

TOWNSHIP OF WAVERLY
COUNTY OF VAN BUREN, STATE OF MICHIGAN

ORDINANCE NO. 6
ZONING ORDINANCE

Ordinance No. 6 amended

Adopted: March 13, 2015

Effective: March 20, 2015

Ordinance No. 6 amended

Adopted: April 5, 2018

Effective: April 21, 2018

Waverly Township Zoning Ordinance No. 6 – Effective April 21, 2018

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ZONING ORDINANCE
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TOWNSHIP OF WAVERLY

COUNTY OF VAN BUREN, STATE OF MICHIGAN

ORDINANCE NO. 6

ZONING ORDINANCE

PREAMBLE (5-May-2007)

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWNSHIP OF WAVERLY, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE TOWNSHIP RURAL ZONING ACT, ACT 184 OF THE PUBLIC ACTS OF 1943, AS AMENDED, AND PROVIDING FOR PENALTIES FOR VIOLATIONS HEREOF.

WHEREAS, Act 184, P.A. 1943, amended, empowers the Township Board to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Township Board of Waverly Township deems it necessary for the purpose of promoting the public health, safety, and general welfare for the township to enact such an ordinance; and

WHEREAS, the Township Board, pursuant to the provisions of Act 168, P.A. 1959, as amended, has appointed a planning commission to study and recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein; and

WHEREAS, the planning commission has divided the Township of Waverly into districts, and has prepared regulations pertaining to such districts, in accordance with the basic plan, which are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements; and

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WHEREAS, the planning commission has given reasonable consideration to the character of the districts and their peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the township; and

WHEREAS, the planning commission has submitted its findings and recommendations to the Township Board; and

WHEREAS, the planning commission has given due notice of public hearing relating to zoning districts, regulations, and restrictions, and has held such public hearing; and

WHEREAS, all requirements of Act 184, P.A. 1943, as amended, and Act 168, P.A. 1959, as amended, with regard to the preparation of this ordinance and subsequent action of the township board have been met;

BE IT THEREFORE ORDAINED BY THE TOWNSHIP OF WAVERLY, VAN BUREN COUNTY, MICHIGAN AS FOLLOWS:

“Editor’s Note: Public Act 184 of 1943, the Township Zoning Act has been rescinded by the legislature and in its place the legislature adopted Public Act 110 of 2006, the Michigan Zoning Enabling Act.” (amend #2007-2)

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ARTICLE I

**ESTABLISHING OF DISTRICTS AND PROVISION FOR OFFICIAL ZONING MAP
(5-May-2007)**

Section 1.01 - Official Zoning Map (amend #2007-2)

- A. Waverly Township is hereby divided into zoning districts, as shown on the official zoning map which, together with all explanatory matter that it contains, is hereby adopted by reference and declared to be a part of this ordinance.
- B. The official zoning map shall be identified by the signature of the Township Supervisor attested and dated by the Township Clerk, together with the date of the adoption of the ordinance and the date of the most recent amendment(s).
- C. If, in accordance with the provisions of this ordinance, changes are made in zoning district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map within fifteen (15) days after the adoption by the Township Board. Public notice of all zoning map amendments shall conform to the requirement of Article VIII Amendment and Public Notices, Section 8.04. All map amendments shall take effect seven (7) days after publication of the notice of adoption or at such later date after publication as may be specified by the Township Board.
- D. No changes of any nature shall be made in the official zoning map or matter that it contains shown thereon except in conformity with the procedures set forth in this ordinance or state law. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided in Section 9.03.
- E. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map shall be located in the office of the township clerk and shall be the final authority as to the current zoning status of land and water areas, buildings, and other features and structures in the township.

Section 1.02 - Replacement of Official Zoning Map

- A. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Board may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the township supervisor attested by the township clerk, and shall bear the seal of the township under the following words: “This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map

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being replaced) as part of Zoning Ordinance No. 6 of the Township of Waverly, Van Buren County, Michigan.”

- B. Unless the prior official zoning map has been lost or totally destroyed, the prior map, or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

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ARTICLE II

NONCONFORMING LOTS, STRUCTURES, AND USES (6-Apr-2008)

Section 2.01 - Intent

- A. Within the districts established by this ordinance, or any subsequent amendment thereto, there exist land, structures, and uses of land and structures which were lawfully established or constructed, but which would be prohibited, regulated, or restricted under the terms of this ordinance to permit such lawful nonconformance to continue until they are removed but not to encourage their continuation. It is further the intent of this ordinance that lawful non-conformances shall be permitted to be enlarged, expanded, extended, repaired, reconstructed, or replaced, but only in accordance with the following provisions of this article.

- B. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance, and upon which actual construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 2.02 – Nonconforming Lots of Record

- A. In any district in which single-family dwellings are permitted, a single-family dwelling, and customary accessory buildings thereto, may be erected on any single lot which was a lot of record at the effective date of this ordinance or subsequent amendment thereto, provided all applicable township, county, and state regulations are complied with and all required permits are duly obtained. Notwithstanding limitations imposed by other provisions of this ordinance, such lot must be in separate ownership and not of continuous frontage with lots in the same ownership, the combining of which, would create a lot which would conform to the provisions of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulations of the district in which the lot is located. Variance of yard requirements shall be obtained only through action by the Board of Appeals in accordance with Article VII.

- B. If two or more lots or combination of lots or portions of lots with continuous frontage in single ownership are of record at the effective date of this ordinance,

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or subsequent amendment thereto, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcels shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

- C. Notwithstanding Section A and B above, when two or more parcels or lots with continuous frontage, in single ownership, are (1) located in the Agricultural districts, (2) such parcels or lots were split or created prior to the effective date of Public 591 of 1996 (MCL 560.101), being 3-31-97 (the land Division Act), and (3) have received a separate tax bill from the Township, and (4) are at least 1.5 acres in size, such lots or parcels shall be considered buildable lots provided all current setback requirements are met.

Paragraph 2.02C adopted 11-Apr-02 with immediate effectivity

Section 2.03 - Nonconforming Structures

- A. Where a lawful nonconforming structure or portion of a structure exists at the effective date of this ordinance, or subsequent amendment thereto, that could not be built under the terms of this ordinance by reason of restrictions on lot size, height, yards, location on the lot, or other requirement concerning the structure, such structure may be continued if it remains otherwise lawful, provided:
1. Such nonconforming structure, or portion of a structure, may be enlarged, extended, repaired, reconstructed, or replaced, providing all applicable provisions of the Waverly Township Zoning Ordinance and all applicable provisions of all other township, county, and state regulations are complied with and all required permits are duly obtained.
 2. The enlargement, extension, repair, reconstruction, or replacement of such nonconforming structure or portion of a structure shall be completed within six (6) months subject to the yard, height, bulk, and placement requirements of the district regulations for the zoning district in which the structure is located. Provided, however, that in cases where compliance with such regulations would cause practical difficulty or undue hardship, relief therefore may be granted by the zoning administrator or the board of appeals in accordance with provisions of Article VII.
 3. The enlargement, extension, repair, reconstruction, or replacement of such nonconforming structure or portion of a structure shall be confined to the lot of record upon which it was located at the effective date of adoption or amendment of this ordinance.

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- B. Where a lawful structure in existence before August 24, 1994, is found to be located in a flood hazard zone of the township, any repair, reconstruction or improvements of such structure, the cost of which equals or exceeds fifty percent (50%) percent of the market value of the structure either:
1. before the improvement or repair is started, or
 2. if the structure has been damaged and is being restored, before the damage occurred, then such structure shall be made to comply in all respects with all codes, ordinances and requirements as those required for a new structure. The Zoning Board of Appeals may only grant variances from this section 2.03 B., where such variance will have no negative impact upon either Waverly Township's ability to qualify for Federal Disaster Relief or the ability of property owners in the township to qualify for flood insurance.

Section 2.04 - Nonconforming Uses of Structures or Land

- A. Where at the effective date of this ordinance, or subsequent amendment thereto, lawful use of structures or land exists which would not be permitted by the regulations of this ordinance, such lawful use may be continued if it remains otherwise lawful, provided:
1. Such nonconforming use of a structure or land may be enlarged, extended, or increased, provided that all applicable district regulations of this ordinance for the district in which such nonconforming use is located and Paragraph 2 Subsection A of Section 2.03 are complied with.
 2. Whenever any lawful nonconforming use of a structure or land is superseded by a permitted use, the use of such structure or land shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

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ARTICLE III

DISTRICT REGULATIONS (21-April-2018)

Section 3.01 - Schedule of District Regulations

- A. District regulations shall be as set forth in the “Schedule of District Regulations” contained in this Article and in “Supplementary District Regulations” contained in Article IV.

Section 3.02 - Application of District Regulations

- A. The regulations set forth by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land similarly situated within a district, and particularly, except as hereinafter provided:
1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which such building, structure, or land is located.
 2. No building or other structure shall hereafter be erected or altered to:
 - a. exceed the height;
 - b. accommodate or house a greater number of families;
 - c. have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or be erected or altered in any other manner contrary to the provision of this ordinance.
 3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with a building, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
 4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein and yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance, except when a variance is duly granted in accordance with the provisions of Article VII.
 5. Essential services, as defined in Section 10.06, shall be permitted as authorized and regulated by law and other ordinances of the township, it being the intention hereof to exempt such essential services from the application of this ordinance.

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Section 3.03 - District Boundary Lines

- A. Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following paragraphs shall apply:
1. Boundaries indicated as approximately following the center lines or right-of-way lines of streets, highways, alleys, or railroads shall be construed to follow such center or right-of-way lines;
 2. Boundaries indicated as approximately following lot or property lines shall be construed as following such lot or property lines;
 3. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries;
 4. Boundaries indicated as following township section lines shall be construed as following such section lines;
 5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline;
 6. Boundaries indicated as parallel to or extensions of features or lines indicated in Paragraphs 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
 7. Where natural or man-made features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Paragraphs 1 through 6 above, the board of appeals shall interpret the district boundaries.

Section 3.04 - Schedule of District Regulations – R1

R1 – Residential - High Density District (amend #2015-1)

Intent: To establish and preserve quiet one-family home districts, as desired by substantial numbers of residents, which are free from other uses except those which are both compatible with and for the convenience of the residents of such districts; to maintain the character and integrity of existing residential areas which are comprised predominantly of one family dwellings; and to provide protection against contamination of soil, surface and ground water by effluent from septic tank sewage disposal systems by requiring adequately large lot sizes in areas not serviced by public sanitary sewer systems.

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Minimum Lot Area and Frontage Width: 17,000 square feet lot area; 100 feet frontage width.

Minimum Yard Dimensions: 30 feet front yard; 10 feet side yards; 20 feet rear yard; provided, however, that on corner lots the width of the side street yard shall be at least equal to the depth of the front street yard; and waterside yard (amend #2009-2) shall be in compliance with Section 4.05. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern in the immediate area, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots. (amend #2009-2)

Maximum Building Height: 2-1/2 Stories; 35 feet.

Principal Uses:

1. Detached one-family dwellings, as defined in Section 10.05, which meet all applicable requirements and specifications of the Waverly Township Zoning Ordinance.
2. Accessory structures and building which shall comply with Section 4.02 entitled Accessory structures and buildings.
3. Home Occupations – Minor (amend #2010-1)
4. Roadside Stand (amend #2013-1)
5. Essential Service (amend #2015-1)

Principal Uses subparagraph 2 adopted 6-Dec-2001 effective 6-Jan-2002.

Special Uses: (See Article XIII) (amend #2015-1)

1. Church or house of worship, parish house, convent.
2. Educational institutions, public and private.
3. Public and private recreations uses such as parks, playgrounds, golf courses, athletic fields, stadiums, and community centers.
4. Home Occupations – Major (amend #2010-1)

Section 3.05 - Schedule of District Regulations – R2

R2 – One and Two Family Residential District

Intent: To establish and preserve relatively higher-density residential districts in appropriate areas of the township. Such districts to consist primarily of one family, two-family and multiple family dwellings with convenient access to transportation facilities, shopping areas, churches, schools, and similar amenities; and to provide protection

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against contamination of soil and surface and ground water by effluent from septic tank sewage disposal systems by requiring an adequately large lot area per residential unit in areas not serviced by public sanitary sewer systems. Further, to provide by Special Use Permit, the establishment of certain uses which are deemed not incompatible with or adverse to the residential character of the neighborhood.

Minimum Lot Area and Frontage Width: For two-family dwelling: 24,000 square feet lot area; 130 feet frontage width.

For one-family dwelling in this district, lot area and frontage width requirements are the same as those of the R1 district. See Section 3.04.

Minimum Yard Dimensions: Same as requirements of the R1 district. See Section 3.04. (amend #2009-2)

Maximum Building Height: 3 stories; 45 feet.

Principal Uses:

1. Two-family dwellings, as defined in Section 10.05, which meet all applicable requirements and specifications of the Waverly Township Zoning Ordinance. (amend#2018-1)
2. Principal use 1 in the R1 District. See Section 3.04.
3. Accessory structures and buildings which shall comply with Section 4.02 entitled Accessory structures and buildings.
4. Home Occupation – Minor (amend #2010-1)
5. Roadside Stand (amend #2013-1)
6. Essential Service (amend #2015-1)

Principal Uses subparagraph 3 adopted 6-Dec-2001 effective 6-Jan20-2002.

Special Uses: (See Article XIII) (amend #2015-1)

1. Church or house of worship, parish house, convent.
2. Educational institutions, public and private.
3. Public and private recreation uses such as parks, playgrounds, and
4. Golf courses, athletic fields, stadiums, and community centers.
5. Home Occupations – Major (amend #2010-1)

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Section 3.06 - Schedule of District Regulations – MH P/S

MH P/S – Mobile Home Park/Subdivision District

Intent: To provide in various appropriate locations in the township suitable areas for state-licensed mobile home parks and duly approved mobile home subdivisions.

Minimum Lot Area, Frontage Width, and Yard Requirements: Minimum parcel area for a mobile home park shall be five (5) acres and the minimum road frontage shall be two hundred (200) feet. Minimum lot area, frontage width, and yard requirements for lots in mobile home subdivisions shall be in compliance with provisions of the R1 District, Section 3.04, pursuant to Principal Use No. 2, below.

Principal Uses:

1. State-licensed mobile home parks designed and developed in compliance with all applicable provisions and requirements of the Mobile Home Park Act, being Act 243, P.A. 1959, as amended.
2. Mobile home subdivisions, designed and developed in compliance with all applicable provisions and requirements of the Subdivision Control Act, being Act 288, P.A. 1967, as amended, and all applicable provisions of this ordinance.
3. Home Occupation – Minor (amend #2010-1)

Special Uses: (See Article XIII)

NONE

Site Plan: For any mobile home park, a site plan approved by the Township Planning Commission and Township Board is necessary in accordance with Article V.

Section 3.06A - Schedule of District Regulations – MF (amend #2015-1)

MF – Residential Multiple Family District

Intent: To provide in various appropriate locations in the township, generally having the availability of public utilities for garden apartments, townhouses, attached one family dwellings, or group housing for several or more unrelated individuals.

Minimum Lot Area, Frontage, and Yard Requirements

	Garden Apartments	Townhouses	Housing the Elderly
Gross Site Area	1 acre	2 acres	2 acres
Maximum Lot	.25 x Development	.25 x Development	.25 x Development

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Minimum Lot Area, Frontage, and Yard Requirements

Coverage			
Maximum Height	3 Stories or 45 ft.	3 Stories or 45 ft.	4 Stories or 60 ft.
Minimum Parking	2 Spaces Per Unit of 1-24 units	2 Spaces Per Unit	.75 Spaces Per Unit
	1.75 Spaces Per Unit of 24+units		
Minimum Lot Area, Frontage, and Yard Requirements			
Minimum Landscaped Area	.2 x Gross Site Area	.25 x Gross Site Area	.3 x Gross Site Area
Maximum Density	14 Units Per Acre	8 Units Per Acre	25 Units Per Acre
Minimum Front Setback (a)	25 feet	25 feet	25 feet
Minimum Side Setback	20 ft., 40 ft. (total two)	20 ft., 40 ft. (total two)	25 ft., 50 ft. (total two)
Minimum Rear Setback	30 feet	30 feet	40 feet

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Minimum Floor Per Unit			
Efficiency	500 sq. ft.	600 sq. ft.	500 sq. ft.
One Bedroom	650 sq. ft.	750 sq. ft.	600 sq. ft.
Two Bedroom	800 sq. ft.	900 sq. ft.	750 sq. ft.
Three Bedroom	950 sq. ft.	1200 sq. ft.	
Four Bedroom	1200 sq. ft.	1500 sq. ft.	

(a) The required front yard shall not be used for off-street parking, loading, or unloading and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping and access drives.

Principal Uses

1. Apartments
2. Townhouses
3. Adult Foster Care Facilities (Small and Medium)
4. Accessory Uses and Buildings customarily incidental to the above Principal Permitted Uses.
5. Home Occupation – Minor (amend #2010-1)
6. Essential Service (amend #2015-1)

Special Uses: (See Article XIII) (amend #2015-1)

1. Convalescent and nursing homes
2. Hospitals
3. Church or house of worship, parish house, convent

Site Plan: For any multiple family dwelling or special use, a site plan approved by the Township Planning Commission and Township Board is necessary in accordance with Article V site plan requirements.

Section 3.06B - Schedule of District Regulations – R3

R3 – Low Density District (amend #2015-1)

Intent: To provide a residential district which recognizes the soil and on-site waste disposal limitations in the Township and yet offers possibilities for residential development on untillable land unsuited to agricultural activities. This district also

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provides for an alternative lot area falling between the High Density District and the Agricultural District. (amend#2018-1)

Minimum Lot Area and Frontage Width: 1 acre, 150 feet frontage width.

Minimum Yard Dimensions: (amend #2009-2) 30 feet front yard; 10 feet side yards; 20 feet rear yard; provided, however, that on corner lots the width of the side street yard shall be at least equal to the depth of the front yard; and further provided that on lake and river front lots yard dimensions for that portion of the lot facing the lake or river shall be in compliance with Section 4.05. Where one of the front yard setback requirements on a through lot is not in keeping with the prevailing yard pattern in the immediate area, the Zoning Administrator may waive the required setback and accept one that is not less than the average of the actual setbacks on adjacent lots. Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

Maximum Building Height: 2 ½ Stories; 35 feet.

Principal Uses: Same as R1, High Density Residential

1. Accessory structures and buildings which shall comply with Section 4.02 entitled Accessory structures and buildings.
2. Home Occupation – Minor (amend #2010-1)
3. Roadside Stand (amend #2013-1)
4. Farming (amend #2013-1)
5. Essential Service (amend #2015-1)

Principal Uses subparagraph 1 adopted 6-Dec-2001 effective 6-Jan-2002.

Special Uses: (See Article XIII) (amend #2015-1)

1. Church or house of worship, parish house, convent
2. Educational institutions, public and private
3. Public and private recreation uses such as parks, playgrounds, and community centers.
4. Home Occupation – Major (amend #2010-1)

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Section 3.07 - Schedule of District Regulations – C

C – Commercial District

Intent: To accommodate a wide range of retail, business, and personal service establishments which are intended to serve a number of neighborhoods, an entire community, or larger geographical areas. The provisions for this district are designed to encourage commercial and related developments of various types in appropriate areas which can be economically supported by the community and the surrounding area. These districts will be conveniently located in relation to concentrations of urban development and on or near major thoroughfares to provide easy access to the areas which they will serve. Further, this district is intended to encourage the exclusion of certain uses and activities which tend to disrupt the efficient functioning of commercial areas, and which function better outside of commercial areas.

