

CHAPTER 90 ZONING

[ARTICLE 90-I IN GENERAL](#)

[ARTICLE 90-II ADMINISTRATION](#)

[ARTICLE 90-III BOARD OF APPEALS](#)

[ARTICLE 90-IV SITE PLAN REVIEW](#)

[ARTICLE 90-V NONCONFORMITIES](#)

[ARTICLE 90-VI DISTRICT REGULATIONS](#)

[ARTICLE 90-VII PLANNED UNIT DEVELOPMENT](#)

[ARTICLE 90-VII-A COURT STREET PLANNED UNIT DEVELOPMENT DISTRICT](#)

[ARTICLE 90-VII-B RIVERWALK PLANNED UNIT DEVELOPMENT DISTRICT](#)

[ARTICLE 90-VII-C ROYAL COACH PUD](#)

[ARTICLE 90-VIII SITE CONDOMINIUM PROJECTS](#)

[ARTICLE 90-IX SUPPLEMENTARY DISTRICT REGULATIONS](#)

[ARTICLE 90-X OFF-STREET PARKING](#)

[ARTICLE 90-XI SIGNS](#)

[ARTICLE 90-XII LANDSCAPING](#)

[ARTICLE 90-XIII SPECIAL LAND USES](#)

Cross reference - Any ordinance pertaining to a zoning map amendment or rezoning saved from repeal, § 1-6(a)(12); planning commission, § 2-146 et seq.; buildings and building regulations, ch. 18; businesses, ch. 22; community development, ch. 30; environment, ch. 38; land division, ch. 46; streets, sidewalks and certain other public places, ch. 74.

State Law reference - Authority to regulate land use, MCL 125.581 et seq.

ARTICLE 90-I IN GENERAL

[Sec 90-1 Definitions](#)

[Sec 90-2 Purpose](#)

[Sec 90-3 Scope](#)

[Sec 90-4 Control](#)

[Sec 90-5 Amendment](#)

[Sec 90-6 Violation And Sanction](#)

Sec 90-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building or structure on the same premises with a main building, occupied or devoted to an accessory use. Where an accessory building is attached to a main building in a substantial manner by a wall or a roof, such accessory building shall be considered part of the main building.

Accessory use means a use naturally and normally incidental and subordinate to a principal use on the same premises.

Adult day care home means a private dwelling in which persons 18 years or older are provided supervision, personal care and protection for periods of less than 24 hours a day, operated by a person who permanently resides as a member of the dwelling.

Adult foster care facility means a governmental or nongovernmental establishment that provides foster care to adults. Adult foster care facility includes facilities and foster care family homes for adults who are

aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. "Adult foster care facility" does not include any of the following:

- (a) A nursing home licensed under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101—333.22260).
- (b) A home for the aged licensed under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978.
- (c) A hospital licensed under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978.
- (d) A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of mental health under the mental health code, Act No. 258 of the Public Acts of Michigan of 1974 (MCL 330.1001—330.2106).
- (e) A county infirmary operated by a county department of social services under section 55 of the social welfare act, Act No. 280 of the Public Acts of Michigan of 1939 (MCL 400.55).
- (f) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111—722.127), if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - (1) Two, if the total number of residents is ten or fewer.
 - (2) Three, if the total number of residents is not less than 11 and not more than 14.
 - (3) Four, if the total number of residents is not less than 15 and not more than 20.
 - (4) Five, if the total number of residents is 21 or more.
- (g) A foster family home licensed or approved under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111—722.127), that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.115).
- (h) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home or a hotel or roominghouse that does not provide or offer to provide foster care.
- (i) A facility created by Act No. 152 of the Public Acts of Michigan of 1885 (MCL 36.1—36.12).

Adult foster care family home means a private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Adult foster care large group home means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

Adult foster care small group home means an adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

Alteration of building means a change in the supporting members of a building; an addition, diminution, change in use or conversion of a building or a part thereof; or the removal of a building from one location to another.

Antennas, private communication, means an apparatus installed out-of-doors that is capable of receiving or transmitting communications for radio and/or television, including satellite dish reception antennas and amateur radio transmitting and receiving antennas but excluding such antennas as commercial radio and television and microwave communication towers. Excluded are such other facilities as have been preempted from city regulations by applicable state or federal laws and regulations.

Apartment means a dwelling unit within a building containing three or more dwelling units.

Automobile repair shop means a garage, building or area used for the repair or servicing of automobiles for a fee.

Automobile sales area means an area used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Average grade means the elevation of the surface of the earth or finished material located immediately adjacent to a structure. Where the grade is not approximately level, the average grade shall be determined by averaging the elevations measured at one point on each side of the building located half the distance between the corners of each side of the building.

Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Bed and breakfast means a use subordinate to the principal use of a dwelling unit as a single-family unit and a use in which transient guests are provided a sleeping room and breakfast in return for payment for no more than 30 consecutive days.

Billboard or signboard means any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon; or any such structure or portion thereof the area of which, devoted to advertising purposes, exceeds 100 square feet. This definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office or posted by a public officer in the performance of a public duty, nor shall it be held to include a real estate sign advertising for sale or rent the property upon which it stands.

Bluff means the top of a steep bank rising from the ordinary high water mark on a lot or parcel.

Board means the board of appeals.

Building means any enclosed structure having a roof supported by columns, walls or other support used for the purpose of housing or storing of persons, animals or property, or carrying out of business activities, or similar uses.

Building height means the elevation measured from the average finish lot grade at the front of the building to the highest point of the roof. In the case of a sloped roof, the measurement is taken from the average finish lot grade at the front of the building to the mid-height between the roof eave and the highest point of the roof, regardless of the shape of the roof.

Canopy means a roof-like cover that projects from the wall of a building or is freestanding for the purpose of shielding a specific area from the elements.

Carport means any roof structure or shelter or portion of a building (open on two or more sides), whether attached to another building or not, used for the purpose of storing motor vehicles.

Child care center means any facility in which one or more children are given care and supervision for periods of less than 24 hours per day on a regular basis. Child care centers do not include family or group day care homes, or schools. Child care and supervision provided as an accessory use, while

parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall be considered accessory to such principal use and shall not be considered to be a child care center.

Child day care homes.

- (a) *Family day care* means a private residence in which less than seven minor children are given care and supervision for periods less than 24 hours per day, operated by a person who permanently resides as a member of the household, which is registered with the state department of family independence.
- (b) *Group day care* means a private residence in which more than six but less than 12 minor children are given care and supervision for periods of less than 24 hours per day, operated by a person who permanently resides as a member of the household, which is regulated by the state department of social services.

Churches, synagogues or other similar places of worship means a building the primary use of which is regular assembly of persons for religious worship or services, together with accessory uses including, but not limited to, parsonages, convents and similar living arrangements; assembly halls; kitchens; food pantries and similar food preparation facilities; classrooms; gyms; and playgrounds.

Clinic means an establishment where human patients are admitted for examination and treatment by a group of state licensed physicians, dentists or similar professionals on an outpatient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

Club means the buildings and facilities owned or used by a nonprofit organization of persons for special purposes or for the promotion of sports, arts, sciences, literature, politics, social activities and other similar group activities.

DAS/small cell/wireless network shall mean any distributed antennae system or small cell telecommunication or data wireless network.

DAS/small cell/wireless network facilities means structures of any nature installed and/or operated for the provision of telecommunication or wireless services, including without limitation, antennas, supporting structures for antennas, poles, equipment shelters or houses, and any ancillary equipment.

Deck means an uncovered platform which extends above grade and which may have a railing but no walls.

Decorative or protective wall shall mean a freestanding wall intended to provide screening, visual enhancement through a pleasing appearance, or security.

Dish antenna means a parabolic dish or similar equipment designed to receive satellite, radio, television and microwave communication.

Dwelling, efficiency means a dwelling unit of not more than one room in addition to a kitchen and a bathroom.

Dwelling, multiple-family means a building containing three or more dwelling units built one on top of another, or built side-by-side and which do not have a ground-to-roof wall, and have common facilities (i.e. attic, basement, heating plant, plumbing, etc.)

Dwelling, single-family attached means a dwelling unit that shares a common party wall, usually on both sides of the property; that is separated by a ground-to-roof wall; that has no units located above or below; and, that does not share heating/air conditioning systems or utilities, such as townhouses and

rowhouses.

Dwelling, single-family detached means a dwelling unit that is free of any shared walls and stands alone.

Dwelling, two-family means a detached building designed exclusively for and containing two dwelling units only. A two-family dwelling is also a duplex.

Dwelling unit means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, and which contains cooking, sleeping and sanitary facilities for the exclusive use of a single-family household.

Dwelling unit, attached means a dwelling unit attached to one or more dwelling units by common major structural elements.

Dwelling unit, detached means a dwelling unit which is not attached to any other dwelling unit by any means.

Dwelling unit, modular, means a prefabricated transportable dwelling unit designed to be incorporated at a building site into a structure on a permanent foundation to be used for residential purposes and which meets the requirements of the building code of the city.

Essential public service equipment means wires, mains, drains, sewers, pipes, valves, pumps, conduits, cables, fire alarm and police call boxes, traffic signals, fire hydrants, post office boxes, streetlights, or similar equipment located either entirely underground, or on poles not greater than 30 feet in height, but not including essential public service structures or buildings. DAS/small cell/wireless network and DAS/small cell/wireless network facilities shall not be included in this definition.

Essential public service structures or buildings means buildings or structures owned and operated by public utilities or municipal departments and used for gas, electrical, steam, fuel, water or sewage treatment or disposal, electrical substations, sewage lift stations not located entirely underground, and similar structures or buildings necessary to furnish adequate service within the city, but not including essential public service equipment. DAS/small cell/wireless network and DAS/small cell/wireless network facilities shall not be included in this definition.

Family means an individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and legal wards of the principal occupants plus two other individuals unrelated to the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit.

Fence means a structure consisting of manmade materials intended for use as a barrier for property ingress or egress, a screen from adjacent properties and/or for decorative use. A wall is also considered to be a fence.

Floor area means the area of all floors computed by measuring the dimensions of the outside walls in a building excluding attic and basement floors, porches, patios, terraces, breezeways, carports, verandas and garages.

Foster care facility means an establishment that provides supervision, assistance, protection or personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or nursing home, licensed under Article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq.), or a mental hospital for mental patients licensed under sections 134—150 of Act No. 258 of the Public Acts of Michigan of 1974 (MCL 330.1135 et seq.).

(a) Family home means a facility that provides foster care to six or fewer persons.

(b) Group home means a facility that provides foster care to seven or more persons.

Garage, private, means an accessory building or portion of a main building used primarily for the storage of passenger vehicles and for not more than one truck of a rated capacity not exceeding three-quarter ton.

Home occupation means an occupation or profession that is customarily incidental and secondary to use of residential dwelling unit, as regulated by this chapter.

Homes for the elderly, retired, or those requiring assisted care means a facility, for persons 55 years or older or for those requiring extended care, including convalescent or nursing homes, but not including a hospital, which either provides or offers a level of care to its residents required to be licensed by the state or contains individual resident rooms or dwelling units with or without separate cooking facilities.

Hospital means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, and training facilities.

Household means a family living together in a single dwelling unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Junk or salvage yard means an open unscreened area used for the collection, storage, dismantling, disassembly, dumping, display, resale, exchange, baling, cleaning or handling of secondhand, salvaged or used waste, materials, machinery, vehicles, trailers, equipment, furnishing or parts thereof but excluding automobile, boat or trailer sales areas and uses carried on in completely enclosed buildings or screened from view of the public and adjoining properties.

Kennel, commercial, means any lot or premises on which three or more dogs, three or more cats, or any combination of three or more dogs and cats six months of age or older are either permanently or temporarily boarded, bred or raised for commercial purposes, but not including a veterinary hospital if animals are boarded only during periods necessary for treatment or recuperation. Retail stores selling animals such as pet stores are not commercial kennels.

Landscape screen means plant materials arranged and planted so as to screen or block the view from adjacent properties or to serve as a barrier for ingress and egress or for decorative purposes.

Lot means a parcel or portion of land, exclusive of any adjoining street, separated from other parcels or portions by description as on a subdivision or record of survey map.

Lot area means the area contained within the lot lines or property boundary.

Lot, corner, means a lot located at the intersection of two or more streets where the corner interior angle formed by the intersection of the centerlines of the street is 135 degrees or less or a lot abutting upon a curved street or streets if tangents to the curve at the two points where the lot lines meet the centerline curve from an interior angle of 135 degrees or less.

Lot coverage means the percentage of the lot covered by the ground floor of principal and accessory buildings and structures.

Lot depth means the distance between the front line and the rear lot line measured along the median between the side lot lines.

Lot, double-frontage, means any lot, excluding a corner lot, that fronts on two streets that do not intersect.

Lot, interior, means a lot that has frontage on only one street.

Lot line, front, means the lot line separating a lot from a street right-of-way, private road or other thoroughfare.

Lot line, rear, means the lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

Lot line, side, means any lot line other than a front or rear lot line.

Lot lines means the lines bounding a lot.

Lot width means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Manufactured housing means a mobile home or modular dwelling unit, a dwelling room or rooms, or a building component designed for long-term residential use and is wholly substantially constructed at an off-site location.

Marihuana Establishment means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana related business licensed by the department.

Marihuana Grower means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana Safety Compliance Facility means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Marihuana Processor means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana Microbusiness means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana retailer means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

Marihuana Secure Transporter means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Marijuana, also known as marihuana, also known as cannabis shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1, MCL 333.26423(d). Any other term pertaining to marijuana used in this chapter and not otherwise defined shall have the meaning given to it in the Michigan Medical Marijuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

Marquee means any hood, canopy, awning or permanent construction that projects from a wall of a building, usually above an entrance.

Medical (use of) marijuana means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq.

Medical marijuana dispensary means any business, facility, association, cooperative, location, or operation, which is operated for profit or nonprofit, whether fixed or mobile, where medical marijuana is made available to be sold, used, grown, processed, delivered, or distributed by or to one or more of the following:

- (a) A primary caregiver as defined by Michigan Initiated Law 1 of 2008 as amended.
- (b) A qualifying patient as defined by Initiated Law 1 of 2008 as amended.
- (c) Members of the public.

A medical marijuana dispensary shall also include any place, location, facility, cooperative, or operation, which is operated for profit or nonprofit, whether fixed or mobile, where medical marijuana is smoked or consumed by three or more persons at one time.

A medical marijuana dispensary shall not include the dispensation of medical marijuana by a primary caregiver personally dispensing to not more than five qualified patients in strict accordance with the Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marijuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this chapter as well as all other applicable city ordinances and applicable Michigan and Federal laws, rules and regulations.

A medical marijuana dispensary shall also not include the following uses: a state-licensed health care facility; a state-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the City of Hastings and applicable Michigan and Federal laws, rules, and regulations.

Mobile home means a structure transportable in one or more sections, which is built on a chassis and designed to be used as a single dwelling unit with or without permanent foundation, when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

Mobile home park means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.

Mobile home site means the entire area of ground within a mobile home park designated for use by a specific mobile home.

Motels means groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as tourist cabins or motor courts, and as distinguished from furnished rooms in an existing residential building.

Nonconforming building means a building or portion thereof lawfully existing at the effective date of this chapter or amendments thereto, but not conforming to the current provisions of this chapter. A building

shall not be considered to be a lawfully nonconforming building if it becomes nonconforming as the result of the sale of a portion of the parcel upon which a formerly conforming building was located.

Nonconforming use means a use which is lawfully exercised within a structure or on land at the time of adoption of this chapter, or any amendment thereto, and which does not conform with the regulations of the district in which it is located.

Non-residential use means land and/or buildings containing uses other than dwelling units.

Open-air business means a business, a substantial part of which involves activities or the display and sale of goods outside of a building, including motor vehicle and boat sales, mobile home sales, lawn and garden centers, golf driving ranges, and similar uses.

Open space preservation project means a single-family development where a portion of the site is permanently preserved in an undeveloped state in accordance with Act 179 of PA 2001 as amended.

Ordinary high water mark means the line between upland and bottomland that persists through successive changes in the water level, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

Delineation of the ordinary high water mark entails the identification of the indicators on the bank of a river or stream and the transition line between, aquatic vegetation (such as sedges and cattails) and terrestrial vegetation (perennial grasses and woody shrubs) or the scour line exposed earth on the bank (from constant erosion) and terrestrial vegetation.

On any river or stream where the ordinary high water mark cannot be found, the top of the lowest stream bank on either side of the stream shall substitute. In braided channels, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature.

Overhang means the part of a roof or wall that extends beyond the facade of a lower wall.

Parking area means an open area, other than a street or other public way, used for the parking of motor vehicles and available for public or private use whether for a fee or as an accommodation for clients, customers, residents or employees.

Pennants means triangular shaped pieces of cloth, plastic, or similar nonrigid material strung together by rope, cord, string or wire. A pennant is not a banner or streamer.

Petroleum bulk plant means an establishment for the storage of petroleum products in bulk and in packages for distribution by tank car, tank vehicle or motor truck.

Planned unit development or PUD means a development planned and built as a single entity that may contain a mix of housing types and nonresidential uses and is based upon an approved site plan that allows flexibility of design not available under normal zoning district requirements.

Principal or main use means the primary or predominant use of the premises.

Private swimming pool means any artificially constructed basin or other structure for the holding of water for use by the possessor, his family or guests, for swimming, diving and other aquatic sports and recreation. The term "swimming pool" does not include any plastic, canvas or rubber pool temporarily erected upon the ground holding less than 300 gallons of water.

Public and institutional use means a nonprofit or quasi-public use or institution such as a library, civic center, hospitals, park, playground or any governmental-owned or governmental-operated use, building

or structure or any land used for public purpose excluding public schools and buildings, structures and property owned and operated by Barry County.

Recreational vehicle means a vehicular unit not exceeding 36 feet in overall length, eight feet in width, or 12 feet in overall height, which complies with one of the following specific vehicle types:

- (a) *Camper trailer* means a folding or collapsible vehicular unit, without its own power designed as a temporary living quarters for travel, camping, recreation and vacation uses, licensed and registered for highway use.
- (b) *Travel trailer* means a vehicular unit, without its own motive power, designed as a temporary living quarters for travel, camping, recreation and vacation use, licensed and registered for highway use.
- (c) *Truck camper* means a portable vehicular unit, without its own motive power, designed to be transported on a power vehicle as a temporary living quarters for travel, camping, recreation and vacation use, and, in combination with the carrying vehicle, is licensed and registered for highway use.
- (d) *Motor home* means a vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed as a temporary living quarters for travel, camping, recreation and vacation use, and licensed and registered for highway use.
- (e) *Boat trailer* means a vehicular unit without its own motive power, designed to transport a recreational water vessel for recreation and vacation use, licensed and registered for highway use.
- (f) *Horse trailer* means a vehicular unit without its own motive power designed primarily for the transportation of horses and, in combination with the towing vehicle, is licensed and registered for highway use.
- (g) *Utility trailer* means a vehicular unit without its own motive power designed for the the transportation of all manner of motor vehicles, goods or materials, licensed and registered for highway use.
- (h) *Off-Road Vehicle (ORV)* means any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain, including All-Terrain Vehicles (ATVs), but excluding vehicles originally designed for highway use. An ORV shall be identified with an official ORV decal.

Residential use means land and/or buildings which contain one or more dwelling units.

Residential zone or district means the R-R, R-S, R-1, R-2, R-D, R-M, A-1, A-2, A-O, and PUD districts.

Semi-Trailer means a detachable freight trailer which, when attached, is supported at its forward end by the rear of a truck tractor or towing vehicle. All semi-trailers must be operable, licensed, and in good repair unless converted for an approved use and no longer designed for highway use.

Service station or filling station means a place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale at retail to the public, including sale of accessories, oiling and light motor service on the premises, but in no case to include major automotive repairs.

Setback means the minimum unoccupied distance between the lot line and the wall of a building excluding steps, unenclosed porches and decks.

Setback line means the line that is the required minimum distance from the street right-of-way or any other lot line that establishes the area within which the principal structure must be erected or placed.

Shoreline of the mainstream (stream bank) means that portion of the mainstream channel cross section that restricts the lateral movement of the water at normal bank-full levels often exhibiting a distinct break in slope from the mainstream bottom.

Single-family or one-family residence means a building designed for or occupied exclusively by one family and in no case permitting more than two roomers or boarders.

Single ownership means ownership by one person or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

Stable, private, means buildings and grounds used for the boarding of horses owned by the owners or occupants of the facility, and is not open to the general public.

Story means that portion of a building included between the surface of any floor above the average elevation of ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

Street means a public right-of-way 50 feet or more in width that has been dedicated for the purpose of providing access to abutting private lots or land, including the space for pavement and sidewalks.

Streamers means long narrow pieces of cloth, plastic or similar nonrigid material strung together by rope, cord, string or wire. A streamer is not a banner or pennant.

Structure means anything constructed or erected, which requires permanent location on the ground or attachment to something having such location. The term "building" shall mean the same.

Temporary storage enclosure means a framework of wood, plastic, or metal, or similar rigid material covered with cloth, canvas, plastic or similar pliable material designed to be used or used for the short term storage of vehicles, boats, trailers, equipment, building materials, logs or miscellaneous household or business items as an accessory use.

Transitional or Emergency Housing means a residential facility operated by a government agency or private nonprofit organization which provides temporary accommodations and on-site management for homeless persons or families, or other individuals requiring interim housing arrangements. This type of group living consists of time-limited housing (24 months or less) and services aimed at helping residents to live more independently.

Trailer home or mobile home means a prefabricated unit transportable in a substantially completed state on a public street, designed and furnished as living quarters, or designed and intended as an addition to a dwelling, but not including manufactured housing conforming to the city building code approved as technically suitable for FHA mortgage insurance and provides either a basement or an enclosed garage.

Unenclosed porch: A structural projection attached to and extending away from a principal building which has a floor and a roof which may be supported by columns. An unenclosed porch may have a wall which extends from the floor no more than one-half the distance to the ceiling of the roof of the unenclosed porch. An unenclosed porch may be screened but is otherwise open to the out of doors.

Veterinary hospital or clinic means a building where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Wetland means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is

commonly referred to as a bog, swamp, or marsh and which is contiguous to an inland lake, a river or stream.

Wild animal means any animal not domesticated by humans or any animal a person is prohibited from possessing by law. Wild animals shall include but shall not be limited to the following: Alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), marten, poisonous snakes and any other poisonous animal.

Yards:

- (a) *Yard* means an open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this chapter.
- (b) *Front yard* means an open unoccupied space, extending across the full width of the lot and lying between the front lot line and the nearest wall of the building excluding steps, unenclosed porches and decks.
- (c) *Side yard* means an open, unoccupied space between the nearest wall of the building, excluding steps, unenclosed porches and decks, and the side lot line, extending from the front yard to the rear yard.
- (d) *Rear yard* means a space unoccupied except by an accessory building or use as specifically permitted, extending across the full width of the lot between the rear lot line and the nearest wall of the building, excluding steps, unenclosed porches and decks.

(Code 1970, § 3.10; Ord. No. 301, § 1, 2-10-97; Ord. No. 323, 10-25-99; Ord. No. 334, § VIII, 5-29-01; Ord. No. 360, § IV, 10-28-02; Ord. No. 362, §§ 2-4, 11-25-02; Ord. No. 398, § 4, 7-25-05; Ord. No. 426, § II, 6-23-08; Ord. No. 434, § I, 12-22-08; Ord. No. 460, § I, 10-26-10; Ord. No. 528, § I, 4-27-15; Ord. No. 539, § 5, 12-27-16; Ord. No. 546, § I, 6-26-17)

Cross reference - Definitions generally, § 1-2.

HISTORY

Amended by Ord. [550](#) on 1/5/2018

Amended by Ord. [554](#) on 9/14/2018

Amended by Ord. [561](#) on 10/26/2018

Amended by Ord. [566](#) on 3/25/2019

Amended by Ord. [569](#) on 4/12/2019

Sec 90-2 Purpose

In its interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. Among other purposes, the provisions of this chapter are intended to:

- (a) Provide for adequate light, air and convenience of access;
- (b) Lessen congestion in the streets;
- (c) Secure safety from fire and other dangers;
- (d) Avoid undue concentration of population by regulating and limiting the density and use of land and the height and bulk of buildings wherever erected;
- (e) Limit and determine the size of yards and other open spaces;
- (f) Conserve the value of property; and

(g) Encourage the most appropriate use of land throughout the city.

(Code 1970, § 3.2)

Sec 90-3 Scope

It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or implicitly repealed by this chapter or any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.

(Code 1970, § 3.3)

Sec 90-4 Control

Where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot area, or larger yards or other open spaces than are imposed or required by such rules, regulations or permits or by such private restrictions, the provisions of this chapter shall control.

(Code 1970, § 3.4)

Sec 90-5 Amendment

- (a) The council may, from time to time, amend, supplement or change by ordinance the boundaries of districts or regulations established in this chapter in accordance with the procedures of Act No. 10 of the Public Acts of Michigan of 2006.
- (b) Amendments may be initiated by the council, planning commission, or any person or agency. All proposed amendments shall be referred to the planning commission for public hearing before any action may be taken by the council.
- (c) Requests for a zoning text amendment or zoning map change shall be made to the city clerk/treasurer on an application form provided by the city clerk/treasurer, which shall contain the following information as applicable:
 - (1) Name, address and phone number of the applicant.
 - (2) Name, address and phone number of the property owner.
 - (3) A legal description and street address accompanied by a drawing illustrating the location of the property.
 - (4) Filing date of the application.
 - (5) Nature of the request.
 - (6) Signature of the applicant and property owner.
The application form shall be accompanied by a fee determined by resolution of the council.
- (d) The city clerk shall immediately forward one copy of the application to the planning commission and one copy to the council, and the following procedure shall be followed:
 - (1) The planning commission shall set the time, date, and place for a public hearing on the request.
 - (2) Notice of the public hearing shall be as required by section 90-47.

- (3) After the public hearing, the planning commission shall forward its report and recommendation to the council. Such report shall include a summary of the comments submitted at the public hearing.
- (4) Upon receipt of the report and recommendation of the planning commission, the council may, in its discretion, schedule a public hearing on the request. Notice of the hearing, if a hearing is scheduled, shall be given as provided in section 90-47.
- (5) Where, after a zoning ordinance has been duly adopted and an amendment to the ordinance is legally protested by owners of 20 percent or more of the frontage to be altered or by owners of 20 percent of an area within 100 feet of the land to be changed or where such action is contrary to the recommendation of the planning commission, such amendment shall pass by a full two-thirds vote only.
- (6) Following adoption of a zoning ordinance text or map change, one notice of adoption shall be published in a newspaper of general circulation in the city within 15 days of adoption.

(Code 1970, § 3.260; Ord. No. 301, § 13(3.260(c)), 2-10-97; Ord. No. 321, 8-23-99; Ord. No. 407, § II, 8-28-06)

State Law reference - Amendment of zoning ordinance, MCL 125.584.

Sec 90-6 Violation And Sanction

- (a) Any owner or agent, or any person who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure or who shall put into use any lot or land in violation of any detailed statement or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises, shall be responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 52-38. Repeat offenses under this chapter shall be subject to increased fines as set forth in section 52-38.
- (b) The owner of any building or structure, lot or land or part thereof, where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent or person employed in connection therewith and who assists in the commission of such violation shall each be responsible for a separate violation and shall each be liable to the fine specified in section 52-38.

(Code 1970, § 3.234; Ord. No. 288, 7-24-95)

ARTICLE 90-II ADMINISTRATION

[Sec 90-41 Duties Of The Zoning Administrator And Building Inspector](#)

[Sec 90-42 Building Permits And Building Plans](#)

[Sec 90-43 Sewer And Water](#)

[Sec 90-44 Mixed Occupancy](#)

[Sec 90-45 Certificate Of Occupancy](#)

[Sec 90-46 Temporary Permits](#)

[Sec 90-47 Public Notice Requirements](#)

Cross reference - Administration, ch. 2.

Sec 90-41 Duties Of The Zoning Administrator And Building Inspector

(a) *Zoning administrator.*

- (1) It is hereby provided that the provisions of this chapter shall be administered and enforced by the zoning administrator and designees of the same. The zoning administrator shall, among other duties, interpret this chapter, and issue all permits and notice of violations, except building and sign permits, provided for in this chapter.
- (2) Any use, use of land, activity, structure, or development activity not expressly allowed by this chapter is prohibited, unless the zoning administrator finds that the use is substantially similar in character to a use or item listed in this chapter. An individual may apply to the planning commission for consideration of an amendment to this chapter to include a proposed use in one or more of the zoning districts of this chapter, either as a permitted use or a special land use in accordance with the provisions of section 90-5 of this chapter. At their option and discretion, the planning commission and city council may consider an amendment to this chapter, but are not required to do so.

(b) *Building inspector.* The building inspector shall be responsible to issue permits for the erection or structural alteration of any building or sign as well as the issuance of an occupancy permit for any building or land. The building inspector shall not issue a permit where the proposed erection, structural alteration or use thereof would be in violation of any of the provisions of this chapter except under written order of the board or the council.

- (1) *Violations.* The building inspector shall investigate any alleged violation of this chapter under their responsibility whether by complaint or arising from their own personal knowledge. If a violation is found to exist, notice shall be served upon the owner to cease the violation. If the owner fails to act diligently to correct the violation after 14 days of notification, the building inspector shall serve notice upon the owner, notify the council, and prosecute a complaint to terminate the violation.
- (2) *Inspections.* The building inspector shall inspect all new construction or alterations at the time footings are placed, at the time the basic walls are completed, and at the time of completion of the authorized construction or alterations. He shall make such additional inspections as he deems necessary for a specific undertaking to ensure compliance with the provisions of this chapter. The building inspector shall also make periodic inspections of the city to ascertain that the requirements of this chapter are being complied with.
- (3) *Records.* The building inspector shall keep records of all inspections, applications and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one-family houses, and of all fees submitted with applications. The same shall form a part of the records of his office and shall be available to the council and all other officials of the city.

(Code 1970, § 3.232; Ord. No. 460, § III, 10-25-10)

Editor's note - Ord. No. 460, § III, adopted Oct. 25, 2010, changed the title of § 9-41 from "Duties of the building inspector" to "Duties of the zoning administrator and building inspector". This historical notation has been preserved for reference purposes.

Sec 90-42 Building Permits And Building Plans

No building or structure or part thereof shall be erected, raised, moved, extended, enlarged, altered or demolished until a permit has been granted by the building inspector. Application therefor shall be filed in duplicate by the owner or his agent, and it shall state the intended use of the structure and of the land. The application shall be accompanied by detailed plans and specifications, a plot plan showing open spaces, the established building lines within the block, and such other information as may be necessary or desirable to provide for the enforcement of this chapter. Plans shall be drawn to scale and shall show

actual dimensions in figures. Building and plot plans shall be signed by the person preparing them and by the owner of the property or building involved. The council shall establish by resolution the fee required to defray the costs of administration and inspections, and such fee shall accompany any plans or application. No building permit shall be issued for the erection, construction, reconstruction, structural alteration, or moving of any building or structure or part thereof unless the plans and intended use indicate that such building or structure is designed to conform in all respects to the provisions of this chapter, and is located on an accepted public street. All building permits shall expire one year from their date of issuance. An expired building permit may be reissued provided all the requirements of this chapter or any subsequent amendments thereto are complied with. A copy of all approved building permits shall be sent to the city assessor.

(Code 1970, § 3.231)

Sec 90-43 Sewer And Water

No building permit shall be issued for any building to be occupied by human beings unless provisions have been made to provide public sewer and water to such building. In the absence of public sewer and/or water, plans and necessary soil test data shall be presented to the building inspector, who shall ensure that the proposed plans for water and sewage disposal meet state and municipal standards before issuing a permit.

(Code 1970, § 3.45)

Sec 90-44 Mixed Occupancy

Before issuing a building permit for any construction for any premises intended for a combination of dwelling and commercial occupancy, or that would result in an increased number of dwelling units within a building partly occupied by business usage, or that would result in an increased area devoted to business and industrial usage within a building partly occupied as a dwelling, the building inspector shall refer the plans to the fire chief and the health officer and request their report as to any fire or health hazards that exist or may be expected to exist; and their recommendations as to desirable additional provisions or changes in the interest of safety or health shall be complied with before issuance of a permit.

(Code 1970, § 3.32)

Sec 90-45 Certificate Of Occupancy

- (a) No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the building inspector stating that the premises or building complies with all the provisions of the approved plans and all ordinances of the city. Such certificate of occupancy shall be granted or denied within ten days from the date written application therefor has been received by the building inspector. Where any special use conditions are applicable, those conditions shall be stated on the certificate of occupancy.
- (b) A record of all certificates of occupancy shall be kept on file in the office of the building inspector, and copies shall be furnished upon request to any person having a proprietary or leasehold interest in the building or land affected. Where a building permit is not involved, the council shall establish, by resolution, the fees to be charged for each original certificate and for each copy thereof. A copy shall be sent to the city clerk/treasurer and the city assessor by the building inspector.

(Code 1970, § 3.233)

Sec 90-46 Temporary Permits

- (a) Temporary permits may be authorized by the board after a hearing, for the period not to exceed one year, for nonconforming uses incidental to construction projects on the same premises and including such uses as storage of building supplies and machinery, signs and the assembly of building materials. In addition, the board after a hearing may authorize a certificate of occupancy for a dwelling house to be temporarily used as a sales and management office for the sale of those homes within the subdivision for a period of one year, provided all the following requirements are complied with:
- (1) The house to be used as such office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.
 - (2) No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
 - (3) The dwelling house shall meet all other zoning restrictions of the zone in which it is located.
- (b) The temporary certificate of occupancy issued under this section shall be for no longer than a one-year period. However, such permit may be renewed by the board annually after a hearing.

(Code 1970, § 3.41)

Sec 90-47 Public Notice Requirements

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this section with regard to public notification.

- (a) Responsibility for public notice: The clerk or their agent shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation the City of Hastings and mailed or delivered as provided in this section.
- (b) Notice requirements: Notice of a public hearing for a rezoning, special land use, text amendment, planned unit development, variance, appeal, or ordinance interpretation shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows.
- (1) *Newspaper notice*: The notice shall be published in a newspaper that circulates in the City of Hastings.
 - (2) *Mail and personal notice*: The notice shall be sent by first class mail or personal delivery to:
 - a. The owner of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. To all persons to whom property is assessed within 300 feet of the boundary of the property subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the boundaries of the City of Hastings.
If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the

primary entrance to the structure. In structures containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing.

- c. All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to subsection 90-47(c) registration to receive notice by mail.

(3) *Record of mailing*: The clerk shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.

(4) *Content of notice*: The public notice shall:

- a. Describe nature of request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
- b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
- c. Indicate the date, time and place of the public hearing(s).
- d. Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.

(c) *Registration to receive notice by mail*: Any neighborhood organization, public utility, company, railroad or any other person may register with the clerk to receive written notice of all applicants for development approval pursuant to subsection 90-47(b)(2)c.

(Ord. No. 407, § I, 8-28-06; Ord. No. 431, § I, 11-24-08)

ARTICLE 90-III BOARD OF APPEALS

[Sec 90-81 Membership And Appointment](#)

[Sec 90-82 General Grant Of Power](#)

[Sec 90-83 Employees](#)

[Sec 90-84 Meetings](#)

[Sec 90-85 Appeals](#)

[Sec 90-86 Variances Generally](#)

[Sec 90-87 Variances Prohibited](#)

[Sec 90-88 Land Use Variances](#)

[Sec 90-89 Public Hearings](#)

[Sec 90-90 Fees](#)

[Sec 90-91 Time Limit For Approved Variances And Reapplication](#)

[Sec 90-92 Vote Necessary For Decision](#)

[Sec 90-93 Minutes And Records](#)

[Sec 90-94 Appeals Of Board Decision](#)

Cross reference - Boards and commissions, § 2-101 et seq.

State Law reference - Board of appeals, MCL 125.585 et seq.

Sec 90-81 Membership And Appointment

- (a) Pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, as amended, there shall be a Zoning Board of Appeals consisting of five members, each to be appointed by the mayor with the approval of council for overlapping terms of three years, running from January 1 of the year appointed. Vacancies shall be filled by appointment for the unexpired term. The Board shall elect its own chairperson and vice chairperson.
- (b) The mayor with the approval of the council shall appoint two alternate members for the same term as regular members. A member of the city council may serve as regular or alternate member of the zoning board of appeals. Alternate members shall serve in the case of absence of a regular member or the inability of a regular member to serve due to conflict of interest. The alternate member, having been appointed shall serve on the case until a final vote has been made. Alternate members shall have the same voting rights as regular members.
- (c) One member of the zoning board of appeals may be a member of the planning commission. An employee or contractor of the city council may not serve as a member of the zoning board of appeals. A member of the city council shall not serve as the chairperson of the zoning board of appeals.
- (d) A member of the zoning board of appeals who is also a member of the planning commission or the city council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the planning commission or city council. The member may consider and vote on the other unrelated matters involving the same property.
- (e) Members of the board of appeals may be removed by the city council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.

(Code 1970, § 3.240; Ord. No. 301, § 12(3.240), 2-10-97; Ord. No. 366, § I, 4-28-03; Ord. No. 431, § II, 11-24-08)

Charter reference - Mayor shall appoint, with the advice and consent of council, the members of the boards and commissions, § 5.4.

HISTORY

Amended by Ord. [581](#) on 2/7/2020

Sec 90-82 General Grant Of Power

The board shall perform all duties and have all the powers prescribed by the Michigan Zoning Enabling Act, Act 110 of 2006 (MCL 125.3101 et seq.), as amended. It shall adopt such rules of procedure, not inconsistent with the provisions of state law and local ordinances, as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

(Code 1970, § 3.241; Ord. No. 431, § III, 11-24-08)

Sec 90-83 Employees

The board may employ such clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount of the appropriation made and available for that purpose.

(Code 1970, § 3.242)

Sec 90-84 Meetings

Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine, and shall be at sufficiently frequent intervals, in the discretion of the board, for the efficient conduct of its business. All meetings shall be open to the public. A quorum shall consist of four members.

(Code 1970, § 3.243)

Sec 90-85 Appeals

Appeals to the board in any matter over which it may have jurisdiction, may be taken by any party aggrieved by the decision or order appealed from, or by an officer, department, board or agency of the city affected by such decision or order. A notice of appeal, specifying the grounds thereof, shall be filed with the clerk of the board within 30 days after the date of the action appealed from. A copy of the notice of appeals shall promptly be served upon the officer from whom the appeal is taken, who shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action in respect to which the decision or order appealed from was made unless the officer from whom the appeal is taken certifies to the board that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order granted by the board or by the circuit court on application of notice to the officer from whom the appeal is taken and on due cause shown.

(Code 1970, § 3.244)

Sec 90-86 Variances Generally

Subject to the provisions of section 90-87, and in addition to other duties and powers specified herein, the board, after public hearing, shall have the power to decide applications for variances:

- (a) Where it is alleged by the application or the applicant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the building inspector or other administrative officer of the city in the carrying out or enforcement of the provisions of this chapter.
- (b) Where it is alleged by the applicant that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property on the effective date of the ordinance from which this chapter was derived, or by reason of exceptional topographic conditions or other extraordinary situation or condition of the land, building or structure, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of the ordinance from which this chapter was derived would involve practical difficulties or would cause undue hardship, provided that the board shall not grant a variance on a lot of less than the requirements of its zone, even though such lot existed at the time of the passage of the ordinance from which this chapter was derived, if the owner or members of his immediate family owned adjacent land which could, without undue hardship, be included as part of the lot.
- (c) Where it is alleged by the applicant that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter relating to the construction, structural changes in equipment, or alterations of buildings or structures, or the use of land, buildings or structures, so that the spirit of this chapter shall be observed, public safety secured and substantial justice done.
- (d) Where it is alleged that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not of so general or recurrent a nature as

to make reasonably practical the formulation of a general regulation for such conditions or situation as part of this chapter.

(Code 1970, § 3.245)

Sec 90-87 Variances Prohibited

No variance in the provisions or requirements of this chapter shall be authorized unless the board finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and the surrounding neighborhood; will not impair the public health, safety, welfare or the intent and purpose of this chapter; and that at least two of the following conditions exist:

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning classification.
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that the possibility of increased return shall not be deemed sufficient to warrant a variance.
- (c) That the condition or situation of the specific piece of property or the intended use of the property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situation as part of this chapter.

(Code 1970, § 3.246)

Sec 90-88 Land Use Variances

An application for a land use variance to permit a use not otherwise permitted in that zoning district may be considered by the board but only according to the following procedures:

- (a) The applicant shall first seek to rezone the property to that zoning district that permits the desired use. If the rezoning request is denied by the council, the applicant may then file an application for a use variance from the board.
- (b) Such application shall be made to the city clerk/treasurer and an application fee paid in accordance with the fee schedule established by the council.
- (c) The city clerk/treasurer shall forward the application materials to the planning commission for consideration at its next regularly scheduled meeting. The commission shall review the request with attention to the recommendation of the master plan of the city for the property in question. The commission shall then make a recommendation to the board.
- (d) The variance request shall then be considered by the board in accordance with the hearing procedures set forth in this chapter.
- (e) In order to approve a use variance request, the board shall determine that an unnecessary hardship exists and that the variance request meets all of the following conditions:
 - (1) That the property could not be used (be put to a reasonable use) for the purposes permitted in that zone.
 - (2) That the plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
 - (3) That the use would not alter the essential character of the area.

(4) That the problem is not self created.

Further, the board must ensure that the spirit of this chapter is observed, public safety secured and substantial justice done.

(f) In granting a use variance, the board may prescribe reasonable conditions and safeguards necessary to meet the spirit and intent of this chapter.

(Code 1970, § 3.247)

Sec 90-89 Public Hearings

Upon the filing of any appeal, or other application in any matter of proceedings over which the board shall have jurisdiction by law or ordinance, the board shall hold a hearing on such appeal or application. Notice of the hearing shall be as required in section 90-47.

For a request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice of a public hearing shall be published in a newspaper of general circulation within the city and shall be sent to the person seeking the interpretation or appeal not less than 15 days before the public hearing.

In addition to the newspaper notice required by the above paragraph, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and notice of the public hearing on the interpretation request shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

(Code 1970, § 3.249; Ord. No. 301, § 12(3.249), 2-10-97; Ord. No. 321, 8-23-99; Ord. No. 407, § III, 8-28-06; Ord. No. 431, § IV, 11-24-08)

Sec 90-90 Fees

Upon the filing of any appeal or application to the board by any person other than an officer, department, board or agency of the city, the appellant or applicant shall pay a fee as set by resolution of the city council to defray the cost of publishing notice of the appeal or application and the board's decision thereon, of hearing and recording the matter. The cost of taking the testimony stenographically and transcribing the same shall be borne and paid for by the appellant or applicant, and the board may require such deposit to be made for such purpose as shall be reasonable in the circumstances.

(Code 1970, § 3.251)

Sec 90-91 Time Limit For Approved Variances And Reapplication

- (a) Each variance granted under the provisions of this chapter shall become void unless the construction, occupancy or other actions authorized by such variance have commenced within one year of the granting of such variance.
- (b) Upon written application filed with the city clerk/treasurer prior to the termination of the one-year time period, the board may authorize a single extension of the time limit for an additional period of not more than one year upon the finding of the board that the original circumstances creating the need for the extension were largely beyond the control of the applicant.
- (c) No application for a variance that has been denied wholly or in part by the board shall be resubmitted within one year from the date of the original filing of an application for the variance,

except on grounds of new evidence or proof of changed conditions relating to the reasons for the denial of the original appeal found by the board to be valid.

(Code 1970, § 3.252; Ord. No. 301, § 12(3.252), 2-10-97)

Sec 90-92 Vote Necessary For Decision

The final disposition of any matter of the board shall require the concurring vote of four of its members.

(Code 1970, § 3.253)

Sec 90-93 Minutes And Records

Minutes shall be kept of the board's proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. Records of the board's official actions shall be filed in the office of the city clerk/treasurer and shall be a public record.

(Code 1970, § 3.254; Ord. No. 301, § 12(3.254), 2-10-97)

Sec 90-94 Appeals Of Board Decision

The decision of the board of appeals shall be final. Any party aggrieved by any such decision may appeal to the circuit court for Barry County, as provided under PA 110 of 2006 as amended. The records of the zoning board of appeals shall be made available for the court's review. Such appeal shall be filed within 30 days after the zoning board of appeals certifies its decision in writing signed by the chairperson, or 21 days after the zoning board of appeals approves the minutes of the decision.

(Ord. No. 431, § V, 11-24-08)

ARTICLE 90-IV SITE PLAN REVIEW

[Sec 90-126 Purpose](#)

[Sec 90-127 Site Plan Review Required](#)

[Sec 90-128 Unofficial Review](#)

[Sec 90-129 Application And Review Procedures](#)

[Sec 90-130 Site Plan Content](#)

[Sec 90-131 General Standards](#)

[Sec 90-132 Access Control Standards](#)

[Sec 90-133 Performance Guarantee](#)

[Sec 90-134 Time Limit For Site Plan Approval](#)

[Sec 90-135 Amendment Of An Approved Site Plan](#)

State Law reference - City may require the submission and approval of a site plan before authorization of a land use or activity regulated by a zoning ordinance, MCL 125.584d.

Sec 90-126 Purpose

The intent of this article is to provide for consultation and cooperation between the applicant and the planning commission in order that the applicant may accomplish their objectives in the utilization of land within the regulations of this chapter and the minimum adverse effect on the use of adjacent streets and highways, and on nearby existing and future uses and natural environment.

(Code 1970, § 3.275)

Sec 90-127 Site Plan Review Required

A site plan shall be submitted for review and approval as follows:

(a) *Planning commission review.*

- (1) Any principal commercial, office, industrial, institutional or business use or a residential use greater than a two-family dwelling unit.
- (2) Site Condominiums.
- (3) Open Space Preservation Projects.
- (4) Planned Unit Developments
- (5) Mobile Home Parks.
- (6) Special Land Uses.
- (7) A change in the use of a building or property or an expansion of a building or use for which additional parking spaces are required by this chapter or an expansion of an existing parking lot to add more parking spaces.
- (8) Relocation of an existing driveway.
- (9) All other uses requiring site plan approval as required by this chapter.

(b) *Staff review.* The following uses shall be reviewed by the zoning administrator who may also refer such uses to the planning commission to be reviewed in accordance with the requirements of this section.

- (1) A change in the use of a building or property or an expansion of the building or use which does not result in the need for more parking spaces as required by this chapter.
- (2) Construction of a building or structure which is accessory to the principal use or building.

Review of site plans by the zoning administrator shall be in accordance with the same procedures, requirements and standards required for site plans reviewed by the planning commission except the number of site plan copies and submittal date shall be subject to the discretion of the zoning administrator. The zoning administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. Following approval of a site plan the zoning administrator shall notify the planning commission.

(Code 1970, § 3.276; Ord. No. 372, § 1, 9-22-03)

Sec 90-128 Unofficial Review

Any person who may eventually file for official review of a site plan by the planning commission can first informally discuss the plan with the commission. In order to do this, a person can request the city clerk/treasurer to place such item on the commission agenda. This request must be made at least seven days before the commission meeting. The commission, in discussing the proposed plan, may give guidance to the person regarding compliance with the regulations for site plan review contained in this chapter. The commission shall make no decision on this unofficial site plan, and any comments made by the commission shall not be considered as a final decision on the site plan if it is subsequently submitted for official review.

(Code 1970, § 3.277(f))

Sec 90-129 Application And Review Procedures

- (a) *Requirements.* An application for site plan review along with no more than 14 sets of the site plan shall be submitted to the city clerk/treasurer at least two weeks prior to the next scheduled planning commission meeting along with a fee as set by the council. The application shall at a minimum contain the following information:
- (1) The applicant's name, address and phone number.
 - (2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property such as a purchase agreement.
 - (3) The name, address and phone number of the owner of record if different than the applicant.
 - (4) The address of the property.
 - (5) Legal description or permanent parcel number of property.
 - (6) Project description.
 - (7) Size of the parcel in acres.
 - (8) Signature of the applicant and owner of the property.
- (b) *Technical review.* The city clerk/treasurer shall transmit the application and site plans to the director of public services and the city building inspector for technical review. Copies may also be sent to the city planner, fire chief and police chief as deemed necessary. The site plan shall be reviewed for compliance with the requirements of this chapter and a report prepared for the planning commission.
- (c) *Final review.* The planning commission shall review the site plan according to the general standards for site plan review as contained in this article and any other applicable regulations of this chapter. Based on these standards and regulations, the commission shall approve, deny or approve with conditions the site plan. If the site plan is denied, the applicant shall be given written notification of the reasons for denial within ten working days of the date of denial.
- (d) *Approval.* Upon approval of the final site plan, three copies of this plan shall be stamped as approved, dated and signed by the director of public services. One copy of the approved plan shall be retained by the applicant, one shall be submitted to the building inspector as part of the building permit review process, and one copy shall be kept by the city clerk/treasurer.
- (e) *Issuance of building permit.* The building inspector shall issue a building permit upon receipt of an approved final site plan providing all other applicable city regulations have been met, including compliance with the city's building code.
- (f) *Review period.* The planning commission shall render a decision on a site plan within 60 days of submission of all required information by the applicant unless an extension of time is agreed to by the commission and the applicant.

(Code 1970, § 3.277(a)—(e), (g))

Sec 90-130 Site Plan Content

Each site plan submitted for official review under this article shall be drawn at a scale of 1" = 200' or less. The site plan shall contain the following information unless the building inspector or director of public services determines that certain items are not necessary or relevant in reviewing the site plan:

- (a) A vicinity map illustrating the location of the site within the city.
- (b) Date the site plan was prepared.

- (c) Name and address of the preparer.
- (d) North arrow.
- (e) Legal description of the property.
- (f) Property lines, dimensions, and building setback distances and all structures and lot lines within 100 feet of the site.
- (g) Existing and proposed contour elevations at a minimum of five-foot intervals on the site and to a distance of ten feet outside the boundary lines of the site.
- (h) Direction of stormwater drainage and how stormwater runoff will be handled.
- (i) Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage of each building.
- (j) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site.
- (k) Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tanks and drainfields, and utility easements.
- (l) Location of all sidewalks, bike paths, and other walkways.
- (m) Location and size of any existing and proposed walls, fences or other screening provisions.
- (n) Location of all proposed landscape materials, including size and type of planting.
- (o) Location of all proposed accessory structures, including lightpoles or fixtures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas and signs.
- (p) Proposed parking areas and access drives showing number and size of spaces and aisles, loading areas, and handicapped access ramps. Also note method of surfacing such areas.

(Code 1970, § 3.278)

Sec 90-131 General Standards

The planning commission shall review the site plan for compliance with the requirements of this chapter and conformance with the following general standards:

- (a) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
- (b) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent areas.
- (c) Special attention shall be given to property site drainage so that removal of stormwaters will not adversely affect neighboring properties.
- (d) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- (e) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as required by the fire department.

- (f) Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
- (g) There shall be provided a pedestrian circulation system insulated as completely as reasonably possible from the vehicular circulation system.
- (h) At least one bicycle rack capable of holding multiple bicycles shall be provided on the site in a safe, secure and convenient location. The planning commission may waive or modify this requirement if the applicant can demonstrate to the satisfaction of the commission that providing a bicycle rack is impractical or is not needed due to the nature and/or location of the proposed use.
- (i) All loading and unloading areas and outside storage areas, including areas for the storage of trash, that face or are visible from residential districts or public thoroughfares shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height.
- (j) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.
- (k) With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, particularly the avoidance of building corners next to access drives, and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures and the neighboring properties. Streets and drives part of an existing or planned street pattern that serve adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the city's master plan.
- (l) All public streets shall be built in accordance with the requirements of the city.
- (m) In order to achieve one of the objectives of the Hastings area plan, which is to "provide for a connected system of streets and pedestrian and bicycle trails between neighborhoods and activity centers," all site plans shall be designed to provide for the following as may be deemed necessary by the planning commission in order to meet the standards for approval set forth in subsections 90-131(a)—(l) herein:
 - (1) Public and private streets shall be extended to the boundary line of adjacent parcels to allow for the logical continuation of such streets into the adjacent parcel. This extension may be in the form of constructing the road itself to the parcel boundary or providing a right-of-way to the parcel boundary so the road may be constructed at a future date.
 - (2) Sidewalks at least five feet wide on both sides of the street shall be installed within the street right-of-way for all projects.
 - (3) Improved walkways, where practicable, shall be located along certain side lot lines in order to provide an alternative pedestrian travel route to the sidewalk system located within the public right-of-way.

These "mid-block" walkways shall be located with an easement and shall not be blocked by the property owner and shall be spaced approximately 600 feet apart.
 - (4) If the project provides common open space for use by its residents, a walking trail shall be provided within this open space if practicable.
 - (5) Street trees and street lights shall be provided at regular intervals within the street right-of-way by the developer of the project if determined to be necessary by the planning commission.

- (n) Site plans shall conform to all applicable requirements of state and federal statutes, and approval

may be conditioned on the applicant's receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.

(Code 1970, § 3.279; Ord. No. 515, § I, 8-25-14)

Sec 90-132 Access Control Standards

- (a) The planning commission shall review site plans according to the standards of this section relating to vehicle access and circulation. The purpose of specific access standards is to increase traffic safety, lessen congestion, provide adequate access, promote community character, and ensure orderly development.
- (b) The planning commission shall have the authority to require a frontage road or service drive for contiguous parcels along M-43 and M-37 or on other streets as deemed necessary. The planning commission shall also have the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, and that opposite driveways be directly aligned. In determining whether the above or other access control measures are necessary, the following criteria shall be considered:
- (1) The type and location of commercial uses on the site and adjacent to the site.
 - (2) The location, size and design of existing and proposed parking areas.
 - (3) The existing and projected traffic volume on the roadway and adjacent roadways.
 - (4) Compatibility between adjacent land uses and likelihood of change or expansion.
 - (5) Number of parcels involved, location of lot lines and amount of road frontage.
 - (6) Topography and site distance along adjacent roadways and on the site.
 - (7) Distance from intersections.
 - (8) Location of driveways opposite the site.
 - (9) Width of roadway and number of lanes.
 - (10) Environmental limitations (steep slopes, water, or vegetation).
 - (11) Sufficient building setback.
- (c) For commercial uses along M-37 and M-43, and other streets as deemed necessary, the following regulations shall apply:
- (1) A parcel shall not be denied reasonable access to a public roadway.
 - (2) A maximum of one driveway shall be provided to an individual parcel or to a contiguous parcel under the same ownership when the property in question has no other reasonable access to another abutting street or access road. Additional driveways may also be permitted in accordance with the driveway spacing standards herein. A one-way in, one-way out driveway system may be permitted if it is demonstrated that traffic circulation on and off the site will not create hazardous situations.
 - (3) Temporary direct access to M-43 and M-37 may be granted in instances where access roads or adjoining parcels are not yet developed. A temporary driveway permit shall specify the future means of access, location if known, and date the change will be made. This temporary access agreement shall be recorded with the county register of deeds.
 - (4)
 - a. Parcels with 300 or more feet of road frontage with a single large use will not be required to construct a service drive but may be required to connect the parking

area to parking areas on contiguous parcels.

- b. If a parcel with an established commercial use, and with 300 feet or more of road frontage, is divided to allow for an additional commercial use (resulting in parcels with less than 300 feet of road frontage), an additional driveway for that use will not be permitted. Both the original and the additional commercial use will be required to construct an adjoining service drive. An exception to this standard exists if the anticipated traffic volumes generated by either the original or the additional commercial use will exceed 3,000 vehicles per day and/or are projected to cause traffic congestion during peak hours.
- c. If two or more existing contiguous parcels with noncommercial uses together comprise less than 300 feet of road frontage, and if any of those parcels converts to a commercial use (or any other use for which site plan review is required), the construction of a service drive will be required. As additional contiguous parcels convert to commercial uses, they will be required to construct additional segments of the service drive. These parcels will eventually be served by common driveway access, the placement of which will be determined by driveway spacing standards contained herein.

(d) Driveways for a parcel shall be permitted based on the amount of road frontage for that parcel as follows, except that the planning commission may modify this in the interest of public safety based on the criteria in subsection (b) of this section:

Frontage (feet)	Driveways Permitted
Less than 300	1
300 to 600	2
More than 600	3

(e) Driveway spacing and location from intersections shall be based on the following:

- (1) Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the travel lane on the intersecting street.
- (2) The minimum distance between a driveway and an intersecting street shall be based on the following:
 - a. Spacing from intersection for driveways along M-43 and M-37 and other streets as deemed necessary:

Intersecting Street	Full Movement Driveway (feet)	Channelized for Right-Turn-In Right-Turn-Out Only (feet)
Highway	250	100
Signalized major street	250	75
Other street (local street or nonsignalized major street)	100	75

- b. Spacing from intersection with M-37 and M-43 for driveways along side streets:
*Street classification based on the city's master plan.

