

Keweenaw County Planning Commission
Zoning Amendment Workshop Session 2
May 16, 2022

Keweenaw County Courthouse 4:00 – 6:00 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 #2 – Article IV, 4.2.3 Unlisted Uses (5 Minutes)

4.2.3 Unlisted Uses: Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request the Planning Commission to consider the proposed use, and if deemed appropriate, to then initiate the necessary amendment to this Ordinance to provide for the requested use in appropriate districts and according to standards recommended by the Planning Commission. Following adoption of the amendment by the County Board of Commissioners, an application may be made to the Zoning Administrator to establish that use on a parcel in a district in which that use is permitted.

North of 45 Comment:

Some Communities include in the list of special uses the words "other uses of the same general character as those uses permitted in this district" which avoids having to change the Ordinance

The suggested verbiage is included in Table 4-1 for most of the use classes & definitions. Keep this in mind when reviewing Table 4-1.

Suggest keeping 4.2.3 for the situations where there is an unlisted use that is worth adding to the Ordinance.

Line Item #3 Article IV, 4.3.10 – Resort Residential (5 Minutes)

4.3.10 Resort Residential District: The purpose of the Resort Residential District (RR) is to accommodate single-family residential homes at varying densities of the type and character which would allow possible conversion to year-round dwelling on or near waterfront, woodland or other resort or vacation areas. Land should have adequate access, water and sewer/septic, and suitable topography. On Table 5-1, two subdistricts differentiate lot size based on the presence or absence of public sewer or water systems.

North of 45 comment:

Why name a district resort residential if a resort is not a permitted use?

Ordinance definition of resort (with proposed amendment from Workshop #1):

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, **short-term rentals**, or some combination, as regulated by appropriate sections of this Ordinance.

See Table 4-1 Lodging / Accommodations – Permitted districts are “S” in AG, B-1, RS-1 and RS-2. Suggest adding RR.

Line Item #4 Article IV Table 4-1 – Commercial AG or Horticulture (5 Minutes)

From Table 4-1:

Commercial Agriculture or Horticulture

The commercial production, harvesting and storage of farm products on a farm and the farm operations typically attendant thereto, as “farm” is defined in the Michigan Right to Farm Act, Public Act 93 of 1981; as amended.

Field crop and fruit farming; truck farming; nurseries; greenhouses; turf/sod farms; apiaries; annelid farms; equine breeding and grazing; mushrooms; aquaculture; similar agricultural enterprises; and the usual farm buildings associated with such uses. A cervidae livestock operation as defined and regulated by Act No, 191 of the Public Acts of 2000. Other agricultural uses similar to and compatible with the above uses, as first determined by the zoning administrator.

Permitted Districts: “R” in AG

North of 45 comment: Needs updating to match Right to Farm

➔ Read reference MSU article.

Line Item #5 Article IV, Table 4-1 Food and Drink Establishments (1 Minute)

Food and Drink Service Establishments

An establishment where food and drink are prepared, served and consumed primarily on the premises.

Restaurants (eat-in or take-out, but not drivethrough); bakeries; cafes; bars and taverns; nightclubs; cabarets; brewpubs (~~allowed only in conjunction with and as part of a restaurant~~); coffee shops; delicatessens; diners; soup kitchens; and related uses similar to and compatible with the above uses.

- ➔ Proposed in amendment in red.
- ➔ Discuss adding RR as "RC"

Line Item #6 Article IV, Table 4-1 (1 Minute)

Add a note on the bottom of each page of the table:

Acronyms are defined in Section 2.5 of this Ordinance, pages 2-26 & 2-27.

Line Item #7 Article IV, Table 4-1 Extractive Industries (1 Minute)

Extractive Industries

Excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface.

Sand and gravel extraction processing and transport including manufacture of cement and cement products.

Underground mining, processing and transport.

"R" in ED

"S" in all districts.

- ➔ One of the requirements for SLU approval is minimum lot size of 20 acres.

Line Item #8 Article IV, Table 4-1 General Retail Establishments (1 Minute)

General Retail Establishments

The principal activity of general retail establishments is the purchase and resale, leasing or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store). A common accessory use is repair of products sold on the premises. See also Tourist Service Establishments.

"R" in B-1 ➔ Allow in RS

Line Item #9 Article IV, Table 4-1 Multiple Family Dwelling (1 Minute)

Multiple Family Dwellings

A building or portion thereof used and designed to contain separate living quarters for three or more families on one or more levels, but which may have joint services or facilities, such as for laundry or storage.

Apartment building, townhouses, and row houses, garden apartments, and condominiums when considering the entire structure (not the individual dwelling units).

Other housing similar to and compatible with the above housing.

“RC” in R-2, RS-1 and RS-2

North of 45 comment: Why in RS-1? Lots are small. Why not in RRA, RRB, AG?

Line Item #10 Article IV, Table 4-1 Single Family Dwelling (5 Minutes)

Single Family Dwelling

A building containing not more than one dwelling unit used, intended or designed to be used as the home, residence or sleeping place of one-family. Includes site constructed, modular mobile home and other manufactured dwellings for a single family.

