

Keweenaw County Planning Commission
Zoning Amendment Workshop Session 3
June 6, 2022

Keweenaw County Courthouse 2:00 – 3:45 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 #35 Article X, 10.12.35 Trails and Trail Easements (10 Minutes)

North of 45 comment → Is this enforced?

Talking points – eliminate permitting trails all together or permit as a Conditional Use, see redline edits below. Some of the requirements that are subjective. If permitting as conditional use, add setbacks?

10.12.35 Trails and Trail Easements.

Trails and trail easements for motorized and non-motorized use are permitted by ~~Special-Conditional~~ Use Permit in all districts provided there is conformance with each of the following requirements:

- A. Trails for public use shall be owned and managed by a public entity or a nonprofit land trust, or nonprofit conservation organization, or a private entity approved by the Planning Commission.
- B. ~~Wherever feasible,~~ Trails shall be sited to minimize negative impacts on nearby residences, churches and schools ~~and be setback a minimum of 5 feet from neighboring parcels.~~
- C. Signs on trails shall conform with the requirements of Article XVI and shall conform with accepted standards for trail management. Signs along the trail advertising products, services or businesses shall not be visible from nearby roadways.
- D. Trail management shall be guided by a plan prepared and adopted by the management entity. A current copy of such plan shall be filed with the Zoning Administrator.
- E. All trail access points at which there is vehicular parking and/or toilet facilities shall conform with the following requirements:

1. No building, structure (except for flagpoles), or parking lot shall be located within thirty (30) feet of a residentially zoned parcel or use.
- ~~2. All buildings and structures shall be designed to be compatible with the character of the surrounding area.~~
3. Off-street parking shall be screened from adjacent residential uses or Districts per the requirements of Article XIV.
4. The outdoor storage of trash or rubbish shall be screened per the requirements of Section 15.5.3.
5. The property shall be suitably landscaped per the requirements of Article XV.
6. Signs shall conform with the requirements of Article XVI.

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.