Minimum Lot Area and Frontage Width: 6,000 square feet lot area; 60 feet frontage width.

Minimum Yard Dimensions: 20 feet front yard; 10 feet side yards, except no side yard shall be required for adjacent or contiguous commercial uses which share common side walls and are not exposed to a street; 20 feet rear yard; provided, however, that no building or sign shall be located closer than 25 feet to an abutting residential property line or residential zoning district boundary.

Site Plan: For any commercial use, a site plan and site plan approval by the Township Planning Commission and Township Board is necessary. See Section V.

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Principal Uses: (amend#2018-1)

1. Office
2. Retail
3. Storage
4. Assembly
5. Light Manufacturing
6. Hospital
7. Lodging
8. School, Public or Private
9. Essential Service
10. Mixed Permitted Uses
11. Farming
12. Open Air Business
13. Parks, Public or Private
14. Services
15. Accessory building or structures
16. Single-Family Residence

Special Uses: (See Article XIII)

1. Dry cleaning establishments, laundries, and laundromats.
2. Other uses similar to principal uses which are deemed compatible with the character and intent of the district.
3. Communication Towers
4. Church or house of worship, parish house, convent (amend #2015-1)

Section 3.08 - Schedule of District Regulations – I (amend #2008-1)

I – Industrial District *Industrial District Zoning eliminated from zoning map effective 6-Apr-08. No parcels in Waverly Township were previously zoned Industrial.*

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Section 3.09 - Schedule of District Regulations – HC (amend #2008-1)

HC – Horticultural District *Horticulture District zoning was eliminated from zoning map effective 6-Apr-08. All parcels previously zoned Horticulture were reclassified to Agricultural.*

Section 3.10 - Schedule of District Regulations – A

A – Agricultural District

Intent: To preserve substantial portions of those lands within Waverly Township which lend themselves to production of food and fiber for the region, state and nation; to provide suitable open land areas for orderly and efficient future growth and development; to protect rural residential and agricultural properties which are presently without public water and sewage facilities and are projected to remain without such facilities for a substantial period of time; to protect the inherent rights of farmers to, but not limited to, fertilize, spray, till, cultivate, and husband traditional farm animals. Further, to protect and stabilize the essential rural characteristics of outlying areas of the township in order to promote and encourage agricultural activity and low-density rural life, until such time as it may be deemed in the public interest to promote development of higher densities requiring higher levels of public expenditure for services and utilities.

Minimum Lot Area and Frontage Width: 2 acres lot area; 200 feet frontage width. (amend#2018-1)

Minimum Lot Area and Frontage Width and Depth revised 7-May-1998

Minimum Set Back Dimensions: 50 feet front set back; 40 feet side set back; 40 feet rear set back.

Maximum Building Height: 2 ½ stories; 45 feet.

Principal Uses:

1. Generally recognized agricultural buildings and activities, including livestock and poultry operations, dairy farming, horticulture, grain farming, forestry, gardening, farm markets (amend #2013-1) and similar agricultural uses of land.
2. Generally recognized recreational uses and activities including athletic fields, parks and playgrounds, nature study areas, hiking areas, golf courses and driving ranges, riding stables and bridle trails, snowmobile trails, and similar uses except those specified as special uses.
3. Principal Uses 1, 2, and 3 (amend #2010-1) in the R1 District. See Section 3.04
4. Mobile homes as defined in Section 10.14 located on individual parcels of land, provided that Section 4.03 is complied with.

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5. Church or house of worship, parish home, convent, cemetery.
6. Farm Market: Minimum lot size for a stand-alone farm market on vacant or occupied land shall be two (2) acres. For additional activities (e.g. hayrides, u-pick etc) the lot shall be a minimum of five (5) acres. Farm markets shall be located no closer than one hundred (100) feet from any lot line that abuts a residential district or use. (amend #2013-1)
7. Essential Service (amend #2015-1)

Special Uses: (See Article XIII) Permit is reviewed every three years (amend #2011-1)

One Family Residence: Removed (amend #2011-1)

Within the Agricultural District, the following uses shall be permitted by the issuance of a special use permit. (amend #2015-1)

1. Stadiums, community centers, governmental buildings, libraries, museums
2. Hospitals, clinics, sanitariums, nursing or convalescent homes, homes for the aged, charitable, fraternal, and humane organizations or agencies; funeral homes
3. Campgrounds
4. Professional offices such as those of doctors, dentists, lawyers and accountants
5. Veterinary clinic or hospital
6. Landing fields or landing strips for aircraft
7. Agri-business operations, such as fertilizer and spray processing and sales, feed and farm supply sales and service, livestock sales lots, and other businesses related to products derived from the land
8. Communication Towers
9. Home Occupation - Major (amend #2010-1)
10. Sport Shooting Range, Commercial (outdoor) (amend# 2018-1)

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ARTICLE IV

SUPPLEMENTARY DISTRICT REGULATIONS (21-April-2018)

Section 4.01 - Minimum Dwelling Size

- A. The minimum size of dwelling units shall be seven hundred twenty (720) (amend #2013-1) square feet of floor area per dwelling unit in original size without additions and excluding attached garages, carports or porches; the minimum width of a dwelling unit shall be a minimum of twenty four (24) feet along its entire length, in all districts. (amend #2007-1)
- A. Persons applying for a permit to place a mobile home in Waverly Township must present a copy of the manufacturer's title to the zoning administrator to demonstrate the size and year of the pre-manufactured home before a permit will be issued. No mobile home is to be brought into the township without a permit, except by a qualified sales agency for demonstration and sales.
- B. Minimum requirements for dwellings outside of mobile home parks. All dwelling units located outside of mobile home parks shall comply with the following requirements:
1. Construction standards shall be in conformance with the laws and regulation of the State of Michigan as from time-to-time amended. (amend #2013-1)
 2. In the R1 zoning district of one (1) acre or less, attached garages and carports shall not exceed six hundred twenty-five (625) square feet or fifty (50%) percent of the footprint area of the dwelling, whichever is greater. The height of such attachments shall not be permitted to exceed the height of the principal building. (amend #2007-1, #2013-1)
 3. Attached garages, carports, covered porches or other roofed structures shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal building. (amend #2007-1, #2013-1)
 4. All dwellings shall be connected to a sewer system and water supply system approved by the township or the County Health Department.
 5. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan with a property identification number adequate to illustrate compliance with the requirements of this ordinance, shall be submitted to the building inspector. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in this section.

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6. All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development Regulations entitled “Mobile Homes Construction and Safety Standards” effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the township.

Section 4.02 - Accessory Structures and Buildings (amend #2007-1)

A. Accessory structures or buildings which are customarily accessory to specified principal uses for the zoning district in which they are located shall be permitted subject to the following regulations:

1. Accessory structures and buildings shall be permitted in R1, R2, R3, and A districts subject to the following limitations:

Parcel Size	Number of Allowed Buildings	Maximum side wall	Maximum building height	Size Limitation for Building Footprint
Less than one (1) acre (<43,560 sq. ft.)	One (1) accessory building	Ten (10) feet	Fourteen (14) feet	Maximum (amend #2011-1) 900 sq ft
More than one (1) acre but less than three (3) acres (43,561 sq. ft. to 130,680 sq. ft.)	Maximum of two (2) accessory buildings	Fourteen (14) feet	Twenty-two (22) feet	225 sq. ft. per each ¼ acre of parcel size. (This is combined total area of all accessory buildings.)
More than three (3) acres but less than five (5) acres (130,681 sq. ft. to 217,800 sq. ft.)	Maximum of three (3) accessory buildings	Fourteen (14) feet	Twenty-two (22) feet	225 sq. ft. per each ¼ acre of parcel size. (This is combined total area of all accessory buildings.)
More than five (5) acres (>217,800 sq. ft.)	No limit	No limit	No limit	225 sq. ft. per each ¼ acre of parcel size. (This is combined total area of all accessory buildings.)

2. In an R district wherein animals are kept at a density of more than 1.0 animal unit per two (2) acres (Section 10.02 - Animal Unit), buildings wherein animals are kept shall be located at least one hundred (100) feet from all adjacent dwellings or any other adjacent buildings used by the public.
3. Accessory structures and buildings shall be located in the side yard or rear yard. An accessory structure or building shall not be closer than ten (10') feet to the principal building, and shall meet all setback requirements of the district in which it is to be erected, moved, altered or used, except in the A (Agricultural) district the side setback shall be twenty (20) feet. No building shall be built closer to front lot line than the required front setback line of the principal dwelling. (amend #2009-2)
4. A maximum of twenty-five (25%) percent of the required rear yard area may be used for structures and buildings that otherwise meet the size requirements of this section.

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5. Accessory structures or buildings shall not be used in any part for residential dwelling purposes or commercial activities and are intended only for typical accessory functions associated with the applicable district.
6. Accessory structures or buildings shall meet the setbacks of the principal structure in the applicable districts. In the R1, R2 and R3 zoning districts, any accessory structure over seven hundred twenty (720) square feet in area must be set back at least twenty (20) feet from any side or rear property line.
7. Structures not physically connected to the dwelling by a common wall or roof shall be deemed as accessory building for the purpose of this ordinance. Attached garages, carports, covered porches or other roofed structures shall be considered part of the principal use or dwelling.
8. A limit of up to two (2) separate accessory buildings in addition to those defined in the table in paragraph 1 of this section, of two hundred (200) square feet or less in floor area, shall be exempt from this ordinance, except as to setbacks, and will not be subject to a building permit or a zoning permit.
9. Accessory buildings erected, moved, or altered on waterside lots shall also be in compliance with Section 4.05.
10. Accessory structures and buildings are allowed on vacant lots (parcels) of record without a dwelling. (amend #2011-1)

Section 4.03 - One Dwelling Structure Upon a Lot of Record, with a Property Identification Number

- A. Every one-family and two-family dwelling, exclusive of mobile homes located in state licensed mobile home parks and mobile homes permitted as Special Uses in accordance with Section 4.06 and seasonal cottages established in accordance with Section 4.06, A.8, and every multiple-dwelling complex shall be located upon a lot of record, unless the one or two families dwelling is part of a site condominium development.
- B. All splitting or dividing of lots or parcels must be in accordance with the Michigan Land Division Act, P.A. 591 of 1996, as amended, even if lots of record are retained under common ownership. (amend #2007-2)
- C. In Commercial district only, both residential and commercial use allowed on the same property. (amend #2013-1)

Section 4.04 - Structures to Have Access

- A. To assure safety, health, and convenient and unobstructed access for fire protection, servicing and required off-street parking, every building designed or intended for human occupancy hereafter erected or relocated in Waverly Township shall be erected or relocated upon a lot or parcel of land abutting a public street, or with unrestricted access

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via a public or private street, or right-of-way at least 33 (amend #2010-1) feet wide.
(amend# 2018-1)

Section 4.04 revised 7-May-1998.

Section 4.05 - Waterfront Lot Yard Requirements (amend #2009-2)

- A. All lots or parcels of land abutting an inland lake or the Paw Paw River shall be subject to all requirements of the district in which they are located.
- B. All lots or parcels of land abutting an inland lake or the Paw Paw River shall be subject to the following special requirements:
 - 1. The waterside yards of all lake lots shall be determined by the distance from the legally established ordinary high water mark. If it has not been established, then the measurement would begin from the water's edge to the nearest surface or point of the building or structure to be erected upon the lot. (amend #2009-2)
 - 2. On all waterside lots, no building or structure shall be constructed or erected with a waterside setback less than the front yard requirement of the district in which it is located or the average setback of existing similar buildings or structures within two hundred (200) feet on each side of the property. (amend #2009-2)
 - 3. In no event shall any building or structure be constructed or erected so as to obstruct the waterside view of the occupants of adjacent existing dwellings facing the waterside. (amend #2009-2)
- C. Accessory Buildings (amend #2009-2)
 - 1. Any structure in the water shall follow the state law.
 - 2. Shall have a waterside setback of thirty (30) feet, side setback of ten (10) feet, and street front setback of twenty (20) feet.

Section 4.05A - Riparian Rights (Keyhole Development)

- A. The following restrictions are intended to preserve the quality of waters, to promote safety and to preserve the quality of recreational use of all waters within Waverly Township. In all districts where a vacant parcel of land is contiguous to a lake, river, stream, or pond, such vacant parcel of land may be used and developed as a recreational park or used for the purpose of gaining riparian access and enjoyment to said body of water for the owners and occupants of one or more residential lots or structures, subject to the following conditions:
 - 1. In all zoning districts there shall be at least thirty (30) feet of linear lake, river, stream or pond frontage as measured along the normal high water mark of the body of water for each single family home, dwelling unit, cottage, condominium

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- unit, site condominium unit, or apartment utilizing or accessing the body of water.
2. Any multiple unit residential development in any zoning district that shares a common lake, river, stream or pond frontage may not permit lake or stream use or access to more than one (1) single family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each thirty (30) feet of linear frontage in such common body of water, as measured along the normal high water mark line of the lake or stream.
 3. The above restrictions shall apply to all lots and parcels on or abutting any lake, river, stream or pond in all zoning districts regardless of whether ownership, single fee ownership, condominium agreement, license or lease.
 4. The minimum water frontage requirements of this section shall be doubled if more than fifty (50%) percent of the property involved is comprised of or adjoins a wetland as defined by Michigan Law.
 5. All access sites or parcels shall have a minimum depth of one hundred (100) feet.

Section 4.05A adopted 7-Dec-2000, effective 15-Jan-2001

Section 4.06 - Temporary Dwellings

- A. A mobile home, basement, garage, may be erected, constructed, or moved upon a premises and used for temporary dwelling purposes only by permit of the Township Zoning Administrator in accordance with the following limitations:
1. Except as elsewhere provided in this ordinance for hardship cases and seasonal cottages, temporary use of a building, mobile home, garage, basement, or other structure shall be for the sole purpose of providing dwelling facilities for the owner of the premises. The period, during which a permanent dwelling, conforming to the provisions of this ordinance is in the process of erection and completion, shall not exceed twelve (12) consecutive months beginning with the date of issuance of the permit.
 2. Such use of any such building, mobile home, garage, basement, or other structure for temporary occupancy shall not be adverse to the public health, safety, or general welfare.
 3. To the extent practical, the location of each such building, mobile home, cellar, basement or other structure shall conform to the regulations governing the yard requirements for dwellings in the district in which it is situated as though it were located on a separate lot, provided, however, that its location shall not interfere with the future location of the principal building.
 4. All temporary housing under this section shall have approved septic tank, proper drainage, and are connected to a pressure water system.

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5. Application for a permit for the erection, movement, alteration, occupation and use of such mobile home, garage, basement, cellar or other similar structure intended for temporary occupancy shall be made to the township building inspector on an appropriate form signed by the applicant which shall indicate that the applicant has read, understands, and agrees to abide by all applicable provisions of this ordinance. A permit under this section may be revoked if construction of the permanent dwellings is not commenced within sixty (60) days after issuance of a temporary permit.
6. In the case of recreational vehicles providing temporary housing of guests or visitors on the premises, such use shall be permitted for a period of time not to exceed thirty (30) days in any twelve (12) consecutive month period, provided, that the occupants of the recreational vehicle shall have unrestricted use of the sewage disposal and water supply facilities of the principal building.
7. Notwithstanding any other provisions of this ordinance, through the issuance of a Temporary Use Permit (amend #2011-1), the use of a mobile home on the same lot as a Principal Use one family dwelling may be permitted for occupancy by the family of the property owners for a period of one year where there is demonstrated financial or health-related hardship on the part of such occupants, provided a temporary occupancy permit is obtained from the Zoning Administrator after approval by the Board of Appeals. Such occupancy permits may, at the discretion of the Zoning Administrator, after approval by the Board of Appeals, be renewed for additional reasonable periods not to exceed one year. To the extent practical, any such mobile home shall meet all yard requirements of the zoning district in which it is located as though it were on a separate lot.
8. A seasonal cottage shall not be used as or converted to a one-family, two-family, or multiple-family dwelling intended or used for permanent occupancies except upon compliance with all applicable provisions for such dwellings of this ordinance and other ordinances, laws, and regulations, including but not limited to subdivision regulations, building codes, housing codes, and health regulations, which regulate the location, construction, and use of one-family, two-family, and multiple-family dwellings.

Section 4.07 - Keeping of Animals

- A. The keeping of customary domestic household pets, such as dogs, rabbits, cats, birds, and fish, is permitted under the terms of this ordinance in any zoning district. Domestic household pets may be permanently or temporarily boarded outside of the principal dwelling as long as they are not a nuisance to neighbors. (amend #2013-1) However, the keeping of any other animals, poultry, horses, or livestock shall be a permitted principal use only in the A – Agricultural District on parcels of two (2) acres or more in area, and shall be permitted in other zoning districts only by renewable Special Use Permit for a period of two years on parcels of two (2) acres or more in area.

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- B. The keeping of exotic animals as defined in Section 10.06 is not permitted in any area of the Township.

Section 4.08 – reserved (amend #2015-1)

Section 4.09 Mobile Homes as Accessory Buildings

No mobile home will be allowed for use as a storage and/or accessory building (amend #2018-1)

Section 4.10 - Private Roads / or Drives (amend#2018-1)

All private roads shall be considered by the Planning Commission. The following minimum standards shall apply:

- A. Submit ten (10) copies of the site plan to the Zoning Administrator for preliminary review of ordinance compliance. The Zoning Administrator shall submit the private road plan to the Planning Commission.
 - 1. Application for private road shall be made at the same time as or prior to a land division occurs creating a lot or lots without frontage on an existing public road.
- B. Private Road plan shall include:
 - 1. The configuration of proposed lot or lots served by the private road.
 - 2. Private road construction specifications with cross sections that show, at a minimum, location, grade, route, elevation, dimensions, and design.
 - 3. Proposed future extensions of the private road within the development, if applicable.
 - 4. Location of and distance to any public street which private road is to intersect.
 - 5. A survey of the right-of-way by a registered land surveyor, together with surveys for each lot to be served by the private road.
 - 6. A drainage plan shall be submitted on a topographic map, indicating the manner in which surface drainage is to be dispersed. In no case shall runoff from a private road be diverted beyond the limits of that private road onto adjacent roads or property unless appropriate easements are provided.
 - 7. A road maintenance and access agreement shall at a minimum include: 1) legal description of the easement 2) Persons, lot or parcel responsible for maintaining the road to the standards of this section.
 - 8. The Planning Commission may require additional review, requirements pr permits including, but not limited to: 1) requiring an easement for future private road extensions or connections to public streets 2) Requiring a turnout for fire trucks, mail delivery, or other services 3) complete set of plans for review and

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approval to: MDEQ, Drain Commissioner, Soil Erosion, Fire Department, other State or Federal agency.

