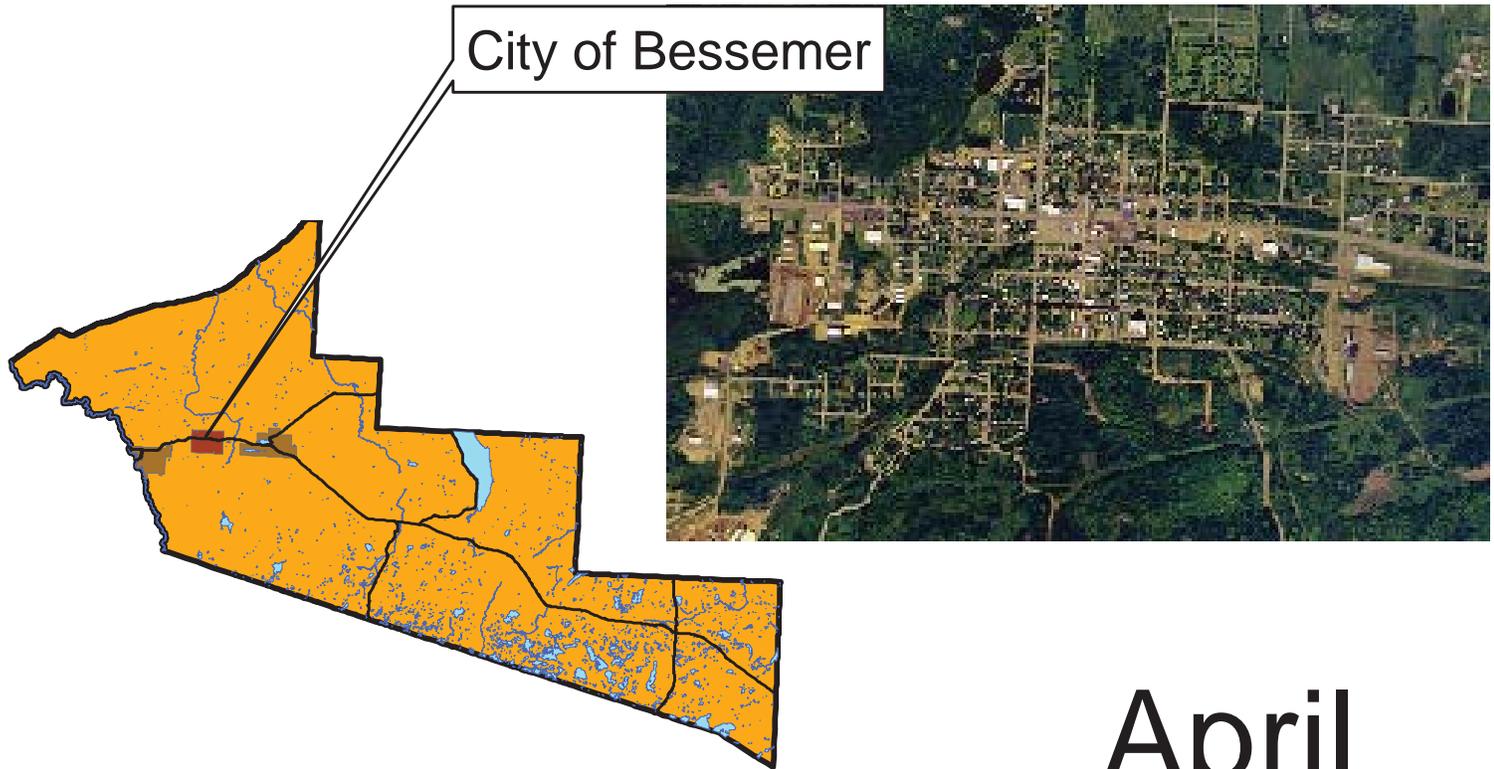


City of Bessemer Zoning Ordinance



April
2011



A) Subordinate to Principal Use:.....	82
B) Time of Establishment:.....	82
C) Erecting Accessory Structures before the Principal Dwelling:	82
D) Use of Accessory Structures as a Dwelling:	82
E) Accessory Structure Requirements:	82
F) Other Accessory Structure Yard Exceptions:.....	82
G) Swimming Pools:.....	83
Section 5.4 General Lot Regulations	83
A) Two dwelling units on a lot:	83
B) Lots of Record:	83
C) Division of Lots:	83
D) Combination of Lots:	83
E) Average Front Yards:	84
F) Projections in Yards:.....	84
G) Condominium Subdivisions:	84
Section 5.5 General Parking and Loading Regulations.....	86
A) Parking Requirements	86
B) Loading and Unloading Space Requirements.....	90
C) Parking, Loading, and Unloading Area Site Development Requirements	91
Section 5.6 General Landscaping, Buffering and Fence Regulations	95
A) Purpose:	95
B) Right-of-Way Protection and Public Safety:.....	95
C) Required Vegetation:	96
D) Landscape Maintenance:	97
E) Native Vegetation:	97
F) Screening:.....	97
G) Fences and Walls	98
Section 5.7 General Sign Regulations	99
A) Statements of Purpose:.....	99
B) Minimum Standards:.....	100
C) Scope of Regulations:	100
D) Definitions:	100
E) Prohibited Signs:	102
F) Signs Allowed in any District Without a Permit:	103
G) Signs Authorized with a Permit:.....	105
H) Construction Requirements:	108
I) Nonconforming Signs	109
J) First Amendment Protection:.....	110
K) Reserved for Future Use	110
L) Permit Requirements	110
M) Sign Permit Fees:	110
N) Illegal Signs:.....	110
O) Appeals:	111
Section 5.8 Reserved for Future Use	111
Section 5.9 General Essential Services, Communication, Utility, and Public Infrastructure Regulations 111	
