

**AGENDA  
CITY OF BESSEMER  
PLANNING COMMISSION**

Regular meeting of the City of Bessemer Planning Commission to be held in the  
City Hall Council Chambers on Tuesday, March 5, 2019, at 6:00 p.m.

**COMMISSION MEMBERS: Kryshak, Osier, Beninghaus, Nyquist, Miskovich**

**ROLL CALL**

**APPROVAL OF MINUTES – Regular Meeting – February 5, 2019**

**WELCOME NEW MEMBER – George Beninghaus**

**OLD BUSINESS**

- 1) Training**
- 2) Ordinance No. 371 – Prohibit Portable Storage Containers Over 100 Square Feet**
- 3) Ordinance No. 372 – To Amend Zoning Ordinance to Prohibit Recreational Marijuana Establishments**

**PUBLIC COMMENT**

**ADJOURN**

**A regular meeting of the Planning Council for the City of Bessemer  
was held in the City Hall Council Chambers on  
Tuesday, February 5<sup>th</sup>, 2019 at 6:00**

Osier called the meeting to order at 6:00.

Members Present: Osier, Kryshak, McDonald, Miskovich

Members Tardy: none

Members absent: Nyquist,

These members constitute a quorum

McDonald made a motion to accept the minutes and place them on file. Kryshak seconded it and it passed unanimously.

Kryshak made a motion to open the public hearing for the Capital Improvement Plan, Miskovich seconded it and it passed unanimously. There was no public comment. Kryshak made a motion to close the public hearing. McDonald seconded it and it passed unanimously.

Miskovich made a motion to open the public hearing for ordinance No. 371- Prohibit Portable Storage Containers over 100 Square feet, Kryshak seconded it and it passed unanimously. A member of the community expressed concern with the ordinance because the containers are very affordable, strong, and can be made attractive if properly maintained and painted. He stated he had purchased one. Staff Loper stated that he would be grandfathered in because the ordinance has already passed and she was made aware of his intentions in the fall. Kryshak made a motion to close the public hearing. McDonald seconded it and it passed unanimously.

Kryshak made a motion to open the public hearing for ordinance No 372 – To Amend Zoning Ordinance to Prohibit Recreational Marijuana Establishments, McDonald seconded it and it passed unanimously. There was no public comment. Kryshak made a motion to close the public hearing. Miskovich seconded it. Kryshak, Miskovich, and Osier voted to close the public hearing. McDonald voted no. It passed.

The commission discussed zoning updates recommended as part of Enabling Better Places.

The commission discussed the Capital Improvement Plan. Kryshak made a motion to pass the Capital Improvement Plan to the City Council with the Planning Commission's support. McDonald seconded it and it passed unanimously.

The commission discussed Ordinance No. 371 about prohibiting portable storage containers over 100 square feet. The commission needs more time to think about it and research it. Kryshak made a motion to table the discussion. McDonald seconded it and it passed unanimously.

Ordinance No. 372 to amend zoning ordinance to prohibit recreational marijuana establishments was discussed. The commission discussed why a zoning change was necessary and the emergency adoption

clause was discussed. Kryshak made a motion to recommend the ordinance to the council. Osier seconded it. Yes: Kryshak and Osier, No: Miskovich and McDonald. It didn't pass.

During the Public Comment period, staff updated the commission on the progress with Brownfields. A member from the public asked if people could legally smoke marijuana in public. He was told no.

Miskovich made a motion to adjourn the meeting at 6:46. Kryshak seconded it and it passed unanimously

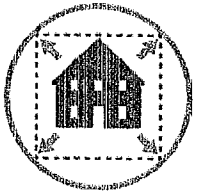
# MAIN STREETS AND DOWNTOWNS

## Form

Buildings shape the public spaces of main streets and downtowns, and that contribution should not be underestimated. Minor text amendments can go a long way toward ensuring desirable building forms are located in appropriate contexts.