Side Street Classification*	Full Movement Driveway (feet)	Channelized for Right-Turn-In Right-Turn-Out Only (feet)
Highway	200	100
Signalized major street	100	75
Other street (local and nonsignalized major street)	75	75

- (3) If the amount of street frontage is not sufficient to meet the above criterion, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use, and/or a frontage road or rear access service drive shall be developed.
- (4) For parcels which are only allowed a channelized right-turn-in, right-turn-out driveway, and alternative means of access (shared driveway, frontage road, service drive or connected parking lots) are not feasible due to parcel size or existing adjacent development, the planning commission may allow a nonchannelized, full movement driveway provided that:
- The driveway is spaced no closer to the intersection than the minimum spacing allowed for a right-turn-in, right-turn-out driveway.
 - A traffic study, conducted by a registered traffic engineer, provides substantial justification that the driveway operation will not result in conflicts with vehicles at the adjacent intersection.

(f) Driveway spacing from other driveways shall be determined as follows:

- There shall be minimum spacing of 25 feet between the centerline of a driveway and the adjacent property line, not including the right turn lane and/or taper. The centerline for channelized driveways is measured at the street right-of-way line. This requirement does not apply to shared driveways.
- Minimum driveway spacing requirements shall be determined based on posted speed limits along the parcel frontage, as indicated in table 18-1.

TABLE 18-1

Posted Speed (mph)	Minimum Driveway Spacing* (in feet)
30	125
35	150
40	185
45	230
50	275
55	350

* As measured from the centerline of each driveway.

- The values in table 18-1 are considered minimums based on the distances required to

avoid conflicts between vehicles turning right or left from adjacent driveways.

- (4) The planning commission shall have the authority to waive or modify the preceding spacing requirements when strict adherence to them would result in unreasonable access to the site. In waiving or modifying the spacing requirements, the criteria of subsection (b) of this section shall be used.

(Ord. No. 301, § 9(3.279B), 2-10-97)

Sec 90-133 Performance Guarantee

- (a) The planning commission may require a performance bond, letter of credit, or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, drainage, and other required improvements associated with the project. The estimated amount shall be determined by the director of public services. Such performance guarantee shall be deposited with the city clerk/treasurer prior to the issuance of a building permit authorizing the activity or project. The performance guarantee is to ensure faithful completion of the improvements indicated with the approved site plan; if not completed, the performance guarantee shall be forfeited.
- (b) The city clerk/treasurer shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the building inspector. In cases where the provisions of this article have not been met, the amount of the aforementioned performance guarantee shall be used by the city to complete the required improvements or return the property to a safe and healthy condition at the option of the city; and the balance, if any, shall be returned to the applicant. No rebate shall be paid until the work is completed and the costs have been accurately determined by the city.

(Code 1970, § 3.280)

State Law reference - Similar provisions, MCL 125.584e.

Sec 90-134 Time Limit For Site Plan Approval

Each site plan approved under this article shall be under construction within one year after the date of final approval by the planning commission. If construction has not commenced within one year of issuance of final site plan approval, then approval shall automatically terminate unless the term for commencement of construction is extended as follows: Contingent upon receipt of a written application for an extension filed before the expiration of the initial one-year period, the planning commission may authorize a single extension for a further period of not more than one year. For the purposes of this section, the issuance of a building permit for the facilities to be constructed under the approved site plan shall constitute commencement of construction.

(Code 1970, § 3.281; Ord. No. 509, § I, 1-27-14)

Sec 90-135 Amendment Of An Approved Site Plan

- (a) Any person or agency for which a site plan has been approved shall notify the building inspector of any proposed amendment to the approved site plan. Any minor change such as dimension changes, increase in parking, drive relocation, landscaping changes, or movement of lighting or signs may be approved by the building inspector, who shall notify the planning commission in writing of such amendments. A copy shall be placed in the file of the original permit requested.
- (b) Any major changes to any approved site plan shall comply with the filing procedures contained in

this article for site plan review. Major changes shall include but are not limited to increasing the density or number of dwelling units, increasing the number of buildings or land area, and the addition of another use or uses not initially authorized under the original site plan. The building inspector shall determine if other similar changes constitute a major amendment.

(Code 1970, § 3.282)

ARTICLE 90-V NONCONFORMITIES

[Sec 90-166 Continuance Of Nonconforming Use Of Structure](#)

[Sec 90-167 Unlawful Use Not Authorized](#)

[Sec 90-168 Change Of Use](#)

[Sec 90-169 Restoration And Repairs](#)

[Sec 90-170 Nonconforming Due To Reclassification](#)

[Sec 90-171 Enlargement Of Nonconforming Buildings And Uses](#)

[Sec 90-172 Nonconforming Use Discontinued](#)

[Sec 90-173 Nonconforming Uses Eliminated](#)

[Sec 90-174 Plans Already Filed](#)

[Sec 90-175 Existing Platted Lots](#)

State Law reference - Nonconforming uses and structures, MCL 125.583a.

Sec 90-166 Continuance Of Nonconforming Use Of Structure

The lawful use of any land or structure, exactly as such existed at the time of the enactment of the ordinance from which this chapter was derived, may be continued although such use or structure does not conform with the provisions of the ordinance from which this chapter was derived. Structures, or uses nonconforming by reason of height or area, or parking or off-street loading provisions only, may be extended, enlarged, altered, remodeled or modernized in accordance with the provisions of this article.

(Code 1970, § 3.50; Ord. No. 326, § II, 1-24-00)

Sec 90-167 Unlawful Use Not Authorized

Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect immediately prior to the date of the ordinance from which this chapter was derived.

(Code 1970, § 3.51)

Sec 90-168 Change Of Use

The use of a nonconforming building or structure may be changed to another use permitted in the most restricted district in which such nonconforming use is permitted. Where the use of a nonconforming building or structure is changed to a use permitted in a more restricted district, it shall not thereafter be changed to a use not permitted in the more restricted district. The proposed use shall be subject to all the requirements applying to such proposed use in the most restricted zone in which the nonconforming use to be changed is permitted.

(Code 1970, § 3.52)

Sec 90-169 Restoration And Repairs

- (a) Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made.

- (b) Nonconforming building or structure. If a nonconforming building or structure is damaged by fire, wind, act of God or other calamity to the extent that the cost for repair or replacement of the nonconforming building or structure is 60 percent or more of the fair market value of the building or structure prior to such damage or destruction, the building or structure may be rebuilt or restored and used only in accordance with the requirements of this zoning code. The owner shall provide sufficient documentation to the zoning administrator to demonstrate the fair market value of the building or structure as well as the cost for repair and replacement.
If the damage is less than 60 percent of the fair market value, the building may be rebuilt or restored to its size and footprint existing prior to such damage and the use resumed.
- (c) Nonconforming use located in a conforming building. Except as noted in section 90-170 below, a nonconforming use located in a conforming building or structure shall not be re-established if the building or structure is damaged by fire, wind, act of God or other calamity to the extent that the cost for repair or replacement of the building or structure is 60 percent or more of the fair market value of the building or structure prior to such damage or destruction. The owner shall provide sufficient documentation to the zoning administrator to demonstrate the fair market value of the building or structure as well as the cost for repair and replacement.
If the damage is less than 60 percent of the fair market value, the building may be rebuilt or restored to its size and footprint existing prior to such damage and the use resumed.
- (d) Any such restoration must be started within a period of one year at the time of such damage and diligently prosecuted to completion. The board may extend such period of time for restoration of any building or structure when a state or local emergency shall render it impossible to make the restoration of such building or structure within the stated time limit.

(Code 1970, § 3.53; Ord. No. 530, § I, 9-28-15)

Sec 90-170 Nonconforming Due To Reclassification

- (a) The foregoing provisions of this article shall also apply to buildings, structures, land or uses which become nonconforming due to any reclassification of districts under this chapter or any subsequent change in the regulations of this chapter except as noted below.
- (b) Single-family dwellings in the B-4 and B-5 zones which became nonconforming uses due to a rezoning classification are subject to the following provisions:
- (1) If the building containing the single-family use is a conforming structure and is damaged by fire, wind, act of God or other calamity regardless of the extent of the damage, the building may be restored to the size and footprint which existed prior to such damage and the single-family use resumed.

(Code 1970, § 3.54; Ord. No. 530, § II, 9-28-15)

Sec 90-171 Enlargement Of Nonconforming Buildings And Uses

- (a) In all the RR, RS, R1 and R2 zoning districts, single- and two-family dwellings which are nonconforming by reason of setback, height, parking, building square footage or other dimensional requirements may be altered or enlarged beyond the size which existed at the time of the adoption of this chapter (January 24, 2000) provided:
- (1) The alteration or enlargement complies with all setback, height, parking, and other applicable regulations of the zoning district in which it is located and does not increase the extent of the nonconformity. The extension of a nonconforming building in such a manner that the extension itself does not conform to the setback, height or other

applicable standards of this chapter shall be deemed an increase in the extent of the nonconformity of the original building and is not permitted.

- (2) The gross square footage of the alteration or enlargement does not exceed 50 percent of the gross square footage of the building which existed prior to the adoption of this section.
- (b) All other nonconforming principal buildings and uses may be enlarged beyond the size which existed at the time of the adoption of this chapter provided that the zoning board of appeals finds:
- (1) That the gross square footage of the enlargement of the building does not exceed 50 percent of the gross square footage of the building which existed prior to the adoption of this chapter.
 - (2) That the expansion or enlargement complies with all setback, parking, height and other applicable regulations of the zoning district in which it is located.
 - (3) Such enlargement shall be on land owned by the nonconforming use at the time of adoption of this section from which this chapter is derived.
 - (4) That such enlargement will not further reduce the value, livability or function of an existing or potential conforming use of adjoining property.
 - (5) A request submitted to the board of appeals under this section shall be processed according to the procedures contained in section 90-89 of this chapter.
- (c) Nonconforming uses which are not located within a building including but not limited to open air businesses, contractor equipment yards and salvage yards, shall not be increased in size so that the use occupies more land area than the area occupied by the use prior to the adoption of this chapter.

(Code 1970, § 3.55; Ord. No. 326, § I, 1-24-00)

Sec 90-172 Nonconforming Use Discontinued

No building, structure or premises where a nonconforming use has ceased for more than 12 months or has been changed to a use permitted in the district in which it is located shall be devoted to a nonconforming use.

(Code 1970, § 3.56)

Sec 90-173 Nonconforming Uses Eliminated

Notwithstanding the provisions of section 90-917, such nonconforming uses as signs, billboards, and primarily open land uses such as junkyards or similar uses shall be discontinued three years from the date of passage of the ordinance from which this chapter was derived. All such uses, both conforming and nonconforming, shall be issued a permit without fee, the permit to expire on the above date. At the expiration of such time, new five-year permits will be issued for a fee as set by resolution of the council to all such uses that conform to the ordinance from which this chapter was derived. All uses without permits shall be removed within six months.

(Code 1970, § 3.57)

Sec 90-174 Plans Already Filed

If plans and specifications for a building or structure have been filed that would conform with the zoning regulations effective at the date of such filing but not with the regulations of this chapter, and if a building permit for such building or structure has been issued and construction work started at the effective date

of the ordinance from which this chapter is derived, such work may proceed provided it is completed within one year of that date.

(Code 1970, § 3.58)

Sec 90-175 Existing Platted Lots

- (a) Any residential lot laid out on an approved plat or existing at the time of the adoption of the ordinance from which this chapter was derived that fails to comply with the minimum requirements of this chapter may be used for a single-family dwelling, provided the lot is in single ownership as defined in this chapter and further provided that 88 percent of all yard requirements are complied with. Any existing platted lot in common ownership which contains 88 percent or more of the required area and width may also be utilized as a separate lot.
- (b) The use of more than one lot in common ownership where the same do not comply with 88 percent of the minimum requirements of this chapter shall be determined by the board on the basis of neighborhood character. For the purpose of this section, the board shall use the following standards to determine neighborhood character:
- (1) *Two lots.* If each of the two adjacent lots in question has both frontage and area measurements that equal or exceed the individual frontage and area measurements of at least 60 percent of the total number of developed lots within 400 feet on both sides of the same street, each lot in question shall be construed to be in character with the neighborhood. If not, the two lots shall be considered a single lot.
 - (2) *Three lots.* If each of the three lots in common ownership has both frontage and area measurements that equal or exceed the individual frontage and area measurements of at least 60 percent of the total number of developed lots within 400 feet on both sides of the same street, each lot shall be construed to be in character with the neighborhood. If not, the three lots shall be considered one or two lots meeting the zone district requirements.
 - (3) *Four or more lots.* If each of the four or more lots in common ownership are less than the minimum requirements, they shall be resubdivided into one, two or three lots meeting the zone district requirements.

(Code 1970, § 3.39)

ARTICLE 90-VI DISTRICT REGULATIONS

DIVISION 90-VI-1 GENERALLY

DIVISION 90-VI-2 R-R RURAL RESIDENTIAL DISTRICT

DIVISION 90-VI-3 R-S SUBURBAN RESIDENTIAL DISTRICT

DIVISION 90-VI-4 R-1 ONE-FAMILY RESIDENTIAL DISTRICT

DIVISION 90-VI 4A R1-A, ONE-FAMILY RESIDENTIAL ZONE

DIVISION 90-VI-5 R-2 ONE-FAMILY RESIDENTIAL DISTRICT

DIVISION 90-VI-6 R-D DUPLEX APARTMENT DISTRICT

DIVISION 90-VI-7 R-M MOBILE HOME PARK DISTRICT

DIVISION 90-VI-8 A-1 APARTMENT DISTRICT

DIVISION 90-VI-9 A-2 APARTMENT EDGE DISTRICT

DIVISION 90-VI-10 A-O APARTMENT AND OFFICE DISTRICT

DIVISION 90-VI-11 O OFFICE DISTRICT

DIVISION 90-VI-12 B-1 CENTRAL BUSINESS DISTRICT

DIVISION 90-VI-13 B-2 GENERAL BUSINESS ZONING DISTRICT

DIVISION 90-VI-13A B-3 DOWNTOWN EDGE DISTRICT

DIVISION 90-VI-13B B-4 WEST BUSINESS DISTRICT

DIVISION 90-VI-13C B-5 MIXED USE DISTRICT

[DIVISION 90-VI-13D B-6 SOUTH BUSINESS DISTRICT](#)
[DIVISION 90-VI-14 D-1 INDUSTRIAL DISTRICT](#)
[DIVISION 90-VI-15 D-2 INDUSTRIAL DISTRICT](#)
[DIVISION 90-VI-16 FLOODPLAIN DISTRICT](#)
[DIVISION 90-VI-16A THORNAPPLE RIVER PROTECTION OVERLAY ZONE](#)
[DIVISION 90-VI-17 ACCESSORY BUILDING OVERLAY ZONE](#)

DIVISION 90-VI-1 GENERALLY

[Sec 90-211 Zone Districts](#)
[Sec 90-212 Map](#)
[Sec 90-213 Lot Divided By Zone Line](#)
[Sec 90-214 Annexed Areas](#)
[Sec 90-215 Obedience To Regulations Required](#)
[Sec 90-216 Table Of Site Development Standards](#)

Sec 90-211 Zone Districts

For the purpose of this chapter, the city is hereby divided into 16 classes of zone districts known as:

R-R	Rural residential district
R-S	Suburban residential district
R-1	One-family residential district
R-2	One-family residential district
R-D	Duplex apartment district
R-M	Mobile home park district
A-1	Apartment district
A-2	Apartment edge district
A-O	Apartment and office district
O	Office district
B-1	Central business district
B-2	General business district
B-3	Downtown edge district
B-4	West business district
B-5	Mixed use district
B-6	South business district
D-1	Industrial district
D-2	Industrial district
PUD	Planned unit development district
	Floodplain district

(Ord. No. 301, § 2(3.21), 2-10-97; Ord. No. 527, § I, 4-27-15)

Sec 90-212 Map

The zoning map delineating the zone districts listed in section 90-211 is declared to be a part of this chapter. Except where references on the map to a street line or other designated line by dimensions shown on the map, the district boundary lines follow lot lines or the centerlines of streets or alleys as they existed at the time of the adoption of the ordinance from which this chapter is derived; but where a district line does not coincide with such lot lines or such street centerlines, or where it is not designated by dimensions, it shall be deemed to be 132 feet from the nearest parallel line.

(Code 1970, § 3.22)

HISTORY

Amended by Ord. [558](#) on 7/26/2018

Amended by Ord. [559](#) on 7/26/2018

Amended by Ord. [562](#) on 10/26/2018

Amended by Ord. [565](#) on 3/25/2019

Amended by Ord. [578](#) on 9/27/2019

Amended by Ord. [582](#) on 2/28/2020

Amended by Ord. [584](#) on 3/27/2020

Sec 90-213 Lot Divided By Zone Line

Where a district boundary line, as established in this division or as shown on the zoning map, divides a lot or lots in single ownership and on record at the time of enactment of the ordinance from which this chapter is derived, the least restricted use shall not extend beyond such line.

(Code 1970, § 3.23)

Sec 90-214 Annexed Areas

Where property shall become annexed to the city, the property shall be zoned automatically as shown by the zoning pattern on the zoning map.

(Code 1970, § 3.24)

Sec 90-215 Obedience To Regulations Required

Zoning affects every structure and land and the use thereof. Except as hereinafter specified, no structure, land or premises shall hereafter be used or occupied and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered except subject to and in conformity with the regulations set forth for the district in which it is located.

(Code 1970, § 3.30)

Sec 90-216 Table Of Site Development Standards**SITE DEVELOPMENT STANDARDS**

Zone	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet) ¹	Minimum Side Yard Dwellings: Total/ Minimum Other Buildings, each side ¹	Corner Lot Setback, Principal Street/ Secondary Street (feet)	Maximum Building Height (feet)	Maximum Lot Cover (percent)	Minimum Floor Area (square feet)

R-R	44,000	150	40	25	50/20 30	40/30	35	30	750 ground floor, two story other, 800 above grade 720 per two-family dwelling
R-S	15,000	99	35	25	40/15 25	35/25	35	30	1,000 one story 750 ground floor, two story other, 800 above grade 720 per two-family dwelling
R-1									1,000 one story
Single-family	9,900	75	30	52	18/7	30/20	35	30	750 ground floor, two story, other, 800 above grade Duplex: 720 per unit
Duplex	13,000	99	30	25	18/7	30/20	35	30	
Other	15,000	99	30	25	25	30/20	35	30	
R-2									
Single-family	8,000	66	25	25	15/6	25/15	35	30	800 one story, 600 ground floor, two story, other, 800 above grade Duplex:

									720 per unit
Duplex	13,000	99	25	25	15/6	25/15	35	30	
Other	15,000	99	25	925	50	25/15	35	30	
R-D									
Single-family	9,900	75	30	25	25/10	30/25	35	30	Same as R2
Duplex	13,000	99	30	25	25/10	30/25	35	30	Duplex: 750 per unit
Three-family and four-family	5,500 per dwelling	99	30	25	25/10	30/25	35	30	Multifamily 720 per unit
Other	15,000	99	30	25	40	30/25	35	30	N/A
R-M									
See article VI, division 7									
A-1 and A-O									Single-family
Single-family	6,600	66	25	30	15/6	25/12	35	A-1 = 30 A-O = 40	Same as R2 zone
Duplex	13,000	99	25	30	25/10	25/25	35	A-1 = 30 A-O = 40	Two-family, three-family and four-family 720
Multifamily	3,000 per unit	99	25	30	25/10	25/25	35	A-1 = 30 A-O = 40	Over four-family 600
Nonresidential	12,500	99	25	30	Building Height	25/25	35	A-1 = 30 A-O = 40	

A-2									
Single-family	6,600	66	25	60	15/6	25/12	35	30	Single-family: same as R2
Duplex	13,000	99	25	30	25/10	25/25	35	30	Two-family, three-family and four-family 720 Over four-family 600
Multifamily	5,445 per unit	99	25	30	25/10	25/25	35	30	
Nonresidential uses	12,500	99	25	30	Building Height	25/25	35	30	
O	12,500	99	25	30	Building Height	25/25	35	40	N/A
B-1	None	None	0	12	None, but 10 feet if abutting residential zone	None	40	100	N/A
B-2	None	None	See Sec/90-474	12 Alley may be counted	10 feet one side only, 10 feet abutting residential	See Sec. 90-474	35	100	N/A
B-3 Non-residential uses	None	None	See Sec. 90-495	12 Alley may be counted	10 feet one side only, 10 feet abutting residential	See Sec. 90-495	40	100	N/A
B-3 Residential	3000 per unit	None	See Sec. 90-495	12 Alley may be counted	10 feet one side only, 10 feet	See Sec. 90-485	40	100	N/A

al uses					abutting residential				
B-4	None	None	See Sec. 90-504	Per PIng. Comm.	Per PIng. Comm.	See Sec. 90-504	40	100	N/A
B-5 SF and duplex	5,500	45 ft.	Min. 5. Max. 15	15 ft.	5 min. Total 12	Min. 5 Max 15	35	30	Same as R-2 Zone
B-5 Multi-family	Max 8 units per bldg.	99	Min. 5 Max. 15	15	5 min. Total 12	Min. 5 Max. 15	35	60	Same as A-1 zone
B-5 Non-residential	Same as B-4 zone								
B-6 See Sec. 90-533	None	None	See Sec. 90-533	12 Alley may be counted	See Sec. 90-533	See Sec. 90-533	35	100	N/A
D-1	None	None	10	10 ²	10 ²	10/10	40	40	N/A
D-2	None	None	25	25 ²	25 ²	25/25	40	40	N/A

Notes:

1. Greater setbacks may be required due to buffer zone requirements (see article XII).
2. If abutting a residential lot the minimum setback shall not be less than two times the height of the building (see sections 90-554 and 90-579).

(Ord. No. 526, § I, 4-27-15)

DIVISION 90-VI-2 R-R RURAL RESIDENTIAL DISTRICT

[Sec 90-236 Purpose](#)

[Sec 90-237 Permitted Uses](#)

[Sec 90-238 Special Uses](#)

[Sec 90-239 District Regulations](#)

[Sec 90-240 Additional Regulations](#)

Sec 90-236 Purpose

The purpose of the R-R district is to provide for single-family dwellings at a density of about one dwelling unit per acre. Certain nonresidential uses such as churches, schools, parks and playgrounds are allowed by special use permit depending upon compatibility with adjacent land uses.

(Ord. No. 301, § 7(3.100), 2-10-97)

Sec 90-237 Permitted Uses

Land and structures in the R-R district may be used for the following purposes only:

- (a) Single-family detached dwellings.
- (b) Raising and keeping of farm animals is permitted provided the area in which they are kept shall be completely enclosed by a fence or similar barrier to prevent trespass onto adjoining properties or roads. Such areas shall be at least 50 feet from adjoining nonfarm property and shall be kept in a sanitary condition consistent with accepted agricultural and health practices. For purposes of this division, farm animals shall include horses, cattle, sheep, swine, poultry, llamas, goats, rabbits, ostriches or other similar animals customarily associated with farming.
- (c) Child and adult day care homes with no more than six minor children or adults.
- (d) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1,500 feet apart as measured between property lines.
- (e) Home occupations as regulated by section 90-775.
- (f) Private communication antennas not exceeding 35 feet in height as regulated by section 90-833.
- (g) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by article IX, division 3 of this chapter.
- (h) Essential public service equipment.
 - (i) Two-family dwellings on a parcel that has frontage on a state highway as regulated by section 90-885.
 - (j) Single-family dwellings designed as open space preservation projects subject to the requirements of article 9, division 6.
- (k) Public schools per section 90-810.

(Code 1970, § 3.160; Ord. No. 301, § 7(3.101), 2-10-97; Ord. No. 360 § II, 10-28-02; Ord. No. 539, § 2, 12-27-16)

Sec 90-238 Special Uses

The following uses may be permitted as special land uses in the R-R district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Churches, synagogues or other similar places of worship and customary related uses.
- (b) Public and institutional uses and hospitals.
- (c) Private schools.
- (d) Antennas and towers exceeding a height of 35 feet.
- (e) Noncommercial parks, playgrounds and playfields.
- (f) Essential public service buildings and structures.

- (g) Housing for the elderly, retired or those requiring assisted care, including nursing homes.
- (h) Public and private golf courses.
- (i) Child or adult day care homes that provide care to more than six but not more than 12 minor children or adults.
- (j) Child day care centers.
- (k) Bed and breakfast establishments.
- (l) Foster care group home for adults and children.
- (m) Residential substance abuse treatment facility as licensed under Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.6233 et seq.) provided such facility is at least 800 feet from a similar facility or a licensed child day care home or center.
- (n) Commercial kennels.
- (o) Off-street parking areas for commercial, industrial, multifamily or other nonresidential uses as regulated by section 90-921.
- (p) Crisis shelter homes within a single-family dwelling operated by a nonprofit agency which provide temporary housing for families or individuals involved in domestic violence or similar crisis situations which prevent them from staying in their own homes.

(Code 1970, § 3.160; Ord. No. 301, § 7(3.102), 2-10-97; Ord. No. 357, § I, 9-23-02; Ord. No. 539, § 3, 12-27-16)

Sec 90-239 District Regulations

Buildings and structures shall not be erected or enlarged in the R-R district unless the following requirements are met and maintained:

- (a) Minimum lot area and width, 44,000 square feet and 150 feet of lot width for all uses.
- (b) Minimum required building setbacks shall be:
 - (1) Front yard, 40 feet.
 - (2) Side yard, for dwellings, a total of 50 feet, provided no side setback shall be less than 20 feet. For all other uses, 30 feet on each side.
 - (3) For corner lots, the setback along the principal street shall be a minimum of 40 feet while the setback along the secondary street shall be at least 30 feet. The zoning administrator shall determine which is the principal street and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street.
 - (4) Rear yard, 25 feet.
- (c) Maximum building height, 35 feet.
- (d) Maximum lot coverage, 30 percent.
- (e) Floor area shall be:
 - (1) One-story, 1,000 square feet.
 - (2) Two-story, 750 square feet on the ground floor.
 - (3) Split-level, bi-level and raised ranch, 800 square feet above grade.
 - (4) Two-family dwelling, 720 square feet per dwelling.

(Code 1970, § 3.163; Ord. No. 301, § 7(3.104), 2-10-97)

Sec 90-240 Additional Regulations

- (a) Off-street parking in the R-R district shall be regulated by article X of this chapter.
- (b) Signs shall be regulated by article XI of this chapter.
- (c) Site plan review as regulated by article IV of this chapter is required for all special land uses.
- (d) Site condominiums shall be regulated by article VIII of this chapter.

(Code 1970, § 3.162; Ord. No. 301, § 7(3.105), 2-10-97)

DIVISION 90-VI-3 R-S SUBURBAN RESIDENTIAL DISTRICT

[Sec 90-261 Purpose](#)

[Sec 90-262 Permitted Uses](#)

[Sec 90-263 Special Uses](#)

[Sec 90-264 District Regulations](#)

[Sec 90-265 Additional Regulations](#)

Sec 90-261 Purpose

The R-S district provides for single-family dwelling units at a density of about 2.90 units per acre. This district is intended to be served by public water and sanitary sewer. Regulations contained within this division also provide for the development of certain nonresidential facilities as special land uses, which can provide convenient services while at the same time maintaining the overall residential character of the district.

(Ord. No. 301, § 7(3.110), 2-10-97)

Sec 90-262 Permitted Uses

Land and structures in the R-S district may be used for the following purposes only:

- (a) Single-family detached dwellings.
- (b) Child and adult day care homes with no more than six minor children or adults.
- (c) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1,500 feet apart as measured between property lines.
- (d) Home occupations as regulated by section 90-775.
- (e) Private communication antennas not exceeding 35 feet in height as regulated by section 90-833.
- (f) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by article IX, division 3 of this chapter.
- (g) Essential public service equipment.
- (h) Private stables provided there is a minimum of three acres per horse and the area in which the horse is kept is completely enclosed by a fence or similar barrier. Such areas shall be at least 50 feet from adjoining nonfarm property and shall be kept in a sanitary condition consistent with accepted agricultural and health practices.
- (i) Two-family dwellings on a parcel that has frontage on a state highway as regulated by section

90-885.

- (j) Single-family dwellings designed as open space preservation projects subject to the requirements of article 9, division 6.
- (k) Public schools per section 90-810.

(Code 1970, § 3.170; Ord. No. 301, § 7(3.111), 2-10-97; Ord. No. 360, § III, 10-28-02; Ord. No. 539, § 2, 12-27-16)

Sec 90-263 Special Uses

The following uses may be permitted as special land use in the R-S district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Churches, synagogues or other similar places of worship and customary related uses.
- (b) Public and institutional uses and hospitals.
- (c) Private schools.
- (d) Antennas and towers exceeding a height of 35 feet.
- (e) Noncommercial parks, playgrounds and playfields.
- (f) Essential public service buildings and structures.
- (g) Housing for the elderly, retired or those requiring assisted care, including nursing homes.
- (h) Public and private golf courses.
- (i) Child and adult day care homes that provide care to more than six but not more than 12 minor children or adults.
- (j) Child day care centers.
- (k) Bed and breakfast establishments.
- (l) Foster care group home for seven or more children.
- (m) Residential substance abuse treatment facility as licensed under Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.6233 et seq.) provided such facility is at least 800 feet from a similar facility or a licensed child day care home or center.
- (n) Off-street parking areas for commercial, industrial, multifamily or other nonresidential uses as regulated by section 90-921.
- (o) Crisis shelter homes within a single-family dwelling operated by a nonprofit agency which provide temporary housing for families or individuals involved in domestic violence or similar crisis situations which prevent them from staying in their own homes.

(Code 1970, § 3.170; Ord. No. 301, § 7(3.112), 2-10-97; Ord. No. 357, § II, 9-23-02; Ord. No. 539, § 3, 12-27-16)

Sec 90-264 District Regulations

Buildings and structures shall not be erected or enlarged in the R-S district unless the following requirements are met and maintained:

- (a) Minimum lot area and width, 15,000 square feet and 99 feet of lot width for all uses.

(b) Minimum required building setbacks shall be:

- (1) Front yard, 35 feet.
- (2) Side yard, for dwellings, a total of 40 feet provided no side setback shall be less than 15 feet. For all other uses, 25 feet on each side.
- (3) For corner lots, the setback along the principal street shall be a minimum of 35 feet while the setback along the secondary street shall be at least 25 feet. The zoning administrator shall determine which is the principal street and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street.
- (4) Rear yard, 25 feet.

(c) Maximum building height, 35 feet.

(d) Maximum lot coverage, 30 percent.

(e) The floor area shall be, for:

- (1) One-story, 1,000 square feet.
- (2) Two-story, 750 square feet on the ground floor.
- (3) Split-level, bi-level and raised ranch, 800 square feet above grade.
- (4) Two-family dwelling, 720 square feet per dwelling.

(Code 1970, § 3.173; Ord. No. 301, § 7(3.113), 2-10-97)

Sec 90-265 Additional Regulations

- (a) Off-street parking in the R-S district shall be regulated by article X of this chapter.
- (b) Signs shall be regulated by article XI of this chapter.
- (c) Site plan review as regulated by article IV of this chapter is required for all special land uses.
- (d) Site condominiums shall be regulated by article VIII of this chapter.

(Code 1970, § 3.172; Ord. No. 301, § 7(3.114), 2-10-97)

DIVISION 90-VI-4 R-1 ONE-FAMILY RESIDENTIAL DISTRICT

[Sec 90-286 Purpose](#)

[Sec 90-287 Permitted Uses](#)

[Sec 90-288 Special Uses](#)

[Sec 90-289 District Regulations](#)

[Sec 90-290 Additional Regulations](#)

Sec 90-286 Purpose

The R-1 district provides for single-family detached dwellings as the predominant land use with a maximum density of 4.4 units per acre. Certain public and institutional uses are permitted as special land uses provided they can be compatible with the residential character of the area.

(Ord. No. 301, § 7(3.120), 2-10-97)

Sec 90-287 Permitted Uses

Land and structures in the R-1 district may be used for the following purposes only:

- (a) Single-family detached dwellings.
- (b) Child and adult day care homes with no more than six minor children or adults.
- (c) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1,500 feet apart as measured between property lines.
- (d) Home occupations as regulated by section 90-775.
- (e) Private communication antennas not exceeding 35 feet in height as regulated by section 90-833.
- (f) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by article IX, division 3 of this chapter.
- (g) Essential public service equipment.
- (h) Two-family dwellings on a parcel that has frontage on a state highway as regulated by section 90-885.
- (i) Public schools per section 90-810.

(Code 1970, § 3.180; Ord. No. 301, § 7(3.121), 2-10-97; Ord. No. 539, § 2, 12-27-16)

Sec 90-288 Special Uses

The following uses may be permitted as special land uses in the R-1 district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Churches, synagogues or other similar places of worship and customary related uses.
- (b) Public and institutional uses and hospitals.
- (c) Private schools.
- (d) Antennas and towers exceeding a height of 35 feet.
- (e) Noncommercial parks, playgrounds and playfields.
- (f) Essential public service buildings and structures.
- (g) Housing for the elderly, retired or those requiring assisted care, including nursing homes.
- (h) Child and adult day care homes that provide care to more than six but not more than 12 minor children or adults.
- (i) Child day care centers.
- (j) Bed and breakfast establishments.
- (k) Foster care group home for seven or more children or adults.
- (l) Residential substance abuse treatment facility as licensed under Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.6233 et seq.) provided such facility is at least 800 feet from a similar facility or a licensed child day care home or center.
- (m) Off-street parking areas for commercial, industrial, multifamily or other nonresidential uses as regulated by section 90-921.
- (n) Crisis shelter homes within a single-family dwelling operated by a nonprofit agency which provide temporary housing for families or individuals involved in domestic violence or similar crisis situations which prevent them from staying in their own homes.

(Code 1970, § 3.170; Ord. No. 301, § 7(3.122), 2-10-97; Ord. No. 357, § III, 9-23-02; Ord. No. 539, § 3, 12-27-16)

Sec 90-289 District Regulations

Buildings and structures shall not be erected or enlarged in the R-1 district unless the following requirements are met and maintained:

(a) Minimum lot area and width shall be for:

- (1) Single-family dwellings, 9,900 square feet and 75 feet of lot width.
- (2) Two-family dwellings, 13,000 square feet and 99 feet of lot width.
- (3) Nonresidential uses, 15,000 square feet and 99 feet of lot width.

(b) Minimum required building setbacks shall be:

- (1) Front yard, 30 feet.
- (2) Side yard, for dwelling units, a total of 18 feet provided no side setback shall be less than seven feet. For all other uses, 25 feet on each side.
- (3) On corner lots, the setback along the principal street shall be a minimum of 30 feet while the setback along the secondary street shall be at least 20 feet. The zoning administrator shall determine which is the principal street and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street.
- (4) Rear yard, 25 feet.

(c) Maximum building height, 35 feet.

(d) Maximum lot coverage, 30 percent.

(e) The floor area shall be, for:

- (1) One-story, 1,000 square feet.
- (2) Two-story, 750 square feet on the ground floor.
- (3) Split-level, bi-level and raised ranch, 800 square feet above grade.
- (4) Two-family dwellings, 720 square feet per dwelling.

(Code 1970, § 3.183; Ord. No. 301, § 7(3.123), 2-10-97)

Sec 90-290 Additional Regulations

(a) Off-street parking in the R-1 district shall be regulated by article X of this chapter.

(b) Signs shall be regulated by article XI of this chapter.

(c) Site plan review as regulated by article IV of this chapter is required for all special land uses.

(d) Site condominiums shall be regulated by article VIII of this chapter.

(Code 1970, § 3.182; Ord. No. 301, § 7(3.124), 2-10-97)

DIVISION 90-VI 4A R1-A, ONE-FAMILY RESIDENTIAL ZONE

[Sec 90-286A Purpose](#)

[Sec 90-287A Applicability](#)

[Sec 90-288A Permitted Uses](#)

[Sec 90-289A Special Uses](#)

[Sec 90-290A District Regulations](#)

[Sec 90-291A Subdivisions, Site Condominiums And Land Divisions](#)

[Sec 90-292A Street, Walkway, And Trail Connections](#)

[Sec 90-293A Open Space Neighborhoods \(OSN\) Within Plats And Site Condominiums](#)

[Sec 90-294A Condition For Amendment Of The R1-A District](#)

Sec 90-286A Purpose

The City of Hastings, the Townships of Rutland and Hastings and Barry County have jointly adopted the Hastings Area Plan in order to guide future development in a manner which is consistent with the common goals and objectives of these municipalities. The plan sets forth recommendations on future roads, utility extensions, and land use.

The purpose of the R1-A, one-family residential zone is to provide zoning regulations which are common to each municipality to ensure the consistent application of the recommendations of the Hastings Joint Land Use Plan. The permitted density for residential uses is approximately four units per acre and such density must be served by public water and sanitary sewer.

Subdivisions and site condominiums will be required to be served by these public utilities. Open space subdivisions are encouraged for site condominiums and platted subdivisions.

The R1-A zone is also proposed to serve as a receiving area for the transfer of development credits from agricultural and rural preservation areas in the county. Additional density will be permitted for projects which accept these development credits.

The purposes of this zoning district are also to:

- (a) Coordinate land use along the boundaries of the city boundary and the adjoining lands in Rutland Township and Hastings Township to achieve compatibility in density, use, function and design.
- (b) Provide for a connected system of street, pedestrian and bicycle trails between neighborhoods and activity centers.
- (c) Ensure that public utilities and urban services are provided concurrent with and by new development in a phased and sequential manner with the level of service proportional to the type of land use proposed.
- (d) Preserve valuable natural areas and open within and adjacent to residential developments.

(Ord. No. 447, § I, 7-27-09)

Sec 90-287A Applicability

The regulations of this section shall apply to any land which is planned for moderate density residential land use (MDR) as recommended by the Hastings Area Plan which has been adopted as part of the City of Hastings Comprehensive Community Plan and as are designated on the City of Hastings Zoning Map.

(Ord. No. 447, § I, 7-27-09)

Sec 90-288A Permitted Uses

Land and structures in the R1-A district may be used for the following purposes only:

- (a) Single-family detached dwellings.
- (b) Child and adult day care homes with no more than six minor children or adults.
- (c) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1,500 feet apart as measured between property lines.
- (d) Home occupations as regulated by section 90-775.
- (e) Private communication antennas not exceeding 35 feet in height as regulated by section 90-833.
- (f) Accessory uses, buildings, and structures customarily incidental to any of the above uses as regulated by article IX, division 3 of this chapter.
- (g) Essential public service equipment.
- (h) Two-family dwellings on a parcel that has frontage on a state highway as regulated by section 90-885.
- (i) Private stables provided there is a minimum of three acres per horse and the area in which the horse is kept is completely enclosed by a fence or similar barrier. Such areas shall be at least 50 feet from adjoining nonfarm property and shall be kept in a sanitary condition consistent with accepted agricultural and health practices.
- (j) Public schools per section 90-810.

(Ord. No. 447, § I, 7-27-09; Ord. No. 539, § 2, 12-27-16)

Sec 90-289A Special Uses

The following uses may be permitted as special land uses in the R1-A district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Churches, synagogues or other similar places of worship and customary related uses.
- (b) Public and institutional uses and hospitals.
- (c) Private schools.
- (d) Antennas and towers exceeding a height of 35 feet.
- (e) Noncommercial parks, playgrounds and playfields.
- (f) Essential public service buildings and structures.
- (g) Housing for the elderly, retired or those requiring assisted care, including nursing homes.
- (h) Public and private golf courses.
- (i) Child and adult day care homes that provide care to more than six but not more than 12 minor children or adults.
- (j) Child day care centers.
- (k) Bed and breakfast establishments.
- (l) Foster care group home for seven or more children or adults.
- (m) Residential substance abuse treatment facility as licensed under Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.6233 et seq.), provided such facility is at least 800 feet from a similar facility or a licensed child day care home or center.
- (n) Off-street parking areas for commercial, industrial, multifamily or other nonresidential uses as

regulated by section 90-921.

- (o) Crisis shelter homes within a single-family dwelling operated by a nonprofit agency which provide temporary housing for families or individuals involved in domestic violence or similar crisis situations which prevent them from staying in their own homes.

(Ord. No. 447, § I, 7-27-09; Ord. No. 539, § 3, 12-27-16)

Sec 90-290A District Regulations

Buildings and structures in the R1-A district shall comply with the district regulations of the R-1 zone as contained in section 90-289 and the additional regulations for the R-1 zone contained in section 90-290.

(Ord. No. 447, § I, 7-27-09)

Sec 90-291A Subdivisions, Site Condominiums And Land Divisions

All lands which are within the R1-A, one-family residential zone which are proposed for development according to the State of Michigan Land Division Act of 1966 as amended, being P.A. 591 of 1996, the Condominium Act, being P.A. 59 of 1978, as amended and all land divisions which result in five or more new lots shall be served by public water and sanitary sewer.

(Ord. No. 447, § I, 7-27-09)

Sec 90-292A Street, Walkway, And Trail Connections

In order to achieve one of the objectives of the Hastings Area Plan which is to "provide for a connected system of streets and pedestrian and bicycle trails between neighborhoods and activity centers" all site plans, platted subdivisions and site condominiums shall be designed to provide for the following as may be required by the planning commission:

- (a) Public and private streets shall be extended to the boundary line of adjacent parcels to allow for the logical continuation of such streets into the adjacent parcel. This extension may be in the form of constructing the road itself to the parcel boundary or providing a right-of-way to the parcel boundary so the road may be constructed at a future date.
- (b) Sidewalks at least five feet wide, on both sides of the street, shall be installed within the street right-of-way for all plats and site condominiums in accordance with the applicable regulations of the City of Hastings Land Division Ordinance and article 8 of the Hastings Zoning Ordinance, site condominium projects.
- (c) Within platted subdivisions and site condominiums improved walkways, where practicable, shall be located along certain side lot lines in order to provide an alternative pedestrian travel route to the sidewalk system located within the public right-of-way. These "mid-block" walkways shall be located with an easement and shall not be blocked by the property owner and shall be spaced approximately 600 feet apart.
- (d) If the plat or site condominium provides common open space for use by its residents, a walking trail shall be provided within this open space if practicable.
- (e) Street trees and street lights shall be provided at regular intervals within the street right-of-way by the developer of the plat or site condominium if determined to be necessary by the planning commission.

(Ord. No. 447, § I, 7-27-09)

Sec 90-293A Open Space Neighborhoods (OSN) Within Plats And Site Condominiums

- (a) *Intent.* The intent of this section is to provide incentives for dedicated open space to be preserved within any new residential plat or site condominium development as recommended by the Hastings Area Plan. These regulations, which are voluntary, will allow an applicant to likely achieve a few more lots than would otherwise be possible under conventional plat or site condominium development. Further, this section seeks to achieve the following objective:
- (1) Identify and preserve natural features of the site proposed for development.
 - (2) Provide for recreational areas and civic open space within new neighborhoods that are usable, centrally located and accessible to all residents of the neighborhood and which can promote a sense of community and opportunities for interaction among neighbors.
 - (3) Provide for neighborhood design which has a definable center and an edge, and which provides pedestrian links throughout the development.
- (b) *Authorization.* An open space neighborhood shall be a use permitted by right within the R1-A, one-family residential zone, when developed according to the regulations set forth in the City of Hastings Land Division Ordinance and article 8 of the Hastings Zoning Ordinance, site condominium projects.
- (c) *Development requirements.* The following regulations, shall apply to an open space neighborhood:
- (1) The site shall be developed subject to the regulations of the City of Hastings Land Division Ordinance and article 8 of the Hastings Zoning Ordinance, site condominium projects.
 - (2) Public water and sewer shall be available to serve the site.
 - (3) Lot sizes within an OSN shall be an average of 7,000 square feet in area and no lot shall be less than 6,500 square feet in area with a minimum lot width of 60 feet.
 - (4) Front, side, and rear yard setbacks for all structures and buildings in an OSN may be as follows:
- (d) *Open space requirements.*
- (1) An OSN shall provide and maintain a minimum of ten percent of the gross site acreage as preserved dedicated open space.
 - (2) A portion of the dedicated open space, but not more than five percent of the gross site acreage, may consist of woods, wetlands, steep slopes, existing ponds, creeks or floodplain areas.
- Dedicated open spaces shall also consist of play areas with play structures, open grass covered fields, ball fields, tennis courts, swimming pools and related buildings, community buildings, and similar recreational facilities, as well as natural areas such as fields and woods.
- It is the intent of this section to provide for recreational areas and civic open spaces within an OSN project that are usable, centrally located and accessible to all residents of the neighborhood and to preserve natural site features such as woods, stands of trees, wetlands, ravines, steep hills and similar areas which provide for wildlife habitat, shade, walking trails and pleasing views.
- (3) At least one contiguous area of open space shall be centrally located within the development, and shall be maintained as a village square, playground, or park.
 - (4) The planning commission may require that specific natural features of the site be

preserved as part of the dedicated open space. Such features may include stands of trees or woods, specimen trees, wetlands, steep slopes, natural drainage courses or open fields.

- (5) Except for those natural site feature areas noted above, an individual open space area shall not be more than 60,000 square feet or less than 10,000 square feet. An OSN project shall contain at least one individual open space area of at least 20,000 square feet.
- (6) Narrow bands of open space around the perimeters of sites will generally not qualify as usable dedicated open space, unless those areas are portions of walking trails that connect to larger areas of open space.
- (7) Open space areas shall be located so as to be reasonably accessible to all residents of the OSN. Pedestrian access points to the dedicated open space areas from the interior of the OSN shall be provided and shall be clearly identifiable by a sign or improved pathway.
- (8) Dedicated open space within the OSN shall be linked, if possible, with any adjacent existing public spaces or walkways.
- (9) The planning commission and the city council may, at their discretion, consider variations from the open space requirements contained in subsections 90-291A(d) and (e) provided that the applicant can demonstrate that the intent of the open space neighborhood ordinance is met. However, the amount of dedicated open space shall not be reduced below the requirement in subsection 90-291A(1).
- (10) Areas not counted as open space.
 - a. The area within all public or private road rights-of-way.
 - b. The area within a platted lot, or site condominium unit occupied or to be occupied by a building or structure.
 - c. Off-street parking areas.
 - d. Detention and retention ponds created to serve the project.
 - e. Sidewalks, excepting those walkways that are a portion of a dedicated trail system. However, trail systems alone may not constitute the entire percentage of the dedicated open space.
- (11) Guarantee of open space. The applicant shall provide an open space preservation and maintenance agreement to the city council stating that all dedicated open space portions of the development shall be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the city council and the land uses continue as approved in the plat or site condominium, unless an amendment is approved by the city council.

The agreement must be acceptable to the city council and may consist of a dedicated park, a recorded deed restriction, covenants that run perpetually with the land or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended.

The agreement shall:

- a. Indicate the allowable use(s) of the dedicated open space.
- b. Require that the dedicated open space be maintained by parties who have an

ownership interest in the open space, whether those parties are of a private or municipal nature.

- c. Provide standards for scheduled maintenance of the dedicated open space including necessary maintenance of vegetation, and repair, maintenance or management of site amenities and facilities.
- d. Provide for maintenance to be undertaken by the city council in its discretion in the event that the dedicated open space is inadequately maintained, or is determined to be a public nuisance. Any costs incurred by the city shall be assessed to the owners of the property within the OSN.

(e) *Design standards for open space neighborhoods.*

- (1) Within an OSN, lots shall be located to face upon the centrally located village green or play area so as to promote visibility, monitoring, and safety of the area.

This central green or play area shall be adjacent to the public or private roadway. Ideally, the central green or play area should be encircled by the roadway or by a sidewalk.

- (2) Within the OSN, the edge of any central green or play area shall be located no more than 1,320 feet (one-quarter mile) from another green, play area, or other dedicated open space. In addition, no lot within an OSN shall be located further than 1,320 feet (one-quarter mile) from any central green, play area, or natural area.
- (3) Stormwater shall be substantially managed with such techniques as vegetated swales, rain gardens, stone weirs or dikes, sediment basins and shallow stormwater areas. Stormwater shall be minimally managed with conventional stormwater management structures such as gutters, catch basins, underground pipes, detention ponds, and retention ponds.
- (4) Stormwater detention ponds shall be required, if necessary, for the containment of estimated surface water runoff. Such ponds shall be placed at locations that will not detract from visual amenities along the streetscape or result in a hazard to pedestrians in the immediate area.

(Ord. No. 447, § I, 7-27-09)

Sec 90-294A Condition For Amendment Of The R1-A District

It is the intent of this division to cooperate with the neighboring jurisdictions to guide growth and development in the Hastings area in a manner that benefits all communities. It is hereby determined that standards and regulations that permit or encourage competing high density residential or commercial or industrial uses of any kind outside the Hastings joint planning area will be in conflict with the intent of this division and are expressly prohibited. In keeping with the inter-jurisdictional cooperation that embodies the plan and this district, the provisions of this section shall not be amended by the City of Hastings to permit such competing uses without the approval of all signatories to the Hastings Area Joint Planning Agreement.

(Ord. No. 447, § I, 7-27-09)

DIVISION 90-VI-5 R-2 ONE-FAMILY RESIDENTIAL DISTRICT

[Sec 90-311 Purpose](#)

[Sec 90-312 Permitted Uses](#)

[Sec 90-313 Special Uses](#)

[Sec 90-314 District Regulations](#)

[Sec 90-315 Additional Regulations](#)

Sec 90-311 Purpose

The R-2 district is intended to provide opportunities for single-family housing at a density of 5.45 units per acre. Uses within this district are intended to be served by public water and sanitary sewer. Certain nonresidential uses that are compatible with surrounding uses would be allowed as special land uses.

(Ord. No. 301, § 7(3.150), 2-10-97)

Sec 90-312 Permitted Uses

Land and structures in the R-2 district may be used for the following purposes only:

- (a) Single-family detached dwellings.
- (b) Child and adult day care homes with no more than six minor children or adults.
- (c) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1,500 feet apart as measured between property lines.
- (d) Home occupations as regulated by section 90-775.
- (e) Private communication antennas not exceeding 35 feet in height as regulated by section 90-921.
- (f) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by article IX, division 3 of this article.
- (g) Essential public service equipment.
- (h) Two-family dwellings on a parcel with frontage on a state highway as regulated by section 90-885.
- (i) Public schools per section 90-810.

(Code 1970, § 3.190; Ord. No. 301, § 7(3.151), 2-10-97; Ord. No. 539, § 2, 12-27-16)

Sec 90-313 Special Uses

The following uses may be permitted as special land uses in the R-2 district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Churches, synagogues or other similar places of worship and customary related uses.
- (b) Public and institutional uses and hospitals.
- (c) Private schools.
- (d) Antennas and towers exceeding a height of 35 feet.
- (e) Noncommercial parks, playgrounds and playfields.
- (f) Essential public service buildings and structures.
- (g) Housing for the elderly, retired or those requiring assisted care, including nursing homes.
- (h) Child and adult day care homes that provide care to more than six but not more than 12 minor children or adults.
- (i) Child day care centers.
- (j) Bed and breakfast establishments.

- (k) Foster care group home for seven or more children or adults.
- (l) Residential substance abuse treatment facility as licensed under Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.6233 et seq.) provided such facility is at least 800 feet from a similar facility or a licensed child day care home or center.
- (m) Off-street parking areas for commercial, industrial, multifamily or other nonresidential uses as regulated by section 90-921.
- (n) Crisis shelter homes within a single-family dwelling operated by a nonprofit agency which provide temporary housing for families or individuals involved in domestic violence or similar crisis situations which prevent them from staying in their own homes.
- (o) Crisis mentoring family home operated by a nonprofit agency, as defined by the federal government, providing family mentoring for crisis pregnancies, parent-child crisis, relationship crisis and family roles in crisis. Such use shall be subject to the following requirements:
 - (1) Such use shall be located in an existing single-family dwelling.
 - (2) Such use shall only be permitted on lots which have frontage on state highways and West Green Street.
 - (3) Parking for employees, volunteers, clients, and other users of the facility shall be provided on site.
 - (4) Overnight or weekend use of the dwelling for training workshops and similar activities may be permitted with specific approval of the planning commission.
 - (5) No signs shall be permitted except for an unlighted nameplate not to exceed 144 square inches attached to the dwelling.
 - (6) The planning commission may place conditions on the operation of the use including limiting the number of employees on site at any one time, limiting the days and hours of operation in order to mitigate any adverse effects on nearby residents and to maintain the residential quality of the neighborhood.
 - (7) A site plan prepared in accordance with the requirements of section (4) need not be provided. However, an accurate drawing shall be provided illustrating the property lines, existing buildings, off-street parking area and other existing conditions relevant to the request.
- (p) Transitional or Emergency Housing.

(Code 1970, § 3.190; Ord. No. 301, § 7(3.152), 2-10-97; Ord. No. 357, § IV, 9-23-02; Ord. No. 441, § I, 4-27-09; Ord. No. 539, § 3, 12-27-16)

HISTORY

Amended by Ord. [561](#) on 10/26/2018

Sec 90-314 District Regulations

Buildings and structures shall not be erected or enlarged in the R-2 district unless the following requirements are met and maintained:

- (a) Minimum lot area and width shall be, for:
 - (1) Single-family dwellings, 8,000 square feet and 66 feet of lot width.
 - (2) Two-family dwellings, 13,000 square feet and 99 feet of lot width.

(3) Nonresidential uses, 15,000 square feet and 99 feet of lot width.

(b) Minimum required building setbacks shall be:

(1) Front yard, 25 feet.

(2) Side yard, for dwellings, a total of 15 feet provided no side setback shall be less than six feet. For all other uses, 20 feet on each side.

(3) On corner lots, the setback along the principal street shall be a minimum of 25 feet while the setback along the secondary street shall be at least 15 feet. The zoning administrator shall determine which is the principal street and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street.

(4) Rear yard, 25 feet.

(c) Maximum building height, 35 feet.

(d) Maximum lot coverage, 30 percent.

(e) Floor area shall be, for:

(1) One-story, 800 square feet.

(2) Two-story, 600 square feet on the ground floor.

(3) Split-level, bi-level and raised ranch, 800 square feet above grade.

(4) Two-family dwelling unit, 720 square feet per dwelling.

(Code 1970, § 3.193; Ord. No. 301, § 7(3.153), 2-10-97)

Sec 90-315 Additional Regulations

(a) Off-street parking in the R-2 district shall be regulated by article X of this chapter.

(b) Signs shall be regulated by article XI of this chapter.

(c) Site plan review as regulated by article IV of this chapter is required for all special land uses.

(d) Site condominiums shall be regulated by article VIII of this chapter.

(Code 1970, § 3.192; Ord. No. 301, § 7(3.154), 2-10-97)

DIVISION 90-VI-6 R-D DUPLEX APARTMENT DISTRICT

[Sec 90-336 Purpose](#)

[Sec 90-337 Permitted Uses](#)

[Sec 90-338 Special Uses](#)

[Sec 90-339 District Regulations](#)

[Sec 90-340 Additional Regulations](#)

Sec 90-336 Purpose

The intent of the R-D zoning district is to establish a district where both single-family and two-family dwelling units are allowed as a use by right. Three-family and four-family dwelling units would also be allowed as special land uses as would certain nonresidential uses. The uses permitted within this district would be served by public water and sanitary sewer.

(Ord. No. 301, § 7(3.160), 2-10-97)

Sec 90-337 Permitted Uses

Land and structures in the R-D district may be used for the following purposes only:

- (a) Single-family detached dwellings.
- (b) Two-family dwelling units.
- (c) Child and adult day care homes with no more than six minor children or adults.
- (d) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1,500 feet apart as measured between property lines.
- (e) Home occupations as regulated by section 90-775.
- (f) Private communication antennas not exceeding 35 feet in height as regulated by section 90-833.
- (g) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by article IX, division 3 of this chapter.
- (h) Essential public service equipment.
- (i) Public schools per section 90-810.

