

SECTION 1100: PLANNING COMMISSION – SPECIAL APPROVAL USES *(Amended 1/2008; P.H. 2/18/08; Adopted 5/6/08; Eff. 5/22/08)*

SECTION 1101. INTENT:

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

SECTION 1102. APPLICATION PROCEDURES AND FEES:

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

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

SECTION 1103. REQUIRED INFORMATION:

- 1.) Completed Special Use application.
- 2.) A site plan, as specified in Section 913.
- 3.) The proposed Special Use location, size and character and that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.

SECTION 1100-1103 (1-3) *(Amended 1/2008; P.H. 2/18/08; Adopted 5/6/08; Eff. 5/22/08)*

4.) The proposed Special Use statement of proposed operation, such as, but not limited hours of operation, number of employees, screening of operation from adjacent properties (i.e. greenbelt, fences, etc.), parking, plan to protect the natural environment and conserve natural resources and energy, and to promote the use of the land in a socially and economically desirable manner.

SECTION 1104. PUBLIC HEARING:

Upon receipt of an application for a Special Use application the Planning Commission shall call for a public hearing at their next regular scheduled meeting, unless applicant has paid for a special meeting in accordance with the adopted schedule of fees by the Riley Township Board. Notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township within fifteen (15) days but not less than five (5) days preceding the date of said hearing. Notice shall be sent by mail or personally delivered to the owners of the property to be considered, to all persons to whom real property is assessed within three hundred (300') feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300') feet in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101, et seq.).

SECTION 1105. REVIEW PROCEDURES:

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

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

SECTION 1106. DETERMINATION AND IMPOSITION OF CONDITIONS:

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

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

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

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

SECTION 1107. APPROVAL:

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

SECTION 1108. DENIAL:

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

SECTION 1109. REVOCATION OF SPECIAL APPROVAL USE PERMIT:

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

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

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

SECTION 1100: 1107-1109 *(Amended 1/2008; P.H. 2/18/08; Adopted 5/6/08; Eff. 5/22/08)*

SECTION 1110. AGRIBUSINESS USES:

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

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

SECTION 1111. AUTO SERVICE CENTERS AND AUTO SERVICE STATIONS

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

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

SECTION 1112. CAMPGROUNDS, OVERNIGHT CAMPING PARKS AND SPECIALIZED RESORTS

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

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

SECTION 1113. CEMETERIES

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

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

SECTION 1114. CHURCHES, HOUSES OF WORSHIP

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

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

SECTION 1115. COMMERCIAL, NON-RETAIL GREENHOUSE

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

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

SECTION 1116. CONVALESCENT OR REST HOME

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

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

SECTION 1117. GOLF COURSE

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

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

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

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

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

SECTION 1119. HOME OCCUPATIONS

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

- A. The home occupations shall be carried on entirely within the dwelling and exclusively by the inhabitants thereof.
- B. No article shall be offered for sale on the premises unless it is produced within the dwelling or is provided incidental to the service or profession conducted therein.
- C. A home occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage or signs not customary in residential areas. One (1) non-illuminated sign, not exceeding sixteen (16) square feet in area and located no closer than twenty (20') feet to any lot line, may be permitted and shall contain only the name and occupation of the resident of the dwelling.
- D. The home occupation shall not utilize more than twenty-five (25%) percent of the total floor area of the dwelling, but in no event more than five hundred (500) square feet of floor area.
- E. The home occupation shall not generate traffic volumes greater than normally expected in a residential area. All parking shall be off-street and may not be located in a front yard.
- F. No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference, detectable to the normal senses beyond the property line of the home occupation. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences, or causes fluctuations in line voltages off the premises.

SECTION 1120. HOSPITALS

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

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

SECTION 1121. JUNK YARD, AUTO SALVAGE/RECYCLING OPERATIONS

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

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

SECTION 1122. KENNELS, COMMERCIAL

DEFINITIONS:

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

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

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

A. A limited kennel is defined as having not less than six (6) but not more than ten (10) dogs. For such use, there shall be provided a minimum of one hundred fifty (150') feet from the kennel or run to any side or rear lot line, and not less than two hundred fifty (250') feet from the center of the road. A minimum site shall be five (5) acres.

B. An unlimited kennel is defined as having more than ten (10) dogs. For such use there shall be a minimum of two hundred fifty (250') feet from the kennel or run to any side or rear lot line and not less than three hundred fifty (350') feet from the center of the road. The minimum site shall be ten (10) acres.

C. All pens are to be enclosed in a building and runways shall be screened from view from all directions by either a building or greenbelt plantings as required by the Planning Commission. A secondary fence must enclose all runs.

D. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The health and welfare of the animals shall meet the St. Clair County regulations governing kennels. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety, or general welfare.

E. There shall be an opening in the building housing the animals to permit them easy entrance and exit. The opening must have a door to retain the dogs.

F. All gates on fences where the dogs are enclosed must have a self closing latch to which a lock may be fastened.

G. Kennels housing more than ten (10) dogs shall provide one (1) off-street parking space for each five (5) kennel runs. All users shall provide parking to accommodate the maximum number of patrons using the facility at any one time with a minimum of three (3) spaces required. The parking area shall be screened from view of an abutting residential district by a wall, pressure treated wood fence, or a greenbelt in a manner that is satisfactory to the Planning Commission.

H. All objectionable noise shall be controlled as required by the Performance Standards of this Ordinance.

I. Any use permitted by the Township under this Section shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this Ordinance are violated.

J. All animals six (6) months of age and older shall be counted in the total number of animals.

SECTION 1123: KENNELS, PRIVATE

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

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

SECTION 1124. MINING OF SAND/GRAVEL/TOPSOIL

A. General

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

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

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

B. Uses Permitted

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

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

C. Application Procedures for Mining Permit

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

1. Application Contents:

- a. Name of the owner, or owners, of land from which removal is to be made.
 - b. Name and address of applicant making a request for such permit.
 - c. Name and address of the person, firm, or corporation that will be conducting the actual removal operation.
 - d. Location, size, and description of the area from which the removal is to be made.
 - e. Location of the processing plant.
 - f. Type of materials or resources to be removed.
 - g. Proposed method of removal, general haul route, and whether blasting or other use of explosives will be required.
 - h. General description of equipment to be used.
 - i. The estimated number of years to complete operations.
 - j. A statement that a bond satisfactory to the Township Board, or other type of security, in a minimum amount of \$20,000 for the first 20 acres and minimum of \$1,000 for each additional acre over 20 acres, being mined will be furnished. Upon submission of a topographical survey of the reclaimed areas by a registered civil engineer, the bond or security shall be released, in accordance with the amount of security required per acre.
2. The application shall be accompanied by a processing fee, to be paid by the applicant in an amount to be established by the Township Board.
 3. The initial and/or subsequent application for a mining permit shall be referred by the Township Clerk to the Planning Commission. The Planning Commission shall review the site plan for the proposed use and the rehabilitation plan for the mined areas and approve or deny the special land use according to the requirements and standards of Article 11.
 4. After hearing, the Planning Commission may approve the request for a mining permit once it determines all standards and requirements are complied with.