- C. Private road standards for five (5) or more parcels:
1. Right-of-way easement width shall be not less than sixty six (66) feet. A narrower easement may be approved by the Planning Commission.
 2. Have a sand and gravel base of not less than twelve (12) inches in depth of which the top four (4) inches in depth shall be at least a minimum road grade gravel.
 3. Width of traveled surface shall not be less than twenty (20) feet.
 4. Be constructed over adequate culverts where necessary.
 5. No portion of the road grade shall exceed seven (7 %) percent.
 6. The private road shall be constructed in a good and workman like manner upon and parallel to the centerline of a permanent right-of-way easement duly recorded with the Van Buren County Register of Deeds.
 7. There shall be a clear vision zone at corners of intersection roads, or road junctions, consisting of a triangular area defined by the point of intersection right-of-way lines and the two points extended along such lines a distance of sixty (60) feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two (2) feet to eight (8) feet above the centerline of the road.
 8. An access driveway permit from the Van Buren County Road Commission or MDOT; and a letter indicating there is no known duplication of proposed road name.
 9. No private road shall be incorporated into the public road system unless built to the specifications of the Van Buren County Road Commission for a public record, and inspected by the Van Buren County Road Commission Engineer or his designee at the time of construction.
 10. Upon completion of the private road, the applicant shall provide “as built” drawings bearing a certificate and statement from a register engineer certifying the road has been completed in accordance with the standards in this ordinance and approved site plan.
 11. The Zoning Administrator shall not issue zoning approval for any dwelling or other building on a lot served by the private road until a safe and unimpeded route of travel has been approved by the Zoning Administrator or Building Inspector.

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12. Private road must be complete and approved prior to a Certificate of Occupancy being issued, if applicable.
- D. Private road standards to serve a maximum of four (4) parcels:
1. Right-of-way easement width shall be no less than thirty three (33) feet. A narrower easement may be approved by the Planning Commission.
 2. Have a sand and gravel base of not less than twelve (12) inches in depth of which the top four (4) inches in depth shall be at least a minimum road grade gravel.
 3. Width of traveled surface shall not be less than fourteen (14) feet.
 4. Be constructed over adequate culverts, where necessary.
 5. No portion of the road grade shall exceed seven (7%) percent.
 6. The private road shall be constructed in a good and workmanlike manner upon and parallel to the centerline of a permanent right-of-way easement duly recorded with the Van Buren County Register of Deeds.
 7. An access driveway permit from the Van Buren County Road Commission or MDOT; and a letter indicating there is no known duplication of proposed road name.
 8. The Zoning Administrator shall not issue zoning approval for any dwelling or other building on a lot served by the private road until a safe and unimpeded route of travel has been approved by the Zoning Administrator or Building Inspector.
- E. Previously Constructed Private Roads
1. A private road constructed prior to the adoption of this ordinance may continue in use and not need to be improved to the standards required of this ordinance so long as the private road serves the same number of lots or parcels that it served at time of construction.
 2. If an additional burden is added to an existing private road the standards of this ordinance must be satisfied.

Section 4.11 adopted 5-Aug-2004. Section 4.10 amended 7-June-2010

Section 4.11 - Depth to Width Ratio

- A. The ratio of depth to width of any parcel created by the division shall not exceed a four (4) to one (1) ratio on parcels less than twenty (20) acres (amend #2011-1)

Section 4.11 adopted 5-Aug-1999 and amended 9-Sept-2011

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Section 4.12- Open Space Preservation

- A. In the A, R2 and R3 zoned districts in the Township where the minimum lot size is 21,780 square feet or greater without municipal sewer and water, or, in the R1 zoned district where the minimum lot size is 14,520 square feet or greater with municipal sewer and water, a land owner may choose to apply for a land division(s), plat or site condominium under the below described Open Space Preservation option, provided that no more than the same number of dwelling units allowed on the entire land area of the tract, under the existing township zoning district regulations, State laws and rules, may be created.
- B. To qualify for an Open Space Preservation land division, plat or site condominium option the land owner must:
1. Sign and record either a conservation easement, plat dedication, restrictive covenant or other legal document that runs with the land and is agreeable to the Township Board, whereby the land owner shall agree that at least fifty (50%) percent of the land owner's property shall remain in a perpetual undeveloped state. "Undeveloped State" means a natural state preserving natural resources, natural features, or scenic or wooded conditions agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
 2. If the property is not served by a municipal sewer system and municipal water system, then before any divisions are approved the land owner must obtain individual septic system permits from the County Health Department for non-mounded septic systems on each proposed lot. A State and County approved common septic system is an acceptable option with the approval of the Township Board, so long as the common septic system is not located in areas included within the dedicated open space, and so long as deed covenants are recorded to provide for the perpetual maintenance and improvement of the common septic system.
- C. Minimum lot requirements - Under the Open Space Preservation option, the minimum lot width and depth and area required to meet the zoning district regulations for the area may be reduced to the following minimums:
1. Minimum lot width shall be half the required width for the zoning district.
 2. removed (amend #2018-1)
 3. Minimum lot area shall be half the required lot area of the zoning district.
 4. The provisions of the Section shall only apply to developments having a total land area of twenty (20) acres or more.

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- D. Re-zoning allowed - After a land owner has exercised the Open Space Preservation option the land may be re-zoned to a higher density and/or municipal sewer and water may be extended to the property. If the resulting allowed higher density and the configuration of the parcels existing at the time allow for the creation of additional buildable parcels then these may be created subject to the State rules for land divisions plats or site condominiums, so long as none of the area subject to the existing Open Space Preservation agreement is included in any of the new parcels.
- E. Application
1. Plats - Applicant shall inform the Township Clerk in writing at the time of application for the preliminary plat if the land owner chooses to exercise the Open Space Preservation option.
 2. Site condominiums - Applicant shall indicate on the Zoning Application form when submitting the preliminary site plan to the Zoning Administrator if the land owner chooses to exercise the Open Space Preservation option.
 3. Exempt land divisions under the state land division act - Applicant shall indicate on the Land Division Application form if the land owner chooses to exercise the Open Space Preservation option, when submitting the application to the Zoning Administrator.

Section 4.12 adopted 7-Nov-2002, effective 7-Dec-2002. This amendment was enacted in order to bring the Waverly Township Zoning Ordinance into compliance with Public Act 177 of 2001 as adopted by the State of Michigan. Public Act 177 was rescinded by the legislature and incorporated into Public Act 110 of 2006 (MCL 125.3506) (amend#2007-2)

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Section 4.13 – Mining Ordinance

Section 4.13.01 - Purpose

The purpose of the Article is to protect the public health, safety, and general welfare of persons and property within the Township, by providing for the regulation of commercial mining involved in earth removal quarrying, gravel processing, mining and related mineral extraction business within the Township; to require reclamation of areas thereby disturbed; to provide penalties for the violation of said Article.

Section 4.13.02 - Applicability

- A. The provisions of this Article shall apply to all businesses or activities in which a principal, major or essential activity involves earth removal, quarrying, gravel processing, mining and/or related mineral extraction businesses on any site where the material removed, quarried, processed, mined or extracted exceed one thousand (1000) cubic yards in a year is sold and removed from the premises. (amend#2018-1)

Section 4.13.03 - Definitions

For the purpose of this Ordinance, the following definitions are used.

- A. Mineral: A naturally occurring element or combination of elements that occur in the earth in a solid state
- B. Mining: All or part of the processes involved in the extraction and processing of mineral materials.
- C. Operator: Any person or agency, either public or private, engaged or who had applied for a permit to engage in mining, whether individually, jointly or through subsidiaries, agents, employees, or any person engaged in managing or controlling a mining operation.
- D. Operation: The activity or mining activity being intended or actually being accomplished on a given property. The business of hauling and or moving gravel is an operation.
- E. Structure: Any building, whether for human inhabitation or not.
- F. Waste: All accumulation of waste mined material and overburden placed on the land surface, whether above or below water.
- G. Person: An individual, partnership, cooperative, corporation, or agency, either public or private, or any person, whether incorporated or not.
- H. Reclamation: Returning the condition of the land or property sited to the condition it was prior to the mining operation or to a new condition approved by the Township Board or a new condition as described by the Reclamation Plan.

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- I. Reclamation Plan: The operator's proposal for the reclamation of the site which must be approved by the Board, under this Ordinance, prior to the issuance of the mining permit.
- J. Mining Permit: A mining permit, approved by the Waverly Township Board after a public hearing with the Planning Commission, per the Zoning Ordinance. (amend#
- K. Location: A proposed or approve site within Waverly Township
- L. Hours: Includes limitations on trucks, gravel trains, and any other heavy equipment, coming or going from the mining site. Does not include cars and pickup trucks.
- M. Expansion: Expansion, as set forth herein, shall mean any increase in the diameter of the surface of the land being presently excavated at the effective date of this Article or any new removal, quarrying, processing, mining or digging out the same or newly acquired property.

Section 4.13.04 - Required Permits

- A. It shall hereafter be unlawful for any person to engage in or conduct any earth removal, quarrying, gravel processing, mining, and related mineral extraction business, regulated by the Zoning Ordinance without first obtaining a Mining Permit. (amend#2018-1)
- B. Any such mining operation currently in operation within the Township, at the time of the effective date of this Article, shall have thirty (30) days after said effective date to apply for and secure a Compliance Permit and/or a Mining Permit as required by the Zoning Ordinance. Each operation shall be examined on an individual basis, and conditions may vary between applicants. Such period may be extended an additional thirty (30) days upon appropriate application to the Township Board, disclosing unusual hardship. (amend#2018-1)
- C. Renewal Permit: An annual inspection shall be performed by the zoning administrator to ensure conformance with the approved site plan and conditions, if applicable. A revised site plan showing the worked mined area (including reclaimed area if applicable) and a report of the amount removed is required to be submitted to the Planning Commission for review annually after the date of approval. (amend#2018-1)
- D. Activities that do not Require a Permit (amend#2018-1)
 - 1. Mineral exploration, such as activities that cause little or no surface disturbance, which may include airborne geophysical surveys; non-explosive seismic energy sources (vibroseis); and shallow drill or auger holes less than fifty (50) feet deep for sand, limestone, gypsum, shale, iron ore, or bentonite.
 - 2. Recreational mining, such as gold panning or mineral collecting that makes use of hand-held equipment. The use of portable dredges does require a State permit.

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3. Landowners that mine sand, peat, marl, and gravel on their own property for their own personal use and do not sell it.
 4. Businesses or activities in which a principal, major or essential activity involves earth removal, quarrying, gravel processing, mining and/or related mineral extraction businesses on any site where the material removed, quarried, processed, mined or extracted do not exceed one thousand (1000) cubic yards in a year is sold and removed from the premises.
- E. Prior to the start of a mining operation all permits required by State or Federal laws shall be obtained by the operator. Copies of the permits are required to be submitted to the Zoning Administrator. (amend#2018-1)

Section 4.13.05 - Location

- A. All such mining operations shall be located on a primary road, as defined by the County of Van Buren, for ingress and egress thereto, or on a road which does not create traffic through a platted residential subdivision or a residential site condo. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition of such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not “all weather” roads. Under no circumstances shall trucks use private drives or private access routes which are within three hundred (300) feet of any residence. (amend #2018-1)
- B. Sufficient setback shall be provided from all property lines, public highways, and roads, to assure adequate lateral support for adjacent public and private property. No such mining operations shall be permitted closer than one hundred (100) feet to boundary lines of the property, or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation, then the Planning Commission may reduce or eliminate the required setback from that boundary line. In addition, such setback may be temporarily reduced to fifty (50) feet if reclamation of the land is promptly effected to increase the setback to at least one hundred (100) feet in accordance with the reclamation plan approved by the Planning Commission and adequate lateral support as set forth, is at all times maintained.
- C. No such mining operation shall be permitted within one hundred (100) feet of adjoining public right-of-way, except from the lowering of land adjoining said right-of-way to the grade level of said right-of-way. Such mining operations shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained. (amend#2018-1)
- D. The permanent and/or movable processing plant and its accessory structures shall not be located closer than two hundred fifty (250) feet from the property lines and adjoining public right-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the

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foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of material and to the location of transportation.

- E. No such mining operation shall be located within two hundred (200) feet of the banks of any stream or waterway, unless previously approved, in writing, by the Department of Environmental Quality or such other state agency having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface water to the detriment or damage of adjoining public or private properties. (amend#2018-1)

Section 4.13.06 - Sight Barriers

- A. Site barriers shall be provided within all setback lines of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall be constructed and in place before removal of any minerals from the site and shall consist of one or more of the following:
1. Earth berms shall be constructed to a height of ten (10) feet above the mean elevation in the center line of the adjacent public highway or ten (10) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass or trees or shrubs.
 2. Plantings or evergreen trees not more than ten (10) feet apart or shrubbery not more than five (5) feet apart, in three staggered rows parallel to the boundaries of the property. Such plantings shall consist of varieties which will grow to not less than ten (10) feet in height. Such plantings shall be spaced to provide effective site barriers when ten (10) feet in height, trees or shrubs which die must be replaced.
 3. Earth berms planted with grass and evergreen trees or shrubbery as specified in (A.1) above, provided that the total height of the berm and the trees or the shrubbery, at the time of planting, will be at least ten (10) feet above the general level of the terrain along interior property lines or the mean elevation of the center line of the adjacent public highway, as the case may be.
- B. The minimum ten (10) feet requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission to not less than six (6) feet in height if the particular site and terrain, with screening of a reduced height, will afford adequate site barriers. This minimum requirement for screening may also be increased by the Planning Commission to no more than fifteen (15) feet if additional site barrier is needed within a given location.

Section 4.13.07 - Nuisance Abatement, Hours, and Fencing for Public Protection

- A. Air pollution, noise and vibrations shall be minimized as to their effect upon adjacent properties by the utilization of adequate sound proofed equipment (including motion detectors rather than back-up beepers where permitted), buildings that are located and designed to accomplish such minimization and by

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the proper use of berms, walls and natural planting screens. Interior and adjoining roads used in the mining operation shall have their surface treated to minimize any such conditions, including specific dust control measures. All abatement measures shall comply with any other Township ordinances and state laws related to noise, blight or other defined nuisance.

- B. The Planning Commission shall approve both the hours of operation and the duration of the mining operation and may make alterations or impose conditions during the annual review if compliance with the original terms is no longer feasible. At a maximum, such operations shall be conducted between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and some Saturday hours may be allowed. Any maintenance of equipment shall be conducted within an enclosed building if occurring outside the operating time limits for the business. No operations shall occur on legal holidays and Sundays. The Planning Commission may establish a termination date for the mining or excavating of any given area due to its proximity or visibility from residential districts or property used for residential purposes. The maximum duration for the mining operation shall be no more than ten (10) years unless extended by the Planning Commission during the annual review based upon mining operation levels less than previously anticipated. (amend#2018-1)
- C. Any dangerous excavations, dangerous pits, dangerous pond areas, dangerous banks or dangerous slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or other persons, and such dangerous conditions shall be eliminated as expediently as possible. All fencing must be a minimum of six (6) feet. Security lighting may be permitted by the Planning Commission, but shall be aligned so that no part of the illumination shall fall on any adjoining residential property, and the height, location and type of lighting shall be such that lights do not cause glare onto adjoining property.

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Section 4.13.08 - Reclamation of Mined Areas

- A. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining operation in any area consisting of one (1) acre or more. Reclamation and rehabilitation shall be completed within one (1) year after termination of mining operation. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose termination of mining operation. (amend#2018-1)

- B. All mining shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids to insure: (amend#2018-1)
 - a. That the mined area shall not collect stagnant water and not permit the same to remain therein.
 - b. That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion and which will be generally compatible with the adjoining land area.
 - c. The banks of all mining shall be sloped to the waterline in a water-producing mining and to the pit floor in a dry operation, at a slope that shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - d. Top soil of a quality equal to that occurring naturally in the area shall be replaced on mined areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, topsoil shall be applied to a minimum depth of four (4) inches, sufficient to support vegetation.
 - e. The appropriate seeding of grasses or the planting of trees shall restore vegetation and shrubs to establish permanent vegetation cover on the land surface and to minimize erosion.
 - f. Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed twelve (12) months, thereafter, shall remove all plant structures, foundations, buildings, stockpiles, and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan, may be retained.

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Section 4.13.09 - Bonding

A fee in the amount fixed by fee schedule established by resolution of the Township Board.
(amend #2018-1)

Section 4.13.10 - Application, Submission of Operation and Reclamation Plans

- A. The Mining Permit Application shall include the following information; the Zoning Administrator shall file this application.
1. The legal name of the applicant.
 2. The address and telephone number of the applicant.
 3. Previous addresses, of a period of three (3) years immediately prior to the date of the application, including the dates of such residence or place of business.
 4. Birth date of applicant, date of incorporation or entity creation, as the case may be. (amend#2018-1)
 5. A description of the previous business activities of the applicant for the preceding six (6) years. (amend#2018-1)
 6. A description of the acres and the location and legal description of where the activities within the Township are proposed.
 7. A description of the equipment owned, leased, or operated by the applicant in the performance of the business requested to be approved hereunder.
 8. A description of public liability and property damage insurance carried by the applicant, including the total amount of such coverage and insurance company issuing such insurance.
 9. The number of employees and/or officers currently employed by the applicant.
 10. A plan for disposal or treatment of any harmful or toxic material found in any formations penetrated by the mining operation or produced during the processing of minerals on the affected land, and of chemicals or materials used during the mining or processing operations.
 11. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted, to the Township Planning Commission disclosing compliance with all the provisions of the Ordinance or the manner in which compliance will be secured by the applicant. Such plans prepared and sealed by an engineer shall include, among other things, the following: (amend#2018-1)

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- a. A contour map of the tract of land involved in the operation, including dimensions of the same, access thereto abutting public streets and whether or not the same are “all weather” roads, if any, to be constructed and the location and nature of abutting improvements on adjoining property.
 - b. The number of acres and the locations of same, proposed to be operated upon within the following twelve (12) months period after commencement of operations.
 - c. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - d. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
12. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bonafide nature and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
 13. Background checks (including but not limited to criminal, bankruptcy, lawsuits) may be required by the Planning Commission or Township Board. Any cost occurred will be billed to the applicant. (amend#2018-1)

Section 4.13.11 - Hearing

- A. After receiving the application for earth removal, quarrying, gravel processing, mining and related mineral extraction business, accompanied by the required plans and specification and permit fee, the Township Planning Commission shall hold a public hearing upon such application preceded by the notices required for special uses.
- B. Opportunity shall be given to all present to be heard at such hearing.
- C. Following such hearing, the Township Planning Commission shall approve or deny the application, and set forth its reason for its decision. Such decision shall be based upon the criteria set forth in this ordinance and shall be based in addition on a consideration of the following: (amend#2018-1)
 1. The most advantageous use of the land, resources and property.
 2. The character of the area in question and its peculiar suitability, if any, for particular uses.
 3. Conservation of property, as well as natural resources, and the general and appropriate trend and character of development in the subject area.

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4. The protection and preservation of the general health, safety and welfare of the Township.
5. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.
6. In making any recommendations to the Township Board for final approval, the Township Planning Commission shall have the right and authority to recommend such additional conditions and safeguards, as it deems necessary for the protection of the health, safety, and general welfare of the neighborhood and of the adjoining residents and property owners. The operator may be required to pay an annual fee to cover the cost of inspections and additional meeting of the Township Planning Commission. (amend#2018-1)
7. The Township Planning Commission shall approve, with conditions and/or additional conditions, or deny the application within thirty (30) days.