(Code 1970, § 3.220; Ord. No. 301, § 7(3.161), 2-10-97; Ord. No. 539, § 2, 12-27-16)

Sec 90-338 Special Uses

The following uses may be permitted as special land uses in the R-D district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Three-family and four-family dwellings.
- (b) Churches, synagogues or other similar places of worship and customary related uses.
- (c) Public and institutional uses and hospitals.
- (d) Private schools.
- (e) Antennas and towers exceeding a height of 35 feet.
- (f) Noncommercial parks, playgrounds and playfields.
- (g) Essential public service buildings and structures.
- (h) Housing for the elderly, retired or those requiring assisted care, including nursing homes.
- (i) Child and adult day care homes that provide care to more than six but not more than 12 minor children or adults.
- (j) Child day care centers.
- (k) Bed and breakfast establishments.
- (l) Foster care group home for seven or more children and adults.
- (m) Residential substance abuse treatment facility as licensed under Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.6233 et seq.) provided such facility is at least 800 feet from a similar facility or a licensed child day care home or center.
- (n) Off-street parking areas for commercial, industrial, multifamily or other nonresidential uses as regulated by section 90-921.
- (o) Crisis shelter homes within a single-family dwelling operated by a nonprofit agency which provide

temporary housing for families or individuals involved in domestic violence or similar crisis situations which prevent them from staying in their own homes.

(p) Transitional or Emergency Housing.

(Code 1970, § 3.220; Ord. No. 301, § 7(3.162), 2-10-97; Ord. No. 357, § V, 9-23-02; Ord. No. 539, § 3, 12-27-16)

HISTORY

Amended by Ord. [561](#) on 10/26/2018

Sec 90-339 District Regulations

Buildings and structures shall not be erected or enlarged in the R-D district unless the following requirements are met and maintained:

(a) The minimum lot area and width shall be, for:

- (1) Single-family dwellings, 9,900 square feet with a minimum lot width of 75 feet.
- (2) Two-family dwellings, 13,000 square feet with a minimum lot width of 99 feet.
- (3) Three-family and four-family dwellings, 5,500 square feet per dwelling with a minimum lot width of 99 feet.
- (4) Nonresidential uses, 15,000 square feet with a minimum lot width of 99 feet.

(b) Minimum required building setbacks shall be:

- (1) Front yard, 30 feet.
- (2) Side yard, for single-family, two-family and multifamily dwellings, a total of 25 feet provided no side setback shall be less than ten feet. For all other uses, 40 feet on each side.
- (3) On corner lots, the setback along the principal street shall be a minimum of 30 feet while the setback along the secondary street shall be at least 25 feet. The zoning administrator shall determine which is the principal street and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street.
- (4) Multifamily buildings shall be at least 30 feet apart whether on the same lot or adjoining lots.
- (5) Rear yard, 25 feet.

(c) Maximum building height, 35 feet.

(d) Maximum lot coverage, 30 percent.

(e) Floor area shall be, for:

(1) Single-family:

- a. One-story, 800 square feet.
- b. Two-story, 600 square feet on the ground floor.
- c. Split-level, bi-level and raised ranch, 800 square feet above grade.

(2) Two-family, three-family and four-family dwellings, 720 square feet per unit.

(Code 1970, § 3.223; Ord. No. 301, § 7(3.163), 2-10-97)

Sec 90-340 Additional Regulations

- (a) Off-street parking in the R-D district shall be regulated by article X of this chapter.
- (b) Signs shall be regulated by article XI of this chapter.
- (c) Site plan review as regulated by article IV of this chapter is required for all special land uses.
- (d) Site condominiums shall be regulated by article VIII of this chapter.

(Code 1970, § 3.222; Ord. No. 301, § 7(3.164), 2-10-97)

DIVISION 90-VI-7 R-M MOBILE HOME PARK DISTRICT

[Sec 90-361 Purpose](#)

[Sec 90-362 Application Requirements](#)

[Sec 90-363 Permitted Uses](#)

[Sec 90-364 Regulations](#)

[Sec 90-365 Site Locations Standards](#)

[Sec 90-366 Site Development Standards](#)

[Sec 90-367 Building And Structure Requirements](#)

[Sec 90-368 Site Plan Review](#)

[Sec 90-369 Inspections](#)

[Sec 90-370 Variances](#)

Sec 90-361 Purpose

The R-M district is intended to provide for suitable areas for mobile home parks and other compatible uses. The regulations contained in this division are intended to ensure that mobile home parks will provide a comfortable, pleasing and safe environment for persons who seek mobile home residence by providing for safe and adequate vehicular and pedestrian movement on the site. These regulations are also intended to protect the public health of mobile home park residents by ensuring that mobile home parks will be served adequately by essential public facilities such as access streets, public water, sanitary sewer, stormwater drainage facilities, and police and fire protection.

(Code 1970, § 3.206)

Sec 90-362 Application Requirements

In connection with a request for a rezoning to the R-M district, a preliminary sketch plan shall be submitted along with the information required by section 90-5(c). The preliminary plan shall illustrate the general layout of the mobile home park, the number and type of units proposed, vehicle circulation pattern, buffering treatment along perimeter lots, and a statement about how the proposed use will be served by the public utilities.

(Code 1970, § 3.207)

Sec 90-363 Permitted Uses

A mobile home park is a permitted use in the R-M district. Within a mobile home park the following uses shall be permitted by right:

- (a) Mobile homes.
- (b) Modular dwelling units.

- (c) Mobile home condominium projects as regulated by the Condominium Act, Act No. 50 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq.).
- (d) Parks, playgrounds, community building, open space areas, and other facilities for use by mobile home park tenants.
- (e) Accessory buildings and uses and permitted under the regulations of this division.
- (f) Customary home occupations as regulated by section 90-775.
- (g) Utility buildings used for laundry facilities by mobile home park tenants, or for storage space for personal property of mobile home park tenants.
- (h) The sale of mobile homes by individual resident owners, and the sale of mobile home model units by a licensed dealer/broker on individual mobile home sites when they are blocked, leveled, skirted, and otherwise appear to be completely installed on site. The establishment of a commercial sales lot offering mobile homes for placement on sites other than the mobile home park where offered for sale shall not be permitted.
- (i) One office building per mobile home park to be used exclusively for conducting the business operations of the mobile home park.
- (j) Church, school and public uses, provided that any building or structure is located at least 40 feet from any lot line.

(Code 1970, § 3.208)

Sec 90-364 Regulations

All mobile home parks shall comply with the applicable requirements of Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq.), provided the developments meet the standards and conditions and all other provisions as established in this division.

(Code 1970, § 3.209)

Sec 90-365 Site Locations Standards

- (a) *Access.* The mobile home park main entry street shall have vehicular access connected to a major street or state highway as designated on the city street system map. The street must be paved and of sufficient design capacity to safely and effectively handle any increased traffic that may be generated by the mobile home park.
- (b) *Minimum park size.* The minimum size for a mobile home park shall be 15 contiguous acres. A mobile home park site that has frontage on a public street other than the access road serving the site shall have a minimum of 150 feet abutting the public street.
- (c) *Utilities.* A mobile home park shall be served by public water and sewer.

(Code 1970, § 3.209A)

Sec 90-366 Site Development Standards

- (a) *Mobile home site dimensions.* The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home. This 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space; but in no case shall the open and

distance requirements be less than that required under R 125.1946, rule 946 and R 125.1941 and R 125.1944, rules 941 and 944 of the Michigan Administrative Code.

(b) *Setbacks*. In addition to the restrictions of the state mobile home commission regulations, a mobile home shall be located no closer than 20 feet from an internal road and no closer than 20 feet from the boundary line of a mobile home park or mobile home condominium. A mobile home, accessory building, utility building or mobile home park office building shall not be located closer than 50 feet to a public right-of-way.

(c) *Screening*. The following regulations for screening shall apply:

- (1) If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
- (2) If the park abuts a nonresidential development, the park need not provide screening.
- (3) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
- (4) Required screening shall be installed according to the following regulations:
 - a. Trees shall be planted a maximum of 30 feet on center along the length of the common lot line.
 - b. A minimum of two shrubs for each 15 feet in length of the common lot line.
 - c. All trees planted in a required landscaped area shall be a minimum of 1½-inch caliper at least five feet in height. Shrubs shall have a minimum of 36 inches of height at planting.
 - d. All plantings in the buffer strip shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
 - e. Required plantings may be reduced by half if a three-foot to five-foot high earthen berm is provided along the common boundary line.
 - f. Alternative screening such as solid fencing may be utilized as permitted by the planning commission if such devices are considered as effective in screening the park as a landscaped buffer.

(d) *Open space*. Open space areas shall be provided as required by the state mobile home commission rules. The open space areas shall comply with the following:

- (1) At least one open space area in each mobile home park shall contain an area of not less than 20,000 contiguous square feet.
- (2) In order to be considered an open space area, the area must be at least 15 feet in width and must contain not less than 500 contiguous square feet.
- (3) Open space areas shall not include existing and proposed street rights-of-way, parking areas, mobile home sites, or nonrecreational buildings.
- (4) Open space areas may be located within the 100-year floodplain, and within areas used for stormwater detention.

(e) *Ground cover*. All unpaved ground surfaces in a mobile home park must be planted with trees, grass or shrubs, or ground cover capable of preventing soil erosion.

- (f) *Drainage.* The ground surface in all parts of a mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner. The mobile home park shall also comply with the state department of health standards for drainage.
- (g) *Storage of recreational vehicles.* The storage of recreational vehicles shall be permitted only in the storage area designated by the owner/operator of the mobile home park. This storage area shall be completely screened around its entire perimeter by a solid-type screening device at least six feet in height or by plantings of sufficient size to provide a similar screen.
- (h) *Recreational areas.* If a recreational area is to be provided in a mobile home park, such area shall be designated on the preliminary plan, and if so designated, must be developed and maintained. Such area shall be protected from vehicular intrusion. The development and maintenance of each recreational area shall be the responsibility of the park manager.
- (i) *Utilities.* Public sanitary sewer and water shall be connected to all mobile home or manufactured housing units located in the mobile home park according to the applicable regulations of the state mobile home commission. The homes in a mobile home park do not have to be separately metered, although the park itself must be metered. Such utilities for mobile or manufactured homes located in the mobile home park shall be designed, installed, operated and maintained in accordance with mobile home commission regulations and the state department of public health.
- (j) *Lighting.* The lighting system in the mobile home park shall comply with the requirements of state mobile home commission regulations.
- (k) *Signs.* A mobile home park may have one double-faced sign not to exceed 12 square feet in area per side or two one-sided signs with each sign limited to 12 square feet in area. All other requirements for signs in a mobile home park district shall be regulated by article XI of this chapter.
- (l) *Traffic circulation.*
 - (1) *Access.* Each mobile home park shall have at least two points of access from a major street or state highway. A boulevard entrance having two traffic lanes each 20 feet in width with a median at least 15 feet wide shall satisfy this requirement. All ingress to and egress from such street shall be a minimum of 125 feet from any other curb cut, or from any intersection of two public streets outside the mobile home park.
 - (2) *Street regulations.* Public streets shall be constructed to meet the standards of the city. All private streets located within the boundaries of a mobile home park shall meet the following standards:
 - a. One-way roads within a mobile home park shall be a minimum of 18 feet wide if no parking is provided and a minimum of 24 feet wide if parking is provided along one side.
 - b. All two-way roads within a mobile home park shall have a minimum width of 24 feet, with no parking on the roadway. Two-way roads with one lane of parking on the roadway shall have a minimum width of 33 feet. Two-lane roads with two lanes of parking on the roadway shall have a minimum width of 44 feet.
 - c. All road widths shall be measured to the back of the curb.
- (m) *Curbing.* Curbing may be provided along all private internal roadways. Curbing, if installed, shall at a minimum be constructed in compliance with the construction standards of the state mobile home commission.
- (n) *Parking requirements.* Parking shall be provided as required by the state mobile home commission rules.

- (o) *Paving*. All streets and parking areas in a mobile home park shall at a minimum be paved with an asphalt or concrete surface that complies with the requirements of the American Association of State Highway and Transportation Officials (AASHTO).
- (p) *Sidewalks*.
 - (1) Paved sidewalks, if provided on any street in a mobile home park other than a public street, shall be at least four feet in width and shall otherwise comply with the requirements of the state mobile home commission regulations. Such sidewalks shall be required to be provided on both sides of all two-way streets functioning as main collector streets with the mobile home park.
 - (2) Sidewalks located along streets dedicated to the public shall be at least five feet in width.

(Code 1970, § 3.209B)

Sec 90-367 Building And Structure Requirements

- (a) *Maximum height*. The maximum height for any building or structure in a mobile home park shall not exceed the lesser of 25 feet or 1½ stories.
- (b) *Minimum floor area*. The minimum floor area for any dwelling in a mobile home park shall be 720 square feet, exclusive of garage, basement or porch.
- (c) *Mobile home foundation*. Mobile home parks shall be in compliance with state mobile home commission standards for provision of a home site in a mobile home park.
- (d) *Installation*. Each mobile home site shall be installed pursuant to the manufacturer's setup instructions and pursuant to state mobile home commission regulations. Each mobile home shall be secured to the premises by an anchoring system or device comparable with state mobile home commission regulations.
- (e) *Accessory buildings*. One accessory building for private use may be placed on each mobile home site, not to exceed 120 square feet in area. It shall be permitted only in the rear or side yard of the mobile home site and shall not be located closer than ten feet to any mobile home or manufactured housing unit. If the accessory building or use is located within ten feet of or attached to the principal structure, it must have a fire wall on the side of the building facing the principal use. The fire wall shall comply with the building code of the city.
- (f) *Skirting*. All mobile homes located in a mobile home park within the city shall be required to be skirted in accordance with state mobile home commission rule 604.
- (g) *Anchoring*. All mobile homes shall be required to be anchored in accordance with state mobile home commission rules 605, 607 and 608.
- (h) *Unit certification*. Any mobile home built since 1976 must be certified by HUD (department of housing and urban development). Mobile homes or modular dwellings constructed prior to 1976 shall meet all the requirements and specifications of the state construction code, the ANSI code, or any other applicable code.

(Code 1970, § 3.209C)

Sec 90-368 Site Plan Review

Application of the construction, alteration or extension of a mobile home park on a site which is zoned R-M shall be accompanied by a site plan of the proposed park and all permanent buildings. This site plan shall be in conformance with the provisions and requirements of article IV of this chapter. In addition, a

public hearing shall be held by the planning commission before approval of any site plan for a mobile home park in accordance with the notice requirements of section 90-5.

(Code 1970, § 3.209D)

Sec 90-369 Inspections

The zoning administrator, building inspector, health officer, or any of their authorized agents may inspect the mobile home park whenever there is reasonable cause to believe the mobile home commission act, Act No. 96 of the Public Acts of Michigan of 1987 (MCL 559.101 et seq.) and the accompanying promulgated rules, or any provision of a local ordinance applicable to the mobile home park in accordance with such act and rules, have been violated.

(Code 1970, § 3.209E)

Sec 90-370 Variances

A request for a variance from the regulations of this division shall comply with the requirements of Act No. 96 of the Public Acts of Michigan of 1987 (MCL 559.101 et seq.).

(Code 1970, § 3.209F)

DIVISION 90-VI-8 A-1 APARTMENT DISTRICT

[Sec 90-391 Purpose](#)

[Sec 90-392 Permitted Uses](#)

[Sec 90-393 Special Uses](#)

[Sec 90-394 District Regulations](#)

[Sec 90-395 Open Space](#)

[Sec 90-396 Access Standards](#)

[Sec 90-397 Additional Regulations](#)

Sec 90-391 Purpose

The A-1 district is designed to allow apartments at a higher density than the A-2 district. A density of up to 14 units per acre is permitted in this district. Public water and sanitary sewer is necessary for uses in this district.

(Ord. No. 301, § 7(3.170), 2-10-97)

Sec 90-392 Permitted Uses

Land and structures in the A-1 district may be used for the following purposes only:

- (a) Single-family detached dwellings.
- (b) Multiple-family dwellings with no more than eight units per building.
- (c) Two-family dwelling units.
- (d) Child and adult day care homes with no more than six minor children or adults.
- (e) Housing for the elderly, retired or those requiring assisted care including nursing homes subject to the standards of article XIII of this chapter.
- (f) Home occupations as regulated by section 90-775.
- (g) Private communication antennas not exceeding 35 feet in height as regulated by section 90-833.

- (h) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by article IX, division 3 of this chapter.
- (i) Essential public service equipment.
- (j) Public schools per section 90-810.

(Code 1970, § 3.210; Ord. No. 301, § 7(3.171), 2-10-97; Ord. No. 539, § 2, 12-27-16)

Sec 90-393 Special Uses

The following uses may be permitted as special land uses in the A-1 district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Multiple-family dwellings with no more than 24 units per building.
- (b) Churches, synagogues or other similar places of worship and customary related uses.
- (c) Public and institutional uses and hospitals.
- (d) Private schools.
- (e) Antennas and towers exceeding a height of 35 feet.
- (f) Noncommercial parks, playgrounds and playfields.
- (g) Essential public service buildings and structures.
- (h) Child and adult day care homes that provide care to more than six but not more than 12 minor children or adults.
- (i) Child day care centers.
- (j) Bed and breakfast establishments.
- (k) Residential substance abuse treatment facility as licensed under Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.6233 et seq.) provided such facility is at least 800 feet from a similar facility or a licensed child day care home or center.
- (l) Foster care group home for seven or more children or adults.
- (m) Crisis shelter homes within a single-family dwelling operated by a nonprofit agency which provide temporary housing for families or individuals involved in domestic violence or similar crisis situations which prevent them from staying in their own homes.
- (n) Transitional or Emergency Housing.

(Code 1970, § 3.210; Ord. No. 301, § 7(3.172), 2-10-97; Ord. No. 357, § VI, 9-23-02; Ord. No. 539, § 3, 12-27-16)

HISTORY

Amended by Ord. [561](#) on 10/26/2018

Sec 90-394 District Regulations

Buildings and structures shall not be erected or enlarged in the A-1 district unless the following requirements are met and maintained.

- (a) Minimum lot area and width shall be, for:
 - (1) A single-family dwelling, 6,600 square feet and 66 feet of lot width.

- (2) A duplex building, 13,000 square feet and 99 feet of lot width.
 - (3) A multifamily building, for each dwelling unit within the building, 3,000 square feet, which is a gross density of 14.52 dwelling units per acre. The minimum lot width shall be 99 feet.
 - (4) Nonresidential uses, 12,500 square feet and 99 feet of lot width.
- (b) Minimum required building setbacks shall be:
- (1) Front yard, 25 feet from each street right-of-way line that abuts the lot, except for a single-family dwelling the setback from the secondary street shall be a minimum of 12 feet.
 - (2) Side yard:
 - a. For single-family dwellings, a total of 15 feet provided no side setback is less than six feet.
 - b. For two-family and multifamily dwellings, a total of 25 feet provided no side setback shall be less than ten feet.
 - c. For all other principal buildings, the side yard setback shall not be less than the height of the building.
 - (3) Distance between multifamily buildings, minimum of 30 feet.
 - (4) Rear yard, 30 feet.
- (c) Maximum building height, 35 feet.
- (d) Maximum building lot coverage, 30 percent.
- (e) Landscaping and screening, except for a single-family dwelling, whenever an A-1 zone or use abuts an existing residential zone, an R-M district, or a commercial or industrial district, shall be provided as required by article XII of this chapter.
- (f) In order to provide a variety in exterior designs, avoid visual monotony, and protect the investment of adjacent properties thereby stabilizing the city tax base, each multifamily building shall have at least two exterior walls as required below consisting of decorative masonry or brick covering a minimum of 50 percent of the wall. The planning commission may, however, approve other exterior building materials which in the opinion of the planning commission will provide the same or similar decorative effect as masonry or brick. The walls which are required to contain brick or masonry shall be as follows:
- (1) One wall shall be the front of the building containing the primary entrance or entrances to the building.
 - (2) The second wall shall be any wall which has frontage on a public or private street and where no other buildings are located between the street and the wall.
 - (3) If no wall directly fronts on a street as described in b., above, then the applicant may determine the second wall.
- The remainder of the exterior materials with the exception of doors, windows and eaves trim work, shall be of a low maintenance material. The specific material to be used to satisfy this requirement shall be illustrated on the site plan submitted to the planning commission.
- (g) The floor area shall be, for:
- (1) Single-family dwellings, same as the R-2 district.

- (2) Two-family, three-family and four-family buildings, a minimum of 720 square feet per dwelling unit.
- (3) All multiple-family buildings with more than four dwelling units, a minimum of 600 square feet per dwelling unit.

(Code 1970, § 3.212; Ord. No. 301, § 7(3.173), 2-10-97; Ord. No. 399, § 1, 7-25-05)

Sec 90-395 Open Space

For multifamily developments consisting of more than one acre, a minimum of ten percent of the gross site area shall be preserved and maintained as common open space for use by all residents and property owners of the development. This open space shall be subject to the following regulations:

- (a) For purposes of this section, open space shall be deemed to be only those areas having a minimum dimension of 50 feet by 100 feet.
- (b) Land in public or private streets, sidewalks and parking areas shall not be considered to be open space; but wetlands and other nonbuildable areas may be considered open space.
- (c) The required amount of open space may be reduced by one-third if a recreational facility or equipment is provided for use by residents. Such facilities or equipment may include but shall not be limited to tennis courts, swimming pools, children's play structures, community buildings or exercise equipment.

(Ord. No. 301, § 7(3.174), 2-10-97)

Sec 90-396 Access Standards

During the review of a site plan for a residential development proposed under this division, the planning commission shall determine the need for and the type of secondary or emergency vehicle access necessary to serve the proposed project. In making this determination, the following criteria shall be considered:

- (a) Number and size of buildings and/or dwelling units that make up the project.
- (b) Type of interior roadway serving the project.
- (c) Interior circulation system.
- (d) Topography and other natural features of the site.
- (e) Adjacent land uses.
- (f) Feasibility of achieving a secondary means of access.
- (g) Comments of the city administrative staff.
- (h) Availability of public utilities.

(Ord. No. 301, § 7(3.175), 2-10-97)

Sec 90-397 Additional Regulations

- (a) Off-street parking in the A-1 district shall be regulated by article X of this chapter.
- (b) Signs shall be regulated by article XI of this chapter.

(c) Site plan review as regulated by article IV of this chapter is required for all special land uses.

(d) Site condominiums shall be regulated by article VIII of this chapter.

(Code 1970, § 3.212; Ord. No. 301, § 7(3.176), 2-10-97)

DIVISION 90-VI-9 A-2 APARTMENT EDGE DISTRICT

[Sec 90-421 Purpose](#)

[Sec 90-422 Permitted Uses](#)

[Sec 90-423 Special Uses](#)

[Sec 90-424 District Regulations](#)

[Sec 90-425 Parking](#)

[Sec 90-426 Appearance For Non-Residential And Multi-Family Buildings](#)

[Sec 90-427 General Development Standards](#)

[Sec 90-428 Open Space](#)

[Sec 90-429 Landscaping](#)

Editor's note - Ord. No. 475, § I, adopted Feb. 27, 2012, amended Div. 9 in its entirety to read as set out herein. Former Div. 9, §§ 90-421—90-427, pertained to A-2 apartment zoning district and derived from Ord. No. 301, § 7(3.180—3.186), adopted Feb. 10, 1997; Ord. No. 357, § VII, adopted Sept. 23, 2002; Ord. No. 399, § 2, adopted July 25, 2005.

Sec 90-421 Purpose

The intent of this district is to implement one of the recommendations of the 2007 Community Comprehensive Plan for the City of Hastings. Specifically, the plan calls for the establishment of a transitional edge area south and west of the central business district and along Hanover Street from East State Street and West Green Street. The existing physical form of much of this area is a neighborhood of single-family houses, churches, offices, and a funeral home. The area serves as a transition from the CBD to the well-maintained single-family neighborhoods south of Green Street and west of Broadway and west of Hanover Street.

The comprehensive community plan calls for the retention of the existing single-family structures but allowing for their conversion to offices and multi-family use. Permitted uses will be the same or similar to those allowed in the apartment-office district. Demolition of existing buildings to provide off-street parking is discouraged. New construction is to be designed to ensure compatibility with the residential scale and character of existing buildings.

(Ord. No. 475, § I, 2-27-12)

Sec 90-422 Permitted Uses

Land and structures in the apartment edge district may be used for the following purposes only:

- (a) Single-family detached dwellings;
- (b) Two-family dwelling units;
- (c) Three- and four-family dwelling units;
- (d) Child and adult day care homes with no more than six minor children or adults;
- (e) Offices and other uses as permitted by section 90-477 herein;
- (f) Housing for the elderly, retired or those requiring assisted care, including nursing homes, subject to the standards of section 90-1080;

- (g) Home occupations as regulated by section 90-775;
- (h) Private communication antennas not exceeding 35 feet in height as regulated by section 90-833;
- (i) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by article IX, division 3 of this chapter;
- (j) Essential public service equipment.
- (k) Public schools per section 90-810.

(Ord. No. 475, § 1, 2-27-12; Ord. No. 539, § 2, 12-27-16)

Sec 90-423 Special Uses

The following uses may be permitted as special land uses in the apartment edge district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Multiple-family dwellings with no more than eight units per building including attached townhouse buildings;
- (b) Churches, synagogues or other similar places of worship and customary related uses;
- (c) Public and institutional uses and hospitals;
- (d) Private schools.
- (e) Antennas and towers exceeding a height of 35 feet;
- (f) Non-commercial parks, playgrounds and playfields;
- (g) Essential public service buildings and structures;
- (h) Child and adult day care homes with more than six but not more than 12 minor children or adults;
- (i) Child day care centers;
- (j) Bed and breakfast establishments;
- (k) Gathering halls, lodges, or clubs of fraternal organizations, including accessory uses of such buildings, including, but are not limited to, garage sales, flea markets, art sales, wedding receptions and similar gatherings within such buildings as may be permitted by the planning commission.
- (l) Accessory buildings which are more than one story in height and which are similar in architectural style to the principal building on the property per section 90-1090 herein.

(Ord. No. 475, § 1, 2-27-12; Ord. No. 539, § 3, 12-27-16)

Sec 90-424 District Regulations

Buildings and structures shall not be erected or enlarged in the apartment edge district unless the following requirements are met and maintained:

- (a) Minimum lot area and width shall be for:
 - (1) A single-family dwelling: 6,600 square feet and 66 feet of lot width.
 - (2) A duplex building: 13,000 square feet and 99 feet of lot width.
 - (3) A multi-family building: for each dwelling unit within the building, 5,445 square feet, which is a gross density of eight dwelling units per acre. The minimum lot width shall be 99 feet.

- (4) Non-residential uses: 12,500 square feet and 99 feet of lot width.
- (5) The minimum lot area and width requirements shall apply to the conversion of existing single-family dwellings to duplexes, multi-family or non-residential use.

(b) Minimum and maximum setbacks:

- (1) The front setback shall be no more than 15 feet and no less than five feet.
The planning commission may allow a greater building setback than permitted by subsection 90-424(b)(1), above, if compliance with such setbacks creates a practical difficulty in the operation of the proposed use. In considering whether or not to permit a greater setback, the commission shall consider the following criteria:
 - a. Whether the proposed use is located on a parcel which has frontage on one or more streets;
 - b. Whether the driveway(s) which are required to serve the site necessitate a greater building setback in order to safely accommodate on site maneuvering for vehicles and pedestrians;
 - c. Whether a greater setback is needed in order to locate parking spaces, access drives or sidewalks between the building and the front lot line in order to improve safety for customers accessing the building;
 - d. Whether the shape or size of the parcel or requirements of the zoning ordinance or other city ordinances create difficulties in complying with the required setback regulations.
- (2) The side setback shall be a minimum of six feet on both sides.
- (3) The rear setback shall be a minimum of 12 feet.
- (4) In order to achieve the objectives of the apartment edge zone, some flexibility in the side and rear setback requirements may be necessary in certain instances. Therefore, the planning commission in its review of the final site plan shall have the discretion to modify the required side and rear setbacks. In deciding whether or not to modify setbacks the planning commission shall take into consideration the impact on adjoining land uses, whether the proposed setback disrupts the interior circulation pattern on that block, whether safe vehicular and pedestrian access is maintained, whether the setbacks will allow safe access for fire fighting purposes, and whether or not the proposed setbacks will create unusable or unsafe areas.

(c) Maximum building height shall be 35 feet.

(Ord. No. 475, § I, 2-27-12; Ord. No. 287, § I, 12-26-12)

Sec 90-425 Parking

Off-street parking shall be as required by article X except that in the review of a site plan the planning commission may reduce the parking requirements by no more than 30 percent if it can be demonstrated that based on the use the required number of parking spaces is not needed. The commission may take into consideration that some portion of the required parking spaces can be reasonably provided by on-street parking spaces or municipal parking lots located within 300 feet of the proposed building.

Parking on site must be located behind the principal building and be designed so vehicles do not need to back into the public street when exiting the site.

(Ord. No. 475, § I, 2-27-12)

Sec 90-426 Appearance For Non-Residential And Multi-Family Buildings

- (a) New non-residential buildings shall have an architectural style respecting the scale, proportion, character, and materials of the buildings in the A-2 zoning district and the nearby buildings in the central business district.
The mass and length of large buildings shall be deemphasized in a variety of ways, including the use of projecting and recessed sections to reduce their apparent over all bulk and volume and provide visual appeal.
- (b) Buildings shall be topped with pitched roofs with overhanging eaves, but flat roofs with articulated parapets and cornices may be permitted. Materials for pitched roofs shall include shingles (either wood or asphalt composition), slate, tiles or other material similar to the roofs on nearby buildings.
- (c) Exterior wall materials may consist of brick, stucco, wood, vinyl aggregate or split-face block, stone or similar decorative material which is similar to the exteriors of nearby buildings. Metal-sided buildings, including accessory buildings, may be acceptable provided the appearance of such buildings is compatible with the style and materials of nearby existing buildings.
- (d) Awnings, canopies, porches and similar architectural features shall be encouraged to be provided for non-residential buildings as a means to visually integrate new buildings in the A-2 zoning district with the central business zoning district.
- (e) The primary entrance to the building shall be visible from and face the street from which the address of the building is derived.
- (f) In recognition of developing technologies in building materials, the planning commission may agree to approve other materials noted in (b) and (c) above provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted ordinances and/or building and fire codes.

(Ord. No. 475, § I, 2-27-12)

Sec 90-427 General Development Standards

- (a) Dumpsters shall be kept within a fenced or brick walled area which shall be at least six feet high and located so that their use, including emptying, does not pose a nuisance to nearby residents.
- (b) Existing single-family houses on Green Street, Broadway Street, Hanover Street and East State Street which are proposed to be converted to other uses as permitted by this article shall comply with the following requirements:
 - (1) The proposed use shall be subject to site plan review by the planning commission.
 - (2) The primary entrance to the building shall be visible from and face the street from which the address of the building is derived.
 - (3) The building shall comply with the requirements of the building code.
 - (4) Exterior defects in the building or property such as cracked, chipped or peeling siding, cracked sidewalk, unkempt lawn or landscaping shall be identified as part of the site plan review process and corrected before the building is occupied.
 - (5) Vehicle access to the property shall be determined during review of the site plan. The existing driveway may be required to be closed in order to achieve safe access.

- (c) A walkway shall be provided from the existing or proposed sidewalk within the right-of-way to the primary building entrance.
- (d) The floor area shall be, for:
 - (1) Single-family dwellings: same as the R-2 zoning district.
 - (2) Two-family, three-family and four-family buildings: a minimum of 720 square feet per dwelling unit.
 - (3) All multiple-family buildings with more than four dwelling units: a minimum of 600 square feet per dwelling unit.

(Ord. No. 475, § I, 2-27-12)

Sec 90-428 Open Space

For multifamily developments consisting of more than one acre, a minimum of ten percent of the gross site area shall be preserved and maintained as common open space for use by all residents and property owners of the development. This open space shall be subject to the following regulations:

- (a) For purposes of this section, open space shall be deemed to be only those areas having a minimum dimension of 50 feet by 100 feet.
- (b) Land in public or private streets, sidewalks and parking areas shall not be considered to be open space; but wetlands and other non-buildable areas may be considered open space.
- (c) The required amount of open space may be reduced by one-third if a recreational facility or equipment is provided for use by residents. Such facilities or equipment may include, but shall not be limited to, tennis courts, swimming pools, children's play structures, community buildings or exercise equipment.

(Ord. No. 475, § I, 2-27-12)

Sec 90-429 Landscaping

Landscaping shall be provided in accordance with the requirements of article XII of the zoning ordinance, although shade trees shall be emphasized in order to provide shade, continuity in landscape design and visibility of storefronts.

(Ord. No. 475, § I, 2-27-12)

DIVISION 90-VI-10 A-O APARTMENT AND OFFICE DISTRICT

[Sec 90-451 Purpose](#)

[Sec 90-452 Permitted Uses](#)

[Sec 90-453 Special Uses](#)

[Sec 90-454 District Regulations](#)

[Sec 90-455 Additional Regulations](#)

[Secs 90-456-90-460 \(Reserved\)](#)

Sec 90-451 Purpose

It is the intent of the A-O district to allow apartments and office buildings to be established within the same zone. Other uses compatible with apartments and offices would also be allowed. Public water and sanitary sewer is necessary for uses in this district.

(Ord. No. 301, § 7(3.170A), 2-10-97)

Sec 90-452 Permitted Uses

Land and structures in the A-O district may be used for the following purposes only:

- (a) Single-family detached dwellings.
- (b) Multiple-family dwellings with no more than eight units per building.
- (c) Two-family dwelling units.
- (d) Child and adult day care homes with no more than six minor children or adults.
- (e) Offices permitted by section 90-477 and other uses.
- (f) Housing for the elderly, retired or those requiring assisted care, including nursing homes, subject to the standards of section 90-1080.
- (g) Home occupations as regulated by section 90-775.
- (h) Private communication antennas not exceeding 35 feet in height as regulated by section 90-833.
- (i) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by article IX, division 3 of this chapter.
- (j) Essential public service equipment.
- (k) Public schools per section 90-810.

(Code 1970, § 3.200; Ord. No. 301, § 7(3.171A), 2-10-97; Ord. No. 539, § 2, 12-27-16)

Sec 90-453 Special Uses

The following uses may be permitted as special land uses in the A-O district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Multiple-family dwellings with no more than 24 units per building.
- (b) Churches, synagogues or other similar places of worship and customary related uses.
- (c) Public and institutional uses and hospitals.
- (d) Private schools.
- (e) Antennas and towers exceeding a height of 35 feet.
- (f) Noncommercial parks, playgrounds and playfields.
- (g) Essential public service buildings and structures.
- (h) Child and adult day care homes with more than six but not more than 12 minor children or adults.
- (i) Child day care centers.
- (j) Bed and breakfast establishments.
- (k) Residential substance abuse treatment facility as licensed under Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.6233 et seq.) provided such facility is at least 800 feet from a similar facility or a licensed child day care home or center.
- (l) Gathering halls, lodges, or clubs of fraternal organizations.
- (m) Accessory buildings which are more than one story in height and which are similar in

architectural style to the principal building on the property per the requirements of section 90-1090 herein, except that such buildings shall still comply with the building size requirements of subsection 90-831(d). Other regulations of section 90-1090 shall supersede all conflicting regulations of section 90-831.

(n) Transitional or Emergency Housing.

(Code 1970, § 3.200; Ord. No. 301, § 7(3.172), 2-10-97; Ord. No. 461, § I, 11-22-10; Ord. No. 539, § 3, 12-27-16)

HISTORY

Amended by Ord. [561](#) on 10/26/2018

Sec 90-454 District Regulations

Buildings and structures shall not be erected or enlarged in the A-O district unless the following requirements are met and maintained:

(a) Minimum lot area and width shall be, for:

- (1) Residential uses, as required by subsection 90-394(a).
- (2) Office and nonresidential uses, as required by subsection 90-464(a).

(b) Minimum building setbacks shall be, for:

- (1) Residential uses, as required by subsection 90-394(b).
- (2) Office and nonresidential uses, as required by subsection 90-464(b).

(c) Maximum building height shall be 35 feet.

(d) Maximum lot coverage shall be 40 percent.

(e) Landscaping and screening, except for single-family dwellings, whenever an A-O district or use abuts an existing residential district, an R-M district or a commercial or industrial district, shall be provided as required by article XII of this chapter.

(f) Building exterior and floor area for residential uses shall be as required by subsections 90-394(f) and (g).

(g) Open space, for that portion of a multifamily development devoted to residential use, shall be provided as required by section 90-395.

(h) Access standards for residential uses shall be as required by section 90-396.

(Code 1970, § 3.203; Ord. No. 301, § 7(3.173A), 2-10-97)

HISTORY

Amended by Ord. [574](#) on 9/20/2019

Sec 90-455 Additional Regulations

(a) Off-street parking in the A-O district shall be regulated by article X of this chapter.

(b) Signs shall be regulated by article XI of this chapter.

(c) Site plan review as regulated by article IV of this chapter is required for all special land uses.

(d) Site condominiums shall be regulated by article VIII of this chapter.

(Code 1970, § 3.202; Ord. No. 301, § 7(3.175A), 2-10-97)

Secs 90-456-90-460 (Reserved)

Editor's note - Ord. No. 475, § II, adopted Feb. 27, 2012, repealed Div.10A, §§ 90-456—90-464, in its entirety, which pertained to neighborhood Edge District and derived from Ord. No. 449, § I, adopted Oct. 26, 2009.

DIVISION 90-VI-11 O OFFICE DISTRICT

[Sec 90-461 Intent And Purpose](#)

[Sec 90-462 Permitted Uses](#)

[Sec 90-463 Special Uses](#)

[Sec 90-464 District Regulations](#)

[Sec 90-465 Additional Regulations](#)

Editor's note - Ord. No. 474, § II, adopted Feb. 27, 2012, amended Div. 11 in its entirety to read as set out. Former Div. 11, §§ 90-476—90-480, pertained to similar subject matter and derived from Ord. No. 301, §§ 7(3.190—3.194), adopted Feb. 10, 1997; Ord. No. 364, § 1, adopted Jan. 27, 2003.

Sec 90-461 Intent And Purpose

It is the intent of this division to provide for a variety of office uses of a business and professional nature as well as activities compatible with these uses. It is also the intent of this division to direct office uses to areas having access to arterial streets. The regulations contained in this division are designed to encourage a harmonious relationship between the office district and abutting land uses and provide a transition between arterial streets and residential areas.

(Ord. No. 474, § I, 2-27-12)

Sec 90-462 Permitted Uses

Land and structures in the office district may only be used for the following purposes:

- (a) Office establishments that perform business and professional services, such as government, insurance, real estate, legal, financial and other similar services.
- (b) Medical clinics and facilities for mental health and substance abuse treatment.
- (c) Offices of professional and nonprofit service organizations and clubs.
- (d) Mortuaries and funeral homes, not including crematories.
- (e) Banks, credit unions and savings and loans.
- (f) Research, development, and testing laboratories and offices without manufacturing.
- (g) Radio and television studios.
- (h) Private museum.
- (i) Studios or schools for instruction, such as dance or music.
- (j) Child day care centers and nursery schools.
- (k) Schools for vocational training.
- (l) Private communication antennas not exceeding 35 feet in height as regulated by section 90-833.

- (m) Essential public service equipment.
- (n) Accessory buildings, structures, and uses customarily incidental to any of the above uses as regulated by article IX, division 3 of this chapter.
- (o) Private schools.

(Ord. No. 474, § I, 2-27-12; Ord. No. 539, § 3, 12-27-16)

Sec 90-463 Special Uses

The following uses may be permitted as special land uses in the office district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Hotels and motels.
- (b) Restaurants except those with drive-through or drive-up facilities.
- (c) Gathering halls, lodges, or clubs of fraternal organizations.
- (d) Antennas and towers exceeding a height of 35 feet.
- (e) Essential public service buildings and structures.
- (f) Public and institutional uses and hospitals.
- (g) Churches, synagogues and other similar places of worship.
- (h) Noncommercial parks, playgrounds and playfields.
- (i) Public schools per section 90-810.

(Ord. No. 474, § I, 2-27-12; Ord. No. 539, § 2, 12-27-16)

Sec 90-464 District Regulations

Buildings and structures shall not be erected or enlarged in the office district unless the following requirements are met and maintained:

- (a) Minimum lot area and width shall be 12,500 square feet and 99 feet of lot width.
- (b) Minimum building setbacks shall be, for:
 - (1) Front yard, 25 feet from each street right-of-way that abuts the lot.
 - (2) Rear yard, 30 feet.
 - (3) Side yard, height of the building.
- (c) Maximum building height shall be 35 feet.
- (d) Maximum building lot coverage shall be 40 percent.
- (e) Landscape and screening shall be as required by article XII of this chapter.

(Ord. No. 474, § I, 2-27-12)

Sec 90-465 Additional Regulations

- (a) Off-street parking in the office district shall be regulated by article X of this chapter.

- (b) Signs shall be regulated by article XI.
- (c) Site plan review as regulated by article IV of this chapter is required for all special land uses.
- (d) Site condominiums shall be regulated by article VIII of this chapter.

(Ord. No. 474, § I, 2-27-12)

DIVISION 90-VI-12 B-1 CENTRAL BUSINESS DISTRICT

[Sec 90-471 Purpose](#)

[Sec 90-472 Permitted Uses](#)

[Sec 90-473 Special Uses](#)

[Sec 90-474 District Regulations](#)

[Sec 90-475 Additional Regulations](#)

[Sec 90-476 Design Standards](#)

[Sec 90-477 Building Form Standards For Residential Dwellings](#)

[Sec 90-478 General Development Standards For Residential Uses](#)

Editor's note - Ord. No. 474, § II, adopted Feb. 27, 2012, amended Div. 12 in its entirety to read as set out herein. Former Div. 12, §§ 90-501—90-505, pertained to similar subject matter and derived from the Code of 1970, §§ 3.120, 3.122, 3.140, 3.142, 3.143; Ord. No. 283, § 1, adopted Dec. 27, 1994; Ord. No. 301, §§ 7(3.200—3.204), adopted Feb. 10, 1997; Ord. No. 364, § 2, adopted Jan. 27, 2003; Ord. No. 389, § 1, adopted Sept. 27, 2004; Ord. No. 417, § I, adopted June 25, 2007; Ord. No. 439, § I, adopted March 29, 2009.

Sec 90-471 Purpose

The B-1 zoning district is intended to serve as the downtown shopping district for the city. A wide range of retail service, office, governmental, and institutional and limited residential uses are permitted. Consistent with the comprehensive community plan, higher density residential uses are also allowed within designated areas to provide a variety of housing within walking distance of the business core.

Building form and development standards recognize the special parking, pedestrian, building location, and visual character needs of an established downtown business district.

(Ord. No. 474, § II, 2-27-12)

HISTORY

Amended by Ord. [566](#) on 3/25/2019

Sec 90-472 Permitted Uses

Land and structures in the B-1 zoning district may be used for the following purposes only:

- (a) Any generally recognized retail business that supplies commodities on the premises within a completely enclosed building, such as but not limited to foods, drugs, liquor, furniture, clothing, dry goods, appliances or hardware.
- (b) Any personal service establishment that performs services on the premises within a completely enclosed building, such as but not limited to repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barbershops, interior decorators and photographers.
- (c) Restaurant, tavern or catering establishment.
- (d) Commercial Recreational Facilities
- (e) Medical clinics, general office buildings and facilities for substance abuse treatment.

- (f) Bank or other financial institution.
- (g) Government building and post office.
- (h) Business schools or private schools, operated for profit. Examples of private schools permitted include but are not limited to dance studios, music and voice schools, and art schools.
- (i) Offices and showrooms of plumbers, electricians, decorators, or other similar trades.
- (j) Bakery or confectionery shop.
- (k) Laundry, laundromat, dry cleaning or dyeing establishment.
- (l) Fraternal or social club or lodge.
- (m) Video rental and sales.
- (n) Hotel and motel.
- (o) Bus or rail passenger stations.
- (p) Dwelling units may be permitted as an accessory use within a building of two stories or greater subject to the following conditions:
 - (1) A dwelling unit shall not be located on the ground floor or in a basement.
 - (2) A dwelling unit shall not be located on the same floor or on a floor lower than a business located in the same building.
 - (3) Each dwelling unit shall be designed for or occupied by not more than one family and consist of living area, sleeping area, kitchen area, and private bath.
 - (4) Access to a dwelling unit shall be separate from the access used by the business located in the same building.
 - (5) Off-street parking shall be provided as required below:
 - a. Required parking shall be provided off street within 300 feet of the dwelling unit it serves. The measurement shall be taken in a straight line from the parking space to the building containing the dwelling unit. Documentation of the required parking spaces shall be provided to the zoning administrator prior to issuance of a building permit.
 - b. Parking spaces may be provided within municipal parking lots but such spaces shall require the approval of the city council.
 - c. Parking spaces shall be provided at the ratio of one space for each dwelling unit.
 - (6) Window air conditioning units shall not project beyond the face of the building for that portion of the building which fronts on a street.
 - (7) A building permit shall be obtained to establish a dwelling unit in the B-1 zoning district in order to ensure compliance with the requirements of this section and also with the city building and fire code and the requirements of the Barry Eaton District Health Department. The entire building containing the dwelling unit shall also be brought into compliance with the city building and fire code before an occupancy permit is issued for the dwelling.
- (q) Private communication antennas not exceeding 35 feet in height as regulated by section 90-833.
- (r) Essential public service equipment.
- (s) Accessory uses, buildings and structures customarily incidental to the above uses, including

necessary incidental manufacturing when clearly accessory for a permitted use.

- (t) Outdoor display of merchandise as an accessory use to the principal use of the parcel. Such use shall be subject to site plan review by the planning commission in accordance with article IV of this chapter and shall comply with the following requirements:
- (1) The merchandise displayed outdoors is the same as or is related to that which is offered inside the building which constitutes the principal use of the parcel.
 - (2) The size and nature of the outdoor display shall clearly be incidental and subordinate to the principal use of the parcel such that the accessory use serves to support the principal use but could not function independently of the principal use.
 - (3) The area devoted to the outdoor display of merchandise shall not create unsafe conditions for vehicles, pedestrians or those on a bicycle.
 - (4) The area devoted to the outdoor display of merchandise shall at all times be kept neat and orderly and not be allowed to become unsightly or a visual nuisance. Any debris, scrap material, litter, empty shelves, racks, pallets, boxes or similar material not containing display items shall be removed from the outdoor display area.
 - (5) No part of a public sidewalk, street right-of-way or public alley or parking lot shall be used for such accessory use except as may be permitted by the city council for sidewalk sales.
 - (6) The outdoor display of merchandise shall not be located so that it utilizes those parking spaces required by the Hastings Zoning Ordinance for the principal use.
 - (7) If the outdoor display requires the use of electricity then the method of providing the electricity shall comply with the applicable requirements of the City of Hastings.
 - (8) The Hastings Planning Commission may limit the number of days and the hours of operation for such uses.
- (u) Residential units may be permitted as an accessory use on the first floor of a building containing a commercial use in the B-1 zoning district subject to the following conditions. The residential use and the commercial use together shall be defined as a live-work unit. For purposes of this section, a live-work unit is defined as a building containing both a single-family residential use and a non-residential use such as a commercial or office use or use(s) and where at least one member of the family residing in the residential portion of the unit owns, manages or works in the non-residential portion of that same building.
- (1) The unit shall only be located in a one story building which has its main entrance fronting on State Street.
 - (2) The non-residential portion of the building must be utilized for such uses allowed in the B-1 zone before the residential portion is occupied.
 - (3) A residential use within a live-work unit shall be designed for or occupied by not more than one family and consist of living area, sleeping area, kitchen area, and private bath. The residential unit shall not occupy more than 20 percent of the total gross floor area.
 - (4) One member of the family residing in the residential portion of a live-work unit must own, manage or work in the non-residential use of that same unit. If the commercial use portion of the live-work unit ceases to operate, the residential use shall cease to be occupied as a residence within 90 days of the cessation of operation of the commercial use.
 - (5) A building shall contain no more than one attached live-work unit per building.
 - (6) A residential use within a live-work unit shall not be located in a basement.
 - (7) A residential use within a live-work unit shall be located in the rear of the building and

shall not have any frontage along the State Street.

(8) Off-street parking shall be provided as required below:

- a. Required parking shall be provided off street within 300 feet of the dwelling unit it serves. The measurement shall be taken in a straight line from the parking space to the building containing the dwelling unit. Documentation of the required parking spaces shall be provided to the zoning administrator prior to issuance of a building permit.
- b. Parking spaces may be provided within municipal parking lots, but such spaces shall require the approval of the city council.
- c. Parking spaces shall be provided at the ratio of one space for each dwelling unit.

(9) Window air conditioning units shall not project beyond the face of the building for that portion of the building which fronts on a street.

(10) A building permit shall be obtained to establish a live-work unit in the B-1 zoning district in order to ensure compliance with the requirements of this section and also with the city building and fire codes and the requirements of the Barry Eaton District Health Department. The entire building containing the live-work unit shall also be brought into compliance with the city building and fire code before an occupancy permit is issued for the residential use.

(11) No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter or interference with radio or television communication, or is otherwise incompatible with the permitted or special land uses within the district.

(Ord. No. 474, § II, 2-27-12; Ord. No. 535, § I, 7-25-16)

HISTORY

Amended by Ord. [548](#) on 9/1/2017

Amended by Ord. [594](#) on 2/5/2021

Sec 90-473 Special Uses

The following uses may be permitted as special land uses in the B-1 zoning district subject to the applicable general and specific requirements and standards of article XIII of this chapter.

- (a) Bed and breakfast establishments.
- (b) Housing for the elderly, retired or those requiring assisted care, including nursing homes.
- (c) Antennas and towers exceeding a height of 35 feet.
- (d) Essential public service buildings and structures.
- (e) Vehicle service and gas stations as regulated by section 90-1084 herein.
- (f) Public and institutional uses and hospitals.
- (g) Noncommercial parks, playgrounds and playfields.
- (h) Churches, synagogues or similar places of worship and customary related uses.
- (i) For property not provided frontage along or with direct drive access to the following street segments:

East State Street Church Street: Court Street to Apple Street Jefferson Street: Court Street to Apple Street and subject to the regulations set forth in Sec. 90-474, Sec. 90-475 , Sec. 90-477 and 90-478, the following uses are permitted as special land uses:

- (1) Three- and four-family dwelling units.
- (2) Multiple-family dwellings, with no more than eight units per building.
- (3) Single-family attached dwellings, with no more than eight attached units.
- (4) Dwelling units located within a building(s) of two stories or greater and containing commercial use, with no more than eight units per building.

The maximum density for residential use may be modified by the planning commission based on the following standards. The residential uses shall:

1. Be designed, constructed, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
2. Be served adequately by essential public facilities and services, such as highways, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sewer.
3. Not create excessive additional requirements at public cost for public facilities and services.
4. Be developed in accordance with the intent of the B-1 District as contained in this article.

(Ord. No. 474, § II, 2-27-12; Ord. No. 472, § 2-27-12)

HISTORY

Amended by Ord. [554](#) on 9/14/2018

Amended by Ord. [566](#) on 3/25/2019

Amended by Ord. [596](#) on 2/26/2021

Sec 90-474 District Regulations

Buildings and structures shall not be erected or enlarged in the B-1 zoning district unless the following requirements are met and maintained:

- (a) No minimum lot area and width is required.
- (b) A minimum and a maximum front building setback for lots in the B-1 zoning district is required in order to carry out one of the principal recommendations of the Hastings Comprehensive Community Plan which is to establish a "build to line" for new and expanding uses in the B-1 zoning district. The establishment of the following front setback requirements will preserve the downtown character of the city and provide flexibility for new buildings and expansions of existing buildings to closely match the existing building setback line. The required setbacks will vary by street segments as the location of existing buildings differs along certain streets. The required minimum and maximum build to line is intended to provide uniformity in the visual character along streets in the B-1 zoning district.
 - (1) The required setback from the right-of-way along the following street segments shall be a

minimum of zero feet and a maximum of five feet from each right-of-way line abutting the lot; a minimum of 80 percent of the front wall of the building must be within the required setback, which is also called a build to line, along each street frontage.

Street segments

- State Street: Church Street to Boltwood Street both sides of street.
- Jefferson Street: Center Street to Apple Street both sides of street.
- Church Street: Center Street to Apple Street east side only.
- Michigan Avenue: Center Street to Apple Street west side only.
- East Court Street: Church Street to Michigan Avenue both sides of street.

(2) The required setback from the right-of-way along all other street segments for parcels in the B-1 zone shall be a minimum of zero feet and a maximum of 20 feet from each right-of-way line abutting the lot; a minimum of 60 percent of the front wall of the building must be within the required setback, which is also called a build-to line, along each street frontage.

The planning commission may allow a greater building setback than permitted by this subsection 90-474(b)(2) above, if compliance with such setbacks creates a practical difficulty in the operation of the proposed use. In considering whether or not to permit a greater setback, the commission shall consider following criteria:

- a. Whether the proposed use is located on a parcel which has frontage on more than one street;
- b. Whether the driveway(s) which are required to serve the site necessitate a greater building setback in order to safely accommodate on site maneuvering for vehicles and pedestrians;
- c. Whether a greater setback is needed in order to locate parking spaces, access drives or sidewalks between the building and the front lot line in order to improve safety for customers accessing the building;
- d. Whether the shape or size of the parcel or requirements of the zoning ordinance or other city ordinances create difficulties in complying with the required setback regulations.

(3) No side yard is required; except where a property abuts a residentially zoned lot, a minimum ten-foot side yard shall be required.

(4) The rear yard shall be 12 feet.

(5) Any building which does not meet the front setback requirements of this section, but which existed before the effective date of this subsection 90-474(b), shall be allowed to expand provided the expansion will result in the building being within or closer to the setback or build to line required for the street on which the building fronts. Approval from the zoning board of appeals is not required for this type of expansion; however, all other requirements of this zoning ordinance shall apply.

(c) Maximum building height shall be 40 feet.

(d) No maximum lot coverage requirement.

(e) Wherever the B-1 zoning district abuts a residential, apartment or industrial district, landscaping shall be provided as required by article XII of this chapter.

(f) Within the B-1 zoning district, a building projection may be constructed to project into the street right-of-way provided the following conditions are met. For the purposes of this section, a building

projection shall mean a projection out from the building face that has a clearance area over the sidewalk, such as an overhang, canopy, awning or balcony.

(1) All building projections are subject to the following:

- a. The projection into the street right-of-way shall not exceed four feet.
- b. The projection shall not be closer than four feet from the face of the curb as measured from the curb face perpendicular to the projection.
- c. The projection may be used as a sign, but must meet the requirements of article XI of this chapter, and in no event shall the end of the projection be used as a sign.
- d. All parts of the projection shall have a minimum clearance height of eight feet as measured from the sidewalk.
- e. There shall be no extension or additions to the projection that would exceed the above requirements.
- f. There shall be no interference with the use of the right-of-way for pedestrian or vehicular travel.
- g. Projections shall not unreasonably interfere with the view, access to, or use of adjacent properties.
- h. Projections shall not cause damage to the street, sidewalk, trees, benches, landscaping, or other objects lawfully located in the right-of-way.
- i. Projections shall not cause violation of any state or local laws.
- j. Projections shall not conceal or detract from the appearance of landscaping features in or adjacent to the street as determined by the zoning administrator.
- k. Projections shall not violate regulations adopted by the zoning administrator pursuant to this Code.

(2) Balconies which project into the right-of-way are further subject to the following:

- a. A balcony shall have a minimum clearance height of 12 feet as measured from the sidewalk to the balcony floor or deck.
- b. Use restrictions. A balcony shall not:
 1. Have items placed upon it overnight.
 2. Have outdoor lighting placed upon it at any time.
 3. Have laundry placed upon it at any time.
 4. Have any outdoor cooking devices of any kind.
- c. The balcony owner agrees to hold harmless the city, defend, pay on behalf of, its elected and appointed officials, employees and volunteers, and others working on behalf of the city against any and all claims, demands, suits, losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the city, its elected and appointed officials, employees, volunteers or others working on behalf of the city, by reason of personal injury, including bodily injury and death, and/or property damage, including loss of use therefore which arises out of or is in any way connected or associated with their balcony.

- d. The balcony owner shall show proof of and maintain comprehensive general liability insurance and have the city as an additional named insured. The amount of such insurance shall be determined by the city council.
- e. All balconies installed within the public right-of-way shall be in compliance with all code requirements established by this Code and the Michigan Building Code.
- f. A balcony may be required by the city to be removed at any time upon a finding that a balcony does not meet the standards of this Code, any other provisions of this Code, or other applicable law or regulation, or that the right-of-way is needed for other street or utility purposes. Upon such removal, all costs and expenses of removal, and restoration of the right-of-way shall be borne by the owner.

