

ORDINANCE NO. 365

AN ORDINANCE TO ENACT ZONING AMENDMENTS

THE CITY OF BESSEMER HEREBY ORDAINS:

Zoning Amendments

Tiny House and Tiny House on Wheels

A. Purpose. The purpose of this section is to:

1. Maintain the character of single-family neighborhoods;
2. Ensure that new units are in harmony with developed neighborhoods;
and
3. Allow for houses smaller than 480 square feet in districts R-1, R-2, and CE as a permitted with conditions

B. Conflicts between Standards. The standards below apply to Tiny Houses and Tiny Houses on Wheels. When there are conflicts between the standards herein and those of other sections, the standards of this section shall take precedence.

C. Architectural compatibility. If visible from a public street or park, the architectural design, roofing material, exterior materials and colors, roof pitch and style, type of windows, and trim details of the tiny house shall be substantially the same as and visually compatible with the primary dwelling.

D. Definition.

Tiny house on wheels. A structure intended for separate, independent living quarters for one household that meets these five conditions:

- Is licensed and registered with the Michigan Department of Motor Vehicles and meets ANSI requirements;
- Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection. Cannot (and is designed not to) move under its own power. When sited on a parcel per requirements of this code, the wheels and axles shall be removed, undercarriage shall be skirted, and the structure permanently attached to the ground;

- Is no larger than allowed by Michigan state law for movement on public highways (8'6" wide and 13'6" tall) and is less than 480 square feet total;
- Is a detached self-contained unit which includes basic functional areas that support normal daily routines such as cooking, sleeping, and toiletry; and
- Is designed and built to look like a conventional building structure.

Tiny house. A structure intended for separate, independent living quarters for one household that meets these five conditions:

- Is a detached self-contained unit which includes basic functional areas that support normal daily routines such as cooking, sleeping, and toiletry; and
- Is designed and built to look like a conventional building structure; and
- Is under 480 square feet

E. Maximum floor area. Tiny houses are under 480 square feet. The calculations only include habitable floor space. Minor deviations and/or variances are not permitted to increase the maximum floor areas.

F. Exceptions. Tiny Houses and Tiny Houses on Wheels are not required to have minimum storage spaces.

G. Development standards. The units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located, the development standards as may be modified per this subsection, other requirements of the zoning ordinance, and other applicable city codes.

H. Mechanical equipment. Mechanical equipment shall be located on the ground or, in the case of a tiny house on wheels, incorporated into the structure, but shall in no case be located on the roof.

I. Utilities. Separate gas, electric, and water meters are required for each tiny house and tiny house on wheels. All utilities hookups must follow the requirements for potable water and sewage disposal as required by the City of Bessemer and the State of Michigan for buildings with human occupancy.

J. If the Tiny house or Tiny house on wheels is relocated, the site must be fully restored including any foundation or base removed below grade and the site regressed.

K. Density/ Occupancy. There shall be a maximum of two tiny houses per residential house. Maximum occupancy of a tiny house is three people and the maximum number of bedrooms is two.

Central Business District Overlay

Add to Section 7.3 Central Business District Overlay

- A) Purpose: The Purpose of the Central Business District Overlay is to preserve the historical characteristics and create a long-lasting benefit to the City of Bessemer, specifically in the downtown.
- B) Boundaries: The boundaries are the lots bordering Sophie St from Colby St North to US-2 and the lots bordering Mary St from Moore St east to Sophie St.
- C) Design Standards
 - 1) Building Entrance
 - a. All buildings shall have at least one public, pedestrian entrance that faces the main street on the frontage line and is directly accessible from the sidewalk. In the event that the building is located on a corner lot or faces upon a public space, said building face shall also be treated as a building front face. Rear entrances are permitted, only if there is a primary entrance from main street.
 - b. All buildings shall retain the original building entrance, if historically accurate.
 - c. Doors
 - i. Doors shall use transparent glass.
 - ii. Front entrance doors shall be constructed out of material compatible with the historic character of the district.
 - iii. Entrances must be barrier free and universally accessible.
 - 2) Front Façade design.

All building facades that face a street shall conform to the following design criteria:

 - a. Street face: Walls facing a public street shall include windows and architectural features customarily found on the front façade of a building such as awnings, edge details, or decorative finish material. Blank walls shall not face a public street. Significant protrusions (more than 6 inches), such as awnings, cornice lines, details at the top of windows and sills are encouraged to create shadow lines or bands on the façade.
 - b. Storefront entrances: The storefront opening shall be a rectangular opening, ten feet to twelve feet high and approximately 20% of the width of the storefront or bay. The opening shall be almost entirely glass (window or showcases) with few subdivisions to help maintain visual contact between the street and building interior. Recessed openings are required.
 - 3) Building Material
 - a. Buildings: The buildings are to be constructed from permanent materials that will weather well over time, such as brick, stone, masonry, or other natural materials. The use of metal panels, wood siding, and cement board siding shall not be allowed. The zoning administrator and/ or planning commission may grant special approval of metal panels, wood siding, or cement board in circumstances where the architecture is in keeping with the historic nature of the district.
 - b. Storefront opening: Glass shall be clear. Reflective, mirror, heavily tinted, or unusually colored glasses must first receive approval from the city.