5. As part of the application, the applicant shall submit a topographic survey of the existing parcel drawn to scale and prepared by a Registered Engineer or Registered Land Surveyor with ten foot contour intervals based upon U.S.G.S. datum. The drawing shall also clearly show the area to be mined, areas for stockpiling, processing plant locations, maintenance areas, and similar use areas. The applicant shall also prepare a plan of reclamation which depicts the final elevations referenced to U.S.G.S. datum and prepared by a Registered Engineer and/or Registered Land Surveyor. The applicant will propose a certain plan of operation and will be expected to comply with such plan during the year a mining permit is issued for. (Removed word "Civil" P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)

6. The mining permit shall be annual in nature and the applicant shall reapply sixty (60) days prior to the anniversary date of issuance of permit to renew the mining permit for the parcel being mined. (P.H. 2/20/06; Adopted 4/3/06; Published 4/12/06; Effective 4/12/06) Prior to granting continued approval, the Planning Commission shall review the mining operation as to compliance with the original site and rehabilitation plans. Upon finding the applicant has complied with the plan, another mining permit may be issued.

7. In order to defray the expenses incurred by the Township for surveillance of the mining operation and engineering inspections to insure compliance with the approved mining plan and rehabilitation plan, there shall be an annual surveillance and inspection fee for each mining operation. The amount of the fee shall be based on the surface area, in acres, of the proposed operation times the depth, in yards, of the pit. The amount of the surveillance/inspection fee per acre shall be set by resolution of the Township Board. In setting the amount of the fee, the Board may consult with a Registered Engineer or Registered Landscape Architect with expertise in reclamation of mining sites and the cost thereof. (Removed word "Civil" P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)

D. Standards For Mining Operations

1. All equipment shall be located no closer than one hundred fifty (150') feet to the nearest abutting property line.
2. No excavation or mining shall take place within one hundred fifty (150') feet of the nearest abutting property line.
3. All excavated and mined areas shall be fenced with a minimum five (5') foot high woven wire or a chain link fence along the perimeter of the development protected by locked gates when the operator is not present. *(Amended 2/18/08; P.H. 2/18/08; Adopted 5/6/08; Eff. 5/22/08)*
4. There shall be no removal of topsoil or overburden from the mining site. Said earthen materials may be used to construct a berm, as required in subsection (5) below, as a means for storage on-site.
5. All active excavations shall be screened from view by one of the following:
 - a. Construction of a raised earth berm, along the boundaries of the property, at least six (6') feet in height at its center above the actual elevation of the property along the property lines. The berm shall have slopes not in excess of one foot vertical to four feet horizontal and shall be planted with grass, trees, and similar vegetation.
 - b. Plantings of coniferous trees having a minimum diameter of 3 inches along the boundaries of the property with sufficient rows, staggered and of a depth, that will guarantee effective screening.
6. General hours of operation of the mining machinery and the processing plant shall be 7 a.m. to 7 p.m.. No hours of operation shall be permitted Sundays and legal holidays. The specific hours of operation shall be approved by the Planning Commission.
7. All sand and gravel sites operable under the provisions of this Ordinance shall have direct access to a major thoroughfare as designated on the Township's adopted Master Plan having a minimum right-of-way width of 120' and shall be improved to the specifications of the governing government agency. *(P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011).*
8. All equipment and facilities used in the production, processing or transportation of sand, gravel, or stone shall be constructed, maintained, and operated, in such a manner as to eliminate, insofar as practicable, noises, vibrations, or dust which are injurious or unduly annoying.
9. All trucks leaving the site shall have their loads, covered to prevent blowing of material onto Township roads and/or private property.

10. Any paved public road providing access to the mining site shall be swept at least once daily but more frequently if needed to prevent any accumulation of soil, sand and/or gravel on the public roads. All gravel public or private roads providing access to the mining site shall be kept dust-free at all times during mining operations.
11. The applicant shall acquire approval as to haul routes, bonding requirements, weight limits, speed limits, and other matters within the jurisdiction of the agencies responsible for the public roads.
12. The haul route shall be chosen so as to cause the least amount of disturbance to uses outside the Agricultural districts.
13. No cut shall be made in the original excavation that exceeds a slope of three feet horizontal to one foot vertical (3:1), and such cut shall not begin closer than one hundred fifty (150') feet from any property line.
14. A cash performance guarantee shall be deposited with the Township Board in the amount of one thousand dollars (\$1,000.00) per acre to be disturbed. The excavation shall proceed in cells of then (10) acres maximum, and each such working cell shall be fully restored and rehabilitated prior to proceeding into the next cell, unless the operator chooses to submit the required cash performance guarantee for the additional cell or cells.
15. Other limitations may be established by the Planning Commission to insure protection of the adjoining neighborhood, such as, truck trips per day, total amount of material removed from an individual site on a daily basis, special measures to reduce noise levels, rumble strips on-side, and similar limitations determined to be necessary to protect the health, safety and general welfare of nearby residents and land uses, and the community as a whole.
16. Upon termination of any excavation and/or mining operation either by the operator, owner, the Township through the Ordinance, and/or through judicial means, the land shall be backfilled and graded to the developer's site plan which was approved by the Planning Commission.

E. Standards for Rehabilitation of Mined Areas

1. All excavations shall be made either to a water-producing depth of at least eight (8') feet below the low-water mark for at least eighty (80%) percent of the water area, or shall be graded or backfilled with earthen materials, to insure:
 - a. That the excavated area shall not collect and permit to remain therein, stagnant water; or,
 - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, and so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
2. The banks of all sand and gravel excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be less than three (3') feet horizontal to one (1') foot vertical (3:1), and said banks shall be restored with vegetation in a manner set forth hereunder.
3. Vegetation shall be restored by the use of sufficient soil and overburden and by appropriate seeding of grasses or planting of shrubs or trees in all parts of the mining area where such area is not submerged under water, as provided above.
4. Upon cessation of mining operations by abandonment or otherwise, the operator, within a reasonable period of time not exceeding twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment unless such building or structures can be lawfully used in the district in which same are located.