(Ord. No. 474, § II, 2-27-12; Ord. No. 473, § I, 2-27-12; Ord. No. 488, § I, 12-16-12; Ord. No. 519, § I, 4-27-15; Ord. No. 540, § I, 4-10-17)

Sec 90-475 Additional Regulations

- (a) Off-street parking in the B-1 zoning district shall be regulated by article X of this chapter.
- (b) Signs shall be regulated by article XI of this chapter.
- (c) Site plan review as regulated by article IV of this chapter is required for all special land uses.
- (d) Site condominiums shall be regulated by article VIII of this chapter.

(Ord. No. 474, § II, 2-27-12; Ord. No. 489, § I, 12-26-12; Ord. No. 519, § II, 4-27-15)

Sec 90-476 Design Standards

- (a) *Purpose.* The downtown area in the city is characterized by a variety of historical architectural styles and building materials which combine to create visual harmony and establish a sense of place for the Hastings community. In order to maintain this harmony, it is essential that renovations and additions to existing non-residential buildings and the construction of new nonresidential buildings be done in a manner which is visually compatible with such existing buildings.

The purpose of the B-1 design standards is to provide regulations so that as existing non-residential buildings are renovated, remodeled and restored and new non-residential buildings are constructed, these physical improvements adhere to a consistent set of design standards which will enhance and preserve the historical character of downtown Hastings.

To avoid duplication of the review process required by the downtown development authority (DDA) facade grant program but to ensure consistency of design for substantive building improvements, these regulations will only apply to those building improvements which are not subject to the DDA facade grant program except that windows which require a building permit to be replaced or increased or decreased in size shall be subject to subsection 90-476(d)(2) even if awarded a facade grant.

- (b) *Applicability.* The requirements of this section shall apply to the following uses within the area zoned B-1 central business district, as illustrated on the zoning map:
 - (1) Newly constructed non-residential buildings.
 - (2) Exterior alterations to existing non-residential buildings which require a building permit, except for those alterations which are subject to the downtown development authority (DDA) facade grant program.

(c) *Application and review procedures.*

- (1) *Site plan review.* Development projects subject to review under this section shall be reviewed by the planning commission, except for windows as noted below, according to the procedures and requirements for site plan review as set forth in section 90-129 herein and the requirements of this section.
- (2) In addition to the submittal requirements of section 90-129, the application shall also include building plans and architectural drawings to demonstrate compliance with the design standards of this section.

(d) *Design standards.*

- (1) *Buildings.* Alterations and additions to existing buildings and any new buildings to be constructed within the B-1 zoning district shall be designed to substantially incorporate such styles and building materials as are contained in the design guidelines for commercial buildings as adopted by the planning commission. These design guidelines shall be maintained by the zoning administrator and shall be available for review by the public.
- (2) *Windows.* Windows which are proposed to be added to a building, replaced or increased or decreased in size such that a building permit is required and which face one or more of the following public street segments shall be reviewed by the zoning administrator to determine compliance with the following requirements:

Street segments:

State Street: Church Street to Boltwood Street both sides of street.

Jefferson Street: Center Street to Apple Street both sides of street.

Church Street: Center Street to Apple Street east side only.

Michigan Avenue: Center Street to Apple Street west side only.

East Court Street: Church Street to Michigan Avenue.

a. *All windows.*

1. A single windowpane or more than one pane stacked vertically shall not exceed one story in height although windows higher than one story may be permitted if the design is such that the windows appear as separate stories.
2. Windows shall be transparent and non-reflective glass. Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows shall be considered transparent.
3. Windows shall not be blocked by interior displays or otherwise have views to the interior obstructed for a depth of not less than five feet into the building.

b. *First-story windows.*

1. In order to provide clear view inward, the first story of a facade window opening shall cover a minimum of 40 percent and a maximum of 90 percent of the wall area.

2. The bottom of the window opening shall be between 30 and 40 inches from the level of the sidewalk beneath the window.
3. Upper-story windows. Between 20 percent and 40 percent of the facade wall area for all stories above the first story shall be devoted to transparent windows. If such windows are rectangular, they shall be oriented in a vertical fashion. In addition, all such windows shall contain visible sills and lintels on the exterior wall and no single pane of glass shall exceed 36 square feet in area.
4. Facade transparency requirements do not apply for portions of structures in ground floor residential use, assembly area of theaters, auditoriums, churches, and similar non-commercial and office uses.

(e) *Modification of standards.* The standards and recommendations of this section may be modified by the planning commission or the zoning administrator as applicable in their review of a site plan. In determining whether to approve a modification, the planning commission or zoning administrator shall document findings of fact regarding the following factors:

- (1) The modification shall satisfy the purposes stated in subsection 90-476(a).
- (2) The modification must result in the alteration of an existing building or the construction of new building which is visually compatible and comparable with nearby existing buildings and which maintains or improves upon the historical architectural character of downtown Hastings through the use of historical or contemporary similar building materials.

(Ord. No. 474, § II, 2-27-12)

Sec 90-477 Building Form Standards For Residential Dwellings

- (a) Minimum number of stories: None
- (b) Maximum building height: 40 feet.
- (c) Minimum front porch area (if provided): 70 square feet.
- (d) Minimum floor area: As required for dwellings in the A-1 zoning district.
- (e) Windows: A minimum of 20 percent and a maximum of 60 percent of the front and side facades each shall have transparent non-reflective windows. Windows on upper stories shall be vertical with defined edges
- (f) Exterior building materials facing a public or private street: Minimum 80 percent brick, stone, or lap siding with trim and ornamentation consisting of metal, concrete, brick, stone or wood.
- (g) Facade articulation: Differentiate each rowhouse or townhouse separately with vertical expression line; for other multiple-family buildings provide articulation every 50 feet using windows, balconies, and a change in building materials or similar provision.

HISTORY

Adopted by Ord. [566](#) on 3/25/2019

Sec 90-478 General Development Standards For Residential Uses

- (a) Dumpsters shall be kept within a fenced or brick walled area which shall be at least six feet high and located so that their use, including emptying, does not pose a nuisance to nearby residents.

- (b) The primary entrance to the building shall be visible from and face the street from which the address of the building is derived.
- (c) Vehicle access to the property shall be determined during review of the site plan. The existing driveway may be required to be closed in order to achieve safe access.
- (d) A walkway shall be provided from the existing or proposed sidewalk within the right -of-way to the primary building entrance.

HISTORY

Adopted by Ord. [566](#) on 3/25/2019

DIVISION 90-VI-13 B-2 GENERAL BUSINESS ZONING DISTRICT

[Sec 90-482 Purpose](#)

[Sec 90-483 Permitted Uses](#)

[Sec 90-484 Special Uses](#)

[Sec 90-485 District Regulations](#)

[Sec 90-486 Additional Regulations](#)

[Sec 90-487 Design Standards For West State Street Properties](#)

Editor's note - Ord. No. 474, § III, adopted Feb. 27, 2012, amended Div. 13 in its entirety to read as set out herein. Former Div. 13, §§ 90-526—90-530, pertained to similar subject matter and derived from the Code of 1970, §§ 3.120, 3.122, 3.130, 3.132; Ord. No. 301, §§ 7(3.210—3.214), adopted Feb. 10, 1997.

Sec 90-482 Purpose

The B-2 zoning district is primarily intended to provide for an orderly and concentrated development of business along M-37 and M-43 and other major and minor arterial streets designated in the city's comprehensive plan in order to serve the needs of the motoring public and local residents. A wide range of retail service, office governmental, institutional and limited residential uses are permitted.

(Ord. No. 474, § III, 2-27-12)

Sec 90-483 Permitted Uses

Land and structures in the B-2 zoning district may be used for the following purposes only:

- (a) Any use permitted as a matter of right in the B-1 zoning district, except a residential use is not permitted.
- (b) Mortuaries or funeral homes.
- (c) Retail building supply and equipment stores.
- (d) Retail nurseries and garden centers.
- (e) Printing, lithography, publishing and photocopy establishments.
- (f) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways.
- (g) Laboratory, medical or dental.
- (h) Ambulance service establishments.

(Ord. No. 474, § III, 2-27-12)

HISTORY

Amended by Ord. [594](#) on 2/5/2021

Sec 90-484 Special Uses

The following uses may be permitted as special land uses in the B-2 zoning district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Special land uses as permitted in the B-1 zoning district.
- (b) Gas stations with or without vehicle repair facilities.
- (c) Open-air businesses, including, but not limited to, the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile or modular homes and similar uses.
- (d) Vehicle repair or body shops provided all work is performed within an enclosed building and storage of vehicles is within an area which is well screened from the view of nearby properties and roadways.
- (e) Adult businesses subject to chapter 10, article II.

(Ord. No. 474, § III, 2-27-12)

Sec 90-485 District Regulations

Buildings and structures shall not be erected or enlarged in the B-2 zoning district unless the following requirements are met and maintained:

- (a) No minimum lot area and width is required.
- (b) Minimum required building setbacks shall be as follows:
 - (1) There shall be a front yard of not less than four feet provided that:
 - a. Where a new building is located between two existing buildings, it shall conform to the established setback.
 - b. Where an existing setback has been established by one adjacent business building existing at the time of the adoption of the ordinance from which this chapter is derived, the setback required shall not be less than half the sum of the zone requirement and the setback of the existing building.
 - c. One foot of additional front yard shall be provided for each 100 feet the building is located away from the B-1 zoning district measured along the street right-of-way line. In no case shall a front yard of more than 25 feet be required.
 - (2) One side yard of at least ten feet shall be provided. Any side yard provided shall be at least ten feet in width. Where a lot abuts a residential zone or property, a ten-foot side yard shall be provided along that line.
 - (3) There shall be a rear yard of at least 12 feet, provided that where the rear yard abuts an alley, the full alley width may be counted as part of the required yard.
- (c) Maximum building height shall be 35 feet.
- (d) Wherever a B-2 zoning district abuts a residential, apartment or industrial district, landscaping shall be provided as required by article XII of this chapter.

- (e) All business, service or processing shall be conducted wholly within a completely enclosed building, except for automobile parking, off-street loading, drive-through banking and restaurant facilities, limited temporary outdoor display of merchandise, limited minor repair of vehicles at vehicle repair and service stations, open-air business special land uses, and outdoor seating at restaurants.

(Ord. No. 474, § III, 2-27-12)

Sec 90-486 Additional Regulations

- (a) Off-street parking in the B-2 zoning district shall be regulated by article X of this chapter.
- (b) Signs shall be regulated by article XI of this chapter.
- (c) Site plan review requirements are contained in article IV of this chapter and are required for all special land uses. In addition to the submittal requirements of section 90-129 the application shall also include building plans and architectural drawings to demonstrate compliance with the design standards of this section.
- (d) Site condominiums shall be regulated by article VIII of this chapter.

(Ord. No. 474, § III, 2-27-12; Ord. No. 494, § II, 5-13-13)

Sec 90-487 Design Standards For West State Street Properties

- (a) *Purpose.* The purpose of the following regulations is to provide specific design standards for the review and approval of new commercial buildings and re-developed parcels in the B-2 zoning district on West State Street west of Market Street in order to achieve the following community objectives:
 - (1) To encourage commercial building facade treatments that are articulated and enhanced in order to reduce the massive scale and impersonal appearance of large retail buildings.
 - (2) To maintain and improve community character by requiring buildings to be closer to the street which helps to create shopping areas with a more pedestrian scale.
 - (3) To encourage developers to use a more creative approach in the design of commercial buildings.
- (b) *Applicability.* The following regulations shall apply to those parcels in the B-2 zoning district which have frontage on West State Street between Market Street and the west city limits. To achieve the purposes of this article and to incorporate means and materials that enhance visual interest, economic value, and retail market sustainability in commercial areas in the City of Hastings, developments subject to these regulations shall be designed to substantially incorporate such styles and building materials as set forth in the design standards of this section 90-487. The following developments shall be subject to the design standards of this section:
 - (1) Newly-constructed principal buildings.
 - (2) Uses which require site plan review by the planning commission per section 90-127 herein.
 - (3) Exterior alterations, renovations and additions to existing non-residential buildings which require a building permit and which pertain to the building facade which is that portion or portions of a building which front on a public street.

- (c) *Permitted facade materials.* The facade of a building, which is defined as that portion or portions

of a building, which front on a public street and which also faces an on-site parking lot shall adhere to the following requirement:

At least 80 percent of the facade shall be constructed with one or more of the following materials:

- (1) Traditional hard-coat stucco.
- (2) Brick.
- (3) Natural or cast stone.
- (4) Tinted and/or textured masonry block.
- (5) Glass.
- (6) Architectural pre-cast panels.
- (7) Wood except materials such as T-111, plywood or particle board and similar processed wood materials.
- (8) Similar materials as approved by the planning commission.

(d) *Wall designs and features.* That portion of a building which fronts on a public street shall be designed to eliminate large expanses of blank walls. Among other methods, this can be accomplished from the application of two or more of the following approximately every 50 feet in wall length:

- (1) Doors with corniced parapets over the main entry door.
- (2) Display windows that orient street-level customers to products.
- (3) Arched entryways, canopies or awnings.
- (4) Providing changes in the plane of a wall such as offsets, or projecting ribs which are at least 12 inches in width.
- (5) Change in texture, color or masonry pattern.
- (6) Pilasters, piers or columns.
- (7) Other applications as approved by the planning commission which meet the intent of this section.
- (8) Facade walls more than 100 feet in total length must also incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade.
- (9) Side or rear walls that face rear walkways or rear or side service drives may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, but only when actual doors and windows are not feasible.

(e) *Facades.* All facades shall have a recognizable "top" or upper portion consisting of one or more of the following:

- (1) Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials
- (2) Sloping roof with overhangs and brackets.
- (3) Stepped parapets.
- (4) If the building has more than one story the façade shall have a horizontal expression line which separates each floor.

(f) *Customer entrances.* Building facades shall exhibit clearly defined, highly visible and articulated front and, if provided, rear customer entrances, that feature at least two of the following:

- (1) Canopies or porticos.
- (2) Overhangs.
- (3) Recesses or projections of at least three percent of wall length.
- (4) Arcades.
- (5) Raised cornice parapets over the door.
- (6) Distinctive roof forms.
- (7) Arches.
- (8) Outdoor patios.
- (9) Display windows.

(g) *Roofs.*

- (1) Buildings shall be topped with pitched roofs with overhanging eaves or flat roofs with articulated parapets and cornices. Materials for pitched roofs shall include shingles (either wood or asphalt composition), slate, tiles, or other material if such other material is similar to the roofs on nearby buildings in the business design overlay zone.
- (2) Parapets shall be used to conceal flat sections of roofs and rooftop equipment, such as HVAC units, from public view. The average height of such parapets shall not exceed 25 percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall.

(h) *Parking.*

- (1) No more than two rows of off street parking shall be located within the front yard, which is defined as the area between the principal building and the front lot line across the entire width of the lot. In certain circumstances, the planning commission may allow permitted and special land uses to have more than two rows of parking between the building and the front lot line. In determining when such parking should be allowed, the commission shall consider the following criteria:
 - a. Whether the need for truck loading and unloading docks and maneuvering areas for trucks does not allow for required parking spaces to be located to the side or in the rear of the building;
 - b. The width of the lot relative to the size of the building;
 - c. The parking requirements for large "big box type" stores create difficulties in providing the majority of the required parking in the side or rear yards;
 - d. Whether additional front yard parking would result in the preservation of a natural site feature(s);
 - e. Whether parking in the side or rear yard is impractical due to a wetland or steep slope or other similar natural feature.
- (2) For parcels located on a corner lot the above requirements shall only apply to that street which, in the opinion of the zoning administrator, carries the most traffic. For the remaining street the parking lot may be located in the front yard subject to the setback regulations of the zoning district in which it is to be located.

(i) *Sidewalks.*

- (1) Sidewalks shall be provided along all streets abutting a parcel in accordance with city standards. Sidewalks shall be a minimum of five feet wide although the planning commission may require that an easement be provided within the front yard abutting the right-of-way to allow for the placement of a future non-motorized trail along M-37/M-43.
- (2) The commission may also require, where practical and feasible, that a walkway be provided extending from the public sidewalk to the entrance of the building on the site in order to provide for safe pedestrian access.

(j) *Additional considerations.* In order to promote non-motorized access to businesses along the M-37/M-43 corridor bike racks at individual stores are encouraged to be provided as well as lighting of non-motorized trails which traverse or abut the property.

(k) *Modification of standards.* The design standards and requirements of section 90-487 may be modified by the planning commission for those projects which require site plan review by the commission or by the zoning administrator for projects which only require staff review per subsection 90-127(b) or a building permit per subsection 90-487(b)(3) herein. In determining whether to approve a modification, the planning commission or zoning administrator shall submit findings of fact regarding the following factors:

- (1) The modification shall satisfy the purposes of the B-2 zone as stated herein.
- (2) Modification of the standards and requirements shall still result in the alteration of an existing building or construction of a new building being visually compatible with adjacent existing buildings and buildings on nearby properties.
- (3) Modifications of the standards and requirements are necessary as strict compliance would create practical physical difficulties in applying the standards and requirements in the reconstruction or conversion of an existing building. Any modifications permitted shall comply with subsections (a) and (b) above.

(Ord. No. 494, § I, 5-24-13; Ord. No. 533, § I, 6-27-16)

DIVISION 90-VI-13A B-3 DOWNTOWN EDGE DISTRICT

[Sec 90-492 Purpose](#)

[Sec 90-493 Permitted Uses](#)

[Sec 90-494 Special Uses](#)

[Sec 90-495 District Regulations](#)

[Sec 90-496 Additional Regulations](#)

Sec 90-492 Purpose

The B-3 zoning district is designed to implement a recommendation of the 2007 comprehensive community plan which calls for a transition from the central business district core by allowing the same commercial uses as B-1 zoning district but also allowing for the establishment of attached dwelling units which in some locations will abut established neighborhoods. The permitted density of the B-3 zoning district will allow new residential uses to closely abut and support the downtown shopping district and bring more vitality to the central business zoning district. Commercial and office uses in the B-3 zoning district will adhere to the same design guidelines and setbacks as the B-1 zoning district to ensure consistency in visual character with the B-1 zoning district.

(Ord. No. 476, § I, 2-27-12)

Sec 90-493 Permitted Uses

Land and structures in the B-3 general business district may be used for the following purposes only:

- (a) Uses as permitted in the B-1 zoning district.

(Ord. No. 476, § I, 2-27-12)

Sec 90-494 Special Uses

The following uses may be permitted as special land uses in the B-3 downtown edge district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Special uses as permitted in the B-1 zoning district.
- (b) Multi-family dwellings including attached single-family dwellings such as townhouses with no more than eight units per building.
- (c) Transitional or Emergency Housing, when located within a single-family detached dwelling existing as of (*date of adoption*).

(Ord. No. 476, § I, 2-27-12)

HISTORY

Amended by Ord. [561](#) on 10/26/2018

Sec 90-495 District Regulations

Buildings and structures shall not be erected or enlarged in the B-3 downtown edge district unless the following requirements are met and maintained:

- (a) The requirements of section 90-474 and 90-475 for the B-1 zoning district.
- (b) For a multifamily building, there shall be a minimum of 3,000 square feet of lot area for each dwelling unit which is a gross density of 14.52 dwelling units per acre.
- (c) Residential buildings shall comply with the following requirements:
 - (1) Minimum roof pitch: 4:12 to 12:12 (rise; run): Roofs which are less than 22 feet above grade may be flat or pitched at any slope.
 - (2) Minimum front porch area (if provided): 70 square feet.
 - (3) Minimum floor area: As required for dwellings in the A-1 zoning district.
 - (4) Windows: A minimum of 20 percent and a maximum of 30 percent of the front and side facades each shall have transparent non-reflective windows. Windows on upper stories shall be vertical with defined edges.
 - (5) Exterior building materials facing a public or private street: Minimum 80 percent brick, stone, or lap siding with trim and ornamentation consisting of metal, concrete, brick, stone or wood.
 - (6) Facade articulation: Differentiate each row house or townhouse separately with a vertical expression line; for other multifamily buildings provide articulation every 50 feet using windows, balconies, and a change in building materials or similar provision.
 - (7) Building entrance: For row or townhouses, provide one entrance per unit facing the street; for other multi-family buildings, provide one entrance for every 75 feet of building

frontage. A walkway shall be provided from the existing or proposed sidewalk within the right-of-way to the building entrance.

- (8) Enclosed porches are allowed.
 - (9) Parking: Parking for townhouses, row houses and multifamily buildings must be located behind the principal building on the same lot. For all other uses, the parking requirements may be met by the community parking requirements of section 90-919.
 - (10) Landscaping: Wherever a B-3 zoning district abuts a residential, apartment or industrial district, landscaping shall be provided as required by article XII of this chapter. For purposes of the landscape buffer zone table 8-1 in section 90-1010, the B-3 zoning district shall be the equivalent of the B-1 zoning district.
- (d) The required setback from the right-of-way along all street segments for parcels in the B-3 district shall be a minimum of zero feet and a maximum of 20 feet from each right-of-way line abutting the lot; a minimum of 60 percent of the front wall of the building must be within the required setback, which is also called a build-to line, along each street frontage.

The planning commission may allow a greater building setback than permitted by subsection 90-495(d) above if compliance with such setbacks creates a practical difficulty in the operation of the proposed use. In considering whether or not to permit a greater setback, the commission shall consider following criteria:

- (1) Whether the proposed use is located on a parcel which has frontage on one or more streets;
- (2) Whether the driveway(s) which are required to serve the site necessitate a greater building setback in order to safely accommodate on site maneuvering for vehicles and pedestrians;
- (3) Whether a greater setback is needed in order to locate parking spaces, access drives or sidewalks between the building and the front lot line in order to improve safety for customers accessing the building;
- (4) Whether the shape or size of the parcel or requirements of the zoning ordinance or other city ordinances create difficulties in complying with the required setback regulations.
- (5) Non-residential buildings shall comply with the requirements of section 90-476 which are the design standards for the B-1 district.

(Ord. No. 476, § I, 2-27-12; Ord. No. 520, §§ I, II, 4-27-15)

Sec 90-496 Additional Regulations

- (a) Signs shall be regulated by article XI of this chapter.
- (b) Site plan review requirements are contained in article IV of this chapter and are required for all special land uses. In addition to the submittal requirements of section 90-129 the application shall also include building plans and architectural drawings to demonstrate compliance with the design standards of this section.
- (c) Site condominiums shall be regulated by article VIII of this chapter.
- (d) Modification of standards. The design standards and requirements of section 90-485 may be modified by the planning commission for those projects which require site plan review by the commission. In determining whether to approve a modification, the planning commission shall submit findings of fact regarding the following factors:

- (1) The modification shall satisfy the purposes of the B-3 district as stated herein.
- (2) Modification of the standards and requirements shall still result in the alteration of an existing building or construction of a new building being visually compatible with adjacent existing buildings and buildings on nearby properties.
- (3) Modifications of the standards and requirements are necessary as strict compliance would create practical physical difficulties in applying the standards and requirements in the reconstruction or conversion of an existing building. Any modifications permitted shall comply with subsections (a) and (b) above.

(Ord. No. 520, § III, 4-27-15)

DIVISION 90-VI-13B B-4 WEST BUSINESS DISTRICT

[Sec 90-501 Purpose](#)

[Sec 90-502 Permitted Uses](#)

[Sec 90-503 Special Uses](#)

[Sec 90-504 District Regulations](#)

[Sec 90-505 Design Standards](#)

[Sec 90-506 Additional Requirements](#)

[Sec 90-507 Modification Of Standards](#)

Sec 90-501 Purpose

The purpose of the B-4 zoning district is to provide specific design standards for the review and approval of commercial buildings in several locations in the City of Hastings: west of the central business district along West State Street, Apple Street and North Broadway; the area close to the intersection of Woodlawn and Michigan; and other areas as may be designated by the city in order to achieve the following community objectives:

- (a) To visually and functionally connect the commercial area west of Broadway Street with the central business zoning district through building design and placement standards while serving as a transition to the commercial uses west of Market Street which have developed outside of a traditional downtown pattern.
- (b) To allow for the conversion of this area to a more compact, walkable, mixed use commercial neighborhood center as recommended by the 2007 Hastings Comprehensive Community Plan.
- (c) To encourage commercial building facade treatments that are articulated and enhanced in order to reduce the massive scale and impersonal appearance of large retail buildings.
- (d) To maintain and improve community character by creating shopping areas which have a pedestrian scale.
- (e) To encourage developers to use a more creative approach in the design of commercial buildings.
- (f) To create a sense of "place" and add elements of uniqueness to commercial projects, thereby boosting the value, quality and economic sustainability of Hastings's commercial corridors.
- (g) To allow for design features which promote energy conservation.

(Ord. No. 477, § I, 2-27-12)

Sec 90-502 Permitted Uses

- (a) Land and structures in the B-4 zoning district may be used for any permitted use in the B-2 zoning district as set forth in section 90-483.

- (b) Residential dwellings above retail, service and office uses subject to the requirements of subsection 90-472(p), except that more than one dwelling unit is permitted for each storefront. In addition, the following shall apply:
- (1) Residential uses located within structures not designated as live-work units shall be completely separated from the non-residential uses with a separate means of entrance and internal or external staircase.
 - (2) Each dwelling shall contain a minimum of 600 square feet of floor area for a one bedroom unit and an additional 150 square feet for each additional bedroom.
 - (3) Second-story residential uses shall comply with all applicable accessibility requirements of the Americans with Disabilities Act.
- (c) Restaurants including those with outdoor seating. Outdoor dining is permitted where such dining does not encroach upon a minimum of five feet of unobstructed sidewalk space adjacent to the curb. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches including plant material.

(Ord. No. 477, § I, 2-27-12)

Sec 90-503 Special Uses

The following uses may be permitted as special land uses in the B-4 zoning district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Any special use in the B-2 zoning district as set forth in section 90-484.
- (b) Transitional or Emergency Housing, when located within a single-family detached dwelling existing as of (*date of adoption*).

(Ord. No. 477, § I, 2-27-12)

HISTORY

Amended by Ord. [561](#) on 10/26/2018

Sec 90-504 District Regulations

Buildings and structures shall not be erected or enlarged in the B-4 zoning district unless the following requirements are met and maintained:

- (a) No minimum lot area and width is required.
- (b) For all streets in the B-4 zoning district other than West State Street, North Broadway, Michigan Avenue and Woodlawn Avenue, buildings shall be set back no more than ten feet from the street right-of-way line. A minimum of 80 percent of the front wall of the building must be within the build-to zone along each street. The required front setback from the right-of-way along West State Street, North Broadway, Michigan Avenue and Woodlawn Avenue shall be no more than 20 feet and no less than ten feet from the street right-of-way line. A minimum of 80 percent of the front wall of the building must be within the build-to zone along each street.
- (c) The planning commission may allow a greater building setback than permitted by subsection 90-504(b) above if compliance with such setbacks creates a practical difficulty in the operation of the proposed use. In considering whether or not to permit a greater setback, the commission shall consider following criteria:

- (1) Whether the proposed use is located on a parcel which has frontage on one or more streets;
 - (2) Whether the driveway(s) which are required to serve the site necessitate a greater building setback in order to safely accommodate on site maneuvering for vehicles and pedestrians;
 - (3) Whether a greater setback is needed in order to locate parking spaces, access drives or sidewalks between the building and the front lot line in order to improve safety for customers accessing the building;
 - (4) Whether the shape or size of the parcel or requirements of the zoning ordinance or other city ordinances create difficulties in complying with the required setback regulations;
 - (5) Whether a greater building setback would significantly compromise the objective of visually and functionally connecting the site to the central business district and serve as a transition to the commercial uses west of Market Street.
- (d) The side and rear setbacks shall be determined by the planning commission in its review of the final site plan or by the zoning administrator for projects which only require staff review per subsection 80-127(b) or a building permit per subsection 90-505(a)(3) herein. In determining the setbacks the planning commission or zoning administrator shall take into consideration the impact on adjoining land uses, whether the proposed setback disrupts the interior circulation pattern on that block, whether safe vehicular and pedestrian access is maintained, whether the setbacks will allow safe access for firefighting purposes, and whether or not the proposed setbacks will create unusable or unsafe areas.
- (e) Sidewalks shall be provided along all streets abutting a parcel in accordance with city requirements. For sidewalks which need to be placed within the front setback, an easement shall be granted by the property owner to the city for public use of the sidewalk.
- (f) Sidewalks shall be a minimum of five feet wide although the planning commission may require a maximum sidewalk width of ten feet in order to allow for safe and efficient pedestrian movement, allow for activities in front of commercial uses and to create a street front atmosphere similar to the central business zoning district. Sidewalks shall be concrete although other materials such as brick or concrete with brick borders or brick pattern may be required by the planning commission in order to provide visual continuity with the brick walkway system in the central business zoning district.
- (g) Maximum building height shall be 40 feet.
- (h) Wherever the B-4 zoning district abuts a residential, apartment or industrial district, landscaping shall be provided as required by article XII of this chapter. For purposes of the landscape buffer zone table 8-1 in section 90-1010, the B-4 zoning district shall be the equivalent of the B-2 zoning district.
- (i) All business, service or processing shall be conducted wholly within a completely enclosed building, except for automobile parking, off-street loading, drive-through banking and restaurant facilities, limited temporary outdoor display of merchandise, limited minor repair of vehicles at vehicle repair and service stations, open-air business special land uses, and outdoor seating at restaurants.

(Ord. No. 477, § I, 2-27-12; Ord. No. 490, § I, 12-27-12; Ord. No. 533, § 2, 6-27-16)

Sec 90-505 Design Standards

- (a) *Applicability.* To achieve the purposes of this article and to incorporate means and materials that enhance visual interest, economic value and retail market sustainability in commercial areas in

the city, developments subject to these regulations shall be designed to substantially incorporate such styles and building materials as set forth in the design standards of this section. The following developments shall be subject to the design standards of this section:

- (1) Newly constructed office and commercial buildings.
- (2) Exterior alterations, renovations and additions to existing nonresidential buildings which require a building permit.
- (3) The conversion of a residential dwelling to a permitted office or commercial use which requires a building permit for exterior alterations, renovations or additions.

(b) *Permitted facade materials.* The facade of a building, which is defined as that portion or portions of a building, which fronts on a public street shall adhere to the following requirements: At least 80 percent of the facade shall be constructed from one or more of the following materials:

- (1) Traditional hard-coat stucco.
- (2) Brick.
- (3) Natural or cast stone.
- (4) Tinted and/or textured masonry block.
- (5) Glass.
- (6) Architectural pre-cast panels.
- (7) Similar materials as approved by the planning commission.

(c) *Prohibited facade materials.*

- (1) Smooth-faced gray concrete block and smooth-faced tilt-up concrete panels are prohibited.
- (2) Metal, vinyl and aluminum sidings are prohibited as primary exterior surface materials. These sidings may be used as trim materials covering no more than 20 percent of the facade.

(d) *Wall designs and features.* Facades which front on a public street shall be designed to eliminate large expanses of blank walls. Among other methods, this can be accomplished from the application of two or more of the following approximately every 30 feet in wall length:

- (1) Doors with corniced parapets over the main entry door.
- (2) Display windows that orient street-level customers to products.
- (3) Arched entryways, canopies or awnings.
- (4) Providing changes in the plane of a wall such as offsets, or projecting ribs which are at least 12 inches in width.
- (5) Change in texture, color or masonry pattern.
- (6) Pilasters, piers or columns.
- (7) Other applications as approved by the planning commission.
- (8) Facade walls more than 100 feet in total length must also incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade.

- (9) Side or rear walls that face rear walkways or rear or side service drives may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, but only when actual doors and windows are not feasible.
- (e) *Customer entrances.* Building facades shall exhibit clearly defined, highly visible and articulated front and, if provided, rear customer entrances, that feature at least two of the following:
- (1) Canopies or porticos.
 - (2) Overhangs.
 - (3) Recesses or projections of at least three percent of wall length.
 - (4) Arcades.
 - (5) Raised cornice parapets over the door.
 - (6) Distinctive roof forms.
 - (7) Arches.
 - (8) Outdoor patios.
 - (9) Display windows.
- (f) *Horizontal expression lines.* The facade shall have a horizontal expression line which separates the first floor from the upper floors.
- (g) *Windows.* Windows on building facades facing public streets shall comply with the following requirements:
- (1) *All windows.*
 - a. A single windowpane or more than one pane stacked vertically shall not exceed one story in height although windows higher than one story may be permitted if the design is such that the windows appear as separate stories.
 - b. Windows shall be transparent and non-reflective glass. Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows shall be considered transparent.
 - c. Windows shall not be blocked by interior displays or otherwise have views to the interior obstructed for a depth of not less than five feet into the building.
 - (2) *First-story windows.* In order to provide clear view inward the first story of a facade window opening shall cover a minimum of 40 percent and a maximum of 90 percent of the wall area and the bottom of the window opening shall be between 30 inches and 40 inches from sidewalk level.
 - (3) *Upper-story windows.* Between 20 percent and 40 percent of the facade wall area for all stories above the first story shall be devoted to transparent windows. If such windows are rectangular they shall be oriented in a vertical fashion. In addition, all such windows shall contain visible sills and lintels on the exterior wall and no single pane of glass shall exceed 36 square feet in area.
 - (4) *Exceptions.* Facade transparency requirements do not apply for portions of structures in ground floor residential use, assembly area of theaters, auditoriums, churches, and similar non-commercial and office uses.
- (h) *Roofs.*

- (1) Buildings shall be topped with pitched roofs with overhanging eaves or flat roofs with articulated parapets and cornices. Materials for pitched roofs shall include shingles (either wood or asphalt composition), slate, tiles, or other material if such other material is similar to the roofs on nearby buildings in the business design overlay zone.
 - (2) Parapets shall be used to conceal flat sections of roofs and rooftop equipment, such as HVAC units, from public view. The average height of such parapets shall not exceed 25 percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall.
- (i) *Facades*. All facades shall have a recognizable "top" or upper portion consisting of one or more of the following:
- (1) Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials.
 - (2) Sloping roof with overhangs and brackets.
 - (3) Stepped parapets.

(Ord. No. 477, § I, 2-27-12)

Sec 90-506 Additional Requirements

- (a) Off-street parking in the B-4 zoning district shall be regulated by article X of this chapter.
- (b) Site plan review as regulated by article IV of this chapter is required for all special land uses. In addition to the submittal requirements of section 90-129, the application should also include building plans and architectural drawings to demonstrate compliance with the design standards of this section.
- (c) Site condominiums shall be regulated by article VIII of this chapter.
- (d) Signs for lots in the B-4 zone shall comply with the requirements of article 11 of the zoning ordinance as are applicable to the proposed use except as follows:
 - (1) Each lot containing a non-residential use or commercial or office establishment is permitted to have one ground sign, but not a pole sign, up to a maximum size of 35 square feet. Such sign shall not exceed a height of four feet above grade as measured to the top of the sign. Ground signs shall be setback a minimum of five feet from the front and side lot lines, but in no case shall a sign be placed where it might obstruct the vision of a motorist.
 - (2) Each commercial establishment is permitted to have one wall sign per street frontage to be placed on that side of the building which faces the street up to a maximum size of 50 square feet per sign.
 - (3) For buildings containing more than one commercial establishment the size of the ground sign and wall sign(s) may be increased by 50 percent.
 - (4) Projecting signs, sidewalk signs and banners shall be allowed according to the requirements of subsections 90-973(e) and (f).
 - (5) Awnings, canopy and marquee signs are permitted in lieu of a permitted wall sign.
 - (6) Ground and wall sign materials shall reflect the architectural character and materials of the building facade.
 - (7) For externally lit signs, the lighting fixture shall be mounted on the top of the sign only and

the fixture directed downward so that the light does not present a glare to any person.

(Ord. No. 477, § I, 2-27-12)

Sec 90-507 Modification Of Standards

The design standards and requirements of section 90-505 may be modified by the planning commission. In determining whether to approve a modification, the planning commission shall submit findings of fact regarding the following factors:

- (a) The modification shall satisfy the purpose section of the B-4 zoning district.
- (b) Modification of the standards and requirements shall still result in the alteration of an existing building or construction of a new building being visually compatible with adjacent existing buildings and buildings in the central business zoning district.
- (c) Modifications of the standards and requirements are necessary as strict compliance would create practical physical difficulties in applying the standards and requirements in the reconstruction or conversion of an existing building. Monetary difficulties in complying with the standards and requirements may be considered but shall not be the overriding reason for allowing modifications. Any modifications permitted shall comply with subsections (a) and (b) above.

(Ord. No. 477, § I, 2-27-12)

DIVISION 90-VI-13C B-5 MIXED USE DISTRICT

[Sec 90-513 Purpose](#)

[Sec 90-514 Permitted Uses](#)

[Sec 90-515 Special Uses](#)

[Sec 90-516 Standards For Live-Work Units](#)

[Sec 90-517 Site And Building Placement Standards For Single- And Two-Family Dwellings](#)

[Sec 90-518 Building Form Standards For Single And Two-Family Dwellings](#)

[Sec 90-519 Site And Building Placement Standards For Multi-Family Dwellings](#)

[Sec 90-520 Building Form Standards For Multi-Family Dwellings](#)

[Sec 90-521 Site And Building Form Standards For Offices And Non-Residential Buildings](#)

[Sec 90-522 Parking](#)

[Sec 90-523 General Development Standards For All Uses](#)

[Sec 90-524 Additional Regulations And Modifications](#)

Sec 90-513 Purpose

The B-5 zoning district is recommended in the 2007 Comprehensive Community Plan as an ideal area for redevelopment. Its proximity to Tyden Park and the central business district makes this area attractive for a new type of residential use, such as townhouses and lofts, and for live-work multi-story buildings with ground-floor retail.

The existing physical form of much of this area is a neighborhood of primarily single-family houses with a pedestrian scale; views of Tyden Park and the Thornapple River; proximity to retail and service uses; houses with front porches extending into the front setback; sidewalks; street trees; and detached garages. Offices are single-story with pitched roofs and residential flavor.

The B-5 mixed use zoning district regulations are designed to retain this form as new uses replace existing ones. Permitted land uses will be regulated according to the particular street in order to ensure the uses are appropriate and compatible with the level of traffic and character along that street segment. Typically a mix of land uses will be permitted along most street segments with building form and

placement requirements designed to create residential and shopping areas with a pedestrian scale and architectural appearance reflecting the character of downtown Hastings.

(Ord. No. 478, § I, 2-27-12)

Sec 90-514 Permitted Uses

Land and structures in the B-5 mixed use district may be used for the following purposes only:

- (a) Detached single-family dwellings.
- (b) Single-family attached dwellings such as townhouses with no more than eight units attached in any building.
- (c) Two-family dwellings which are constructed after the adoption date of this article. The conversion of a single-family dwelling to a two-family dwelling or a multi-family dwelling is prohibited.
- (d) Professional offices including medical and dental.
- (e) Residential dwellings above office uses, subject to the requirements of subsection 90-472(p).
- (f) Accessory apartments above garages, provided the garage serves a single-family dwelling. An accessory apartment is a dwelling unit that is on the same lot as a single-family detached dwelling and is smaller than and clearly subordinate to the single-family detached dwelling. Such dwelling shall contain a minimum of 600 square feet of floor area.
- (g) Accessory uses buildings and structures customarily incidental to the above uses.

(Ord. No. 478, § I, 2-27-12)

Sec 90-515 Special Uses

The following uses may be permitted as special land uses in the B-5 mixed use district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Bed and breakfast establishments.
- (b) Live-work units provided such units are located on the south side of Mill Street only with no more than three such units located within in any building subject to the requirements of section 90-516 below. For purposes of this section, a live-work unit is defined as a dwelling unit containing both a single-family residential use and a non-residential use such as a commercial or office use or use(s) in which the portion devoted exclusively to the residential use occupies at least 20 percent of the total floor area of the unit, and where at least one member of the family residing in the residential portion of the unit owns, manages or works in the non-residential use of that same unit.
- (c) Churches, synagogues or similar places of worship and customary related uses.
- (d) Group day care homes for adults and children serving more than six but not more than 12 adults or children. Approval of a group day care home shall be considered based on the standards prescribed in section 90-1078 herein and shall be subject to and regulated by applicable State of Michigan laws.
- (e) Essential public service equipment, buildings, and structures.
- (f) Antennas and towers exceeding a height of 35 feet.

(Ord. No. 478, § I, 2-27-12)

HISTORY

Amended by Ord. [554](#) on 9/14/2018

Sec 90-516 Standards For Live-Work Units

- (a) A live-work unit shall be used for the following principal uses:
- (1) A single-family dwelling.
 - (2) Any of the non-residential uses permitted by section 90-472.
- (b) In addition to the members of the family residing on the premises, a live-work unit shall have no more than two employees on the premises at any one time.
- (c) Hours of operation for non-residential uses shall be between 9:00 a.m. and 7:00 p.m.
- (d) A live-work unit may be used for residential purposes only but shall not be used for non-residential purposes only.
- (e) A residential use within a live-work unit shall not occupy less than 400 square feet of gross floor area.
- (f) A building shall contain no more than three attached live-work units per building.
- (g) All non-residential uses shall be conducted within an enclosed permanent structure, except that outdoor dining and outdoor display and sale of merchandise are permitted generally in front of the unit where such sales or displays do not encroach upon a minimum of five feet of unobstructed sidewalk space. Merchandise shall be located outdoors only during the hours of operation.
- (h) All non-residential uses shall be located on the ground floor of the live-work unit.
- (i) Outdoor dining is permitted subject to the provisions of subsection 90-502 (3).
- (j) No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter or interference with radio or television communication, or is otherwise incompatible with the permitted or special land uses within the district.
- (k) A minimum of two off-street parking spaces, in addition to available on-street parking, shall be provided for each live-work unit.

(Ord. No. 478, § I, 2-27-12)

Sec 90-517 Site And Building Placement Standards For Single- And Two-Family Dwellings

- (a) Minimum lot area and width: 5,500 square feet and 45 feet wide per dwelling unit.
- (b) Maximum lot coverage of building: 35 percent.
- (c) Required front setback: Minimum of five feet, maximum of 15 feet from each street right-of-way line. Porches and stoops may be constructed between three feet and ten feet from the front lot line.
- The planning commission may allow a greater building setback than permitted by this section if compliance with such setbacks creates a practical difficulty in the operation of the proposed use. In considering whether or not to permit a greater setback, the commission shall consider following criteria:
- (1) Whether the proposed use is located on a parcel which has frontage on one or more streets;

- (2) Whether the driveway(s) which are required to serve the site necessitate a greater building setback in order to safely accommodate on site maneuvering for vehicles and pedestrians;
- (3) Whether a greater setback is needed in order to locate parking spaces, access drives or sidewalks between the building and the front lot line in order to improve safety for customers accessing the building;
- (4) Whether the shape or size of the parcel or requirements of the zoning ordinance or other city ordinances create difficulties in complying with the required setback regulations.

(d) Side setback: five feet minimum; total 12 feet.

(e) Rear setback: 15 feet.

(Ord. No. 478, § I, 2-27-12; Ord. No. 491, § I, 12-26-12)

Sec 90-518 Building Form Standards For Single And Two-Family Dwellings

(a) Maximum building height: 35 feet.

(b) Minimum roof pitch: 6:12 (rise:run).

(c) Minimum front porch area (if provided): 70 square feet.

(d) Minimum floor area: As required for dwellings in the R2 zoning district.

(Ord. No. 478, § I, 2-27-12)

Sec 90-519 Site And Building Placement Standards For Multi-Family Dwellings

(a) Minimum lot width: 99 feet.

(b) Maximum lot coverage of building: 60 percent.

(c) Required front setback: Minimum of five feet, maximum of 15 feet from each street right-of-way line. Porches and stoops may be constructed up to ten feet from the front lot line.

The planning commission may allow a greater building setback than permitted by this section if compliance with such setbacks creates a practical difficulty in the operation of the proposed use. In considering whether or not to permit a greater setback, the commission shall consider following criteria:

- (1) Whether the proposed use is located on a parcel which has frontage on one or more streets;
- (2) Whether the driveway(s) which are required to serve the site necessitate a greater building setback in order to safely accommodate on site maneuvering for vehicles and pedestrians;
- (3) Whether a greater setback is needed in order to locate parking spaces, access drives or sidewalks between the building and the front lot line in order to improve safety for customers accessing the building;
- (4) Whether the shape or size of the parcel or requirements of the zoning ordinance or other city ordinances create difficulties in complying with the required setback regulations.

(d) Side setback: 15 feet.

(e) Rear Setback: 15 feet.

(Ord. No. 478, § I, 2-27-12; Ord. No. 491, § II, 12-26-12)

Sec 90-520 Building Form Standards For Multi-Family Dwellings

- (a) Minimum number of stories: Two.
- (b) Maximum building height: 35 feet.
- (c) Minimum roof pitch: 4:12 to 12:12 (rise:run) Roofs which are less than 22 feet above grade may be flat or pitched at any slope.
- (d) Minimum front porch area (if provided): 70 square feet.
- (e) Minimum floor area: As required for dwellings in the A-1 zoning district.
- (f) Windows: A minimum of 20 percent and a maximum of 30 percent of the front and side facades each shall have transparent non-reflective windows. Windows on upper stories shall be vertical with defined edges
- (g) Exterior building materials facing a public or private street: Minimum 80 percent brick, stone, or lap siding with trim and ornamentation consisting of metal, concrete, brick, stone or wood.
- (h) Facade articulation: Differentiate each row house or townhouse separately with vertical expression line; for other multifamily buildings provide articulation every 50 feet using windows, balconies, and a change in building materials or similar provision.
- (i) Building entrance: For row or townhouses provide one entrance per unit facing the street; for other multi-family buildings provide one entrance for every 75 feet of building frontage.
- (j) Enclosed porches allowed.

(Ord. No. 478, § I, 2-27-12)

Sec 90-521 Site And Building Form Standards For Offices And Non-Residential Buildings

Site and building form standards for office, live-work and non-residential buildings shall be as required in section 90-504 and section 90-505 for buildings in the B-4 zone.

(Ord. No. 478, § I, 2-27-12)

Sec 90-522 Parking

- (a) Off-street parking for the uses permitted shall be as required by article X. Parking for townhouses, row houses and multi-family buildings must be located behind the principal building.
- (b) Parking located along the south side of Mill Street shall be screened by a decorative fence, brick wall, or hedge not to exceed a height of three feet or other screening as may be approved by the planning commission in order to mitigate the view of the parking area for residents on the north side of Mill Street.

(Ord. No. 478, § I, 2-27-12)

Sec 90-523 General Development Standards For All Uses

- (a) Dumpsters shall be kept within a fenced or brick walled area which shall be at least six feet high and located so that their use, including emptying, does not pose a nuisance to nearby residents.
- (b) Existing single-family houses which are proposed to be converted to other uses as permitted by this article shall comply with the following requirements:

- (1) The proposed use shall be subject to site plan review by the planning commission.
 - (2) The primary entrance to the building shall be visible from and face the street from which the address of the building is derived.
 - (3) The building shall comply with the requirements of the Hastings Building Code.
 - (4) Exterior defects in the building or property such as cracked, chipped or peeling siding, cracked sidewalk, unkempt lawn or landscaping shall be identified as part of the site plan review process and corrected before the building is occupied.
 - (5) Vehicle access to the property shall be determined during review of the site plan. The existing driveway may be required to be closed in order to achieve safe access.
- (c) A walkway shall be provided from the existing or proposed sidewalk within the right-of-way to the primary building entrance.
- (d) The floor area shall be, for:
- (1) Single-family dwellings: same as the R-2 zoning district.
 - (2) Two-family, three-family and four-family buildings: A minimum of 720 square feet per dwelling unit.
 - (3) All multiple-family buildings with more than four dwelling units: A minimum of 600 square feet per dwelling unit.
- (e) Wherever the B-5 zoning district abuts a residential, apartment or industrial district, landscaping shall be provided as required by article XII of this chapter. For purposes of the landscape buffer zone table 8-1 in section 90-1010 the B-5 zoning district shall be the equivalent of the A-2 zoning district.

(Ord. No. 478, § I, 2-27-12)

Sec 90-524 Additional Regulations And Modifications

- (a) Signs for lots in the B-5 district which contain a non-residential use, office use, or live-work unit shall comply with the requirements of article XI of the zoning ordinance as are applicable to the proposed use except as follows:
- (1) Each lot is permitted to have one ground sign, but not a pole sign, up to a maximum size of 24 square feet. Such sign shall not exceed a height of four feet above grade as measured to the top of the sign. Ground signs shall be setback a minimum of five feet from the front and side lot lines, but in no case shall a sign be placed where it might obstruct the vision of a motorist.
 - (2) Each non-residential use, office use or live-work unit is permitted to have one wall sign per street frontage to be placed on that side of the building which faces the street up to a maximum size of 50 square feet per sign.
 - (3) For buildings containing more than one office establishment the size of the ground sign and wall sign(s) may be increased by 50 percent.
 - (4) Projecting signs, sidewalk signs, banners and non-commercial signs shall be allowed according to the requirements of subsections 90-973(e), (f) and (g).
 - (5) Awnings, canopy and marquee signs are permitted in lieu of a permitted wall sign.
 - (6) Ground and wall sign materials shall reflect the architectural character and materials of

the building facade.

- (7) For externally lit signs, the lighting fixture shall be mounted on the top of the sign only and the fixture directed downward so that the light does not present a glare to any person.
- (b) Site plan review requirements are contained in article IV of this chapter and are required for all special land uses. In addition to the submittal requirements of section 90-129 the application shall also include building plans and architectural drawings to demonstrate compliance with the design standards of this section.
- (c) Site condominiums shall be regulated by article VIII of this chapter.
- (d) Modification of standards. The building and general development standards and requirements of sections 90-518, 90-520 and 90-523 may be modified by the planning commission for those projects which require site plan review by the commission. In determining whether to approve a modification, the planning commission shall submit findings of fact regarding the following factors:
- (1) The modification shall satisfy the purposes of the B-5 district as stated herein.
 - (2) Modification of the standards and requirements shall still result in the alteration of an existing building or construction of a new building being visually compatible with adjacent existing buildings and buildings on nearby properties.
 - (3) Modifications of the standards and requirements are necessary as strict compliance would create practical physical difficulties in applying the standards and requirements in the reconstruction or conversion of an existing building. Any modifications permitted shall comply with subsections (d)(1) and (d)(2) above.

(Ord. No. 521, § I, 4-27-15)

Editor's note - Ord. No. 521, § I, adopted April 27, 2015, amended § 90-524 in its entirety to read as set out herein. Former § 90-524 pertained to modification of standards and derived from Ord. No. 478, § I, adopted Feb. 27, 2012.

DIVISION 90-VI-13D B-6 SOUTH BUSINESS DISTRICT

[Sec 90-530 Purpose](#)

[Sec 90-531 Permitted Uses](#)

[Sec 90-532 Special Uses](#)

[Sec 90-533 District Regulations](#)

[Sec 90-534 Additional Regulations](#)

[Sec 90-535 Design Standards](#)

Sec 90-530 Purpose

The B-6 zoning district is primarily intended to provide for an orderly and concentrated development of business along and near South Hanover Street (M-37) in order to serve the needs of the motoring public and local residents. A wide range of retail service, office governmental, institutional and industrial uses are permitted.

(Ord. No. 498, § I, 7-22-13)

Sec 90-531 Permitted Uses

Land and structures in the B-6 zoning district may be used for the following purposes only:

- (a) Any use permitted as a matter of right in the B-1 zoning district, except a residential use is not permitted.
- (b) Indoor or outdoor commercial recreation facilities such as bowling centers, indoor theaters, skating rinks, racquet clubs, miniature golf, video amusement establishments, pool and billiard establishments or similar uses.
- (c) Mortuaries or funeral homes.
- (d) Retail building supply and equipment stores.
- (e) Retail nurseries and garden centers.
- (f) Printing, lithography, publishing and photocopy establishments.
- (g) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways.
- (h) Laboratory, medical or dental.
- (i) Ambulance service establishments.
- (j) Warehousing, storage or transfer buildings, but excluding the storage of bulk petroleum or related products, garbage or rubbish.
- (k) Truck terminals, including maintenance and service facilities.
- (l) Manufacture, compounding, processing, packaging, treating and assembling from previously prepared materials in the production of:
 - (1) Food products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, and kindred foods.
 - (2) Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other textile goods.
 - (3) Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials or any materials kept outside must be well screened from the view of nearby properties and roadways.
 - (4) Lumber and wood products, including mill work, prefabricated structural wood products and containers.
 - (5) Furniture and fixtures.
 - (6) Paperboard containers, building paper, building board, and bookbinding.
 - (7) Printing and publishing.
 - (8) Chemical products such as plastics, perfumes, synthetic fibers.
 - (9) Manufacturing of engineering, measuring, optic, medical, lenses, photographic and similar instruments.
 - (10) Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, and similar manufacturing establishments.
- (m) Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishing, and lumber and building products.
- (n) Research and development facilities, testing and experimental laboratories.

- (o) Stone yards or monument works.
- (p) Trade and industrial schools.
- (q) Tool and die manufacturing establishments.
- (r) Utility and public service buildings.
- (s) Lumberyards and other building supply establishments.
- (t) Vehicle repair or body shops, including wrecker service, provided all work is done within an enclosed building and damaged vehicles are not kept on-site for long-term storage. Any vehicles being repaired or any materials kept outside must be well screened from the view of nearby properties and roadways.
- (u) Mini-warehouses and self-storage facilities. A portion of the site may be used for the outdoor storage of materials, equipment and boats if these items are well screened from the view of nearby properties and roadways.
- (v) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses, provided that any materials or equipment kept outside shall be well screened from the view of nearby properties and roadways.

(Ord. No. 498, § I, 7-22-13)

Sec 90-532 Special Uses

The following uses may be permitted as special land uses in the B-6 zoning district subject to the applicable general and specific requirements and standards of article XIII of this chapter:

- (a) Special land uses as permitted in the B-1 zoning district.
- (b) Open-air businesses, including, but not limited to, the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile or modular homes and similar uses.
- (c) Adult businesses subject to chapter 10, article II.
- (d) Contractor yards for construction equipment such as bulldozers, backhoes and dump trucks, provided all such equipment and vehicles are stored indoors or otherwise well screened from view of surrounding properties and roadways.
- (e) Gas stations with or without vehicle repair facilities and with or without retail sales of food, beverages and miscellaneous convenience items.
- (f) Noncommercial parks, playgrounds and playfields.

(Ord. No. 498, § I, 7-22-13)

Sec 90-533 District Regulations

Buildings and structures shall not be erected or enlarged in the B-6 zoning district unless the following requirements are met and maintained:

- (a) No minimum lot area and width is required.
- (b) Minimum required building setbacks shall be as follows:
 - (1) There shall be a front yard setback of at least 25 feet provided that:

- a. Where a new building is located between two existing buildings it shall conform to the established setback.
 1. Where an existing setback has been established by one adjacent business building existing at the time of the adoption of the ordinance from which this chapter is derived, the setback required shall not be less than half the sum of the zone requirement and the setback of the existing building.
 2. One side yard of at least ten feet shall be provided. Any side yard provided shall be at least ten feet in width. Where a lot abuts a residential zone or property, a ten-foot side yard shall be provided along that line.
 3. There shall be a rear yard of at least 12 feet, provided that where the rear yard abuts an alley, the full alley width may be counted as part of the required yard.

(c) Maximum building height shall be 35 feet.

(d) Wherever a B-6 zoning district abuts a residential, apartment or industrial district, landscaping shall be provided as required by article XII of this chapter. For the purposes of the landscape buffer zone in table 8-1 of section 90-1010 of this Code, the B-6 zoning district shall be the equivalent of the B-2 zoning district.

(e) All business, service or processing shall be conducted wholly within a completely enclosed building, except for automobile parking, off-street loading, drive-through banking and restaurant facilities, limited temporary outdoor display of merchandise, limited minor repair of vehicles at vehicle repair and service stations, open-air business special land uses, and outdoor seating at restaurants.

(Ord. No. 498, § I, 7-22-13)

Sec 90-534 Additional Regulations

(a) Off-street parking in the B-6 zoning district shall be regulated by article X of this chapter in the same manner as signs in the B-2 zoning district.

(b) Signs in the B-6 zoning district shall be regulated by article XI of this chapter in the same manner as signs in the B-2 zoning district.

(c) Site plan review as regulated by article IV of this chapter is required for all special land uses.

(d) Site condominiums shall be regulated by article VIII of this chapter.