A) Essential Services, Public Facilities, and Utilities:.....	111

Section 5.6 General Landscaping, Buffering and Fence Regulations

A) Purpose:

The purpose of this Article is to provide regulations and requirements for landscaping, buffering, and fencing the perimeter of certain activities in order to protect the character of the surrounding area, enhance aesthetics, protect property values, discourage theft, stabilize soils, control windblown dust and debris, prevent light from glaring onto adjoining properties, reduce stormwater runoff, increase groundwater infiltration, provide for snow accumulation, and reduce noise.

B) Right-of-Way Protection and Public Safety:

- 1) **General:** In public rights-of-way, landscaping, buffering, and fencing shall be placed and maintained so as not to present a hazard to the public.
- 2) **Clear Vision Areas:** In order to preserve sight distance, an unobstructed view shall be maintained within the triangular areas illustrated on Figures 5-2 and 5-3 and described below:
 - (a) Where the speed limit is less than thirty (30) miles per hour, at the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring twenty-five (25') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.
 - (b) Where the speed limit is thirty (30) miles per hour or more, at the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring fifty (50') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.
 - (c) At the intersection of a driveway and a street: Two sides of the triangle defined by measuring twenty (20') feet in length along the edge of the driveway and along the street right-of-way line and the third side being a diagonal line connecting the first two. Both sides of the driveway shall be protected.