Section 4.13.12 - Liability Insurance

All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than one million (1,000,000) dollars for each person or property injured or damaged and not less than two million (2,000,000) dollars for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

Section 4.13.13 - Revocation of Mining Permit or Compliance Permit (amend#2018-1)

Any permit issued under the within ordinance, may be revoked or suspended during the twelve (12) month period of its issuance, as a result of any violation of the terms and conditions of said permit and the ordinance. Such revocation or suspension shall be determined by the Township Board at a regular meeting of the said Board, preceded by notice to the operator of the proposed action and the time, date, and place of the meeting pertinent thereto. The operator shall have an opportunity to present any evidence or arguments on behalf of the operator at such time. The extent of the suspension or revocation shall be by the Township Board and shall be based on the nature of the violation or violations that have occurred, the frequency thereof, and the likelihood of their correction with respect to further operations. An operator shall be entitled to at least seven (7) days prior notice in writing, delivered to the operator's place of business, of any proposed suspension or revocation and the time, date, and place of the meeting concerning the same. The Township Board shall set forth in writing its reasons for any suspension or revocation which shall be in the minutes of the meeting of the Board and forwarded to the operator within eight (8) days after the Township Board's decisions concerning the same.

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Section 4.13.14 - Prohibition of Transfer (amend#2018-1)

- A. A mining permit or compliance permit issued pursuant to this Section may not be assigned, transferred or otherwise conveyed; said permits do not run with the land described in the permit application(s).

- B. In the event the subject property is sold, transferred or otherwise conveyed and the successor-in-interest intends on continuing the activity previously approved, the successor-in-interest must submit a new application form for a mining permit and zoning compliance permit providing contact information for the successor-in-interest and written acknowledgement of the terms of the previous permit(s) and the successor-in-interest's agreement to be bound by the terms and conditions of said permits.

Section 4.13 adopted 8-January 2004, effective immediately. (Note: The full provisions of Penalties, Severability, and Injunctive Relief can be found in the Zoning Ordinance, Article IX, General Provision

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Section 4.14 – Minor Home Occupation (amend #2010-1, #2015-1)

Section 4.14.01 – Intent (amend #2010-1)

- A. It is the intent of the Article to recognize that certain commercial activities can be operated within a residential dwelling with no or minimal adverse impact upon surrounding neighbors. Such minor home occupations may be carried out where defined as a principal permitted use (will need to be changed in all districts as defined). Minor home occupations are characterized as computer and telephone-based businesses where there is no or limited customer or client traffic into the home occupation. Examples of minor home occupations include, but are not limited to real estate agent, insurance sales agent, consultants, financial planners, stockbrokers, instructors of craft or fine art such as teacher with musical or dancing instruction limited to six (6) pupils at a time, etc.

Section 4.14.02 – Minor Home Occupation Permitted by Right (amend #2010-1)

A minor home occupation meeting the definition and standards of this ordinance shall be permitted by right in those districts where stated. The standards are as follows:

- A. Minor Home occupations shall be allowed only in principal use residential dwellings.
- B. No person other than household members residing on the premises plus one additional employee shall be engaged in such occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly and incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five (25%) percent of the floor area of the dwelling unit shall be used in conducting the home occupation.
- D. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conducting of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- E. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in any agricultural or residential zoning district and any need for parking generated by the conducting of such home occupation shall not exceed normal single family parking requirements.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable, to the normal senses, off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off premises.
- G. Pursuant to the terms of the Michigan Zoning Enabling Act, a single family residence may be used by an occupant of that residence to give instruction in a craft or fine art. Such activities are exempted from the definition of home occupation pursuant to the terms of the state law.

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ARTICLE V

SITE PLAN REQUIREMENTS (21-April-2018)

Section 5.01 - Intent

- A. The intent of requiring site plan submittal and review in certain instances specified herein is to facilitate and determine whether certain development proposals meet all applicable requirements and are in harmony with the purpose, intent, and spirit of this ordinance and in keeping with the safety of the public.
- B. It is the further intent to assist Township officials in encouraging and assisting proposers of land development to design and implement land use proposals which foster orderly, efficient, compatible, and aesthetic uses of land in Waverly Township.

Section 5.02 - When Required

- A. A site plan shall be prepared, submitted, reviewed, and approved or disapproved in accordance with the requirements of this section in the following instances:
 - 1. With any mobile home park.
 - 2. With any multiple family dwelling, except a duplex.
 - 3. With any commercial use.
 - 4. With any application for a special use permit.
 - 5. With any application for a zoning compliance permit involving the construction or development of a commercial use. (amend #2008-1)
 - 6. With any other application for a zoning compliance permit or a rezoning of property when either of which involves construction or development of any building or group of buildings exceeding a total of five thousand (5,000) square feet of floor area or three or more principal use buildings of any size within a period of two (2) years.
- B. Site plans for agricultural uses may be waived by the Zoning Administrator, or the Township Board

Section 5.03 - Contents

- A. A required site plan shall be drawn at a scale of one (1) inch equals one hundred (100) feet or less and shall contain the following information:
 - 1. A legal description of the land and lots included in the site plan.
 - 2. The boundary lines of the area included in the site plan, including angles, dimensions, and reference to a section corner, quarter corner or point on a

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- recorded plat, an arrow pointing north, and the individual lot areas and dimensions of the land included in the site plan.
3. The shape, size, location of the lots including yard dimensions, height and floor area of all structures, and the finished ground and basement floor grades.
 4. Natural features such as woodlots, trees of more than one foot in diameter, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which features are to be retained and which removed or altered. Adjacent properties and their uses shall be identified.
 5. Proposed streets, driveways, loading spaces, and the inside radius of all curves. The width of streets and driveways, and the total number and layout of parking spaces shall be shown.
 6. The size and location of all existing and proposed public and private utilities and required landscaping.
 7. A vicinity sketch showing the location of the site plan in relation to the surrounding street system.
 8. Existing and proposed topography, drainage systems, and structures, with topographic contour intervals of not more than two (2) feet; provided however, that this requirement may be waived at the discretion of the zoning administrator.
 9. The name, signature, title, and mailing address of the person who prepared the site plan. A site plan for any development of more than two (2) acres in land area or more than ten thousand (10,000) square feet of floor area shall be prepared by a registered architect, engineer, or land surveyor.

Section 5.04 - Review Process and Approval

- A. Ten (10) copies of any required site plan shall be submitted to the Zoning Administrator along with a cover letter signed by the property owner and prospective developer giving a general explanation of and background information on the proposed development (amend #2018-1)
- B. The Zoning Administrator shall examine the site plan as to proper form and content and particularly as to compliance with all applicable requirements of this ordinance, and within fifteen (15) days from time of receipt shall forward the site plan for review and processing to the appropriate bodies, or shall return it to the proprietor or developer along with a written explanation of why the site plan was rejected.
- C. A site plan submitted in conjunction with an application for a Special Use Permit, and which is accepted by the Zoning Administrator, shall be forwarded to the Township Planning Commission for recommendation and to the Township Board for approval.

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- D. After receipt of a written report and recommendation for either approval or disapproval from the Planning Commission, the Zoning Board of Appeals or the Township Board shall proceed in accordance with the requirements of Article XIII, regarding the issuance of Special Use Permits.
- E. A site plan submitted in conjunction with an application for rezoning of property and which is accepted by the Zoning Administrator shall be forwarded to the Township Planning Commission and the Township Board.
- F. After receipt of the site plan and receipt of a Petition to Amend pursuant to the requirements of section 8.02, the site plan and petition to amend shall be processed in accordance with the procedures and requirements of section 8.02, Amendment Procedure.
- G. A site plan submitted in conjunction with an application for a Zoning Compliance Permit which does not involve application for a Special Use Permit or a Petition to Amend, and which has been accepted by the Zoning Administrator pursuant to paragraph B, shall be forwarded to the Township Planning Commission for review and recommendation. After receipt of the Planning Commission's written report and recommendation, the Zoning Administrator shall act upon the site plan and application for a Zoning Compliance Permit in an expeditious manner.
- H. Criteria: In the case of site plan review for multiple family, (amend #2008-1) or commercial development or in other cases deemed appropriate by the Zoning Administrator, Board of Appeals, Planning Commission or Township Board, the reviewing person, or body, shall consider among other factors:
 - 1. Noise
 - 2. Lighting
 - 3. Outside storage
 - 4. Possibility of blight or future maintenance
 - 5. Public safety
 - 6. The traffic patterns of vehicles on site
 - 7. Drainage
 - 8. Screening and greenbelts, especially if the use is adjacent or adjoins a residential use.
- I. Revocable/Conditional Permits: The approving body, even if the use is permitted, may issue revocable, conditional permits for a certain time, not to exceed two years, before a use may become permanent. In such cases permanent approval shall be subject to satisfactory completion of the conditions specified in the conditional permit. A bond or other similar method of enforcement may be required. All conditions of the site

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plan and approvals and conditions, if any, must be met before a certificate of occupancy will be issued. An applicant shall have no vested right in an approval until such occupancy permit has been issued.

- J. Site Change: Any structure, use, or field change added subsequent to the initial site plan approval must be approved by the Planning Commission.

Phased Construction Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:

1. Relationship and identification of future structures.
2. Pedestrian and vehicular circulation.
3. Time schedule for completion of the various phases of the proposed construction.
4. Temporary facilities or construction of same as required to facilitate the stated development.

- K. Short Form: In order to facilitate the review of development or expansion project(s), having a building permit value of less than \$20,000, the Zoning Administrator may waive the data submission requirements of this section, and accept a site plan with the following information.

1. A legal description of the subject property.
2. A description of the land uses surrounding the project.
3. Date, north point, and scale.
4. The dimensions of all lot and property lines.
5. The sitting of all structures on the subject property.
6. Significant environmental features such as wetlands, trees and water bodies.

- L. Approved site plans must begin project work within twelve (12) months and the project must be completed within twenty-four (24) months. If the project is not completed within twenty-four (24) months, the site plan must be reviewed and either re-approved or amended and re-approved, or site plan becomes invalid. *Section 5.04L adopted 1-May-2003, effective immediately.*

- M. Reapplication: No application, pursuant to this article, which has been denied wholly or in part by the Planning Zoning Commission/Township Board, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Planning Zoning Commission to be sufficient to justify consideration. A reapplication

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for a previously denied special use permit shall be treated as a new application subject to all requirements and fees set forth in this ordinance. (amend #2009-1)

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ARTICLE VI

ADMINISTRATION AND ENFORCEMENT (21-April-2018)

Section 6.01 - Zoning Administrator: Designation; Enforcement

- A. An administrative official who shall be known as the Zoning Administrator shall be designated by the Township Board to administer and enforce this ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the Township Board may direct.
- B. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, the Zoning Administrator shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary for correction. The Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alteration, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this ordinance or general law to ensure compliance with or to prevent violation of the provisions of this ordinance.

Section 6.02 - Duties and Limitations of the Zoning Administrator

- A. The Zoning Administrator shall have the authority to grant Zoning Compliance Permits, and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue a Zoning Compliance Permit for any excavation or construction or use until the Zoning Administrator has inspected such plans in detail and has found them in compliance with this ordinance. To this end, the Zoning Administrator shall require that an application for Zoning Compliance Permit for excavation, construction, moving, alteration, or change in the type of use or type of occupancy, shall, where required by section 5.02, be accompanied by a site plan.
- B. If the proposed excavation, construction, moving or alteration, or use of land as set forth in the application, and site plan when required, is in conformity with the provisions of this ordinance, the Zoning Administrator shall issue a Zoning Compliance Permit. If an application for such permit is not approved, the Zoning Administrator shall state in writing on an appropriate denial form the cause for such disapproval.
- C. The Zoning Administrator may accept a preliminary application and a less number of submitted documents than those listed above in situations where a basic clarification is desired ahead of proceeding with further technical work; and the Zoning Administrator may on such preliminary submittal take the formal action of tentative denial or tentative approval.
- D. Issuance of a Zoning Compliance Permit shall in no case be construed as waiving any provisions of this ordinance. The Zoning Administrator is under no circumstances

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permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this ordinance to any person making application to excavate, construct, move, alter, or use buildings, structures, or land. The Zoning Administrator is under no circumstances permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out his duties.

- E. The Zoning Administrator shall not refuse to issue a Zoning Compliance Permit when the applicant has complied with all applicable conditions required by this ordinance. Violations of contracts such as covenants or private agreements which may result upon the granting of said permit are not cause for refusal to issue a permit.

Section 6.03 - Zoning Compliance Permit

- A. It shall be unlawful to commence the excavation, construction, moving, of any building, accessory building, or other structure until the Zoning Administrator has issued a Zoning Compliance Permit. (amend#2018-1)
- B. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the Zoning Administrator has issued for such intended use a Zoning Compliance Permit.
- C. In all cases where a building permit is required, an application for a Zoning Compliance Permit shall be made to coincide with the application for a building permit and in all other cases shall be made not less than ten (10) days prior to the time when a new or enlarged use of a building or premises or part thereof is intended to begin. This application shall be made in writing to the Zoning Administrator on a form provided for that purpose. A record of all such applications shall be kept on file by the Zoning Administrator.
- D. Zoning Compliance Permit issued under this ordinance shall be valid for a period of one (1) year. One (1) extension of a zoning compliance permit for one (1) additional year may be allowed. A second (2) and final extension of the zoning compliance permit may be granted if seventy-five (75) percent of the overall project is completed (amend#2018-1)
- E. When the Zoning Administrator receives an application for a Zoning Compliance Permit which requires a Special Use Permit, Variance, or other approval, the Zoning Administrator shall so inform the applicant.
- F. Removed (amend#2018-1)
- G. No building or structure or use for which a Zoning Compliance Permit has been issued shall be used or occupied until after a final inspection has been performed which indicates that all the provisions of this ordinance are being complied with and a certificate of occupancy has been issued by the Zoning Administrator or Building Inspector. The issuance of a certificate of occupancy shall in no case be construed as waiving any provisions of this ordinance.

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Section 6.04 - Revocation of Permits

Should the Township Board or the Township Planning Commission believe any permit issued under this ordinance is invalid or should not have been issued, such Board or Commission may hold a public hearing for the purpose of considering a revocation of such permit.

The following procedure should be used:

1. Notice of hearing - A seven day notice of time and place for a hearing of said notice is to be posted in at least three public places in the township and mailed to all affected persons by ordinary first class mail.
2. Purpose - The notice shall contain a reasonably definite statement of the charges or reasons for a hearing.
3. Conducting of hearing:
 - a. The Chairman of the body or his/her designate shall be the chairman of the hearing.
 - b. All parties shall have the right to cross-examine witnesses.
 - c. All parties shall have the right to produce his or her own witnesses.
 - d. All parties shall have the right to a full and fair consideration of the evidence by the administrative body.
4. Decision - A decision shall be rendered in writing at least seven days after the hearing - such decision shall be mailed by ordinary first-class mail to all parties involved.

Section 6.05 - Fire Damage

Waverly Township has, pursuant to M.C.L.A. 500.284(11), notified the State Insurance Commission that it has a trust or escrow account in which an insurance company must deposit fifteen percent (15%) of fire insurance proceeds with the township to ensure the insured repairs, removes or replaces any damaged structure.

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ARTICLE VII

APPEALS (21-April-2018)

Section 7.01 - Board of Appeals: Establishment and Procedure (amend #2007-2)

- A. A Zoning Board of Appeals is hereby established, which shall consist of three (3) members and up to two (2) alternate members selected from the electors residing in the Township. Alternate members shall have the same term as regular members. Alternates are only called to serve for the duration of a case when a regular member is absent for one or more meetings (absent due to illness, vacation, conflict of interest, etc.). The first member of the Board of Appeals shall be a member of the Township Planning Commission. The remaining members of the Board of Appeals shall be selected from the electors of the township residing outside of incorporated cities and villages. The members shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An elected officer of the Township shall not serve as chairperson of the Board of Appeals. Members of the Board of Appeals shall be removed from office by the Township Board for misfeasance, malfeasance, or nonfeasance upon written charges and a public hearing. A member shall disqualify him/herself from a vote in which he/she has a conflict of interest. Failure of a member to disqualify him/herself from a vote in which he/she has a conflict of interest shall constitute a misfeasance in office. As a matter of courtesy to the applicant and other members of the Zoning Board of Appeals, if a member knows of a conflict of interest prior to the hearing, that member shall inform the Chairperson who shall notify the alternate to attend.
- B. The terms of office for members appointed to the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members on those bodies. A successor shall be appointed not more than one month after the term of preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- C. The Township Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.
- D. The Zoning Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairperson and at other such times as the Zoning Board of Appeals in its rules and procedures may specify. The chairperson, or in his/her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings and hearings shall be open to the public. All meetings shall be noticed in conformance with Article VIII, Amendments and Public Notices, Section 8.04, of this Ordinance.
- E. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact

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and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Township Clerk.

Section 7.02 - Board of Appeals: Powers and Duties (amend #2007-2)

- A. The Township Zoning Board of Appeals shall have all powers and responsibilities and shall carry out all duties as set forth and required for Township Zoning Board of Appeals in the Michigan Zoning Enabling Act, being Public Act 110 of 2006, as amended, to include consideration of variances in accordance with all applicable provisions of this ordinance.
- B. The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a Zoning Board of Appeals. The Zoning Board of Appeals shall also hear and decide on matter referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under this Ordinance. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by the Zoning Administrator, Planning Commission or Township Board made under this Zoning Ordinance. No authority is granted to the Zoning Board of Appeals to hear appeals from Special Land Use or Planned Unit Development decisions or to grant variances from uses of land.
- C. Public Notice: All meetings of the Zoning Board of Appeals shall be noticed in conformance with Article VIII, Amendments and Public Notices, Section 8.04, of this ordinance. (amend#2018-1)
- D. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator, Planning Commission or Township Board, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance, or to grant a variance in the Zoning Ordinance (for the purpose of this ordinance, there are three (3) members of the Zoning Board of Appeals. An alternate is only called to be present when a regular member cannot attend. Two (2) votes shall constitute a majority).
- E. Standards for Variances: Where practical difficulties or unnecessary hardship may exist in conforming to the strict letter of the Zoning Ordinance, the Zoning Board of Appeals may in approving an appeal vary or modify any of the rules or provisions of this Ordinance relating to construction, or structural changes in or alterations of buildings or structures, so that the intent of this chapter should be observed, public safety secured, and substantial justice done. To obtain a dimensional variance, the owner must show practical difficulty by demonstrating that all of the following standards are met:
 - 1. That strict compliance with area, setback, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;

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2. That a variance would do substantial justice to the owner as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
 3. That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions;
 4. That the problem is not self-created or based on personal financial circumstances.
- F. Reapplication: No application for a variance, which has been denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Zoning Board of Appeals to be sufficient to justify consideration. A reapplication for a previously denied variance shall be treated as a new application subject to all requirements and fees as set forth in this ordinance. (amend #2009-1)

Section 7.03 - Duties of the Zoning Administrator, Board of Appeals, Township Board, and Courts on Matters of Appeal (amend #2007-2)

- A. It is the intent of this ordinance that all questions under appellate jurisdiction shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Zoning Administrator, Planning Commission or Township Board. Requests for Variances constituting matters under original jurisdiction of the Zoning Board of Appeals shall be filed with the Zoning Board of Appeals via the Zoning Administrator and shall not be construed as an appeal from a decision of the Zoning Administrator. Recourse from the decisions of the Zoning Board of Appeals shall be to the courts as provided by the laws of the State of Michigan.
- B. It is further the intent of this ordinance that the duties of the Township Board in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be stated in this ordinance. Under this ordinance the Township Board shall have only the following duties: (1) considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, (2) establishing a schedule of fees and charges as stated in Section 9.05, Schedule of Fees, Charges, and (3) appointing members of the Zoning Board of Appeals and the Zoning Administrator.