(e) Wherever the B-6 district abuts a residential, apartment or industrial district, landscaping shall be provided as required by article XII of this chapter. For purposes of the landscape buffer zone table 8-1 in section 90-1010, the B-6 zoning district shall be the equivalent of the B-2 district.

(Ord. No. 498, § I, 7-22-13; Ord. No. 522, § I, 4-27-15)

Sec 90-535 Design Standards

(a) *Purpose.* The purpose of the following regulations is to provide specific design standards for the review and approval of new commercial buildings and redeveloped parcels in the B-6 zoning district in order to achieve the following community objectives:

- (1) To encourage commercial building facade treatments that are articulated and enhanced in order to reduce the massive scale and impersonal appearance of large retail buildings.

- (2) To maintain and improve community character by requiring buildings to be closer to the street which helps to create shopping areas with a more pedestrian scale.
- (3) To encourage developers to use a more creative approach in the design of commercial buildings.

(b) *Applicability.* The following regulations shall apply to those parcels in the B-6 zoning district. To achieve the purposes of this article and to incorporate means and materials that enhance visual interest, economic value, and retail market sustainability in commercial areas in the City of Hastings, developments subject to these regulations shall be designed to substantially incorporate such styles and building materials as set forth in the design standards of this section 90-487. The following developments shall be subject to the design standards of this section:

- (1) Newly constructed principal buildings.
- (2) Uses which require site plan review by the planning commission per section 90-127 herein.
- (3) Exterior alterations, renovations and additions to existing non-residential buildings which require a building permit and which pertain to the building facade which is that portion or portions of a building which front on a public street.

(c) *Permitted facade materials.* The facade of a building, which is defined as that portion or portions of a building, which front on a public street and which also faces an on-site parking lot shall adhere to the following requirement:

At least 80 percent of the facade shall be constructed with one or more of the following materials:

- (1) Traditional hard coat stucco.
- (2) Brick.
- (3) Natural or cast stone.
- (4) Tinted and/or textured masonry block.
- (5) Glass.
- (6) Architectural pre-cast panels.
- (7) Wood except materials such as T-111, plywood or particle board and similar processed wood materials.
- (8) Similar materials as approved by the planning commission.

(d) *Wall designs and features.* That portion of a building which fronts on a public street shall be designed to eliminate large expanses of blank walls. Among other methods, this can be accomplished from the application of two or more of the following approximately every 50 feet in wall length:

- (1) Doors with corniced parapets over the main entry door.
- (2) Display windows that orient street-level customers to products.
- (3) Arched entryways, canopies or awnings.
- (4) Providing changes in the plane of a wall such as offsets, or projecting ribs which are at least 12 inches in width.
- (5) Change in texture, color or masonry pattern.
- (6) Pilasters, piers or columns.

- (7) Other applications as approved by the planning commission which meet the intent of this section.
 - (8) Facade walls more than 100 feet in total length must also incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade.
 - (9) Side or rear walls that face rear walkways or rear or side service drives may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, but only when actual doors and windows are not feasible.
- (e) *Facades.* All facades shall have a recognizable "top" or upper portion consisting of one or more of the following:
- (1) Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials.
 - (2) Sloping roof with overhangs and brackets.
 - (3) Stepped parapets.
 - (4) If the building has more than one story the facade shall have a horizontal expression line which separates each floor.
- (f) *Customer entrances.* Building facades shall exhibit clearly defined, highly visible and articulated front and, if provided, rear customer entrances, that feature at least two of the following:
- (1) Canopies or porticos.
 - (2) Overhangs.
 - (3) Recesses or projections of at least three percent of wall length.
 - (4) Arcades.
 - (5) Raised cornice parapets over the door.
 - (6) Distinctive roof forms.
 - (7) Arches.
 - (8) Outdoor patios.
 - (9) Display windows.
- (g) *Roofs.*
- (1) Buildings shall be topped with pitched roofs with overhanging eaves or flat roofs with articulated parapets and cornices. Materials for pitched roofs shall include shingles (either wood or asphalt composition), slate, tiles, or other material if such other material is similar to the roofs on nearby buildings in the business design overlay zone.
 - (2) Parapets shall be used to conceal flat sections of roofs and rooftop equipment, such as HVAC units, from public view. The average height of such parapets shall not exceed 25 percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall.
- (h) *Parking.*
- (1) No more than two rows of off-street parking shall be located within the front yard, which is defined as the area between the principal building and the front lot line across the entire width of the lot. In certain circumstances the planning commission may allow permitted

and special land uses to have more than two rows of parking between the building and the front lot line. In determining when such parking should be allowed the commission shall consider the following criteria:

- a. Whether the need for truck loading and unloading docks and maneuvering areas for trucks does not allow for required parking spaces to be located to the side or in the rear of the building;
- b. The width of the lot relative to the size of the building;
- c. The parking requirements for large "big box-type" stores create difficulties in providing the majority of the required parking in the side or rear yards;
- d. Whether additional front yard parking would result in the preservation of a natural site feature(s);
- e. Whether parking in the side or rear yard is impractical due to a wetland or steep slope or other similar natural feature.

(2) For parcels located on a corner lot the above requirements shall only apply to that street which, in the opinion of the zoning administrator, carries the most traffic. For the remaining street the parking lot may be located in the front yard subject to the setback regulations of the zoning district in which it is to be located.

(i) *Sidewalks.*

- (1) Sidewalks shall be provided along all streets abutting a parcel in accordance with city standards. Sidewalks shall be a minimum of five feet wide.
- (2) The commission may also require, where practical and feasible, that a walkway be provided extending from the public sidewalk to the entrance of the building on the site in order to provide for safe pedestrian access.

(j) *Additional considerations.* In order to promote non-motorized access to businesses along South Hanover Street corridor, bike racks at individual stores are encouraged to be provided as well as lighting of non-motorized trails which traverse or abut the property.

(k) *Modification of standards.* The design standards and requirements of section 90-487 may be modified by the planning commission for those projects which require site plan review by the commission. In determining whether to approve a modification, the planning commission shall submit findings of fact regarding the following factors:

- (1) The modification shall satisfy the purposes of the B-6 zone as stated herein.
- (2) Modification of the standards and requirements shall still result in the alteration of an existing building or construction of a new building being visually compatible with adjacent existing buildings and buildings on nearby properties.
- (3) Modifications of the standards and requirements are necessary as strict compliance would create practical physical difficulties in applying the standards and requirements in the reconstruction or conversion of an existing building. Any modifications permitted shall comply with subsections (a) and (b) above.

(Ord. No. 498, § I, 7-22-13)

DIVISION 90-VI-14 D-1 INDUSTRIAL DISTRICT

[Sec 90-551 Purpose](#)

[Sec 90-552 Permitted Uses](#)

[Sec 90-553 Special Uses](#)

[Sec 90-554 District Regulations](#)

[Sec 90-555 Site Development Standards](#)

[Sec 90-556 Additional Regulations](#)

Sec 90-551 Purpose

The D-1 district includes the older industrial areas within the city, which are characterized by older buildings with minimal building setbacks and site improvements. Most generally recognized industrial uses are permitted along with accessory retail sales. As these older buildings are expanded and reused, improvements should be made to protect nearby nonindustrial uses from these industrial operations.

(Ord. No. 301, § 7(3.220), 2-10-97)

Sec 90-552 Permitted Uses

Land and structures in the D-1 district may be used for the following purposes only:

- (a) Warehousing, storage or transfer buildings, but excluding the storage of bulk petroleum or related products, garbage or rubbish.
- (b) Truck terminals, including maintenance and service facilities.
- (c) Manufacture, compounding, processing, packaging, treating and assembling from previously prepared materials in the production of:
 - (1) Food products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, and kindred foods.
 - (2) Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other textile goods.
 - (3) Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials or any materials kept outside must be well screened from the view of nearby properties and roadways.
 - (4) Lumber and wood products, including mill work, prefabricated structural wood products and containers.
 - (5) Furniture and fixtures.
 - (6) Paperboard containers, building paper, building board, and bookbinding.
 - (7) Printing and publishing.
 - (8) Chemical products such as plastics, perfumes, synthetic fibers.
 - (9) Manufacturing of engineering, measuring, optic, medical, lenses, photographic and similar instruments.
 - (10) Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, and similar manufacturing establishments.
 - (11) Metals, minerals, and other naturally occurring substances.
- (d) Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishing, and lumber and building products.
- (e) Research and development facilities, testing and experimental laboratories.

- (f) Stone yards or monument works.
- (g) Trade and industrial schools.
- (h) Tool and die manufacturing establishments.
- (i) Utility and public service buildings.
- (j) Lumberyards and other building supply establishments.
- (k) Essential public service equipment, structures and buildings.
- (l) Vehicle repair or body shops, including wrecker service, provided all work is done within an enclosed building and damaged vehicles are not kept on-site for long term storage. Any vehicles being repaired or any materials kept outside must be well screened from the view of nearby properties and roadways.
- (m) Mini warehouses and self-storage facilities. A portion of the site may be used for the outdoor storage of materials, equipment and boats if these items are well screened from the view of nearby properties and roadways.
- (n) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses, provided that any materials or equipment kept outside shall be well screened from the view of nearby properties and roadways.
- (o) Customary accessory buildings and uses, including limited retail sales provided such sales are accessory to the permitted use.
- (p) Private communication antennas not exceeding 35 feet in height as regulated by section 90-833.

(Code 1970, § 3.100; Ord. No. 301, § 7(3.221), 2-10-97)

Sec 90-553 Special Uses

The following uses may be permitted as special land uses in the D-1 district subject to the applicable general and specific requirements of article XIII of this chapter:

- (a) Open-air businesses, including but not limited to the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile or modular homes, and similar uses.
- (b) Contractor yards for construction equipment such as bulldozers, backhoes and dump trucks, provided all such equipment and vehicles are stored indoors or otherwise well screened from view of surrounding properties and roadways.
- (c) Antennas and towers exceeding a height of 35 feet.
- (d) Gas stations with or without vehicle repair facilities and with or without retail sales of food, beverages and miscellaneous convenience items.
- (e) Noncommercial parks, playgrounds and playfields.
- (f) Commercial Kennels as regulated by Section 90-1083 subsection (c).

(Ord. No. 301, § 7(3.222), 2-10-97; Ord. No. 364, § 3, 1-27-03)

HISTORY

Amended by Ord. [592](#) on 11/27/2020

Amended by Ord. [595](#) on 2/5/2021

Sec 90-554 District Regulations

Buildings and structures shall not be erected or enlarged in the B-1 zoning district unless the following requirements are met and maintained:

- (a) No minimum lot area and width is required.
- (b) A minimum and a maximum front building setback for lots in the B-1 zoning district is required in order to carry out one of the principal recommendations of the Hastings Comprehensive Community Plan which is to establish a "build to line" for new and expanding uses in the B-1 zoning district. The establishment of the following front setback requirements will preserve the downtown character of the city and provide flexibility for new buildings and expansions of existing buildings to closely match the existing building setback line. The required setbacks will vary by street segments as the location of existing buildings differs along certain streets. The required minimum and maximum build to line is intended to provide uniformity in the visual character along streets in the B-1 zoning district.
 - (1) The required setback from the right-of-way along the following street segments shall be a minimum of zero feet and a maximum of five feet from each right-of-way line abutting the lot; a minimum of 80 percent of the front wall of the building must be within the required setback, which is also called a build to line, along each street frontage. Street segments
 - State Street: Church Street to Boltwood Street both sides of street.
 - Jefferson Street: Center Street to Apple Street both sides of street.
 - Church Street: Center Street to Apple Street east side only.
 - Michigan Avenue: Center Street to Apple Street west side only.
 - East Court Street: Church Street to Michigan Avenue both sides of street.
 - (2) The required setback from the right-of-way along all other street segments for parcels in the B-1 zone shall be a minimum of zero feet and a maximum of 20 feet from each right-of-way line abutting the lot; a minimum of 60 percent of the front wall of the building must be within the required setback, which is also called a build-to line, along each street frontage. The planning commission may allow a greater building setback than permitted by this subsection 90-474(b)(2) above, if compliance with such setbacks creates a practical difficulty in the operation of the proposed use. In considering whether or not to permit a greater setback, the commission shall consider following criteria:
 - a. Whether the proposed use is located on a parcel which has frontage on more than one street;
 - b. Whether the driveway(s) which are required to serve the site necessitate a greater building setback in order to safely accommodate on site maneuvering for vehicles and pedestrians;
 - c. Whether a greater setback is needed in order to locate parking spaces, access drives or sidewalks between the building and the front lot line in order to improve safety for customers accessing the building;
 - d. Whether the shape or size of the parcel or requirements of the zoning ordinance or other city ordinances create difficulties in complying with the required setback regulations
 - (3) No side yard is required; except where a property abuts a residentially zoned lot, a minimum ten-foot side yard shall be required.
 - (4) The rear yard shall be 12 feet.
 - (5) Any building which does not meet the front setback requirements of this section, but which existed before the effective date of this subsection 90-474(b), shall be allowed to expand provided the expansion will result in the building being within or closer to the setback or build to line required for the street on which the building fronts. Approval from

the zoning board of appeals is not required for this type of expansion; however, all other requirements of this zoning ordinance shall apply.

(c) Maximum building height: 40 feet; a maximum building height greater than 40 feet is allowable as a special land use, subject to the specific requirements and standard of article XIII of this chapter. For proposed buildings with heights greater than 40 feet a front elevation drawing of the proposed building shall be provided superimposed on a drawing or photograph of the entire block showing the relation of the proposed buildings to other buildings along the block.

(d) No maximum lot coverage requirement.

(Code 1970, § 3.104; Ord. No. 301, § 7(3.223), 2-10-97)

HISTORY

Amended by Ord. [599 Amending Section 90-474\(c\)](#) on 4/30/2021

Sec 90-555 Site Development Standards

The following development standards are designed to mitigate negative impacts on nearby properties and shall apply to all uses in the D-1 district:

- (a) All storage of materials related to the use are to be kept within a completely enclosed building or within an area enclosed on all sides by a solid fence, green belt, or wall at least six feet in height. Further, all business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining properties.
- (b) Industrial equipment on a site, including trucks, shall not be operated in a manner such that it produces noise above 75 decibels when measured at the nearest occupied residential dwelling unit.
- (c) Operations that involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leaking of fluids is occurring or could occur. This is necessary to minimize fire hazards and to prevent such fluids from contaminating groundwater and surface water.
- (d) Any use permitted in the D-1 district shall not create a vibration discernible to off-site residents or occupants.

(Code 1970, § 3.103; Ord. No. 301, § 7(3.224), 2-10-97)

Sec 90-556 Additional Regulations

- (a) Off-street parking in the D-1 district shall be regulated by article X of this chapter.
- (b) Signs shall be regulated by article XI of this chapter.
- (c) Site plan review as regulated by article IV of this chapter is required for all special land uses.
- (d) Site condominiums shall be regulated by article VIII of this chapter.

(Code 1970, § 3.102; Ord. No. 301, § 7(3.225), 2-10-97)

DIVISION 90-VI-15 D-2 INDUSTRIAL DISTRICT

[Sec 90-576 Purpose](#)

[Sec 90-577 Permitted Uses](#)

[Sec 90-578 Special Uses](#)

[Sec 90-579 District Regulations](#)

[Sec 90-580 Site Development Standards](#)[Sec 90-581 Additional Regulations](#)**Sec 90-576 Purpose**

It is the intent of this division to encourage and facilitate the development of more intensive industrial enterprises in a setting appropriate to such uses. Land conducive to the intent of the D-2 district is limited in availability and is therefore primarily restricted to industrial uses.

(Ord. No. 301, § 7(3.230), 2-10-97)

Sec 90-577 Permitted Uses

Land and structures in the D-2 district may be utilized for the following purposes only:

- (a) Uses permitted in the D-1 district.
- (b) General manufacturing, fabrication, and assembly operations.
- (c) Chemical processes and operations such as drugs, soaps, detergents, paints, enamels, wood, chemicals, agriculture, and allied chemicals.

(Code 1970, § 3.110; Ord. No. 301, § 7(3.231), 2-10-97)

Sec 90-578 Special Uses

The following uses may be permitted as special land uses in the D-2 district subject to the applicable general and specific requirements of article XIII of this chapter.

- (a) Special uses as permitted in the D-1 district.
- (b) Asphalt, concrete, or similar refining and manufacturing.
- (c) Salvage yards.
- (d) Refuse and garbage incinerators.
- (e) Scrap tire collection sites and scrap tire processors.
- (f) Manufacture of gas, coke or coal tar products.
- (g) Manufacture of ammunition, fireworks or other explosives.
- (h) Stockyards and slaughterhouses.
- (i) Blast furnaces, drop forges, petroleum refining, metal stamping, and similar uses.
- (j) Solid waste processing facility, including composting as an incidental use.
- (k) Petroleum refining and bulk storage facilities.
- (l) Gasoline stations with or without vehicle repair facilities and with or without retail sales of food, beverages and miscellaneous convenience items.
- (m) Police stations with or without lock up facilities.
- (n) Bus transit facilities including maintenance and parking of buses.

(Ord. No. 301, § 7(3.232), 2-10-97; Ord. No. 355, § 1, 8-26-02)

Sec 90-579 District Regulations

Buildings and structures shall not be erected or enlarged in the D-2 district unless the following requirements are met and maintained:

- (a) No minimum lot area and width is required.
- (b) Minimum required building setbacks shall be, for:
 - (1) Front yard, 25 feet.
 - (2) Side and rear yard, 25 feet; except where a D-2 property abuts a residentially zoned lot, the minimum setback shall not be less than two times the height of the building.
- (c) Maximum building height shall be 40 feet.
- (d) Maximum lot coverage shall be 40 percent.
- (e) Whenever a D-2 district abuts an existing residential district, an apartment, office or commercial district, landscaping shall be provided as required by article XII of this chapter.

(Code 1970, § 3.113; Ord. No. 301, § 7(3.233), 2-10-97)

Sec 90-580 Site Development Standards

The following development standards are designed to mitigate negative impacts on nearby properties and shall apply to all uses in the D-2 district:

- (a) All storage materials related to the use are to be kept within a completely enclosed building or within an area enclosed on all sides by a solid fence, green belt, or wall at least six feet in height. Further, all business shall be conducted in such a manner that any noise, smoke, dust, vibration or like nuisance shall not adversely affect adjoining properties.
- (b) Industrial equipment on a site, including trucks, shall not be operated in a manner such that it produces noise above 75 decibels when measured at the nearest occupied residential dwelling unit.
- (c) Operations that involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leaking of fluids is occurring or could occur. This is necessary to minimize fire hazards and to prevent such fluids from contaminating groundwater and surface water.
- (d) Any use permitted in the D-2 district shall not create a vibration discernible to off-site residents or occupants.

(Ord. No. 301, § 7(3.234), 2-10-97)

Sec 90-581 Additional Regulations

- (a) Off-street parking in the D-2 district shall be regulated by article X of this chapter.
- (b) Signs shall be regulated by article XI of this chapter.
- (c) Site plan review as regulated by article IV of this chapter is required for all special land uses.
- (d) Site condominiums shall be regulated by article VIII of this chapter.

(Code 1970, § 3.112; Ord. No. 301, § 7(3.235), 2-10-97)

DIVISION 90-VI-16 FLOODPLAIN DISTRICT

[Sec 90-601 Primary Intended Use](#)

[Sec 90-602 Designation Of Regulated Floodprone Hazard Areas](#)

[Sec 90-603 Permitted Uses](#)

[Sec 90-604 Uses Permitted By Special Use Permit](#)

[Sec 90-605 Data Submission](#)

[Sec 90-606 City Liability](#)

[Sec 90-607 Agency Designated](#)

[Sec 90-608 Code Appendix Enforced](#)

Sec 90-601 Primary Intended Use

The floodplain district is intended primarily to protect those undeveloped areas of the city subject to predictable flooding in the floodplain area of the Thornapple River, Butler Creek and Fall Creek so that the reservoir capacity will not be reduced or to impede, retard, accelerate or change the direction of flow or carrying capacity of the river valley or to otherwise increase the possibility of flood. These regulations, while permitting reasonable use of such properties, will help to protect human life, prevent or minimize material and economic losses and reduce the cost to the public in time of emergency through public aid and relief efforts occasioned by the unwise occupancy of such flood areas.

(Code 1970, § 3.224)

Sec 90-602 Designation Of Regulated Floodprone Hazard Areas

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Barry County, Michigan (All Jurisdictions) dated May 4, 2009 and the Flood Insurance Rate Maps (FIRM) panel numbers 26015C; 0190C, 0191C, 0192C, 0193C, and 0194C dated May 4, 2009 are adopted for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

(Ord. No. 442, § I, 4-27-09)

Editor's note - Ord. No. 442, § I, adopted April 27, 2009, amended § 90-602 in its entirety to read as herein set out. Formerly, § 90-602 pertained to floodplain areas and derived from the original codification of 1970, § 3.225.

Sec 90-603 Permitted Uses

Notwithstanding any other provisions of this division, no building or structure shall be erected, converted or structurally altered and no land and/or structure shall be used except for one or more of the following uses: Open space uses such as farms, truck gardens, nurseries, parks, playgrounds, golf courses, preserves, bridle trails, nature trails, and recreation; provided no alteration is made to the existing level of the floodplain or structure provided that may interfere with the flow of the river or floodplain capacity.

(Code 1970, § 3.226)

Sec 90-604 Uses Permitted By Special Use Permit

Land within the 100-year floodplain may be utilized if the proposed use, including any structure, is approved as a special land use by the planning commission in accordance with the requirements for special land use as contained in this chapter and subject to the following conditions:

- (a) The applicant has first obtained approval from the state department of natural resources in accordance with the provisions of Act No. 451 of the Public Acts of Michigan of 1994 (MCL 324.3104).

- (b) The use pattern and structure proposed to accomplish the use shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.
- (c) All buildings constructed under special use permits shall have a minimum first floor elevation of not less than one foot above the established floodplain elevation. For the purpose of this article, the term "first floor elevations" shall mean any floor usable for living purposes, which includes basements, working, sleeping, eating, cooking or recreation areas, or a combination thereof.
- (d) Utilities, roads, off-street parking, railroads, structures and buildings for public or recreational uses may be permitted when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare.
- (e) All developments shall be built in such a way to be reasonably safe from flooding and shall be consistent with the standards of sections 60.3d and 60.6a of the rules and regulations of the National Flood Insurance Study program (44-CFR59-etc.).

(Code 1970, § 3.227; Ord. No. 280, § 3.227, 10-24-94; Ord. No. 301, § 11, 2-10-97)

Sec 90-605 Data Submission

Prior to the issuance of a building permit for structures on or adjacent to floodplain areas, the building inspector shall require the applicant for such permit to submit an approved permit by the state department of natural resources, topographic data, engineering studies, proposed site plan and/or other similar data needed to determine the possible effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All such required data shall be prepared by a registered professional civil engineer.

(Code 1970, § 3.228)

Sec 90-606 City Liability

The city shall incur no liability whatsoever by permitting any use or building within a floodplain within the city.

(Code 1970, § 3.229)

Sec 90-607 Agency Designated

Pursuant to the provisions of the State Construction Code, in accordance with Sections 8b (6) of Act 230, of the Public Acts of 1972, as amended, the building inspector of the City of Hastings, Barry County, Michigan is hereby designated as the enforcing agency to discharge the responsibility of the City of Hastings under Act 230, of the Public Acts of 1972, as amended. The City of Hastings assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance.

(Ord. No. 442, § II, 4-27-09)

Sec 90-608 Code Appendix Enforced

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Hastings.

(Ord. No. 442, § II, 4-27-09)

DIVISION 90-VI-16A THORNAPPLE RIVER PROTECTION OVERLAY ZONE

[Sec 90-601A Purpose](#)

[Sec 90-602A Thornapple River Protection Overlay Zone Boundaries](#)

[Sec 90-603A Development Standards In The Thornapple River Overlay Zone](#)

[Sec 90-604A Permitted Uses](#)

[Sec 90-605A Thornapple River Protection Overlay Zone](#)

[Sec 90-606A Staff Review](#)

[Sec 90-607A City Liability](#)

Sec 90-601A Purpose

The purpose of this section is to provide for the preservation of natural areas adjacent to the Thornapple River within the City of Hastings. Within the river protection overlay zone, certain types of future development and uses will be controlled so as to benefit most of the existing private development, and to maintain or improve the Thornapple River environment and water quality for its scenic and recreational values.

(Ord. No. 426, § I, 6-23-08)

Sec 90-602A Thornapple River Protection Overlay Zone Boundaries

The river protection overlay zone includes those areas that extend 50 feet from the shoreline of the Thornapple River, excluding any tributaries, except that in the B1 and B2 zoning districts the overlay zone shall include the area 25 feet from the shoreline of the Thornapple River and all wetlands contiguous to the Thornapple River.

Such area is illustrated as the river protection overlay zone on the City of Hastings Zoning Map as amended.

(Ord. No. 426, § I, 6-23-08)

Sec 90-603A Development Standards In The Thornapple River Overlay Zone

Land located within the river protection overlay zone shall be subject to the following development standards:

- (a) *Provisions.* A dwelling unit or other principal building shall not be constructed within the river protection overlay zone except that the following structures may be permitted:
 - (1) Flood control or bank protection structures permitted or constructed by authorized state or federal agencies.
 - (2) Pedestrian or vehicular bridges when designed and constructed in a manner that minimizes impact on the Thornapple River feature.
 - (3) Boardwalk access to or through wetlands when constructed in accordance with a permit issued by the Michigan Department of Environmental Quality.
 - (4) One pump house per lot housing a pump used for irrigation when setback a minimum of 15 feet from the ordinary high water mark, and having a maximum ground coverage of nine square feet.
- (b) *Minimum principal structure setback.* A principal structure shall not be erected closer than 50 feet from the ordinary high water mark of the river or contiguous wetland except on nonconforming lots of record or where there are steep banks.
- (c) *Principal structure exception for steep banks.* Where there is a steep stream bank, a principal structure may be constructed closer to the Thornapple River feature according to the following

schedule:

Where the bank height at the bluff is (a) feet as measured in vertical feet from the ordinary high water mark, the principal structure may be located no closer than (b) horizontal feet from the bluff or the ordinary high water mark, whichever is greater.

Bank Height	Setback from Bluff or Ordinary High Water Mark
(a)	(b)
10	40
15	35
20	30
25 (or greater)	25

- (d) *Minimum accessory structure setback.* Any building accessory to the principal building may be allowed to be constructed to within 25 feet from the ordinary high water mark of the river or contiguous wetland.
- (e) *Minimum fencing setback.* Fencing may be allowed to be constructed to within 25 feet from the ordinary high water mark of the river or contiguous wetland.
- (f) *Additional provisions.* Land areas located within the river protection overlay zone are subject to the following provisions:
- (1) A natural vegetation zone 25 feet wide, bordering each side of the designated mainstream (except as provided for in the B1 and B2 zoning districts where the vegetation zone will be ten feet wide), shall be maintained in trees, shrubs, and other vegetation native to the area. It is the intent of the natural vegetation strip to provide a functional vegetative corridor along the edge of a stream. Its functions shall be to protect water quality, animal habitat, and aesthetic values of the Thornapple River feature by minimizing erosion, stabilizing the bank, minimizing nutrient flows into the water, shading the water to maintain low temperatures, and screening man-made structures.
 - (2) Dead, diseased, unsafe, or fallen trees, and noxious weeds and shrubs may be removed.
 - (3) Existing lawns at the time of adoption of this division may be allowed to remain.
 - (4) Trees and shrubs may be pruned to afford a view of the river.
 - (5) Selective removal of trees for commercial timber harvest or landscaping shall be permitted upon written approval of the zoning administrator.
 - (6) A trail or walkway a maximum of eight feet in width may be allowed to afford access to the river. One access point for every 50 feet of river frontage, with 30 feet of separation is allowed.
- (g) *Vegetation strip exception for steep banks.* Where there is a steep bank and the bank can be used as a functional vegetative buffer, the vegetation strip above the bluff may be reduced according to the following schedule: Where the bank height at the bluff is (a) feet as measured in vertical feet from the ordinary high water mark, the vegetation strip may be reduced to (b) horizontal feet from the bluff in all zoning districts (except the B1 and B2 zoning districts), according to the following schedule:

Bank Height	Setback from Bluff
-------------	--------------------

(a)	(b)
5	20
10	15
15	10
20 (or greater)	5

Where the bank height at the bluff is (a) feet as measured in vertical feet from the ordinary high water mark, the vegetation strip may be reduced to (b) horizontal feet from the bluff in the B1 and B2 zoning districts, according to the following schedule:

Bank Height	Setback from Bluff
(a)	(b)
5 (or greater)	5

(Ord. No. 426, § I, 6-23-08)

Sec 90-604A Permitted Uses

Land, water and/or building in the river protection overlay zone may be used for the following purposes only. Dwelling units and structures, other than those provided herein are specifically prohibited from the river protection overlay zone.

- (a) Damming, dredging, filling, or channelization, only if approved by the department of natural resources (Sections 10 and 15, Act 231).
- (b) Water withdrawal for irrigation, only for reasonable use.
- (c) Stream improvements for fish habitat, bank stabilization, and other natural resource management practices, which might alter the natural character of the stream, only if approved by the department of natural resources.
- (d) Gas or oil pipelines, or electrical transmission lines, only if approved by the department of natural resources.
- (e) Signs, only if necessary for identification, direction, resource information, or regulation of use subject to the sign regulations of the City of Hastings.
- (f) Groundwater wells.
- (g) Grills and picnic equipment for use by individual property owners within the River Protection Overlay Zone.
- (h) Fishing and hunting.
- (i) Licensed motor vehicles, only when operated on existing public roads, or designated trails on public land.
- (j) Off-road vehicles, only when operated on designated trails on publicly owned land and on private property by the landowner or their guest.
- (k) Private docks and/or bulkheads provided that natural materials such as rocks and logs are used in the construction of such facilities, and only if approved by the department of natural resources.

(Ord. No. 426, § I, 6-23-08)

Sec 90-605A Thornapple River Protection Overlay Zone

The use of land which is within the B1, B2, and B-3 districts and which is also within the river protection overlay zone shall only be allowed as a special land use in accordance with the requirements for special land uses as contained in article XIII of chapter 90 of the Code of Ordinances. In addition, if the land is within the floodplain zoning district, the applicant shall also comply with the applicable requirements of that district as contained in chapter 90 of the Code of Ordinances

(Ord. No. 527, § II, 4-27-15)

Editor's note - Ord. No. 527, § II, adopted April 27, 2015, amended § 90-605A in its entirety to read as set out herein. Former § 90-605A pertained to uses permitted by special use permit and derived from Ord. No. 426, § I, adopted June 23, 2008.

Sec 90-606A Staff Review

The uses outlined in section 90-605A shall be reviewed by the zoning administrator who may also refer such uses to the planning commission to be reviewed in accordance with the requirements for site plan review as contained in article 4 in chapter 90 of the Code of Ordinances.

Review of site plans by the zoning administrator shall be in accordance with the same procedures, requirements and standards required for site plans reviewed by the planning commission except the number of site plan copies and submittal date shall be to the discretion of the zoning administrator. The zoning administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. Following approval of a site plan, the zoning administrator shall notify the planning commission.

(Ord. No. 426, § I, 6-23-08)

Sec 90-607A City Liability

The City of Hastings shall incur no liability whatsoever by permitting any use within the river protection overlay zone within the city limits.

(Ord. No. 426, § I, 6-23-08)

DIVISION 90-VI-17 ACCESSORY BUILDING OVERLAY ZONE

[Sec 90-611 Purpose](#)

[Sec 90-612 District Boundaries](#)

[Sec 90-613 Applicable Requirements](#)

[Sec 90-614 Procedures](#)

[Sec 90-615 Review Standards](#)

[Sec 90-616 Conditions](#)

Sec 90-611 Purpose

The purpose of this chapter is to allow detached accessory buildings reflective of the style and size of the existing houses in R2 zoned areas of the city. This type of accessory building would be more than one story in height and be similar in architectural style to the existing house on the property. Such accessory buildings would maintain the character and historical nature of the R2 zoned areas of the city but would not fit other residentially zoned portions of the city. These regulations are not intended as a means to simply allow taller or larger accessory buildings in the R2 zone.

The regulations of the accessory building overlay zone are designed to ensure that these larger accessory buildings are characteristic of their neighborhood, are compatible with nearby properties and are given adequate public review.

(Ord. No. 319, § I, 6-28-99)

Sec 90-612 District Boundaries

The regulations of this article shall apply to all parcels which are zoned R2 as illustrated on the official city zoning map.

(Ord. No. 319, § I, 6-28-99)

Sec 90-613 Applicable Requirements

- (a) The requirements of this chapter are in addition to and shall supplement those requirements of the underlying R2 zoning district imposed by this division and other ordinances of the city. These regulations supersede all conflicting regulations of the underlying R2 zoning district to the extent of any such conflict.
- (b) The regulations of this section shall not apply to accessory buildings in the R2 zoning district which comply with the building height requirements of subsection 90-831(d)(1).
- (c) The total height of an accessory building permitted under this section shall not exceed the total height of the principal building on the same parcel. For purposes of this section, total height shall be the vertical distance measured from the average grade to the highest point of the building.
- (d) The height of any door opening shall not be greater than eight feet.
- (e) Accessory buildings which are more than 14 feet in total height shall be setback a minimum of six feet from side lot lines and ten feet from the rear lot line except that the planning commission in its discretion may increase or decrease these setback distances if the increase or decrease is necessary to meet the intent of this section and to ensure that the accessory building does not have a substantial negative impact on nearby properties.
- (f) Accessory buildings which have a second story shall have at least one window on two sides of the building. Each required window shall be a minimum of 32 inches wide by 48 inches high measured to the outside of the window frame.
- (g) The exterior of accessory buildings shall be constructed with building materials which match or are similar to the exterior building materials of the principal building located on the same lot or on nearby lots.
- (h) Accessory buildings shall not be constructed with a flat roof. The roof shall be covered with asphalt, fiberglass or cedar shingles or another building product which matches or is similar to the roof of the principal building on the same lot or nearby lots.

(Ord. No. 319, § I, 6-28-99)

Sec 90-614 Procedures

- (a) *Special land use.* Any person wishing to construct an accessory building higher than 14 feet within the accessory building overlay zone shall first obtain a special land use in accordance with the procedures of article XIII of this chapter except as noted herein.
- (b) *Site plan.* A neat and accurate site drawing drawn to scale shall be submitted with the application for a special land use. The drawing shall, at a minimum, contain the following information:

- (1) The size, height and location of the proposed accessory building and the existing house on the lot.
- (2) Distance of the proposed accessory building from all lot lines.
- (3) Buildings on adjacent lots.
- (4) Roads abutting the lot.
- (5) Any driveway serving the proposed accessory building.
- (6) Size and location of existing trees on site.
- (7) An architectural elevation drawing illustrating building height, type of exterior building materials, height of door openings and other information necessary to show how the proposed building meets the standards of this section.

(Ord. No. 319, § I, 6-28-99)

Sec 90-615 Review Standards

The planning commission shall hold a public hearing as required by section 90-47 and make a decision on the special land use. To approve a special land use under this section the planning commission shall find that the request meets the standards of section 90-1049 and the following standards:

- (a) The proposed accessory building meets the standards of section 90-613.
- (b) The size, location, appearance, and architectural style of the proposed accessory building will be compatible with the house on the lot and with the existing building characteristics of the immediate neighborhood.

(Ord. No. 319, § I, 6-28-99; Ord. No. 407, § IV, 8-28-06)

Sec 90-616 Conditions

In approving a request for a special land use under this section, the planning commission may impose conditions in accordance with section 90-1050 and may modify the proposed size of the accessory building in order to achieve the intent of the accessory building overlay zone.

(Ord. No. 319, § I, 6-28-99)

ARTICLE 90-VII PLANNED UNIT DEVELOPMENT

[DIVISION 90-VII-1 PLANNED UNIT DEVELOPMENT \(Reserved\)](#)

[DIVISION 90-VII-2 PROCEDURES AND REQUIREMENTS GENERALLY](#)

[DIVISION 90-VII-3 MEADOW STONE PLANNED UNIT DEVELOPMENT](#)

[DIVISION 90-VII-4 PATRICK PLANNED UNIT DEVELOPMENT](#)

[DIVISION 90-VII-5 WOODLAWN MEADOWS PLANNED UNIT DEVELOPMENT](#)

[DIVISION 90-VII-6 DWYER PLANNED UNIT DEVELOPMENT](#)

[DIVISION 90-VII-7 HASTINGS PONDS PLANNED UNIT DEVELOPMENT](#)

State Law reference - Planned unit development, MCL 125.584b.

DIVISION 90-VII-1 PLANNED UNIT DEVELOPMENT (Reserved)

DIVISION 90-VII-2 PROCEDURES AND REQUIREMENTS GENERALLY

- [Sec 90-661 Intent](#)
- [Sec 90-662 PUD Authorization](#)
- [Sec 90-663 Qualifying Conditions](#)
- [Sec 90-664 Development Requirements](#)
- [Sec 90-665 Applicable Regulations](#)
- [Sec 90-666 PUD Design Considerations](#)
- [Sec 90-667 Application And Processing Procedures](#)
- [Sec 90-668 Standards For Approval](#)
- [Sec 90-669 Conditions](#)
- [Sec 90-670 Council Approval](#)
- [Sec 90-671 Performance Guarantees](#)
- [Sec 90-672 Phasing And Commencement Of Construction](#)
- [Sec 90-673 Effect Of Approval](#)
- [Sec 90-674 Modification Of A PUD](#)

Sec 90-661 Intent

- (a) This article provides enabling authority and standards for the submission, review, and approval of applications for planned unit developments. It is the intent of this article to authorize the consideration and use of planned unit development regulations for the following purposes:
- (1) To encourage the use of land in accordance with its character and adaptability.
 - (2) To promote the conservation of natural features and resources.
 - (3) To encourage innovation in land use planning and development.
 - (4) To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the city.
 - (5) To promote and ensure greater compatibility of design and use between neighboring properties.
 - (6) To provide for the regulation of legal land uses not otherwise authorized within this chapter.
- (b) The provisions of this article are not intended as a device for ignoring this chapter or the planning upon which it has been based. To that end, provisions of this article are intended to result in land use development substantially consistent with the City of Hastings Master Plan, with modifications and departures from generally applicable site development requirements made in accordance with standards provided in this article may be permitted to achieve the intent of the article. A planned unit development must comply with this article.

(Code 1970, § 3.291; Ord. No. 352, § I, 7-22-02)

Sec 90-662 PUD Authorization

A planned unit development may be approved in any location within the city by the council. Any land use authorized in this article may be included in a planned unit development, as a principal or accessory use, as well as any other legal land use not otherwise authorized in this article, subject to adequate public health, safety and welfare protection mechanisms being designed into the development, and the following provisions of this article.

(Code 1970, § 3.292)

Sec 90-663 Qualifying Conditions

- (a) In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of one acre.
- (b) Public water and sanitary sewer shall be available to service the site.

(Code 1970, § 3.293; Ord. No. 367, § I, 4-28-03)

Sec 90-664 Development Requirements

- (a) *Density*. The density in areas master plan for residential use shall be as follows:

Master Plan Category (equivalent zoning district)	Permitted Maximum Density
RR(RR), LDR(RS), MOD(R1), MED(R2)	6
MFL(A2), MFH(A1), A/O(AO)	16

In each case, the maximum density for residential uses shall be determined by the council after review by the planning commission based on the following standards. The residential uses shall:

- (1) Be designed, constructed, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - (2) Be served adequately by essential public facilities and services, such as highways, streets, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sewer.
 - (3) Not create excessive additional requirements at public cost for public facilities and services.
 - (4) Be developed in accordance with the intent for a PUD as contained in this article.
- (b) *Dwelling unit computation*. The density permitted by the council shall be applied to the net development area of the site in order to determine the maximum number of dwelling units permitted for the site. The net development area is determined by subtracting the following from the gross or total site area:
- (1) Area within existing road rights-of-way.
 - (2) Land within the 100-year floodplain.
 - (3) Areas permanently inundated by water.
 - (4) Areas devoted to nonresidential uses.
- (c) *Open space*. Each PUD shall contain open space areas equal to minimum of ten percent of the total site area devoted to residential use. Such open space shall be maintained by the developer or homeowner's association and shall be set aside for the common use of the home or lot owners within the PUD with written assurances that the required open space shall remain open and be properly maintained. For purposes of this section, open space shall only be considered to be those areas having a minimum dimension 50 feet by 100 feet. Land in streets, sidewalks, and parking areas shall not be considered as open space.
- (d) *Mixed uses*.
- (1) Residential and nonresidential uses may be permitted within the same PUD district upon

demonstration to the city council that such uses meet the intent of this article and the standards of section 90-663(b). It shall also be demonstrated that the nonresidential uses will not negatively impact the residential uses and that the nonresidential uses will be separated and buffered from residential uses in a manner consistent with good land planning principles.

- (2) The permitted density for residential uses in a mixed use development shall be determined by the council upon recommendation of the planning commission, based on the type of dwelling unit proposed and the standards contained in subsection (a) of this section.

(Code 1970, § 3.294; Ord. No. 352, § II, 7-22-02)

Sec 90-665 Applicable Regulations

Requirements for lot size, width, area, yard setbacks, structure height, signs, parking landscaping, and general provisions for the PUD shall be based upon the applicable requirements of the Hastings Zoning District which corresponds to the proposed land use or the land use recommended by the Hastings Master Plan as follows:

Proposed Land Use or Master Recommendation	Applicable Zoning Ordinance District Requirements
Rural residential	RR
Low density	RS
Moderate density residential	R1
Medium density residential	R2
Multi-family low density	A2
Multi-family high density	A1
Mobile home park	RM
Apartment/office	A/O
Office	O
Commercial	B2
Central business district	B1
Industrial	I1 or I2

The city council however, based upon a recommendation from the planning commission, may increase, decrease or otherwise modify any of these requirements if such modification would better satisfy the intent of the PUD chapter. Zoning district requirements not modified shall otherwise apply to the proposed use.

The ordinance authorizing the PUD must list those zoning ordinance requirements which are modified.

(Code 1970, § 3.295; Ord. No. 352, § III, 7-22-02)

Sec 90-666 PUD Design Considerations

A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located:

- (a) Perimeter setbacks.
- (b) Street drainage and utility design with respect to location, availability, ownership and compatibility.
- (c) Underground installation of utilities.
- (d) Insulation of pedestrian ways from vehicular streets and ways.
- (e) Achievement of integrated and harmonious development with respect to signs, lighting, landscaping and construction materials.
- (f) Noise reduction and visual screening mechanisms for adjoining residential uses.
- (g) Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
- (h) Off-street parking, loading, refuse and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration and odor emanating from such facilities on adjoining properties and uses.
- (i) Screening and buffering with respect to dimensions and character.
- (j) Yard areas and other open space.
- (k) Density and intensity of development expressed in terms of percentage of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.
- (l) The preservation of natural resources and natural features.

(Code 1970, § 3.296)

Sec 90-667 Application And Processing Procedures

- (a) *Effects*. The granting of a PUD rezoning application shall require an amendment of this chapter and the zoning map constituting a part of this chapter. An approval granted under this article, including all aspects of the final plan and conditions imposed, shall constitute an inseparable part of this chapter.
- (b) *Preapplication conference*. Prior to the submission of an application for a PUD, the applicant shall meet with the director of public works, building inspector, and such consultants as either deems appropriate. The applicant shall present at such conference a sketch plan of the PUD and the following information:
 - (1) A legal description of the property in question;
 - (2) The total number of acres to be included in the project;
 - (3) A statement of the approximate number of residential units and/or the approximate number, type and square footage of nonresidential units;
 - (4) The approximate number of acres to be occupied and/or devoted to or by each type of use;
 - (5) Departures from the regulations of this chapter which may be requested;
 - (6) The number of acres to be preserved as open space or recreation space; and

(7) All known natural resources and natural features.

(c) *Preliminary development plan submission and content.* Following the conference referred to in subsection (b) of this section, copies of a preliminary site development plan and application for a PUD rezoning request shall be submitted. The submission shall be made to the building inspector, who shall present it to the planning commission for consideration at a regular or special meeting. The plan shall be accompanied by an application form and fee as determined by the council in section 90-5. The preliminary development plan shall contain the following information unless specifically waived by the building inspector:

- (1) Date, north arrow, and scale, which shall not be more than 1" = 100'.
- (2) Locational sketch of site in relation to surrounding area.
- (3) Legal description of property.
- (4) Size of parcel.
- (5) All lot or property lines with dimensions.
- (6) Location of all buildings within 100 feet of the property lines.
- (7) Location of all existing and proposed structures on the site.
- (8) Location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
- (9) Size and location of all areas devoted to open space.
- (10) Existing vegetation and proposed landscaped areas and buffer strips.
- (11) All areas within the 100-year floodplain, wetland areas or bodies of water.
- (12) Existing topographical contours at a minimum of two-foot intervals.
- (13) A narrative describing:
 - a. The nature of the project.
 - b. The proposed density, number and types of dwelling units if a residential PUD.
 - c. A statement describing how the proposed project meets the objectives of the PUD.
 - d. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer and storm drainage.
 - e. Proof of ownership or legal interest in property.

(d) *Planning commission review of preliminary plan.* The planning commission shall review the preliminary development plan and shall make reasonable inquiries of the applicant. This review shall take place within 30 days of receipt by the building inspector of all materials required in the application unless an extension is mutually agreed upon between the planning commission and the applicant. The planning commission shall review the preliminary development plan according to the provisions of sections 90-663 through 90-666 and transmit its recommendations for changes or modifications of the preliminary development plan to the applicant.

(e) *Final development plan.* After receiving the recommendations of the planning commission, the applicant, within six months, shall submit the corrected plan to the building inspector. If the corrected plan is not submitted within this time period, the preliminary plan approval shall be voided and the applicant must recommence the review process. The planning commission may

extend the time for submission of the final site plan upon a showing by the applicant that no material change in the plan has occurred or that failure to submit the final plan was beyond the control of the applicant.

(f) *Contents of final plan.* The final development plan shall contain the same information required for the preliminary development plan and shall contain the following additional information as well as information specifically requested by the planning commission in its review of the preliminary development plan:

- (1) Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
- (2) Proposed contour lines at not greater than two-foot intervals.
- (3) Proposed landscaping, including type, number, and size of trees and shrubs.
- (4) Location of signs and exterior lighting.
- (5) Location of sidewalk, footpaths, or other pedestrian walkways.
- (6) Distance of all buildings from lot lines, rights-of-way, and other principal buildings.
- (7) Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
- (8) Proposed phases of project.
- (9) In the event the property on which the project is to be situated consists of three or more acres, the council may, after recommendation of the planning commission, require one or more of the following as part of final development plan submission:
 - a. Evidence of market need for the use and economic feasibility of the project.
 - b. A traffic impact assessment.
 - c. An environmental impact assessment.
 - d. A fiscal impact assessment.

(g) *Public hearing.* The planning commission shall determine a date for and hold a public hearing for consideration of the PUD and final development plan. Notice of the hearing shall be as required in section 90-47.

(Code 1970, § 3.297; Ord. No. 321, 8-23-99; Ord. No. 407, § V, 8-28-06)

Sec 90-668 Standards For Approval

- (a) Following the public hearing, the planning commission shall either approve, deny, or approve with conditions the final development plan and make its recommendation to the council in accordance with section 90-5.
- (b) In making its recommendation, the planning commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:
 - (1) Granting of the PUD rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - (2) The proposed type and density of use shall not result in a material increase in the need for public services, facilities and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.

- (3) The uses proposed by the PUD are substantially consistent with the Hastings Master Plan or based on the design of the PUD and the conditions imposed, the proposed uses are appropriate for the proposed location and are not likely to lead to significant changes contained in the master plan for the area where the PUD is to be located.
- (4) The proposed development shall not have a significant negative impact upon surrounding properties.
- (5) The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this article. This provision shall not prohibit a transfer of ownership or control upon due notice to the building director of the city.

(Code 1970, § 3.298; Ord. No. 352, § IV, 7-22-02)

Sec 90-669 Conditions

- (a) In approving a PUD, the council may impose reasonable conditions which include but are not limited to conditions necessary to:
 - (1) Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; \
 - (2) Protect the natural environment and conserve natural resources and energy;
 - (3) Ensure compatibility with adjacent uses of land; and
 - (4) Promote the use of land in a socially and economically desirable manner.
- (b) Conditions imposed shall meet all of the following requirements.
 - (1) Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - (3) Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- (c) The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the council and the landowner. The approving council shall maintain a record of conditions that are unchanged. The final development plan, as approved, shall act as a restriction upon the development. The development must conform with the final development plan.

(Code 1970, § 3.299)

Sec 90-670 Council Approval

- (a) After receiving the recommendation of the planning commission, the council shall hold a public hearing in accordance with section 90-47 herein and either approve, deny, or approve with

conditions, the PUD application and final site plan in accordance with the requirements of subsection 90-5(d)(6) and the standards for approval and conditions for a PUD as contained in this article. A building permit shall not be issued until council approval of the PUD final development plan and rezoning.

- (b) Where provisions of Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.) shall apply, the applicant shall thereafter submit the information and plans as may be required by Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.) and all other local procedures or regulations pertaining to platting approval.

(Code 1970, § 3.299A; Ord. No. 500, § I, 8-26-13)

Sec 90-671 Performance Guarantees

The council, after recommendation from the planning commission or at its own discretion, may require a performance bond or similar guarantee in accordance with section 90-133 in order to ensure the completion of required improvements.

(Code 1970, § 3.299B)

Sec 90-672 Phasing And Commencement Of Construction

- (a) *Phasing.* If a project is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PUD and the residents of the surrounding area. In addition, in developments that include residential and nonresidential uses, phasing shall base such that at least 35 percent of all proposed residential units are completed concurrent with the first phase of any nonresidential construction; completion of at least 75 percent of all proposed residential construction prior to the second phase of nonresidential construction; and completion of 100 percent of all residential construction prior to the third or final phase of nonresidential construction. The percentages shall be approximations and determined at the discretion of the council. The percentages may be significantly varied should the council determine that the applicant has presented adequate assurances that the residential components or components of the project shall be completed within a specified period.
- (b) *Commencement and completion of construction.* Construction shall be commenced within one year following final approval of a PUD or within one year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. If construction is not commenced within such time, approval of the final plan for the project shall expire. An extension for a specified period may be granted by the council upon good cause shown if such request is made to the council prior to the expiration of the initial period. Moreover, if a final plan has expired, the council may rezone the property in any reasonable manner. If at the discretion of the council the property remains classified as PUD, prior to the commencement of construction, a new application shall be required and shall be reviewed in light of the then prevailing conditions and applicable law and ordinance provisions.

(Code 1970, § 3.299C)

Sec 90-673 Effect Of Approval

The PUD amendment and all conditions imposed, if any, shall constitute the land use authorization for the property. All improvements and uses shall be in conformity with this article except for allowable

changes according to the provisions of this article.

- (a) Date of approval of the PUD by the council.
- (b) Legal description of the property.
- (c) Legal description of the required open space along with a plan stating how this open space is to be maintained.
- (d) A statement that the property will be developed in accordance with the approved PUD site plan and any conditions imposed by the council unless an amendment thereto is duly approved by the city upon the request and/or approval of the applicant or applicant's transferees and/or assigns.

(Code 1970, § 3.299D; Ord. No. 352, § V, 7-22-02)

Sec 90-674 Modification Of A PUD

- (a) Minor changes to a PUD site plan may be approved administratively by the building inspector provided the changes comply with all applicable requirements of this chapter and all other city regulations or state law. Minor changes subject to administrative review include dimension changes, building relocation, parking and driveways, change in landscaping, signs, lighting, decrease in building size and increase in building size that does not exceed 5,000 square feet or five percent of the gross floor area, whichever is smaller.
- (b) A major change to an approved PUD shall comply with the filing procedures for a PUD as contained in this article. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above, or addition of other uses not authorized by the original PUD approval. The zoning administrator shall determine if other similar changes constitute a major amendment and may consult with the chair of the planning commission in making this decision.

(Code 1970, § 3.299E; Ord. No. 352, § VI, 7-22-02)

DIVISION 90-VII-3 MEADOW STONE PLANNED UNIT DEVELOPMENT

[Sec 90-696 Approval Of Application](#)

[Sec 90-697 Amendment To Zoning Map](#)

[Sec 90-697.5 Phase IV](#)

[Sec 90-698 Applicable Provisions](#)

[Sec 90-699 Effective Date](#)

Editor's note - Ord. No. 315, adopted Dec. 28, 1998, changed the designation of div. 3 from "Hanover Village Planned Unit Development" to "Meadow Stone Planned Unit Development."

State Law reference - Condominium act, MCL 559.101 et seq.

Sec 90-696 Approval Of Application

- (a) The application of Hanover Village Partners doing business as Meadow Stone Partnership, Inc., for the planned unit development ("the PUD") as recommended by the city planning commission on March 1, 1999, is approved; and the zoning map and this chapter are amended to incorporate the recommendation of the planning commission.
- (b) The application of Eenhoorn Management Group, for the planned unit development ("the PUD") as recommended by the city planning commission on June 4, 2001, is approved; and the zoning

map and this chapter are amended to incorporate the recommendations of the planning commission.

(Code 1970, § 3.299F; Ord. No. 315, 12-28-98; Ord. No. 317, 3-22-99; Ord. No. 336, § 1, 6-25-01)

Sec 90-697 Amendment To Zoning Map

- (a) The legal description for the area to be rezoned from D2, Industrial to PUD is as follows and is added to the legal description for the Meadow Stone PUD approved as Ordinance No. 315, effective December 28, 1998:

Part of the NE ¼ of Section 20, T3N, R8W, City of Hastings, Barry County, Michigan, described as: Commencing at the NE corner of said Section 20; thence S 00 degrees 01 minutes 41 seconds E 1611.73 feet along the east line of said NE ¼; thence S 89 degrees 46 minutes 43 seconds W 330.00 feet to the place of beginning of this description; thence S 89 degrees 46 minutes 43 seconds W 330.00 feet; thence N 00 degrees 01 minutes 41 seconds E 643.50 feet; thence N 89 degrees 46 minutes 43 seconds E 330.00 feet along the north line of the S ½ of the NE ¼ of said section; thence S 00 degrees 01 minutes 41 seconds W 643.50 feet to the place of beginning (4.9 acres).

- (b) This legal description applies to land zoned to planned unit development from D-2, B-2 and R-R on April 22, 1991, under Ordinance No. 243. The above legal description is based on a certified survey dated March 7, 1994, and replaces the legal description adopted on April 22, 1991.

(Code 1970, § 3.299G; Ord. No. 315, 12-28-98; Ord. No. 317, 3-22-99; Ord. No. 336, §§ 2, 3, 6-25-01)

Sec 90-697.5 Phase IV

The amendments in this division include an expansion of the mobile home park portion of the Meadow Stone PUD to include a Phase III as noted in the legal description in section 90-697 above. This division also approves a change in the use of the area designated for duplex use by Ordinance No. 315 to mobile home park. This portion of the mobile home park shall be called Phase IV and is legally described as follows:

That part of the NE ¼, Section 20, T3N, R8W, City of Hastings, Barry County, Michigan, described as: Commencing at the E ¼ corner of Section 20; thence N 00 degrees 01 minutes 41 seconds W 15.00 feet along the East line of said NE ¼ to the PLACE OF BEGINNING of this description; then S 89 degrees 49 minutes 26 seconds W 357.99 feet; thence S 00 degrees 00 minutes 04 seconds E 15.00 feet to the South line of said NE ¼ and the North Line of Bur-Mar Estates No. 1 as recorded in Liber 5 of Plats on Page 63; thence S 89 degrees 49 minutes 26 seconds W 1150.00 feet along said North line of Bur-Mar Estates No. 1; thence N 00 degrees 10 minutes 34 seconds W 258.53 feet; thence N 55 degrees 45 minutes 00 seconds 268.31 feet; thence N 34 degrees 15.00 minutes E 66.00 feet; thence S 55 degrees 45 minutes 00 seconds E 327.00 feet; thence Southeasterly 280.60 feet along a 467.00 foot radius curve to the left, the chord of which bears S 72 degrees 57 minutes 47 seconds E 276.39 feet (delta = 34 degrees 25 minutes 34 seconds); thence N 89 degrees 49 minutes, 26 seconds E 498.78 feet; thence N 00 degrees 01 minutes 41 seconds W 129.71 feet along the West line of the East 660.00 feet of said NE ¼ of Section 20; thence N 89 degrees 46 minutes 43 seconds E 660.00 feet along the South line of the North 990.00 feet of the S ½ of said NE ¼; thence S 00 degrees 01 minutes 41 seconds E 313.23 feet along the East line of said NE ¼ to the place of beginning. Contains 9.452 acres.

