
CHASSELL TOWNSHIP ZONING ORDINANCE NO. 04-13-22



Chassell Township Mission

Developing and executing proactive plans and processes in partnership with the Chassell Board to support responsive and effective recreation, zoning, economic development and infrastructure to meet the current and future needs and interests of Chassell Township residents and visitors.

APRIL 13, 2022

Table of Contents

Section 1 – INTRODUCTION.....	3
1.1 AUTHORITY.....	3
1.2 PURPOSE.....	3
1.3 INTENT.....	3
1.4 ABROGATION AND GREATER RESTRICTIONS.....	4
1.5 INTERPRETATION.....	4
1.6 SEVERABILITY.....	4
1.7 TITLE.....	4
SECTION 2 – GENERAL PROVISIONS.....	5
2.1 JURISDICTION.....	5
2.2 USE RESTRICTIONS.....	5
2.3 SITE RESTRICTIONS.....	6
SECTION 3 – ZONING DISTRICTS.....	7
3.1 ESTABLISHMENT.....	7
3.2 DISTRICT BOUNDARIES.....	7
3.3 “R” RURAL DISTRICT.....	9
3.4 “U-A” URBAN RESIDENTIAL DISTRICT-A.....	10
3.5 “U-B” URBAN RESIDENTIAL DISTRICT-B.....	10
3.6 “B” BUSINESS DISTRICT.....	11
3.7 “MU – N” U.S. – 41 – MULTI-USE DISTRICT NORTH.....	11
3.8 “MU-S” U.S. – 41 MULTI-USE DISTRICT SOUTH.....	12
3.9 “I” INDUSTRIAL DISTRICT.....	12
SECTION 4 – PARKING.....	14
SECTION 5 – SIGNS.....	15
5.1 PURPOSE OF SIGNS.....	15
5.2 GENERAL REQUIREMENTS.....	15
5.3 ALL ZONING DISTRICTS.....	15
5.4 BUSINESS, OFFICE, US 41 MULTI USE AND INDUSTRIAL DISTRICTS.....	16
5.5 BILLBOARDS.....	16
SECTION 6 – NON-CONFORMING USES AND STRUCTURES.....	18
Section 7 – BLIGHT.....	19
7.1 BACKGROUND.....	19
7.2 STANDARDS, COMPLAINTS AND VIOLATIONS PROCEDURE.....	19

7.3	FINES FOR CIVIL INFRACTION FOR NON-COMPLIANCE WITH THIS ORDINANCE	19
SECTION 8 – ADMINISTRATION AND PERMIT PROCEDURE		21
8.1	ADMINISTRATION AND ADMINISTRATOR	21
8.2	ZONING PERMITS.....	21
SECTION 9 – BOARD OF APPEALS AND ENFORCEMENT		23
9.1	ZONING BOARD OF APPEALS	23
9.2	ORGANIZATION AND PROCEDURES.....	23
9.3	APPEALS, HOW TAKEN.....	24
9.4	DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS.....	24
9.5	ENFORCEMENT	25
SECTION 10 – THE PLANNING COMMISSION AND AMENDMENTS.....		27
10.1	THE PLANNING COMMISSION	27
10.2	AMENDMENTS.....	27
SECTION 11 – TOWERS: WIRELESS COMMUNICATION FACILITIES, WIND ENERGY SYSTEMS		29
11.1	PURPOSE AND INTENT.....	29
11.2	APPLICABILITY.....	29
11.3	DEFINITIONS	29
11.4	STANDARDS FOR ALL TOWERS	30
11.5	ZONING AND SETBACKS	32
11.6	WIND ENERGY SYSTEMS.....	32
11.7	WIRELESS COMMUNICATION TOWERS.....	33
11.8	APPLICATION PROCESS FOR ALL TOWERS OVER 75 FEET	34
11.9	DECOMMISSIONING	36
11.10	ENFORCEMENT	36
11.11	PRECEDENCE.....	36
SECTION 12 – DEFINITIONS.....		37
SECTION 13 – OTHER ORDINANCES		41

Section 1 – INTRODUCTION

1.1 AUTHORITY

Whereas, the Chassell Township Board, deems it necessary, in order to preserve the value of property in the Township, to the end that building development may be directed to the best advantage of the entire Township, that adequate light, pure air and safety from fire and other dangers may be secured, that the public health, safety, comfort, morals, and welfare may otherwise be promoted in accordance with a well-considered plan for the use and development of all property throughout the Township, now therefore,

An ordinance enacted pursuant to the authority contained in Act 110 of the Public Acts of Michigan for 2006, as amended, known as the “Township Rural Zoning Act” for the establishment of zoning districts in the unincorporated portions of Chassell Township.

1.2 PURPOSE

This ordinance is adopted for the following purposes:

1. To promote and protect the public health, safety, morals, comforts and general welfare of the people;
2. To divide the Township into zones of districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures, and land for residential, business and manufacturing and other specified uses;
3. To protect the character and the stability of the residential, business, and manufacturing areas within the Township, and to promote the orderly and beneficial development of such areas;
4. To provide adequate light, air, privacy and convenience of access to property;
5. To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air and to protect the public health; to limit excessive light, noise, smoke and other discharges;
6. To establish building lines and the location of buildings designed for residential, business, manufacturing, or other uses within such areas;
7. To fix reasonable standards to which buildings of structures shall conform;
8. To prohibit uses, buildings or structures incompatible with the character of development of intended uses within specified zoning districts;
9. To prevent additions, alterations or remodeling of existing buildings or structures in such a way to avoid the restrictions and limitations imposed hereunder;
 - a. To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading of commercial vehicles;
 - b. To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare;
 - c. To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
 - d. To preserve the taxable value of land and buildings throughout the Township;
 - e. And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

1.3 INTENT

An ordinance dividing Chassell Township into districts for the purpose of classifying, regulating and restricting the location of trades, industries and commercial enterprises, and the location of buildings arranged, intended and designed for specified uses; of regulating and limiting the height and the bulk of

building hereafter erected; of classifying, regulating and determining the area of front, rear and side yards, courts, and other open spaces about buildings; and of regulating and limiting the intensity of the use of land and lot areas within the Township/ Creating a Board of Zoning Appeals; defining certain terms used in said ordinance; providing penalties for its violation; and designating the time when the ordinance shall take effect.

1.4 ABROGATION AND GREATER RESTRICTIONS

1. Where the conditions imposed by any provision of this Zoning Ordinance upon the use of land or buildings, or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance, or any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards of requirements) shall govern.
2. This ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards of requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.
3. All other Township ordinances and all County, State and Federal regulations must also be complied with.

1.5 INTERPRETATION

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

1.6 SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.7 TITLE

This ordinance shall be known, cited, and referred to as the “Chassell Township Zoning Ordinance”.

SECTION 2 – GENERAL PROVISIONS

2.1 JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters within Chassell Township. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses, of land shall be located.

2.2 USE RESTRICTIONS

1. Only those principle uses specified for a district, their essential services, and the following uses shall be permitted in that district.
2. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
3. Temporary Dwellings – No structure shall be used for dwelling purposes that does not comply with the requirements of this Ordinance or any applicable Building Codes. However, a temporary permit may be secured from the Zoning Administrator to use a mobile home or other accessory structure as a temporary residence for a period not to exceed one year provided that the ability and intent to erect a house on the premises is shown and provided that the temporary residence is connected to approved water and sewer facilities. Temporary usage of lots of record, either with or without dwellings may be permitted for tents, travel trailers and/or automobile trailers for sleeping or camping for a total period of not more than 30 consecutive days.
4. Mobile Homes – If a mobile home designed and built for human habitation essentially complies with minimum requirements for a dwelling, it shall be so treated if it is permanently emplaced on an adequate foundation and connected to approved water and sanitary facilities. See “Mobile Home Parks” if more than one Mobile Home is located on any one parcel of land.
5. Mobile Home Parks are allowed in any district that permits multi-family housing and only if connected to the municipal water and sewer facility. All such parks must comply with the regulations mandated by the State Mobile Home Commission.
6. Unclassified or Unspecified Uses – In case of uncertainty where the Zoning Administrator is unable to determine literally whether a use is permitted as a principal or accessory use, the Zoning Administrator shall consult the Board of Zoning Appeals for an interpretation.
7. Temporary uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure, are permitted while sales or construction are in progress. Temporary tents are allowed in any district as a permitted use, for a maximum period of 90 days in any one year.
8. Unregistered trucks, trailers and other mobile units, excluding agriculture use, used for storage and on site for more than 60 days will be considered structures and therefore must be installed on permanent foundations and must comply with all of the district regulations including permits, except when such units are present for the duration of a building project.
9. Storage of motor homes, travel trailers and/or major recreational equipment shall be in the side or rear yard unless it is in an enclosed garage.
10. No property shall emit any material into the water, land or air greater than permitted by applicable laws.

Commented [KM1]: The Planning Commission added this exception as a pragmatic clarification recognizing that many building projects will exceed the 60-day period.