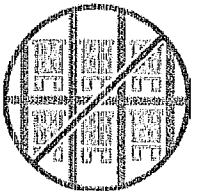
### Stage 1: Short-term fixes

#### 1. Permit 100% lot coverage.



Most main street and downtown buildings occupy most if not all of their lots. This is especially true with small historic properties. Lot coverage restrictions are not appropriate in these districts. Most technical considerations are addressed in building and life safety codes. Impervious surface may be an additional consideration, however stormwater management in these areas is better handled on a district basis, not a per-property basis as is common in residential areas. To address this issue, remove maximum lot coverage within downtowns and main streets.

#### 2. Eliminate buffer requirements.



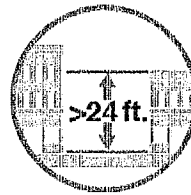
Buffers required between different uses reduce main street and downtown vibrancy by separating businesses. Adjacency of buildings and businesses creates vibrancy and pedestrian comfort. Buffers, particularly vegetative buffers, are incompatible with the goals of these districts. Uses and buildings should not be required to be buffered on main streets or in downtowns.

#### 3. Eliminate architectural treatment requirements.



Many communities adopt requirements aimed at creating architectural interest in new development but outcomes are typically unsuccessful and costly. These requirements often include vertical or horizontal changes in facade (articulation), dimensioned building elements, and prescriptive style requirements. The key to success in downtowns and main streets is the treatment of the ground floor shop front, especially frequent entries, signs and the amount of clear, non-reflective glazing.

#### 4. Minimum facade height.



Street enclosure – the framing of a street by building facades – significantly impacts the success and comfort of downtowns and main streets. Comfortable streets feel like outdoor rooms, where the height of buildings is at least half the width of the street. While this is not easily achievable, particularly on larger streets, enclosure of the sidewalk space can be more easily addressed. Along sidewalks, ensure that building facades are no less than 24 feet high. A common misstep is to require a minimum number of stories, but this can cause development stagnation. A minimum facade height achieves the goals of enclosure and avoids the economic pitfall of minimum story requirements.

### Stage 2: Mid-term fixes

#### 1. Eliminate density / FAR and unit size restrictions.



Per-property density or floor area ratio restrictions are unnecessary in main street and downtown districts where intensive activity and vibrancy are goals. Height and setback requirements address issues of building bulk. The building code and fire code address issues of residential unit size and life safety. Additionally, parking requirements often restrict development intensity. Density and FAR (Floor Area Ratio) requirements typically restrain the business and housing market as they are often set unreasonably low and with a limited product type in mind that may not fit market demand.

#### 2. Adjacency requirements.



Where main streets and downtowns abut residential districts, adjacency requirements may be used to address compatibility issues. While Stage 1 identifies the incompatibility of buffers within these districts, transitions to residential districts in height, intensity, and setback may be politically necessary. Adjacency requirements may include compatible height restrictions and side yard setbacks within 50 feet of residential districts.

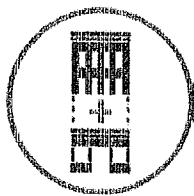
# MAIN STREETS AND DOWNTOWNS

## Use

Zoning's purpose has historically been to separate incompatible uses. With the evolution of industry in the last century this has become almost irrelevant, particularly in the main street or downtown context. To encourage economic development and a robust local economy, uses should be able to change within a single building without the barriers of a change of use permit. The short-term fixes below can enable that to happen.

### Stage 1: Short-term fixes

#### 1. Permit mixed-use.



Main streets and downtowns include a mix of uses within the district and often within the same property or building. A mix of uses must be permitted within these districts. Mixed-use should be permitted within the district, property, and building, but not required.

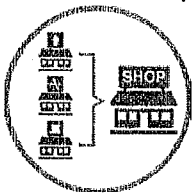
The building code addresses issues of use separation and compatibility; additional regulations concerning the mix of uses is not necessary, and can stifle development when the market shifts.

Ground floor commercial requirements are a common pitfall when establishing mixed-use districts. Non-residential ground floor uses may be required along the primary retail corridor, typically no longer than ¼ mile, but should not be required throughout the district. In the greater downtown area, permitting residential as a single use should be allowed, which provides population support for area business.