(Ord. No. 336, § 3, 6-25-01)

Editor's note - Section 3 of Ord. No. 336, adopted June 25, 2001, enacted § 90-697. At the discretion of the editor said section has been redesignated as § 90-697.5 as set out herein, to better fit the format of

the Code.

Sec 90-698 Applicable Provisions

(a) *General provisions.* The following provisions shall apply to the PUD:

(1) a. The type and number of dwelling house units to be built shall be as follows:

Mobile home park Phases I and II	197 dwellings which are a mixture of single and doublewides as shown on the approved site plan.
Mobile home park Phase III	18 dwelling units numbered as 198 through 215. All such such dwellings shall be doublewide units with attached garage optional shown on the May 18, 2001 PUD site plan as approved by the planning commission.
Mobile home park Phase IV	33 dwelling units with a maximum of 16 two-family dwellings with attached garages as shown on the approved site plan dated May 21, 2001
Multifamily	156 d.u. (13 buildings)
Total units	404

- b. Prior to construction of any buildings or lots the applicant shall submit a subphase plan to the planning commission. This subphase plan shall be considered a final PUD plan for that subphase. Each such subphase plan shall be labeled as subphase A, B, C, etc.
- c. Each subphase plan shall be prepared in accordance with the requirements of this article. For the mobile home park, the subphase plan shall conform to the requirements of article VI, division 7 of this chapter except as modified by the planning commission and approved by the city council if necessary.
- d. The planning commission shall have the authority to modify the subphase plans as necessary in order to permit the subphase plans to be better coordinated into the overall PUD project. Any modifications shall be in accord with the intent for PUD's and PUD design considerations as contained in this article. The planning commission may waive such items as landscaping, screening and sidewalk construction until such time as the property is developed.
- e. All infrastructure construction associated with a subphase shall be complete and complete "as constructed" drawings shall be submitted to the city and approved prior to the issuance of occupancy permits for that subphase.

(2) a. A public road to be called Barfield Drive shall be constructed by the applicant between Hanover Street and Star School Road as shown on the final PUD site plan as part of Phase I. Another public street shall be constructed by the applicant running north from Barfield to Dibble Street on the north lot line of the site to provide future access to the adjacent property. These public streets shall contain sidewalks and shall be built to city specifications. Sidewalks shall be constructed prior to occupancy of apartment buildings, mobile homes, duplexes, and/or offices that are constructed in each subphase that is approved by the planning Commission. The remaining sidewalks along Barfield Drive and Dibble Streets included in Phase I of the original PUD (Barfield Drive from Station 0+00 Station

20+37 and Dibble Street from Station 0+00 to Station 2+59) shall be completed prior to the issuance of occupancy permits for any more than 130 mobile homes, 36 apartment units, or any of the duplex residential sites, except the sidewalk on the North side of Barfield between Hanover Street and Dibble will not be required to be completed until such time as development takes place on the adjacent property, occupancy permits contingent. The sidewalks along Barfield Drive included in Phase II of the original PUD (Barfield Drive from Station 20+37 to Star School Road) shall be constructed simultaneously with the construction of this Phase of Barfield Drive, except the sidewalks in the Meadow Stone Duplex Plat to be located along Barfield Drive will be completed at such time as each duplex is constructed. Occupancy permits shall not be granted for duplex units until sidewalks are constructed in compliance with this division, and the city standards for construction.

- b. All of Dibble Street and Barfield Drive shall be completed and accepted by the city prior to the issuance of occupancy permits for any more than 130 mobile homes, 36 apartment units, any of the duplex residential sites, or any commercial or other use within the PUD. Further, the applicant shall provide a performance bond or letter of credit in accordance with section 90-133 in order to ensure completion of the public roads. The amount of the bond or letter of credit shall be approved by the city attorney and accepted by the city council prior to any construction on the site.
 - c. The house on the corner of South Hanover Street and Barfield Drive shall be removed prior to the city accepting any portion of Barfield Drive.
 - d. Required carports as determined by the planning commission during site plan review shall be constructed for all existing apartments as of September 1, 1999, and constructed for all future apartments prior to an occupancy permit being approved.
 - e. All parking lot areas and drives shall be finished for each phase prior to an occupancy permit being granted for additional subphases.
 - f. The screening for existing dumpsters shall be modified to the satisfaction of the director of public services. All new dumpsters shall be screened and placed in areas where they do not create sight obstructions.
- (3) In order to ensure that adequate emergency vehicle access is available to all parts of Phase I of the PUD, the applicant shall construct, simultaneously with the public streets, those private roads within the mobile home park which intersect with the public streets as well as a temporary emergency access drive as illustrated on the approved final PUD site plan. The construction of the temporary drive shall be acceptable to the city fire chief. Occupancy permits shall not be issued until this emergency vehicle street system is completed.
- (4) Stormwater provisions as well as public water and sanitary sewer shall be built in accordance with the applicable regulations of the city. As necessary, the state department of transportation shall review and approve storm drainage plans.
- (5) The city sanitary sewer system shall be determined by the director of public services to have adequate capacity to serve the PUD before necessary building permits are issued for each subphases site plan.
- (6) Before any construction shall begin on the site, the director of public services shall receive written assurance from the state department of natural resources approving the

wetland mitigation plan proposed by the applicant. The wetlands on the site shall also be marked in the field before any construction begins.

- (7) The state department of transportation shall review and approve the intersection of Barfield Drive with Hanover Street prior to issuance of building permits.
- (8) The state department of public health shall approve the provision of water and sanitary sewer before any building permits are issued.

(b) *Development standards.*

(1) Mobile Home Park Phase III and IV:

- a. The site plan for Phase III dated May 18, 2001 and the site plan for Phase IV dated May 21, 2001 both as prepared by Exxel Engineering shall be revised according to the requirements of the director of public services. Three revised site plans shall then be signed by the director and shall serve as the approved final PUD site plan. One copy of the approved plan shall be retained by the director of public services, one provided to the city building inspector and one provided to the applicant.
- b. City sanitary sewer and water and all fees for hook-ups shall be provided in accordance with all city ordinances.
- c. Stormwater management provisions shall be subject to the approval of the director of public services.
- d. Building permits for dwellings shall not be issued until approval of each phase from the Michigan Mobile Home Commission has been provided to the city.
- e. For Phase III:
 1. All units shall be doublewides with attached garages optional as shown on the site plan dated May 18, 2001, prepared by Exxel Engineering.
 2. Landscaping shall be installed according to the criteria of section 90-698(b) (7) and section 90-366(e) of the Hastings Zoning Ordinance.
- f. For Phase IV:
 1. All units shall be doublewide with attached garages as illustrated on the site plan dated May 21, 2001, prepared by Exxel Engineering.
 2. A mix of single units or duplex units is permitted but the total number of units shall not exceed 33.
 3. The setback from Barfield Drive and Starr School Road shall be a minimum of 30 feet and the rear setback shall be a minimum of 35 feet.
 4. There shall be a minimum distance of 20 feet between dwellings including attached garages.
 5. Landscaping shall be installed along the north and south lot lines of Phase IV and along Starr School Road as may be approved by the director of public services and city manager. The purpose of the landscaping shall be to provide an adequate visual screen between Phase IV and dwellings on adjacent property and for the mobile homes along Starr School Road. Any plantings which die or are removed for some other reason shall be replaced by the applicant within six months of notification by city officials. The landscaping will be in place and acceptable by the city and approved

by the city prior to the issuance of any occupancy permits for Phase IV of the Mobile Home Park.

6. Sidewalks shall be installed along Barfield Drive to Starr School Road for each dwelling unit upon installation of the dwelling and prior to occupancy.
-
- (2) The apartment and office portions of the PUD shall conform to the requirements of article VI, division 10 of this chapter, except that the requirements of subsections 90-454(h) and 90-452(b) shall be waived to permit 12 units per building and to permit building entrances to be more than 150 feet from a public street.
 - (3) The retail buildings illustrated on the PUD plan shall conform to the requirements of article VI, divisions 12 and 13 of this chapter.
 - (4) The size of the office buildings shown on the approved PUD plan is approximate. Approval of the size of these office buildings is contingent upon parking spaces being provided as required by this Code. The size of each office building and the necessary parking shall be determined by the planning commission for each subphase site plan.
 - (5) Prior to the occupancy of those apartment buildings closest to the south lot line, the applicant shall transplant evergreen trees from the site to the south lot line to screen these apartment buildings from the single-family houses to the south. Final approval of the landscape plantings shall be subject to inspections by the director of public services, and no occupancy permits for those buildings will be issued until such approval is obtained.
 - (6) Each subphase site plan shall illustrate detailed landscaping to be installed subject to the approval of the planning commission. Each subphase site plan shall also note existing wooded areas that will be saved. Such areas shall be marked in the field to prevent destruction during construction.
 - (7) The driveway placement for the retail and office portion of the PUD shall be determined during each subphase site plan review.
 - (8) The director of public services shall determine the route of construction traffic to and through the site.
 - (9) Each phase and subphase plan shall adhere to the final PUD site plan approved by the city council. The final PUD site plan shall be stamped as approved, dated and signed by the director of public services. One copy shall be returned to the applicant, one copy shall be retained by the director of public services and one copy shall be kept by the city clerk/treasurer.
 - (10) The following provisions shall apply to the addition to the Meadowstone Planned Unit Development:
 - a. 34 mobile home sites and related site improvements.
 - b. Three open-space areas totaling 1.6 acres (69,000 sq. ft.)
 - c. Extension of 24 ft. wide roadway system to City of Hastings specifications.
 - d. Each mobile home site shall average 5,500 sq. ft. in area.
 - e. 20 ft. setback from the mobile home park boundary and a 50 ft. setback from public road right of way is required.
 - f. All utilities and lighting shall be designed, installed, operated, and maintained in accordance with the State of Michigan Mobile Home Commission regulations.

- g. All mobile home units shall be minimum of 720 sq. ft. in area, exclusive of garage or porch.
- h. Maximum building height will be 25 ft.
- i. Mobile home sites, installation, skirting, anchoring, and unit certification shall be in compliance with State of Michigan Mobile Home Commission regulations.

(Code 1970, § 3.299H; Ord. No. 315, 12-28-98; Ord. No. 317, 3-22-99; Ord. No. 336, § 4, 6-25-01)

HISTORY

Amended by Ord. [584](#) on 3/27/2020

Sec 90-699 Effective Date

This division shall take effect and shall be in full force from and after the date of its publication or 15 days from March 22, 1999, whichever is later.

(Code 1970, § 3.299I; Ord. No. 315, 12-28-98; Ord. No. 317, 3-22-99)

DIVISION 90-VII-4 PATRICK PLANNED UNIT DEVELOPMENT

[Sec 90-700 Approval Of Application](#)

[Sec 90-701 Amendment To Zoning Map](#)

[Sec 90-702 Development Plan](#)

[Sec 90-703 Effective Date](#)

Sec 90-700 Approval Of Application

The application of Roger Patrick for the Patrick Planned Unit Development as recommended by the city planning commission on February 7, 2000, is approved; and the zoning map and this chapter are amended to incorporate the recommendations of the planning commission.

(Ord. No. 327, § I, 3-13-00)

Sec 90-701 Amendment To Zoning Map

The following described parcel is hereby rezoned by this ordinance from B-2, general business district for the eastern 170 feet of this parcel and from RS, suburban residential for the remainder of the parcel to planned unit development:

All of the land lying east of a line 20 feet from the ordinary high water mark of Fall Creek for the following described parcel:

The east 275 feet of Lot 19 of Supervisor Glasgow's addition to the City of Hastings, except beginning at the southeast corner of said Lot 19; thence north six rods; thence west eight rods; thence south six rods; thence east to the point of beginning. Property address 1530 South Hanover Street.

(Ord. No. 327, § II, 3-13-00)

Sec 90-702 Development Plan

(a) *Plan compliance.* The development plan for the Patrick PUD shall comply in all respects with the final PUD site plan dated August 22, 2002, as approved by the city council.

(b) *Land uses.* The development shall be constructed and used for four self-serve vehicle wash bays and two automatic vehicle wash bay. In addition, two self-storage mini warehouse buildings each

measuring 20 feet wide by 140 feet long are permitted to be constructed to the west of the vehicle wash bays.

- (c) *Site access.* Ingress to and egress from the development shall be by way of one separate driveway extending off Hanover Street. Such driveways shall be approved by the state department of transportation and constructed in accordance with DOT regulations.
- (d) *Utilities.* The vehicle wash bays on site shall be served by public water and sanitary sewer as approved by the director of public services for the city. The waste entering the public sanitary sewer system from the wash bays shall also be approved by the director of public services.
- (e) *Surface water drainage.* Stormwater runoff shall be accommodated by means of catch basins and underground pipes and directed to a detention basin located directly south of the storage buildings as shown on the final development plan. The design of the detention basin shall be approved by the director of public services. Such detention basin shall be maintained at all times so it functions as approved and does not become a visual blight.
- (f) *Soil erosion controls—Protection of Fall Creek.* Before beginning construction on site, the applicant shall provide a soil erosion plan to the director of public services to demonstrate that Fall Creek will be protected from stormwater runoff and soil erosion both during and after construction.
- (g) *Lighting.* All lights illustrated on the site plan shall be fully shielded to direct light downward so as not to create a glare from off site.
- (h) *Sidewalk.* A sidewalk five feet wide constructed across the entire width of the property within the Hanover Street right-of-way shall be constructed prior to occupancy of any buildings on site.
- (i) *Connection to adjacent property.* Vehicle access to and from adjacent parcels shall be provided in order to reduce the need for vehicles to travel on Hanover Street to reach the development from adjacent parcels. Such access points shall be provided at the time the development is constructed or at such time that the adjacent parcels develop and are also required by the city planning commission to connect to the Patrick PUD. Once constructed the access points shall remain open at all times for vehicle access.
- (j) *Deviations from underlying zoning districts.* The following deviations from the B-2 and R-S zoning district regulations are specifically approved by this section.
 - (1) The use of this property for a mini warehouse, storage buildings and vehicle wash bays as illustrated on the site plan are specifically approved.
 - (2) A fence height of eight feet around the storage building and dumpsters is specifically approved.

(Ord. No. 327, § III, 3-13-00; Ord. No. 359; § 1, 10-28-02)

Sec 90-703 Effective Date

This division shall take effect and shall be in full force from the date of its publication in the Hastings Banner pursuant to the charter for the city.

(Ord. No. 327, § IV, 3-13-00)

DIVISION 90-VII-5 WOODLAWN MEADOWS PLANNED UNIT DEVELOPMENT

[Sec 90-716 Zoning Map](#)

[Sec 90-717 Development Plan](#)

[Sec 90-718 Permitted Uses](#)

[Sec 90-719 Development Requirements](#)[Sec 90-720 Approval Standards](#)

Editor's note - Section 1 of Ord. No. 337, adopted June 25, 2001, enacted new §§ 90-700—90-704. At the discretion of the editor, said sections have been redesignated as §§ 90-716—90-720 as set out herein, to better fit the format of this Code.

Sec 90-716 Zoning Map

The zoning ordinance of the city is hereby amended by rezoning the following described lands from the R1, one-family residential district to the PUD, planned unit development district, in accordance with the final development plan of the Woodlawn Meadows Retirement Village Planned Unit Development, subject to all of the terms and conditions of this division:

That part of the NW ¼, Section 8, T3N, R8W, City of Hastings, described as: Commencing at North ¼ corner of Section 8; thence South 500 feet along East line of said NW ¼ to the place of beginning. Thence South 1009.27 feet along said East line, thence North 88 degrees 28 minutes 45 seconds West 514 feet; thence North 550 feet; thence North 44 degrees 57 minutes 22 seconds West 168.61 feet; thence North 340 feet; thence South 88 degrees 45 minutes 47 seconds East 635 feet along the South line of the North 500 feet of said NW ¼ to the place of beginning. This parcel contains 13.00 acres.

(Ord. No. 337, § 1, 6-25-01)

Sec 90-717 Development Plan

The rezoning of the above-described lands to the PUD planned unit development district, in accordance with the final PUD plan of the Woodlawn Meadows planned unit development ("the development") is expressly subject to all of the following terms and conditions:

- (a) Development plan. The Woodlawn Meadows planned unit development shall comply in all respects with the final PUD plan of the development. The final development plan has a last revision date of May 23, 2001, as prepared by Exxel Engineering and also includes the landscape plan dated May 17, 2001, prepared by Johnson Newhof Associates, the application for planned unit development rezoning, the PUD narrative, architectural elevation drawings of the proposed buildings and other materials submitted with the application, except to the extent that any such materials may be inconsistent with this ordinance. The May 23, 2001, plan shall be revised as required by the director of public services according to the approval of the planning commission on June 4, 2001.
- (b) Three copies of the revised final PUD plan shall be signed by the director of public services, with one copy to the city building inspector, one to the applicant and one retained by the director of public services.

In the case of conflicts or discrepancies between any part of the final development plan and the terms of this division, this division shall control.

(Ord. No. 337, § 2, 6-25-01)

Sec 90-718 Permitted Uses

- (a) The uses permitted within the Woodlawn Meadows PUD district are as listed in the applicant's PUD narrative and illustrated on the final PUD plan. The principal uses are as noted below:

- (1) Two 20-unit one-story supportive care buildings (14,000 s.f. and 17,000 s.f.)
- (2) Two 20-unit one-story specialized care buildings (15,000 s.f. each)
- (3) One 24-unit two-story independent apartment building
- (4) Twelve single-family condominiums (three buildings with four units each).

(b) The development shall occur in three phases as illustrated on the final PUD plan.

(Ord. No. 337, § 3, 6-25-01)

Sec 90-719 Development Requirements

- (a) The applicant shall construct North Street from its current terminus to East Street. Construction shall be to city specifications including the installation of any underground utilities as required by the city. The extension of North Street shall be completed and accepted by the city before occupancy permits are issued for buildings proposed in Phase I.

The city council may require a bond or letter of credit in accordance with section 90-133 of the Hastings Zoning Ordinance in order to ensure completion of the extension of North Street.

- (b) The applicant shall construct public utilities (water and sanitary sewer) concurrent with their need for said public utilities or as otherwise stated below. If development on other parcels results in the need for early construction of the utilities, the applicant agrees to proceed as outlined below:

Easements acceptable to the city shall be provided for all public utilities prior to the issuance of any occupancy permits for the project.

Ultimately, public utilities shall be extended to the North Ridge Estates Subdivision and to the east project lot line as shown on the PUD final development plan dated May 23, 2001.

All utilities shall be constructed to the north line of Phase 1 of the project as shown on the final development plan dated May 23, 2001, and accepted by the city prior to the issuance of any occupancy permits for any buildings located in Phase 1 of the project.

If any buildings outside of the limits of Phase 1 of the project are constructed, all utilities shall be extended to the north line of Phase 2 of the project as shown on the final development plan dated May 23, 2001, and accepted by the city prior to the issuance of any occupancy permits for such buildings.

All utilities on the project site shall be completed and accepted by the city prior to the issuance of any occupancy permits for the condominium units on the site.

The applicant shall comply with the following in order to ensure the ability to extend the public utilities through the Woodlawn Meadows property if off-site properties develop creating the need for construction of the public utilities on the project site prior to on-site construction generating such need:

If utilities need to be constructed to service off-site development, the applicant agrees to enter into and support a special assessment district to pay for the cost of such utilities. The city council shall determine the allowable term for repayment of any special assessment costs at the time the final role for the special assessment district is approved (pursuant to the requirements of the applicable sections of the Code of Ordinances).

- (c) The applicant shall provide an easement acceptable to the city from the west property line of the

project (at the proposed extension of Calgary Drive in the North Ridge Estates Subdivision) to the north end of the principal service drive (the extension of North East Street) in the Woodlawn Meadows PUD. Within this easement, the applicant shall construct a lane for emergency vehicle access which shall be subject to the approval of the Hastings fire chief. This easement shall also be dedicated for the construction of public utilities needed to serve the North Ridge Estates Subdivision or another city-approved use for the North Ridge Estates property. This easement shall also contain a walking trail constructed by the applicant subject to the approval of the director of public services.

The emergency access lane extending from the principal service drive to the proposed extension of Calgary Drive and the walking trail shall be installed and approved before occupancy permits are issued for buildings outside of Phase 1 of the project.

- (d) The 24-unit apartment building shall have at least two exterior walls of decorative masonry or brick extending at least half way up the vertical dimension of the wall from the established grade to the first floor ceiling. The remainder of the exterior shall be as illustrated on the building architectural drawings submitted by the applicant to the city.
- (e) The applicant shall comply with all city utility requirements including water and sewer hook up fees and with all stormwater provisions as required by the director of public services.
- (f) Landscaping as illustrated on the approved landscaping plan dated May 17, 2001, shall be installed within six months of occupancy permits for each phase. The landscaping shall be maintained and any trees which are dead or dying shall be replaced within six months of notification by the city.
- (g) Each phase of the PUD shall be developed so that it is capable of functioning independently of the subsequent phases. This means that if Phases 2 or 3 are not built as planned; the constructed phases shall have proper utilities, landscaping, roads and emergency vehicle access in accordance with city requirements and the approved final PUD site plan.

(Ord. No. 337, § 4, 6-25-01)

Sec 90-720 Approval Standards

The city council hereby determines that the development complies with the provisions of the city zoning ordinance and promotes its intent and purpose. The council further finds that the development, upon construction and use in full compliance with all of the terms and provisions of this division and the city zoning ordinance, will be compatible with city master plan, adjacent uses of lands, the natural environment and the capacities of public services and facilities affected by the department. the city council further determines that the development will not have unreasonable economic impact on adjacent lands and will not change the essential character of the area.

(Ord. No. 337, § 5, 6-25-01)

DIVISION 90-VII-6 DWYER PLANNED UNIT DEVELOPMENT

[Sec 90-721 Zoning Map](#)

[Sec 90-722 Development Plan](#)

[Sec 90-723 Permitted Uses](#)

[Sec 90-724 Development Requirements](#)

[Sec 90-725 Findings](#)

Editor's note - Section 1 of Ord. No. 354, adopted Aug. 26, 2002, added div. 6 to ch. 82 with provisions designated as §§ 90-706—90-724. Inasmuch as there already exists a div. 5 which has provisions

designated as §§ 90-716—90-720, at the editor's discretion, the provisions designated as §§ 90-706—90-720 have been redesignated as §§ 90-721—90-725 to maintain the alphanumeric style of this Code.

Sec 90-721 Zoning Map

The zoning ordinance of the City of Hastings is hereby amended by rezoning the following described lands from the R2, one-family residential district to the PUD, planned unit development district, in accordance with the final development plan of the Dwyer Planned Unit Development, subject to all of the terms and conditions of this chapter:

The south 132 feet of the following described parcel: a parcel of land described as: commencing at a point on the ¼ line 17 chains 82 links north of the center of Section 20, thence north 4 chains for place of beginning; thence west 12 chains 50 links to center of highway, thence north along center of highway 4 chains, thence east 12 chains 50 links to ¼ line, thence south on ¼ line 4 chains to beginning. Also known as Lot 11 of Supervisor Glasgow's Addition to the City of Hastings according to the recorded plat thereof, as recorded in liber 3 of plats on page 3, being a part of the northwest ¼ of Section 20, Town 3 North, Range 8 West, Barry County, Michigan.

Property address: 1425 South Hanover Street. This parcel contains 2.376 acres.

(Ord. No. 354, § 2, 8-26-02)

Sec 90-722 Development Plan

The rezoning of the above-described lands to the planned unit development district, in accordance with the final PUD plan of the Dwyer Planned Unit Development ("the development") is subject to all of the following terms and conditions:

The Dwyer Planned Unit Development shall comply in all respects with the final PUD plan of the development. The final development plan has a last revision date of June 11, 2002, as prepared by Reynolds Land Surveying and Mapping and also includes the application for planned unit development rezoning, the pud narrative, architectural elevation drawings of the proposed buildings and other materials submitted with the application, except to the extent that any such materials may be inconsistent with this ordinance. The June 11, 2002, plan shall be revised in accordance with the approval of the Hastings Planning Commission on August 5, 2002.

The final development plan shall be reviewed and approved by the Hastings Planning Commission following approval of the PUD rezoning by the Hastings City Council.

Three copies of the revised final pud plan shall be signed by the city zoning administrator with one copy to the city building inspector, one to the applicant and one retained by the director of public services.

In the case of conflicts or discrepancies between any part of the final development plan and the terms of this chapter, this chapter shall control.

(Ord. No. 354, § 3, 8-26-02)

Sec 90-723 Permitted Uses

Only the principal uses noted below shall be allowed in the Dwyer PUD district:

- (a) Conversion of the existing house at 1425 South Hanover for office uses as permitted by section 90-477 of the Hastings Zoning Ordinance along with required parking and handicap ramp. Except for necessary maintenance, no other changes to the exterior of the house shall be made.
- (b) Two additional buildings measuring 40 feet by 60 feet with required parking to be constructed as

phases II and III.

- (c) Uses in phases II and III shall be as permitted by sections 90-477 and section 90-502(b) of the Hastings Zoning Ordinance.
- (d) Existing accessory building to be used for vehicle parking, storage of materials or maintenance equipment.

(Ord. No. 354, § 4, 8-26-02)

Sec 90-724 Development Requirements

(a) *Site access.*

- (1) Ingress to and egress from the development shall be by way of one separate driveway extending off Hanover Street at the north portion of the parcel. Such driveway shall be approved by the Michigan Department of Transportation (MDOT) and constructed in accordance with MDOT regulations.
- (2) The existing gravel driveway adjacent to the south lot line shall be closed in accordance with MDOT and City of Hastings standards.
- (3) The existing gravel drive on the site shall be restored to grass.

(b) *Utilities.* The uses shall be served by public water and sanitary sewer as approved by the director of public services for the City of Hastings.

(c) *Surface water drainage.* Stormwater runoff shall be accommodated by means of catch basins and underground pipes and directed to a detention basin as shown on the final PUD development plan. The design of the detention basin shall be approved by the director of public services. Such detention basin shall be maintained at all times so it functions as approved and does not become a visual blight.

(d) *Site plans for phases II and III.* For development of phases II and III, a separate site plan must be submitted to the planning commission along with building elevation drawings. Such site plan must conform to the requirements of the Dwyer PUD ordinance and the site plan requirements of the Hastings Zoning Ordinance.

(e) *Preservation of natural area.* The easternmost 200 feet of the parcel shall be designated as preserved open space on the final PUD plan. This area shall serve as a natural area and a visual and spatial buffer between the office buildings on the Dwyer PUD and the houses along South Dibble. Dead or diseased trees and branches may be removed within this area. Additional plantings may be provided and a walking path installed subject to the approval of the zoning administrator but no other changes to this area are permitted.

(f) *Landscaping.* Existing trees along the proposed entrance drive shall be retained wherever possible, along with the shrubs adjacent to the sidewalk along Hanover Street. Additional evergreen trees shall be planted along the north lot line for phase I as deemed necessary by the city zoning administrator to provide adequate screening for the residential zone to the north. Landscaping requirements for phases II and III shall be determined by the planning commission during review of the site plans for these phases. Existing trees and vegetation shall be preserved wherever practical.

(g) *Buildings and parking.*

- (1) Building setbacks and height shall conform to the requirements of the office zoning district as contained in section 90-479 of the Hastings Zoning Ordinance.
- (2) Buildings for phases II and III may be walkout type buildings as viewed from the west, but

shall not be a two story building as viewed from the east. Such buildings shall be compatible in appearance with nearby residential uses and shall be subject to the approval of the planning commission.

- (3) Parking areas shall be setback a minimum of 15 feet from all lot lines unless a lesser distance is specifically approved by the planning commission and illustrated on the site plan.

(h) *Lighting*. Any exterior lights shall have a cut-off type fixture.

(i) *Development*. The development shall occur in three phases as illustrated on the final PUD plan.

(j) *Unspecified uses*. For all uses and development regulations not specified in this ordinance, the applicable requirements for an office use contained in the city zoning ordinance shall apply.

(k) *Signs*. Signs shall conform to the applicable requirements of the city zoning ordinance.

(Ord. No. 354, § 5, 8-26-02)

Sec 90-725 Findings

The city council hereby determines that the site plan and PUD zone complies with the provisions of the Hastings Zoning Ordinance and promotes its intent and purposes. The council also finds that granting the PUD rezoning will result in a recognizable and substantial benefit to the users of the project and to the community and that the proposed type and density of use shall not result in a material increase in the need for public services, facilities and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.

The council further finds that based on the design of the PUD, the proposed use is appropriate for the proposed location and is not likely to lead to a significant change in the uses master planned in the area adjacent to the Dwyer PUD. Also the proposed development will not have a significant negative impact on the surrounding area and that there is a single person responsible for completing the project in conformity with this article.

(Ord. No. 354, § 6, 8-26-02)

DIVISION 90-VII-7 HASTINGS PONDS PLANNED UNIT DEVELOPMENT

[Sec 90-726 Zoning Map](#)

[Sec 90-727 Development Plan](#)

[Sec 90-728 Permitted Uses](#)

[Sec 90-729 Development Requirements](#)

Editor's note - Section 1 of Ord. No. 392, adopted March 14, 2005, added Div. 7, to read as herein set out.

Sec 90-726 Zoning Map

The zoning ordinance of the City of Hastings is hereby amended by rezoning the following described lands from the RR, Rural Residential District and the R1, One Family Residential District to the PUD, Planned Unit Development District, in accordance with the final development plan of the Hastings Pond Planned Unit Development, subject to all of the terms and conditions of this division:

CITY OF HASTINGS SW ¼ NE ¼ SEC 8, EX 2A IN SE COR, 20 RDS N & S BY 16 RDS E & W. ALSO EX 6A OFF THE W SIDE BEING 12 RDS E & W BY 80 RDS N & S. EX. COM AT THE SW CORNER OF THE SW ¼ NE ¼ SEC. 8-3N-8W, TH E 488 FT. TO P.O.B., TH N 338 FT., TH E 258

FT., TH S 338 FT., TH W 258 FT. TO P.O.B. ALSO EXCEPT COM AT SW COR SW ¼ NE ¼ SEC 8 T3N R8W TH E ALG E & W ¼ LN 198 FT TO POB: TH N 800 FT TH E 350 FT TH S 462 FT TH W 60 FT TH S 338 FT TO E & W ¼ LN TH W ALG SD LN 290 FT TO POB 24.04 ACRES

General Location: Northwest corner of Woodlawn Avenue and Bachman Road. This parcel contains 25 acres.

(Ord. No. 392, § 2, 3-14-05)

Sec 90-727 Development Plan

The rezoning of the above-described lands to the planned unit development district, in accordance with the final PUD plan of the Hastings Pond Planned Unit Development ("the development") is subject to all of the following terms and conditions:

The Hastings Pond Planned Unit Development shall comply in all respects with the final PUD plan of the development. The final development plan has a last revision date of November 15, 2004, as prepared by Gove Associates and also includes the application for planned unit development rezoning, the PUD narrative, architectural elevation drawings of the proposed buildings and other materials submitted with the application, except to the extent that any such materials may be inconsistent with this division. The November 15, 2004, plan shall be revised in accordance with the approval of the Hastings Planning Commission on December 6, 2004.

Three copies of the revised final development plan shall be signed by the city zoning administrator with one copy to the city building inspector, one to the applicant and one retained by the director of public services.

In the case of conflicts or discrepancies between any part of the final development plan and the terms of this division, this division shall control.

(Ord. No. 392, § 3, 3-14-05)

Sec 90-728 Permitted Uses

Only the principal and accessory uses noted below shall be allowed in the Hastings Ponds PUD District:

- (a) Twenty-three single-family lots to be developed as a site condominium in accordance with article VIII of the Hastings Zoning Ordinance.
- (b) Six multifamily buildings with each building containing eight dwelling units.
- (c) One multifamily two-story building containing 38 dwellings to be occupied only by senior citizens as defined by MCL 37.203 the Elliott-Larson Civil Rights Act.
- (d) Buildings accessory to single-family dwellings shall comply with the applicable regulations of section 90-831 of the Hastings Zoning Ordinance for the RS zoning district. Buildings accessory to the multifamily buildings and senior apartment building shall comply with the applicable regulations of section 90-831 for the A-1 zoning district. Such uses shall be reviewed and approved by the director of public services provided all applicable requirements are met.

(Ord. No. 392, § 4, 3-14-05)

Sec 90-729 Development Requirements

(a) *Street and access.*

- (1) The applicant shall construct a new portion of North Street extending from East Street to

Bachman Road. Construction shall be in accordance with City of Hastings street and utility standards. The street shall be accepted by the City of Hastings before occupancy permits are issued for any buildings in the PUD.

- (2) Ingress and egress shall be by way of a driveway from North Street extended and by one driveway each on Woodlawn Avenue and Bachman Road. All driveways must comply with the requirements of the director of public services.
 - (3) An easement for the future construction of a public road with public utilities shall be provided from the newly constructed North Street to the north boundary line of the PUD. This road right-of-way shall be located in the middle of the site condominium portion of the PUD. This right-of-way shall be dedicated to the city and illustrated on the site plan.
- (b) *Utilities.* The uses shall be served by public water and sanitary sewer as approved by the director of public services for the City of Hastings.
- (c) *Surface water drainage.* Stormwater runoff shall be accommodated by means of catch basins and underground pipes and directed to the existing pond as shown on the final development plan. The design of the pond and any outlet from the pond shall be approved by the director of public services. Oil and grease traps shall be provided within the catch basins. The applicant shall provide a maintenance agreement to the city regarding how the catch basins and pond will be maintained on a periodic basis to ensure their usefulness .

The pond shall be maintained at all times so it functions as approved and does not become a visual blight. The city will have no responsibility for long-term maintenance of the pond. The property owner will have full responsibility for the pond.

- (d) *Open space.* The applicant shall provide an open space maintenance agreement to the city which shall describe the open space, who will own it and how such open space will be maintained. This document shall be first approved by the city and then recorded with the Barry County Register of Deeds. A copy of this recorded document shall be provided to the city before occupancy permits are issued for any buildings in the PUD. The open space within the site condominium portion of the PUD shall be centrally located so as to be accessible to the site condominium residents.
- (e) *Sidewalks.* Sidewalks built to city standards shall be provided for each site condominium lot along North Street at the time that the dwelling unit is constructed for each lot. In addition a sidewalk shall be provided along the access drive adjacent to Lot 8 of the site condominium portion extending to building #1 in the multifamily phase as shown on the approved final development plan. If all of the sidewalks required above are not built within five years of the date of approval of the final development plan the applicant shall construct the remaining un-built portions of the sidewalk.

A sidewalk shall also be constructed along both sides of North Street from East Street to the west property line of the Hastings Pond PUD. This sidewalk shall be constructed concurrently with North Street.

The applicant shall participate in any special assessment district which may be established for the construction of a sidewalk along Bachman Road.

- (f) *Preservation of natural area.* The existing tree line along the north property line shall be designated as preserved open space on the final development plan and shall be preserved insofar as practical. This area shall be fenced or otherwise physically setoff prior to any grading in order to ensure that this area is not disturbed during construction activities. Dead or diseased trees and branches may be removed within this area either by the applicant or the homeowner.
- (g) *Landscaping.* Landscaping shall be provided as illustrated on the approved landscaping plan.

The proposed landscaping shall be installed as follows:

- (1) The trees within the North Street right-of-way shall be planted in accordance with city standards following completion of North Street.
- (2) Plantings on the perimeter of the PUD and along the common boundary between the site condominium portion and multifamily buildings #2, #3, and #4 shall be planted in conjunction with all other site improvements except buildings.
- (3) All other plantings shall be provided with the construction of each building. The director of public services shall determine the extent of the required plantings prior to the issuance of a building permit.

Existing trees and vegetation shall be preserved wherever practical.

- (h) *Lighting.* Any exterior lights shall have a cut-off type fixture except that street lights shall comply with the City of Hastings standards. The applicant shall provide a separate lighting plan as may be required by the director of public services.
- (i) *Signs.* Signs for the Hastings Pond PUD shall comply with all regulations of article XI of the Hastings Zoning Ordinance as are applicable to the use.
- (j) *Uses and development regulations not specified.* For all uses and development regulations not specified in this division, the applicable requirements of the RS zone as contained in the city zoning ordinance shall apply to the site condominium phase and for the senior and multifamily phase the applicable requirements of the A-1 zone shall apply.

(Ord. No. 392, § 5, 3-14-05)

ARTICLE 90-VII-A COURT STREET PLANNED UNIT DEVELOPMENT DISTRICT

[Sec 90-730.1 Purpose And Objectives](#)

[Sec 90-730.2 Applicability](#)

[Sec 90-730.3 Permitted Uses](#)

[Sec 90-730.4 District Regulations](#)

[Sec 90-730.5 Procedure For Rezoning And Preliminary Site Plan](#)

[Sec 90-730.6 Final PUD Site Plan](#)

[Sec 90-730.7 Modification Of The Final PUD Site Plan](#)

Editor's note - Ord. No. 382, adopted May 24, 2004, added provisions designated as §§ 90-725A—90-731A. In order to maintain the numbering style of this Code, said provisions have been redesignated §§ 90-730.1—90-730.7. The original designations have been retained in the history note following each section.

Sec 90-730.1 Purpose And Objectives

The purpose of the Court Street PUD is preserve the residential character, privacy, property values and safety of the neighborhood south of Court Street while allowing for the expansion of the central business district to meet the demand for additional commercial growth in the City of Hastings. Design standards for the Court Street PUD are intended to visually and functionally connect the Court Street PUD to the central business district. The Court Street PUD is intended to apply to a specific area along the north side of Court Street which abuts commercial land uses fronting on West State Street.

The area south of Court Street is a stable neighborhood characterized by well kept single-family houses. Such neighborhoods are an integral component of the City of Hastings and contribute to the vitality of the downtown area and the city as a whole. It is important that the development on the north side of

Court Street be of a type and design that protects and enhances the character and vitality of the neighborhood to the south.

Residential use is preferred along the north side of Court Street as this type of land use can best achieve the objectives of the Court Street PUD District. Nonresidential uses, however, may be permitted in this area if the objectives of this article can be met along with the design standards of this article. The intent of the Court Street PUD is to achieve the following objectives:

- (a) Buildings within the PUD shall be of a size, scale and appearance which relate visually to nearby residential uses and which are visually and functionally integrated into the neighborhood.
- (b) The appearance of the buildings facing State Street shall be as attractive as the buildings on the Court Street side.
- (c) Uses within the Court Street PUD should be a mix of retail, service, office and residential complemented by public space such as courtyards, squares, fountains, sitting areas or walkways to encourage shopping and social interaction and become an extension of the central business district.
- (d) Traffic control and traffic calming measures, including the number and placement of driveways onto public streets abutting the PUD, shall be well planned so that traffic volumes on Court Street do not significantly increase, turning movements to and from State Street are minimized, pedestrian safety along Court Street and State Street is not adversely affected and cut through traffic is minimized.
- (e) Walkability should be significant feature within the Court Street PUD. Safe and efficient design for pedestrian movement should be provided in order to ensure a physical connection to the central business district to the east and the commercial uses to the west and to benefit pedestrian movement between commercial and residential uses within the PUD.

(Ord. No. 382, § 1(90-725A), 5-24-04)

Sec 90-730.2 Applicability

The Court Street Planned Unit Development District may be approved by the Hastings City Council following a recommendation from the planning commission for that area recommended by the Hastings Master Plan in accordance with the procedures of this article. The granting of the Court Street PUD rezoning shall require an amendment of the zoning ordinance and zoning map. An approval granted under this article shall constitute a part of the zoning ordinance.

(Ord. No. 382, § 1(90-726A), 5-24-04)

Sec 90-730.3 Permitted Uses

Only the following uses are permitted within the Court Street PUD District:

- (a) Attached single-family dwellings and townhouses.
- (b) Two-family dwellings which are constructed after the adoption date of this article. The conversion of a single-family dwelling to a two-family dwelling or a multifamily dwelling is prohibited.
- (c) Multifamily dwellings.
- (d) Bed and breakfast establishments
- (e) Personal service establishments which perform services on the premises within a completely enclosed building such as repair shops (electronics, clocks, shoes, etc.), tailor shops, salons,

barber shops, licensed massage clinics, interior decorators, photographers, and other personal service establishments that meet the intent of this chapter.

(f) Retail sale of products including but not limited to:

- (1) Antique sales.
- (2) Art gallery and artist supply store.
- (3) Bakeries.
- (4) Book stores.
- (5) Candy store.
- (6) Card store.
- (7) Clothing store.
- (8) Consumer electronics.
- (9) Decorator shop (paint, wallpaper, lighting, floor covering).
- (10) Fabric shop.
- (11) Florist.
- (12) Hardware store.
- (13) Ice cream shops.
- (14) Jewelry store.
- (15) Liquor.
- (16) Meat markets.
- (17) Musical instrument and products store.
- (18) Office supply store.
- (19) Pharmacy. Drive through facilities may be allowed but only if specifically approved by the city council following a recommendation from the planning commission.
- (20) Photography supply store.
- (21) Photo copy and printing shop.
- (22) Restaurants without drive-through, drive-in, or drive-up services.
- (23) Sporting goods.
- (24) Video rental and sales.

(g) Offices and showrooms of plumbers, electricians, decorators, or other similar trades.

(h) Offices of an executive, administrative, or professional nature.

(i) Banks and financial institutions. Drive through facilities may be allowed but only if specifically approved by the city council following a recommendation from the planning commission.

(j) Essential public service equipment, buildings, and structures.

(k) Fraternal or social club or lodge.

(l) Laundry, laundromat, and dry cleaning.

(m) Medical and dental offices.

- (n) Pool or billiard parlor.
- (o) Studios for instruction of dance, music, and the arts.
- (p) Public and institutional uses.
- (q) An existing single-family dwelling which is on a lot with frontage on State Street may be used for one of the above permitted uses in addition to being used at the same time for residential use subject to the requirements of this article.
- (r) Other similar uses that meet the intent of this district subject to the specific approval of the city council.
- (s) Accessory uses buildings and structures customarily incidental to the above uses.

(Ord. No. 382, § 1(90-727A), 5-24-04)

Sec 90-730.4 District Regulations

Uses in the Court Street PUD District shall comply with the following regulations:

(a) *Minimum lot size/placement of commercial buildings/use of existing buildings.*

- (1) New commercial, office and other nonresidential uses shall only be constructed on a lot which has a minimum width of 132 feet on both State Street and Court Street with a minimum lot depth of 264 feet throughout the lot. If this lot is subsequently developed for a nonresidential use the lot depth may then be reduced but only to allow new residential development to occur on that portion of the lot fronting on Court Street. A new lot may be created to accommodate this new residential use in accordance with subsection (2) hereinbelow.

Also, lots with a depth of less than 264 feet may be approved for nonresidential uses fronting on State Street if new residential uses have been developed along the north side of Court Street which prevents the creation of a nonresidential lot with 264 feet of depth from being achieved.

- (2) New residential uses shall only be constructed on lots which have a minimum width of 132 feet on Court Street and a maximum depth of 90 feet.
- (3) No part of any nonresidential building and the parking lot serving such building shall be more than 160 feet from the State Street right-of-way. The city council, following a recommendation from the planning commission, may modify this requirement if it is demonstrated that interior block vehicle circulation will be maintained between uses and that residential land use along the north side of Court Street for that block under consideration can still be accomplished as recommended by the Hastings Master Plan.
- (4) Dwellings and other uses existing at the date of adoption of this article are subject to the following regulations:
 - a. Such uses may continue even if such uses do not conform to the requirements of this article.
 - b. A change in the use of such building, structure or property or an expansion of such use, building or property shall be subject to the applicable review procedures and regulations of this article. If such expansion or change requires additional land the minimum lot size requirement shall be increased to the extent necessary to accommodate any additional required parking and to meet other required design standards of the Court Street PUD including but not limited to such standards as

building setbacks, landscaping, lighting and vehicular and pedestrian circulation. The minimum lot size shall be determined by the city council following a recommendation by the planning commission.

- (5) Uses which have been approved according to the regulations of this article and which subsequently are desired to be changed by an applicant shall be subject to the requirements of sections 90-127 and 90-674 of the Hastings Zoning Ordinance which regulates modifications to approved site plans and PUD's.

- (b) *Density and building size for residential uses.* The density and number of dwellings per building for residential uses shall be determined by the city council following a recommendation from the planning commission. In determining the proper density and building size for any project in the Court Street PUD the council shall consider the impact of the density and building size proposed by the applicant on the existing residential character along Court Street. In making this determination the council shall take into consideration the proposed building type and size, the vehicular and pedestrian traffic to be generated, the proposed parking for the residential use and whether or not these or other project design items are likely to significantly detract from the existing residential character along Court Street.

The council shall have the authority to modify the proposed density and building size in order to ensure that the project is compatible with the existing Court Street character.

- (c) *Minimum and maximum setbacks.*

- (1) For all streets other than State Street the front setback shall be no more than ten feet from the right-of-way line.
- (2) The front setback from the State Street right-of-way shall be no more than 20 feet and no less than ten feet in order to provide a transition in the visual character from the strip commercial development west of Market Street to the traditional downtown of the Hastings central business district.
- (3) The side and rear setbacks shall be determined by the planning commission in its review of the final site plan. In determining the setbacks the planning commission shall take into consideration the impact on adjoining land uses, whether the proposed setback disrupts the interior circulation pattern on that block, whether safe vehicular and pedestrian access is maintained, whether the setbacks will allow safe access for fire fighting purposes, and whether or not the proposed setbacks will create unusable or unsafe areas.

- (d) *Building height.* Maximum building height shall be 40 feet.

- (e) *Vehicle access and circulation.*

- (1) Driveways onto Court Street which serve nonresidential uses are prohibited.
- (2) Access to Park, Washington and Market Streets shall be provided for all uses within the Court Street PUD. Parcels with frontage on these streets shall allow for interior parcels to access these streets. Such access shall be determined by the planning commission during review of the final site plan. Easements for access and maintenance of driveways and access drives which are to be used by more than one property owner shall be provided prior to approval of any final site plan.
- (3) Driveways onto State Street shall be subject to the access control standards of section 90-132 of this Zoning Ordinance.
- (4) Interior circulation and building placement shall be designed so that all parcels within a block are accessible to each other by way of an alley, parking lot connections, service drives or similar means.

(f) *Pedestrian circulation.*

- (1) Sidewalks shall be provided along all streets abutting a parcel. For sidewalks along State Street the sidewalk shall be placed within the front setback and an easement granted to the City of Hastings for public use of the sidewalk.
Sidewalks shall be a minimum of five feet wide although the planning commission may require a maximum sidewalk width of ten feet in order to allow for safe and efficient pedestrian movement, allow for activities in front of commercial uses and to create a street front atmosphere similar to the central business district. Sidewalks shall be concrete although other materials such as brick or concrete with brick borders or brick pattern may be required by the planning commission in order to provide visual continuity with the brick walkway system in the central business district.
- (2) Pedestrian safety measures such as painted crosswalks, "bump outs" at public street intersections, maintaining clear vision areas at driveways and building corners and other such measures shall be provided as determined to be necessary by the planning commission.

(g) *Parking.*

- (1) On site parking shall be provided according to the requirements of article X of the Hastings Zoning Ordinance.
- (2) Off-street parking of vehicles for nonresidential uses between the Court Street right-of-way and any buildings on the site shall be minimized or may be prohibited if in the opinion of the planning commission such parking would be a nuisance to nearby residents.
- (3) Parking located along any street shall be screened by a decorative fence, brick wall, or hedge not to exceed a height of three feet. The use of earthen berms shall be prohibited.

(h) *Lighting.*

- (1) All outdoor light fixtures including building mounted fixtures shall be cut-off fixtures as defined by IENSA (Illumination Engineering Society of North America) except those fixtures listed in subsection (2) below. The intensity of the light emitted from the fixture at any angle above a cut-off angle of 80 degrees from the vertical must be less than ten percent of the total lamp lumens emitted above a horizontal plane running through the lowest point on the fixture where light is emitted.
- (2) The use of fixtures from a particular period or architectural style may be utilized as alternatives or supplements to the lighting described in subsection (1) above. If such fixtures are not cut-off fixtures as defined by IENSA, the maximum initial lumens by each fixture shall not exceed 2,000 (equivalent to a 150 watt incandescent bulb). The height of such alternative fixtures shall not exceed ten feet.
- (3) Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision, safety and comfort and not to cause glare or direct illumination onto adjacent properties or streets.
- (4) The level of light trespass onto nearby residential properties and roads shall not exceed 0.01 foot-candles.
- (5) A separate lighting plan shall be submitted to demonstrate compliance with the requirements of this section.
- (6) Lighting terms used in this section shall have the same meaning as set forth in the IENSA's Lighting Handbook.

- (7) Illumination of building facades facing Court Street is prohibited.
- (8) Outdoor lighting fixtures serving nonresidential uses which are visible from south of Court Street may be required to be turned off between 11:00 p.m. and 6:00 a.m. if, in the opinion of the planning commission, such light would pose a nuisance to residents if kept on all night.

(i) *Signs.*

- (1) Signs for lots which have frontage on State Street shall comply with the requirements of article XI of the Hastings Zoning Ordinance as are applicable to the proposed use except as follows:
 - a. Each lot containing a nonresidential use or commercial establishment facing State Street is permitted to have one ground sign, but not a pole sign, along the State Street frontage up to a maximum size of 35 square feet. Such sign shall not exceed a height of four feet above grade as measured to the top of the sign. Ground signs shall be setback a minimum of five feet from the front and side lot lines but in no case shall a sign be placed where it might obstruct the vision of a motorist.
 - b. Each commercial establishment is permitted to have one wall sign per street frontage to be placed on that side of the building which faces the street. Wall signs shall not exceed ten percent of the area of the wall to which they are attached up to a maximum size of 50 square feet per sign.
 - c. For buildings containing more than one commercial establishment the size of the ground sign and wall sign(s) may be increased by 50 percent.
 - d. Projecting signs, sidewalk signs and banners shall be allowed according to the requirements of section 90-973(e) and (f).
 - e. Awnings, canopy and marquee signs are permitted in lieu of a permitted wall sign.
 - f. Ground and wall sign materials shall reflect the architectural character and materials of the building facade.
 - g. For externally lit signs, the lighting fixture shall be mounted on the top of the sign only and the fixture directed downward so that the light does not present a glare to any person.
- (2) Signs which face Court Street shall be limited to the following:
 - a. Ground directional signs no higher than three feet and signs above doors. Such signs shall not exceed six square feet in area.
 - b. Signs for residential and institutional uses as regulated by section 90-973.
- (3) For signs which will be illuminated plans must be submitted for review by the planning commission to ensure that sign lighting does not create a glare for drivers and nearby residents. Such signs may be required to be turned off between 11:00 p.m. and 6:00 a.m. if, in the opinion of the planning commission, such light would pose a nuisance to nearby residents if kept on all night.
- (4) All uses in the Court Street PUD shall display address numbers in accordance with City of Hastings Ordinance No. 281, section 18-451 et seq.

(j) *Landscaping.*

- (1) Landscaping shall be provided in accordance with the requirements of article XII of the Hastings Zoning Ordinance although shade trees shall be emphasized in order to provide shade, continuity in landscape design and visibility of storefronts.
- (2) The landscaping along Court Street shall be designed to complement and enhance the appearance of Court Street and the buildings facing Court Street but not in such amounts that the buildings are hidden or obscured.

(k) *Building appearance for nonresidential uses.*

- (1) New nonresidential buildings shall have an architectural style respecting the scale, proportion, character, and materials of the buildings in the central business district and the residential uses south of Court Street. The mass and length of large commercial buildings shall be deemphasized in a variety of ways, including the use of projecting and recessed sections to reduce their apparent over all bulk and volume. Such breaks in the facade and roof lines of the buildings should not occur more frequently than every 25 feet nor less frequently than every 100 feet.
- (2) Buildings shall be topped with pitched roofs with overhanging eaves but flat roofs with articulated parapets and cornices may be permitted. Materials for pitched roofs shall include shingles (either wood or asphalt composition), slate, tiles or other material similar to the roofs on nearby buildings.
- (3) Exterior wall materials may consist of brick, stucco, wood, vinyl aggregate or split face block, stone or similar decorative material which is similar to the exteriors of nearby buildings. Metal sided buildings, including accessory buildings, are prohibited.
- (4) Awnings, canopies, porches and similar architectural features shall be encouraged to be provided for commercial buildings as a means to visually integrate commercial uses in the Court Street PUD with the Hastings central business district.
- (5) That portion of a nonresidential building facing Court Street, Park, Washington and Market shall avoid solid, blank walls and shall be designed with architectural features which complement and enhance the residential character along the south side of Court Street. Such architectural features shall include windows on each story of the building, doors, steps, awnings, window and building trim, and similar features.

(l) *General development standards.*

- (1) Each PUD project shall be encouraged to provide outdoor areas for sitting, viewing or gathering or objects of interest such as a fountain, statute or plaza.
- (2) Dumpsters shall be kept within a fenced or brick walled area which shall be at least six feet high and located so that their use, including emptying, does not pose a nuisance to nearby residents.
- (3) Existing houses on State Street which are proposed to be converted to other uses as permitted by this article shall comply with the following requirements:
 - a. The building shall comply with the requirements of the Hastings Building Code.
 - b. Exterior defects in the building or property such as cracked, chipped or peeling siding, cracked sidewalk, unkept lawn or landscaping shall be identified as part of the application and corrected before the building is occupied. The planning commission shall determine if the property has been improved sufficiently to satisfy the objectives of the Court Street PUD.
 - c. Access to the property shall be determined during review of the site plan. The existing driveway may be required to be closed in order to achieve safe access

along State Street.

- d. The planning commission shall determine if the use proposed for the existing house and the proposed design satisfy the intent of the Court Street PUD District.

- (m) *Modification of standards.* The city council, following a recommendation from the planning commission, may modify any of the standards of this section 90-730.4 if it is determined that such modifications would result in a project which would still satisfy the objectives of the Court Street PUD and the Hastings Master Plan.

(Ord. No. 382, § 1(90-728A), 5-24-04)

Sec 90-730.5 Procedure For Rezoning And Preliminary Site Plan

- (a) An application for rezoning land to the Court Street PUD District shall be accompanied by a preliminary site plan of the Court Street PUD area designated in the Hastings Master Plan. Such plan will serve to guide the overall development of the Court Street PUD so it is unified in function and design. This plan shall be conceptual in nature and shall contain land use designations, access management criteria and provisions for pedestrian safety and other information as desired by the planning commission.
- (b) The planning commission shall hold a public hearing on the rezoning application and preliminary site plan according to the requirements of section 90-667(g) herein and shall make a recommendation to the Hastings City Council following the public hearing. The recommendation shall include the reasons for the recommendation and any specific conditions it considers necessary for the PUD.
- (c) After reviewing the recommendation of the planning commission the city council shall approve, approve with conditions or deny the rezoning and preliminary site plan.

(Ord. No. 382, § 1(90-729A), 5-24-04)

Sec 90-730.6 Final PUD Site Plan

- (a) *Application.* An application for a final site plan shall be submitted to the zoning administrator along with a fee a set by the city council for the review of all planned unit developments. The zoning administrator shall arrange for the a review of the application with the director of public works and other city staff and such consultants as deemed appropriate in order to discuss the project before submission to the planning commission.
- (b) *Review with city staff.* At this meeting the applicant shall present a sketch of the site plan which shall illustrate the area to be developed and a general layout of the project and how it would comply with the requirements of the Court Street PUD District.
- (c) *Final site plan requirements.* Following review by the city staff the applicant shall submit 14 copies of a site plan to the zoning administrator which contains the information required by section 90-130 of this Zoning Ordinance and the following:
- (1) Computer generated images of the proposed building to illustrate how it will appear as viewed from Court Street and State Street along with a list of exterior building materials.
 - (2) A separate landscape plan of the site including landscaping adjacent to the building and the number, type and size of all proposed landscape materials.
 - (3) Information on the number, size material and placement of signs.
 - (4) A lighting plan for all exterior lights.