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ARTICLE VIII

AMENDMENTS AND PUBLIC NOTICES (5-May-2007)

Section 8.01 - Amendment by Township Board; Initiation of Amendments

- A. The regulations and provisions stated in the text of this ordinance and the boundaries of the zoning districts shown on the official zoning map may be amended, supplemented, or changed only by ordinance of the Township Board.
- B. Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment.

Section 8.02 - Amendment Procedure (amend #2007-2)

- A. Filing of Applications: All petitioners shall submit a completed and signed application for Ordinance amendment, along with the appropriate fees, to the Township Clerk. An application shall be submitted for each parcel of land that is not contiguous to any adjacent parcel of land being proposed for the same amendment. (amend #2007-2)
- B. All petitions for amendments to this ordinance, without limiting the right to file additional material, shall contain the following:
 - 1. The petitioner's name, address, and interest in the petition as well as the name, address, and interest of every person, firm, or corporation having a legal or equitable interest in the land.
 - 2. The nature and effect of the proposed amendment.
 - 3. Deleted (amend #2007-2)
 - 4. Deleted (amend #2007-2)
 - 5. If there is an alleged error in this ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons the proposed amendment will correct the same. (amend #2007-2)
 - 6. The changed or changing conditions in the area or in the township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 - 7. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.
- C. The Township Board upon receipt of the petition to amend, after having been examined and accepted as to form and content by the Clerk, shall refer the petition to the Township Planning Commission to study and report.

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- D. Public Hearing: Before submitting its recommendation on the petition to amend, the Planning Commission shall hold at least one public hearing, notice of which shall be given in conformance with Subsection 8.04, Public Notices, below. (amend #2007-2)
- E. Deleted (amend #2007-2)
- F. Following the public hearing, the Planning Commission shall submit the proposed amendment to the County Planning Commission for review and recommendations. The County Planning Commission will have waived its right for review and recommendation of the ordinance amendment if the recommendation of the County Planning Commission has not been received by the Township within thirty (30) days from the date the proposed amendment is received by the County.
- G. The Planning Commission, after either, receiving the review and recommendation of the County Planning Commission or after thirty (30) days has expired, shall refer the proposed amendment to the Township Board along with any comments from the County and the Township Planning Commission's written recommendations for approval or disapproval and their reasons.
- H. A public hearing conducted by the Township Board shall not be necessary unless a request is made in writing by a property owner. Notice of such hearing shall be noticed in the manner prescribed below in Subsection 8.04, Public Notices.
- I. Thereafter at any regular meeting, or at any special meeting called for that purpose, the Township Board may adopt and enact the proposed amendment, in accordance with Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act.
- J. Following adoption of amendments to this Ordinance, one (1) notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. The notice shall include the following information:
 - 1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
 - 2. The effective date of the amendment.
 - 3. The place and time where a copy of the amendment may be purchased or inspected.
- K. Within seven (7) days after publication the amendment to the zoning ordinance shall be filed in the official book of the township with a certification of the Township Clerk stating the vote on passage and when published and filed. If the amendment requires a change on the official zoning map such change shall be made on the map in accordance with provisions of Article I of this ordinance within ten (10) days after enactment of the amendment.

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Section 8.03 - Comprehensive Review (amend #2007-2)

- A. The Planning Commission shall, from time to time at intervals of not more than five (5) years, examine the provisions of this ordinance and the locations of district boundary lines and shall submit a written report to the Township Board recommending changes and amendments, if any, which are desirable in the interest of the public health, safety, and general welfare.
- B. The Township Planning Commission shall make a report on its previous year's activities at the December Township Board meeting.

Section 8.04 – Public Notices (amend #2007-2)

- A. Public notice is required for all meetings of the Planning Commission and Zoning Board of Appeals. A schedule of monthly meetings shall be published in December each year fifteen (15) days prior to the Commission or Board's first meeting. If the Zoning Board of Appeals does not have regularly scheduled meetings then each meeting must be noticed separately except when a variance hearing is tabled until a certain date, time and place as announced to those attending during a previously noticed meeting.
- B. Additional public notices are required for the following public hearings:
 - 1. Any proposal for a hearing before either the Planning Commission or the Township Board to amend the Zoning Ordinance text.
 - 2. Any proposal for a public hearing before either the Planning Commission or the Township Board to amend the Zoning Map.
 - 3. Any proposal for a public hearing before the Planning Commission to consider a Special Land Use or a Planned Unit Development.
 - 4. Any appeal to the Zoning Board of Appeals for a public hearing to consider a dimensional Variance, to request an interpretation of the Zoning Ordinance text or map, or to appeal an administrative decision of the Zoning Administrator, Planning Commission or Township Board.
- C. Notice of Hearing: After receipt of the completed application with required fees, the Clerk shall establish a date for a public hearing on the application. The Clerk shall give notice of the public hearing in the following manner:
 - 1. By one (1) publications in a newspaper of general circulation in the City not less than fifteen (15) days before the date of the hearing.
 - 2. For any proposed amendment to the zoning map, or special use hearing, by the Planning Commission, or any variance hearing by the Zoning Board of Appeals, written notice will be delivered by mail, or hand-delivered, to all persons to whom any real property is assessed within three hundred (300) feet of the premises in question, and to the occupants of all dwelling units within three

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hundred (300) feet of the premises in question. The notice shall be made at least fifteen (15) days prior to the hearing. Requirements of written notice to property owners shall not apply to a comprehensive revision to the Zoning Ordinance or when eleven (11) or more adjacent properties are proposed for rezoning.

3. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.

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ARTICLE IX

GENERAL PROVISIONS (29-Oct-2006)

Section 9.01 - Provisions of Ordinance are Minimum Requirements

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

Section 9.02 - Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Administrator, who shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance, and make answer to the complaint.

Section 9.03 - Penalties for Violations

- A. Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of Variances or Special Uses, shall constitute a civil infraction. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than ninety (90) days, or both. Each day such violation continues shall be considered a separate offense.
- B. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who knowingly commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the township from taking such other lawful action, including equitable action as is necessary, to prevent or remedy violation of this ordinance.

Section 9.04 - Severability Cause

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

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Section 9.05 - Schedule of Fees, Charges, and Expenses

- A. The Township Board shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for permits and certificates of occupancy, appeals, applications for Special Uses, Variances, rezonings, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be amended only by the Township Board.
- B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 9.06 - Administrative Liability

No officer, agent, employee, or member of the Township Board, Planning Commission, or Zoning Board of Appeals shall be personally liable for any damage that may result to any person as the result of any act, failure to act, decision, or other consequence or occurrence arising out of the discharge of the officer, agent, employee or board member's duties and responsibilities, pursuant to law and ordinance.

Section 9.06 adopted 7-Sep-2000

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ARTICLE X

DEFINITIONS (21-April-2018)

Section 10.01 - Rules Applying to Text of Ordinance

- A. In case of any difference of meaning or implications between the text of this ordinance and any caption, the text shall control.
- B. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- C. Words used in the present tense shall include the future tense; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- D. The word “building” includes the word “structure,” and vice versa.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes a corporation as well as an individual.
- G. The word “uses” or “occupied” as applied to any land or building shall be construed to include the words, “intended, arranged, or designed to be used or occupied.”
- H. Any word or term used in this ordinance and not herein defined shall be defined according to Webster’s New World Dictionary of the American Language, Second College Edition. Copyright 1970, by the World Publishing Company.
- I. Any consecutive Section number omitted from this Article at the date of adoption of this ordinance is reserved for future use of amendment of this ordinance.

Section 10.02 - (“A”)

TERMS AND WORDS DEFINED

Accessory Building - A detached subordinate building or structure on the same premises with a main building, occupied or devoted to an accessory use which is appropriate, supplemental and customarily related to the use of the main building or premises. Attached garages, carports, covered porches or other structures attached to the main building in a substantial manner by a wall or a roof are considered part of the main building and not as an accessory building. (amend#2007-1)

Accessory use, or accessory - 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 on the same zoning lot as the principal use to which it is related. When “accessory” is used in this text, it shall have the same meaning as accessory use.

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

- A. Swimming pools for the use of the occupants of a residence, or their guests.
- B. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- C. Home occupation as defined herein.

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

- A. Storage of merchandise normally carried in stock in connection with a business (amend#2008-1) use, unless such storage is excluded in the applicable district regulations.
- B. Storage of goods used in or produced by business (amend #2008-1) uses or related activities, unless such storage is excluded in the applicable district regulations.
- C. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the parcel or lot is located.
- D. Uses clearly incidental to a main use such as, but not limited to: offices of a (amend#2008-1) commercial complex located on the site of the commercial (amend #2008-1) complex.
- E. Accessory off-street loading, subject to the off-street loading regulations for the district in which the parcel or lot is located.

Adult Foster Care Facility

- A. Small group home: a facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days per week, and for two (2) or more consecutive weeks for compensation.
- B. Large group home: a facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

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- C. A state licensed adult foster care home which provides supervision or care, or both, to six (6) or fewer persons shall be considered a residential use of property and a permitted use in all single family residential districts.

Aesthetic - A value which relates to the artistic appearance of a building, structure, or development or feature thereof.

Alley - A strip of land over which there is a right-of-way, public or private, on which generally no dwelling or land uses front, serving as a rear entrance to one or more properties.

Alterations - Any change, addition, or modification in construction or type of occupancy; and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed”.

Animal - A dog, cat, bird, reptile, mammal, fish or any other dumb creature, not including an exotic animal.

Animal Unit - Animal Unit shall be defined as a unit of measurement of any animal feeding operation calculated by adding the following numbers: the number of cattle and horses multiplied by 1.0, plus the number of swine, sheep and goats, by .50, plus the number of poultry and fowl by .02, plus the number of turkeys and ducks by .04, plus other livestock multiplied by 1.0 per 1,000 pounds of mature body weight.

Assembly (Commercial District Use) – Use for public or private assembly including but not limited to: restaurant, bar, funeral home, indoor recreation, auditoriums, clubs, banquet hall, library. (amend#2018-1)

Automobile or Trailer Sales Area - An area used for the display, sale or rental of new and used motor vehicles, boats or trailers, recreation vehicles (including mobile homes) in operable condition and where no repair work is done.

Automobile Repair - Major - Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair, overall painting and vehicle rust proofing.

Automobile Repair - Minor - Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. A place where either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and applied directly into motor vehicles, including sale of accessories, greasing, oiling and minor automotive repair on the premises.

Automobile Wash Establishment - A building, or portion thereof, the primary purpose of which is to wash motor vehicles.

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Section 10.03 - (“B”)

Base Flood -The flood having a one percent chance of being equaled or exceeded in any given year.

Basement or Cellar - A portion of a building having more than one-half (½) of it’s height below grade.

Bedroom -A room or area within a dwelling unit designed and intended to provide sleeping accommodations for one or more human beings.

Block - The property abutting one side of a street and lying between the two 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 other barrier to the continuity of development, or boundary lines of Waverly Township.

Bed and Breakfast Facility - A building, other than a hotel, where lodging and light breakfast for person(s), other than family, are regularly served for compensation.

Board of Appeals - The Waverly Township Board of Appeals; the members of which have been duly appointed by the Township Board and which is authorized as a body to interpret, hear appeals, and grant variances only in accordance with the provisions of this ordinance.

Buffer - A strip of land which shall be of sufficient width and density of planting materials to screen properties from view.

Building -An edifice, framed or constructed and designed to stand more or less permanently and covering a space of land, for use as a dwelling, store, storehouse, factory, sign, shelter or for some other useful purpose. Building in this sense includes a board fence or similar structure, trailer, tent, or vehicle used as a dwelling.

Building, Existing - Any building actually constructed or construction of which is started previous to the effective date of this ordinance, provided that the construction of any such building continues uninterrupted and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay, to the extent of its full assessed value as of record at the time of damage, shall not be considered an existing building.

Building, Footprint - The calculated square footage of any building or structure based upon the footprint of the foundation or main floor whichever is larger, and which include any overhangs which are supported by posts or additional foundation support. (amend #2007-1)

Building, Height - The vertical distance from the average elevation of the adjoining grade paralleling the front, or if on a street corner, the front and side, of the building, to the highest point of the roof surface if the roof is flat; to the deck line, if the roof is the mansard type; or the mean height level between the eaves and the ridge if the roof is gable, hip or gambrel type.

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Building Line - A line parallel to the front lot line, and which marks the location of the building.

Building Inspector - The officer charged with the administration and enforcement of the building code, or his/her duly authorized representative.

Building Permit - A permit signifying compliance with the provisions of this ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the Waverly Township.

Building Site - A lot, or a two dimensional condominium unit or land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory building. All building sites shall have access to public or private roads.

Section 10.04 - (“C”)

Campground – A facility for camping or staying overnight with sites for tents, trailers, or camping recreational vehicles, which is open to the general public for free or with a charge or fee; operated and utilized by private members; or operated by a bona fide nonprofit organization, church, or similar organization. “Campground” included all facilities as defined by MCL 333.12501 et seq. as amended. (amend #2015-1)

Church - A building used principally for religious worship, including house of worship, parish house, convent. The word “church” shall not include or mean an undertaker’s chapel or funeral building. (amend #2015-1)

Clinic - A building or group of buildings where human patients are admitted, but not lodged overnight for examination and treatment by more than one (1) professional, such as a physician, dentist or the like.

Club - An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like but not for profit and open only to members and guests.

Commercial Use - A commercial use relates to the use of property in connection with the purchase, sale, barter, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises. Garage, rummage, basement, porch, lawn sales and similar sales conducted on any one residential premises are hereby deemed a commercial use, if such sales are conducted on more than three (3) occasions during any consecutive twelve (12) month period. Each rummage sale may last for no more than three (3) days.

Commercial Vehicle - Any motor vehicle used for commerce other than a motorcycle or passenger automobile designed or used primarily for transportation of persons or property.

Common Elements - Portions of the condominium project other than the condominium units.

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Concentrated Animal Feeding Operations - A farm which has animals stabled or confined other than in grazing areas and fed for a total of forty-five (45) days or more in any twelve (12) month period and which contain more than the following numbers and types of confined animals:

- 300 slaughter or feeder cattle, or
- 300 mature dairy cattle (milked or dry), or
- 600 swine each weighing more than 25 kilograms (approximately 55 pounds), or
- 300 horses, or
- 3,000 sheep or lambs, or
- 16,500 turkeys, or
- 20,000 laying hens and/or broilers
- 1,500 ducks, or
- 300 animal units

Condominium Unit - That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, (amend#2008-1) business, recreational, or any other type of use approved by the Michigan Department of Commerce.

Construction - The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

Convalescent or Nursing Home - A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders wherein seven (7) or more persons are cared for. Said home shall conform and qualify for license under State Law.

Cottage, Seasonal Tourist - A dwelling structure used as, or intended for use as, temporary lodging for vacation - recreation purposes and not intended as the permanent year-round place of residency for the occupants.

Curb Level (Grade) -The mean level of the established curb in front of the building. Where no curb has been established the township shall establish such curb level for the purpose of these regulations.

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Section 10.05 - ("D")

Day Care Facility

- A. Child (Family) Day Care Home: A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which one but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

- B. Child (Group) Day Care Home - A private home properly registered or licensed under 1973 Public Act 116, as amended, (MCLA 722.11 et seq), in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

- C. Child Day Care Center or Child Care Center - A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), receiving one or more preschool or school age children for 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. A child day care center or child care center 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 facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child day care center or child care center shall not however, include any of the following:
 - 1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.

 - 2. A facility operated by a religious organization where children are cared for not greater than three (3) hours while persons responsible for the children are attending religious services.

Deck - An open horizontal structure attached to the principal building utilized for recreational and leisure activities; decks installed twelve (12") inches or greater above

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grade level shall be considered to be part of the principal structure and subject to appropriate setbacks as contained in this ordinance.

Development - Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Discretionary Standards - General standards in this Ordinance which are used in review of site plans, PUD's and special uses which serve as the basis for determining whether a land use proposal is compatible with adjacent land uses, natural resources and public services.

Dwelling - A house or building, or portion thereof, which is occupied wholly as the home, residence, or sleeping place by one (1) or more persons, either permanently or transiently. In no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling.

- A. Dwelling Multiple: A building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including homes.
- B. Dwelling, One-Family: A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking, and kitchen accommodations for one (1) family only (amend#2018-1)

Section 10D, Dwelling B., Dwelling, One-Family revised 8-Oct-1998.

- C. Dwelling, Two-Family: A detached two-family dwelling that is occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.
- D. Dwelling Unit: Any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent, or other portable building be considered a dwelling in single-family, two-family, or multiple-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this ordinance and shall comply with the provisions thereof relative to dwellings.

Efficiency Unit: A dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred and thirty (330) square feet of floor room.

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Section 10.06 - (“E”)

Erected - The word “erected” includes built, constructed, reconstructed, moved upon (as in relocated to); and “erecting” includes any physical operations required for the building on the premises where the building is being constructed, reconstructed, or moved. Excavating, filling, draining, and the like, shall be considered a part of erecting.

Essential Services - Includes all publicly or privately owned utilities, such as electrical, gas, water, sewer, and communication generation, storage, distribution, collection, supply and disposal systems; police, fire, and road maintenance services; the erection, maintenance, alteration and removal of the foregoing; and all personal property and fixtures including poles, wires, pipes and other accessories reasonably necessary for the furnishing of adequate service by a utility or municipal department or by a private property owner. (amend#2007-2)

Excavation - Any breaking of ground, except common household gardening and ground care.

Exotic Animals - Shall include but not be limited to the following:

- Poisonous or venomous animals including fish, toads, snakes, lizards, insects, scorpions, and spiders.
- Any constrictor snake over eight (8) feet long.
- Piranha fish
- Non-human primates.
- Alligators, crocodiles, and caimans
- Large cats including but not limited to bobcat, cheetah, cougar, jaguar, leopard, lion, lynx, mountain lion, panther, ocelot, tiger, wildcat, and hybrids with domestic species.
- Carnivores including but not limited to bear, wolves, fox, coyotes, jackal, weasel, wolverine, and hybrids with domestic species.
- Large animals typically kept in zoological gardens, not including barn yard animals.
- Animals that pose rabies risk.
- Birds of prey including but not limited to owls, hawks and falcons.

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Section 10.07 - (“F”)

Family

- A. Domestic Family - One or more persons living together and related by the bonds of consanguinity, marriage, or adoption together with servants of the principal occupants, and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in the dwelling.
- B. Functional Family - Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where the common living arrangements and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforced by the building inspector in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6).

Farm - A plot of land, under one description, used for the raising of livestock and poultry, dairying, horticulture, sod, farm forestry, truck gardening and similar bonafide agricultural enterprises or uses of land and structures but not including farms operated wholly or in part for the disposal of garbage, sewage, rubbish, offal or wastes from rendering plants or slaughter houses.

Farm Market – A farm market is a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least fifty (50) percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market’s marketing seasons or up to a five year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws. A farm market may operate seasonally or year-around. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when allowed by applicable local, state, and federal regulations. (amend #2013-1)

First Story - The lowest story of a building the ceiling of which is more than six (6) feet above the average surface elevation of the ground, or sidewalk adjacent to its exterior walls.