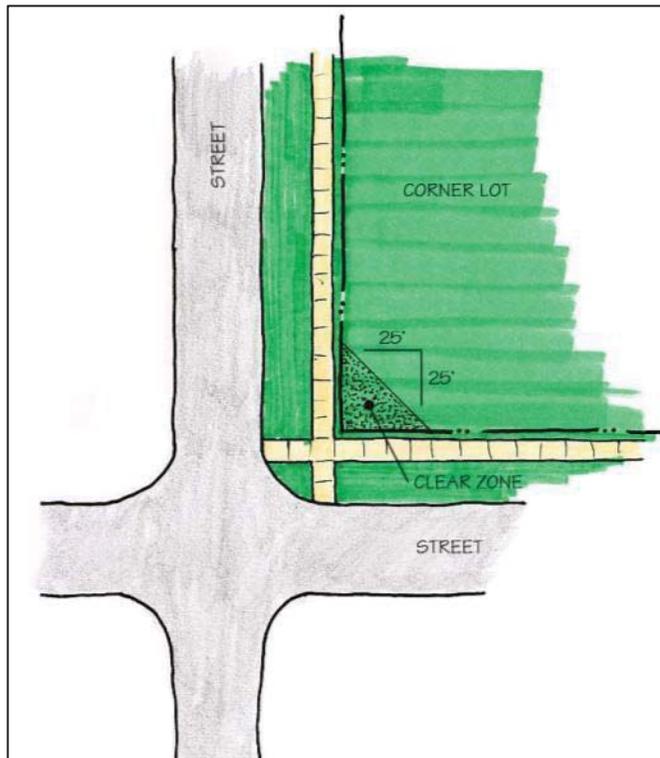


Figure 5-2 Corner Lot Clear Vision

- (d) No shrubs, ground covers, boulders, berms, fences, or other material constituting visual obstructions will impede clear vision in a vertical area between 30 inches and 96 inches above the grade of the lower roadway or driveway adjacent to the triangular areas.

C) Required Vegetation:

When required by this *Ordinance* or by the Planning Commission as a condition to the approval of a Site Plan, Special Use Permit, Planned Unit Development Permit or variance, a greenbelt, buffer strip, or berm shall be installed and maintained in a healthy living condition for the duration of the principle use of property in accordance with the following requirements. Where the *Ordinance* or Planning Commission does not specify which option to use, the applicant shall choose. Where existing vegetation is adequate to achieve the screening requirements of this *Ordinance* as

as determined by the Planning Commission it may serve as an option. Necessary drives and access ways from public rights-of-way through greenbelts, buffer strips, or berms may be permitted.

- 1) A **greenbelt** shall consist of an open space strip running along the property line at least thirty (30) feet in width, seeded and maintained as grass or other plant ground cover. Trees or shrubs may be planted at the discretion of the landowner, subject to any applicable City ordinances and Section 5.6.B.
- 2) A **buffer strip** shall consist of a landscaped strip at least fifteen (15) feet in width containing at least two (2) trees plus one (1) additional tree for each twenty (20) feet in length of the buffer strip. The trees shall be at least one and three-fourths (1¾) inches in diameter measured six (6) inches above ground level, at the time of planting. Dead or dying trees shall be replaced within eight (8) months. Landscaping, such as grass or other plant ground cover, mulch, or bark or stone, shall completely cover area not planted in trees or shrubs.
- 3) A **berm** shall consist of a linear mound of earthen material rising to a height of at least four (4) feet with a minimum base of sixteen (16) feet covered and maintained as grass or ground cover and constructed in accordance with the diagram below, or with a base of at least four (4) times the desired height of the berm. A berm shall not be higher than a permitted fence in the location. A fence or living fence may be erected on a berm, so long as the combined height of the berm and the fence does not exceed the permitted fence height in the location. The width of a berm may be reduced by up to fifty percent (50%) if a retaining

