in accordance with the ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An Exempt split as defined in this ordinance, or other partitioning or splitting that results in parcels of twenty (20) acres or more if each is not accessible and that parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Act.

Section 5: Application for Land Division Approval

An applicant shall file all the following with the township assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the township board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities. Map should include any existing improvements and show the distance from proposed new property lines. NOTE: Final approval will require a certified survey to include existing improvements i.e. buildings, ponds, and so forth with distances from the new lot lines.
- D. Proof that all standards of the State Land Division Act and this ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. There will be a fee in an amount established by resolution of the township board to cover the costs of review of the application and administration of this ordinance and the State Land Division Act.

Section 6: Procedure for review of applications for Land Division Approval

- A. The township shall approve or disapprove the land division applied for within 45d days after receipt of a complete application conforming to this ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within thirty (30) days of said division appeal the decision to the governing body of the township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said board or by the appellate designee at its next regular meeting or session affording sufficient time for a twenty (20) days written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellant hearing.
- C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

Section 7: Standards for Approval of Land Divisions

A proposed land division reviewable by the township shall be approved if the following criteria are met:

- A. All parcels created by the proposed division(s) have a minimum width of two hundred (200') feet as measured at the road frontage unless otherwise provided for in an applicable zoning ordinance.
- B. All such parcels shall contain a minimum area of two (2) acres unless otherwise provide for in an applicable zoning ordinance.
- C. The ratio of depth to width of any parcel created by the division does not exceed a fourteen to one (14:1) ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.
- D. The proposed land division(s) comply with all requirements of this ordinance and the State Land Division Act.
- E. All parcels crated and reaming have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

Section 8: Consequences of Non-Compliance with Land Division Approval Requirement

Any division of land in violation of any provision of this ordinance shall not be recognized as a land division on the township tax roll and no construction there on which requires the prior issuance of a construction or building permit shall be allowed. The township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this ordinance.

An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

Section 9: Violations and Penalties

A violation of any provision of this ordinance and/or code by any person or entity shall constitute a misdemeanor. Any person or entity who violates a provision of this ordinance and code shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than the sum of five hundred (\$500) dollars, or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both such fine and imprisonment at the discretion of the court. Each and every day, during which such violation continues, shall be deemed a separate offense.

In addition, injunctive proceedings may also be instituted to prevent or enjoin any violation of the provision of this ordinance and code.

Section 10: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section 11: Repeal

All previous Land Division ordinances affecting un-platted land division in conflict with this ordinance are hereby repealed; however, this ordinance shall not be construed to repeal any provision in any applicable zoning ordinances, building codes or other ordinances of the township which shall remain in full force and effect notwithstanding any land division approval hereunder.

Section 12: Effective Date

This ordinance shall take effect upon publication following its adoption.

Adoption: December 5, 1997
Effective: December 10, 1997

Linda Waddy, Township Clerk
Township of Riley

Riley Township Ordinance to Confirm the Establishment of a Planning Commission with Zoning Authority (Annotated)

(To confirm the previous establishment of a planning commission by resolution or ordinance adopted before September 1, 2008, or to designate zoning authority to a planning commission that existed prior to September 1, 2008.)

Preamble

An ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Riley Township Planning Commission; provide for the composition of that planning commission; provide for the powers, duties and limitations of that planning commission; and repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.

THE TOWNSHIP OF RILEY, ST. CLAIR COUNTY, MICHIGAN, ORDAINS:

Section 1: Scope, Purpose and Intent

This ordinance is adopted pursuant to the authority granted the township board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to provide that the Riley Township Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Riley Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.; to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

Section 2: Establishment

The township board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Riley Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., The Riley Township Planning Commission shall have 7 members. Members of the Riley Township Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his or her term on the township board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 3: Appointments and Terms

The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member.

The planning commission members, other than an ex officio member, shall serve for terms of 3 years each.

A planning commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning commission members shall be qualified electors of the township (*NOTE: U.S. citizen, 18-years old, who has been a resident of the state for 6 months and a resident of the township for at least 30 days*), except that one planning commission member may be an individual who is not a qualified elector of the township. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

One member of the township board shall be appointed to the planning commission as an ex officio member.

