

Keweenaw County Planning Commission  
Zoning Amendment Workshop Session 1  
April 22, 2022

Keweenaw County Courthouse 2:00 – 4:00 PM

Roll Call:	John Parsons	Steve Siira
	Barry Koljonen	Dan Steck
	Jim LaMotte	Nancy DeForge
	Jim Vivian, Commissioner	Daniel Yoder
	Sara Heikkila, Zoning Administrator	

4 Member quorum is \_\_\_\_\_, meeting was appropriately posted.  
Pledge of Allegiance

Approve Agenda

Line Item #1 – Article II Definitions

1. Cabin/Cottage → A single-family dwelling unit of not less than four hundred and eighty (480) square feet designed and built for temporary (usually seasonal) use that meets building and sanitary codes at the time of construction. See Section 7.15.1.A.

**7.15.1 General:** Temporary buildings, structures, and uses are permitted in all districts only under the following conditions:

A. Temporary Dwellings: Accessory Structures, Tents, Yurts and Travel Trailers. Except for tents and recreational vehicles in bona fide campgrounds, no structure shall be used for dwelling purposes that does not meet the minimum standards for a dwelling unit as defined in this Ordinance and the State Construction Code Act, Public Act 230 of 1972, with amendments. This means that no garage or other accessory building, cellar, basement, camp or partial structure, whether of a fixed or portable construction, nor any tent, yurts, travel trailer, recreational vehicle, trailer coach, mobile home, or other structure not in compliance with P.A. 230 of 1972, or the previous sentence, shall be erected or moved onto a lot for more than ninety (90) days in one year, unless authorized by the Zoning Administrator by the issuance of a Temporary Zoning Permit as provided for in Section 18.9, or by means of a Special Land Use Permit pursuant to Article X.

1. A temporary yurt is only allowed on a minimum lot of 10 acres in the TR district.

Updates to Definition:

2. **Dwelling, Rental Short Term:** A dwelling unit for rental purposes with a duration of less than 120 days. (see 10.12.17 for Conditions)

Consider updating – see examples below:

**Short-term rental** or "STR" shall mean the rental of a private residence, or any portion of the private residence, for less than thirty or less consecutive days for which a rental contract for occupancy has been made which the short-term rental use is permitted to operate, pursuant to a current and valid short-term rental permit on file with the city. A short-term rental may be either an owner-occupied or non-owner occupied short term rental.

**Short-term rental** means a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental owner or operator for a fee for fewer than thirty consecutive nights. They are commonly referred to as vacation rentals. They are a form of tourist or transient accommodations. Short-term rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. For the purpose of administration and enforcement of this title, the terms "overnight rental," "nightly rental," and "vacation rental" are interchangeable with short-term rentals. Subleasing or subletting of units for short-term rental is prohibited if the underlying zone prohibits such use.

**Short-term rental** means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

3. **Family:** An individual or two or more persons related by blood, marriage, or adoption, or a group not to exceed six (6) persons, whether or 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 boarding house, lodging house, club, fraternity, hotel or similar dwelling for group use. Domestic servants residing on the premises shall be considered as part of the family.

Consider changing 'Domestic servant' to Domestic worker' – eliminate outdated terminology.

4. **Hunting Camp:** A single building designed only for temporary human occupancy that is not considered a single-family dwelling unit which if constructed after the effective date of this Ordinance shall not be larger than four hundred (400) sq. ft., have an approved waste disposal system and no pressurized water, nor fixed connection to electrical service.

North of 45 comment → Is this different than a Cabin?

From Article X:

**10.12.19 Hunting Camps**

**Hunting Camp:** A hunting camp is permitted as an RC use in an AG or TR district, provided:

- a. The parcel on which the hunting camp is located is at least ten acres in size.
- b. Potable water must be obtained from a WUPHD approved potable water supply.
- c. There is a waste disposal system that has been inspected and approved by the Western Upper Peninsula District Health Department.

Based on this Hunting camps are only allowed in AG or TR. Why?

Consider:

**Hunt Camp** means a building or buildings primarily used for recreational activities such as hunting or fishing, which provides seasonal or temporary accommodation in a remote location.

**Hunt Camp** means a building or buildings primarily used for recreational activities such as hunting or fishing, which provides seasonal or temporary accommodation in a remote location where municipal or community services are usually not immediately accessible to the buildings.