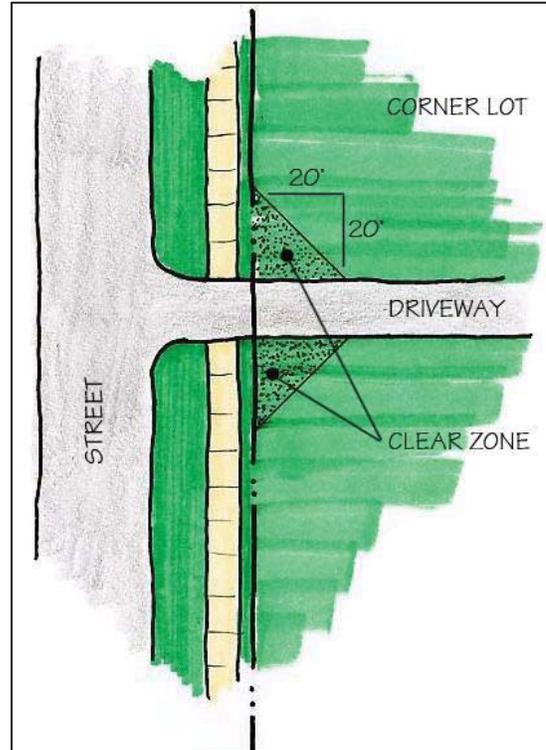
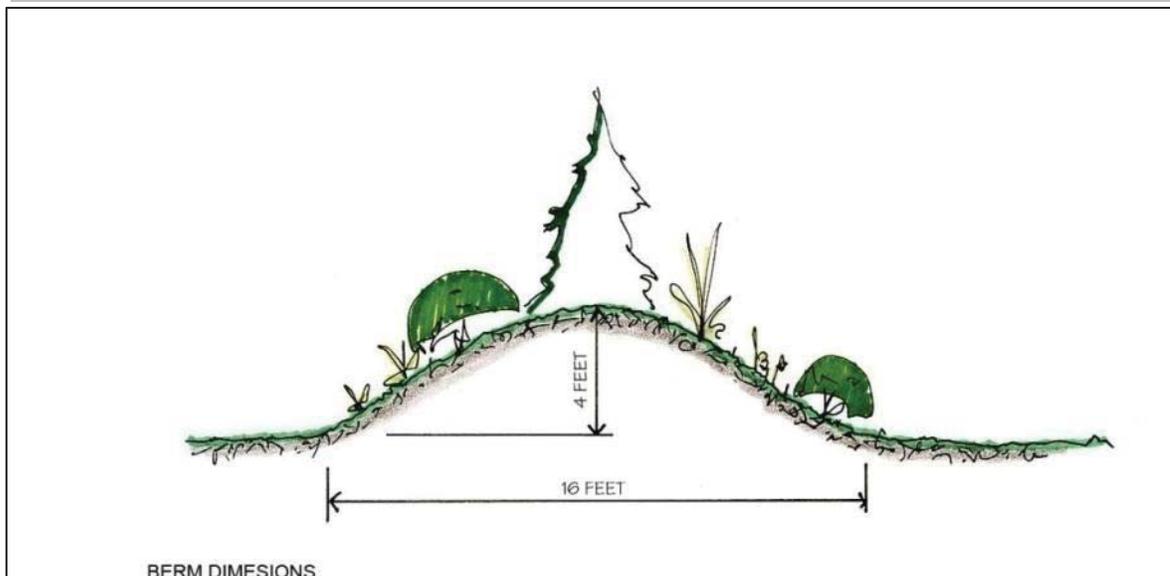


Figure 5-3 Driveway Clear Vision

wall is used, but the retaining wall must be on the side of the berm not facing the nearest property line. See Figure 5-4.

Figure 5-4 Berm Dimensions



- D) Landscape Maintenance:** It shall be the owner's responsibility to see that any landscaping installed as a condition of development approval is maintained in a neat, clean, orderly, and healthful condition. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and the regular watering of all vegetation.
- E) Native Vegetation:** Planting of landscaping using vegetation native to Gogebic County is strongly encouraged. Every property owner is encouraged to protect existing native vegetation, especially along roadways.
- F) Screening:**
- 1) **Transition Zone Between Land Uses and the Street:** Any nonresidential land use, plus all hotels, motels, apartment buildings and mobile home parks shall have screening constructed along all boundaries adjoining residentially zoned or used property. Either a landscape buffer pursuant to Article 5, Section 5.6.C, or fence or solid wall pursuant to Article 5, Section 5.6.G may be used.
 - 2) **Mechanical Equipment:** When located outside of a building, support equipment including air conditioning and heating devices, but not including plumbing or exhaust vents or chimneys, is to be screened to the height of the particular piece of equipment, as follows:
 - (a) **Roof-Mounted or Wall-Mounted Equipment:** To be screened by architectural features from the view of pedestrians on abutting streets and parcels.
 - (b) **Other Exterior Equipment:** To be screened by landscaping, a solid wall or fencing from the view of pedestrians on abutting streets and parcels. Such equipment is encouraged to be installed on the rear slope of the building. The

above requirement does not apply to single-family residential or two-family residential uses.

- 3) **Outdoor Storage of Trash or Rubbish:** All areas used for the storage of trash or rubbish in dumpsters and other commercial containers shall be screened by a solid fence, wall or dense plant materials no less than six (6) feet in height to keep from the view of pedestrians on abutting streets and parcels. If a fence is used, view obstructing doors at least six (6) feet in height shall be installed and kept closed except when accessing.
- 4) **Exceptions to Screening and Fencing Requirements:**
 - (a) Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.
 - (b) Any fence, landscape screen, wall or hedge which does not conform to this *Ordinance* and which legally exists at the effective date of this *Ordinance* may be continued and maintained, provided there is no physical change other than necessary maintenance and repair; unless otherwise regulated by this *Ordinance*.