#### 2. Simplify uses.

In main street and downtown areas, a very broad collection of uses is necessary to ensure a vibrant business and pedestrian environment. These uses change frequently over time. When businesses change tenants or ownership, they should not be subject to new zoning requirements. Ideally, uses are regulated by category, such as commercial, office, lodging, residential, civic, institutional, and industrial, and not specifically, such as

coffee shop, ice cream parlor, and barber shop. Where there are specific uses that need to be restricted, list only those uses specifically disallowed or restricted rather than attempting to list all permitted uses.



### Stage 2: Mid-term fixes

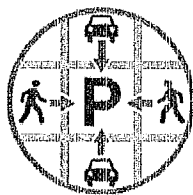
#### 1. Permit temporary uses.



Activating and maintaining a vibrant main street or downtown requires experimentation from time to time as public preferences change. Allowing temporary uses and structures lowers the barrier to business success in adaptation. Temporary uses permit short term, unplanned uses and does not

trigger parking requirements and other use-specific conditions. Temporary structures should permit small, non-permanent structures to test business ideas or activate underutilized spaces without the cost of site and building development. Temporary uses and structures should be permitted for at least 2 years with the option to renew.

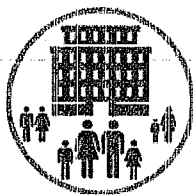
#### 2. Publicly accessible parking.



Surface parking lots and parking garages that are not lined with active uses are detrimental to the vibrancy of main street and downtown districts. However, in many cases parking demand necessitates parking as a primary use to service the district. To discourage underutilized parking facilities and provide parking

for the district, require private parking lots and structures to provide publicly accessible parking. This encourages shared parking and park-once function for the district.

#### 3. Permit multi-family.



Housing within walking distance of downtowns and main streets is vital to success, especially outside of peak hours. However many commercial districts exclude residential, either in stand alone or mixed-use formats. Multi-family housing should be permitted throughout the district, with

the exception of ground floor facades along the main street sidewalk. Note that downtown districts have main street corridors embedded within them - the primary shopping street - where ground floor residential may be restricted. Elsewhere within downtown, this ground floor restriction should not be used.

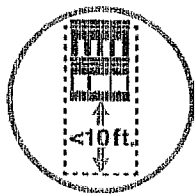
# MAIN STREETS AND DOWNTOWNS

## Frontages

The single most important regulation in the heart of a city or village may be how the building meets the street. Issues listed below, like minimum transparency requirements and functional entries, should be at the top of the list for downtown or main street revitalization, as they are critical to commercial success while creating a more vibrant environment.

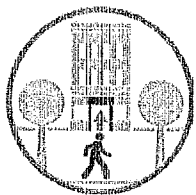
### Stage 1: Short-term fixes

#### 1. Establish a maximum front setback.



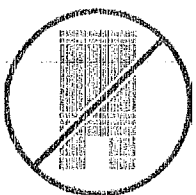
Buildings must be located adjacent to sidewalks in main streets and downtowns. When buildings are set back too far from the sidewalk, streetscape enclosure is eroded and vibrancy suffers. In these districts, a maximum front setback is necessary, rather than a minimum front setback. A maximum front setback is different than a build-to line, allowing for flexibility while ensuring streetscape enclosure. A 10 foot maximum front setback works for most main streets and downtowns.

#### 2. Require functional sidewalk facing entries.



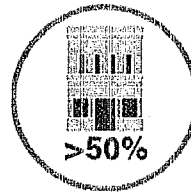
Buildings that are located along sidewalks must have functioning entries facing onto sidewalks. While this seems obvious, often buildings are built close to sidewalks but are only accessed from parking areas. Businesses and property managers pay the most attention to areas around entries. When there are no entries from the sidewalk, maintenance suffers. To achieve sidewalk-adjacent entries, require that at a minimum, the main building entry is from a sidewalk. Entries from parking may be provided as secondary entries. Buildings that are greater than 100 feet wide may be required to provide additional entries, such as one for every 70 feet of building facade along the sidewalk.