5. **Parking Space:** A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of permitted vehicles and so located as to be readily accessible to a public street or alley. See Figure 2-10.

Typical parking spaces are 9 x 20 feet – consider changing.

6. **Resort:** A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential dwelling units, cottages, cabins, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this Ordinance.

North of 45 comment → Most are no longer seasonal.

Consider adding STR to definition.

## 7. WECS

North of 45 comment → This needs to be updated.

Examples:

\*Pulled from Cheboygan County\*

PRIVATE WIND GENERATION (Rev. 06/17/04, Amendment #31)

WG 150 kilowatts or less designed and used primarily to generate electricity or produce mechanical energy for use on the property where located. Provided, however, that WG used primarily to produce mechanical energy for use on the property where located with a wind generation tower height of 35 feet or less shall not be considered private wind generation.

WIND GENERATION (WG) OR PUBLIC WG (Rev. 06/17/04, Amendment #31)

A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

WIND GENERATION TOWER HEIGHT (Rev. 06/17/04, Amendment #31)

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point on the arc of the rotor wind blades mounted on a horizontal axis wind turbine generator.
2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the wind turbine generator.

See MSU Extension Land Use Series article.

## 8. New Definition → Solar Energy Items

Examples pulled from Cheboygan County:

### **SOLAR ENERGY SYSTEM - PHOTOVOLTAIC (SES-PV) (Rev. 03/01/19, Amendment #150)**

All components and subsystems necessary to convert incident solar radiation into electric energy for immediate use on-site or for wholesale or retail sales off-site. Electrical energy storage systems may be integrated with these systems. Solar Energy Systems (SES-PV) are classified as follows:

A. Level 1 SES-PV System – Any building mounted SES-PV System used to produce electrical energy primarily for on-site use in accordance with Section 17.30.6.A.

B. Level 2 SES-PV System – Any ground mounted SES-PV System used to produce electrical energy for use primarily onsite in accordance with Section 17.30.6.B. Level 2 SES-PV Systems shall be subcategorized as follows:

i. Type I, Level 2 SES-PV System – Level 2 SES-PV Systems that include solar panel arrays larger than 1,333 square-feet, but smaller than 33,323 square-feet (0.765 acres).

ii. Type II, Level 2 SES-PV System – Level 2 SES-PV Systems that include solar panel arrays and their supporting equipment larger than 33,323 square-feet (0.765 acres).

C. Level 3 SES-PV System – Any ground mounted SES-PV System used to produce electrical energy for wholesale distribution and use off-site in accordance with Section 17.30.6.C.

### **SOLAR FARM (Rev. 03/01/19, Amendment #150)**

A Level 3 SES-PV System, including the land upon which it is located, and related facilities such as road and fencing, generating electricity for wholesale distribution through the electric grid operated by a utility.

### **SOLAR INTEGRATED SYSTEM (Rev. 03/01/19, Amendment #150)**

Any solar energy system directly or indirectly connected to the commercial energy grid for the wholesale or retail sale of electric energy or on site self-consumption

See MSU Extension Guide for Solar Energy Systems.

## 9. New Definition → Tourist Home

Example from EHT Ordinance:

Tourist Home: A use which is subordinate to the principal use of a building as a single-family dwelling unit, and in which transient guests rent the entire single family dwelling unit. See Family.

### Line Item #38 Article XIV, 14.2.7 - Parking Space Requirements

14.2.7 Parking Space Requirements:

A. Parking spaces shall be not less than **ten feet (10') wide** and twenty feet (20') long, as shown in Figure 14-1.

Suggest decreasing to nine feet (9') wide – typical standard parking space size.

### Line Item #39 Article XIV Table 14-1 – Parking Standards

\*Review and revise excessive restrictions\*

\*Add a provision to allow businesses / land use to reduce the number of spots required (case example – Dollar General variance to reduce the number of spaces) \*

Multiple-family / Single- and two-family dwellings → One space instead of two?

ATM → One space instead of two?

General retail stores → increase to two hundred (200) square feet?

Campground → reduce to One (1) 10' x 30' spaces per campsite?

Use 14.2.10 for provision for Commercial & Related Uses →

#### Line Item #40 Article XIV, 14.4.1 Site Development Requirements

E. Parking areas shall be surfaced with a material that shall provide a durable and substantially smooth surface as determined by the Zoning Administrator, consisting of asphalt, concrete, pavers, aggregate stone, or gravel, and shall be graded and provided with adequate drainage. Surface drainage may not be directed or permitted to flow from or across the parking area onto the public right-of-way. The required parking area and/or surface shall be maintained and replaced if necessary, as long as the building it serves is occupied or the use is continued.