G) Fences and Walls

- 1) **Living Fence:** Shrubs and trees planted for the purpose of creating a living fence shall be planted so that the trunk or main stem of the plant is no closer than three feet (3') from any property line. A living fence is not limited to the height requirements of other fences and no building permit is needed.
- 2) **Fence Placement:** Fences may be erected along property lines (except living fences as noted above) or within yards, irrespective of the setback requirements of this *Ordinance*.
- 3) **Fence Approval:**
 - (a) Fences or walls over six (6) feet in height require a building permit. No fence, wall, or structural screen other than plant material shall be erected higher than eight (8) feet except as noted below.
 - (b) No site plan review is required for a fence which conforms to *Ordinance* standards.
 - (c) The Zoning Administrator may require the removal, reconstruction or repair of any fence, living fence, wall or screen not in good condition. The removal reconstruction or repair can be a condition of any application for approval under this *Ordinance*.
- 4) **Fence Standards:**
 - (a) Fences in CE, R-1, R-2, C-1 and C-2 districts shall not contain barbed wire or chain link fences with sharp wire edges exposed, except as otherwise stated below.
 - (b) No fence, wall, planting, or structure shall, within the clear vision area described in Section 5.6.B.2, be of such a nature as will impede clear vision of an intersecting sidewalk, street, alley, or driveway.
 - (c) In R-1, R-2, C-1, and C-2 Districts, fences located in the front yard or between the front lot line and the building line shall not exceed four (4) feet in height, measured along the average grade of an unbroken run. Except in a clear vision area (as in Section 5.6.B) fences in the front yard may be solid for not more than three (3) feet in height.
 - (d) In R-1, R-2, C-1, and C-2 Districts, fences located in a required side yard or rear yard shall not exceed six (6) feet in height (except as stated below)

measured along the average grade of an unbroken run. Fences in the rear and side yards may be solid, and may extend from the side lot line to the side of the principle structure, but shall not occupy the portion of the front yard in front of the principle structure unless in compliance with c) above.

- (e) In all districts a security fence surrounding a public utility, police or correctional facility fence may extend to eight feet (8') in height and may contain barbed wire or chain link fences with sharp wire edges and be located within a required side yard, rear yard, or front yard, The barbed wire cannot exceed eighteen inches in height and must be located on top of and may be in addition to the eight foot height fence. The barbed wire shall slant inwards toward the property or be straight up. Security fences with barbed wire in any other location or surrounding any other use require approval by the Planning Commission.
- (f) No fence shall be constructed or maintained which is charged or connected with an electrical current.
- (g) To allow for snow storage adjacent to alleys, all fences hereafter erected adjacent to an alley shall be set back a minimum of 3 feet from the property line.
- (h) Decorative or ornamental sides of fence, wall and fence screen shall face the adjoining properties (face the outside).

Section 5.7 General Sign Regulations

The purpose of this Article is to establish requirements for placement of signs on private and public property in the City of Bessemer.

A) Statements of Purpose:

- 1) It is acknowledged that the tourism industry positively impacts the City's economic well being, and that the beauty of the natural environment and the wooded, small town character is essential to continuing to attract tourists. One goal of the City of Bessemer Land Use Plan is to preserve and utilize the natural resources such as the scenic views and bluffs and open space for the benefit and enjoyment of citizens. Because of this relationship, it is very important to protect the natural and built environment from unnecessary and cluttered signage that attracts from this character.
- 2) These sign standards are declared to be necessary to protect the public health, safety, and general welfare of the citizens of the City of Bessemer, and are based on the following objectives:
 - (a) To reflect the primary purpose of signs as being the identification of a particular user or use on a property, but not necessarily every activity or service performed thereon.
 - (b) To enhance pedestrian, bicycle, snowmobile, and traffic safety, by avoiding the creation of obstacles or traffic hazards that may be distracting or confusing to motorists, or which may impair the ability of motorists to see pedestrians, read other traffic signs or see other vehicles.
 - (c) To avoid excessive use of signs in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.
 - (d) Enhance the effectiveness of necessary directional and warning signs.