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Flood or Flooding -A general and temporary condition or partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Floor Area

- A. One-Family Residential: For the purpose of computing the minimum allowable floor area 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 dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- B. Multiple-Family Residential: For the purpose of computing the minimum allowable floor area in a multiple-family residential dwelling unit, the floor area shall be the net floor area exclusive of hallways. Net floor area is the sum of the horizontal areas of the several rooms measured from the interior faces of the walls of each room. The floor area measurement shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches, and balconies.
- C. Usable (Commercial): That area used for or intended to be used for the sale of merchandise or services, or used 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.
- D. Floor Area, Gross: Floor area is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The floor area of a building shall include the basement floor area when more than one-half (½) of the basement height is above the established curb level or finished lot grade, whichever is higher (see basement definition). Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included (amend#2018-1)

Section 10.08 - (“G”)

Garage, Automotive Commercial - Any premises available to the public and used solely for the storage of automobile or motor driven vehicles, for remuneration, hire, or sale, where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed.

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Garage, Private - A building or other structure designed for the housing of automobiles. (amend#2007-1)

Garage, Public - Any building or premises, other than a gasoline filling station, used for the housing or care of more than three automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire, or sale.

Gasoline Filling Station - A space, structure, building or part of a building, used for the retail sale, service or supply of motor vehicle fuels, lubricants, air, water, batteries, tires, other accessories, motor vehicle washing and convenience store merchandise.

Section 10.09 - ("H")

Hazardous Materials - Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

Health Care Center - A campus or group of Health Care facilities featuring a primary Health Care facility such as a hospital together with supporting medical offices, long term care facilities and supporting commercial facilities such as pharmacies and restaurants.

Home Occupation – (amend#2010-1) - Definition removed and replaced with Major and Minor Home Occupation.

Home Occupation – Major (amend#2010-1) - Any occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a permitted, accessory or attached structure of a residential dwelling unit which does not alter the exterior of the property or adversely affect the general residential use or character of the neighborhood. Major Home Occupations are evidenced by an increased amount of customer traffic, delivery or other vendor traffic, or other commercial activity which is not normally intended as a permitted use of the property, but which by their low level of activity or use do not adversely affect others.

Home Occupation – Minor (amend#2010-1) - An occupation, profession, activity, or use that is clearly a customarily, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Section 10.10 - ("I")

Institutional Uses - Churches, schools, hospitals, and other similar public or semipublic uses. This excludes nursing homes, convalescent homes, adult foster care facilities.

Section 10.11 - ("J")

Junk Yard - Any land area including buildings thereon used primarily for the outdoor collecting, storage and abandonment of waste paper, rags, scrap metal or discarded materials which are for sale; or which is used for the outdoor collecting, dismantling,

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storage or salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

Section 10.12 - (“K”)

Kennel – removed (amend#2013-1)

Section 10.13 - (“L”)

Laboratory - A place devoted to experimental, routine or basic study such as testing and analytical operations, and in which manufacturing of product or products, except prototypes for testing market, is not performed.

Land Use, Official – (amend#2018-1) changed to Master Plan moved to 10.14

Land Use Standards

- A. Discretionary - Standards of operation which the Township Board or the Zoning Board of Appeals may attach to a special use, site plan or variance which are reasonable in nature.
- B. Nondiscretionary - Standards which are listed in the Zoning Ordinance with which the proposed special use or variance must comply.

Light Manufacturing (Commercial District Use – Use including but not limited to: small tools, dies, gauges, molds, patterns, models, fabrication, assembly, brewery, winery. (amend#2018-1)

Limited Common Elements - A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Livestock - Any animal which is raised for the production of food for human consumption or for the production of fiber.

Loading Space - An off-street space on the same lot with a building or group of buildings, for temporary parking of commercial vehicles while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred twenty-eight (528) square feet in area. (amend#2018-1)

Local Road - A road of limited continuity used primarily for access to abutting residential properties, and classified as such by the Van Buren County Road Commission.

Lodging House - A building or part thereof, other than a hotel, including so-called tourist homes, where lodgings are provided for hire, more or less transiently, with or without provision for meals.

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Lot - A measured portion of a parcel or tract of land which is described and fixed in a recorded plat and having frontage on a public street or road either dedicated to the public or designated on a recorded subdivision.

Lot Area - Area of a lot bounded by lot lines.

Lot, Corner - A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage - The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed but shall not be deemed to include fences, walls, or hedges used as fences, or swimming pools.

Lot, Flag - A lot not fronting or abutting a public road and where access to the public road is by a private road or private right-of-way of at least thirty-three (33) (amend #2010-1) feet in width.

Lot Frontage (amend#2009-1) - The front of a lot generally shall be construed to be the portion nearest the street.

Lot, Double Frontage (through lot) (amend#2009-2) – In the case of a row of double frontage lots, all sides of said lots adjacent to the road shall be considered frontage and front yards 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.

Lot Line - A boundary line of a lot.

Lot Line, Front - The exterior line or right-of-way of a road on which a lot fronts or abuts.

Lot Line, Rear - Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

Lot Line, Side - Any lot line not a front or rear lot line.

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Lot Measurements

- A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the area.
- B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, provided however that in determining lot frontage on odd shaped lots if the lot abuts on the outside curve boundary of a curving street and as a result the side lot lines diverge toward the rear, the measurement of width may be taken at the front building line of the principal building; and provided further that if the lot abuts on an inside curve boundary of a curved street wherein the lot lines coverage toward the rear, the measured width shall be taken at the rear line of the principal building or thirty (30) feet behind the front setback line, parallel to the street or street chord.

Lot of Record - A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width - The average distance between side lot lines measured at the building line, on a line parallel to the street, and measured at right angles to the side lot lines.

Section 10.14 - ("M")

Master Plan, Official - The plan so designated by the Planning Commission. (amend#2018-1)

Mobile Home - A structure transportable in one (1) or more sections which is built on a chassis and is designed to be used with or without permanent foundation. When connected to the required utilities, it includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle (Act 419, Michigan P.A. of 1976). All mobile homes must conform to the U.S. Department of Housing and Urban Development's Code for Mobile Homes. Mobile home includes a double-wide unit.

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 non-recreational 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 to be used incidental to the occupancy of a mobile home, and which is not intended for use as recreation vehicle trailer park (Act 419, Michigan P.A. of 1976).

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

Mini-Warehouses –Group or groups of buildings in a controlled access or fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer goods and wares. (amend#2018-1)

Modular Dwelling - A pre-manufactured dwelling consisting of an assembly of materials or products intended to comprise all or part of such dwelling; that is partially assembled at other than its use location for later incorporation with similar units at the use location forming a single structure; and which meets all requirements of “Part 4 Building Code” being a part of the Michigan Construction Code promulgated pursuant to Act 230, Public Acts of 1972, as amended, and which is certified and identified in accordance with “Part 11, Pre-manufactured Units,” also being part of said construction code.

Motel, or Motor Hotel - A building or a series of attached, semi-detached, or detached rental units providing long term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval by the Township Board with the exception of units for use of the manager and/or caretaker.

Section 10.15 - (“N”)

New Construction - Structures for which the “start of construction” commenced on or after the effective date of this ordinance.

Nonconforming Lot of Record (Substandard Lot) - A lot lawfully existing at the effective date of this ordinance, or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

Nonconforming Structure - A structure, or portion thereof, lawfully existing at the effective date of this ordinance, or affecting amendment, and which fails to meet the minimum yard setback, height or floor area requirements of the zoning district in which it is located.

Nonconforming Use - A use lawfully existing in a building or on land at the effective date of this ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

Nuisance - The word “nuisance” shall be held to embrace public nuisance as known in common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this ordinance, nuisances, and all such nuisances are hereby declared illegal. Examples of nuisances are uses which generate excessive noise, smoke, odor, fumes, dust, heat, vibration, flashes or radiation.

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Section 10.16 - ("O")

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 more than three (3) 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.

Ordinary High Water Mark -The line between upland and lake or stream bottom land which persists through successive changes in water levels, and below which the presence and action of the water is so common or recurrent as to mark upon the soil a character, distinct from that which occurs on the upland.

Open Air Business - Shall be defined to include the following:

- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- B. Sidewalk cafes.
- C. Retail sale of fruits and vegetable.
- D. Tennis courts, archery court, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- E. Bicycle, utility truck or trailer, motor vehicles, and boats or home equipment sale, rental or repair services.
- F. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

Section 10.17 - ("P")

Parcel - A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this ordinance, and having its frontage on a public or private street.

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. (amend#2018-1)

Paved Road or Street, Private – Requirements removed (amend#2010-1). See "Private Drive" below.

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Planning Commission - The Waverly Township Planning Commission shall have powers granted under authority of Act 168 of the Public Acts of 1959, as amended, and as provided in this ordinance.

Porch, Enclosed - A covered entrance to a building or structure which is totally enclosed; projects out from the main wall of the building or structure to which it is attached. An enclosed porch is considered to be part of the principal structure and shall observe all applicable setback requirements.

Porch, Open - A covered entrance to a building or structure which is not enclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An open porch is considered to be part of the principal structure and shall observe all applicable setback requirements.

Private, Drive, Road, Street (amend#2010-1) – A private right-of-way reserved for the use of the occupants of the abutting structures.

Public Utility - Any person, firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulations, to the public, electricity, gas, steam, communication, transportation, drainage, water, or sewer.

Section 10.18 - (“R”)

Recreation Vehicles - A vehicle primarily designed for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, not for permanent living (Act 419, Michigan P.A. of 1976, as amended)

Repairs -The rebuilding or renewal of a part of an existing building for the purpose of maintaining its original type, condition, and classification.

Research and Development Facility - Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

Restaurant

- A. Drive-in Restaurant - Any establishment that the principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and by design, method of operation, or any portion of that business includes one or both of the following characteristic:

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1. Foods, frozen desserts, or beverages are served directly to the customer in motor vehicles either by a carhop or by other means which eliminates the need for the customer to exit the motor vehicles.
 2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.
- B. Fast Food Restaurant - Any establishment that the principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and by design or principal method of operation includes both the following characteristics:
1. Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
 2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
- C. Carry-Out Restaurants - Any establishment that the principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consumer state, and by design or method of operation includes both of the following characteristics:
1. Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
 2. The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
- D. Standard Restaurant - Any establishment that the principal business is the sale of foods, frozen desserts, or beverages (alcoholic and nonalcoholic) to the customer in a ready-to-consume state, and by design or principal method of operation includes one or both of the following characteristics:
1. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
 2. A cafeteria-type operation where foods, frozen desserts, or beverages (alcoholic and nonalcoholic) generally are consumed within the restaurant building.

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- E. Bar/Lounge/Tavern - A structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and snacks may also be permitted. If the bar/lounge/tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

Road or Street, Public - A public right-of-way of sixty-six (66) feet or more in width which has been dedicated for the purposes of providing access to abutting private lots of land including the space for pavement and sidewalks.

Roadside Stand - A structure placed in the front setback used for the seasonal sale of produce, flowers and food items processed on-site.

Section 10.19 - (“S”)

Shed – See Accessory Building (amend#2007-1)

Services (Commercial District Use) – Use including but not limited to: auto repair, small engine repair, appliance repair, car wash, gas station, hair salon, massage therapy (amend#2018-1)

Service Station - A space, structure, building or part of a building used for the retail sale, service or supply of motor vehicle fuels, lubricants, air, water, batteries, tires, and other related accessories; lubricating of vehicles, installation of accessories and equipment and repair of motor vehicles.

Setback - The minimum horizontal distance a foundation or wall of a building or structure or any portion thereof is required to be located from the boundaries of a lot, parcel, or building site of land upon which the same is situated or from the edge of the road as established by the zoning administrator.

Shopping Center - A retail commercial establishment or a group of retail establishments which is planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area.

Sign - Any announcement, declaration, display, illustration or insignia used to advertise or promote the interests of any person or product when the same is placed out-of-doors in view of the general public.

Site Condominium Project - A plan or project consisting of not less than two (2) single family units established in conformance with the Michigan Condominium Act P.A. 59 of 1978, as amended.

Special Use Permit - A use permitted only where specified facts and conditions, detailed in this ordinance, are found to exist. The facts and conditions set forth in this ordinance for a special exception use must be met without modification or alteration, unless a variance, as hereinafter defined, is obtained.

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Sports Shooting Range (Act 269 of 1989) – an area designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting. Sport shooting ranges shall be further classified as either private or commercial in nature. (amend#2018-1)

Sports Shooting Range, Commercial (outdoor) - an area designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting that is operated either for profit or nonprofit. (amend#2018-1)

Sport Shooting Range, Generally Accepted Operation Practices (Act 269 of 1989) – Those practices adopted by the Natural Resources Commission that are established by a nationally recognized nonprofit membership organization that provides voluntary firearms safety programs that include training individuals in the safe handling and use of firearms, which practices are developed with consideration of all information reasonably available regarding the operation of shooting ranges. The Natural Resource Commission has stated that the manual developed by the National Rifle Association concerning generally accepted operation practices is advisory and should be considered as providing guidelines for operation rather than absolute requirements. These practices shall be reviewed at least every five (5) years by the commission of natural resources and revised as the commission considers necessary. (amend#2018-1)

Storage (Commercial District Use) – Use including but not limited to: building or a group of buildings for indoor storage and or outdoor storage (amend#2018-1)

Story - That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, half - An uppermost story lying under a sloping roof, the usable floor area of which does not exceed 75 percent of the floor area of the story immediately below it and not used or designed or arranged or intended to be used in whole or part as an independent housekeeping unit or dwelling.

Street - A thoroughfare for vehicular traffic, including all area within the right-of-way.

Street Line - The right-of-way line of a street or easement for ingress and egress.

Structure - Anything constructed or erected, the use of which requires location on the ground or attachments to something having location on the ground.

Structural Changes or Alterations - Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

Substantial Improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not

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that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pool - Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth greater than eighteen (18) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

Section 10.20 - (“T”)

Temporary Building or Use - A structure or use permitted by the building inspector to exist during periods of construction of the main use or for special events, not to exceed six (6) months. Two (2) extension periods of six (6) months each are allowed.

Townhouses - A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling. Townhouse shall not be used as a synonym for the term “condominium” which refers to how property or space is owned rather than a particular housing style.

Trailer - Any trailer coach, motor home, tent camper, demountable camper, or unit designed as a vacation unit for short-term seasonal occupancy, which measures nine (9) feet or less in width, and thirty five (35) feet or less in length, which is designed to be operated on highways, which is in good running condition and which complies with all requirements of state law for licensing of such vehicles. This term does not include a utility trailer which is used for hauling of goods, boats and debris.

Section 10.21 – (“U”)

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

Section 10.22 – (“V”)

Variance – A varying or relaxation of the standards of the zoning ordinance by the Zoning Board of Appeals, and where such variances will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in meeting its dimensional requirements.

Vicinity – The surrounding area or district as in neighborhood; vicinity is larger in scope than immediate or adjacent area.

Section 10.23 – (“W”)

Wall, Obscuring – A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of the Ordinance.

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Section 10.24 – (“Y”)

Yard

- A. Yard – a required open space between a lot line or the edge of the road and a structure or group of structures, other than a court, unoccupied and unobstructed by any structure or portion of a structure, except as provided within this ordinance; provided however, that fences, walls, poles, posts, or other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.
- B. Yard, Front (amend#2009-2) – A yard extending between side lot lines across the front of an adjoining public or private street. For waterside lots, the yard fronting the street and the yard facing the water will both be considered front yards. For corner lots, both sides facing the street will be considered front yards.
- C. Yard, Side – A yard extending from the rear line of the required front line of the required rear yard. In the case of through lots, side yards shall extend between the rear lines of the required front yards.
- D. Yard, Rear – The yard extending across the rear of a lot between side lot lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by the district regulations with the inner edge parallel with the rear lot line.
- E. Yard, Waterside (amend#2009-2) – Shall be part of the yard that abuts the water’s edge.

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ARTICLE XI

OFF-STREET PARKING AND LOADING REGULATIONS (21-April-2018)

Section 11.01 - Parking and Storage of Unlicensed and Commercial Vehicles and Trailer

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. In residential zones, it shall be illegal to garage or park more than one (1) commercial vehicle larger than a regularly manufactured pickup or panel truck of one (1) ton capacity per lot, said commercial vehicle must be owned and operated by a member of the family residing on said lot or parcel.

Section 11.02 - Required Off-Street Parking, General

Off-street parking required in conjunction with all land and building uses shall be provided as herein prescribed:

- A. The minimum number of off-street parking spaces shall be determined in accordance with Section 11.03. For uses not specifically mentioned therein, off-street parking requirements shall be established by the Board of Appeals from requirements for similar uses.
- B. Any area once designated as required off-street parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building, shall not be reduced to an amount less than would hereinafter be required for such building or use.
- C. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual functioning of off-street parking where operating hours do not overlap, the Planning Commission may grant a special exception based on the peak hour demand.
- D. Required off-street parking shall be for the use of occupants, employees, visitors and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale or the repair of vehicles is prohibited. Off-street parking, whether public or private, for nonresidential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major street.
- E. In nonresidential zoning districts, fifty (50%) percent of the required front yard setback may be used for off-street parking provided that the remaining half of the setback (closest to the right-of-way) remains as open, landscaped area.

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Section 11.03 - Table of Parking Requirements:

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table. The space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

USE	Number of Minimum Parking Spaces Per Unit of Measure
1. Residential	
a. Residential, One-Family and Two-Family	Two (2) for each dwelling unit.
b. Residential, Multiple-Family	Two (2) for each dwelling unit for developments of 1-24 units. One point seven five (1.75) spaces for each dwelling unit for developments of 24+ units.
c. Mobile Home Park	Two (2) for each trailer or mobile home site and one (1) for each employee of the trailer or mobile home court.
d. Boarding and Rooming House and Bed & Breakfast Facility	One (1) for each sleeping room.
e. Senior Citizen Apartments	One (1) space for each unit; one (1) space for each employee; visitor parking one (1) space for four (4) units. (amend#2018-1)

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USE	Number of Minimum Parking Spaces Per Unit of Measure
2. Institutional	
a. Churches, Temples or Synagogues	One (1) for each three (3) seats, maximum seating capacity in the main unit of worship; or one (1) space for each thirty-five (35) sq. ft. of gross floor area whichever is greater.
b. Hospitals	One (1) per six hundred (600) sq. ft. of gross floor area.
c. Sanitariums, Convents, Homes for the Aged, Convalescent Homes, Children's Homes.	One (1) per six hundred (600) sq. ft. of gross floor area.
d. Adult Foster Care Facilities	One (1) Space per every two (2) beds based on maximum capacity plus one (1) for each employee.
e. Public or Private Elementary and Junior High Schools	One (1) for each classroom plus one (1) space for each five (5) fixed seats of any area used for auditorium purposes or for each thirty-five (35) sq. ft. of seating area where there are no fixed seats.
f. Senior High Schools	One (1) space for each classroom and every other room used by students plus one (1) for each ten (10) full-time students in addition to the requirements for auditorium. (See K)
g. Private Clubs or Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, County or State fire, building, or health codes.
h. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Racquetball Clubs	One (1) for each two (2) member families or individuals.
i. Golf Course open to the general public, except miniature or "par 3" courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee on premises at a time.