2.3 SITE RESTRICTIONS

1. The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designed that surface water shall flow away from the building walls in a direction and with such a method of collection that inconvenience or damage to adjacent properties will not result. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
2. Substandard Lots – Any legal lot or parcel of record which was recorded in the office of the County Recorder of Deeds before the effective date of this ordinance that is nonconforming because it fails to meet the minimum lot size for the district which it is in may be utilized for permitted and accessory uses of that district. Minimum yard requirements shall be maintained and potable water and sewer facilities must be provided according to Michigan state requirements.
3. Private Sewer and Water – Any lot not served by public sewer and water must be no less than 100 feet in width and 20,000 square feet in area and must comply with Michigan State Board of Health regulations.
4. Reduction of Joint Use – No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
5. Landscaping and vegetation are exempt from the yard and height requirements of this ordinance.
6. Fences are permitted on the property lines, but shall not be closer than two feet to any public right-of-way.
7. Residential private swimming pools are allowed, provided proper safeguards are part of the installation and a security fence surrounds the pool facility.
8. One accessory dwelling is allowed in all districts provided that the living floor space is no greater than 75% of the principal dwelling and the property owner resides on site. The accessory dwelling may be located either in the principal dwelling or in a separate structure. All other bulk requirements and regulations of the district apply.
9. All dwelling units and seasonal residences shall not have less than 200 square feet of livable floor area. Maximum ground coverage in all districts is 30% of lot area except businesses in district “B” where 75% coverage is allowed.
10. Lighting shall be directed so as not to be a nuisance to neighbors or traffic.
11. Noise emanating from activity on any parcel of land shall be limited as not to be a nuisance to adjoining property owners.
12. Decks, docks, boardwalks, saunas and boathouses need no setback from lakes or rivers. All other yard requirements and state and federal regulations still apply.
13. Traffic visibility and driveways shall comply with State and County regulations.

Commented [KM2]: Reducing the minimum square footage allowable under site restrictions from 600 to 200 square feet as suggested by the Niemalas and to create consistency with the International Building Code.

SECTION 3 – ZONING DISTRICTS

3.1 ESTABLISHMENT

For the purpose of this ordinance, Chassell Township is hereby divided into the following zoning districts:

3.3 “R” Rural District

3.4 “U-A” Urban Residential District A

3.5 “U-B” Urban Residential District B

3.6 “B” Business District

3.7 “MU-N” U.S.-41 Multi-Use District

3.8 “MU-S” U.S.-41 Multi-Use District

3.9 “I” Industrial District

3.2 DISTRICT BOUNDARIES

Boundaries of these districts are hereby established as shown on the atlas entitled “Zoning Atlas, Township of Chassell, Michigan,” dated April 13, 2022 and which accompanies and is hereby declared to be a part of this ordinance. Where uncertainty exists as to the boundaries of any of the districts or zones shown on the zoning atlas, the following rules shall apply.

1. Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions.
2. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
3. Where zoned boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant there from, such lot lines shall be such boundaries.
4. If subdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such atlases, or described in the text of the ordinance, shall be determined by the use of the atlas scale shown thereon, and scaled to the nearest foot.
5. If all or any portion of any public street, alley, right-of-way, easement of land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent.

Table 1: Bulk Requirements by Zoning District

Rural District – R	<ul style="list-style-type: none"> All parcels must abut upon a public street or upon a permanent unobstructed access easement of record to a public street. Such easement of record shall have a minimum width of 66 feet, excepting where an access easement of record of less width existed prior to the adoption of this ordinance. Minimum width - 200 feet* Minimum depth - 200 feet <p>*Waterfront parcels must have a minimum width of 100 feet and a minimum of 20,000 square feet in area.</p>
Urban Residential – U (A & B)	<ul style="list-style-type: none"> Area - 10,000 square feet if connected to municipal water and sewer facilities or 20,000 square feet if connected to private water and sewer service Minimum width – 100 feet
Business – B	<ul style="list-style-type: none"> Area - 10,000 square feet if connected to municipal water and sewer facilities or 20,000 square feet if connected to private water and sewer service Minimum width – 100 feet
US 41 Multi-Use North – MU-N	<ul style="list-style-type: none"> All parcels must abut upon a public street or upon a permanent unobstructed access easement of record to a public street. Such easement of record shall have a minimum width of 66 feet, excepting where an access easement of record of less width existed prior to the adoption of this ordinance. Minimum width - 200 feet Minimum depth - 200 feet
US 41 Multi-Use South – MU-S	<ul style="list-style-type: none"> All parcels must abut upon a public street or upon a permanent unobstructed access easement of record to a public street. Such easement of record shall have a minimum width of 66 feet, excepting where an access easement of record of less width existed prior to the adoption of this ordinance. Minimum width - 200 feet Minimum depth - 200 feet
Industrial – I	<ul style="list-style-type: none"> All parcels must abut upon a public street or upon a permanent unobstructed access easement of record to a public street. Such easement of record shall have a minimum width of 66 feet, excepting where an access easement of record of less width existed prior to the adoption of this ordinance. Minimum width - 200 feet Minimum depth - 200 feet

Table 2: Minimum Yard Requirements by Zoning District

	Front Yard	Rear Yard	Side Yard
Rural District - R	25 feet	20 feet or 10% of lot, whichever is less	20 feet or 10% of lot, whichever is less
Urban Residential – U (A & B)	25 feet	10 feet or 10% of lot, whichever is less	10 feet or 10% of lot, whichever is less
Business - B	Residence – 25 feet Business – 0 feet on US 41	10 feet or 10% of lot, whichever is less	10 feet or 10% of lot, whichever is less
US 41 Multi-Use North – MU-N	25 feet	20 feet or 10% of lot, whichever is less	20 feet or 10% of lot, whichever is less
US 41 Multi-Use South – MU-S	25 feet	20 feet or 10% of lot, whichever is less	20 feet or 10% of lot, whichever is less
Industrial – I	25 feet	20 feet or 10% of lot, whichever is less	20 feet or 10% of lot, whichever is less

3.3 “R” RURAL DISTRICT

1. Boundaries – All property not included in any other district. Refer to Zoning Atlas.
2. Purpose – The Rural District is established as a zone in which agriculture, forestry, rural home sites, and certain related uses are encouraged as the principal uses of the land. This zone is also designed to prevent health hazards brought about by the illogical placement of inappropriate high residential densities in the otherwise open countryside.
3. Permitted Uses
 - a. Agriculture and forestry uses including but not limited to horticultural; forestry; crop and tree farming; gardening; dairy; stock and poultry farming; taxidermy; and the operation of any machinery or vehicles and other uses customarily incidental thereto; but excluding fertilizer works, facilities for the processing of animal skins or hides, facilities for the reduction of animal and fish matter, private and/or municipal landfills and/or disposal sites for residential, commercial, and/or industrial waste and/or garbage and/or refuse of any kind and further excluding the deposit or deposal of solid sewage, sewer sludge, or other by-products or residue resulting from sewage treatment which may be transported into the Township of Chassell from locations outside of said Township.
 - b. Single family dwellings
 - c. Public or private community facilities such as schools, pre-schools, daycares, churches, cemeteries, libraries, museums, parks and recreational facilities
 - d. Private garages, greenhouses, barns and other structures
 - e. Farm resorts, kennels and riding stables
 - f. Seasonal and temporary roadside stands offering for sale agriculture, forestry or other products grown, produced or processed on the premises upon which the stand is located.
 - g. Public or private boat landings or docks and storage buildings
 - h. Public utilities
 - i. Grass airstrips or landing fields for private aircraft

Commented [KM3]: Clarifying the allowance of pre-schools and daycares as permitted uses.

4. Accessory Uses
 - a. Short-Term Rentals and Bed and Breakfasts provided the owner is in residence or not in residence with a responsible party on record with the Township and shall have a maximum of four (4) lodging units of ten (10) guests.
 - b. Home occupations in a permitted use as listed above.
 - c. Living quarters for hired help.
 - d. Long-Term Rentals

3.4 “U-A” URBAN RESIDENTIAL DISTRICT-A

1. Boundaries – refer to Zoning Atlas
2. Purpose – The Urban Residential District-A is established to provide single family residential housing in an urban environment where all of the facilities for urban living, including community sewer and water facilities, are available or can be made available in the future.
3. Permitted Uses
 - a. Single family dwellings
 - b. Private garages, greenhouses and other structures
 - c. Public or private community facilities such as schools, pre-schools, daycares, churches, cemeteries, libraries, museums, parks and publicly owned recreation facilities.
 - d. Multi-family dwellings if connected to Township water and sewer.
 - e. Public or private boat landings or docks and buildings for storage of boats.

Commented [KM4]: Clarifying the allowance of pre-schools and daycares as permitted uses.

4. Accessory Uses
 - a. Home occupations in a permitted use as listed above.
 - b. Seasonal and temporary roadside stands offering for sale products grown, produced or processed on the premises upon which the stand is located.
 - c. Short-Term Rentals and Bed and Breakfasts provided the owner is in residence or not in residence with a responsible party on record with the Township and shall have a maximum of four (4) lodging units or ten (10) guests.
 - d. Long-Term Rentals

3.5 “U-B” URBAN RESIDENTIAL DISTRICT-B

1. Boundaries – Refer to Zoning Atlas
2. Purpose – The Urban Residential District-B is established to provide single family residential housing in an urban environment where all of the facilities for urban living, including community sewer and water facilities, are available or can be made available in the future.
3. Permitted Uses
 - a. Single family dwellings
 - b. Private; garages, greenhouses and other structures
 - c. Public or private community facilities such as schools, pre-schools, daycares, churches, cemeteries, libraries, museums, parks and publicly owned recreation facilities.
 - d. Private boat landings or docks and buildings for storage of boats.

Commented [KM5]: Clarifying the allowance of pre-schools and daycares as permitted uses.

