

ORDINANCE NO. 383
ACCESSORY DWELLING UNIT (ADU)

**An ordinance to amend the Bessemer Zoning Code to add Accessory Dwelling
Units (ADUs)**

Amend the following sections of the Zoning Ordinance:

Section 2.6 Definitions–D
Table 4.1 Single Family Dwelling
Section 4.5 Accessory Uses by District
Section 5.2 General Structures
Section 9.11 Standards for Conditional and Special Uses

Add to Section 2.6 (definitions)

Dwelling, Accessory Unit (ADU): A residential dwelling unit, located on the same lot as a detached single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building in accordance with the provisions of this Ordinance.

Amend Table 4.1 Single Family Dwelling

Change this sentence: Note: single-wide mobile homes are only permitted in mobile home parks.... to add: unless they meet the criteria of Section 5.2.E.2.vii.

Amend Section 4.5 Accessory Uses by District to add:

Dwelling, Accessory Unit: Special Use (S) in all districts.

Amend Section 9.11 Standards for Conditional and Special Uses to add:

JJ. Dwelling, Accessory Unit (ADU)

Accessory dwelling units (ADU) shall comply with all of the following standards:

1. One ADU Per Lot. One ADU is permitted per lot containing an existing detached single-family dwelling unit, provided the ADU complies with all of the requirements of this Section and this Ordinance.
2. Minimum Lot Area and Width. ADUs are only be permitted on lots that meet the minimum lot area and lot width standards of the zoning district.
3. Setbacks and Height. ADUs must meet all requirements of this Ordinance for minimum setbacks and maximum height. However, the height of an ADU shall not exceed two (2) stories or 20 feet.

4. Maximum Occupancy. The occupancy of the accessory dwelling unit shall not exceed two (2) persons.

5. Family Member Occupancy Only. The ADU shall be occupied only by persons related by blood, marriage, or adoption to the family occupying the principal dwelling or employees not related to the family occupying the principal dwelling.

6. Owner-Occupancy Required of the Principal Dwelling is as follows:
Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a voter registration, car registration, or other method acceptable to the City.

Ownership of the ADU shall remain with the owner of the property. In no case may the owner of the property divide the ownership rights between the principal and accessory dwelling units through condominium or other means.

To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the Gogebic County Register of Deeds a covenant in a form acceptable to the City Attorney that the existence of the ADU is predicated upon the occupancy of either the principal or accessory dwelling unit by a person who owns the property, and that the ADU shall remain in the ownership of the person who owns the property. The applicant shall provide the City with evidence of filing of the restrictive covenant with the Register of Deeds prior to the City issuing a final certificate of occupancy for the ADU.

Any owner of the property must notify a prospective buyer of the limitations of this Section. Violations of the terms of this covenant shall result in the loss of the special use permit.

7. Maximum Floor Area of ADU. The floor area of the ADU shall not exceed 750 square feet, or 50% of the gross floor area of the principal residence, whichever is less, except in the CE District (see #8 below).

8. A single wide mobile home less than 1200 sf may be used as an ADU, only in the Country Estate (CE) District.

9. Attachment Options. The ADU may be a stand-alone housing unit, attached to the single-family dwelling or constructed on the second story of a conforming detached accessory building on the site. If the ADU is attached to the single-family dwelling, the ADU may be located within the existing footprint or added to the existing footprint, provided all of the requirements of this Ordinance are met.

10. Parking. One (1) off-street parking space shall be provided for the ADU in a driveway or in a rear or side yard on the lot.

11. Duration of Lease or Rental. Leasing or rental of the ADU for less than 30 days is prohibited.

12. The ADU must be connected to City of Bessemer water and sewer services, or if city services are not available, the applicant must demonstrate that on-site well and septic tank systems will meet the requirements of the Western U.P Health Department.

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Bessemer this 26th day of June, 2023

First Reading: May 8th, 2023

Public Hearing: May 8th, 2023

Second Reading: June 26th, 2023

Published: July 6th, 2023

ATTEST:

Kristie Peterson, City Clerk