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USE	Number of Minimum Parking Spaces Per Unit of Measure
2. Institutional (continued)	
j. Stadium, Sport Arena, or similar place of outdoor assembly	One (1) for each three (3) seats or ten (10) feet of bench.
k. Theaters and Auditoriums	One (1) for each four (4) seats plus one (1) for each two (2) employees.
l. Libraries, Museums, and Non-commercial Art Galleries	One (1) for each two hundred and fifty (250) sq. ft. of gross floor area.
m. Day-care, Preschool and Nursery Schools	One (1) space for each staff member plus one (1) space for every five (5) children plus sufficient space for drop-off (as judged by the Township Planning Commission).
n. Jails	One (1) space for each staff member plus one (1) space for every five (5) cells, in addition to off-street loading spaces for delivery and transport vehicles.

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USE	Number of Minimum Parking Spaces Per Unit of Measure
3. Business and Commercial	
a. Automobile Service Stations, Gasoline Stations, Convenience Stores in conjunction with service or gas stations	Two (2) for each lubrication stall, rack, pit or pump, plus one (1) for every two hundred (200) sq. ft. of gross floor area devoted to retail sales; plus one (1) for each employee on premises.
b. Auto Wash, Auto Reconditioning, Auto Cleaning (interior/exterior)	One (1) for each one (1) employee, plus one (1) for each two hundred fifty (250) sq. ft. of gross floor area devoted to reconditioning or cleaning.
c. Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
d. Bowling Alleys	Five (5) for each one (1) bowling lane.
e. Dance Halls, Pool or Billiard Parlors, Roller or Ice Rinks, Exhibition Halls and Assembly Halls without fixed seats	One (1) for each three (3) seats or one (1) for each one hundred (100) sq. ft. of gross floor area whichever is greater.
f. Drive-in Establishments	One (1) for each forty (40) sq. ft. of gross floor area, with a minimum of twenty-five (25) parking spaces.
g. Establishments for Sale and Consumption On the Premises of Beverages, Food or Refreshments	One (1) for every six (6) seats or eighty (80) sq. ft. whichever requires the greater amount of parking.

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<p>h. Furniture and Appliance, Household Equipment, Repair Shop, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses</p>	<p>One (1) for each eight hundred (800) sq. ft. of floor area, occupied in processing or manufacturing.</p>
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USE	Number of Minimum Parking Spaces Per Unit of Measure
3. Business and Commercial (continued)	
i. Laundromats and Coin Operated Dry Cleaner machines	One (1) for each two (2) machines
j. Miniature Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
k. Mortuary Establishments; Funeral Homes	One (1) for each thirty (30) sq. ft. of gross floor area. (amend#2018-1)
l. Motel, Hotel or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon maximum occupancy load, established by the Building Code.
m. Motor Vehicles Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms	One (1) for each four hundred (400) sq. ft. of gross floor area of sales room plus one (1) space for each five hundred (500) sq. ft. of open air lot.
n. Open Air Business	One (1) for each three hundred (300) sq. ft. of selling lot area.
o. Restaurant, Carry-Out	One (1) for each one hundred (100) sq. ft. of gross floor area.
p. Retail Stores	One (1) for each three hundred (300) sq. ft. of gross floor area.

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q. Shopping Center or Clustered Commercial	One (1) for each three hundred (300) sq. ft. of gross floor area.
r. Auto Body Shop	One (1) space for each five hundred (500) sq. ft. of gross floor area plus one (1) space for each employee.
s. Cocktail Lounges and Taverns	One (1) space for each seventy-five (75) sq. ft. of gross floor area.
t. Health Spas, Gymnasiums and Health Clubs	Ten (10) plus one (1) space for each two hundred (200) sq. ft. of gross floor area in excess of one thousand (1000) gross sq. ft.

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USE	Number of Minimum Parking Spaces Per Unit of Measure
4. Offices	
a. Banks, Savings and Loan Offices	One (1) for each two hundred (200) sq. ft. of gross floor area.
b. Business Offices or Professional Offices Except as indicated in the following Item C but including courthouses and governmental offices	One (1) for each two hundred (200) sq. ft. of gross floor area. (amend#2018-1)
c. Medical or Dental Clinics, Professional Offices of Doctors, Dentist or Similar Professions	One (1) for each one hundred seventy-five (175) sq. ft. of gross floor area.
5. Industrial	
Requirements removed (amend#2008-1)	

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USE	Number of Minimum Parking Spaces Per Unit of Measure
<p>6. All Districts Required Off-Street Loading Space: (amend#2018-1)</p>	
<p>In all districts every building or part thereof hereafter erected which is to be occupied by manufacturing, storage, warehouse, group of stores or other use similarly requiring the receipt of distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such buildings, off-street loading spaces in relation to floor area as follows:</p>	5,000 to 20,000 sq. ft. one (1) space
	20,000 to 50,000 sq. ft. two (2) spaces
	50,000 to 100,000 sq. ft. three (3) spaces
	One (1) additional space for each additional 100,000 sq. ft. or part thereof; provided that:
	<ol style="list-style-type: none"> 1. Each loading space shall be at least (12) feet in width, forty-four (44) feet in length, and have a clearance of fourteen (14) feet above grade. 2. Such space may occupy all or any part of any required yard or court space, except the front yard.

Section 11.04 - Off-Street Parking Lot Layout, Construction and Maintenance
(amend#2018-1)

Wherever a parking lot is built as required for off-street parking, such parking lot shall be laid out, constructed, and maintained. A Site plan must be submitted to the Planning Commission for approval in accordance with the following requirements:

- A. Adequate ingress and egress shall be provided for vehicles to the parking lot by means of clearly limited and defined drives.
- B. Parking spaces in a non-residential district or use will be set back from abutting residential district or use as follows:
 - 1. Ten (10) feet from side lot line.
 - 2. Front setback shall be equal to the abutting residential required front setback. If no adjoining residential district exists, the front setback will be equal to the front setback requirements of the district in which the lot is located.
 - 3. Ten (10) feet from rear lot line.

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- C. The land between the setback line and the lot line in a parking lot is for the purposes of this ordinance called a buffer strip. The ground of the buffer strip shall be used only for the purpose of plant materials or sidewalks.
 - 1. The buffer strip shall include landscape materials of shrubs and trees that will result in substantial screening of the parking lot and vehicles from the abutting residential district or use.
 - 2. Landscaping must be maintained in good condition free from refuse and debris. All diseased material shall be replaced within one (1) year or the next appropriate planting season, whichever comes first.
 - 3. If seasonal weather conditions present practical difficulties in the installation or completion of the buffer strips, they may be deferred for a period not to exceed six (6) months.
- D. Any changes to an approved parking lot plan must be submitted to the Zoning Administrator. If changes are significant the Zoning Administrator will forward the changes to the Planning Commission for approval.
- E. Where the parking lot abuts a residential district or use, a privacy fence, or other fencing approved by Planning Commission, shall be provided, but shall not extend into the required front setback of the abutting residential district or use.
- F. The Planning Commission may modify or waive requirements in this Article.
- G. The surface of the parking lot, including drives and aisles, except for buffer strips, shall be constructed of asphalt, concrete or gravel and must be designed to provide adequate drainage.
- H. Parking structures may be built to satisfy off-street parking regulations when located in other than residential districts, subject to the area, height, bulk and placement regulations of such district in which located.

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I. The dimension of off-street parking spaces shall be in accordance with the following table: (amend#2018-1)

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
30 to 53° (angle)	13 feet	9 feet	20 feet	33 feet	53 feet
54 to 74° (angle)	18 feet	9 feet	21 feet	39 feet	60 feet
75 to 90° (Straight in)	25 feet	9 feet	18 feet	43 feet	61 feet
Parallel		10 feet	20 feet		

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ARTICLE XII

PLANNED UNIT DEVELOPMENT (21-April-2018)

Section 12.01 - Intent; Minimum Requirements

- A. The intent of this article is to provide a degree of flexibility in regard to the use, area, height, bulk, and placement regulations for relatively large-scale developments which qualify as Planned Unit Developments. These may include, but are not limited to, housing developments, shopping centers, (amend#2008-1) office districts and medical and educational campuses.

- B. The use, area, height, bulk, and placement regulations of this ordinance are primarily applicable to the usual situation of one (1) principal building on one (1) lot. These requirements would in certain large developments have results that would less serve the public health, safety and welfare than if a controlled degree of flexibility were allowed. As an example, a large-scale residential development might better serve the public health, safety and welfare if a portion of the open space requirements were consolidated into playgrounds or community parks than if such open space were provided for individual dwellings.

- C. A development may be of such large size as to justify permitting certain incidental uses not normally permitted in the zoning district. Permitting these uses as special exceptions can in certain cases increase convenience, be compatible with the overall character of the district, and not be injurious to the adjoining properties. As an example; a large office building or multiple development might include a coffee shop, food store or barber shop primarily intended for the occupants or residents of the premises.

- D. A Planned Unit Development shall be considered a unique use of land which, although comprised of numerous structures of varying types, shall be accorded regulatory treatment under this ordinance as a single entity. Subject to the foregoing statements of intent for this Article and the limitations and requirements which follow in this article, the Planning Commission may, upon application, approve a Planned Unit Development through issuance of a special use permit. Within each Planned Unit Development the use, area, height, bulk and placement regulations of the zoning district may be modified; provided, that such modifications shall comply with the provisions of this Article and the standards established in Section 12.03. While it is the intent of this Article to promote diverse and innovative design, it is to be anticipated that each Planned Unit Development will possess a unique and distinctive design. All Planned Unit Developments shall promote the spirit and intent of this ordinance, as well as the health, safety and welfare of the public, and shall be given equal regulatory consideration, recognizing the principles of due process, in accordance with the procedures specified in this article and the procedures required for proposed approval of special exceptions.

- E. A Planned Unit Development must constitute a land area of at least five (5) acres to be occupied by principal building(s) with a total of more than twenty-five thousand

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(25,000) square feet of usable floor area; the development shall be designed as an entity, intended to be substantially completed within three (3) years if less than fifty (50) acres, and five (5) years if more than fifty (50) acres.

Section 12.02 - District Requirements

- A. All Planned Unit Developments in R1, R2, MF and R3 districts shall be in compliance with the following regulations:
1. A maximum of five (5%) percent of the total developed area may be utilized for uses that are permitted in the “C” commercial district.
 2. No business use or any building devoted primarily to a commercial use shall be built or established prior to the residential buildings or uses for which it is developed or intended to serve.
 3. The minimum area, dimensions, and setbacks of individual buildings and lots may be reduced, provided the total number and density of dwellings shall be increased by no more than twenty (20) percent greater than that which would ordinarily result under the district regulations. Land accruing from reduction in lot requirements shall be laid out, developed, and perpetually reserved for open space, recreational, and conservation purposes, with such land dedicated to the municipality or conveyed to another competent public or private entity.
 4. A minimum of twenty (20) percent of the land developed in any residential planned unit development shall be reserved for common open space and noncommercial recreational facilities for the residents and users of the area being developed.
- B. All Planned Unit Developments in commercially zoned districts shall be in compliance with the following regulations:
1. The use, area, height, bulk, and placement regulations of the district may be varied to allow for a variety of architectural design.
 2. Notwithstanding any other provisions of this Article, every lot abutting the inside of the perimeter of a commercial planned unit development shall maintain all yard requirements of Section 3.07.
 3. A maximum of fifteen (15%) percent of the total developed area may be utilized for multiple-family residential use.
 4. Deleted (amend#2008-1)
 5. A minimum of fifteen (15%) percent of the land developed in any commercial Planned Unit Development shall be reserved and utilized for common open space and noncommercial recreational facilities for the users of the area being developed.

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C. Deleted (amend#2008-1)

Section 12.03 - Criteria of Determination

- A. The Planning Commission in determining its recommendation for approval or disapproval of a proposed Planned Unit Development shall determine and report that the proposal meets the following requirements:
1. A Planned Unit Development proposal shall comply with the intent and definitions of this article.
 2. A Planned Unit Development proposal shall promote the public health, safety and welfare.
 3. A Planned Unit Development proposal shall:
 - a. Be compatible with existing adjacent development.
 - b. Be of a population density which will not overburden existing or immediately projected schools, parks, roadways, public utilities and other public facilities.
 - c. Incorporate a transportation pattern consistent and complementary with existing and immediately projected transportation systems in the township.
 - d. Be designed in a manner to ensure: 1) healthful living conditions 2) adequate light 3) adequate air 4) accessibility for fire and police protection 5) vehicle and pedestrian circulation; shall accommodate, where appropriate, the movement of vehicles, bicycles and pedestrians throughout the proposed development and to and from surrounding areas in a safe and convenient manner. (amend#2018-1)
 - e. Be compatible with the objectives and specific elements of the Master Plan officially adopted by the Planning Commission.

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Section 12.04 - Filing of Application (amend#2018-1)

- A. An application and ten (10) copies of the site plan for a proposed Planned Unit Development (PUD) shall be filed with the Zoning Administrator and shall contain the following:
 - 1. A site plan prepared in accordance with Article V, and in addition:
 - a. General description of proposed development and estimated time-table of construction and completion.
 - b. The proposed: 1) use, area, height, bulk and placement of principal and accessory buildings 2) dwelling unit lot size including all dimensions and setbacks 4) common space including acreage and square footage 5) noncommercial recreational area including acreage and square footage or facilities 6) other information necessary to satisfy the intent and requirements of this article.
 - c. A declaration of restrictions to be placed on a property when subdivided to assure that the planned character and uses will be preserved and protected.
 - d. A copy of a draft master deed and by-laws for condominium projects.
- B. The Zoning Administrator shall refer the application and site plan to the Planning Commission.

Section 12.05 - Action of the Planning Commission

- A. Upon receipt of the completed application and site plan, the Planning Commission shall schedule and hold a public hearing on the proposal.
- B. The Planning Commission shall recommend to the Township Board to approve/approve with conditions or deny the site plan for the PUD in accordance with the criteria specified in the article. The Planning Commission shall have the authority to attach any reasonable conditions which would address compatibility of the project in relation to surrounding land uses.
- C. Upon final approval from the Township Board, a copy of the final master deed and by-laws for condominium projects must be recorded with the Van Buren County register of deeds and a copy submitted to the Zoning Administrator for the file. (amend#2018-1)

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Section 12.06 – Security Deposit (amend#2018-1)

To ensure compliance with any conditions imposed in respect to the approval of the PUD, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable by the Planning Commission covering the estimated costs of improvements be submitted to the Township Clerk to ensure completion of the improvements per a fee amount fixed by fee schedule established by resolution of the Township

Section 12.07 Commencement of Construction (amend#2018-1)

- A. Construction must be commenced and proceed meaningful toward completion within one (1) year from the date of the final PUD approval for all or any phase. Construction of each phase of a multi-phased PUD will be commenced within one (1) year of the schedule established for the phase as approved.
- B. If construction has not been commenced within the applicable one (1) year period, the applicant may request an extension to the Planning Commission. Requested extensions cannot exceed 5 additional years, unless applicant shows good cause; to be approved by the Planning Commission.

Section 12.08 Changes to an approved Planned Unit Development (amend#2018-1)

An approved final PUD site plan and any conditions imposed upon the final PUD approval shall not be varied or modified in any respect without an amendment approved by the Planning Commission. Changes determined to be minor by the Planning Commission can be approved at a regular meeting with an amended site plan. Changes determined to be major by the Planning Commission shall be approved in the same manner as original submittal.

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ARTICLE XIII

SPECIAL USE PERMITS (21-April-2018)

Section 13.01 - Application and Determinations

- A. Purpose: It is recognized that certain uses may not be totally compatible with the uses permitted in any district without careful attention to design features, location, and the public health, safety, and welfare of adjacent uses, as well as that of the entire community. For this reason, certain uses shall be required to obtain special exception permits prior to their establishment in the appropriate zoning district. The alternative would be to establish special limited zoning districts for each use which reduces flexibility, for both the public and the private property owner, and which is therefore less desirable.

Therefore, the special use permit is created in order to provide for a more detailed consideration of certain specified activities as they may relate to proposed conditions of: location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and service required, together with many other possible factors.

B. Procedures for Making Applications:

1. Application: Application shall be submitted through the Zoning Administrator to the Township Planning Commission on a special form for that purpose. Each application shall be accompanied with the amount required in the duly adopted "schedule of fees" to cover costs of processing the application. (amend#2015-1)
2. Data Required in Application: Every application shall be accompanied by the following information and data:
 - a. Special form supplied by the Zoning Administrator filled out in full by the applicant.
 - b. Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
 - c. Preliminary plans and outline specifications of the proposed development.
 - d. A statement with supporting evidence regarding the required findings of determination specified in Section 13.01C, plus applicable standards established elsewhere in this ordinance. (amend#2015-1)

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- e. Legal description of the property.
 3. Upon receipt of application, the Planning Commission shall notify, not less than fifteen (15) days by mail, the owner or owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in questions, and to the occupants of all structures within three hundred (300) feet. (amend#2015-1)
 4. Following a favorable action by the Planning Commission, and the Township Board (see Article 5.04D) the Zoning Administrator shall issue a special use permit with all conditions clearly specified in writing. (amend#2015-1)
- C. General Standards for Making Determinations: The Planning Commission shall establish the facts and shall find adequate evidence showing that the proposed use:
1. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Township Master Plan.
 2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
 3. Will not be hazardous or disturbing to existing or future neighboring uses.
 4. Will be substantial improvement to property in the immediate vicinity and to the community as a whole.
 5. Will be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 8. Will be consistent with the intent and purposes of this ordinance.

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- D. Review Periods: (amend#2011-1) The Township Planning Commission or Zoning Administrator shall review all issued special use permits for compliance to original guidelines. This review shall be done at least once every three (3) years.
- E. Financial Guarantee: In authorizing a special use permit, the Township Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the township be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping, and the like. The financial guarantee shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the use or activity. As work progresses, the Township Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases of improvements.
- F. Revocation: The Planning Commission may revoke any Special Use Permit if applicant fails to comply with any of the applicable requirements in this section, any conditions placed on the original application by the commission or any violation of this ordinance in general.

13.02 – Standards (amend#2015-1)

1. Towers and Satellite Receiving Stations

- All radio, television satellite receivers or other similar devices shall conform to the same minimum yard setbacks as a structure.
- Communication towers
- A. Intent: It is the intent of this ordinance to provide regulations controlling the placement, design, modification and construction of commercial communication towers including their accessory uses.
- B. Definition: Communication Tower - a radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or other structure utilized for the transmission or reception of radio telephone, cellular telephone, television, microwave, or any other form of telecommunication signals. Not included in this definition are: citizen band radio facilities, short wave facilities, ham and amateur radio facilities, residential television reception antenna/satellite dishes, and government facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority.
- C. Regulations: The following regulations shall govern the placement, design, modification and construction of commercial communication towers including their accessory uses.

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1. Special Use Permit - Communication towers are permitted in Commercial, Agriculture Zones upon the issuance of a Special Approval Permit, in addition to the requirements of this section. Communication facilities, which are proposed to attach to existing, preapproved communications towers, shall be approved by the Building Inspector/Engineering Consultant established by the original Special Approval Permit. No tower shall be located within one-quarter (1/4) mile to the R1, R2, and R3 district.
2. Site Plan Review: Communication tower applications must receive Site Plan approval from the Planning Commission.
3. Engineering Certification: The application shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes. The communication tower must be set back from all property lines a distance equal to its height unless engineering specifications have been verified by the Building Inspector/Engineering Consultant that the structural integrity of the communication tower will withstand high winds and impacts, and the likelihood of a communication tower failure is minimal. The support structure for the communication tower shall be contained within the parcel within which the proposed tower is located. The applicant shall incur all cost associated with the Township engineering review.
4. Airport Location: Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a one (1) mile radius of a public or private airport or within one-half (½) mile of a helipad.
5. Co-locations: Applications for communication towers must be accompanied by documentation that the applicant has investigated the potential of co-location of sharing tower facilities with other providers. That documentation must include written evidence that the applicant has had direct communication and response regarding the potential for co-location or sharing tower facilities with the owners/operators of all existing communication towers within the township. Applications for communication devices to be located on existing towers or structures may be approved by the Building Inspector/engineering Consultant providing all other requirements of this section are complied with. The permittee hereby agrees, as a condition of the Special Use permit, to allow co-location by any other private person, corporation or government entity and shall not set conditions, which would in effect deny co-location.