Single family dwelling, site condominium, mobile or manufactured home on an individual lot. Note: absolutely no single family dwellings are permitted in TR or CEP; ~~and single-wide mobile homes are only permitted in mobile home parks.~~ Other housing similar to and compatible with the above housing.

“R” in R-1, RR, RS-1, RS-2, AG, and CE

“RC” in B-1 (not on street level/first floor unless in the back of the building and not on more than 50% of total floor area).

➔ Review the following and revise to be clearer.

Temporary dwelling units

Temporary dwellings, tents/yrurts, recreational vehicles (not in campgrounds). Note: absolutely no temporary single family dwellings are permitted in CEP without a special use permit. See Section 7.15.

“RC” in all districts

Seasonal Single Family Dwelling

Cabins and cottages for a single family for seasonal occupancy. Yurts for a single family for seasonal occupancy. See Section 7.14.1

“R” in AG, RR, RS-1 and RS-2.

“RC” in AG, CE, RR, RS-1, RS-2

Line Item #11 Article IV, Table 4-1 Utility and Public Service Installations (1 Minute)

WECS wind towers under 35 feet in height are allowed in any zone.

~~"R"~~ "S" in all districts

WECS towers between 35 and 80 feet in height.

~~"RC"~~ "S" in all districts.

→ Change to "S" for all heights.

Line Item #12 Article IV, Table 4-2 (15 Minutes)

Review entire table and revise as needed.

Line Item #13 Article V, Table 5-1 (5 Minutes)

→ Review maximum area for multi-family dwelling.

Multi-family – 15 du/ac or 30 bedrooms/ac

Line Item #14 Article V, Table 5-2 (10 Minutes)

→ Review maximum height for waterfront buildings. Why 28 and not 35? How do we enforce?

Line Item #15 Article VII, 7.9 Accessory Uses and Structures (1 Minute)

→ Consider moving to Article 5 to make more user friendly.

Line Item #16 Article VII, Table 7-1, 7.9.4 Height of Accessory Buildings (10 Minutes)

→ There have been multiple issues with 18 feet being too restrictive, consider increasing.

Line Item #17 Article VII, 7.9.1 Accessory Uses and Structures (20 Minutes)

7.9.1 General Standards:

A. Subordinate to Principal Use: Accessory uses and structures must be subordinate to the principal use and structure on the subject lot in terms of area, extent and purpose.

B. Time of Establishment: Accessory structures must be constructed in conjunction with or after the principal building, and may not be constructed prior to the construction of the principal building, except as provided in 1., 2. and 3. below. Accessory uses may be established no earlier than the commencement of the principal use, except as provided in 1., 2. and 3. below.

1. A permitted accessory structure may be erected following receipt of a Zoning Permit, and following receipt of a Zoning Permit and Building Permit for the construction of a permitted principal structure on the lot. On parcels of 5 acres or more a permitted accessory structure may be built without a principal structure provided the accessory structure is set back at least 100 feet from any road right-of-way or property line.

2. Bona fide agricultural accessory structures can be erected independent of a permitted principal structure in the AG district.

3. A permitted accessory structure may be erected prior to the erection of a single family dwelling in the RR-A, RR-B and RS-2 districts provided the accessory structure: a. Has no foundation; b. Is not habitable and in particular has no kitchen or bathroom facilities; and c. The accessory structure is not more than 200 square feet or more than one story in height.

C. If a garage or other accessory structure is built before a dwelling, where permitted above, the building footprint for the dwelling must be established prior to determining the size of the accessory structure, and before a Zoning Permit can be issued. The permitted single family dwelling which the accessory structure is to accompany, shall be erected within two (2) years as required in Section 18.8.5.

D. No garage or other accessory structure may be used as a dwelling before or after a principal structure is erected.

➔ Item B regarding time of establishment, try to make things easier for residents building in phases. The General Standards are very restrictive.

Line Item #18 Article VII, 7.9.5 Open Storage (10 Minutes)

7.9.5 Open Storage:

A. Major recreational equipment such as utility trailers, boat trailers, boats, recreational vehicles and similar major recreational equipment may be stored in the open on any lot having a principle structure subject to the following:

1. Dead storage only is allowable and no connection to any permanent power, water or sewer facilities is allowed.
2. Such equipment shall not be used for human occupancy nor used as business, recreational or housekeeping purposes.
3. Such equipment must be in usable and in safe condition for use except for periods when necessary repairs or alterations are being conducted.
4. Said equipment shall be stored in the side or rear yard provided accessory building setbacks are met, unless it is stored in an existing garage or carport.
5. No such equipment shall be parked or stored in such manner or in such location in the lot or parcel as to create a dangerous or unsafe condition.

B. Major recreational equipment such as utility trailers, boat trailers, boats, recreational vehicles and similar major recreational equipment may be stored in the open on any lot in AG, ED and TR which does not have a principle structure subject to the following: Only one (1) recreational vehicle may be stored on parcels up to five (5) acres. A maximum of four (4) recreational vehicles may be stored on parcels larger than five (5) acres.