SECTION 1125: RESIDENTIAL MOBILE HOME PARK (10-29-97)

A. INTENT:

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

B. USES PERMITTED:

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

C. MOBILE HOME PARK DEVELOPMENT REQUIREMENTS:

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

1. Hardsurfaced, off-street parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home lot, an additional one-half (1/2) space per lot for visitors and one (1) for each employee shall be provided in a common area.
2. Area- the minimum lot area for a mobile home park shall be twenty (20) acres. Minimum width and depth shall be three hundred (300') feet. The depth of the lot shall not exceed three (3) times the width.
3. Front and street- side setbacks shall be provided in accordance with Section 803.
4. Front and street- side setbacks, for parking areas shall be maintained in accordance with Article 9, Section 907. For reference, the street or road definitions are those defined in the Riley Township Zoning Ordinance #33, Article II.
5. No mobile home or any structure within a mobile home development shall be located less than twenty-five (25') feet to any property line
6. No building shall exceed the height of two (2) stories or thirty-five (35') feet.
7. A building is recommended to be constructed to accommodate the residents of the park. The structure shall be constructed to code with masonry walls and an incombustible roof. The facility could be used for a activity center, tornado shelter, etc..

D. DESIGN REQUIREMENTS:

1. No mobile home park shall be developed on any parcel of land less than twenty (20) acres, which twenty (20) acres shall be fully developed for total occupancy prior to occupancy by the first mobile home.
 - a.) If zoning for mobile home park shall be given for an area larger than twenty (20) acres and the developer thereof shall propose a partial development or periodic development in stages, then development shall be allowed for only that portion planned for immediate development.
 - b.) If the initial development or any successive stage of development shall not proceed and be completed as proposed and contemplated by the original or successive site approval, then such failure shall be sufficient ground for denial of approval for further development stages.
2. The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.
3. The mobile home sites shall consist of :
 - a.) There shall be at least one (1) mobile home site provided for every mobile home, and it shall be grass covered except for the space directly under the mobile home.
 - b.) Mobile homes shall be so located on each space that there shall be at least fifteen (15') foot clearance between the mobile homes or attachment and structures provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may not be less than fifteen (15') feet.
 - c.) No mobile home shall occupy more than twenty-five (25%) percent of land area on which it is placed.
4. Recreation space is recommended in a central location with an area not less than eight (8%) percent of the total area of the mobile home park. Such space will be enclosed with shrubs and/or evergreens.

5. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development. If the park abuts a non-residential development, the park need not provide screening. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
6. Two-way streets within a mobile home park shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street. The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted 23 feet where parallel parking is permitted along one side, and 33 feet where parallel parking is permitted along both sides and adhere to AASHTO specs.
7. Concrete walkways, not less than thirty-six (36") inches wide, is recommended from each mobile home space to all service structures.
8. A mobile Home Park shall have access to a paved county primary road or a paved state highway.
9. A fence of no less height than five (5') feet, but no higher than seven (7') feet is recommended to be erected around the park.

E. GENERAL REQUIREMENTS:

- 1.) Storage/Parking: If boats, boat trailers and utility trailers are permitted to be parked within the mobile home park, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this ordinance and shall be adequately locked, fenced (the fence shall be no less than five (5') feet in height and no higher than seven (7') feet in height and permanently buffered.
- 2.) Each mobile home shall have a safe and unobstructed primary exit, and an emergency exit.
- 3.) All electrical service conduits shall be underground.
 - a.) Each mobile home site shall be provided with underground electrical service.
 - b.) Wiring shall comply with recommended standards of the local utility company and the Riley Township Electrical Code known as the 1996 Edition of the National Electrical Code with Technical Amendments approved and recommended by the Reciprocal Electrical Council Inc. and approved by the Bureau of Construction Codes.
- 4.) Public sewer systems shall be required in mobile home parks, if available within 200 feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system and:
 - a.) Approval from the Michigan Department of Environmental Quality (MDEQ) must also be submitted to the Township Clerk along with Michigan Department of Consumer & Industry Services precicensing inspection.
 - b.) No mobile home park shall be constructed unless it shall be connected to a public sewer system, if available, or in the alternative, parcel to be developed shall have a private system for sewage treatment that shall connect to a Michigan Department of Environmental Quality (MDEQ) approved sewage system.
 - c.) A central water supply system connected to a public water supply where available with water supplied to each mobile home shall be provided.
 - d.) Fire hydrants shall be provided within five hundred (500') feet of each mobile home site if public water system is available.

5. Street and yard lights are recommended to be provided following the requirements of Rule 929 of the Mobile Home Commission Rules Handbook.
6. Each mobile home lot shall be provided with approved garbage containers.
 - a.) The containers shall be kept in a sanitary condition at all times.
 - b.) It shall be the responsibility of the park owner to insure that garbage containers do not overflow.
 - c.) Exterior property areas shall be maintained free from organic and inorganic material that might become a health hazard, accident or fire hazard.
 - d.) Facilities for cleaning refuse receptacles shall be provided in a central location approved by Riley Township.
 - e.) Requirements of the MDEQMHP Garbage and Rubbish Disposal Standards must be adhered to.
7. Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number so located within the park as to satisfy applicable regulations of the Michigan State Fire Code.
 - a.) No open fires shall be permitted at any place which may endanger life or property.
 - b.) No fire shall be left unattended at any time.
 - c.) Fire extinguishers shall bear the underwriter's label and be of such type approved for such services by the Commissioner of the State Police.
 - d.) Each fire extinguisher shall be periodically examined and kept at all times in a usable condition in compliance with regulations of the fire department.
 - e.) Requirements of Rules 702a and 703 of the Mobile Home Commission Rules must be adhered to.
8. Fences along mobile home lot lines are not recommend so as to provide fireman access to all sides of each mobile home if a fence is permitted by the park, it shall be not more than three (3') feet in height and shall have not less than two (2) access gates which provide free access to all sides of the mobile home in the event of an emergency.

9. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home development provided the development permits the sale. No business of any kind shall be conducted in any mobile home without Special Approval Use if allowed in the District in which the Mobile Home Park is located.
10. The grounds of a mobile home park shall be graded to drain property and to satisfactorily meet the requirements of Part 4 of the MDEQ Mobile Home Park Standards.
11. Skirting on each mobile home shall be required.
 - a.) Enclosed canopies and the method of installation shall be first approved by the Building Inspector.
 - b.) The use of an awning of fabricated factory built aluminum or fiberglass, which space may be screened in shall be permitted. The screened area shall not be greater than nine (9') feet in width.
 - c.) Skirting must meet Rule 604 standards of the Mobile Home Commission and skirting must be installed within 90 days of the date the mobile home is sited.
12. There shall be no storage of any kind underneath any mobile home and each mobile home shall be maintained in a clean and presentable condition at all times.
13. Rules 934-940 of the Mobile Home Commission Rules Handbook must be adhered to.
14. Rule 602 of the Mobile Home Commission Rules Handbook must be adhered to regarding installation of the mobile home.
15. STORAGE AREAS: __No personal property shall be stored outside or under any mobile home. Storage shed may be used to store property but need not be supplied by the owner of the mobile home development. Shed requirements are at the discretion of the Mobile Home Park operator/management.