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6. Spacing: In order to prevent a concentration of towers in one geographic area the minimum of spacing distance between communication towers shall be two (2) miles.
7. Height: The maximum height of a communications tower shall be two hundred (200) feet.
8. Accessory Structures: Accessory structures are limited to the use associated with the operation of the communications tower. See section 4.02
9. Design Certification: The final plans for the communications tower shall be certified by a registered structural engineer and meet all requirements of the federal Communication Commission, the national Environmental Policy Act of 1969, and the Federal Aviation Administration.
10. Liability: The applicant shall provide documentation that indemnity and insurance provisions exists for the communications tower in the event that the provider abandons the structure. The specific dollar amount of the indemnity and insurance provisions shall be approved by the Township Board and that the cancellation of such policy shall not be effective without the approval of the Township Board. (amend#
11. Mandatory Permit Requirements: The following are additional regulations pertaining to communications towers.
 - A. All Towers shall be equipped with an anti-climbing device to prevent unauthorized access.
 - B. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes.
 - C. All towers shall be located so that they do not interfere with reception of radio or television or other communication in nearby residential areas.
 - D. Towers shall not be artificially lighted unless required by the Federal Aviation Administration, nor shall there be any type of advertising signs attached there to.
 - E. All parking areas shall be located on site and be concrete or asphalt unless an alternative surfacing material is approved by the Planning Commission and Township Board.

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12. Landscaping, screening, fencing, and buffering: Landscaping, screening, fencing and buffering plans shall be submitted for review and approval. The fencing plan shall include appropriate fencing for the communication tower and any support system. The plans shall take into consideration any existing vegetation and any other natural features of the site. Minimum height of fencing shall be eight (8) feet.
13. Abandonment: The communication tower shall be removed by the property owner or lessee within three (3) months of being abandoned. The tower shall be removed to the top of the footing. For purposes of this Section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. It shall be considered a non use when abandoned and be removed or fixed within sixty (60) days.
14. Unsafe and unlawful communications towers: When any communications tower is determined to be un-safe or is unlawfully erected or maintained and is found to be in violation of the provisions of this chapter the use of the tower shall be discontinued until all violations are corrected or it shall be removed.
15. Fees: A fee in the amount fixed by fee schedule established by resolution of the Township Board. (amend#2018-1)
16. Use: Every telecommunications provider with sites located in Waverly Township shall annually inform the Township in writing regarding current and future needs and plans, changes in technology, and possible modification of their systems in Waverly Township.

2. Major Home Occupation (amend#2015-1)

- A. No person other than members of the household residing on the premises and up to three (3) additional persons living elsewhere shall engaged in such occupation.
- B. The use of the dwelling unit and/or accessory use building for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and the use of the residence shall not occupy more than twenty-five (25%) percent of the floor area of the dwelling unit, and any accessory building used shall not be greater than fifty (50%) percent of the floor area of the residence.
- C. There shall be no change in the outside appearance of the building or accessory use structure or visible evidence of the conducting of such home occupation other than one (1) sign, not exceeding four (4) square in area, non-illuminated, and mounted flat against the wall of the principal or accessory use building.

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- D. Hours of operation shall be reviewed by and subject to approval by the Planning Commission.
- E. No traffic shall be generated by such home occupation of a volume that would disrupt the immediate residential area, and any need for parking generated by the conduction of such home occupation shall be met by the provision of off-street parking in an amount prescribed in Section 11.02 – Required Off-Street Parking. Commercial business activity is to be conducted as the home occupation in the side or rear yard located to the rear of the front building line of the residential building or in accordance with any Special Land Use permit issued by the Planning Commission.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal sense off the lot. In the case of electrical interference, no equipment or process shall be used which creates a visual or audible interference in any radio or television receivers off the premises that cause a change of transmission voltage off premises.
- G. Major home occupations include, but are not limited to:
 - a. Day Care Centers, when operated as a home occupation.
 - b. Bed & Breakfast Operations, when operate as a home occupation.
 - c. Sale, manufacture and assembly of craft goods made on premise.
 - d. Automobile repair services.
 - e. Tax preparer.
 - f. Beautician and/or barber.

3. House of worship, parish houses, convents (amend#2015-1)

- A. Minimum lot width shall be one hundred and fifty (150) feet.
- B. Minimum lot area shall be three (3) acres. The use may be permitted on a lot less than three (3) acres, if it can be shown that all parking, setbacks, and other dimensional and similar requirements of this ordinance can be satisfied on the lot in addition to meeting occupancy limitations of any applicable building, fire or other applicable codes.
- C. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any neighboring property.

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4. Public and private recreations uses such as parks, playground and community centers (amend#2015-1)

- A. Minimum lot width shall be one hundred and fifty (150) feet.
- B. Minimum lot area shall be three (3) acres. The use may be permitted on a lot less than three (3) acres, if it can be shown that all parking, setbacks, and other dimensional and similar requirements of this ordinance can be satisfied on the lot in addition to meeting occupancy limitations of any applicable building, fire or other applicable codes.
- C. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any neighboring property.

5. Educational institutions, public and private (amend#2015-1)

- A. Minimum lot width shall be one hundred and fifty (150) feet.
- B. Minimum lot area shall be three (3) acres. The use may be permitted on a lot less than three (3) acres, if it can be shown that all parking, setbacks, and other dimensional and similar requirements of this ordinance can be satisfied on the lot in addition to meeting occupancy limitations of any applicable building, fire or other applicable codes.
- C. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any neighboring property.

6. Dry cleaning establishments, laundries, and Laundromats (amend#2015-1)

Van Buren County health department approval required for septic and well systems.

7. Other uses similar to principal uses which are deemed compatible with the character and intent of the district (amend#2015-1)

- A. Minimum lot width shall be one hundred and fifty (150) feet.
- B. Minimum lot area shall be three (3) acres. The use may be permitted on a lot less than three (3) acres, if it can be shown that all parking, setbacks, and other dimensional and similar requirements of this ordinance can be satisfied on the lot in addition to meeting occupancy limitations of any applicable building, fire or other applicable codes.
- C. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any neighboring property.

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8. Stadiums, community centers, governmental buildings, libraries, and museums
(amend#2015-1)

- A. Minimum lot width shall be one hundred and fifty (150) feet.
- B. Minimum lot area shall be three (3) acres. The use may be permitted on a lot less than three (3) acres, if it can be shown that all parking, setbacks, and other dimensional and similar requirements of this ordinance can be satisfied on the lot in addition to meeting occupancy limitations of any applicable building, fire or other applicable codes.
- C. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any neighboring property.

9. Hospitals, clinics, sanitariums, nursing or convalescent homes, homes for the aged, charitable, fraternal, and humane organizations or agencies; funeral homes (amend#2015-1)

- A. Minimum lot area shall be three (3) acres.
- B. Van Buren County health department approval required for septic and well systems.

10. Campgrounds (amend#2015-1)

Provided all applicable requirements of the State Campground Act, being Act 171 P.A. 1970 as amended.

11. Professional offices such as doctors, dentists, lawyers, and accountants
(amend#2015-1)

- A. Minimum lot width shall be one hundred and fifty (150) feet.
- B. Minimum lot area shall be three (3) acres. The use may be permitted on a lot less than three (3) acres, if it can be shown that all parking, setbacks, and other dimensional and similar requirements of this ordinance can be satisfied on the lot in addition to meeting occupancy limitations of any applicable building, fire or other applicable codes.
- C. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any neighboring property.

12. Veterinary clinic or hospital (amend#2015-1)

- A. Minimum lot width shall be one hundred and fifty (150) feet.
- B. Minimum lot area shall be three (3) acres. The use may be permitted on a lot less than three (3) acres, if it can be shown that all parking, setbacks,

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and other dimensional and similar requirements of this ordinance can be satisfied on the lot in addition to meeting occupancy limitations of any applicable building, fire or other applicable codes.

- C. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any neighboring property.

13. Landing fields or landing strips for aircraft (amend#2015-1)

Must meet regulations from the Michigan Department of Aeronautics.

14. Sport Shooting Range, Commercial (outdoor) (amend#2018-1)

- A. Sport shooting range shall operate using the Generally Accepted Operation Practices, Sport Shooting Act PA 269, 1989, as amended.
- B. The shooting range shall not interfere with other's rights to safety and enjoyment of their own property.
- C. Hours of operation: 10:00am to 8:00pm, or sunset whichever is earlier.
- D. The range shall be constructed in accordance with the provisions and guidelines of the "Range Safety Criteria" by the Office of Health, Safety and Security, Department of Energy, dated June 4, 2012, as amended.
- E. Additional site plan requirements:
 - 1. A "safety zone" showing location of all dwellings, houses, residences, or any other building, cabin or cottage occupied by human beings or any barn or other building used in connection therewith within five hundred (500) feet of the proposed range and their respective distance to the shooting range.
 - 2. The shooting range area including structures shall be no less than fifty (50) feet from front, side and rear property lines.
 - 3. Specific dimensions and size of the shooting range area including but not limited to: berm location, size, height, width and depth; other structures deemed necessary for the proper safety i.e. shooting shed, downrange baffles, noise mitigation.
 - 4. Engineering design of the shooting range shall incorporate the concept of "no blue sky" between the firing line and the target area.
 - 5. Location of signage i.e. name of business, address, phone number.
 - 6. Fence line with appropriate signage delineating a security perimeter to prevent or discourage trespass onto the shooting range facility. The type of

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fence may be at the discretion of the Planning Commission.

7. Additional internal access drives.
8. Parking area or areas including number and size of spaces. One (1) space required for every three (3) persons allowed.
9. Drainage, utilities (electrical and/or gas), sanitation facilities.

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ARTICLE XIV

RECORD OF AMENDMENT (21-April-2018)

Section 14.01 – Ordinance Baseline Documentation

This Zoning Ordinance, being Waverly Township Ordinance No. 6, having been duly adopted by the Waverly Township Board on 3-Aug-1978, and as amended through 29-Oct-2006, was reformatted without change to accommodate improved word processing configuration management.

Section 14.02 – Ordinance Amendments

Amendments duly adopted by the Waverly Township Board since establishment of the 29-Oct-2006 baseline are listed in the table below; ordinance language affected by amendments is listed with the applicable amend number for the convenience of zoning administration.

** (Note: Any and all amendments shall result in a corresponding update to the Cover Sheet and the table below at the time of incorporation of the amendment into this ordinance.)*

Amendment Number	Date Adopted	Date Effective	Change Description	*Sections Affected
2007-1	1-Mar-07	4-Apr-07	Accessory Building Regulations	III, IV, X
2007-2	5-Apr-07	5-May-07	Changes mandated by P.A.-110 of 2006, Michigan Zoning Enabling Act	Preamble, I, IV, VII, VIII
2007-2	5-Apr-07	5-May-07	Essential Services Regulations	X
2008-1	6-Mar-08	6-Apr-08	Horticultural District deemed unenforceable and changed to Agricultural with related restrictions. Industrial deleted per Zoning Map changes.	II, III, IV, V, X, XI, XII
2009-1	5-Feb-09	5-Mar-09	Sections 5.04 & 7.02 renewal of variance & special use permits.	V, VII
2009-2	3-Sept-09	3-Oct-09	Waterfront property update. AG district accessory building side yard setback reduced.	III, IV, X
2010-1	2-Sept-10	10-Oct-10	Section 14.14.01; 14.14.03 Minor and Major Home Occupations	IV, X
2011-2	2-Sept-10	10-Oct-10	Section 4.04 Structures to have access; 33 ft ROW etc	IV, X
2011-1	6-Oct-11	7-Nov-11	Article IV; Section 4.02; Major edit; Remove the words "Special Use & in accordance with Article XIII. Word misuse	IV
2011-1	6-Oct-11	7-Nov-11	Article IV; Section 4.02 Accessory Buildings on vacant lots	IV
2011-1	6-Oct-11	7-Nov-11	Article XIII, Section 13.01, Subsection "D" remove first 3 sentences regarding Special Use Permits review periods	XIII, IV
2011-1	6-Oct-11	7-Nov-11	Article III, Section 3.10, subsection "A" Agricultural. Remove "One Family Residence"	III
2011-1	6-Oct-11	7-Nov-11	Article IV, Section 4.02, subsection A1 Table for Accessory building on less than one acre.	IV
2011-1	6-Oct-11	7-Nov-11	Article IV, Section 4.11; Depth to width ratio	IV
2013-1	2-May-13	15-Jul-13	Section 4.03, add Subsection C. In commercial, add residential & commercial allowed on same property.	IV
2013-1	2-May-13	15-Jul-13	Section 4.07, subsection A. add new 2 nd sentence, domestic household pets may be...	IV
2013-1	2-May-13	15-Jul-13	Article 10-Definitions 10.12 Kennels – remove because ZO does not regulate kennels.	X

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2013-1	2-May-13	15-Jul-13	Article 10-Definitions 10.07 add Farm Markets, Schedule of District Regs, allowed uses, minimum lot size, add farm market to AG principle use.	X, III
2013-1	2-May-13	15-Jul-13	Article III District Regulations for R3 and commercial, add agricultural as an allowed use	III
2013-1	2-May-13	15-Jul-13	Article IV, Subsection 4.01 A. Dwelling units shall be 720 sq ft	IV
2013-1	2-May-13	15-Jul-13	Article IV, Subsection 4.01 C. construction standard changes	IV
2013-1	2-May-13	15-Jul-13	Article III, Subsection 3.07, in commercial, add #28 Single Family Residence & #29 mixed uses	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.04, rename R1 to Residential High Density District	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.04, add#5 Essential Service to Principal Use	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.04, add word church to Special Use #1	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.05, add #6 Essential Service to Principal Use	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.05, replace Special Use with all Special Uses 1-4 in R1	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.06A, add #6 Essential Service to Principal Use	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.06B, Special Uses, remove #1,3,5, renumber, add Churches, houses of worship, parish houses, convents	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.06B, rename R3 to Low Density Residential District	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.06B, add #5 Essential Service to Principal Use	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.06B, replace Special Use with all Special Uses 1-4 in R1	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.10, Principal Uses, #13 remove wording – provided that the water and waste disposal systems are approved by the county health department	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.07C, add #32 Essential Service to Principal Use	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection C, Special Uses, add #4 Churches, houses of worship, parish houses, convents	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.10A, add #7 Essential Service to Principal Use	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.10A delete and replace with 1-9; stadiums, hospitals, campgrounds, offices, veterinarian, landing field, agri-business, towers, home occ-major.	III
2015-1	13-Mar-15	20-Mar-15	Article IV, subsection 4.08 move Towers in entirety to Article 13, under new 13.02, replace with word Reserving	IV, XIII
2015-1	13-Mar-15	20-Mar-15	Article IV, subsection 4.14.03, move Major Home Occupation in entirety to Article 13, under new 13.02. 4.14 remove Major and rename Minor Home Occupation	IV, XIII
2015-1	13-Mar-15	20-Mar-15	Article X, subsection 10.04, add definition for Campground	X
2015-1	13-Mar-15	20-Mar-15	Article X, subsection 10.04, amend def of Church to read: a building used principally for religious worship, including houses of worship, parish houses, convents. The word church does no include or mean an undertakers chapel or funeral building.	X

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2015-1	13-Mar-15	20-Mar-15	Article 13, subsection 13.01B(1) remove-No part of any fee shall be refundable	XIII
2015-1	13-Mar-15	20-Mar-15	Article 13, subsection 13.01B(2)(d) add-plus applicable standards elsewhere in this ordinance; B(4) remove its entirety	XIII
2015-1	13-Mar-15	20-Mar-15	Article 13, subsection 13.01B(5) renumber 5 to #3, delete current paragraph, replace with- Upon receipt of application, the Planning Commission shall notify, not less than 15 days by mail, the owner or owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in questions, and to the occupants of all structures within 300 feet.	XIII
2015-1	13-Mar-15	20-Mar-15	Article 13, subsection 13.01B(6) renumber #4 amend to read - Following a favorable action by the Planning Commission, and the Township Board (see Article 5.04D) the Zoning Administrator shall issue a special use permit with all conditions clearly specified in writing	XIII
2015-1	13-Mar-15	20-Mar-15	Article XIII, add subsection 13.02 Standards	XIII
2015-1	13-Mar-15	20-Mar-15	Under new 13.02 add use standards 3-13; churches, recreation, education, dry cleaning, other uses, stadiums, hospitals, campgrounds, offices, veterinarian, landing field	XIII
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.04, delete cemeteries from special uses	III
2015-1	13-Mar-15	20-Mar-15	Article III, subsection 3.06A, rename RM Residential Multiple Family to MF Multiple Family Residential District	III
2018-1	21-Apr-18	21-Apr-18	Correct typos, grammar, change amend #'s, add word of numbers, uniform abbreviations	I-XIII
2018-1	21-Apr-18	21-Apr-18	Art III, 3.07 C replace uses with more general uses; 3.10 remove depth reg; 3.10 add Sport Shooting Range to SLU	III
2018-1	21-Apr-18	21-Apr-18	Art IV, 4.09 amend: No mobile home will be allowed for use as storage and/or accessory building. 4.10, Private Roads add: site plan regs, regs for 5 or more lots; regs for 4 or less lots; previously const roads; add to exiting private road	IV
2018-1	21-Apr-18	21-Apr-18	Art IV, 4.13 Mining, change to Mining Permit; refer to mining operation; add annual insp regs; fee to be set by adopted fee schedule; plans req to be sealed by engineer; add background check;	IV
2018-1	21-Apr-18	21-Apr-18	Art V, 5.04 added: need 10 copies of plan	V
2018-1	21-Apr-18	21-Apr-18	Art VI, 6.03 amend: It shall be unlawful to commence the excavation, construction, moving of any building, accessory building, or other structure until the ZA has issued Zoning Compliance Permit. 6.03D, change expiration date to a 1 year. 6.03 F removed fee	VI
2018-1	21-Apr-18	21-Apr-18	Art X, added: Assembly (Commercial Use); Light Manufacturing (Commercial Use); Services (Commercial Use); Sport Shooting Range, Commercial, Generally Accepted Operation; Storage (Commercial Use);	X
2018-1	21-Apr-18	21-Apr-18	Art XI, add parking spaces to: senior housing, funeral home, professional office. Clarified parking layout requirements; change parallel space size 10x20	XI
2018-1	21-Apr-18	21-Apr-18	Art XII, 12.03A3d, added pedestrian transportation. 12.04A add need 10 copies of plan. 12.06 change to Security Deposit. Added: 12.07 Commencement of Construction. Added 12.08 Changes to an Approved PUD	XII

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2018-1	21-Apr-18	21-Apr-18	Art XII, 13.02 Towers, C15 change fee to: fee set by adopted fee schedule. 13.02 add 14. Sport Shooting Range, Commercial	XIII