North of 45 comment: Review and identify issues – revise as needed.

Line Item #19 Article VII, 7.13 Recreational Vehicles (5 Minutes)

Section 7.13 Recreational Vehicles

Except for recreational vehicles in bonafide campgrounds the following shall apply; All recreational vehicles must obtain an approved Recreational Vehicle Permit, adhere to all the required setbacks and comply with all Health Department requirements regarding safe handling of potable water and sewage.

In Residential Districts, only one recreational vehicle is allowed on any parcel. A recreational vehicle is not allowed to occupy any parcel for more than ninety (90) days in a calendar year without an “Intent to Build” permit. On parcels two (2) acres or larger a recreational vehicle may remain longer than ninety (90) days with a valid Special Use Permit. (See Section 10.12.28)

In Agriculture, Extraction, and Timber Resource Districts, only one (1) recreational vehicle is allowed to occupy parcels up to five (5) acres in size, no more than two (2) recreational vehicles are allowed to occupy parcels larger than five (5) acres.

On Parcels over ten (10) acres or larger in Residential, Agriculture, Extraction and Timber Resource Districts, a recreational vehicle may remain without a special use permit.

Intent to Build: The Zoning Administrator may issue an "Intent to Build" Permit to a parcel owner who requests to use a recreational vehicle for temporary dwelling purposes, subject to conformance with the following standards:

1. The purpose of the temporary housing is to provide on-site housing for residents of a lot while a new dwelling is being constructed.
2. The permit is for a period not longer than one (1) year based on evidence presented by the applicant that he/she has a construction plan including WUPDHD approved well, sewage and utilities. The construction plan shall include the foundation and complete building framing within a specified period of time. The permit is valid for one year and may be extended by the Zoning Administrator when the following conditions are met:
 - a) A good faith effort has been shown;
 - b) The time extension is reasonably necessary considering the practical difficulties associated with actual construction;
 - c) Occupancy of the structure being rebuilt is reasonably possible within the time extension;
 - d) Granting of the time extension to the applicant and other similarly situated parties will not prohibit enforcement of any provisions of this Ordinance, unduly overburden administration and enforcement resources, or adversely affect general health, welfare and safety of adjacent properties or the general community.
3. The lot or parcel is located in any residential district;
4. The performance guarantee pursuant to Section 18.13 is collected and said RV is removed or placed in storage within fifteen (15) days after an occupancy permit is issued.
5. The following additional approvals are obtained:
 - a) Any applicable permits from the building inspector;
 - b) Approval of septic system and well from the District Health Department;
 - c) A driveway permit from the County Road Commission or Michigan Department of Transportation, as applicable.

North of 45 comment: Regulating RV occupancy - makes exceptions to 'Temporary Dwelling' 90 day limits for residents that have an intent to build.

Line Item #20 Article VII, 7.18 Single Family Dwelling Site (5 Minutes)

North of 45 comment: Is there a minimum size for a SFD? Are tiny houses permitted?

Line Item #21 Article VII, 7.23 Damaged Buildings (10 Minutes)

Section 7.23 DAMAGED BUILDINGS

Any building or structure that has been partially destroyed by fire, storm, water, or other disaster, or is in such a state of disrepair, as to be declared unsafe or unfit for human occupancy by the proper authority shall either be entirely removed or repaired by the owner within twelve (12) months from the date of the determination or the effective date of this Ordinance. In the interim, the site shall be fenced or otherwise protected and prevented from becoming a nuisance.

North of 45 comment: How is this enforced? Should there be "Refer to township ordinances"?

*Reference Torch Lake Township Law.

Line Item #22 Article VII, 7.26.3 Access Management Standards (1 Minute)

7.26.3 Driveways per Parcel: ~~All land in each parcel having a single tax code number, as of the date of the amendment adding this provision to the Ordinance, which front on one side of a major thoroughfare shall be entitled to one (1) driveway access from that street or highway. Subsequent division of each parcel, either as metes and bounds descriptions, as plats created in accord with P.A. 288 of 1967 as amended, or as site condominiums in accord with Act 59 of 1978 as amended, shall provide access by a single public road or by an approved joint parking area or driveway, as described in Section 14.2.5. No direct additional access to the major thoroughfare shall be permitted with subsequent land divisions unless the parcel has more than six hundred (600) feet of frontage and driveway separation is at least six hundred (600) feet; except following a careful review of on-site conditions by the County Road Commission or MDOT, as applicable, a lesser separation distance is approved. However, if a parcel is split by a street or road, there may be a driveway on both sides of the road, provided they are both in direct alignment with one another.~~

Two driveways per parcel will be allowed with the correct permits being obtained from the proper Highway Authority, County Road Commission, or Michigan Department of Transportation. The driveway permits must be obtained prior to the granting of a County Zoning Permit.

Suggested edit from former zoning administrator.