- (5) The final PUD site plan shall generally comply with the preliminary PUD site plan and the Hastings Master Plan.
- (d) *Initial review by planning commission.* The planning commission shall review the final site plan in accordance with the development requirements and objectives of this article and provide comments to the applicant in order for the applicant to prepare the site plan for a public hearing.
- (e) *Public hearing on final site plan.*
- (1) Following its initial review of the final site plan the applicant shall submit 14 copies of the final site plan revised in accordance with the recommendations of the planning commission.
 - (2) The planning commission shall hold a public hearing on the revised plan. The hearing shall be noticed in accordance with the requirements of section 90-47 of this Zoning Ordinance.
 - (3) Following the public hearing the planning commission shall make a recommendation to the city council to approve, deny or approve with conditions the final site plan.
- (f) *Standards for approval.* In making a recommendation to approve a final site plan for the Court Street PUD District, the planning commission shall find that the proposed site plan meets the standard for planned unit developments contained in section 90-668 of this Zoning Ordinance as well the purposes of the Court Street PUD District contained in section 90-730.1 herein.
- (g) *Council approval.* After receiving the recommendation of the planning commission, the council shall either approve, deny, or approve with conditions the final site plan in accordance with section 90-5(d)(6) and the standards for approval and conditions as contained in this article. The council, after a recommendation from the planning commission or at its own discretion, may require a performance bond in accordance with section 90-133 of this Zoning Ordinance in order to ensure the completion of required improvements.
- (h) *Conditions and development agreement.*
- (1) In approving a final site plan for the Court Street PUD the council may impose reasonable conditions as set forth in section 90-669 of this Zoning Ordinance.
 - (2) Before the issuance of a building permit or the commencement of any demolition or construction on the site the applicant shall enter into a development agreement with the city in recordable form setting forth the applicant's obligations with respect to the final PUD site plan. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the approved final PUD site plan with revisions as well as other documents and illustrations which comprise the approved final PUD site plan and all conditions attached to the approval by the city council.

The agreement shall also establish the remedies of the city in the event of default by the applicant in carrying out the final PUD site plan. The agreement shall be binding on all successors in interest to the applicant. The agreement shall be signed by the applicant and the mayor and recorded with the Barry County Register of Deeds.

(Ord. No. 382, § 1(90-730A), 5-24-04; Ord. No. 407, § VI, 8-28-06)

Sec 90-730.7 Modification Of The Final PUD Site Plan

The final PUD site plan may be modified in accordance with the requirements of section 90-674 of this Zoning Ordinance.

(Ord. No. 382, § 1(90-731A), 5-24-04)

ARTICLE 90-VII-B RIVERWALK PLANNED UNIT DEVELOPMENT DISTRICT

[Sec 90-730.8 Amendment Of Zoning Map](#)

[Sec 90-730.9 Conditions Of The PUD Approval](#)

[Sec 90-730.10 Permitted Uses](#)

[Sec 90-730.11 Development Requirements](#)

[Sec 90-730.12 Findings](#)

Sec 90-730.8 Amendment Of Zoning Map

The zoning ordinance of the City of Hastings is hereby amended by rezoning the following described lands from the R2, one family residential district to the PUD, planned unit development district, in accordance with the requirements of the final development plan for the Riverwalk Planned Unit Development District subject to all of the terms and conditions of this ordinance:

Lots 42 through 55 inclusive of the Jones and Taffee addition.

(Ord. No. 408, § 2, 10-23-06)

Sec 90-730.9 Conditions Of The PUD Approval

The rezoning of the above-described lands to the planned unit development district, in accordance with the final PUD plan ("the plan") of the Riverwalk Planned Unit Development ("the development") is subject to all of the following conditions:

- (a) Special assessment district for paving of Taffee Drive. The applicant agrees to participate in a special assessment district (SAD) to provide for the paving of Taffee Drive from High Street to the proposed Riverwalk Drive. The applicant has agreed to contribute \$20,000.00 to the paving of Taffee Drive. The city shall undertake the process to establish the SAD as soon as is practical following approval of this section. Approval of the Riverwalk PUD ordinance is contingent upon the approval of the SAD or other approved alternative method to pay for the paving of Taffee Drive. If the SAD for the paving of Taffee Drive or other alternative method is not approved the Riverwalk PUD ordinance and final site plan shall be invalid and the rezoning shall not become effective. If the SAD or other method is approved the city shall cause Taffee Drive to be paved in accordance with the City of Hastings street construction standards including sidewalks on both sides of Taffee Drive and shall utilize the \$20,000.00 provided by the applicant.

Building permits for the dwellings allowed in the Riverwalk PUD may be issued provided there is compliance with the requirements of the Riverwalk Ordinance and all other applicable city requirements. Occupancy permits for such dwellings shall not be issued until the paving of Taffee Drive is approved by the director of public services.

- (b) Final PUD plan. The Riverwalk Planned Unit Development shall comply in all respects with the final PUD plan of the development. The final development plan has a last revision date of September 8, 2006, as prepared by DCI engineering and also includes the application for planned unit development rezoning, the PUD narrative, architectural elevation drawings of the proposed buildings and other materials submitted with the application, except to the extent that any such materials may be inconsistent with this ordinance. The September 8, 2006 plan shall be revised in accordance with the approval of the Hastings Planning Commission on October 2, 2006.

Three copies of the revised final development plan shall be signed by the city zoning administrator with one copy to the city building inspector, one to the applicant and one retained by the director of public services.

In the case of conflicts or discrepancies between any part of the final development plan and the terms of this section, this section shall control.

- (c) Abandonment of Thorn Street. The applicant shall apply to the Hastings City Council to formerly abandon Thorn Street. The abandonment must be approved before the issuance of any building permits.

(Ord. No. 408, § 3, 10-23-06)

Sec 90-730.10 Permitted Uses

- (a) Only the principal and accessory uses noted below shall be allowed in the Riverwalk PUD District:

- (1) A maximum of 20 dwelling units shall be developed as attached condominiums as shown on the final site plan.
- (2) Buildings accessory to the multi-family buildings shall comply with the applicable regulations of section 90-831(a) for the A-1 zoning district. Such uses shall be reviewed and approved by the director of public services provided all applicable requirements are met.

(Ord. No. 408, § 4, 10-23-06)

Sec 90-730.11 Development Requirements

- (a) *Street and access.*

- (1) The applicant shall construct and maintain a private drive to be called Riverwalk Street as shown on the plan. Construction shall be in accordance with City of Hastings street and utility standards except that the width shall be a minimum of 25 feet.
- (2) A 20-foot wide emergency access drive consisting of six inches of gravel shall be constructed from the west end of Riverwalk Street south and then east along abandoned Young Street to connect to Taffee Drive. This access drive shall be signed as such and the sign and access drive approved by the director of public services before it is constructed. This access drive shall be completed before the issuance of any occupancy permits.

- (b) *Setbacks.* Buildings in the Riverwalk PUD shall comply with the following minimum setbacks:

- (1) 25 feet from the edge of the Riverwalk Street pavement;
- (2) 25 feet from the north property line; and,
- (3) 15 feet from the Taffee Street right-of-way line.

- (c) *Utilities.* The uses shall be served by public water and sanitary sewer as approved by the director of public services for the City of Hastings.

- (d) *Surface water drainage.* Stormwater runoff shall be accommodated by means of catch basins and underground pipes and directed to a detention basin as shown on the final development plan. The design of the pond and any outlet from the pond shall be approved by the director of public services. Oil and grease traps shall be provided within the catch basins. The applicant shall provide a maintenance agreement to the city regarding how the catch basins will be maintained on a periodic basis to ensure their usefulness. The detention basin shall be maintained at all times so it functions as approved and does not become a visual blight.

- (e) *Open space.* The applicant shall provide an open space maintenance agreement to the city which shall describe the open space, who will own it and how such open space will be maintained. This document shall be first approved by the city and then recorded with the Barry County Register of Deeds. A copy of this recorded document shall be provided to the city before occupancy permits are issued for any buildings in the PUD.
- (f) *Sidewalks.* Sidewalks built to city standards shall be constructed along both sides of Riverwalk Street in conjunction with the construction of Riverwalk Street.
- (g) *Preservation of natural area.* The existing tree line along the north property line shall be designated as preserved open space on the final development plan and shall be preserved insofar as practical. This area shall be fenced or otherwise physically setoff prior to any grading in order to ensure that this area is not disturbed during construction activities. Placement of the fence shall be subject to the approval of the director of public services. Dead or diseased trees and branches may be removed within this area either by the applicant or the homeowners association.
- (h) *Landscaping.* Landscaping shall be provided as illustrated on the approved landscaping plan. The proposed landscaping shall be installed as follows:
 - (1) A landscape plan for planting on the east side of building "A" shall be submitted to the director of public services who shall determine the extent of the required plantings prior to the issuance of a building permit.
 - (2) The director of public services shall inspect the existing vegetation along the north lot line and determine if additional plantings are to be required in order to provide an effective buffer for the single-family dwellings along High Street. The number of required plantings shall be based on the landscape requirements of section 90-1007 to section 90-1010 of the Hastings Zoning Ordinance. Existing trees and vegetation shall be preserved wherever practical.
- (i) *Floodplain.* The 100-year floodplain shall be staked or fenced in the field prior to construction to insure that no excavation takes place within the 100-year floodplain.
- (j) *Lighting.* Exterior lights shall comply with the lighting as illustrated on the plan and as stipulated by the applicant in his application.
- (k) *Signs.* Signs for the Riverwalk PUD shall comply with all regulations of article 11 of the Hastings Zoning Ordinance as are applicable to the use.
- (l) *Decks.* Any decks constructed on the rear of building A shall not extend more than ten feet from the building. For buildings B and C decks on the rear of these buildings shall not be allowed although slabs or patios at ground level are permitted. Decks for buildings D, E and F are permitted on the rear of the buildings subject to any applicable city or State of Michigan regulations regarding construction in the 100-year floodplain.
- (m) For all uses and development regulations not specified in this section, the applicable requirements of the A-1 zone as contained in the City of Hastings Zoning Ordinance shall apply.

(Ord. No. 408, § 5, 10-23-06)

Sec 90-730.12 Findings

The city council hereby determines that the final site plan and PUD zone for the Riverwalk project complies with the provisions of the Hastings Zoning Ordinance and promotes its intent and purposes. The council also finds that granting the PUD rezoning will result in a recognizable and substantial benefit to the users of the project and to the community and that the proposed type and density of use shall not result in a material increase in the need for public services, facilities and utilities, and shall not place a

material burden upon the subject or surrounding land or property owners and occupants or the natural environment.

The council further finds that based on the design of the PUD, the proposed use is appropriate for the proposed location and is not likely to lead to a significant change in the uses master planned in the area adjacent to the Riverwalk PUD. Also the proposed development will not have a significant negative impact on the surrounding area and that there is a single person responsible for completing the project in conformity with this article.

(Ord. No. 408, § 6, 10-23-06)

[ARTICLE 90-VII-C ROYAL COACH PUD](#)

[Sec 90-730.13 Amendment Of Zoning Map](#)

[Sec 90-730.14 Development Plan](#)

[Sec 90-730.15 Permitted Uses](#)

[Sec 90-730.16 District Regulations](#)

[Sec 90-730.17 Development Requirements](#)

[Sec 90-730.18 Findings](#)

Sec 90-730.13 Amendment Of Zoning Map

The zoning ordinance of the City of Hastings is hereby amended by rezoning the following described lands from the D-1, Industrial District to the PUD, Planned Unit Development District, in accordance with the final development plan of the Royal Coach Planned Unit Development, subject to all of the terms and conditions of this division:

DESCRIPTION

ALL OF LOTS 322 THRU 328, LOTS 336 THRU 348, PART OF LOTS 329 AND 335, ALL OF THE BLANK LOTS LYING WEST OF LOT 348, SOUTH OF APPLE STREET AND NORTHERLY OF THE THORNAPPLE RIVER, AND PART OF VACATED HANOVER, EAST AND APPLE STREETS, ALL IN THE ORIGINAL PLAT OF THE VILLAGE (NOW CITY) OF HASTINGS, BARRY COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 POST OF SECTION 17, TOWN 3 NORTH, RANGE 8 WEST, HASTINGS TOWNSHIP, BARRY COUNTY, MICHIGAN; THENCE S00°15'25"W 1121.72 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 17 TO THE SOUTH LINE OF PLATTED MILL STREET (SAID POINT LYING 1.39 FEET EAST OF AN IRON PIPE); THENCE S00°15'25"W, 499.60 FEET ALONG SAID 1/4 LINE TO AN INTERMEDIATE TRAVERSE LINE OF THE NORTH BANK OF THE THORNAPPLE RIVER; THENCE S70°55'22"W, 268.20 FEET ALONG SAID INTERMEDIATE TRAVERSE LINE; THENCE N72°46'49"W, 215 .56 FEET ALONG SAID INTERMEDIATE TRAVERSE LINE; THENCE N50°12'27"W, 358 .27 FEET TO THE END OF SAID INTERMEDIATE TRAVERSE LINE; THENCE N34 °44'13"E, 360 .42 FEET TO SAID SOUTH LINE OF MILL STREET; THENCE S89°46'48"E, 531.53 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. INCLUDING ALL LAND LYING BETWEEN SAID INTERMEDIATE TRAVERSE LINE AND THE WATERS OF THE THORNAPPLE RIVER AS LIMITED BY THE SOUTHERLY EXTENSION OF THE SIDELINES . CONTAINING 7.71 ACRES OF LAND, MORE OR LESS, TO SAID INTERMEDIATE TRAVERSE LINE, PLUS AN UNDETERMINED AND VARIABLE AREA BETWEEN SAID TRAVERSE LINE AND THE WATERS OF THE THORNAPPLE RIVER.

General Location: 400 E Mill St. This parcel contains 8.21 acres.

HISTORY

Adopted by Ord. [579](#) on 9/27/2019

Sec 90-730.14 Development Plan

The rezoning of the above-described lands to the planned unit development district, in accordance with the final PUD plan of the Royal Coach Planned Unit Development ("the development") is subject to all of the following terms and conditions:

The Royal Coach Planned Unit Development shall comply in all respects with the final PUD plan of the development. The final development plan has a last revision date of August 16, 2019, as prepared by General Capital Group and also includes the application for planned unit development rezoning, the PUD narrative, architectural elevation drawings of the proposed buildings and other materials submitted with the application, except to the extent that any such materials may be inconsistent with this division. The August 16, 2019, plan shall be revised in accordance with the approval of the Hastings Planning Commission on September 3, 2019.

In the case of conflicts or discrepancies between any part of the final development plan and the terms of this division, this division shall control.

HISTORY

Adopted by Ord. [579](#) on 9/27/2019

Sec 90-730.15 Permitted Uses

Only the principal and accessory uses noted below shall be allowed in the Royal Coach PUD District:

- (a) Forty-Five (45) one-bedroom units within existing building.
- (b) Nine (9) two-bedroom units within existing building.
- (c) Nineteen (19) three-bedroom units in new townhouse buildings.

HISTORY

Adopted by Ord. [579](#) on 9/27/2019

Sec 90-730.16 District Regulations

The district regulations for the Royal Coach PUD will be the same as A-1 (Sec. 90-394) with the following departures:

- (a) Building setback for multi-family buildings with more than four dwelling units is a minimum of 17 feet.
- (b) The unit density is 18 units per acre of development area.

HISTORY

Adopted by Ord. [579](#) on 9/27/2019

Sec 90-730.17 Development Requirements

- (a) *Street and access.*
 - (1) Ingress and egress shall be by way of a driveway from Mill Street to the north.
 - (2) Pedestrian access will also be by the existing trestle bridge over the Thronapple River.
- (b) *Utilities.* The uses shall be served by public water and sanitary sewer as approved by the director of public services for the City of Hastings.
- (c) *Surface water drainage.* Stormwater runoff will be discharged from two locations on the site. The majority of the site will be routed to a basin that will store a volume equal to one-half of an inch of rain over the pavement areas within the contributing area. A second discharge point will be

located south of the extended parking area and will feature a storm water quality unit that will provide treatment for the parking area.

- (d) *Open space.* Development will provide approximately 2.22 acres of open space on the site.
- (e) *Preservation of natural area.* Restoration of area on the south of the project near the Thornapple River. Area was previously paved, returning to open space. Will retain much of the existing vegetation on the east side of property.
- (f) *Landscaping.* Landscaping shall be provided as illustrated on the approved landscaping plan. Existing trees and vegetation shall be preserved wherever practical.
- (g) *Lighting.* Any exterior lights shall have a cut-off type fixture except that street lights shall comply with the City of Hastings standards. The applicant shall provide a separate lighting plan as may be required by the director of public services.
- (h) *Signs.* Signs for the Royal Coach PUD shall comply with all regulations of article XI of the Hastings Zoning Ordinance as are applicable to the use.
- (i) *Uses and development regulations not specified.* For all uses and development regulations not specified in this division, the requirements of the multifamily buildings shall use the requirements of the A-1 zone.

HISTORY

Adopted by Ord. [579](#) on 9/27/2019

Sec 90-730.18 Findings

The city council hereby determines that the final site plan and PUD zone for the Royal Coach Apartments project complies with the provisions of the Hastings Zoning Ordinance and promotes its intent and purposes. The council also finds that granting the PUD rezoning will result in a recognizable and substantial benefit to the users of the project and to the community and that the proposed type and density of use shall not result in a material increase in the need for public services, facilities and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.

The council further finds that based on the design of the PUD, the proposed use is appropriate for the proposed location and is not likely to lead to a significant change in the uses master planned in the area adjacent to the Royal Coach PUD. Also, the proposed development will not have a significant negative impact on the surrounding area and that there is a single person responsible for completing the project in conformity with this article.

HISTORY

Adopted by Ord. [579](#) on 9/27/2019

ARTICLE 90-VIII SITE CONDOMINIUM PROJECTS

[Sec 90-731 Definitions](#)

[Sec 90-732 Purpose And Scope](#)

[Sec 90-733 Administration](#)

[Sec 90-734 Schedule Of Fees](#)

[Sec 90-735 Review Of Preliminary Plans By The Planning Commission](#)

[Sec 90-736 Review And Approval Of Final Plans By Council](#)

[Sec 90-737 Construction In Compliance With Approved Final Site Condominium Project Plan](#)

[Sec 90-738 Review And Approval Of Changes To Approved Site Condominium Project](#)

[Sec 90-739 Incorporation Of Approved Provisions In The Master Deed](#)

[Sec 90-740 Approval Effective For One Year](#)

[Sec 90-741 Variances](#)

State Law reference - Condominium Act, MCL 559.101 et seq.

Sec 90-731 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building envelope means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium within which the dwelling and any accessory structures may be built.

Condominium Act means Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.).

Condominium project means a condominium project developed under the Condominium Act.

Condominium structure means the principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g. in a residential development, the condominium structure would refer to the house and any attached garage.

Condominium unit means a condominium unit established in compliance with the Condominium Act, which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

Exempt change means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this article. Exempt changes shall be limited to the following:

- (a) A change in the name of the project, in the name of a street within the project, or in the name of the developer of the project;
- (b) A change in the voting rights of co-owners or mortgages; or
- (c) Any other change in the site condominium project which, as determined by the planning commission, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a project which is subject to regulation under this chapter.

Limited common element means an area appurtenant to a site condominium unit and reserved in the master deed for the site condominium project for the exclusive use of the owner of the site condominium unit.

Lot means the same as building site and is that portion of a condominium project designed and intended for separate ownership and/or exclusive use, as described in the master deed. "Lot" may be further defined as:

- (a) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as required by this article; or
- (b) The contiguous limited common element under and surrounding a condominium unit that is or

shall be assigned to the owner of the condominium unit for the owner's exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots as required by this article.

Major change means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that could result in:

- (a) An increase of 20 percent or more in the number of site condominium units;
- (b) Any other change in the site configuration, design, layout, topography, or other aspect of the project subject to regulation under this chapter, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the planning commission to constitute a major change to the site condominium project.

Master deed means the legal document prepared and recorded pursuant to the Condominium Act to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Minor change means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that will result in:

- (a) An increase of less than 20 percent in the number of site condominium units or a decrease in the number of site condominium units; and
- (b) Any other minor variation in the site configuration, design, layout, topography or other aspect of the project subject to regulation under this chapter, and which, as determined by the planning commission, does not constitute a major change.

Setback, front, side and rear yard, means the distance measured from the respective front, side, and rear of the condominium structure/building envelope to the equivalent of the front, side and rear lot line respectively.

Site condominium project means a plan or project consisting of not less than two site condominium units established in compliance with the Condominium Act.

Site condominium project plan means the plans, drawings and information prepared for a site condominium project as required by section 66 of the Condominium Act (MCL 559.166, MSA 26.50(166)) and as required by this article for review of the project by the planning commission and the council.

(Ord. No. 301, § 10(3.264), 2-10-97)

Cross reference - Definitions generally, § 1-2.

Sec 90-732 Purpose And Scope

- (a) The purpose of this article is to provide procedures for the orderly use and development of property that results in the creation of five or more lots, each of which is ten acres or less in size and is not otherwise regulated by article II of chapter 46 of this Code and the Subdivision Control Act of 1967, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.). This article ensures that a site condominium development shall be reviewed with the objective and intent of achieving many of the same characteristics and land use results as if the proposed development and improvements were being reviewed under article

II of chapter 46 of this Code. This article identifies minimum standards for the development of property as site condominiums in the city, and sets forth procedures to be followed by the city in applying these rules, regulations and standards.

(b) In addition, the purpose of this article is to:

- (1) Provide for orderly growth and harmonious development of the city consistent with orderly growth policies;
- (2) Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities;
- (3) Achieve adequate provisions for water, drainage and sanitary facilities, and other health requirements;
- (4) Encourage the provision of recreational areas and facilities, school sites and other public facilities;
- (5) Ensure against the creation of unsafe or undesirable conditions;
- (6) Regulate the density of development in relation to the availability of, or lack of, utility service;
- (7) Conserve natural features;
- (8) Carry out the purpose and intent of the city's master plan and this chapter; and
- (9) Provide procedures for the achievement of these purposes.

(c) Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit.

(d) Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a lot for purposes of determining compliance with the requirement of this chapter and other applicable laws, ordinances and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project.

(Ord. No. 301, § 10(3.261), 2-10-97)

Sec 90-733 Administration

To ensure that site condominium projects comply with this chapter, this article requires preliminary review of site condominium project plans by the planning commission followed by final review and approval by the council, as provided by the Condominium Act. Site condominium projects may be approved as provided by this article in any zoning district for the uses permitted in the zoning district in which the project is located.

(Ord. No. 301, § 10(3.262), 2-10-97)

Sec 90-734 Schedule Of Fees

The schedule of fees for the review of projects under this article shall be as required by council resolution.

(Ord. No. 301, § 10(3.263), 2-10-97)

Sec 90-735 Review Of Preliminary Plans By The Planning Commission

- (a) *Required.* Prior to final review and approval of a site condominium project plan by the council, a preliminary site condominium project plan shall be reviewed by the planning commission in accordance with the procedures, standards and requirements provided by this article.
- (b) *Application submittal requirements.* An application for preliminary site plan review along with 14 sets of the plan shall be submitted to the city clerk/treasurer at least two weeks prior to the next scheduled planning commission meeting along with a fee as set by the council. The application shall at a minimum, contain the following information:
- (1) The applicant's name, address and phone number.
 - (2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property such as a purchase agreement.
 - (3) The name, address and phone number of the owner of record if different than the applicant.
 - (4) The address of the property.
 - (5) Legal description or permanent parcel number of the property.
 - (6) Project description.
 - (7) Size of the parcel in acres.
 - (8) Signature of the applicant and owner of the property.
- (c) *Technical review.* The city clerk/treasurer shall transmit the application and project plans to the city manager for technical review. Copies may also be sent to the city planner, fire chief and police chief as deemed necessary. The site plan shall be reviewed for compliance with the requirements of this article and a report prepared for the planning commission.
- (d) *Requirements for preliminary plans.* The preliminary plan shall at a minimum contain those items required by section 46-142. In addition, the following requirements and standards shall apply:
- (1) A condominium project plan shall include the documents and information required by section 66 of the Condominium Act (MCL 559.166, MSA 26.50(166)), including the signature and seal of the architect, land surveyor or engineer that prepares the plan.
 - (2) A statement describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities, and a statement from the district health department indicating the suitability of the land for the operation of septic tanks, if proposed, shall be included.
 - (3) All private streets in a site condominium shall comply with the standards for city public street construction.
 - (4) The location of any and all general and limited common elements, as well as the use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed, shall be included.
 - (5) A storm drainage and a stormwater management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the city for installation, repair and maintenance of all drainage facilities, shall be included.
 - (6) In its review of a site condominium project plan, the planning commission may consult with the city manager, city planner, or other appropriate persons regarding the adequacy

of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project.

- (7) The planning commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the district health department, county road commission, county drain commission, state department of natural resources, state department of public health, and other appropriate state and county review and enforcement agencies having direct approval of permitting authority over any aspect of the proposed site condominium project.
- (8) The building site for each site condominium unit shall comply with all applicable provisions of this article for the zoning district in which it will be located, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side or rear yards shall be determined by measuring the distance from the equivalent front, side or rear yard boundaries of the building site closest respective front, side or rear boundary of the building envelope. Building setback lines showing dimensions from all streets and lot lines shall be illustrated on the project plan.
- (9) If a site condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for platted public streets as required by the city.
- (10) The site condominium project shall be connected to the city water and sanitary sewer facilities, if the location of the existing lines are within 200 feet of the property proposed for the site condominium. If public water and sanitary sewer facilities are not available, each condominium unit shall either be served by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank and drainfield located within the condominium unit's building site. Water and sanitary sewer facilities shall be installed according to the standards of the district department of health and the city.
- (11) The name of abutting developments, if any, shall be included.
- (12) A map of the entire area scheduled for development if the proposed project is a portion of a larger holding intended for subsequent development shall be included.
- (13) The land use and existing zoning of the proposed project shall be included. Zoning and land use on adjacent parcels should also be illustrated.
- (14) A table listing the proposed lots by number, and the respective lot area for each lot shall be included.
- (15) Additional information that will assist the applicant in proceeding in a reasonable and sound manner toward final approval of the project shall be included.

(e) *Planning commission review.*

- (1) After reviewing the preliminary site condominium project plan, the planning commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The planning commission shall provide a copy of its written recommendations to the applicant and to the council.
- (2) If the preliminary project plan does not meet all requirements contained in this section, the planning commission shall notify the applicant by letter indicating any additional information or changes required.

(Ord. No. 301, § 10(3.265), 2-10-97)

Sec 90-736 Review And Approval Of Final Plans By Council

- (a) After receiving the planning commission's recommendations on the preliminary plan, the applicant shall submit to the city clerk/treasurer 14 copies of a final site condominium development plan that complies with the requirements for a preliminary site condominium project plan. The applicant shall also submit copies of reviews by those agencies with jurisdiction over the project as noted in section 90-735(d)(7). The city clerk/treasurer shall forward the copies of the final plan and other information to the council.
- (b) The final site condominium project plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the planning commission based on its prior review of the preliminary plan. If any of the planning commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the planning commission, the final plan shall otherwise be identical to the preliminary plan reviewed by the planning commission. Changes made to the plan other than those necessary to incorporate the recommendations of the planning commission shall be reviewed by the planning commission as provided by this article prior to approval of the plan by the council.
- (c) After receiving the planning commission's recommendations on the preliminary plan and a final site condominium development plan from the applicant, the council shall review and may approve, deny or approve with conditions the plan in accordance with the standards and requirements of sections 46-33, 46-35, 46-36, 46-38, 46-40, 46-191 through 46-195 and 46-217 through 46-223 and other applicable procedures, standards and requirements provided by this article.
- (d) The council may grant tentative approval of the project and shall set forth in writing the requirements that must be met for approval.
- (e) The council shall not review, approve or reject a final project plan until it has received a report and recommendation from the planning commission on the preliminary project plan.
- (f) As a condition of approval of a final site condominium project plan:
 - (1) The council may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the board covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the city clerk/treasurer as provided by section 46-36.
 - (2) The council may impose additional reasonable conditions of approval necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility load caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- (g) Approval of a final site condominium project plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the council in compliance with the procedures, standards and requirements of this article.

(Ord. No. 301, § 10(3.266), 2-10-97)

Sec 90-737 Construction In Compliance With Approved Final Site Condominium Project Plan

- (a) No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium project plan as approved by the council, including any conditions of approval.
- (b) Required permits may be issued by the building inspector, and the developer may proceed with the project provided:
 - (1) A final site condominium project plan has been approved by the council and the approved plan signed by the city clerk/treasurer and mayor;
 - (2) All conditions to commencement of construction imposed by the council have been met; and
 - (3) All applicable inspections, approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.

(Ord. No. 301, § 10(3.267), 2-10-97)

Sec 90-738 Review And Approval Of Changes To Approved Site Condominium Project

Any change proposed in connection with a project for which a final site condominium project plan has previously been approved by the council shall be subject to review as provided by this section:

- (a) Any change that constitutes a major change shall be reviewed by the planning commission and reviewed and approved by the council as provided by this article for the original review and approval of preliminary and final plans.
- (b) Any change that constitutes a minor change shall be reviewed and approved by the planning commission alone without the need for a council review.
- (c) Any change that constitutes an exempt change shall not be subject to review by the city under this article, but a copy of changes proposed (and of the changes made if different than proposed) shall be filed with the city clerk/treasurer.

(Ord. No. 301, § 10(3.268), 2-10-97)

Sec 90-739 Incorporation Of Approved Provisions In The Master Deed

All provisions of a final site condominium project plan that are approved by the council as provided by this article shall be incorporated by reference in the master deed for the site condominium project. Further, all major changes to a project shall be incorporated by reference in the master deed. A copy of the master deed as recorded with the county register of deeds shall be provided to the city clerk/treasurer within ten days after recording the plan with the county.

(Ord. No. 301, § 10(3.269), 2-10-97)

Sec 90-740 Approval Effective For One Year

No approval of a final site condominium project plan by the council shall be effective for a period of more than one year unless construction of the project commences within that one-year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. This one-year period may be extended by the council in its discretion for additional periods of time as determined appropriate by the council if the extension is applied for by the applicant within the effective period of the approval.

(Ord. No. 301, § 10(3.269A), 2-10-97)

Sec 90-741 Variances

A variance from the provisions of this article may be granted if the applicant demonstrates that literal enforcement of any of the provisions of this article is impractical, or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land. Upon application, the council, after recommendation by the planning commission, may permit a variance or variances that are reasonable and within the general policies and purposes of this article. The planning commission and council may attach conditions to the variance. Variances from regulations not contained but required by this article such as lot width or lot size shall be reviewed by the zoning board of appeals as required by this chapter.

(Ord. No. 301, § 10(3.269B), 2-10-97)

ARTICLE 90-IX SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 90-IX-1 GENERALLY

DIVISION 90-IX-2 AREA REQUIREMENTS AND LIMITATIONS

DIVISION 90-IX-3 ACCESSORY BUILDINGS AND USES

DIVISION 90-IX-4 FENCES, WALLS AND SCREENS

DIVISION 90-IX-5 RESIDENTIAL DISTRICTS

DIVISION 90-IX-6 OPEN SPACE PRESERVATION PROJECTS

DIVISION 90-IX-7 WIND ENERGY SYSTEM (WES)

DIVISION 90-IX-1 GENERALLY

Sec 90-771 Restoring Unsafe Buildings

Sec 90-772 Essential Public Service Equipment

Sec 90-773 Principal Use Per Lot

Sec 90-774 Minimum Requirements For Dwellings Outside Mobile Home Parks

Sec 90-775 Home Occupations

Sec 90-776 Recreational Vehicles

Sec 90-777 Height Exceptions

Sec 90-778 Wood Boilers Prohibited

Sec 90-779 Prohibition Of Medical Marijuana Dispensaries

Sec 90-780 Marihuana Establishments

Sec 90-771 Restoring Unsafe Buildings

Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building inspector.

(Code 1970, § 3.31)

Sec 90-772 Essential Public Service Equipment

The erection, construction, alteration or maintenance of essential public service equipment shall be permitted in any zoning district. All such uses, except buildings and structures outside the street right-of-way, shall be exempted from the regulations of this chapter.

(Code 1970, § 3.35; Ord. No. 301, § 3(3.35), 2-10-97)

Sec 90-773 Principal Use Per Lot

A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building except for groups of apartment, retail, office or industrial buildings used together as a single

principal use or as may otherwise be permitted by this chapter.

(Ord. No. 301, § 3(3.47), 2-10-97)

Sec 90-774 Minimum Requirements For Dwellings Outside Mobile Home Parks

All dwelling units located outside of mobile home parks shall comply with the following requirements:

- (a) Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this chapter, shall be submitted to the building inspector. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in this section.
- (b) All dwelling units shall provide a minimum height between the floor and ceiling of 7½ feet; or if a mobile home, it shall meet the requirements of the United States Department of Housing and Urban Development regulations, relating to mobile home construction and safety standards, effective June 15, 1976, as amended.
- (c) There shall be a minimum width throughout the entire length of the dwelling unit of 24 feet measured between the exterior part of the walls having the greatest length.
- (d) Dwelling units shall have a minimum roof pitch of four inches to one foot.
- (e) All dwellings shall be firmly attached to a permanent foundation having the same perimeter dimensions as the dwelling unit and meets the City's building code requirements.
- (f) All dwellings shall be firmly attached to the foundation so as to be watertight as required by the building code or, if a mobile home, shall be in compliance with the United States Department of Housing and Urban Development regulations relating to mobile home construction and safety standards, and installed to meet the manufacturer's specifications for pillar placement and load capacity.
- (g) The wheels, pulling mechanism, and tongue of any mobile home shall be removed prior to placement on a foundation.
- (h) All dwellings shall be connected to a sewer system and water supply system in accordance with applicable city ordinances.
- (i) For all dwelling units where there exists an elevation differential of more than one foot between any door and the adjacent grade, steps, a porch or deck shall be provided as follows:
 - (1) The steps, porch or deck shall be permanently attached to the dwelling unit; or
 - (2) The steps, porch or deck shall be permanently installed in the ground and shall abut the dwelling unit so that they appear to be permanently attached to the dwelling unit.
- (j) All dwellings shall provide a minimum of two points of ingress and egress.
- (k) All additions to dwellings shall meet all the requirements of this article.
- (l) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or roof drainage systems, concentrating roof drainage at collection points along sides of the dwellings. The compatibility of design and appearance shall be determined in the first instance by the building inspector upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the zoning board of appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located outside of mobile home parks within 300 feet of the

subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- (m) A private garage, either attached or detached, shall be constructed in conjunction with any dwelling unit except apartment buildings built after the effective date of the ordinance from which this section was derived in order that such dwellings will compare favorably with existing dwellings in the city. Further, all dwelling units constructed after the effective date of this section shall install a driveway paved with asphalt or concrete, which shall connect the garage with the public street abutting the site.

(Code 1970, § 3.49A; Ord. No. 362, § 1, 11-25-02)

HISTORY

Amended by Ord. [580](#) on 11/29/2019

Sec 90-775 Home Occupations

Home occupations are permitted in any zone. A home occupation is any use that:

- (a) Is conducted entirely within a principal residential building without being visible or evident in any way from the street or from any neighboring premises.
- (b) Does not change the character of the building in which it is conducted and does not constitute, create or increase a nuisance.
- (c) Is carried on only by the inhabitants of the building in which conducted plus not more than one person who is not such an inhabitant.
- (d) Employs only mechanical equipment similar in power and type usual and permissible for household purposes and hobbies and does not affect the insurance rates on premises other than where employed.
- (e) Displays no sign not permitted in the zone where conducted and specifically displays no signs that relate to such occupation.
- (f) Provides off-street parking as required by section 90-916 et seq.
- (g) Devotes not more than 50 percent of the floor area of one story of the building to such home occupation, and does not involve keeping a stock in trade or the sale of commodities on the premises.
- (h) Conforms to all district requirements.

(Code 1970, § 3.154; Ord. No. 301, § 3, 2-10-97)

Sec 90-776 Recreational Vehicles

- (a) Any owner or lessee of a recreational vehicle may park or store such vehicle in any zoning district, subject to the following:
- (1) Such recreational vehicle shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area.
 - (2) If such recreational vehicle is equipped with liquefied gas containers, such containers shall meet the standards of the Interstate Commerce Commission, the Federal Department of Transportation, or the American Society of Mechanical Engineers.
 - (3) At no time shall such parked recreational vehicle be occupied or used for living, sleeping,

or housekeeping purposes except as provided in subsection (4) of this section.

- (4) In any residential district it shall be lawful for only nonpaying guests at a residence to occupy one recreational vehicle, parked subject to the provisions of this section, for sleeping purposes only for a period not exceeding 72 consecutive hours. The total number of days during which recreational vehicles may be occupied under this subsection shall not exceed 14 in any calendar year on the premises of a dwelling unit.
- (5) A recreational vehicle may be parked in the following manner:
- a. Inside any enclosed structure.
 - b. Outside in the side yard or in the rear yard, but under no circumstances shall the recreational vehicle be located closer than two feet to any side or rear lot line.
 - c. Parking of recreational vehicles is permitted in front driveway or an area adjacent to the driveway provided all of the following conditions are met:
 1. Space is not available in the side yard, or there is no reasonable access to either the side or rear yard (a lot shall be deemed to have reasonable access to the rear yard if terrain permits and access can be had without substantial damage to existing large trees or landscaping; a corner lot shall normally be deemed to have reasonable access to the rear yard);
 2. Inside parking is not possible;
 3. The recreational vehicle may not extend over the public sidewalk or publicly owned right-of-way; and
 4. The unit is parked perpendicular to the front curb.

(b) Notwithstanding the provisions of subsection (a), a unit may be parked anywhere on the premises during active loading or unloading for a time period not to exceed 24 hours. Use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

(Code 1970, § 3.157; Ord. No. 301, § 3, 2-10-97)

Sec 90-777 Height Exceptions

- (a) The height requirements of all zones may be exceeded by the following exceptions: parapet walls not over four feet in height, chimneys, silos and farm barns, roof-mounted television and radio antennas, monuments, cupolas, domes, spires or other ornamental projections, additions to existing buildings up to the existing height of the building, or public water towers.
- (b) In the industrial zones, stack chimneys, cooling and fire towers, elevator buildings and bulkheads, storage tanks and other necessary appurtenances are permitted provided they are located the same distance as their height from any adjoining property line.
- (c) In the B1, B2, B3, and D2 zoning districts, buildings may be allowed to exceed the height limitations of these zoning districts if permitted as a special land use by the planning commission in accordance with the procedures and standards of article XIII and section 90-1091.

(Code 1970, § 3.44; Ord. No. 471, § I, 2-27-12)

Sec 90-778 Wood Boilers Prohibited

Outdoor boilers are prohibited in all zoning districts. For purposes of this section an outdoor boiler is considered to be an accessory structure consisting of an above ground metal chamber or furnace in which wood is burned to heat water which is piped underground to provide heat for a house or building on the same property.

(Ord. No. 370, § 1, 7-28-03)

Sec 90-779 Prohibition Of Medical Marijuana Dispensaries

A medical marijuana dispensary as defined herein shall not be commenced, conducted, operated, or utilized in any zoning district or on or from any property within the City of Hastings.

(Ord. No. 460, § II, 10-26-10)

Sec 90-780 Marihuana Establishments

- (a) *Prohibition.* Pursuant to Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act, the City of Hastings hereby prohibits the establishment or operation of any and all categories of marihuana establishments within its boundaries.
- (b) *Expiration.* Unless the City of Hastings acts to reverse the prohibitions enacted herein, this Section and the prohibitions contained herein shall remain in full force and effect.

HISTORY

Adopted by Ord. [570](#) on 4/12/2019

Amended by Ord. [590](#) on 5/15/2020

DIVISION 90-IX-2 AREA REQUIREMENTS AND LIMITATIONS

[Sec 90-801 Required Area Of Space](#)

[Sec 90-802 Traffic Visibility](#)

[Sec 90-803 Minimum Public And Private Road Lot Frontage Requirements](#)

[Sec 90-804 Corner Lots](#)

[Sec 90-805 Permitted Yard Encroachments](#)

[Sec 90-806 Measurement Of Building Setback](#)

[Sec 90-807 Basis Of Determining Front Yard](#)

[Sec 90-808 Front Yard Averaging](#)

[Sec 90-809 Model Homes](#)

[Sec 90-810 Regulations For Public School Projects](#)

Sec 90-801 Required Area Of Space

No lot in single ownership, and no yard, court, parking area or other space shall be so divided, altered or reduced to make the area or dimension less than the minimum required under this chapter. If already less than the minimum required under this chapter, the area or dimension shall not be further divided or reduced.

(Code 1970, § 3.33)

Sec 90-802 Traffic Visibility

In any zone other than the central business district on any corner lot, no fence, structure or planting over 36 inches in height above the curblin except deciduous trees shall be erected or maintained within 20 feet of the intersecting right-of-way line so as to interfere with traffic visibility across the corner. No structure or planting deemed a traffic hazard by the chief of police shall be permitted in any zone.

(Code 1970, § 3.34; Ord. No. 301, § 3(3.34), 2-10-97)

Sec 90-803 Minimum Public And Private Road Lot Frontage Requirements

A building, dwelling unit or structure shall be erected only on a lot or parcel which abuts or has frontage on a public street in accordance with the lot width requirements for the zoning district in which it is located except that private roads may be allowed within a site condominium development.

(Code 1970, § 3.36; Ord. No. 301, § 3(3.36), 2-10-97)

Sec 90-804 Corner Lots

The following regulations shall apply to corner lots in all zoning districts:

- (a) A corner lot bounded by two intersecting streets shall have two front yards, a rear yard and a side yard. The owner, builder or other person with a legal interest in the property may, after consulting with the zoning administrator, designate which is the rear yard and which is the side yard.
- (b) For a corner lot bounded by three intersecting streets, the lot shall have three front yards, and the remaining yard shall be a rear yard.
- (c) The minimum front yard requirements for a corner lot shall conform to the requirements of the zoning district in which the lot is located.
- (d) A principal or accessory building on a corner lot to be located within 25 feet of the side lot line of an adjoining lot shall adhere to the front yard requirement for that adjoining lot.
- (e) A detached or attached garage serving a principal building on a corner lot shall be set back a minimum of 25 feet from each front lot line to allow adequate off-street parking space and to reduce the likelihood of vehicles parking over sidewalk.

(Code 1970, § 3.40; Ord. No. 301, § 3(3.40), 2-10-97)

Sec 90-805 Permitted Yard Encroachments

The following yard encroachments shall be permitted under the provisions of this chapter:

- (a) Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project no more than two feet into required front, side and rear yards.
- (b) An unenclosed porch, deck or awning may project into the required rear yard area for a distance not to exceed four feet and into the average front yard for a distance not to exceed four feet; but in no case shall the unenclosed porch, deck or awning be closer than 20 feet from the front lot line. The average front yard shall be determined as set forth in section 90-808. An unenclosed porch, deck or awning shall not be placed in any required side yard.
- (c) The minimum setback and yard requirements for structures, attachments, and permitted encroachments for the zone in which they are located shall apply to access ramps to be used by individuals with physical disabilities (hereinafter referred to as "access ramps") whenever possible. If, in the opinion of the zoning administrator, the required setbacks prevent the access ramp from being constructed so that it can be reasonably used, the zoning administrator shall have the discretion to allow reductions in the setback requirements so that the access ramp can be constructed in a manner to allow it to be usable. In no case shall the access ramp be closer than five feet from the front yard lot lines and three feet from the side and rear lot lines. The zoning administrator will allow only the minimum deviations from the minimum setback requirements necessary to reasonably permit construction of the access ramp and to ensure the safety of the public, and shall issue a permit documenting his/her findings related to the need for and extent of any reduction(s) in the required setback(s). Access ramps shall comply with all city

building code requirements as well as all applicable state and federal regulations applying to such access ramps.

(Code 1970, § 3.49B; Ord. No. 484, § II, 6-11-12)

Sec 90-806 Measurement Of Building Setback

The building setback shall be determined by measuring the distance between a lot line and the nearest wall of an existing or proposed building excluding steps, unenclosed porches, and decks.

(Code 1970, § 3.49C)

Sec 90-807 Basis Of Determining Front Yard

In all zoning districts, the required front yard shall be measured from the lot line that abuts an existing, proposed or future right-of-way line as specified by the state department of transportation or the city's master plan, whichever is more restrictive. The required front yard shall be the distance required for the zoning district in which the building or structure is to be located.

(Ord. No. 301, § 3(3.49D), 2-10-97)

Sec 90-808 Front Yard Averaging

Where the front yard for existing buildings is less than the minimum required front yard of this chapter, the minimum front yard for a proposed building shall be the average of the front yards for those existing buildings on the same block and on the same side of the street. There shall be at least two existing buildings on the same block in order to establish an average front yard, otherwise the required minimum yard for the zoning district shall apply. In no case shall the front yard be less than 20 feet.

(Ord. No. 301, § 3(3.49E), 2-10-97)

Sec 90-809 Model Homes

A model home shall be permitted in all residential zoning districts as regulated by this section.

- (a) A model home means and shall be limited to a dwelling used as a place to show prospective customers the type of dwelling which could be built in the plat or other land development in which the model home is located. A model home may be used for discussing the purchase and sale of dwellings or lots, as a place for meeting and greeting customers for houses or lots and as a place for signing papers in connection with the purchase and sale of dwellings or lots.
- (b) A model home shall not be used as a principal business address for a general real estate office or other kind of office. Transactions occurring in the model home shall include only those which pertain to the dwellings or lands within the plat or land development area in which the model home is located.
- (c) A model home may be operated at different locations within the plat or land development area but only one model home may be permitted at any time.
- (d) A model home shall have a paved or asphalt driveway and a lawn installed prior to its use and shall also provide a location for a future garage door for vehicles. The architecture and appearance of model homes shall otherwise be substantially similar to other dwellings in the immediate vicinity.
- (e) A model unit shall be permitted to display one sign denoting its use as a model unit. Such sign shall not be more than six square feet in area or more than four feet in height and shall be setback a minimum of ten feet from all lot lines. The sign shall be removed upon the conversion

of the model unit to a dwelling.

Pennants, streamers and banners for a model home in the RR, RS, R1, R2 and RD zoning districts are prohibited. All other signs are regulated by article 11 of the zoning ordinance.

- (f) The model home shall not be open earlier than 9:00 a.m. nor later than 8:00 p.m.
- (g) A model home shall at all times comply with the City of Hastings building code and other applicable city ordinances.
- (h) A dwelling shall be used as a model home for not more than two years from the date it is first commenced to be so used. Such date of commencement shall be deemed to be the date of issuance of a certificate of occupancy for the model home. A dwelling shall not be used as a model home until a certificate of occupancy, under the city building codes, shall have been issued.
An extension of up to two years may be granted by the planning commission provided the applicant or owner demonstrates a need for the continued use of the model home.

(Ord. No. 339, § I, 12-10-01)

Sec 90-810 Regulations For Public School Projects

According to Section 380.1263 of the Revised School Code for the State of Michigan, the enlargement of an existing public school building or facility and the construction of a new public school building or facility are not subject to the site plan review requirements, the district regulations, and supplementary district regulations of this zoning ordinance.

However, public school officials may voluntarily submit site plans for such projects to the planning commission for administrative review. The planning commission, in its review of the project, may provide comments on the site plan pertaining to the district regulations of the zoning district in which the project is located, the general standards for site plan review in section 90-131 of this ordinance, the impact of the project on vehicle and pedestrian safety, storm water management, and compatibility with nearby land uses, as well as the relationship of the project to other applicable city ordinances.

The comments of the planning commission are advisory only and are not binding on the proposed school project.

(Ord. No. 539, § 1, 12-27-16)

DIVISION 90-IX-3 ACCESSORY BUILDINGS AND USES

[Sec 90-831 Accessory Building](#)

[Sec 90-832 Basement Dwellings](#)

[Sec 90-833 Private Communication Antennas](#)

[Sec 90-834 Churches In Existing Buildings](#)

[Sec 90-835 Keeping Of Animals](#)

[Sec 90-836 Temporary Storage Enclosure](#)

Sec 90-831 Accessory Building

- (a) *General regulations.* The following regulations shall apply to accessory buildings in all zoning districts.
 - (1) An accessory building may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this section applicable to the permitted principal building.
 - (2) The distance between the detached accessory building and any principal building shall

not be less than ten feet. The distance between any detached accessory buildings on the same lot shall not be less than six feet.

- (3) An accessory building shall not be built upon any lot on which there is no principal building or structure.
- (4) No accessory building, nor any structure which exceeds a height of 36 inches, shall be erected in any required front yard.

(b) *Accessory building setbacks.*

- (1) *Front setback.* In all zones the minimum required front setback shall be the same as required for the principal building.

A detached accessory building may be located between the minimum required front setback and the principal building provided the accessory building is setback from the side lot line the same distance as required for the principal building.

- (2) *Side setback.* Except as required by subsection 90-831(d), the side setback in all zones shall be the same as the minimum required side setback for the principal building except for accessory buildings in residential zones which are 60 feet or more from all right-of-way lines then the minimum required setback shall be three feet from the side lot lines.
- (3) *Rear setback.* Except as required by section 90-831(d), the rear setback for accessory buildings shall be as follows:
 - a. In residential zones, the minimum required setback from the rear lot line shall be three feet.
 - b. In nonresidential zones the minimum required setback from the rear lot line shall be the same as required for the principal building.

(c) *Corner lots.*

- (1) For accessory buildings on a corner lot, the setback from the front lot line shall comply with section 90-804.
- (2) Where a corner lot adjoins in the rear of another corner lot, a detached accessory building may be erected three feet from such common rear lot line if all portions of such building are located within the furthest quarter of the lot from the street lines except as may be required by subsection 90-831(d).

(d) The following regulations shall apply to residential accessory buildings.

- (1) Residential detached accessory buildings shall comply with the following:

Zoning District	Max. Size of a Bldg.	Max. Total S.F. of All Bldgs	Max. Bldg. Peak	Minimum Setback
R2, R-D, R-M, A-1, A-O, A2, O	900 s.f.	1,100	14' w/10' sidewall	As per subsection 90-831(b)
R1 and R1-A	900 s.f.	1,100	16' w/10' sidewall	Front setback—Per subsection 90-831(b)(1)

				Side and rear—Min. of 10 ft. for buildings higher than 14 ft.
For lots in the R1, R1-A, and R-2 Zones which exceed both the minimum lot area and minimum lot width requirements of that zone.	10% of total lot area up to a maximum building size of 1200 s.f. R-2 zoned lots are still permitted to have a 900 s.f. building if the lot is equal to or less than 9,000 s.f.	1500 s.f.	No height limitation but the roof slope (pitch) of accessory buildings shall closely match, but not exceed, the roof slope of the principle structure.	Front setback—Per subsection 90-831(b)(1) except that the accessory building shall not be located between the minimum required front setback and the principal building. Side and rear—Min. of 10 ft. for buildings higher than 14 ft.
R-S, R-R	1200 s.f.	1500 s.f.	18' w/12' sidewall	Front setback—Per subsection 90-831(b)(1) Side and rear setback are a minimum of the height of the accessory building.

- (2) For buildings accessory to active farm operations, no maximum building size shall apply. Such accessory buildings shall comply with all required building setbacks.
- (3) A lot shall not contain more than two detached accessory buildings.
- (4) Carports and detached garages for multiple family and senior housing are exempt from the requirements of section 90-831(d)(1) and (3) except that the carport and detached garage must comply with the height and setback requirements of these sections.

(Code 1970, § 3.37; Ord. No. 301, § 3(3.37), 2-10-97; Ord. No. 320, § I, 7-26-99; Ord. No. 358, § II, 10-14-02; Ord. No. 508, § I, 1-27-14)

HISTORY

Amended by Ord. [593](#) on 11/27/2020

Sec 90-832 Basement Dwellings

The use of a basement or the basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones.

(Code 1970, § 3.42)

Sec 90-833 Private Communication Antennas

- (a) *Permitted.* In all zoning districts, the installation and/or use of private communication antennas as an accessory use is permitted provided the provisions of this section are satisfied.
- (b) *Intent.* It is the intent of this section to provide reasonable regulations for the mounting of private communication antennas. The objectives of these regulations are:

- (1) To promote safety and prevent dangers to persons and property resulting from accidents involving antenna facilities that become dislodged in whole or in part, and fall from building structural mountings due to wind load, snow load, and/or other factors and/or conditions that may reasonably be expected to impact upon such facilities when so mounted;
- (2) To promote the utilization of ground mounting for antennas where reasonably feasible;
- (3) In the interest of maintaining and promoting the aesthetic and architectural quality of property values, to minimize the visibility of antennas through the use of locational requirements;
- (4) To balance the city's authority and duty to regulate the placement and manner of antenna installation in relation to the right of the public to construct and use private antennas to receive and/or transmit signals without unreasonable restrictions;
- (5) To conditionally exclude from the operation of this section certain criteria of subsection (d) of this section based upon the following findings:
 - a. There is relatively small concern for wind and snow load issues;
 - b. There has been a long demonstrated safety record;
 - c. There has been an historical acceptance of such facilities from an architectural and aesthetic standpoint; and
 - d. The cost of compliance with the procedure for application and review would be great in relation to the cost of purchasing and installing such antennas.

(c) *Requirements.* Prior to the issuance of a permit for the erection of a private communication antenna in any zoning district, the following provisions must be satisfied:

- (1) The applicant shall submit a site plan, showing to scale the proposed location and the elevation of the antenna, building located on the site, roads, and natural features. In addition, the site plan shall also provide foundation and/or mounting detail as appropriate for the building inspector to determine safety and building code compliance.
- (2) No portion of an antenna shall display any advertising message or other graphic representation other than a manufacturer's logo or nameplate.
- (3) All antennas located shall be on the same lot or premises as the use for which it is necessary. No antennas are to be allowed on public property or in the public streets right-of-ways.
- (4) All antennas shall be of a color and texture so as to promote its visual blending into the adjacent background.

(d) *Location of antenna.*

(1) *Ground-mounted antennas.*

- a. No ground-mounted antenna shall be constructed in any front yard area but shall be constructed to side or rear of the principal structure.
- b. Ground mounted satellite dish antennas under one meter (39.37 inches) shall be allowed in the front yard, but shall be setback a minimum of 20 feet from the front yard property lines.
- c. No ground-mounted antenna shall be located closer than its height to a rear or side property line.

- d. All ground-mounted antennas not mounted on a principal or accessory building shall be permanently anchored to a foundation located on the ground.
- e. No ground-mounted satellite dish antenna shall exceed a height of 12 feet or a diameter of ten feet. Conventional noncommercial radio and television antennas and amateur radio antennas shall not exceed the building height limitation of the zoning district.

(2) *Roof-mounted and/or building-mounted antennas.*

- a. Antennas mounted on the roof or side of a building shall not exceed the height limitation for the district, and no satellite dish antenna shall extend higher than five feet above the ridge or peak of the building roof.
- b. An antenna mounted on the roof or side roof of a building shall be located on that portion of the building located adjacent to the rear of the property unless it is demonstrated that an alternative location is as safe or safer and the visibility of the antenna from the adjacent properties and by pedestrian or vehicular passersby is reduced or equal in comparison to a rear yard orientation/location. Satellite dishes under one meter (39.37 inches) shall be exempt from this regulation.

(3) *Maintenance.* All antennas shall be well maintained, securely attached to a structure and shall not be allowed to become unsightly in appearance.

(e) *True hardship or practical difficulty.* In regulating satellite dishes under one meter (39.37 inches) if a true hardship or practical difficulty exists on a particular lot or parcel of land such that compliance with the provisions of this ordinance is impossible because satellite sight lines are blocked, then a waiver may be granted by the zoning administrator to the extent necessary to permit reasonable reception, after consideration of the following factors and standards:

- (1) A showing of true hardship or particular difficulty;
- (2) The safety of the property owner and the surrounding property owners;
- (3) The waiver shall be the minimum necessary to afford relief to the applicant;
- (4) "Reasonable reception," as used in this section, does not mean perfect reception from each satellite service provider.
- (5) Conditions may be attached to the granting of a waiver, which are in the best interest of the health, safety, and welfare of the community.
- (6) Under no circumstance shall any satellite dish antenna or mounting device be located closer than five feet from any front property line or sidewalk.

(f) *Conditional exemption.* Conventional VHF and/or UHF television antennas that have width and height dimensions of not more than 135 inches and ten feet, respectively, that are situated on the portion of the roof adjacent to the rear yard on the property, and that do not extend higher than eight feet above the ridge and/or peak of the roof or the maximum height limitation in the zoning district shall be exempted from the requirement of applying for and receiving approval under this section.

(g) *Interpretation guidelines.* The provisions of this section will be interpreted to carry out the stated objective of this section and shall not be interpreted so as to impose costs upon the applicant that are excessive in light of the purchase and installation cost of the antenna and accessory equipment.