F. PERMITS:

- 1.) In addition to the foregoing regulations, all mobile home parks shall comply with the provisions of the Mobile Home Commission Act, as amended, and all amendments thereto are incorporated herein and made a part hereof by reference.
- 2.) A permit shall be required for each mobile home which shall hereafter be located or relocated in an approved Mobile Home Park on an approved mobile home site.

Application for such permit shall be made within five (5) days after such location or relocation by the owner of the mobile home or his agent who shall pay to the Township Building Department a fee, in the amount necessary, to defray the cost of inspection. Compliance with this requirement shall be joint and several responsibilities of the Mobile Home Park owner subject thereto and the person, firm, partnership or corporation operating the Mobile Home Park wherein said mobile home is located or relocated.

G. CASH BOND:

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

H. INSPECTION FEES:

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

SECTION 1126. MULTIPLE FAMILY DWELLINGS

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

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

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

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

A.) **LICENSING:** All facilities and such uses shall be licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities, in accordance with applicable state laws.

B.) **REGISTRATION:** All facilities must register with the Township. **Applicant must keep current State Certification on file with the Township.**

C.) **OUTDOOR RECREATION AREA:** A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per child at the licensed capacity of the nursery school, day-care center and/or group day care homes, provided that the overall area shall not be less than 2000 square feet. The outdoor recreation area shall be suitably fenced, secured, and screened from abutting residential uses in accordance with said Section 915 (Greenstrip, Planting Materials). The Planning Commission may approve the use of off-site outdoor recreational facilities to satisfy this requirement. If outdoor recreation area is located in the front yard a minimum setback of two hundred (200') feet from the center of the road.

D.) **PICK-UP AND DROP-OFF AREA:** Adequate areas shall be provided for employee, resident parking, and pick-up and drop-off of children and adults in a manner that minimizes pedestrian-vehicle conflicts and disruption of traffic flow on the public roads.

E.) **SEPARATION REQUIREMENTS:** New nursery schools, day-care centers and group day care homes shall be located a minimum of one thousand five hundred (1500') feet from any other state licensed residential facility, as measured between the nearest points on the property lines in question.

F.) **HOURS OF OPERATION:** Nursery schools, day-care centers and group day care homes in the residential district or accessory to a residential use may operate up to sixteen (16) hours per day with a maximum of twenty-four (24) hours with approval by the Planning Commission.

G.) **SIGNS:** See Section 909

H.) Applicant must notify the police, fire and rescue of location and operation.

SECTION 1128. PUBLIC BUILDINGS WITHOUT STORAGE YARDS

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

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

SECTION 1129. RIDING ACADEMIES AND STABLES, COMMERCIAL

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

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

SECTION 1130. SCHOOLS

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

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

SECTION 1131. SHOOTING RANGES AND GUN CLUBS

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

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

SECTION 1132: RESERVED FOR FUTURE USE

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

A. Local Utility Structures

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

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

B. Utility Transmission Systems

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

1. All such utility lines shall follow existing utility corridors where possible, and reasonable, as determined by the Planning Commission.
2. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
3. Any area destroyed by necessity in the construction of such approved facilities, may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
4. During construction or repair of any facilities approved hereunder, the following shall be required:
 - a. All internal roads shall be kept dust-free at all times during construction or repair operations.
 - b. Any damages to public or private roads, fences, structures, or facilities shall be repaired immediately.
 - c. No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
 - d. All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the Planning Commission.
5. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

C. Utility Transmission Structures

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

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

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

2. In order to provide a pleasing community appearance and to prevent noise levels, odors, dust, and similar external physical effects from adversely affecting adjoining properties, all equipment shall be completely enclosed within a building, unless the setback and screening guidelines specified in subsection "3" below are followed, as approved by the Planning Commission.
3. If the equipment proposed will not be enclosed within a building, a setback of three hundred (300') feet from all property lines shall be required. In addition, an obscuring, landscaped buffer shall be provided, based on the following guidelines, as determined by the Planning Commission after considering the type, size, height, and anticipated noise levels of all equipment being proposed:
 - a. A landscaped earthen berm at least eight (8') feet high, along all sides of the equipment.
 - b. A landscaped greenbelt at least twenty-five (25') feet in width, along all sides of the equipment.
 - c. An obscuring fence or a masonry wall at least six (6') feet high, completely surrounding the equipment.
 - d. Any combination of the above requirements approved by the Planning Commission.

4. All buildings and equipment permitted under this section shall be setback at least one hundred (100') feet from all adjoining property lines. Expansions of transmission facilities, which facilities existed prior to the effective date of this amendment, may be placed within one hundred (100') feet of an adjoining property line only after approval of the Zoning Board of Appeals and only when fully enclosed within a building.
5. Where there will be employees stationed at the utility building on a permanent or intermittent basis, adequate off-street parking shall be provided that is properly drained and dust-free at all times.
6. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety or emergency repairs at that particular utility transmission structure site.
7. Where the utility transmission structure proposed is a wireless transmission, receiving or relay tower which exceeds the height limit of the particular zoning district in question, it shall comply with the following special standards:
 - a. No wireless transmission tower in excess of one hundred (100') feet in height shall be located closer than two thousand (2000') feet to any other such tower.
 - b. All wireless transmission towers not subject to the regulations of the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) shall be painted with a color designed to cause the tower to blend in with the surrounding landscape.
 - c. No new wireless transmission tower shall be constructed where there exists another tower that could reasonable be used to carry the transmission or receiving equipment proposed. The purpose of this section is to require the sharing of tower space by more than one company where broadcast and receiving frequencies do not prohibit such sharing of tower space.

SECTION 1134. SEXUALLY ORIENTATED BUSINESS ORDINANCE (Adopted 9/2/09; Published 9/4/09; Eff. 9/11/09)

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY DISPERSING SEXUALLY ORIENTED BUSINESSES AND LIMITING THEM TO SPECIFIC ZONING DISTRICTS: PRESCRIBING DEFINITIONS OF SEXUALLY ORIENTATED BUSINESSES; PROVIDING FOR LICENSING AND REGULATION OF SEXUALLY ORIENTATED BUSINESSES AND PROVIDING FOR ADDITIONAL MISCELLANEOUS REGULATIONS FOR SEXUALLY ORIENTATED BUSINESSES.