#### 3. Restrict blank walls.



Blank walls - expanses of wall without clear windows or doors - are simply boring. When areas of blank wall are located along sidewalks, people are less likely to walk along them and the areas may become unsafe. While some existing blank walls can be mitigated with murals, this strategy doesn't completely alleviate the problem. New blank walls, at the ground and second floor, should not exceed 30 feet in length along sidewalks.

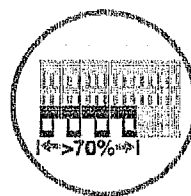
#### 4. Require minimum transparency.



In downtowns and main streets, buildings with very few windows and doors reduce vibrancy. Similar to blank walls, walking along these buildings is boring and can be dangerous if there are very few openings. Require a minimum 50% facade transparency (clear glass windows and doors at the street level) within the downtown and main street area. This percentage is calculated across the full building facade facing onto the sidewalk. Along the main street (including within downtowns), a minimum 60% ground floor transparency may be required to further enhance vibrancy. In addition to percentages of transparency, mirrored and heavily tinted glass should be prohibited at the ground floor. Pedestrians need to see inside buildings at the ground floor to keep their interest and feel safe. Tinted and fake windows, and displays with walls behind are not sufficient. Where shading is a concern, awnings or galleries can be used to shade the glass while also protecting pedestrians.

### Stage 2: Mid-term fixes

#### 1. Require minimum frontage occupation.



Missing teeth, or gaps in a continuous line of buildings along a sidewalk, reduce vibrancy in downtowns and main streets. As with issues of glazing and blank walls, gaps between buildings where parking, service, or storage areas are exposed are uninteresting to pedestrians. If the gap is large enough, it will encourage people to turn around. To address this issue, require that new buildings and existing building additions along the main street fill a minimum percentage of the lot width along the sidewalk, typically 70%.

**ORDINANCE NO. 371**

**CITY OF BESSEMER, MICHIGAN**

An Ordinance to prohibit portable storage containers over 100 square feet and/ or over 6 feet tall, also known as metal box containers, of any type, which are commonly used to store household or other goods and items

Change Table 4-1, Use Matrix – page 9

Warehousing and Wholesale Trade Establishments Districts	Districts						
	CE	R1	R2	C1	C2	M1	M2
A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time to persons and businesses. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.							
“Fixed and permanent” self-service storage facilities, also known as: mini-warehouses, and rental storage units	-	-	-	-	-	C	P

Add footnote to Section 4.5 Accessory Uses by District, Table 4-2 for outdoor storage: Portable storage containers over 100 square feet and/ or over 6 feet tall, also known as metal box containers, of any type, which are commonly used to store household or other goods and items, are prohibited in any district.

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 \_\_\_\_\_, 201

First Reading:

Public Hearing:

Second Reading:

Published:

ATTEST: \_\_\_\_\_

James K. Trudgeon, City Clerk

## ORDINANCE NO. 372

### AN ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 5.8 OF SAID ZONING ORDINANCE

#### THE CITY OF BESSEMER HEREBY ORDAINS:

**Section [1].** Addition of Section 5.8 to Zoning Ordinance “Prohibition of Recreational Marihuana Establishments,” is added to the zoning ordinance of the City of Bessemer to read as follows:

#### SECTION 5.8 PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS

(A) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the “Act”), are prohibited in all zoning districts, and shall not be permitted as home occupations under Section 9.11 (Q) of this Zoning Ordinance.

(B) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the City Ordinances; that use shall not be entitled to claim legal nonconforming status.

(C) Violations of this section are subject to the violations and penalties pursuant to Section 14.9 of this zoning ordinance.

(D) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the City to the extent provided by the Act.

**Section [2].** Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

**Section [3].** Effective Date. The adoption of this ordinance is hereby declared an emergency affecting the public peace, health and safety and this ordinance shall, therefore, be effective immediately upon its adoption.

**Section [4].** Publication. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published.



**ORDINANCE NO. 372**

**AN ORDINANCE TO AMEND THE Zoning Ordinance BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 5.8 OF SAID zoning ordinance**

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Bessemer this \_\_\_\_\_ day of \_\_\_\_\_, 2019

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

James K. Trudgeon, City Clerk