An ex officio member has full voting rights. An ex officio member's term on the planning commission shall expire with his or her term on the township board.

No other elected officer or employee of the township is eligible to be a member of the planning commission.

Section 4: Removal

The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 5: Conflict of Interest

Conflict of Interest shall be included and defined in the Riley Township Planning Commission bylaws.

Section 6: Compensation

The planning commission members may be compensated for their services as provided by township board resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

Section 7: Officers and Committees

The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the planning commission bylaws.

The planning commission may also appoint advisory committees whose members are not members of the planning commission.

Section 8: Bylaws, Meetings and Records

The planning commission shall adopt bylaws for the transaction of business.

The planning commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the planning commission's bylaws, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting.

The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Section 9: Annual Report

The planning commission shall make an annual written report to the township board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning and development.

Section 10: Authority to Make Master Plan

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the township board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., need not be readopted under the Michigan Planning Enabling Act; Public Act 33 of 2008, MCL 125.3801, et seq.

Section 11: Zoning Powers

If the planning commission existed prior to Sept. 1, 2008, and DID have zoning authority:

The township board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Riley Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.,

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the township board.

Section 12: Subdivision and Land Division Recommendations

The planning commission may recommend to the township board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the township board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its

recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

Section 13: Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

Section 15: Repeal

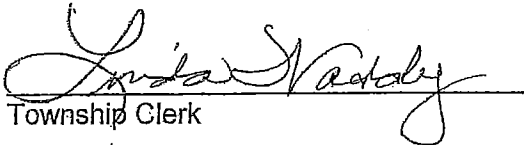
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Riley Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is hereby repealed.

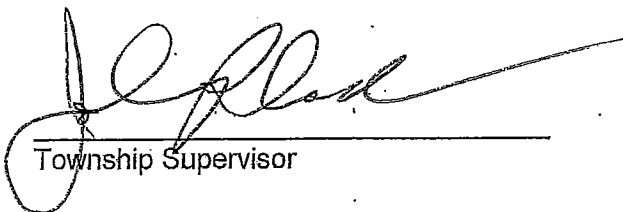
Section 16: Effective Date

This ordinance shall take effect on the date of its publication.

CERTIFICATE

The undersigned, as the duly elected and acting clerk of the township, hereby certifies that this ordinance was duly adopted by the township board at a regular meeting of said board, at which a quorum was present, held on June 7, 2011, and that copies of the ordinance were transmitted and published as directed.


Township Clerk


Township Supervisor

**NOTICE OF ADOPTION
RILEY TOWNSHIP**

**ORDINANCE #54-11
ORDINANCE TO CONFIRM THE ESTABLISHMENT OF A
PLANNING COMMISSION WITH ZONING AUTHORITY**

Notice is hereby given that Ordinance #54-11 was adopted by the Riley Township Board at a meeting held on June 7, 2011. On that day a motion was made by John Rhodes and supported by Nancy Dudek, to adopt Ordinance #54-11 as presented to the Board, Roll call: Dudek, yes; Belesky, yes; Waddy, yes; Rhodes, yes; Hazelton, absent. Motion carried.

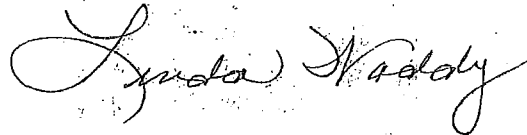
Summary as follows: An Ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq, of the Riley Township Planning Commission; provide for the composition of that Planning Commission; provide for the powers, duties and limitations of that Planning Commission; and repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.

This Ordinance amendment shall become effective immediately upon publication of this notice of adoption, as required by Michigan Planning Enabling Act 33 of 2008, as amended.

A complete copy of this Ordinance and changes may be reviewed or purchased during regular scheduled business hours at the Township Offices. (810)392-2326.

CERTIFICATION BY THE CLERK

I hereby certify that Ordinance #54-11 of the Township of Riley, was duly adopted by the Riley Township Board at a Regular Meeting held on June 7, 2011.



Linda Waddy,
Township Clerk

Published: June 24, 2011