➔ Is this sufficient enough to address storm water drainage / runoff issues?

#### Line Item #41 Article XV, 15.4.1, 15.4.3, 15.4.4 Landscaping

Include a provision that gives a credit for preserving existing vegetation.

#### Line Item #42 Article XV, 15.5.3 Screening

15.5.3 Outdoor Storage of Trash or Rubbish:

All areas used for the storage of trash or rubbish in dumpsters and other commercial containers shall be screened by a solid fence, wall or dense plant materials no less than six (6) feet in height to keep from the view of pedestrians on abutting streets and parcels. If a fence is used, view obstructing doors at least six (6) feet in height shall be installed and kept closed except when accessing.

➔ Currently not well enforced, keep or eliminate?

## Line Item #43 Article XVI, 16.3 Signs

### Section 16.3 PROHIBITED SIGNS

A. The following limitations, obligations, and prohibitions apply to all signs:

1. Any sign installed prior to the effective date of this Ordinance is considered legal (refer to Section 16.7A).
2. Any sign, unlawfully installed, erected or maintained after the effective date of this Ordinance is prohibited.
3. No portion of a privately-owned sign, or its supporting structures, such as poles or cables, shall be placed on, or within the air space above, publicly owned property, a public right-of-way (such as a street or sidewalk), or a proposed public right-of-way.
4. Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement on the sign face such as flashing lights, letters or objects achieved by electrical, electronic or mechanical means, excepting those movements associated with displaying time and/or temperature, shall be prohibited.
5. No sign shall be erected by other than a public road authority at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
6. Signs and sign structures that are no longer in use as originally intended or have been abandoned; or are structurally unsafe or are insecurely affixed to a substantial structure, or otherwise constitutes a hazard to safety and health, or those not kept in good repair are prohibited.
7. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way are prohibited.
8. Signs affixed to trees, rocks, shrubs, fences, utility poles (except utility company signs), or other similar features are prohibited.
9. Billboards, except in the M-1 and M-2 districts are prohibited.
10. A sign erected on a roof of a building above the roofline is prohibited.
11. Advertising devices such as banners, balloons, flags, pennants, pinwheels, robots, searchlights or other devices with similar characteristics are prohibited, except when used temporarily for periods not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner.
12. Any sign on a motor vehicle (excluding antique vehicles) or trailer which is parked in a position visible to traffic on a public road or parking area for a period longer than six days in a 60-day period is prohibited.
13. Any sign greater than eighty (80) square feet in any district is prohibited.

B. Signs remaining after a business or activity has terminated must be removed within thirty (30) days.

- ➔ Add digital (animated light) and changeable message sign?
- ➔ Add moving and windblown signs, such as inflatables and feather flags?



## Line Item #44 XVIII, 18.22 Site Plan Review

### Section 18.22 SITE PLAN REVIEW COMMITTEE

18.22.1 Site Plan Review Committee Membership: A Site Plan Review Committee is created to assist in the administration of site plan requirements under the terms of this Ordinance. The Site Plan Review Committee shall consist of the following members:

- A. The Keweenaw County Zoning Administrator.
- B. The Keweenaw County Drain Commissioner.
- C. The Keweenaw County Road Commission Managing Director or a permanently designated employee of the Keweenaw County Road Commission; or when the site plan involves property which is on a state highway, MDOT shall be invited.
- D. The Director of the District Health Department or a designated employee of the Environmental Health Division or the person responsible for provision of public utilities to the site if a septic system or well is not to be used.
- E. A township official appointed by the Township Board of Trustees, from the township where the land use is proposed to be located.
- F. A representative of the local Fire Department, or a designated representative.
- G. A representative of the Natural Resources Conservation Service.
- H. A representative of the Keweenaw County Sheriff's Department.
- I. The chairperson of the County Planning Commission or his/her designated representative.
- J. A representative of the affected School District.
- K. A representative of the National Park Service when the site plan is for property which abuts lands of significance to the National Park Service.

18.22.2 Term of Appointment: The term of appointment shall be as long as each member holds his/her respective office or designated employee status.