WHEREAS, sexually orientated businesses require special supervision from the public safety agencies of Riley Township, St. Clair County, and the State of Michigan in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as the citizens of the Township of Riley; and

WHEREAS, the Riley Township Board finds that sexually orientated businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of casual nature; and

WHEREAS, there is convincing documented evidence that sexually orientate businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually orientated businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, the Riley Township Board desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the Riley Township Board has determined that locational criteria alone do not adequately protect the health, safety, and general welfare of the people of this Township; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance which addresses the secondary effects of sexually oriented businesses; and

WHEREAS, it is not the intent of the Township of Riley to condone or legitimize the distribution of obscene material, and the Township of Riley recognized that state and federal law prohibits the distribution of obscene materials and both expects and encourages county and state law enforcement officials to enforce the state obscenity statues against any such illegal activities in the Township.

A.) PURPOSE:

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

B.) LOCATION REQUIREMENTS:

- 1.) Must be located in Extensive Commercial (EC) District.
- 2.) An adult only business shall be located in a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.
- 3.) Adult only businesses are prohibited from locating within one thousand (1000') feet of an : agricultural/residential (AR) zoning district, existing residentially/agriculturally used lot or parcel, religious institution, place of worship, school, library, public park or playground, non-commercial assembly facility, public office building, licensed day care facility or arcade within the Township of Riley or surrounding communities. Measurements shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult only business will be situated.
- 4.) That all applicable regulations of this Ordinance will be observed.
- 5.) The Planning Commission may waive the locational requirement established in subsection B.) herein for adult entertainment and business establishments if the following findings are made:
 - a.) That the proposed use will not be contrary to the public interest or cause negative secondary affects to nearby properties, and that the spirit and intent of this Ordinance will be observed.

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

C. SITE DEVELOPMENT REQUIREMENTS:

- 1.) The site layout, setbacks, structures, function and overall appearance shall be compatible with adjacent uses and structures.
- 2.) Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual exploitation. All such displays and signs shall be in conformance with all Township Ordinances.
- 3.) All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area as determined by the Planning Commission.
- 4.) No loud speakers or sound equipment shall be permitted to project sound outside of the adult only business.
- 5.) An adult only business shall clearly post notification at the entrance to the business, or any portion of the business utilized for adult only use, that minors are excluded.

- 6.) "Adult cabarets" (as defined in Section 202) are required to include a stage raised at least three (3') feet from the viewing floor, with a horizontal barrier of at least two (2') feet at the edge of the stage. A person is in violation of this Ordinance if he or she permits an entertainer off of the stage or permits a customer on the stage.
- 7.) "Mainstream media outlets" carrying less than a "substantial portion" of "Adult Media" businesses. Adult media in a shop to which this section is applicable shall be kept in a separate room or section of the shop, which room or section shall:
 - a.) Restrict access to any person under the age of 18.
 - b.) When the doors are open it shall be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8') feet high or to the ceiling, whichever is less.
 - c.) Shall be located so that the main entrance is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children.
 - d.) Shall have access controlled by any means to ensure that persons under age 18 will not gain admission and that the general public will not accidentally enter such room or section or provide continuous video or window surveillance of the room by store personnel and;
 - e.) Shall provide notification at all entrances stipulating that persons under 18 are not permitted inside.

D.) CLASSIFICATION:

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

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

E.) USE REGULATIONS:

- 1.) No person shall reside in or permit a person to reside in the premises of an adult only business.

- 2.) No person shall operate an adult only business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the process for all services performed therein. No person operating or working at such a place of business shall solicit or accept any fees, and or tips except those indicated on any posted notice.
- 3.) The owners, operators, or persons in charge of an adult only business shall not allow entrance into such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.
- 4.) No adult only business shall possess, disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
- 5.) No person shall operate an adult personal service business without first obtaining special approval use by the Riley Township Planning Commission. Such use permit shall be issued by Riley Township Offices. Such license shall be subject to all regulations of federal, state and local governments.
- 6.) No person shall lease or sublease, nor shall anyone become the lessee or sub-lessee of any property for the purpose of using said property for an adult only business without the express written permission of the owner of the property for such use and only upon having obtained the required licenses and permits from the Township, County, State and Federal government.
- 7.) The provisions of this Section regarding massage parlors shall not apply to hospitals, nursing homes, medical clinics, physician, surgeon, chiropractor, osteopath or the offices of a medical professional who is licensed to practice their profession in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan, clergymen, certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation.
- 8.) No person shall operate a Tattoo parlor without first obtaining special approval use by the Riley Township Planning Commission. Such use permit shall be issued by the Riley Township Offices. Such License shall be subject to all regulations of federal, state and local governments.
- 9.) Hours of operation for a sexually orientated business shall be 12:00 P.M. Noon to 12:00 A.M. Midnight, Monday-Saturday and closed Sunday.

10.) **LICENSE REQUIRED:**

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

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

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

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

- (E.) The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:
 - (1) If the applicant is:
 - (a) an individual, the individual shall state his/her legal name and name changes, and any aliases and submit proof that he/she is eighteen (18)years of age;
 - (b) a partnership, the partnership shall state its complete name, and the name of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;

- (c.) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and controlling stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
- (2) If the applicant intends to operate the sexually orientated business under a name other than that of the applicant; he or she must state 1.) the sexually oriented business's fictitious name and 2.) submit the required registration documents.
 - (3) Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this ordinance, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.
 - (4) Whether the applicant, or a person residing with the applicant, has had a previous license under this ordinance or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this ordinance whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
 - (5) Whether the applicant or a person residing with the applicant holds any other licenses under this ordinance or other similar sexually oriented business ordinance from any Governing Agency such as, but not limited to another city or county and, if so, the names and locations of such other licensed businesses.
 - (6) The single classification of special approval use license for which the applicant is applying.
 - (7) The location of the proposed sexually oriented business, including a legal description of the property, parcel number, street address, phone number(s).
 - (8) The applicant's mailing address and residential address.
 - (9) A recent dated photograph of the applicant(s).

(10) The applicant(s) drivers license(s) when application is made. (Copies will be made at time of application.)

(11) A current certificate and straight line drawing prepared by a registered land surveyor depicting the property lines and the structures(s) containing any existing sexually oriented businesses within one thousand (1000') feet of the property to be certified; the property lines of any established residence, religious institution/synagogue, school, or public park or recreation area within one thousand (1000') feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram must be drawn to scale with marked dimensions of the interior of the premises.

F.) Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the Township the following information:

- (1) The applicant's name or any other name (including "stage" names) or aliases used by the individual;
- (2) Age, date, and place of birth;
- (3) Height, weight, hair and eye color;
- (4) Present residence address and telephone number;
- (5) Present business address and telephone number;
- (6) Date, issuing state and number of driver's permit or other identification card information; and
- (7) Proof that the individual is at least eighteen (18) years of age.
- (8) License update for change of address.