Commented [KM6]: Adding the same permitted uses as in Urban Residential District A as well as clarifying that pre-schools and daycares are permitted uses

4. Accessory Uses
 - a. Home occupations in a permitted use as listed above.
 - b. Long-Term Rentals

3.6 “B” BUSINESS DISTRICT

1. Boundaries – refer to Zoning Atlas
2. Purpose – The Chassell Business District is established to provide retail goods and services directly to the consumer.
3. Permitted Uses
 - a. Retail, wholesale and mail-order sales and consumer services, but excluding junkyards
 - b. Processing, servicing, assembling or treatment of products having little adverse impact on neighboring properties.
 - c. Professional, business and government offices
 - d. Single family dwellings
 - e. Short-Term Rentals, Bed and Breakfasts, and Motels provided the owner is in residence or not in residence with a responsible party on record with the Township and shall have a maximum of four (4) lodging units or ten (10) guests.
 - f. Public or private community facilities such as schools, pre-schools, daycares, churches, cemeteries, libraries, parks and recreations facilities
 - g. Public or private boat landings or docks and garages or storage buildings with the exception of 2nd Street to the Pike River on US 41.
 - h. Public utilities
 - i. Long-Term Rentals
4. Special regulations for business, commercial and manufacturing properties
 - a. Storage, auxiliary to the principal use, is permitted in the open if such storage is screened. Screening may consist of solid fencing or dense hedge or shrubs to a minimum height of six (6) feet.

Commented [KM7]: Clarifying that pre-schools and daycares are permitted uses.

3.7 “MU – N” U.S. – 41 – MULTI-USE DISTRICT NORTH

1. Boundaries – maximum depth of 200 feet – refer to Zoning Atlas
2. Purpose – This District is established to provide additional locations for business on US-41 while allowing continuation of the current uses.
3. Permitted Uses
 - a. Retail, wholesale and mail-order sales and consumer services, but excluding junkyards, scrap yards and salvage yards
 - b. Processing, servicing, assembling or treatment of products having little adverse effect on neighboring properties.
 - c. Short-Term Rentals, Bed and Breakfasts, and Motels provided the owner is in residence or not in residence with a responsible party on record with the Township and shall have a maximum of four (4) lodging units or ten (10) guests.
 - d. Professional, business and government offices
 - e. Single family dwellings

- f. Garages, greenhouses and other structures
 - g. Public or private community facilities such as schools, pre-schools, daycares, churches, cemeteries, libraries, museums, parks and recreation facilities
 - h. Public utilities
 - i. Long-Term Rentals
 - j. Elder care, senior housing, and nursing homes.
4. Special Regulations for all Business, Commercial or Manufacturing Properties
- a. Storage, auxiliary to the principal use, is permitted in the open if such storage is screened. Screening may consist of solid fencing or a dense hedge to a minimum height of six (6) feet.
 - b. All driveways and vehicles access must be directly from U.S.-41.

Commented [KM8]: Clarifying the allowance of pre-schools and daycares as permitted uses.

Commented [KM9]: The Planning commission made this addition after discussion at its March 3, 2022 meeting.

3.8 "MU-S" U.S. – 41 MULTI-USE DISTRICT SOUTH

- 1. Boundaries – maximum depth of 200 feet – refer to Zoning Atlas
- 2. Purpose – This District is established to provide additional locations for business on US-41, while allowing continuation of the current uses
- 3. Permitted Uses
 - a. Agriculture, forestry and taxidermy, including the operation of any machinery or vehicles and other uses customarily incidental thereto; but excluding fertilizer works and facilities for the processing of animal skins or hides or for the reduction of animal and fish matter
 - b. Retail, wholesale and mail-order sales and consumer services, but excluding junkyards, scrap yards and salvage yards
 - c. Processing, servicing, assembling or treatment of products having little adverse impact on neighboring properties.
 - d. Short-Term Rentals, Bed and Breakfasts, and Motels provided the owner is in residence or not in residence with a responsible party on record with the Township and shall have a maximum of four (4) lodging units or ten (10) guests.
 - e. Professional, business and government offices
 - f. Single family dwellings
 - g. Garages, greenhouses and other structures
 - h. Public or private community facilities such as schools, pre-schools, daycares, churches, cemeteries, libraries, museums, parks and recreation facilities
 - i. Public utilities
 - j. Elder care, senior housing, and nursing homes.
 - k. Long-Term Rentals
- 4. Special Regulations for all business, commercial or manufacturing properties
 - a. Storage, auxiliary to the principal use, is permitted in the open if such storage is screened. Screening may consist of solid fencing or a dense hedge to a minimum height of six (6) feet
 - b. All driveways and vehicle access must be directly from U.S.-41

Commented [KM10]: Clarifying the allowance of pre-schools and daycares as permitted uses.

Commented [KM11]: The Planning Commission made this addition after discussion at its March 3, 2022 meeting.

3.9 "I" INDUSTRIAL DISTRICT

- 1. Boundaries – Refer to Zoning Atlas

2. Purpose – This District is established to provide additional locations for business and light industry on US-41 and Sturgeon River Rd, while allowing continuation of the current uses of agriculture, forestry and single-family dwellings
3. Permitted Uses
 - a. Agriculture, forestry and taxidermy, including the operation of any machinery or vehicles and other uses customarily incidental thereto; but excluding commercial slaughter houses; fertilizer works and facilities for the processing of animal skins or hides or the reduction of animal and fish matter
 - b. Retail, wholesale and mail-order sales and consumer services, but excluding junkyards, scrap yards, and salvage yards
 - c. Light manufacturing, servicing, assembling or treatment of products having little adverse impact on neighboring properties
 - d. Professional, business and government offices
 - e. Single family dwellings
 - f. Short-Term Rentals, Bed and Breakfasts, and Motels provided the owner is in residence or not in residence with a responsible party on record with the Township and shall have a maximum of four (4) lodging units or ten (10) guests.
 - g. Garages, greenhouses and other structures
 - h. Public or private community facilities such as schools, pre-schools, daycares, churches, cemeteries, libraries, museums, parks and recreation facilities
 - i. Public or private boat landings or docks and buildings for storage of boats
 - j. Public utilities
 - k. Long-Term Rentals
4. Special Regulations for all business, commercial or manufacturing properties
 - a. Storage, auxiliary to the principal use, is permitted in the open if such storage is screened. Screening may consist of solid fencing or a dense hedge to a minimum height of six (6) feet.

Commented [KM12]: Clarifying the allowance of pre-schools and daycares as permitted uses.

SECTION 4 – PARKING

It is the general intent of this ordinance to encourage off-street parking for vehicles in all districts. Therefore, at the time of erection or enlargement of any main building or structure, automobile off-street parking space shall be provided in all Districts in accordance with the following requirements:

1. Single-family and multi-family residences in all districts are required to have a minimum of two (2) off-street parking spaces per dwelling unit
2. Short-term rentals, Bed & Breakfasts, Motels, etc. in all districts are required to provide a minimum of one and a half (1.5) off-street parking spaces per lodging unit
3. Any commercial establishment in the “R”, “MU-S”, “MU-N” and “I” districts must provide off-street loading areas and off-street parking for all employees and patrons
4. Any commercial establishment in district “B” must provide off-street parking for all employees
5. Home occupations and roadside stands in all districts must provide off-street parking for all residents, employees and patrons

SECTION 5 – SIGNS

5.1 PURPOSE OF SIGNS

It is the general intent of this ordinance to prohibit signs of commercial nature from districts in which commercial activities are barred; to limit subject matter on signs in business or commercial districts to products, accommodations, services, or activities on the premises and to control the number, type, and area of all signs in business areas and certain other districts. Governmental signs shall conform to this ordinance; however, those signs used for traffic markings or directional signs erected by a unit of government shall be exempt. Residents and business owners constructing signs are encouraged to adhere to the rural character of our community and historic preservation considerations in design and construction of signs in all districts.

5.2 GENERAL REQUIREMENTS

1. Permits are required for all signs exceeding fifteen (15) square feet, including permanent and portable signs.
2. Signs must follow the minimum setback requirements of the district they are located in, except when front yards are “0” feet (they may be at the property line) or if otherwise noted
3. Signs must be safe and secure
4. Signs must not obscure traffic visibility
5. Signs must NOT be flashing, with the exception of reader boards
6. Signs must not be over twenty (20) feet high or have moving parts
7. Signs must not depict nudity or dismembered body parts, or contain vulgar or offensive language

5.3 ALL ZONING DISTRICTS

Signs allowed and not requiring permits in these districts are as follows:

1. Sanctioned events, as approved by the Township Board
2. One nameplate not exceeding three (3) square feet in area indicating only name, address and occupation
3. One identification sign for multi-family dwellings and offices not exceeding six (6) square feet in area and indicating name, address, management name and management address
4. One identification sign at each entrance to subdivisions not exceeding thirty-six (36) square feet
5. Maximum of two “For Rent” or “For Sale” signs per lot not exceeding six (6) square feet in area, each
6. One school or church bulletin board sign, area not to exceed twenty (20) square feet
7. One sign involving home occupations or offering home grown or home-produced products for sale, not exceeding six (6) square feet in area in Urban Residential District (A & B) or thirty-six (36) square feet in Rural Residential District
8. Political campaign signs may be erected up to forty-five (45) days before an election. Such signs shall be removed within five (5) days after the election or will be removed by the Township at the owner’s expense.
9. Public demonstration and/or opinion signs shall be allowed as follows:
 - a. Shall not exceed four (4) square feet
 - b. Shall be displayed only on private property and shall not obstruct the public right-of-way or affect visibility

10. Hand held public demonstration/opinion signs shall be allowed as follows:
 - a. Shall not exceed four (4) square feet
 - b. Shall be displayed in such a way as to not obstruct the public right of way

11. Information and directional signs shall be allowed as follows:
 - a. Each sign shall not exceed six (6) square feet
 - b. Shall include only basic information such as parking, entrance, exit, ATM, and accessibility designations. These signs shall not include advertising.

