

Keweenaw County Planning Commission
Regular Meeting
October 29, 2019

The Chair opened the meeting at 4:00 at the Keweenaw County Courthouse.

All members were present and the meeting was appropriately posted.

M/S Jim/Ned to approve the agenda, passed.

M/S Barry/Ned to approve the minutes of the September 24, 2019 meeting.

Communications – there were none

Guests: Addie Saltarelli, Sophia Wilson, and Madison Stachowiak, all MTU students from Communications for Natural Resource Professionals FW4800.

New Business

Article IX, sections 9.1-9.4 were read aloud, discussed, changes recommended. 9.1 add period after terminated then remove but not to encourage their survival. 9.2 after much discussion, Ann thought it better to leave A – D as written. 9.3 remove the portion between A. and B. regarding extraction since it is no longer able to be defined by zoning district. There is a Special Use required within article 10 that will remain. Article 4, extraction will be changed to reflect special use permit in all districts. Section 9. There will be no changes. See attached.

Unfinished Business

The matrix for the review schedule was discussed. Each member should review and come back with recommendations.

Ann continues to work with WUPPDR and should have the zoning of parcels for CE-EP and TR corrected.

The Zoning Administrator's Report – New books will be ready for the December meeting, and KML is looking to add employee housing.

Report from the ZBA – none

Final Public Comments – The guests thanked us for the meeting and asked if there is anything that zoning can work with regarding the high water levels. This prompted further discussion.

Commission Final Comments: Jim Vivian mentioned the ATV ordinance and the public hearing set for Thursday November 13th at 6:30 and encouraged everyone to attend, but come early for a seat. He also asked about structure 200 sq ft or less.

Next Meeting December 3, 4:00 PM

M/S Jim L/Ned to Adjourn at 5:20.

**ARTICLE IX
NONCONFORMING LOTS, USES AND STRUCTURES**

Section 9.1 INTENT AND PURPOSE

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

It is the intent of this Article to permit legal nonconforming lots, structures or uses to continue until they are removed or terminated, ~~but not to encourage their survival.~~

Section 9.2 NONCONFORMING LOTS

- A. In any District permitting residences, a single-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record that was recorded in the office of the County Registrar of Deeds before August 14, 1975, provided such lots meet the requirements of subsections B, C and D below. No use of any nonconforming lot of record which was divided after the effective date of this Ordinance shall be permitted which created a lot with a width, depth or area below the requirements stated in this Ordinance.
- B. Where two or more vacant nonconforming lots were in common ownership on August 14, 1975, and have remained in common ownership since then, and were contiguous to one another along side lot lines, such lots shall be considered as a single lot of record for purposes of this Ordinance, and no portion of said parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall they be transferred or sold except in blocks that equal the original ownership interest, or in a combination of lots that meets the minimum requirements of the District in which they are located.
- C. Provided that adequate potable water and proper and safe septic or sewerage disposal can be provided, as determined by the District Health Department, the Zoning Administrator shall permit single lots of record or combinations of single lots of record (those in subsection B above) that are nonconforming because they are substandard in area, width, or depth to be built on without variances provided the requirements for yards, width, depth and area is no less than seventy-five (75%) percent of that required by the terms of this Ordinance. Further, the Zoning Administrator shall allow setbacks for front, rear, and side yards which are compatible with neighboring/adjacent principle structures provided that no front/rear yard be less than ten (10) feet, no side yard be less than seven and one half (7.5) feet, and no waterfront setback be less than twenty (20) feet.
- D. The Zoning Board of Appeals shall consider a request for a variance of area, width, depth or yard requirements for legal nonconforming lots of record, beyond that permitted by the Zoning Administrator in subsection C. above, and may grant such a variance when other nonconforming lots in the area have already been built upon or fairness otherwise dictates such a result. Such a variance shall be conditioned upon

Article IX
Nonconforming Lots, Uses and Structures

approval of the necessary safe water and septic/sewer disposal by the District Health Department, and without such approval, neither the Zoning Administrator nor Building Administrator shall issue a permit authorizing use of such lot for residential or other purposes requiring potable water and safe sewerage disposal.

Section 9.3 NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued in the same manner and to the same extent as it existed when it became nonconforming, and so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land, nor a greater height, than was occupied at the effective date of adoption or amendment of this Ordinance.

~~Except in the case of gravel extraction operations, existing holes may be worked and enlarged on the land which constituted the lot or parcel on which operations were conducted at the time of becoming nonconforming. However, no new holes shall be established unless a Special Use Permit is obtained pursuant to the procedures of Article X and the applicable standards of Section 10.12-13.~~

- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article, nor to any other lot or parcel, unless reestablished in conformance with the requirements of this Ordinance.

Section 9.4 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered, provided that all such changes are also in conformance with the requirements of the District in which it is located. Furthermore, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use and which existed at the time of the adoption of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- B. Should such structure be destroyed by any means it shall not be reconstructed except in conformity with the provisions of this Ordinance, unless it is impractical to do so, in which case it shall be rebuilt on not more than the building footprint at the time of destruction and in accordance with section 9.4.A above.
- C. Should such structure be moved for any reason for any distance whatever on the same or a different lot or parcel, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.		
<p>Essential Services The erection, construction, alteration or maintenance by public utilities or government departments or commissions of overhead, surface or underground gas, communication, telephone, television, electrical, steam, fuel or water distribution or transmission systems, collection, supply or disposal systems including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, BUT NOT INCLUDING communication towers or office buildings, substations, or structures for service equipment, or maintenance depots.</p>	<p>Telephone, television, and electrical lines (except as noted below); sanitary sewer, storm sewer and water lines; railroad right-of-way and uses related thereto; gas and oil lines that link homes, businesses, schools and other buildings to utility and public services structures, but excluding "structures" such as telephone pedestals, cable television service boxes, and the like, so long as they do not exceed 10 sq. ft. in base building footprint and are no more than 4 ft. tall.</p> <p>Anything more than a pole, box and basic lines are classified as utility and public service installations.</p> <p>Also includes public roads and road rights-of-way.</p>	"R" in all districts
<p>Extractive Industries Excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface.</p>	<p>Sand and gravel extraction processing and transport including manufacture of cement and cement products. See 10.12.13</p> <p>Underground mining, processing and transport.</p>	"SUR" in AI ED "S" in M-2, AG, TR
<p>Food and Drink Service Establishments An establishment where food and drink are prepared, served and consumed primarily on the premises.</p>	<p>Restaurants (eat-in or take-out, but not drive-through); 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.</p>	"R" in RS-1, RS-2, and B-1