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

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

- (3) A statement whether the applicant has been convicted of a specified criminal activity as defined in this ordinance and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

11.) ISSUANCE OF LICENSE

- (A) Upon the filing of said application for a sexually oriented business employee license, and having met all other requirements of this ordinance. The application shall then be referred to the appropriate departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within forty-five (45) days from the date the completed application is filed. After the investigation, the Township, the Township shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
 - (1) The applicant has failed to provide information reasonable necessary for issuance of the license or has falsely answered a question or request for information on the application form;
 - (2) The applicant is under the age of eighteen (18) years;
 - (3) The applicant has been convicted of a "specified criminal activity" as defined in this ordinance;
 - (4) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this ordinance; or
 - (5) The applicant has had a sexually oriented business employee license revoked by the Township within two (2) years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in this ordinance.
- (B) A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the Township that the applicant has not been convicted of any specified criminal activity as defined in this ordinance or committed any act during the existence of the previous license, which would be grounds to deny the initial license application.
- (C) Within forty-five (45) days after receipt of a completed sexually oriented business application, the Township shall approve or deny the issuance of a license to an applicant. The Township shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
 - (1) An applicant is under eighteen (18) years of age.
 - (2) An applicant or a person with whom the applicant is residing is overdue in payment to the Township of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.

- (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
- (4) An applicant or a person with whom the applicant is residing has been denied a license by the Township to operate a sexually orientated business within the preceding twelve (12) months or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
- (5) An applicant or a person with whom the applicant is residing has been convicted of a specific criminal activity defined in this ordinance.
- (6) The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
- (7) The license fee required by this ordinance has not been paid.
- (8) An applicant of the proposed establishment is in violation of or is not in compliance with any provisions of this ordinance.
- (D) The license, if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued. All licenses shall be posed in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.
- (E) The applicant shall submit the health department, fire department, and the building official certification that the premises is in compliance or not in compliance at time of application to the Township.
- (F) A sexually oriented business license shall be issued for only one classification.

12.) FEES

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

13.) INSPECTION

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

14.) EXPIRATION OF LICENSE

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

15.) SUSPENSION

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

16.) REVOCATION

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

- (D) After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action by the Zoning Board of Appeals.

17.) TRANSFER OF LICENSE

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

18.) PROHIBITION AGAINST CHILDREN IN A SEXUALLY ORIENTED BUSINESS

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

F.) SEVERABILITY

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

G.) CONFLICTING ORDINANCES REPEALED

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

H.) EFFECTIVE DATE

This ordinance shall become effective September 11, 2009.

SECTION 1135. LIMITED BUSINESS USES

Limited business uses that are primarily engaged in producing a product or providing a service, where the external physical effects will not extend beyond the property lines, may be permitted in AR districts subject to the following:

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

SECTION 1136: COMMERCIAL COMPOSTING

A. INTENT:

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

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

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

B. DEFINITIONS:

AS-BUILT: The final approved Site Plan.

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

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

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

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

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

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

1.) Site Location and Design

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

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

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

d.) A survey of soil types on-site shall be submitted, demonstrating their permeability and capacity to absorb water. The plans shall illustrate all surface and subsurface artificial drainage systems required to eliminate standing water, seasonal high water tables of less than one (1') foot, and any restrictions on the ability to operate the facility's large equipment.

e.) The minimum site size for a compost operation shall be fifty (50) acres. Adequate space must be provided for required setbacks, buffers, berms, and drainage systems along with room for staging areas, initial processing, windrows, screening areas, curing areas, storage of finished products, management office, general storage, internal roads, and storm water retention basins.

f.) In order to avoid an undue concentration of yard waste facilities in any one neighborhood or area, a minimum spacing of two thousand (2000') feet shall be required between individual composting operations.

g.) Sites proposed to be located on lands which have been previously issued a development rights agreement, under the Farmland and Open Space Preservation Act, P.A. 116 of 1974, are prohibited from use as compost sites for the duration of the Agreement.

h.) Composting operations shall not be permitted within a one hundred (100) year flood plain or within fifty (50') feet of a regulated wetland, river, stream, creek, county drain and natural water course. The application and site plan shall include a statement and boundaries of the one hundred (100) year flood plain and regulated wetlands. A twenty five (25') foot wide grass filter strip shall be added in addition to the fifty (50') foot setback and maintained adjacent to the regulated wetland, river, stream, creek, county drain and natural water course. Final determinations on location of wetlands shall be made governing government agency. (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)

i.) Per governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) order 5200-5A, composting operations are prohibited within five thousand (5000') feet of any runway used by piston powered craft, and within ten thousand (10,000') feet of any runway used by turbine powered craft unless governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) approval is obtained.

j.) If the site abuts and existing residential site or property shown as residential on the Riley Township Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to - three hundred (300') feet from all adjoining property lines. All buffer zones shall include a minimum six (6') foot high berm and four (4') foot flat top with four (4') foot high evergreen trees spaced a maximum of fifteen (15') feet apart. Slopes shall not exceed three to one (3-1) slope. Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07

k.) All site access roads or drives, initial processing areas, and all areas for employee parking shall be paved with asphalt or concrete. Internal haul roads may be unpaved.

l.) Height of berm may be increased to shield adjoining properties and or roadways. Under no circumstances shall composting be seen from adjoining properties and/or roads. Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07

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m.) In addition to the standard in (k.) above, a minimum of five (5) paved, off-street parking spaces shall be provided on-site.

n.) The site plan submitted shall be prepared by an engineer licensed in the State of Michigan in accordance with Article 9 Section 913. (Word "Civil removed P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)

o.) An "as-built" site plan shall be submitted for approval by the Township Engineer upon completion of all improvements, certified by a licensed engineer, demonstrating compliance with all requirements and conditions prior to release of any portion of the performance guarantee and prior to operations beginning on-site. (Word "Civil removed P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)

p.) Site plan shall show location and depth of any wells located within three hundred (300') feet from proposed site. Composting operation owners will be liable for any contamination or testing to be done on said properties located within this three hundred (300') foot. Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07

D. SITE MANAGEMENT:

- 1.) The operator shall establish a Site Management Plan to be submitted with the site plan review. The Site Management plan shall contain, at a minimum the following:
 - a.) Name, address, and telephone number of the owner or owners of the land of the subject site;
 - b.) Name, address, and telephone number of the applicant a making request for the special approval use permit;
 - c.) Name, address, and telephone number of person, firm or corporation who, or which, will be managing the actual composting operation and who is also responsible for correcting all operational problems that may result in complaints being made to Riley Township;
 - d.) An outline of the management structure complete with names, titles, addresses, and telephone numbers;
 - e.) The Township shall be notified within fifteen (15) days of changes that occur in a, b, c, and/or d above.
 - f.) Location, size and legal description of the total land area proposed for such use;
 - g.) The projected capacity of the facility, including shredded leaves, grass, and brush. Targeted quantities to be processed, incoming and outgoing;
 - h.) A statement on the population intended to be serviced by the facility (where will the compostable material be received from, evidence of contracts shall be included), and how this material will be brought to the site;
 - i.) Types of materials to be composted and what form it will be accepted in. Procedures for monitoring incoming and outgoing material, controlling the disposal or refusal of unacceptable materials;