5.4 BUSINESS, OFFICE, US 41 MULTI USE AND INDUSTRIAL DISTRICTS

Additional signs allowed without a permit requirement in these districts are as follows:

1. The size limit is fifteen (15) square feet
2. Business signs: Unless otherwise noted, all signs advertising a business must be located on the premises that they are advertising and are allowed as follows:
 - a. Attached Signs:

These are signs that are either flat against a structure or protruding out from the structure. They must be supported totally by the structure and located only on commercial property.
 - b. Detached or Free-Standing Signs:

These are signs that are supported by themselves and may be either permanent or portable. Two signs per business are allowed.
 - c. Daily Signs:

These are portable signs that may be placed directly in front of a business either on the premise or on the adjacent highway right of way but not in the road or on the shoulder. These signs shall not exceed five (5) feet in height or ten (10) square feet of surface area and should not hinder traffic visibility. They shall be used only during business hours and must be removed when the business is closed. Two signs are allowed.
 - d. Signs Advertising Joint Businesses:

These signs are allowed if both businesses are currently operating and have common ownership of property and business. A maximum of two signs is allowed.

5.5 BILLBOARDS

Billboards are allowed in the U.S.-41 North Multi-use and U.S.-41 South Multi-use Districts, providing they meet the following conditions:

1. Not more than ten (10) billboards may be allowed in the Township. Billboards having more than one face, either side by side, back to back, or stacked, are prohibited in accordance with the minimum spacing requirement.
2. No billboard shall be located within 1000 feet of another billboard.
3. No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall be 300 feet.
4. The surface display area of any billboard may not exceed 300 square feet.
5. The height of a billboard shall not exceed twenty (20) feet above
 - a. the grade of the ground on which the billboard sits or
 - b. the grade of the abutting roadway, whichever is higher.

6. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
7. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

SECTION 6 – NON-CONFORMING USES AND STRUCTURES

The following regulations shall control lawful non-conforming uses in existence at the time of passage of this ordinance:

1. Lawful non-conforming uses or structures in existence at the time of passage of this ordinance may be continued but shall not be extended, added to or altered unless such extensions, alterations or additions are in conformity with the provisions of this ordinance.
2. If the cost of repair or replacement of a non-conforming use or structure which has been destroyed by any reason exceeds 90% of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance.
3. If the non-conforming use of any land or structure shall terminate for a continuous period of time exceeding one year, such use shall not be re-established, and any future use of land and structure shall be in conformity with this ordinance.
4. If a non-conforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.

Section 7 – BLIGHT

7.1 BACKGROUND

In 2018, the Chassell Township Planning Commission surveyed the township’s citizens to gain input on how blight not arising to violation of the township’s Dangerous Building Ordinance should be addressed. Feedback gained determined that citizens overwhelmingly were in favor of having an ordinance that would govern the appearance of structures and property within Chassell Township. Feedback received also determined that citizens wanted such an ordinance to be applied on a township-wide basis. The intent of this section is to not have the Township Board patrolling for blight violations, but to establish minimum standards for appearances throughout the township and to inspire voluntary compliance by property owners out of respect for the township image. Ideally, property owners will communicate violations among themselves and perform corrections as necessary. When it becomes absolutely necessary, complaints may be filed with the township in accordance with the procedure set forth below. Furthermore, as a good faith effort to smoothly implement this section, there will be a two-year moratorium on applying any fines for civil infractions to current residents that are incurred in accordance with Section 7.3.

Commented [KM13]: Blight preamble edit to clarify the township board’s intent.

7.2 STANDARDS, COMPLAINTS AND VIOLATIONS PROCEDURE

Beyond the standards established in the Dangerous Building Ordinance (No. 08-09-17-1), property owners will be expected to maintain the following additional standards regarding the appearance of their property within the township:

1. No broken windows;
2. No rotted wood facing the street;
3. No excessive peeling of paint facing the street;
4. No missing shingles on the roof;
5. No tall/un-mowed grass in excess of 8 inches at residences not zoned as Rural;
6. No unscreened junk in yards.

Complaints regarding potential violation of these standards shall be brought in writing to the attention of the Zoning Administrator who will inspect and determine if a property is in violation of the standard.

If a property is found to be in violation of one or more of the standards, the Zoning Administrator shall issue a written warning of the standard violated above and provide the owner thirty (30) days to correct matters involving violation of standards 1, 2, 3, 4, and 6 and seven (7) days to correct matters involving violation of standard 5. If the matter is not corrected within the appropriate time frame, the Zoning Administrator shall issue a notice of violation in accordance with Article II of the Chassell Township Civil Infraction Ordinance No. 08-0-17-2. This notice will be directed to the owner of the property as appears on the last local tax assessment records of the Township.

If the owner claims financial inability to comply with correcting a violation of 1, 2, 3, or 4, the owner shall provide a written statement claiming a hardship along with one or more cost estimates and financial information documenting such inability to comply. This written statement, the cost estimate(s) and financial information shall be considered by the Planning Commission in executive session to determine if a hardship has been established and if enough contributed resources exist to assist the owner with compliance. The Zoning Administrator shall not proceed with issuing a notice of violation until a ruling has been provided by the Planning Commission to proceed.

7.3 FINES FOR CIVIL INFRACTION FOR NON-COMPLIANCE WITH THIS ORDINANCE

In the event of failure or refusal of the owner to comply with the written warning of the Zoning Administrator, civil infractions issued in accordance with this ordinance shall carry the following fines:

1. The first offense shall carry a fine of \$25.
2. Failure to comply within 2 weeks shall result in an additional ticket and fine of \$50.
3. Failure to comply after the second ticket will result in additional bi-weekly tickets carrying a fine of \$100.

Civil infractions and fines shall be administered in accordance with the Chassell Township Civil Infraction Ordinance No. 08-09-17-2.

SECTION 8 – ADMINISTRATION AND PERMIT PROCEDURE

8.1 ADMINISTRATION AND ADMINISTRATOR

1. A Zoning Administrator shall be appointed by the Township Board to administer the provisions of this Ordinance and to carry out all administrative functions not specifically assigned to another office or body. The Zoning Administrator shall serve at the pleasure of the Township Board and receive such compensation as they may, from time to time, determine. The Zoning Administrator shall have no power to vary or waive Ordinance requirements.
2. Duties – The Zoning Administrator shall:
 - a. Review all applications for zoning permits and certificates of occupancy and approve or disapprove such applications based on compliance or noncompliance with the provisions of this Ordinance.
 - b. Before issuance of the zoning permit, the Administrator shall inspect the site affected by the zoning permit to be sure the information seems correct. It is the responsibility of the applicant to supply accurate information. The property lines should be verifiable and accurately marked before the inspection.
 - c. Upon completion of the work authorized by the permit, final inspection shall be promptly made by the Administrator to assure requirements of this Ordinance have been met. It is the duty of the holder of every permit to notify the Zoning Administrator when the construction is ready for inspection.
 - d. Receive all applications for appeals, variances or other matters which the Zoning Board of Appeals is required to decide under this Ordinance. Conduct field inspections and prepare information necessary to make recommendations, and refer such applications and recommendations to the Zoning Board of Appeals for determination after all pertinent information has been received.
 - e. Receive all applications for amendments to this Ordinance. Conduct field inspections and prepare information necessary to make recommendations, and report to the Planning Commission all such applications together with recommendations.
 - f. Inspect each alleged violation and shall order correction, in writing, to the violator of all conditions found to be in violation of this Ordinance.
 - g. Maintain written records of all actions taken by the Zoning Administrator.
 - h. Be responsible for providing all forms necessary for the various applications required by this Ordinance.
 - i. Keep the Township board aware of zoning activities at its regular monthly meetings and prepare a written annual report to be presented to the Township Board at its January meeting pertaining to activities occurring during the preceding calendar year.
 - j. Send a copy of all approved zoning permit changes to the Houghton County Building Department.

8.2 ZONING PERMITS

1. Excavation for any building, structure or sign shall not be commenced; the erection of, addition to, alteration of, repair of, or moving of any building or structure requiring a permit shall not be undertaken, and no land use shall be commenced until a zoning permit has been secured by the Zoning Administrator. Except upon a written order of the Zoning Board of Appeals, no zoning permit shall be issued for an activity where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.

2. Permit Applications – Applications for a permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator, and shall include the following:
 - a. Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.
 - b. Description of the subject site by lot, block, recorded subdivision and property tax identification number; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; and the zoning district within which the site lies.
 - c. Location, boundaries, dimensions, uses and size of the following: subject site, existing and proposed structures, existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed front, side and rear yard.
 - d. Each permit issued for a main building also shall cover any necessary temporary structures erected on the same premises to facilitate construction. Such permit is valid for a maximum of one year.
 - e. All applications and a copy of all permits issued shall be systematically filed and kept by the Zoning Administrator in the Township Office for ready reference.
 - f. Although the remaining provisions of this Ordinance must be adhered to, no permit shall be required for:
 - 1) Routine maintenance or repair of buildings, structures, or equipment such as repainting or re-roofing a building.
 - 2) Construction of a service connection to municipally owned and operated utility.
 - 3) Construction or repair of fences.
 - 4) Construction or repair of patios, decks, and porches that have sides no higher than three feet.
 - 5) Small outbuildings with a floor area of less than 100 square feet.
 - 6) Additions or alterations of less than 1000 dollars to existing structures and which do not require a County building permit.
3. Voiding of the Permit – Any zoning permit granted under this Section shall become null and void unless the proposed development or use is commenced within one year from the date of the granting of the permit. The Zoning Administrator shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued in error, or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.
4. Zoning Fee – Before any zoning permit shall be issued, an inspection fee shall be paid at rate established by the Chassell Township Board.

