

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.

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.

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.

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.

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

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.
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.

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.

SECITON 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; Efft.. 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; Efft.. 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 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. One (1) Accessory building may be constructed prior to construction of a residence. No building permit(s) will be issued for additional accessory buildings 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)

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.
- 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

1. Residential

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)

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)
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)
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 & wholesale 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. or usable floor area.

(Paving requirements will be evaluated based on total usable sq. ft. and usage)

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.

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.

E. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.

F. 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.

G. 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.

H. 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.

I. 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.

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:

<u>Gross Floor Area (in square feet)</u>	<u>Loading And Unloading Spaces Required</u>
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.

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 not withstanding 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.

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.
 - 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 3, but must comply with all setback requirements of Section 4 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 a 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.
- 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 setback/intersection requirements of 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 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 principle 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 3 (a) of this ordinance. The property upon which the sign is to be 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 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, 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.

G. **Continued**

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 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 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 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.
 - 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.

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.

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.

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.

Published 3/19/97

SITE PLAN PROCEDURES AND STANDARDS

SECTION 913

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 ½" 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).
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.

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 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.

SECTION 913:

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.
- 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.
- 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 (Sid well) 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.
- 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.
- (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)
- (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.
- 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 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.

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 insure 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.

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 insure 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 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:

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 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.

SECTION 913 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.

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 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.

SECTION 915. GREENSTRIP, PLANT MATERIALS:

Whenever in this Ordinance a greenstrip 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.

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 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.

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.

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.*
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 encourage 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 contractors 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:
 - 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.

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; Efft.. 8-30-06) feet of the side property lines or within thirty (30') (P.H. 5-15-06; Adopted 8-14-06; Efft.. 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; Efft.. 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; Efft.. 8-30-06) feet. The minimum width of the pond shall be ninety (90') feet. (P.H. 10-20-08; Adopted 2-03-09; Efft. 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; Efft.. 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; Efft.. 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; Efft.. 8-30-06)

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; Efft.. 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; Efft.. 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:

- 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; Efft.. 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; Efft.. 8-30-06)

SECTION 920: SITE CONDOMINIUM DEVELOPMENTS: (5-2001)

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.
 - 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.
 - 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.
 - 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.

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.

- 7.) **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.
- 8.) **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.
- 9.) 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.**
- 10.) 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.
- 11.) The fees for all reviews shall be established by resolution of the Township Board.
- 12.) **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.

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 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.

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

- 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 (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.

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
- 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:
 - 1.) That the proposed parcels meet the minimum frontage and acreage requirements of the zoning district they are located in.
 - 2.) All proposed roads must meet required setbacks as to not affect the current status of any adjoining or abutting property.
 - 3.) 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.

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, overspeeding, 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 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**

Support structures for free standing systems must not be climbable from the ground to a height of at least 15 feet.

- d. **Number**

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.

- 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

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

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)