- 4) Balconies, railings, and porch structures
 - a. Windows: Second story windows shall maintain the height and width of the original historic window openings.
 - b. Security systems: Security bars, solid metal security gates, or solid roll-down windows shall be prohibited. Any exterior security lighting must meet the general requirements and intent of this code.
 - c. Mechanical equipment: Roof top mechanical equipment shall be hidden from view from adjacent properties and the right of ways.
- 5) Rear and side store fronts should be similarly designed as front facades if they abut a street in the overlay district.
- 6) Mechanical equipment
 - a. Mechanical Equipment: All air-conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view on the public rights-of-way by using walls, fences, roof elements, or landscaping without impeding on the function of the device.
 - b. Fire escapes: Fire escapes shall not be permitted on a building's front façade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.
- 7) Setbacks
 - a. There shall be no front setbacks in this overlay district.

Medical Marijuana as a Home Occupation

Add to Section 9.11 Standards for Conditional and Special Land Uses, Q) Home Occupations

13) Medical marijuana. A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act, P.A. 2008, Initiated Law, MCL 333.26421 et seq., and the requirements of this chapter, shall be allowed as a home occupation. Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act and the General Rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marijuana Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

- a) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- b) A registered primary caregiver must be located outside of a 1,000 foot radius from any school, including child care or day care facility, to insure community compliance with Federal "Drug Free School Zone" requirements, and from any church or drug rehabilitation facility.

- c) Not more than one primary caregiver shall be permitted to service qualifying patients on a parcel. No more than two registered qualifying patients shall be allowed on the premises at any one time.
 - d) Not more than five qualifying patients shall be assisted with the medical use of marijuana within any given calendar week.
 - e) All medical marijuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient.
 - f) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located.
 - g) If a room with windows is utilized as a growing location, any lighting methods used during the hours of 11 p.m. and 7 a.m. shall employ shielding, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
 - h) Upon request of the city administrator or his or her designee, the fire chief, or his or her designee may perform a fire inspection.
 - i) Odor.
 - i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - iv. Negative air pressure shall be maintained inside the building.
 - v. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - vi. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- 14) The medical use of marijuana as a home occupation shall be kept confidential, as provided in Section 6(h) of the Michigan Medical Marijuana Act, MCL 333.26426(h).
- 15) Marijuana dispensary, collective, compassion club or cooperative. It is unlawful to establish or operate a profit or nonprofit medical marijuana dispensary, collective, compassion club, or cooperative within the city.

Mixed Use

Table 4-1, Use Matrix, page 5, p.63 change Mixed Use Establishments in the C-1 district from a Special Use to a Permitted Use.

Mixed Use Establishments	Districts							
	C1	R1	R2	C1	C2	M1	M2	
Two (2) or more different primary land use components vertically or horizontally integrated in an arrangement not otherwise permitted under a single zoning district and sharing a common circulation system including both vehicular and pedestrian ways and possibly a system of common open spaces that may include recreational and natural areas.								
Mix of uses such as compatible commercial and commercial services, institutional, public offices, residential services.			S	P	S			

Bicycle Parking

Add to number 4 of Section 5.5.A: Vehicular parking can be reduced by replacing vehicular parking spaces with bicycle parking in the following format.

Number of required Vehicular Parking	Number of Spaces that can be replaced with bicycle parking
3-6	1
7-15	2
15-25	3
26+	15% of required spaces

The use of enclosed bicycle storage and/or shared facilities is encouraged. The Planning Commission can allow for more spaces to be replaced at their discretion, consistent with the standards of this code.

Street Trees

Add Section 5.6 H) Street Trees

The Planning Commission strongly encourages developers plant street trees to abide by the standards below:

1. Spacing: On every site involving a new development or re-development, street trees shall be provided at 25-40-foot intervals.
2. Street Trees shall be in compliance with the city's right-of-way ordinances.
3. Street Trees shall not impair the clear vision area addressed in Section 5.6 B) 2).

Parking lot landscaping to mitigate the impacts of heat island effect.

Add Section 5.5 C (9): "Off street parking areas with the capacity of 50 or more vehicles shall include a minimum landscaped area equal to 18 square feet for each vehicle parking space. Landscaped areas shall be kept continuously planted with living vegetation. The landscaped areas may be located at the perimeter of the parking area, as separate areas within the parking area, or in combination at the discretion of the developer. If the design includes separate areas, each area must contain at least one tree to be maintained in a healthy condition and pruned to remove dead wood. All plant materials shall not create a hazard to drivers or pedestrians. "

This ordinance becomes effective fifteen (15) days after the date of its enactment.

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Bessemer this _____ day of _____, 2018

First Reading: _____

Public Hearing: _____

Second Reading: _____

Published: _____

ATTEST:

James K. Trudgeon, City Clerk