SECTION 9 – BOARD OF APPEALS AND ENFORCEMENT

9.1 ZONING BOARD OF APPEALS

1. Establishment of Board – In order that the objectives of this Ordinance may be fully and equitably Achieved; that a means shall be provided for competent interpretation of this Ordinance; that adequate but controlled flexibility be provided in the application of this Ordinance; that health, safety, and welfare of the public be secured; and that justice be done; there is hereby established a Zoning Board of Appeals.
2. Membership, Terms of Office – The Board of Appeals shall consist of five members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, the second member shall be a member of the Township Board appointed by the Board. The second member shall not serve as chairman of the Board of Appeals. The first and second members shall serve for the term of their respective Commission and Township Board offices. Three at-large members shall be selected and appointed by the Township Board from among electors residing in and having property assessed for taxes located in the unincorporated area of the Township. Terms are three years, provided that no elected officer of the Township nor any employee of the Township Board may serve simultaneously as one of these at-large members, nor as an employee of this Zoning Board of Appeals. The first appointments to this Board shall have the at-large members appointed for initial terms of one, two, and three years respectively so their term expirations will allow their successors to be appointed for the full three-year term. A successor shall be appointed not more than one month after the term of the preceding commission member has expired. All vacancies after unexpired terms shall be filled for the remainder of such term.
3. Members of the Zoning Board of Appeals shall be removable by the Township Board for nonperformance of duty or in case of misconduct in office, upon written charges following a public hearing.

9.2 ORGANIZATION AND PROCEDURES

1. Rules of Procedure – The Zoning Board of Appeals shall adopt its own rules of procedure to insure proper conduct of its meeting.
2. Majority Vote – The concurring vote of a majority of all current members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which they are now required to pass under this Ordinance.
3. Meetings – Meetings shall be open to the public and shall be held at the call of the Chair and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure. The Board shall choose its own chair and, in their absence, an acting chair.
4. Records – Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. The grounds of every determination shall be stated and such determination from which the appeal is taken. Such minutes shall accompany and can be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall become a public record and as such be filed in the office of the Township Clerk. A copy of the decision or permit shall be sent promptly to the applicant or appellant and to the Zoning Administrator.
5. Secretary and Counsel – The Township Clerk shall be responsible for acting as the Secretary, or of providing secretarial services for the Zoning Board of Appeals and all records of the Board's action shall be taken and recorded under the Clerk's direction. The Attorney for the Township shall act as legal counsel for the Board and shall, upon request by the Board, be present at designated meetings.
6. Hearings – When a notice of appeal has been filed in proper form with the Zoning Board of Appeals,

the Secretary shall immediately place the said request for appeal upon the calendar of hearing and shall post notices stating the time, place and object of the hearing at the Township Office. The Zoning Administrator shall serve notice stating the time, place and object of the hearing personally or by mail to the parties making the request for appeal and all property owners within 300 feet of the property under consideration at the hearing, at least five days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. Then if the time and place of the continued hearing be publicly announced at the adjournment, no further notice shall be required, other than the posting at the Township Office.

7. Decisions – The Zoning Board of Appeals shall return a decision upon each case within sixty days after a request or appeal has been filed with the Board unless additional time is agreed upon with the parties concerned.

9.3 APPEALS, HOW TAKEN

1. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by an officer, Department, or Board of the Township.
2. Time Limit – Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be made to the Zoning Board of Appeal through the Zoning Administrator within thirty days after the date of the Zoning Administrator’s decision which is the basis of the appeal. The person making the appeal must file with the Zoning Administrator a signed notice of appeal specifying the grounds of the appeal. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appeal from was taken.
3. Stay - If an appeal is made on the decision of the Zoning Administrator, work on the denied portion of the permit application shall be stopped. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or, by the Circuit Court, on application, on notice to the Zoning Administrator and on due cause shown.
4. Representation – Any party may appear in person, or with written consent of the property owner, by their agent at a hearing considering their request or appeal.
5. Fee or Appeal – A fee, established by the Township Board, shall be paid to the Clerk at the time of filing application with the Zoning Board of Appeals. The purpose of the fee is to cover any necessary expenses incurred by the Zoning Board of Appeals in connection with the appeal.

9.4 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS

1. The Zoning Board of Appeals shall have the following specified duties and powers:
 - a. Review – Shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator in the administration of this Ordinance.
 - b. Interpretation – Shall have the power to:
 - 1) Hear and decide upon appeals for the interpretation of the provisions of this Ordinance.
 - 2) Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision between said subject made by the Zoning Administrator.
 - 3) Classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of the use regulations in any zoning district.
 - c. Variances – The Zoning Board of Appeals shall have the power to authorize upon appeal

specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard width and depth regulations and such requirements as off-street parking and loading space as specified in this Ordinance when all the basic conditions listed below are satisfied.

- 1) Will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.
 - 2) Shall not permit the establishment within a Zoning District of any use which is not permitted by right within that District.
 - 3) Will not cause any adverse effect to property or residents in the vicinity or in the Zoning District or the Township.
 - 4) Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
 - 5) Relates only to property that is under control of the applicant.
 - 6) Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.
 - 7) May be granted in order to avoid practical difficulties or unnecessary hardship which would result from enforcement of the strict letter of this Ordinance.
 - 8) Views of affected property owners should be taken into consideration.
- d. Rules – In addition to the foregoing conditions, the following rules shall be applied in the granting of variances:
- 1) In granting a variance, the Zoning Board of Appeals may specify in writing to the applicant, such conditions in connection with the granting that will, in its judgement, secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.
 - 2) No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
 - 3) Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within six months after the granting of the variance.

9.5 ENFORCEMENT

1. Violation and Penalties

- a. Violation a Nuisance – Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance.
- b. Inspection of Violation – The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, to the violator of all conditions found to be in violation of this Ordinance.
- c. Correction Period – All violations shall be corrected within a period of thirty days after the order to correct is issued by the Zoning Administrator or as such longer period of time, not to exceed six months, as the Zoning Administrator shall determine. If a violation is not corrected

within this period, the Zoning Administrator shall make a full written report to the Township Board at its next regular meeting. This report shall include the name and address of the violator and a full description of the violation, accompanied by copies of all available permits, correspondence and photographs pertaining to the violation. The report shall be reviewed by the Township Board and subsequently turned over to the Township prosecuting attorney who shall initiate procedures.

- d. Penalties – Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals or Planning Commission issued in pursuance of the Ordinance shall be guilty of a misdemeanor. Upon conviction thereof before any court of the county, the offender shall be punishable by a fine not to exceed \$100.00 plus court costs, or by imprisonment not to exceed ninety days, or both. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.
- e. Remedies – The Zoning Administrator, or the Township Board, the Planning Commission, the Zoning Board of Appeals or any interested party may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use. The Rights and remedies herein provided are civil in nature and are in addition to criminal remedies.
- f. Scope of Remedies – The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All fines collected shall belong to the Township and shall be deposited in the General Fund.

SECTION 10 – THE PLANNING COMMISSION AND AMENDMENTS

10.1 THE PLANNING COMMISSION

1. Duties – The Chassell Township Planning Commission has carried out the responsibilities of preparing this Ordinance and is the Township body most closely associated with planning for the future of Chassell Township. It is hereby determined that the Chassell Township Planning Commission shall provide continuing overall direction in the administration of this Ordinance and shall be the first Township reviewing body of zoning actions most closely associated with planning considerations and proposed amendments.
2. Membership, Qualification, Appointment, Term
 - a. The Planning Commission shall consist of not less than five (5) nor more than nine (9) members, who shall be representatives of major interests as they exist in the Township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors of the township. One member of the Township Board shall be a member of the Planning Commission.
 - b. All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. Members may be removed by the Township Supervisor, after a hearing, with the approval of the Township Board.
 - c. The term of each member shall be for 3 years, except that of the members first appointed, 1/3 shall serve for 1 year, 1/3 for 2 years and 1/3 for 3 years. A successor shall be appointed not more than 1 month after the term of the preceding Commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.
 - d. One member of the Planning Commission shall serve on the Zoning Board of Appeals.

10.2 AMENDMENTS

1. Power to Amend – The regulations and provisions incorporated within the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Atlas may be amended, supplemented, or changed by ordinance of the Township Board.
2. Who May Initiate – Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion, by the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment.
3. Procedures for Initiating and Processing an Amendment
 - a. Each petition by one or more persons for an amendment shall be submitted in an application to the Planning Commission through the Zoning Administrator on a standard form provided, and shall be accompanied by a fee, established by the Township Board, to cover administrative and publication costs. No part of such fee shall be returnable to a petitioner, if a public hearing is held.
 - b. When a request for amendment is initiated, the Zoning Administrator shall notify the Township Board of the request for an amendment at the same time the Zoning Administrator transmits the zoning amendment request to the Planning Commission.
 - c. The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original amendment proposal.
 - d. After deliberation on any proposal, the Planning Commission shall conduct at least one public hearing, notice of the time and place and a short description of which shall be given by two

publications in a newspaper of general circulation in the Township; the first to be printed not more than thirty days nor less than twenty days, and the second not more than eight days before the date of such hearing. The notices shall include the places and times at which the tentative text and any tentative atlases of the zoning ordinance may be examined. If the proposed amendment is site specific, the Planning Commission shall also serve notice by mail to the parties making the request for the amendment and all property owners within 300 feet of the property under consideration.

- e. Following the conclusion of the public hearing, the Planning Commission shall transmit the proposed amendment to the Township Board and, if the Board shall deem any amendments, changes, additions or departures advisable as to the proposed test or district boundaries, it shall refer the same to the Planning Commission for a report thereon within a time specified by the Township Board. After receiving the report, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be so heard and shall request the Planning Commission to attend such hearing. Thereafter, the Board may adopt the amendment with or without changes in accordance with the provisions and procedures of Act 110 of the Public Acts of Michigan of 2006.
- f. No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.