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j.) Method of composting to be used (sheet composting is prohibited);

k.) The operator shall provide plans showing all equipment (i.e. shredders, front-end loaders, windrow turning machine, screening and shakers, etc.) maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment. Fuel storage shall meet or exceed flammable and combustible liquids code as adopted with amendments by the appropriate governing government agency. P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)

l.) Personnel: number to be employed and duties of each;

m.) An outline of the operational cycle and timetable beginning with acceptance of material on-site to the disposal of final product. This outline shall include plans for the pre-processing or staging of material (i.e. chipping, mixing materials, windrow formation, material layering, watering), the compost activity (i.e. windrow turning, monitoring moisture content and temperature, windrow combining, curing and finishing, including screening), and the distribution of the final product;

n.) Operational details shall be stated, including the hours of operation and days of the week that the facility will be open throughout the year; estimated truck trips per day; approval by the appropriate governing government agency for ingress and egress to site from public road. P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)

o.) List of the chemicals or accelerating agents to be used, including bacteria, fungi, or nitrogen. Include established guidelines for use and storage of these agents;

p.) A statement on the methods to be used to monitor and ensure protection of the environment (odor, dust, noise, blowing, trash, anaerobic problems, methane production). This shall include an outline of the necessary steps which will be taken to reverse a breakdown in the composting system or pollution problem;

q.) Plans for the disposition of nonmarketable compost.

r.) Shall include a plan for the disposition of the final products. This plan shall encompass targeted users, projected quantities to be produced and distributed, and the manner of distribution and sales (i.e. retail, individual bags, truckloads, or wholesale). The applicant shall present to the Township a copy of their registration issued by the Michigan Department of Agriculture as evidence of compliance with P.A. 634 of 1976, the Commercial Fertilizer Regulation Act;

s.) Evidence on the previous use, or nonuser, of this site for waste disposal;

t.) Statements indicating that the applicant is aware of, has read, and understands as it applies to the proposed composting operation, Public Acts of the State of Michigan, including P.A. 245 of 1929 as amended, the Water Resources Commission Act; P.A. 348 of 1965 as amended, the Michigan Air Pollution Control Commission Act; P.A. 116 of 1974, the Michigan Farmland and Open Space Preservation Act; P. A. 634 of 1976, the Commercial Fertilizer Regulation Act; and P. A. 198 of 1975, the Fertilizer Act. This plan shall also include a copy of the applicant's soil erosion and sedimentation control permit, as evidence of compliance with Act 347 of 1972 of the Public Acts of the State of Michigan and

u.) A contingency operations plan which addresses action to be taken in the event of a natural disaster, equipment failure, extended adverse weather, storm sewer failure, unauthorized receipt or dumping of hazardous material, or a breakdown in the composting process resulting in odor, dust, or offsite surface or groundwater contamination. These plans shall address reserve or alternate equipment, alternative handling methods, agencies to be contacted or alerted, and alternative operational plans.

E. OPERATION:

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

6.) The volume of yard wastes handled by the facility shall not exceed six thousand (6000) cubic yards of incoming yard wastes per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas. In no instance shall the volume of yard wastes accepted by any facility exceed three thousand (3000) cubic yards per acre based on the total site area.

7.) The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for enforcement action by the Township and the voiding of Special Approval Use Permit per Article 11 Section 1109.

8.) Treated yard wastes shall be actively rotated in an aerobic condition. Wastes shall not be allowed to accumulate for longer than three (3) years before being finished and removed from the site.

9.) An annual inspection/permit fee for all yard waste composting facilities shall be established by resolution of Township Board, and the facility shall be open for inspection by the appropriate governing government agencies P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011 at all times.

10.) Copies of all the appropriate governing government agencies P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011 applications/permits, if required, shall be provided to the Planning Commission as part of the application package.

11.) All outside storage of equipment and vehicles shall be screened from view from public streets and adjacent residential property by a building, decorative screen wall, or landscaped buffer area.

12.) The applicant shall provide a copy of the annual permit issued by the appropriate governing government agency. P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011 for the sale of finished compost products to the Township Board within thirty (30) days of receiving said permit.

13.) A sign must be installed according to Section 909. Sign must include the following information: the name and address of the facility, days and hours of operation, and material accepted. Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07

F. ANNUAL OPERATING PERMIT

A.) All yard waste composting facilities shall obtain an annual operating permit from the Township Board. An annual operating permit shall be issued only after the Planning Commission's approval of the site plan and special land use, payment of all application, review, inspection and permit fees, and deposit of required performance guarantees. Issuance of all subsequent annual operating permits shall be on condition of conformance to all ordinance requirements, design plan and operating features, and conditions on the special land use. Annual inspection shall be made simultaneously by a licensed engineer and one (1) Planning Commission Member. The composting permit shall be annual in nature and the applicant shall reapply sixty (60) days prior to the anniversary date of issuance of permit to renew the composting permit for the parcel with the composting facilities. Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07

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

G. PERFORMANCE GUARANTEE

1.) The Township shall require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township Board covering the estimated cost of all improvements associated with the project and plans as a guarantee for their completion. This performance guarantee shall be returned to the developer upon completion of all required improvements and following receipt and approval of a certified, as-built site plan.

2.) The Township shall also require a performance guarantee in the form of cash, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township Board to guarantee restoration in the event of default or abandonment by the operator. A minimum amount of One Hundred Thousand (\$100,000) Dollars, plus six thousand (\$6000) dollars per acre of the total site shall be established and held as a performance guarantee. This performance guarantee shall be maintained in force for the entire operating life of a yard waste composting facility. Amended 7/16/07 P.H. 9/17/07 Adopted 12/4/07 Eff. 12/27/07

H. AGRICULTURAL OPERATIONS

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

I. GENERAL COMPREHENSIVE LIABILITY INSURANCE

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

2.) Notice of Discontinuance The certifications or renewals thereof shall provide that the Township shall be notified upon discontinuance or alteration of any such insurance coverage for any reason.