18.22.3 Chairperson and Staff Support: The Keweenaw County Zoning Administrator shall act as Chairperson of the Site Plan Review Committee. The Chairperson shall not vote except in the event of a tie. The Chairperson shall provide administrative support to the Site Plan Review Committee including agendas, minutes, legal notices and records. The files of the Committee shall be maintained in the Zoning Administrator's Office and open to public inspection during normal working hours.

- ➔ Reduce the members of the Committee. Suggest removing F, G, J, K (only NP in Keweenaw County is Isle Royale, not possible to abut)...maybe B and H?
- ➔ Review 18.23

## Line Item #45 XVIII 18.7.5 Fees

### 18.7.5 Fees:

A. Determination of Fees: The County may charge reasonable fees sufficient to cover the costs of administration of this Ordinance. The County Board of Commissioners may from time to time adopt by resolution a fee schedule to accompany all applications submitted under this Ordinance. Fees shall be based on actual direct costs of inspection and supervision or consultation with qualified professionals (where reasonably necessary), resulting from the enforcement of this Ordinance, including the enforcement of conditions of a permit or approval, and may include the cost of filing approvals with other entities, such as with the County Register of Deeds. Such fees may also include but are not limited to all costs associated with conducting a public hearing or inspection, including publishing the newspaper notice and any map, sending required notices to property owners and renters, photocopying, staff time, Planning Commission, County Board of Commissioners and/or Zoning Board of Appeals meeting time, mileage and any costs associated with reviews by qualified professional planners, engineers, scientists, and/or other qualified professionals. The fee schedule and any amendments shall be available at the County Clerk's office following adoption by the County Board of Commissioners.

- ➔ Is \$250 enough to cover permits that require a public hearing (no special meeting with the Planning Commission / ZBA)?

Effort involved:

Zoning Administrator effort:

1. Review application for completeness and request additional information if needed.
2. Identify property owners within 300' of the site.
3. Draft letter to property owners within 300' of the site.
4. Prepare Public Hearing Notice for newspaper.
5. Prepare notice and application package for Township.
6. Posting information on County website.
6. Scheduling public hearing.
7. Prepare Staff Report, Agenda, finalized meeting minutes. Upload to County Website.
8. Meeting attendance.

➔ Estimate 8-10 hours (depending on complexity of project) = \$176 - \$220

Planning Commissioner effort (SLU / District change / etc...):

1. Review application and Staff Report.
2. Meeting attendance.
3. Mileage.

➔ Estimate \$200 (meeting time) + ~\$55 (mileage) = \$255

ZBA effort (Variances):

1. Review application and Staff Report.
2. Meeting attendance.
3. Mileage.

➔ Estimate \$175 (meeting time) + ~\$55 (mileage) = \$230

Material Costs:

1. Gazette Post = \$200
2. Postage = Ranges from ~\$5 - \$20
3. Office Supply costs ~\$20

Total Cost for Planning Commission SLU / District change / etc...  
Ranges from \$656 - \$715

Total Cost for ZBA Variance  
Ranges from \$631 - \$690

\*Note: these do not include site visit time and mileage\*

➔ Is \$350 enough to cover special meeting costs/expedited review?

#### Line Item #46 Article XVIII, 18.8.3 Affidavit of Compliance

18.8.3 Affidavit of Compliance: Each application form for a Special Land Use Permit, Condominium Project, Planned Unit Development Permit, Conditional Rezoning or other development requiring a site plan for which a Zoning Permit is required, shall contain a signed and notarized affidavit stating that the applicant understands, and agrees to comply with the following laws when applicable to the lot, tract or parcel in question. The applicant shall further affirm that said lot, tract or parcel is not currently, and that the proposed use or construction will not be, in violation of the following laws. The Affidavit of Compliance shall be deemed part of and a condition to the permit or approval.

➔ Review and determine whether to keep.

#### Line Item #47 Article XVIII, 18.8.6 Site Inspections

18.8.6 Inspections: The Zoning Administrator shall inspect sites on which new permanent buildings will be erected prior to issuance of a Zoning Permit and at such other time as is necessary to ensure conformance with this Ordinance and the conditions of any permit or approval.

➔ Should this get updated to take out 'shall' and reword to something along the lines of 'to be determined by the Zoning Administrator'? If the Zoning Administrator is required to inspect sites prior to approving zoning permits, this will significantly slow down the permitting process.