SECTION 11 – TOWERS: WIRELESS COMMUNICATION FACILITIES, WIND ENERGY SYSTEMS

11.1 PURPOSE AND INTENT

To protect public health and safety, Chassell Township has adopted a Tower Ordinance that regulates and provides guidance, approval, and denial processes for requests for installation of Tower Systems.

The regulations of this Section are intended to conform with federal laws and administrative rules governing facilities needed to operate wind towers and wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within Chassell Township. It is the Township's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the township. In recognition of the Township's concern that technological advances may render certain Wind Tower or Wireless Communication Facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.

11.2 APPLICABILITY

The Chassell Township Tower Ordinance applies to all Zones within the boundaries of Chassell Township. All Towers over 75 feet tall will need a Permit. Towers under 75 feet will still require setbacks and noise restrictions etc. as outlined below.

All Towers in Chassell Township over 200 feet will require a public hearing. All adjacent property owners, and owners within 300 feet of the tower property shall be notified in writing of the hearing and published in the newspaper twice beginning 2 weeks before the hearing.

11.3 DEFINITIONS

“Applicant” means the person or persons, or entity applying for installation of a Tower System

“Attached Wireless Communication Facilities” Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

“Co-location” Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the township.

“Decommissioning” means removal of a Tower System due to non-operation for a continuous period of 12 months, or the Tower System is deemed to be unsafe or out of compliance with federal, state and/or local regulations or codes.

“FAA” Federal Aviation Administration.

“Fall Zone” The term fall zone shall mean the calculated manner and extent to which a tower structure is designed to fall as certified by a State of Michigan licensed and registered professional engineer.

“Flicker” or “Shadow Flicker” means the effect that results when the shadow cast by the rotating blade of a Large Wind Energy System moves across a fixed point.

“Large Wind Energy System” means a Wind Energy System that has a capacity of more than 100 kilowatts, or a total height of 170 feet or more, or both.

“Met (Meteorological Tower) or SCADA (Supervisory Control and Data Acquisition) Tower” means a tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, wiring, or any other device, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near an existing or proposed Large Wind Energy System.

“Nonparticipating Property” means real property on which either there is no Tower or Wind Energy System.

Or there is a Wind Energy System that is in a different Wind Farm System than another Large Wind Energy System.

“Owner” means the person or persons, or entity that owns or proposes to own a Large Wind Energy System or Met or SCADA Tower and the property on which the Large Wind Energy System or Met or SCADA Tower is or proposes to be located.

“Participating Property” means real property on which a Tower or Large Wind System is located and that is in the same ownership or easement as the Tower or Wind Farm System.

“Special Use Permit” means a permit for the installation of a Large Wind Energy System, as described in Section 10.3, Special Use Permits, of the Chassell Township Zoning Ordinance.

“Small Wind Energy System” means a Wind Energy System that has a capacity of 100 kilowatts or less, or a total height of less than 170 feet, or both and is primarily used to generate energy for the use by its land owner.

“Total Height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

“Tower” or “Tower System” means either the freestanding, guyed, or monopole structure that supports a wind generator, a Met or SCADA Tower or Wireless Communication Structure.

“Township” means Chassell Township.

“Wind Energy System” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

“Wind Farm System” means a Large Wind Energy System that includes more than one Tower.

“Wind Generator” means the mechanical and electrical conversion components mounted on or near the Tower.

“Wireless Communication Facilities” All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities.

“Wireless Communication Support Structures: Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

“Zoning Administrator” means the Administrator appointed pursuant to Section 8 in the Chassell Township Zoning Ordinance and/or their designee.

11.4 STANDARDS FOR ALL TOWERS

The following standards shall be met before consideration by the Township of an application for a Wind Energy System, a Met or SCADA Tower, or Wireless Communication Tower.

1. Structural

The proposed tower will be structurally sound and constructed in accordance with all federal, state or local standards and otherwise capable of being used in accordance with the requirements of this section. The owner or operator shall inspect towers annually and the record of this annual inspection shall be submitted to the Zoning Administrator. In addition, an engineering inspection and certification will be required: when the tower is put into service; every five years thereafter or sooner as State/Federal regulations require; and whenever a structural change is made.

2. Spacing and Density.

A Tower System must be separated from every other Tower by a sufficient distance so it does not interfere with any other Tower. See also Setbacks in other Sections.

3. Height

All Towers over 75 feet tall will need a Permit. All Towers in Chassell Township over 200 feet will require a public hearing. Any tower and/or antenna placement in a Residential area shall not be erected at a height to require lighting. Towers under 75 feet will still require setbacks and noise restrictions etc. as outlined below.

4. Access

A Tower System, including any climbing aids, must be secured against unauthorized access by means of a locked barrier or security fence. The Zoning Administrator, or the Sheriff or Sheriff's designee at the request of the Zoning Administrator, may enter any property for which a Permit has been issued under this Tower Ordinance to conduct an inspection to determine whether there is any violation of this Tower Ordinance, or whether the conditions stated in the Permit have been met.

5. Lighting.

Tower Systems other than a flag pole, may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground.

6. Appearance, Color, and Finish.

The exterior surface of any visible components of a Tower System must be a non-reflective, neutral color.

7. Signs.

No wind turbine, Tower, building or other structure associated with a Tower System may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner or landowner identification, may be placed on a wind turbine, Tower, building, or other structure associated with the Tower System. One identification sign is required, measuring no more than thirty-six (36) inches wide by thirty-six (36) inches high, identifying the primary party responsible for the operation and maintenance of the facility, the address and telephone number of that party and, if appropriate, the FCC/FAA registration number of the structure shall be permanently attached to the fence, tower or wall of the ancillary building and can be read from a fence perimeter. The identity of the various carriers shall also be indicated on this sign. The only additional signs that may be permanently attached to the fence, tower or wall shall be security or safety signs. No advertising signs are allowed.

8. Code Compliance.

A Tower System must comply with all applicable federal, state, and local construction and electrical codes. A Tower System must comply with Federal Aviation Administration requirements, as well as State of Michigan Airport Zoning and Tall Structures Acts. The owner of a Commercial Tower system must provide written certification from a state licensed inspector showing that the Tower System complies with all applicable codes before placing the Tower System into operation. In addition, the Houghton County Airport Board shall approve the tower site plan and proposed Commercial tower for compliance with height and lighting requirements dictated by the airport and FAA standards.

9. Environmental Impacts.

A Tower System shall comply with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Shoreland Protection and Management, Great Lakes Submerged Lands and Sand Dunes Protection and Management.

10. Flicker or Shadow Flicker.

The owner of a Tower System must take such reasonable steps as are necessary to prevent, mitigate, and eliminate Flicker or Shadow Flicker on any occupied structure on a Nonparticipating Property.

11. Decommissioning.

When use of a tower or antenna has ceased for 365 continuous days, the property owner or user of the tower or antenna shall immediately notify the zoning administrator and supply the administrator with a written plan for the future usage and future maintenance of the grounds and structures.

The previous paragraphs shall govern all Towers over 75 feet in Chassell Township.

11.5 ZONING AND SETBACKS

See separate sections for Wind Energy Systems in Section 11.6 and Wireless Communication Towers in Section 11.7

11.6 WIND ENERGY SYSTEMS

STATEMENT OF FINDINGS:

Wind energy is an abundant, renewable, and nonpolluting energy resource. Wind energy's conversion to electricity reduces dependence on nonrenewable energy resources, enhances the reliability and power quality of the power grid, reduces peak power demands, and diversifies the energy supply portfolio.

1. Zoning and Setbacks

A Large Wind Energy System may only be located in areas in Chassell Township that are zoned Rural. A Small Wind Energy System may be located in all areas in Chassell Township except those that are zoned Business, Urban Residential A, or Urban Residential B if it meets all other qualifications in this Tower Ordinance. Towers over 75 feet may only be located in a Rural Zone.

2. Wind Energy System Setbacks:

- a. At least 1.5 times its total height from the property line of a participating property; and
- b. At least 1.5 times its total height from any public road or power line right-of-way; and
- c. For Large Energy Wind Systems, at least 1,000 feet from the property line of a Nonparticipating Property, unless the owner of the Nonparticipating Property grants an easement for a lesser setback. The easement must be recorded with the Registrar of Deeds and may not provide a setback that is less than 1.5 times the total height of the Large Energy Wind System.
- d. For Towers under 75 feet, the distance between the tower and the owner's property line shall be at least equal to the height of the tower, including any blade.
- e. No part of the tower structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.

Exceptions to the above zoning and setback requirements may be requested by the Owner during the Application Process to the Zoning Administrator. Approval of adjacent affected private property owners will be required. Approval or denial of exceptions shall be at the sole discretion of the Township Planning Commission and/or Township Board.

3. Structure.

A Large Wind Energy System must be a monopole construction to the extent practical. If monopole construction is not practical, a Large Wind Energy System must be of free-standing construction to the extent practical. If monopole or free-standing construction is not practical, a Large Wind Energy System must be guyed.

4. Noise

The noise generated by the operation of any Wind Energy System shall not exceed 40dB(A) at the property line closest to the Wind Energy System. This sound level shall not be exceeded for more than three minutes in any hour of the day, except for short term events such as severe wind storms. Exceptions for neighboring property are allowed with the written consent of those property owners.

5. Blade Clearance for Energy Wind Systems

The vertical distance from ground level to the tip of a Large Wind Energy System wind generator blade when the blade is at its lowest point must be at least seventy-five (75) feet. The vertical distance from ground level to the tip of a Small Wind Energy System wind generator blade when the blade is at its lowest point must be at least twenty (20) feet.

6. Electrical Wires and Equipment

All electrical wires associated with a Large Wind Energy System, other than wires necessary to connect the wind turbine to its base and to overhead collection lines, must be located underground. Any electrical equipment associated with a Large Wind Energy System must be located under the sweep area of a blade assembly. All above ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee APLIC published standards to prevent avian mortality.