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SECTION 1137: PRIVATE USE AIRCRAFT LANDING FIELDS: (1/05/08)

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

- A. Said landing field is subject to all rules and regulations of the governing government agencies P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011 which such agencies shall approve the preliminary plans submitted to the Township.
- B. No landing field for private use shall be established within five (5) miles of a public use facility certified by the governing government agencies P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011 without approval of such agencies.
- C. All landing fields shall have a runway with a one thousand eight hundred (1800') foot landing length in each direction from a clear approach slope of 20:1 and a fifty (50') foot usable width with an additional twenty-five (25') feet minimum width on each side which is free of obstructions. The approach slope with a width of not less than one hundred (100') feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of fifteen (15') feet or seventeen (17') feet over an interstate highway, a railway clearance of twenty-three (23') feet, and a clearance at the property line of twenty-five (25') feet. A shorter runway length may be permitted provided approval for same has been granted by the governing government agencies P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011 for the type of aircraft. It is not required that the necessary clear zones be contained within the site, however, if future development intrudes upon the required clear zones, use of the landing field shall immediately cease. The landing area shall be marked in accordance with the governing government agency P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011
- D. No landing field shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property. No such landing strip and/or facility shall be located closer than three hundred and fifty (350') feet from the property line, an existing permitted dwelling or Residential District.
- E. Hazards to Navigation: No obstruction of whatever character, object of natural growth, or use of land, upon the premises of the landing field which prevents the safe use of such facilities for the takeoff or landing of aircraft shall be permitted.
- F. Yard and Placement Regulations:
 1. Landing fields shall be located on a contiguous parcel of land that meets the setback requirements as in C.) and D.) above.
- G. The property shall be registered every two (2) years with the Township. Special Approval Permit may be revoked at any time if conditions are no longer being met.

SECTION 1137 (A – G)

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

SECTION 1137 (H – N)

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

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

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

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

SECTION 1139: WIRELESS COMMUNICATION FACILITIES AND TOWERS

A. INTENT

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

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

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

B. DISTRICT REQUIREMENTS

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

C. MINIMUM STANDARDS

1. The carrier, contractor, and or applicant shall demonstrate and justify the need for a tower, the proposed location, and demonstrate why collocating on an existing tower is not feasible.
2. All towers shall be of the freestanding monopole type, or the newer technology available, **whenever possible** and designed and constructed so as to accommodate collocating.
3. The use of guy wires is strictly prohibited.
4. The tower compound shall have a chain link fence which is a minimum of eight (8') feet completely surrounding the equipment, topped by three strands of barbed wire on top to prevent access, and a six (6') foot shrub screening surrounding the fence.

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D. MINIMUM DESIGN STANDARDS

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

Section 1139 D

E. PERFORMANCE STANDARDS

1. When a wireless communication structure has not been used for a period of ninety (90) consecutive days, or ninety (90) days after new technology is available which permits the operation of a facility without the necessity of a wireless communication structure, all parts of the structure shall be removed within one hundred and eighty (180) days. This includes any accessory equipment and fencing. The base of any tower and/or support anchors shall be removed to a point twelve (12') feet below grade and the excavation filled with suitable soil, then covered with top soil and re-seeded. The removal of antenna or other equipment from the structure or the cessation of reception or transmission of radio signals shall be considered the beginning of non-use. Riley Township may secure the removal of the structure if it is still standing thirty (30) days after the Township has sent notice to the operator stating the need to remove the structure.

2. Removal costs shall be the responsibility of the property owner and the lessee.

3. If the support structure is painted, the color will be a light color, such as, but not limited to gray or light blue.

4. Written assurances by the applicant, and/or lessee that the facility complies with all current State and/or Federal regulations concerning nonionizing electromagnetic radiation, and the applicant and/or lessee further agrees in writing that if more restrictive State and/or Federal regulations are adopted during the operating life of the facility, the applicant and/or operator shall commence efforts to bring the facility into conformance with such standards within sixty (60) days of the adoption of such standards, and the applicant and/or lessee agrees that they shall bear the costs of testing and verification of compliance with all such standards.

5. The owner, and/or lessee of an existing wireless telecommunications support structure in the Township, which possesses unused attachable space for the collocation of an additional antenna or antenna array shall allow the attachment of another wireless telecommunications antenna or antenna array by another wireless provider who desires to provide their service within the service area of the support structure. The owner and/or lessee of the existing support structure shall not therefore discourage the attachment of additional service antennas or antenna arrays to the support structure by demanding unreasonable rates, terms or conditions for attaching services. The owner, and/or lessee of an existing support structure may establish the rates, terms, or conditions for attaching services, but such rates, terms or conditions shall be just and reasonable.

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

Section 1139 E

SECTION 1140: VEHICLE WASH FACILITIES

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

- A. Minimum Lot Size: See Section 803
- B. Layout: All washing activities shall be carried on within a building. Vacuuming activities, if outdoors, shall be at least one hundred (100') feet from any Agriculture-Rural Residential (AR) zoned lot line or residential use. Wash bays for self-service washes shall be located at least fifty (50') feet from any Agriculture-Rural Residential (AR) lot line. These areas shall be located so as not to conflict with any required parking, drive or automobile standing areas. Self-contained, covered waste receptacles shall be provided at each proposed vacuum station to provide convenient disposal of customer refuse.
- C. Entrances and Exits: Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street, highway or road. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets, highways or roads shall not be used for maneuvering or parking of vehicles to be serviced by the automobile wash. A minimum distance of one hundred twenty five (125') feet shall be maintained between the exit door of the wash structure to the nearest exit driveway to permit adequate time for excess water to drip off of the vehicle. All vehicles standing and waiting to enter the facility shall be provided off street, road or highway waiting space and no vehicle shall be permitted to wait on the public right of way as part of the traffic approach.
- D. Orientation of Open Bays: Buildings should be orientated so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot or building. Exit lanes shall be sloped to drain water back to the wash building or to drainage grates.
- E. Water Runoff System: All car wash facilities shall provide a drainage system installed midway from the exit door of the wash structure to the nearest exit drive at a low point to limit water runoff. A series of rumble strips (1/2" to 1 1/2" high or deep, 3" to 4" wide and 90-degree crossway to traffic) must be located between the car wash building exit and the drainage system collection point.
- F. Sufficient Stacking: Sufficient stacking capacity shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service washes a minimum of two (2) stacking space per stall and a minimum of one (1) space per stall at the exit shall be provided.
- G. Sewage Wastes and Water Pollution: Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by all the governing government agencies P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011 .

- H. Surfacing: The entire lot, excluding areas occupied by landscaping and building, shall be hard-surfaced with concrete or asphalt material. The site shall be graded and drained so as to dispose of surface waters. Subject to standards of Section 907.
- I. Lighting: All lighting shall be noted on the site plan and shall be shielded downward and away from adjacent properties and right-of ways.
- J. Signs: Subject to Section 909 standards.
- K. Site Plan: Subject to standards of Section 913. Site Plan shall detail the location of all proposed vacuum stations, car wash bays, standing areas, stacking areas, drainage requirements, and landscaping, including screening.
- L. The site shall be screened from abutting property in conformance with Section 915. The Planning Commission may require additional landscaping or screening when it is determined that it is necessary to prevent negative impacts on adjoining properties.
- M. Parking: See Section 906.