

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE II  
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 202. DEFINITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Eaves: The overhanging lower edge of a roof.

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

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

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

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

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

Establishment means and includes any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mobile Home: See "Dwelling, Mobile Home"

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

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

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

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

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

Municipality: The Township of Riley.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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Specified criminal activity: means any of the following offenses:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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