7. Signal Interference.

The owner of a Wind Energy System must filter, ground, and shield the Tower, and take any other reasonable steps necessary to prevent, eliminate, or mitigate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

8. Utility Interconnection.

A Wind Energy System that connects to the electric utility grid must comply with the State of Michigan Public Service Commission and the Federal Energy Regulatory Commission standards and have the written permission from that local electric utility grid.

11.7 WIRELESS COMMUNICATION TOWERS

STATEMENT OF FINDINGS:

Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the township that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures. Co-location is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services.

1. Zoning and Setbacks

A Wireless Communication System over 75 feet tall may only be located in areas in Chassell Township that are zoned Rural.

A Wireless Communication Tower must be set back:

- a. At least a distance equal to the greater distance of: the Fall Zone for the tower proposed, or fifty percent (50%) of the height of the tower plus 50 feet from the property line of the participating property; and
- b. At least a distance equal to the greater distance of: the Fall Zone for the tower proposed, or fifty percent (50%) of the height of the tower plus 50 feet from any public road or power line right-of-way; and
- c. At least a distance equal to the greater distance of: the Fall Zone for the tower proposed, or fifty percent (50%) of the height of the tower plus 1,000 feet from the property line of a Nonparticipating Property, unless the owner of the Nonparticipating Property grants an easement

for a lesser setback. The easement must be recorded with the Registrar of Deeds and may not provide a setback less than: a distance equal to the greater distance of: the Fall Zone for the tower proposed, or fifty percent (50%) of the height of the tower plus 50 feet.

The fall zone of the Tower system shall be certified by a State of Michigan licensed and registered professional engineer.

Exceptions to the above zoning and setback requirements may be requested by the Owner during the Application Process to the Zoning Administrator. Approval or denial of exceptions shall be at the sole discretion of the Township Planning Commission and Township Board.

2. Design Standards for a Wireless Communication Facility:

- a. A permit for the construction and use of a new wireless communication facility/transmitters shall not be granted until the applicant demonstrates in writing a feasible co-location is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed to accommodate at least four (4) antennae platform levels. Co-location terms, including rates, for compatible providers shall be included in the application. Terms shall be consistent with the market for the Western Upper Peninsula and without mandating the use of another entity's towers. In addition, applicants shall submit a signed statement agreeing to permit co-location consistent with those rental rates.

The owner and operator of a tower shall agree to permit other communication service providers, including local governmental agencies, to use the tower, upon these reasonable terms and conditions. This obligation shall not require the owner or operator to permit access where doing so will interfere with the owner or operator's ability to provide or receive signals.

- c. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. All antennas on communication towers shall meet the electromagnetic exposure standards adopted by the Federal Communications Commission.
- d. The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future co-location where appropriate.
- e. A temporary antenna support facility may be used by a provider in any zoning district for the purpose of providing temporary wireless services for special short-term events such as a specific political event, sporting event, or entertainment event; to allow for modification, replacement, and/or repairs to a permanent facility; not to exceed one week, or as otherwise permitted by the Zoning Administrator, or as necessary to aid in post disaster relief efforts.

Commented [KM14]: This is to clarify that this provision applies to the location of 5G or any other type of transmitters in the community.

11.8 APPLICATION PROCESS FOR ALL TOWERS OVER 75 FEET

Requests for a Tower System shall be submitted for review, approval, or denial in accordance with Section 8.2 Administration and Permit Procedure, Zoning Permits of the Chassell Township Zoning Ordinance, as appropriate and applicable. Requests shall be accompanied by payment of a fee as designated in the Township's Schedule of Fees and updated from time to time. In addition to the Township's application fee, the applicant may be required to cover legal, professional, or expert assistance or consultant costs incurred by the Township in the review, approval or denial of a request for a Tower System.

If a Tower System Permit is granted, it will expire if the Tower System is not installed and functioning within two (2) years from the date the Permit is issued.

In addition to the information required in the aforementioned section, the applicant shall provide the following in writing:

- 1. The applicant and landowner's name and contact information. If the applicant is a business entity, the

applicant shall provide the name of the business, certificate of incorporation (if applicable), certificate of good standing, and business tax ID number. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

2. Current property description (address, tax parcel numbers, legal description, and existing use and acreage of the site).
3. A survey map which clearly delineates with footage, the proposed location of the Tower System, existing or planned access roads, boundaries of the parcel, location of any overhead utility lines on or adjacent to the property, adjacent property ownerships and existing residences, schools, churches, hospitals, libraries, airports (public or private), any federal, state, county or local parks, recognized historic/heritage sites, inland lakes or streams, or shoreland, other towers or other structures to a distance one-half mile, and any proposal for landscaping and/or screening.
4. Number, description, design, and manufacturer's specifications of each Tower System, including the manufacturer, model, capacity, blade length, lighting, and total height of any Tower System.
5. Standard drawings or blueprints that have been approved by a registered professional engineer showing a cross section, elevation, and diagram for any Tower and Tower foundation, including a certification showing compliance with all applicable electrical (if Wind) and building codes.
6. A project visibility map based on an elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three (3) miles from the center of the project. The applicant shall include with the application for special land use an analysis of the visual impact of the tower on the surrounding area. The analysis shall include point of view renderings of the tower in its proposed setting, with special attention given to adjacent residential uses, including any proposed landscaping.
7. Data pertaining to the Tower's safety and stability, including safety results from test facilities. Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. A fall zone), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
8. The Township Board may request a completed environmental assessment, demonstrating compliance with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Shoreland Protection and Management, Great Lakes Submerged Lands and Sand Dunes Protection and Management.
9. Statement describing any hazardous materials that will be used on the property, and how those materials will be stored.
10. Written documentation demonstrating compliance with all requirements set forth in Section 11 of the Chassell Township Tower Ordinance.
11. Written statement that the owner will construct and operate the Wireless Communication System, Wind Energy System, Met or SCADA Tower in compliance with all applicable local, state and federal codes, laws, orders, regulations, and rules.
12. Written statement that the owner will install and operate the Wireless Communication System, Wind Energy System, Met or SCADA Tower, in compliance with manufacturer's specifications.
13. Proof of financial assurance in form satisfactory to the Township that the applicant has the financial capacity to satisfactorily construct, install and meet all requirements set forth in this Ordinance for Tower Systems.
14. Written statement signed by the landowner acknowledging that the landowner is financially responsible if the owner fails to reclaim the site as required by this Tower Ordinance, and that any removal and

reclamation costs incurred by the Township will become a lien on the property and may be collected from the landowner in the same manner as property taxes.

11.9 DECOMMISSIONING

A Wireless Communication system, Wind Energy System or Met or SCADA Tower that is out-of-service for a continuous period of 12 months, or is deemed unsafe or out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator may issue a Decommissioning Notice to the owner. If, within thirty (30) days of receipt of a Notice the owner provides the Zoning Administrator with information satisfactory to the Zoning Administrator that the Tower has not been abandoned, or is not unsafe or out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator will withdraw the Notice.

If the owner does not provide sufficient evidence that the Tower has not been abandoned, or is not unsafe or out-of-compliance, within 120 days of receipt of the Notice, the owner must cause the removal of the Tower and reclamation of the site. All foundations, pads, and underground electrical wires must be reclaimed to a depth of four (4) feet below the surface of the ground. All hazardous materials must be removed and disposed of in accordance with federal and state law. If the owner fails to cause the removal of the Tower within 120 days of the Notice, the cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

11.10 ENFORCEMENT

The Zoning Administrator may enter any property for which a Permit has been issued under this Tower Ordinance to conduct an inspection to determine whether there is any violation of this Tower Ordinance, or whether the conditions stated in the Permit have been met. The Zoning Administrator, or the Sheriff or Sheriff's designee at the request of the Zoning Administrator, may issue a citation for any violation of this Tower Ordinance. Any person who fails to comply with any provision of this Tower Ordinance or conditions stated in the Permit shall, upon conviction, shall be fined not less than \$500 nor more than \$1,000 for each offense, together with costs of prosecution for each violation.

11.11 PRECEDENCE

Any conflicts that may exist between this Section (Section 11 – Tower Ordinance) and any other sections of the Chassell Zoning Ordinance, this Section shall take precedence.

SECTION 12 – DEFINITIONS

Accessory Use of Structure – A use of structure subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use.

Agriculture – Land, and/or farm buildings and structures where the principal use or uses which are primarily for farming, ranching, horse breeding, dairy farming and other forms of food and crop production.

Bed and Breakfast (See also short-term rental) – A dwelling in which transient guests are provided with sleeping rooms and limited breakfast meals on a short-term basis, in return for payment.

Building – Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Consumer Service – Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience.

Dwelling – A building containing one dwelling unit.

Dwelling, multi-family – A building containing two or more dwelling units.

Dwelling Unit – One room or rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease and physically separated from any other rooms or dwelling units which might be located within the same structure. A dwelling unit shall contain independent kitchen, bathroom, sleeping, and living facilities, and shall be designed for and occupied by one single family only.

Family – An individual, two or more persons related by, marriage or adoption, or a group not to exceed six persons not related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a fraternity, hotel or similar dwelling for group use.

Farm Resort – An established agriculture operation providing short term occupancy for recreational and educational purposes.

Floor Area – The sum of the gross area for each of the several stories under roof measured from the exterior limits or faces of a building or structure. Attached accessory structures are not included.

Garage, private – An accessory building Space designed or used solely for the storage of vehicles, boats, etc., owned and used by the occupants of the building to which it is accessory.

Greenhouse – A structure principally used for housing and growing plants.

Home Occupation – An accessory use of a dwelling unit involving the manufacture or sale of goods and/or services is conducted either from within the dwelling and/or from accessory buildings located within five hundred feet of the dwelling unit and complying with the following conditions and regulations:

1. No employees other than members of the immediate family residing on the premises and one additional employee.
2. The businesses shall be conducted in a fully enclosed building.
3. There shall be no outside storage of materials related to the home occupation, or outdoor storage of unregistered vehicles.
4. No occupation shall be conducted upon or from the premises which would emit any material into the water, land or air greater than permitted by applicable laws. Noise, lighting and/or effluent shall not constitute a nuisance or annoyance and shall be regulated as stated in the general provisions.

Housekeeping Cabins – A building or group of buildings consisting of individual sleeping or dwelling units, designed for short term use by transient guests.

Junkyard – any land or structure used for a salvaging operation including, among other things, the storage and

sale of waste paper, rags, scrap metal, and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.

Kennel – Any premises or portion thereof on which four or more dogs, cats, or other household domestic animals over four months of age are kept, or on which more than two such animals are maintained, bred, or cared for, for remuneration or sale.

Light Manufacturing – A business not emitting any material into the water, land or air greater than permitted by applicable laws. Lighting and noise as regulated in the general provisions.

Loading Area – A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

Lodging Unit – One room or rooms used for temporary living.

Long-Term Rental – a single family residential dwelling whereby the rental period shall be no less than 365 days.

Lot – A parcel of land, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses meeting all the requirement set forth in this ordinance.

Lot, Area – The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part or the lot in use or to be used as the street.

Lot, Corner – A lot abutting on two streets at their juncture, when the interior angle formed is less than one hundred thirty-five (135) degrees.

Lot, Depth – The mean horizontal distance from the front lot line to the rear lot line.

Lot, Interior – A lot other than a corner lot.

Lot, Front Line – That side of the lot abutting upon a public or private street right-of-way. In the case of a corner lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage. The side of the lot with a driveway will always be considered the front. If both sides of a corner lot have a driveway, both sides will be considered front sides.

Lot, Rear Line – Ordinarily, that lot line which is opposite and most distant from the front lot line.

Lot, Side Line – Any lot line not qualifying as a front or rear lot line.

Lot, Width – The mean horizontal distance between side lot lines.

Mobile Home – A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling unit for one or more persons, and meeting the minimum dwelling size and other requirements of this ordinance.

Mobile Home Park – Any parcel of land upon which two or more occupied mobile homes are harbored either free of charge or for revenue purposes.

Motel – A building or group of buildings, used as individual sleeping or lodging units, designed primarily for use by transient guests for less than 30 days.

Nonconforming Structure – A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is situated.

Nonconforming Use – A building, structure, plot, premises or use of land lawfully existing at the time of the effective date of this Ordinance which does not conform to the regulations of the district in which it is situated.

Parking, Off-street – Parking spaces for vehicles located off any public street or right-of-way and located

either on the side or within 200 feet of the property in question.

Parking, Space – A graded all-weather surface area of not less than two hundred (200) square feet in area, excluding sidewalks and rights-of-way, either enclosed or open for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.

Retail Sales – Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

Roadside Stand – Seasonal or temporary open structure with floor area of less than 100 square feet.

Seasonal Residence – A dwelling unit occupied for less than six (6) months each year.

Setback – The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

Short-term Rental- A dwelling in which transient guests are provided with a place to stay on a short-term basis, which is less than 30 days, in return for payment.

Sign – A name, identification, image, description, display, or illustration which is affixed to or located on, painted or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an institution, dwelling, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material placed behind a store window are not signs or parts of signs.

Sign, Banner, Pennant, Streamers, etc. – A flexible piece or pieces of fabric, plastic or other material designed to attract attention or convey information by means of color and movement.

Sign, Billboard – A sign structure erected for the purpose of display of characters, letters, or illustrations produced on paper sheets or painted on the surface of the structure and advertising goods and services not found on the premises.

Sign, Business – A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

Sign, Directional – an off-premise commercial sign directing motorist to facilities within the Township.

Sign, Flexible – A sign made of fabric or other flexible material.

Sign, Gross Area of – The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single-face sign. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. A double-face or V-type sign erected on a single supporting structure where the interior angle does not exceed 135 degrees shall, for the purpose of computing square-foot area, be considered and measured as a single-face sign; otherwise each display surface of a sign shall be considered a single sign.

Sign, Off-premise – A sign which advertises goods, services, or attractions not available on the same site as the sign.

Sign, On-premise – A sign which advertises goods, services, or attractions available on the same site as the sign.

Sign, Sidewalk – A portable sign of A-frame construction used seasonally during hours a business is open and stored inside when not in use.

Sign, Wall – A sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall.

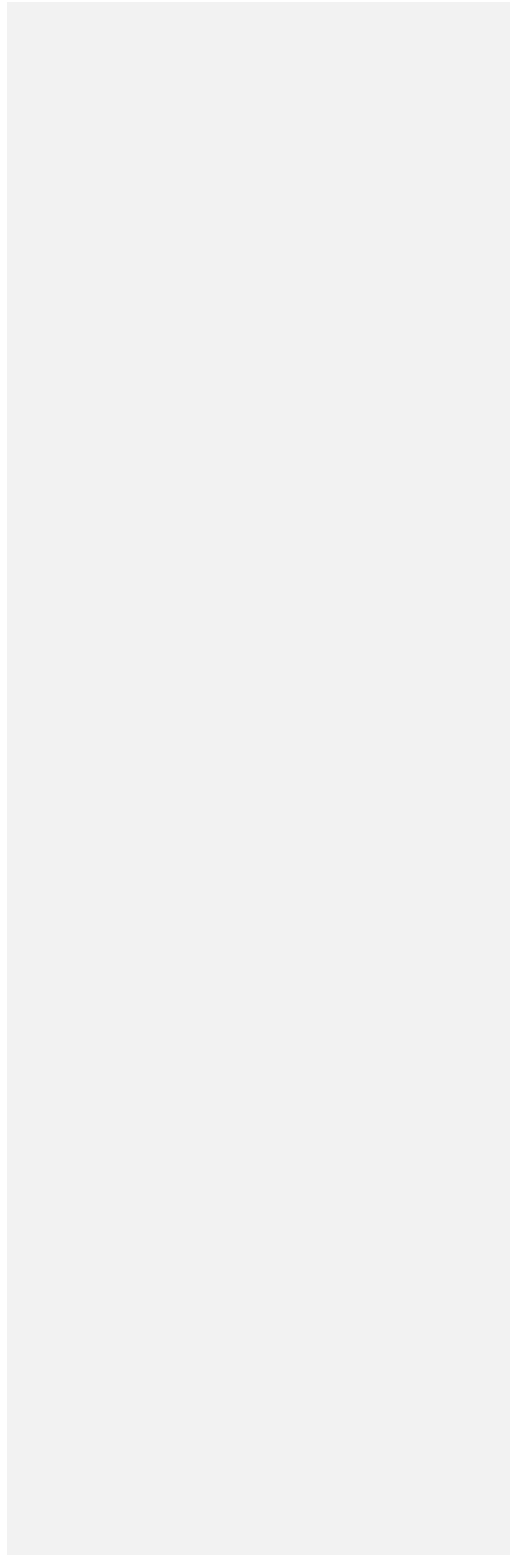
Structure – Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached or projecting shall be construed to be a structure.

- Tourist Cabins** – A building or group of buildings consisting of individual sleeping or dwelling units, designed for short term use by transient guests.
- Use** – The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
- Use, Accessory** – A use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use.
- Use, Permitted** – A use which may be lawfully established in a particular district or districts provided it conforms to all requirements and regulations of such district.
- Use, Principal** – The main use of land or buildings as distinguished from a subordinate or accessory use.
- Utilities, Public** – Facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, gas regulation stations, etc., but excluding any facilities or utilities which do not provide service within Chassell Township.
- Waterfront parcel** – A property that is located on a permanent waterway such as the Portage Canal and Bays, Sturgeon River, or Lake Superior.
- Yard, Front** – An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal or accessory structure, parallel to the front lot line. The front yard is that side of the lot abutting upon a public or private street right-of-way. In the case of a corner lot, either side may be considered the front yard if it contains the required frontage. The side of the lot with driveway will always be considered the front yard, if both sides have a driveway then both sides will be considered front yards.
- Yard, Rear** – An open, unoccupied space extending the full width of the lot between the rear lot line and the nearest line of the principal or accessory structure, parallel to the rear lot line.
- Yard, Side** – An open, unoccupied space extending between the front yard and rear yard and situated between a side lot line and the nearest line of the principle or accessory structure, parallel to the side lot line.

SECTION 13 – OTHER ORDINANCES

At the time of the adoption of this Chassell Township Zoning Ordinance the following ordinances have also been adopted:

- Water Supply – No. 10-27-03
- Burning – Adopted 9/14/2005
- Sewage System – No. 4-25-06
- Lot Splitting – Adopted 10/8/2014
- Hours of Public Usage of Township Properties – No. 031215
- Dangerous Building – No. 08-09-17-1
- Civil Infraction – No. 08-09-17-2



I hereby certify that the attached is a true and complete copy of the Zoning Ordinance of the Township of Chassell adopted by the Township Board of said Township of Chassell, County of Houghton, and State of Michigan, at a regular meeting held on the 13th day of April, 2022, and that public notice of said meeting was given pursuant to and in compliance with Act No. 267 of the Public Acts of 1976, as amended, of the State of Michigan.

I further certify that said Zoning Ordinances have been recorded in the Ordinance Book of the Township of Chassell and such recording has been authenticated by the signatures of the Township Supervisor and Township Clerk.

Lynn Gierke
Township Clerk