(Code 1970, § 3.49; Ord. No. 301, § 3(3.49), 2-10-97; Ord. No. 421, § I, 9-22-08; Ord. No. 456, § I, 3-22-10)

Sec 90-834 Churches In Existing Buildings

Churches may be allowed to utilize an existing building that is being used for a permitted use within that zoning district. The following conditions shall apply:

- (a) The church operation shall utilize the existing building no more than two days per week.
- (b) Sufficient parking shall be provided on the site to serve the church.
- (c) The church shall not operate during the same hours as the existing use.
- (d) A sign may be placed on the building or the lot but only during the time when church services are conducted.
- (e) The church shall not be established within an occupied or unoccupied dwelling.
- (f) The church use shall not utilize a vacant building unless a special land use is obtained as required by this chapter.

(Ord. No. 301, § 3(3.49K), 2-10-97)

Sec 90-835 Keeping Of Animals

- (a) The keeping of household pets, including dogs, cats, fish, birds, hamsters, nonpoisonous spiders, snakes and reptiles and other animals generally regarded as household pets is permitted as an accessory use in any district.
- (b) No more than three dogs or three cats or any combination thereof totaling three that are six months of age or older shall be kept in a dwelling unit in any residential district.
- (c) The keeping or sale of pigeons having free access outside their cages, the keeping of poultry, pigs, hogs, wild animals, horses, donkeys, mules, other species of equine, cows, oxen, and other species of bovine, sheep, goats, geese, turkeys and other species of fowl is prohibited in all districts except for farm animals as may be permitted in the rural residential district.
- (d) The keeping of chickens is allowed as an accessory use to an owner-occupied single-family dwelling in any residential district, except the R-R District where it is allowed by [Sec 90-237 \(b\)](#), subject to the following requirements:
 - (1) The keeping of chickens shall be done on a noncommercial basis and be exclusively used by the people occupying the property as a locally grown food source for the consumption of eggs or meat.
 - (2) A maximum of four chickens are allowed per lot if the lot is 1/2 acre or less in area; a maximum of five chickens are allowed per lot if the lot is 1/2 to one acre in area; and, a maximum of six chickens are allowed per lot if the lot is over one acre in area. Roosters are prohibited.
 - (3) Chickens shall be provided with a covered enclosure (coop) and must be kept in the coop or an adjoining fenced enclosure (run) at all times. The coop and run are not subject to the accessory building standards established by Sec 90-831 but shall meet the following requirements:
 - a. The coop and run shall be located in the rear yard and shall be located no closer than 10 feet to any property line and no closer than 40 feet to any residential dwelling on an adjacent property.

- b. The coop and run shall not exceed 8 feet in height or 100 square feet in total area.
 - c. The coop shall be constructed in such a way as to prevent rats, mice, or other rodents or vermin from being harbored underneath or within the walls of the enclosure.
 - d. The coop and run shall be completely enclosed with a top and/or cover and shall be constructed in a workmanlike manner. The use of tarps, fabric, rubber, paper, cardboard, or similar materials is prohibited.
- (4) All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
- (5) The enclosed areas where the chickens are kept shall be maintained in a clean and neat manner at all times. The keeping of chickens is subject to the City of Hastings Code of Ordinances pertaining to noise, odors, dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.
- (6) The outdoor slaughtering of chickens is prohibited.
- (7) Any person who keeps chickens in the City of Hastings shall obtain a permit from the City prior to acquiring the chickens. Application shall be made to the City Clerk and the fee for the permit shall be as determined by Council resolution.

Prior to the issuance of a permit, there shall be an inspection of the proposed site by the City to determine compliance with the requirements of this Ordinance. A permit shall not be issued until all requirements are met.

Permits expire and become invalid five (5) years after the date of issuance. A person who wishes to continue keeping chickens shall have obtained a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

If the above requirements are not complied with, the City may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.

Ord. No. 301, § 3(3.49J), 2-10-97)

HISTORY

Amended by Ord. [600 Amend Section 90-835 Keeping of Animals](#) on 4/30/2021

Sec 90-836 Temporary Storage Enclosure

A temporary storage enclosure, as defined by Section 90-1, shall meet the following requirements:

- (a) A temporary storage enclosure shall not be erected on any lot on which there is no principal building or structure.
- (b) A temporary storage enclosure shall be subject to the accessory building size, height and setback regulations set forth in Section 90-831 (d)(1), except a temporary storage enclosure shall not have a floor area or ground coverage footprint greater than 200 square feet.
- (c) A lot with an accessory building shall be allowed one temporary storage enclosure. A lot without an accessory building shall be allowed up to two temporary storage enclosures.
- (d) A temporary storage enclosure shall not be utilized for living or sleeping purposes.

- (e) All temporary storage enclosures shall be maintained in good condition. Any torn or damaged covering shall be promptly repaired.
- (f) The covering material shall be transparent or a neutral color so as not to be visually obtrusive.
- (g) The temporary enclosure shall be securely anchored so as to avoid damage or movement by the wind.
- (h) Upon a finding by the Zoning Administrator that an existing temporary storage enclosure no longer remains in a condition in accordance with the requirements of this section, removal of the temporary storage enclosure shall be required.

Seasonal screen houses, seasonal gazebos, and camping tents are exempt from these regulations as long as they are not being used for storage.

(Ord. No. 434, § I, 12-22-08)

HISTORY

Amended by Ord. [555](#) on 6/8/2018

DIVISION 90-IX-4 FENCES, WALLS AND SCREENS

[Sec 90-856 Applicability](#)

[Sec 90-857 Permit Required](#)

[Sec 90-858 Existing Fences](#)

[Sec 90-859 Location Requirements](#)

[Sec 90-860 Materials And Maintenance](#)

[Sec 90-861 Additional Requirements And Provisions](#)

[Sec 90-862 Temporary Fences](#)

Sec 90-856 Applicability

This division shall apply to fences, walls or landscape screens in all zoning districts.

(Ord. No. 301, § 3(3.43), 2-10-97)

Sec 90-857 Permit Required

Before a fence or wall is erected, constructed or installed, a permit shall be obtained from the zoning administrator. An application for a fence permit must include a drawing showing the location type, height and materials of the fence or wall to be constructed and other information the zoning administrator requests to determine that the proposed fence or wall will comply with the provisions of this section.

(Ord. No. 301, § 3(3.43(1)), 2-10-97)

Sec 90-858 Existing Fences

Any fence or wall presently in existence shall not be enlarged, altered or reconstructed until a permit is obtained in the manner provided for in section 90-857.

(Ord. No. 301, § 3(3.43(2)), 2-10-97)

Sec 90-859 Location Requirements

(a) *Front yard.*

- (1) A fence, decorative or protective wall or landscape screen may be located within a front yard but shall not exceed a height of three feet, except as follows:

- a. In the B-1, central business district, and B-3, downtown edge district, a fence, decorative or protective wall or landscape screen with a height not exceeding six feet may be located in the front yard.
- b. In the B4 and B5 districts, a fence, decorative or protective wall or landscape screen with a height not exceeding six feet may only be located in the front yard if approved by the planning commission with due consideration given to pedestrian and vehicle visibility and safety as well as if such fence, wall or screen is compatible with the character of the immediate area.

(2) For a corner lot which has more than one front yard, a fence, decorative or protective wall which is no more than six feet high may be placed within the secondary street front yard provided such fence, decorative or protective wall is set back the minimum distance required for corner lots for that zoning district. The zoning administrator shall determine which is the secondary street. Such fences, decorative or protective walls shall be subject to the clear vision requirements.

(3) All fences, decorative or protective walls, or landscape screens must be set back a minimum of one foot from the front lot line or two feet from a sidewalk, except in the B-1 (central business district).

(b) *Side and rear yards.* A maximum height of six feet is permitted except in industrial zones, where the maximum height shall be ten feet.

(c) *Visibility.* A fence, decorative or protective wall or landscape screen shall comply with the requirements of section 90-802.

(Ord. No. 301, § 3(3.43(3)), 2-10-97; Ord. No. 303, § 1, 9-22-97; Ord. No. 324, § I, 10-25-99; Ord. No. 398, § 1, 7-25-05; Ord. No. 523, § I, 4-27-15)

Sec 90-860 Materials And Maintenance

(a) Any fence, decorative or protective wall, or landscape screen shall be of uniform design, construction and appearance, and sturdily constructed to withstand normal weather conditions. The method of construction and type of materials and design shall be of a kind normally and customarily associated with the uses permitted in the zoning district in which it is located. Woven wire or chain link fences with plastic, metal, or wood slats or inserts, shall not be permitted.

(b) In the B-1 (central business district) and the B3, B4 and B5 districts, fences made of barbed wire, woven wire, chain link, any other non-decorative metal or naturally degradable material, and wood are prohibited. Decorative or protective walls shall be constructed of brick or other decorative masonry, wrought iron, or other similar visually attractive low maintenance material.

(c) All fences, decorative or protective walls and landscape screens shall be constructed and maintained so as not to become a visual nuisance, or pose a safety hazard to nearby residents, passerby, or the general public. All fences, decorative or protective walls in the B1 (central business district) shall be architecturally compatible with the building on the property in which it is located, and surrounding buildings.

(Ord. No. 301, § 3(3.43(4)), 2-10-97; Ord. No. 398, § 2, 7-25-05; Ord. No. 523, § II, 4-27-15)

Sec 90-861 Additional Requirements And Provisions

(a) All fences, and decorative or protective walls shall be erected so that the finished face of the fence, decorative or protective wall faces outside the property.

- (b) Fences parallel to one another shall be prohibited unless special provision is made to specifically provide the proper maintenance of both fences, including but not limited to adequate distances between fences and construction design details.
- (c) Gates in fences, or decorative or protective walls shall not open over public property, into alleys, or over adjoining properties.
- (d) A fence shall not be constructed or maintained that is charged or connected with an electrical current.
- (e) Barbed wire fences are prohibited in all zoning districts, except in the industrial district the use of barbed wire strands is permitted provided the strands are at least eight feet above the bottom of the fence.
- (f) Essential services structures and buildings such as electrical substations may be protected by a fence up to ten feet in height with barbed wire strands located at least eight feet above the bottom of the fence.
- (g) Fences higher than permitted by the zoning district may be permitted by the planning commission if it is demonstrated that such fences is necessary for public safety or proper screening, or is necessary for the proper operation of the principal use.
- (h) All vertical support members for a fence shall not exceed the maximum permitted fence height by more than four inches.
- (i) A fence, decorative or protective wall or landscape screen shall not be constructed within or over any public right-of-way.
- (j) In the B-1 (central business district) when a fence, decorative or protective wall or landscape screen abuts or is immediately adjacent to a sidewalk, alley, street right-of-way, or building, that portion of the fence, decorative or protective wall or landscape screen, which is more than three feet above the sidewalk, shall be at least 75 percent open.

(Ord. No. 301, § 3(3.43(5)), 2-10-97; Ord. No. 398, § 3, 7-25-05)

Sec 90-862 Temporary Fences

- (a) Where it can be demonstrated that a temporary fence is necessary to protect trees and plants from damage caused by animals or weather, the zoning administrator may allow such fences to be erected only during the months of November through April in any zoning district.
- (b) Such fences may consist of flexible material commonly used on construction sites or similar fencing material which shall not be permanently attached to the ground, a building, or other structure so it can be easily removed. Such fence shall not be placed in the right-of-way and shall not create a visual obstruction for pedestrians or drivers. Such fence, in the opinion of the zoning administrator, shall not be a safety hazard or be so unsightly as to be a visual nuisance.
- (c) The wrapping or covering of trees, shrubs and other vegetation with protective material or containers where such materials and containers are not supported by posts or other similar independent structures is not considered to be a temporary fence and shall not be subject to approval of the zoning administrator.

(Ord. No. 457, § I, 3-22-10)

DIVISION 90-IX-5 RESIDENTIAL DISTRICTS

[Sec 90-881 Refuse](#)

[Sec 90-882 Outdoor Storage And Yards](#)

[Sec 90-883 Driveways](#)

- [Sec 90-884 Private Swimming Pools](#)
- [Sec 90-885 Two-Family Dwellings](#)
- [Sec 90-886 Portable Storage Containers](#)
- [Sec 90-887 Garage, Yard And Estate Sales](#)

Sec 90-881 Refuse

The storage, collection or placing of discarded material, building materials, inoperable motor vehicles or unprotected metals is prohibited in all yards in any residential district.

(Code 1970, § 3.46; Ord. No. 301, § 3(3.46), 2-10-97)

Sec 90-882 Outdoor Storage And Yards

The outdoor storage, parking, display, accumulation or placing of material, waste, machinery, vehicles in inoperable condition, unlicensed vehicles, boats not properly stored on a licensed boat trailer (not including small, non-motorized craft such as kayaks or canoes), equipment, furnishing, or the parts thereof, whether new or used, is prohibited on any residentially zoned or used lot unless located in the rear yard and then only if screened from the view of any adjoining property or a public street. This shall not be deemed to include children's play or recreational equipment in good repair or other equipment or structures customarily essential and accessory to a residential use.

(Code 1970, § 3.158)

HISTORY

Amended by Ord. [550](#) on 1/5/2018

Sec 90-883 Driveways

- (a) *General requirements.* All driveways, including tapers and approaches, shall be located within the limits of the side lot lines extended to the centerline of the roadway except for shared driveways as permitted by this section.
- (b) *Residential driveways.*
 - (1) a. A lot or parcel containing a single-family dwelling shall have only one driveway. Two driveways may be permitted for a circle drive on the lot or parcel, but only if the lot or parcel has 80 feet or more of frontage on the street.
 - b. One additional driveway may be allowed for every 70 feet of frontage that is in excess of 100 feet of lot frontage.
 - (2) Driveways serving a lot containing a single-family or two-family dwelling shall be a minimum of 45 feet from a driveway on another lot as measured between the centerline of each driveway. The zoning administrator may permit driveways closer together if it can be demonstrated that there is some feature peculiar to the lot or street or the location of an existing driveway prevents or makes it difficult to comply with the 45-foot spacing requirement.
 - (3) Dwellings constructed after the effective date of the ordinance from which this section was derived shall be served by a driveway paved with asphalt or concrete that shall connect the garage or parking space with the street.
 - (4) The maximum width of a driveway serving a single-family or two-family dwelling shall be a minimum of 12 feet and a maximum of 20 feet as measured at the property line.
 - (5)

- a. For lots containing single-family and two-family dwellings where the dwelling is more than 150 feet from the edge of the street, the fire chief shall review the driveway and make recommendations to require, to the extent possible, that the driveway be constructed so the dwelling can be provided adequate fire protection.
- b. For driveways that cross a ditch, natural drainage course or other body of water, the fire chief shall approve the crossing to ensure it is capable of accommodating emergency vehicles.

(Ord. No. 301, § 3(3.48), 2-10-97)

Sec 90-884 Private Swimming Pools

- (a) Private swimming pools are permitted in all residential districts, provided all of the following regulations are complied with:
- (1) The pool shall be equipped with filtration, circulation, clarification and chlorination systems adequate to maintain the water in a clean and healthful condition in accordance with the health requirements of the city.
 - (2) The discharge pipe leading from any private swimming pool shall not exceed two inches in diameter, and the discharge pipe of all such pools shall be composed of galvanized iron, or such other standard and durable material as may be approved by the director of public services. No private swimming pool shall be wholly or partially emptied in any manner that will cause water to flow upon the premises of another, and no private swimming pool shall be wholly or partially emptied upon any land if a storm drain is readily accessible to the premises on which the pool is located. No private swimming pool shall be wholly or partially emptied into any sanitary system.
 - (3) No public water shall be used in connection with the operation of any private swimming pool during any time when restrictions are imposed upon the use of public water.
 - (4)
 - a. Every person owning land on which there is situated a swimming pool, which contains 24 inches or more of water in depth at any point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make the pool inaccessible to small children. Such enclosure, including gates, shall not be less than four feet above the underlying ground. All gates shall be self-closing and self-latching with latches placed four feet above the underlying ground and otherwise made inaccessible from the outside to small children.
 - b. A natural barrier or other protective device may be approved by the building inspector as long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate and latch described in this section.
 - (5) The wall of the swimming pool shall not be closer than ten feet to any side or rear lot line of the premises, provided on corner lots no part of any pool shall be constructed within the front yard of either street. Any walkway or deck adjacent to a pool shall be at least six feet from any side or rear lot line. No part of this walkway shall be placed within the front yard if on a corner lot.
- (b) The provisions of this section shall apply to any basin or other structure for the holding of water for use by the possessor, his family or guests, for swimming, diving and other aquatic sports and

recreation; however, this section does not apply to any plastic, canvas or rubber pool temporarily erected upon the ground, holding less than 300 gallons of water.

(Code 1970, § 3.155; Ord. No. 301, § 3, 2-10-97)

Sec 90-885 Two-Family Dwellings

- (a) In any R district, (R-R, R-S, R-1, or R-2) a parcel that has frontage upon a state highway, as designated on the city's official street systems map, may be used for a two-family dwelling, subject, however, to the following provisions:
- (1) That such dwelling shall have the exterior appearance of a one-family dwelling.
 - (2) That such dwelling shall not have more than one entry in the same plane on any front or side wall of the dwelling.
 - (3) Newly constructed two-family dwellings shall have a garage for each unit, and no garage shall be placed between the dwelling units.
 - (4) The two-family dwelling unit shall be built according to the lot size, lot width, setback, unit size and other required conditions for the R district in which the two-family dwelling is to be located.
- (b) If the city building inspector questions the suitability of a proposed design, the building inspector may refer the elevation and plot plans to the planning commission for its approval prior to granting a building permit.

(Code 1970, § 3.159; Ord. No. 301, § 3, 2-10-97)

Sec 90-886 Portable Storage Containers

- (a) *Definition.* A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. This term shall not include roll-off waste containers or storage containers having storage capacity of less than 150 cubic feet.
(Example of a roll-off waste container, yard waste, refuse and debris containers, or open/unclosed containers).
- (b) *General requirements.* Portable storage containers located outside of a fully enclosed building or structure shall be located only in residential zoning districts, subject to the following restrictions:
- (1) In residential districts, no more than one portable storage container shall be allowed on a lot of record, and for no longer than a total of 14 days in any consecutive 12-month period.
 - (2) No portable storage containers shall have dimensions greater than 16 feet in length, eight and one-half feet in height or eight feet in width.
 - (3) No portable storage containers shall be located:
 - a. In any required front yard;
 - b. Closer than ten feet to any side or rear lot line, provided that the zoning administrator may allow a reduced setback if mature landscaping or a solid fence at least six feet in height provides adequate screening; or
 - c. On any portion of a lot except behind the nearest portion of the principal building adjacent to any public street.

On lots where there is no principal structure, portable storage containers shall not be allowed.

(4) Portable storage containers shall be allowed only upon issuance of a permit by the zoning administrator. The fee for such permit shall be set by city council by resolution.

(c) *Extenuating circumstances.* The zoning administrator may permit the placement of a portable storage container in a residential district for more than 14 days, subject to building setback requirements, provided that the property owner has demonstrated that extenuating circumstances exist to justify the extension. Extenuating circumstances, shall include, but are not limited to, disaster such as tornado, fire or flood.

(d) *Temporary use.* The zoning administrator may lessen the regulation of storage containers when used as a temporary use during construction, remodeling, or redevelopment of permanent on-site building and facilities, subject to the issuance of a permit for such use. The permit shall specify and limit the number, size, location, and duration of the storage containers.

(Ord. No. 420, § I, 11-26-07)

Sec 90-887 Garage, Yard And Estate Sales

Garage sales, yard sales, estate sales and similar types of sales are a permitted use in all residential zoning districts. All such sales shall not exceed three consecutive days of operation with no more than three such sales per calendar year per lot or parcel. Signs for such sales are regulated by section 90-971 herein.

(Ord. No. 534, § 11, 6-27-16)

DIVISION 90-IX-6 OPEN SPACE PRESERVATION PROJECTS

[Sec 90-900 Purpose](#)

[Sec 90-901 Review Procedure; Review By Planning Commission](#)

[Sec 90-902 Items Submitted For Review](#)

[Sec 90-903 Determination Of Number Of Lots](#)

[Sec 90-904 Open Space Requirements](#)

[Sec 90-905 Development Requirements](#)

[Sec 90-906 Performance Guarantees And Amendments To Approved Plans](#)

[Sec 90-907 Validity Of Approved Site Plans](#)

[Sec 90-908 Public Hearing Required](#)

Sec 90-900 Purpose

Act No. 179 of the Public Acts of Michigan of 2001 ("Act 179") requires that zoned cities having a population of 1,800 or more and having undeveloped land zoned for residential purposes must adopt zoning regulations to permit "open space preservation" developments.

Under these regulations, a landowner has the option to retain at least 20 percent of the property as open space and place dwellings on the remaining portion. The number of dwellings cannot be less than the number which would be permitted on the land without the open space preservation regulations.

The purpose of this article is to adopt open space preservation provisions consistent with the requirements of Act 179.

(Ord. No. 360, § I, 10-28-02)

Sec 90-901 Review Procedure; Review By Planning Commission

An open space preservation development shall be reviewed by the planning commission according to the requirements and general standards for site plan review contained in article 4 of this chapter except as otherwise provided in this section.

(Ord. No. 360, § I, 10-28-02)

Sec 90-902 Items Submitted For Review

- (a) The applicant shall submit an application according to the requirements of section 90-129 of this chapter.
- (b) *Open space preservation plan.* The applicant shall submit 14 sets of the open space preservation plan which shall be professionally prepared and which shall include information required by section 90-130 of this chapter and the following information:
 - (1) The areas devoted to preserved open space.
 - (2) The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the existing zoning plan, as approved by the planning commission.
 - (3) The total number of acres of land that are proposed for preserved open space, the total number of acres of land that are proposed to be used for dwellings, and the percentage of each, as compared to the total site acreage.
 - (4) The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
 - (5) If the open space development will not be served by public sanitary sewer, the applicant shall submit documentation from the Barry-Eaton District Health Department that the soils are suitable for on site septic systems.
- (c) *Open space preservation development proposed as platted subdivision or site condominium.* If an open space preservation development is proposed as a platted subdivision or a site condominium, the applicant must also submit all information and follow the procedures required by the City of Hastings subdivision ordinance or article 8, site condominium projects, as applicable.
- (d) *Existing zoning plan.* In addition to the information required above, the applicant must also submit a separate existing zoning plan. This plan is to be prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the open space preservation option provided by this article were not exercised. The existing zoning plan shall be professionally prepared and shall include at least the following information:
 - (1) Date, north arrow and scale, which shall not be more than 1 inch = 200 feet.
 - (2) Location of streets adjacent to and within the site.
 - (3) Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
 - (4) Location of all utilities that would be necessary to serve a development under the existing zoning plan.
 - (5) If development under the existing zoning plan would require the use of septic tanks and drain fields, the applicant shall submit written documentation from the Barry-Eaton District

Health Department that at least 20 percent of the lots are suitable for on site disposal systems. Such lots shall be spread evenly over the site.

- (6) The existing zoning plan shall illustrate all unbuildable land, which shall include slopes of 20 percent or greater, regulated and unregulated wetlands, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads.

(Ord. No. 360, § I, 10-28-02)

Sec 90-903 Determination Of Number Of Lots

The planning commission shall determine whether the existing zoning plan accurately reflects the number of lots that could be developed on the land under its existing zoning if the clustering option provided by this article were not exercised.

The commission shall either approve the number of lots illustrated on the existing zoning plan or require the plan to be revised to accurately reflect the number of lots which could be developed on the land under the standards required for preparing the existing zoning plan in this article.

(Ord. No. 360, § I, 10-28-02)

Sec 90-904 Open Space Requirements

- (a) *Required open space.* At least 20 percent, but no more than 30 percent of the land proposed for development under the provisions of this article shall remain in a perpetually undeveloped state (i.e., "open space") by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, as approved by the city attorney.

- (b) *Areas not counted as open space.*

- (1) The area within all public or private rights-of-way.
- (2) Golf course.
- (3) Any easement for overhead utility lines.
- (4) The area within a platted lot, site condominium unit or metes and bounds parcel occupied by a structure not permitted to be located in open space.
- (5) Off-street parking area.
- (6) Detention and retention ponds created to serve the project.
- (7) Community drain fields.
- (8) Fifty percent of the area of wetlands, creeks, streams, existing ponds or lakes or other bodies of water.
- (9) Fifty percent of the area of floodplains and steep slopes (20 percent or over).

- (c) *Standards for open space.* The following standards shall apply to the preserved open space required by this article:

- (1) The open space may include a recreational trail, picnic area, children's play area, community building or other use which, as determined by the planning commission, is substantially similar to these uses.
- (2) The open space shall be available for all residents of the development, subject to

reasonable rules and regulations.

- (3) If the land contains a lake, stream or other body of water, the planning commission may require that a portion of the open space abut the body of water.
 - (4) Open space shall be located so as to be reasonably accessible and useable to the residents of the open space development. Safe and convenient pedestrian access points to the open space from the interior of the open space shall be provided.
 - (5) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.
- (d) *Methods to preserve open space.* The applicant shall submit before final approval of the project a copy of the conservation easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land, and that would have the legal effect of preserving in perpetuity the open space required by this article in an undeveloped state. Such legal instrument shall be reviewed by the city attorney prior to recording, and shall be subject to the approval of the attorney, consistent with the terms of this article. The legal instrument shall:
- (1) Indicate the proposed permitted use(s) of the undeveloped open space.
 - (2) State the parties who have an ownership interest in the undeveloped open space.
 - (3) Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, walking trails, picnic areas, park or playground equipment, or similar improvements that are approved by the planning commission.
 - (4) Require that the undeveloped open space be maintained by parties who have an ownership interest in the undeveloped open space.
 - (5) Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.

(Ord. No. 360, § I, 10-28-02)

Sec 90-905 Development Requirements

(a) *Water and sanitary sewer.*

- (1) Open space preservation projects which are located in the RS zoning district shall be served by public water and sanitary sewer.
- (2) Open space preservation projects in the RR zoning district shall be served by either public or community water and sanitary sewer or by private wells and septic systems subject to the approval of the Barry-Eaton County Health Department.

(b) *Minimum lot sizes and setbacks.* In order to accommodate both the required open space and the number of lots permitted according to the existing zoning plan the planning commission shall allow a reduction in the minimum lot size and building setback requirements of the zoning district in which the open space preservation project is located.

- (1) The minimum lot sizes shall not be less than the following:

RS Zone	
Minimum Lot Size	Minimum Lot Width
9,900 sq. ft.	75 ft.

RR Zone

Minimum Lot Size	Minimum Lot Width
26,000 sq. ft.	100 ft.

- (2) The minimum front setback for buildings may be reduced by not more than 20 percent of the zoning district in which the open space project is located. The minimum side setbacks for open space projects in the RS zone shall be as required for the R1 zone side setbacks. The minimum side setbacks for open space projects in the RR zone shall be as required for the RS zone side setbacks.
- (3) The planning commission may allow a decrease in the above minimum lot sizes and widths, however, for the purpose of achieving the number of lots allowed by the existing zoning plan.
- (c) *Compliance with zoning district.* The development of land under this article shall comply with all requirements of this chapter applicable to the zoning district in which the land is located, except for the lot size and setback modifications allowed by section 90-905(b)(1) and (2) herein.
- (d) *Uniform lot size.* Lots for dwellings shall be as uniform in area as is reasonably practicable, unless otherwise approved by the planning commission.
- (e) *Maximum number of lots.* The open space preservation project shall contain no more than the maximum number of lots as determined from the existing zoning plan approved by the planning commission.
- (f) *Perimeter lots.* Notwithstanding any other provision of this article, the planning commission may require that the open space preservation development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- (g) *Sidewalks.* The planning commission may require sidewalks in accordance with the city's site condominium regulations and subdivision ordinance.
- (h) *Grading.* Grading shall comply with the following requirements:
- (1) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof.
 - (2) All areas indicated as open space on the approved development plan shall be undisturbed by grading or excavating, except as permitted by the planning commission.

(Ord. No. 360, § I, 10-28-02)

Sec 90-906 Performance Guarantees And Amendments To Approved Plans

An open space preservation plan shall be subject to the requirements of sections 90-133, and 90-135 which pertain to performance guarantees, and amendments to approved projects.

(Ord. No. 360, § I, 10-28-02)

Sec 90-907 Validity Of Approved Site Plans

An approved open space preservation plan which is also approved under the city's site condominium regulations or subdivision ordinance shall remain valid as prescribed in these ordinances.

For all other approved open space preservation plans, the approval shall be valid for one year from the date of approval as set forth in section 90-134 of this chapter.

(Ord. No. 360, § I, 10-28-02)

Sec 90-908 Public Hearing Required

A public hearing shall be required for an open space preservation project. The requirements for notification shall be as set forth in section 90-1048(d) of the Hastings Zoning Ordinance.

(Ord. No. 360, § I, 10-28-02)

DIVISION 90-IX-7 WIND ENERGY SYSTEM (WES)

[Sec 90-909 Purpose](#)

[Sec 90-910 Definitions](#)

[Sec 90-911 Standards For All Wind Energy Systems](#)

[Sec 90-912 Wind Energy Systems No More Than 35 Feet In Height](#)

[Sec 90-913 Wind Energy Systems Over 35 Feet](#)

Sec 90-909 Purpose

The purpose of this section is to establish standards and procedures by which the installation and operation of wind energy systems shall be regulated within the City of Hastings, in order to promote the safe, effective, and efficient use of wind energy.

(Ord. No. 450, § I, 10-26-09)

Sec 90-910 Definitions

- (a) *Ambient sound level*: The amount of background noise at a given location prior to the installation of a WES(s) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB (A) weighted scale as defined by the American National Standards Institute.
- (b) *Applicant*: The person, firm, corporation, company, limited liability corporation or other entity which applies for city approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) to any approved WES.
- (c) *Building mounted WES*: A WES mounted or attached to a building.
- (d) *Interconnected WES*: A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
- (e) *Nacelle*: In a wind turbine, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train, and other components.
- (f) *Rotor diameter*: The cross-sectional dimension of the circle swept by the rotating blades of a WES.
- (g) *Shadow flicker*: The moving shadow, created by the sun shining through the rotating blades of a wind energy system (WES). The amount of shadow flicker created by a WES is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.
- (h) *Total WES height*: The vertical distance measured from the uppermost vertical extension of any

blade or to the uppermost part of the wind energy system if it does not have blades to the ground at the base or wall line of any structure or building supporting or containing the WES.

- (i) *Tower mounted WES*: A WES mounted or attached to a tower, pole, or similar structure which is not a building.
- (j) *WES setback*: The distance from the base of the structure or building upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project
- (k) *Wind energy system (WES)*: "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

(Ord. No. 450, § I, 10-26-09)

Sec 90-911 Standards For All Wind Energy Systems

All wind energy systems shall comply with the following requirement:

(a) *Sound pressure level.*

- (1) Wind energy systems shall not exceed 55 dB (A), or ambient noise level as measured at any property line of the parcel containing the WES. This sound pressure level may be exceeded during short-term events such as severe wind storms.
- (2) Wind energy systems which are under single ownership or control and which involve more than one property shall be subject to the requirements of subsection 90-911(a)(1), but the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used for the wind energy system. In addition, the applicant shall provide modeling and analysis that will demonstrate that the wind energy system will not exceed the maximum permitted sound pressure.
- (3) A noise emission study of the proposed site and impact upon all areas within 300 feet of the property containing the proposed WES location may be required for a WES which requires a special land use permit (at the applicant's cost) and submitted to the city prior to any placement of a WES.

The applicant must also provide estimated noise levels which the WES will produce at the property lines of the parcel proposed for the WES at the time of a special use application.

(b) *Setbacks for WES.*

- (1) *Tower mounted WES*. The minimum setback for a tower mounted WES from a property line, public right-of-way, public easement, or overhead utility lines shall be a distance which is at least equal to the total height of the WES
- (2) *Building mounted WES*. The setback for a building mounted WES shall be a minimum of 15 feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of the building. The setback shall be measured from the furthest outward extension of all moving parts.

The 15 feet minimum setback requirement may be reduced by the building inspector under either or both of the following circumstances:

- a. If the applicant provides a registered engineer's certification that the WES is designed to collapse, fall, curl or bend within a distance less than the required

setback of the WES.

- b. If the building inspector determines that a lesser setback will not be detrimental to adjoining properties. In making this determination the building inspector shall, at a minimum, take into consideration the type and location of the building containing the WES, the type of WES proposed, the installation requirements of the WES and the location of buildings or uses on the adjacent properties.
- (c) *Location.* A tower mounted WES shall only be located in the rear yard and must be on the same lot as the principal use.
- (d) *Shared Wes usage.* A WES may provide electrical power to more than one dwelling unit or building, provided the dwelling units or buildings are located on property or properties that are adjacent to the property or properties on which the WES is located.
- (e) *Rotor clearance.*
 - (1) Blade or rotor arcs created by a tower mounted WES shall have a minimum of 20 feet of clearance over and from any structure, adjoining property or tree.
 - (2) The blade or rotor arcs created by a building mounted WES shall have a minimum clearance of eight feet above the roof or be designed in the opinion of the building inspector so the blade or other moving parts do not present a safety hazard to any person on the roof.
- (f) *Shadow flicker.* The planning commission or building inspector may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.
- (g) *Construction codes and interconnection standards.* A WES shall comply with the following:
 - (1) All applicable state construction and electrical codes and City of Hastings building permit requirements;
 - (2) Federal Aviation Administration requirements;
 - (3) The Michigan Airport Zoning Act, Public Act 23 of 1950, as amended;
 - (4) The Michigan Tall Structures Act, Public Act 259 of 1959, as amended;
 - (5) The Michigan Public Service Commission and Federal Energy Regulatory Commission, if the WES is an interconnected system.
- (h) *Safety requirements.*
 - (1) Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds or must be designed so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
 - (2) To prevent unauthorized access, each tower mounted WES must comply with at least one of the following provisions, and more than one if required by the planning commission or the building inspector:
 - a. Tower climbing apparatus shall not be located within 12 feet of the ground.
 - b. A locked anti-climb device shall be installed and maintained.
 - c. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire fence.

- (3) All WES shall have lightning protection.
- (4) If a tower is supported by guy wires, the wires shall be clearly visible to height of at least eight feet above the guy wire anchors.

(i) *Signs.*

- (1) Each tower mounted WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include a warning about high voltage and emergency phone numbers.
- (2) A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer's and/or owner's identification.

(j) *Electromagnetic interference.* WES shall be designed, constructed and operated so as not to cause radio and television interference.

(k) *Maintenance.* All WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

(l) *Distribution lines.* All distribution lines from the WES shall be located and maintained underground, both on the property where the WES will be located and off-site. The planning commission may waive the requirement that distribution lines for the WES which are located off-site (i.e. are not located on or above the property where the WES will be located) be located and maintained underground if the planning commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.

(m) *Color.* A WES shall be painted a nonobtrusive light environmental color such as beige or gray color that is nonreflective. No striping of color or advertisement shall be visible on the blades or tower.

(Ord. No. 450, § I, 10-26-09)

Sec 90-912 Wind Energy Systems No More Than 35 Feet In Height

Any tower mounted or building mounted wind energy system which is no more than 35 feet in total height shall be a permitted use in all zoning districts, subject to the requirements of section 90-911 and the following:

- (a) *Permit required.* A permit shall be required to be obtained from the city to construct and operate any tower mounted or building mounted WES which is no more than 35 feet in total height. The total height of a WES shall be as defined above in subsection 90-910(h). Any WES which is more than 35 feet in total height shall be required to obtain a special use permit as set forth in section 90-913.

The following information is required upon application for a WES permit:

- (1) Name of property owner(s) and address.
- (2) An accurate drawing showing the proposed location of the WES, property lines, existing building(s), proposed WES setback, right-of-way lines, public easements, and overhead utility lines and the distance from the WES to principal buildings on adjacent lots.
- (3) The proposed type and height of the WES to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.

- (4) If the applicant intends to install an interconnected WES the applicant must provide documentation that the applicable utility company has or will approve the proposed interconnection.
- (5) Other relevant information as may be reasonably requested by the building inspector.

A permit shall be issued after an inspection of the WES by the city or an authorized agent of the city, and where the inspection finds that the WES complies with the requirements of section 90-911, all applicable state construction and electrical codes, City of Hastings building permit requirements, and all manufacturers' installation instructions.

(Ord. No. 450, § I, 10-26-09)

Sec 90-913 Wind Energy Systems Over 35 Feet

Any tower mounted or building mounted WES which is more than 35 feet in total height, may be allowed as a special use in all zoning districts subject to the following regulations and requirements of this section and also the general special land use review procedures and standards of article 13 of this zoning ordinance:

- (a) *Application requirements:* In addition to the special land use application form, an applicant for a WES over 35 feet in total height shall provide the following information as part of the application:
 - (1) The proposed type and height of the WES to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
 - (2) If the applicant intends to install an interconnected WES, the applicant must provide documentation that the applicable utility company has or will approve the proposed interconnection.
- (b) *Site plan requirements:* A site plan for a WES for which a special use is required shall include the following items with or on the site plan:
 - (1) All requirements for a site plan contained article IV herein.
 - (2) Dimensions of the area purchased or leased which is to contain the WES.
 - (3) Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.
 - (4) Specific distances from the WES structures to all other buildings, structures, and above ground utilities which are on the parcel or parcels upon which the WES is proposed to be located and on abutting parcels.
 - (5) Land uses within 300 feet of the parcel.
 - (6) Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.
 - (7) All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the planning commission.
 - (8) Security measures proposed to prevent unauthorized trespass and access.
 - (9) Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary

calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.

- (10) Additional information as required by article XIII, special land uses of this Ordinance, or as may be required by the planning commission.
- (11) The planning commission may waive or modify the above requirements at the request of the applicant if it is determined that those items would not be needed to properly review the project.

- (c) *Lighting*: A WES shall provide lighting as may be required by the Federal Aviation Administration.
- (d) *Maintenance program required*: The applicant shall provide a written description of the maintenance program to be used to maintain the WES, including a maintenance schedule of types of maintenance tasks to be performed.
- (e) *Siting standards and visual impact*:
 - (1) A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.
 - (2) A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project as is practicable.
- (f) *Inspection*: The city shall have the right upon approving any WES to inspect the premises on which the WES is located at all reasonable times with permission of the property owner. The city may hire a consultant to assist with any such inspections at the applicant's cost.
- (g) *Performance guarantee*: If a special use is approved pursuant to this section, the planning commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the city, which will be furnished by the applicant to the city in order to ensure full compliance with this section and any conditions of approval.
- (h) *Issuance of permit*: A permit shall be issued after an inspection of the WES by the City of Hastings or an authorized agent of the city, and where the inspection finds that the WES complies with the requirements of section 90-912 and section 90-913 and all applicable state construction and electrical codes, City of Hastings building permit requirements, and all manufacturers' installation instructions.

(Ord. No. 450, § I, 10-26-09)

ARTICLE 90-X OFF-STREET PARKING

[Sec 90-916 Definitions](#)

[Sec 90-917 Intent](#)

[Sec 90-918 General Off-Street Parking Requirements](#)

[Sec 90-919 Community Parking](#)

[Sec 90-920 Parking Lot Requirements](#)

[Sec 90-921 Off-Street Parking Lots In Residential Districts](#)

[Sec 90-922 Building Addition Or Conversion](#)

[Sec 90-923 Size Of Parking Space, Aisle And Driveway](#)

[Sec 90-924 Schedule Of Off-Street Parking Requirements](#)

[Sec 90-925 Uses Not Specified](#)

[Sec 90-926 Off-Street Loading And Unloading](#)

[Sec 90-927 Parking Variation](#)

[Sec 90-928 Time Limits](#)

[Sec 90-929 Supplemental Parking Requirements In Residential Zones](#)

Cross reference - Stopping, standing and parking, § 78-61 et seq.

Sec 90-916 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Floor area means the gross floor area of all floors measured to the exterior of the outside wall of the building. However, floor area shall not include the floor area of the basement unless such area is utilized for retail or showroom use in a commercial structure. Also, areas devoted to storage, mechanical equipment, heating and cooling systems, restrooms and similar places shall not be included as floor area.

Parking area includes the space where the vehicle is parked as well as access aisles, driveways and loading and unloading areas.

(Code 1970, § 3.61)

Cross reference - Definitions generally, § 1-2.

Sec 90-917 Intent

The purpose of this article is to prescribe regulations for off-street parking of motor vehicles in residential and nonresidential districts, to ensure by the provisions of these regulations that adequate parking and access is provided in a safe and convenient manner and that adjacent land uses are afforded reasonable parking protection from light, noise, air pollution and other affects of parking areas.

(Code 1970, § 3.60)

Sec 90-918 General Off-Street Parking Requirements

- (a) All parking areas or spaces which exist at the time the ordinance from which this article was derived becomes effective or which are later established to comply with this article shall thereafter not be relinquished or reduced in any manner below the requirements established by this article.
- (b) Where benches, pews or other similar seating are used as seats, each 24 inches of such seating facility shall be counted as one seat.
- (c) When units of measurement determining number of required parking spaces result in a requirement of a fractional space, that fraction shall be counted as a full parking space.
- (d) When required parking spaces are based on the number of employees, this shall mean the number of employees during the largest working shift.
- (e) Mixed occupancies and shared parking are regulated as follows:
 - (1) In the case of mixed uses in the same building, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses computed separately. Collective provisions for off-street parking spaces shall not be less than the sum of the requirements for the various uses computed separately.
 - (2) Parking areas for churches, theaters or other uses in which the primary parking demand occurs out of normal work and business hours may be jointly used where adequate arrangements are made to ensure that the space is available for each function.

- (f) Off-street parking facilities shall be located as hereafter specified; where a distance is specified, it shall be the distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve as follows:
- (1) For all residential buildings and for all nonresidential buildings in residential zones, required parking shall be provided on the same site with the building.
 - (2) For commercial parking and all nonresidential uses in commercial zones, the required parking area shall be no further than 300 feet from the building it serves. This measurement shall be taken from the closest parking space to the building it serves.
 - (3) For industrial uses, required parking shall be provided within 500 feet per the measurement standards in subsection (2) above.

(g) *Screened parking district.*

- (1) The screened parking district shall include an area defined as follows:

Beginning at the intersection of North Industrial Park Drive and West State Street; then along North Industrial Park Drive north to Apple Street; then east along Apple Street to North Broadway; then north along North Broadway to the Thornapple River; then southeast along the Thornapple River to the extension of Hanover Street; then south along Hanover Street to Green Street; then west along Green Street to Market Street; then north along Market Street to State Street; then west along State Street to the point of beginning at Industrial Park Drive.

Other areas to be included in the screened parking district shall include:

Along Michigan Avenue from Mill Street north to High Street, and along State Street from Industrial Park Drive west to Cook Road.

- (2) Off-street parking facilities which are proposed to be constructed or expanded after the effective date of this section and which abut any street bordering or within the screened parking district shall provide decorative fencing or walls along that portion of the parking area abutting the street to serve as a visual screen of the parking lot and to provide a more aesthetic streetscape in keeping with the appearance of existing municipal parking lots. The fencing or walls shall comply with the following requirements:
- a. The fencing or walls shall be constructed of masonry, wrought iron, or similar visually attractive low maintenance materials, and shall be designed to be consistent in appearance with the fencing and masonry walls, which provide screening for existing municipal parking lots. Specific plans and construction materials shall be provided by the applicant for approval by the planning commission during the site plan review process to ensure compliance with the requirements of this section.
 - b. The fencing or walls shall comply with all applicable regulations of article IX, division 4 of this Chapter.
 - c. All landscaping or plant materials, which are provided to satisfy the requirements of this section, shall be placed on the exterior side of the fence or wall.
 - d. The maximum height of the fence or wall shall not exceed six feet.

(Code 1970, § 3.61; Ord. No. 428, § I, 9-22-08)

Sec 90-919 Community Parking

The provisions of this article may be met by participation in a municipal or joint community parking program designed to serve a larger area, provided all plans for such community parking have been approved by the council and the planning commission. All existing uses, expanded uses, or new uses within the central business district that are within 300 feet of a municipal parking lot shall be construed as participating in a community parking program and are exempt from all requirements of this article except the requirements of sections 90-920 and 90-923.

(Code 1970, § 3.62)

Sec 90-920 Parking Lot Requirements

At the time any building or structure is erected, enlarged or increased in capacity, or any uses established, off-street parking spaces shall be provided in all districts according to the requirements provided therein except for single-family and two-family dwelling units.

- (a) Off-street parking areas shall be effectively screened on any side that adjoins or faces premises situated in any residential district or institutional premises, by a screening of evergreen hedge or other natural landscaping. If owners of adjacent residential properties request in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four or more than six feet in height maintained in good condition.
- (b) All off-street parking areas shall have an asphalt or concrete surface, which shall be graded and drained to dispose of all surface water and prevent drainage onto abutting properties. All drainage plans shall be approved by the director of public services.
- (c) Any lighting fixtures used to illuminate off-street parking areas shall be arranged to reflect the light away from adjoining residential properties, institutional premises or roadways.
- (d) Any access drive serving a parking lot shall be at least 55 feet from the intersection of two streets. This distance shall be measured from the right-of-way line of that street parallel with the driveway to the closest edge of the driveway.

The planning commission may, in its discretion, vary this requirement after consideration of the following criteria:

- (1) Volume of traffic on adjacent streets.
- (2) Type of traffic control measure at nearby intersection (i.e., traffic signal or signs).
- (3) Size of parking area.
- (4) Whether or not on-street parking of vehicles is permitted on adjacent streets.
- (5) Safe sight distance from intersection.

The commission may also solicit the opinion of the police department regarding the safety of any proposed parking lot driveway.

- (e) The off-street parking area, driveways, signs, lighting and landscaping shall be subject to the approval of the planning commission to ensure its adequacy in relation to the traffic safety, protection of adjacent property, and its compliance with the provisions of this article.

(Code 1970, § 3.63)

Sec 90-921 Off-Street Parking Lots In Residential Districts

- (a) *Permitted.* The requirements of section 90-918(f) notwithstanding, an off-street parking lot

designed to serve a commercial, office, industrial, multifamily, public/institutional use, hospital, or church may be established in a residential zoning district if approved by the planning commission as a special land use in accordance with the requirements of article XIII of this chapter.

(b) *Location requirements.* The proposed parking lot shall be in a residential zoning district and satisfy one of the following conditions in order to be considered under this section:

- (1) The parking lot is on a separate but abutting parcel than the parcel containing the use which the parking lot is designed to serve.
- (2) The parking lot is directly across the street from the use it is designed to serve.

(c) *Design requirements.* Off-street parking lots in residential districts shall comply with the following design requirements. It is the intent of these requirements to achieve a parking lot that can reasonably serve a nonresidential use while affording adequate protection for nearby residents from the operating characteristics of the parking areas.

- (1) All parking areas shall be landscaped, screened, surfaced and drained as provided in section 90-920.
- (2) A parking area driveway shall not be located on a residential street where both sides of that street are zoned for single-family residential use except for parking areas accessory to a permitted principal use in the single-family residential districts.
- (3) Parking areas shall comply with the setback requirements of the zoning district in which they are located. The front, side and rear yards shall be landscaped as required by the planning commission to provide reasonable screening for nearby residential uses and to meet the intent of this section.
- (4) All such parking areas shall be at least 40 feet in width. Such parking areas shall be used solely for the parking of passenger vehicles, and no commercial repair work or sales or service of any kind shall be conducted on such parking lots.
- (5) No sign, other than entrance, exit and condition of use signs, shall be maintained; and the aggregate area of all such signs shall not exceed 12 square feet. Such signs shall not obstruct the vision of drivers entering or leaving the site. The sign may contain the logo of the use it serves or the name of the use in addition to a directional message.
- (6) Each entrance to and exit from such parking lot shall be at least 20 feet distant from any adjacent property line located in any residential zone and shall not be wider than 24 feet.
- (7) The planning commission may impose conditions to ensure that the proposed parking lot is safely related to traffic needs and building and pedestrian walkways, and that surrounding properties are adequately protected from detrimental effects. Such conditions shall be in accordance with the standards for conditions on special land uses contained in this chapter.

(Ord. No. 301, § 3(3.64), 2-10-97)

Sec 90-922 Building Addition Or Conversion

Whenever an existing building is enlarged or converted to another use the parking requirements of this section shall be met for the entire building or the converted use.

(Code 1970, § 3.65)

Sec 90-923 Size Of Parking Space, Aisle And Driveway

Off-street parking spaces, aisles and driveways shall be designed and constructed in accordance with the following minimum standards:

- (a) Each space shall be a minimum of nine feet wide by 18 feet long.
- (b) Minimum parking aisle width shall be:
 - (1) One-way, 13 feet.
 - (2) Two-way, 24 feet.
- (c) Where 90-degree parking abuts a sidewalk or other pavement that is at least seven feet wide (at the front of the parking space) two feet of this sidewalk may be credited toward the required parking space length.
- (d) Driveways, except for single-family and two-family uses, shall conform to the following minimum standards:
 - (1) One-way, 13 feet minimum width, 32 feet maximum.
 - (2) Two-way, 24 feet minimum width, 36 feet maximum.
 - (3) Driveways on State of Michigan Highways may be a maximum of 40 feet wide. The planning commission however may permit a wider driveway if such driveway is necessary for traffic safety.

(Code 1970, § 3.66; Ord. No. 301, § 3(3.66(4)), 2-10-97; Ord. No. 365, § I, 4-28-03)

Sec 90-924 Schedule Of Off-Street Parking Requirements

Parking shall be provided as required below.

Use	Required Number of Parking Spaces per Each Unit of Measurement
<i>Residential:</i>	
Single-family dwelling unit	2 per dwelling unit
Multiple-family dwelling units	1½ per each dwelling unit, one-third of which shall be within a garage or carport
Senior housing	1 per each dwelling unit with additional 25 percent of the total designated for visitor parking, with a third of the required residents parking within a garage or carport
<i>Institutional:</i>	
Church, temple or similar facility	1 per each 3 seats based upon maximum seating capacity in the main room of worship
Hospital, care facility, nursing or convalescent home, homes for aged	1 per each 2 beds plus 1 per each employee, including staff doctors and nurses
Elementary, junior and senior high schools	1 per each teacher and administrator plus 1 per each 10 students based on maximum occupancy of the school plus requirements of auditorium or gymnasium
Public auditorium or assembly halls, stadiums or sports arenas with fixed seats	1 per each 4 seats plus 1 per each 2 employees
Conference rooms, exhibit halls, banquet	1 per each 4 persons allowed within the maximum

or ball rooms, civic clubs or similar places of assembly without fixed seats, whether public or private	occupancy load as determined by local building or fire codes plus 1 per each 2 employees
Movie theaters	1 per each 4 seats plus 1 per each 2 employees
Bowling alley	5 per each lane plus 50 percent of the requirements for accessory uses as specified herein
Golf courses open to the general public, except miniature or par three courses	4 per each golf hole plus 1 per each employee
Miniature or par three golf courses	3 per each hole plus 1 per each employee
<i>Business and commercial:</i>	
Retail and service uses not otherwise specified herein	1 for each 200 square feet plus 1 per employee
Retail establishments selling furniture, appliances, hardware, lumber, building materials, motor vehicles or machinery or similar uses	1 per each 300 square feet of sales area plus 1 per employee
Restaurants, bars and taverns that provide food and beverages for on-site consumption	1 per every 3 persons allowed within the maximum occupancy load as determined by local building or fire code plus 1 per each 3 employees plus 6 waiting spaces for each drive-up window, if any
Restaurants, take-out	1 per each 60 feet of sales area
Automotive service station	2 per each service bay plus 1 per each employee plus 1 per each 200 square feet of retail area (a service bay may count as a parking space)
Vehicle wash establishment, automatic	1 per each employee plus 15 on-site waiting spaces at each wash bay entrance plus 2 drying spaces at the exit
Vehicle wash establishments, self-service	1 per each employee plus 3 on-site queuing spaces at each wash bay entrance
Open-air business not otherwise specified herein	1 per each 800 square feet of lot area used for the business plus 1 for each employee
Barbershops and beauty salons	2 per each chair plus 1 per each employee
Motel, hotel or similar commercial lodging establishment	1 per each occupancy unit plus 1 per each employee plus additional spaces for accessory uses provided at the rate of 50 percent of the requirements as specified herein
Mortuary establishments	1 per each 50 square feet of assembly area
Personal service establishments (not otherwise provided herein)	1 per each 300 square feet of floor area plus 1 per each employee
<i>Office:</i>	
Business or professional offices	1 per each 200 square feet of gross floor area
Banks, savings and loan establishments	1 per each 200 square feet of gross floor area plus 4 waiting spaces for each drive-up window plus 1 per each employee
Medical and dental offices and clinics	1 per each 150 square feet of gross floor area plus 1 per each employee

<i>Industrial:</i>	
Manufacturing, and research establishments	1 per each 1½ employees, or 1 per each 2,000 square feet of gross floor area, whichever is greater
Wholesale, warehouse, or distribution facilities and trucking terminals	1 per each 2 employees or 1 per each 2,000 square feet of gross floor area, whichever is greater

(Code 1970, § 3.67)

Sec 90-925 Uses Not Specified

The minimum parking space requirements for all uses shall be as listed in section 90-924. For uses not specifically listed in section 90-924 the requirements shall be determined as follows:

- (a) The zoning administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirement to a use which is listed in section 90-924. In such case, the same parking requirement shall apply.
- (b) If the proposed use is not similar to a use listed in section 90-924 the zoning administrator shall refer to engineering or planning manuals, publications and reports, or to the parking requirements used by other municipalities in order to determine the minimum parking requirements for the proposed use.

(Code 1970, § 3.68; Ord. No. 390, § 1, 9-27-04)

Sec 90-926 Off-Street Loading And Unloading

All uses except for single-family and two-family dwelling units, which customarily receive or distribute material or merchandise shall provide sufficient off-street loading and unloading spaces according to the following requirements:

- (a) Each loading space shall be at least 12 feet in width and 22 feet in length, and have a minimum clearance of 14 feet above grade.
- (b) A loading space may be located within the front, side or rear yard except for required landscape areas provided that maneuvering of trucks and other vehicles shall take place on the site and not in the right-of-way.
- (c) Loading spaces that face, abut or are adjacent to a residential district shall be at least 50 feet from the residential district lot line and shall be screened on all sides by a solid fence, wall or berm at least six feet in height.

(Code 1970, § 3.69)

Sec 90-927 Parking Variation

Where it can be demonstrated that the parking requirements of this article would result in more parking spaces than are necessary for the parking needs of a particular use, the planning commission may approve a parking plan with fewer spaces than required by section 90-924 according to the following requirements:

- (a) The applicant must provide written evidence to the planning commission that the parking proposed on the site for the use is sufficient to meet the parking needs of those who will patronize the use as well as the parking needs for employees during the largest working shift. Such evidence may consist of: arrangements for nearby shared parking; evidence that the

proposed use will also be patronized by pedestrians or by those using bus service or; evidence from the parking history of the proposed use or a use similar to the proposed use at other locations or; that there is sufficient space on the site for the required parking to be provided if it becomes necessary at a later time.

- (b) If a plan is approved to allow fewer parking spaces than required by section 90-924 such parking plan shall only apply to the stated use. Any other use shall comply with the requirements of section 90-927 before an occupancy permit is issued or such use shall first obtain approval from the planning commission in accordance with section 90-927(a) above before an occupancy permit is issued.

(Code 1970, § 3.70; Ord. No. 390, § 2, 9-27-04)

Sec 90-928 Time Limits

When property has been acquired for off-street parking that cannot be improved as required due to temporary physical difficulties or for temporary financial or construction difficulties, the building inspector may issue a temporary occupancy permit upon agreement by the owner to comply with all improvements required in this article, by the expiration date of the permit period. Such permit shall not be for more than nine months and may be renewed by the board upon presentation of sufficient grounds therefor.

(Code 1970, § 3.71)

Sec 90-929 Supplemental Parking Requirements In Residential Zones

- (a) All driveways and parking areas, including areas used to access parking spaces, shall be constructed of stable materials designed and maintained to support parked vehicles, including, but not limited to, bituminous material, brick pavers, gravel, concrete, or crushed stone. Parking on bare dirt, mud, grass, debris, refuse and other unstable material in any yard is prohibited. All driveways and parking areas shall be maintained in good condition and any rutting or deformation of the drive or parking surface shall be promptly repaired.
- (b) Parking spaces and driveways on residential properties shall not occupy in excess of 40 percent of the width of the front yard at any point within such front yard as measured from property line to property line. In the event that drive areas used exclusively to turn vehicles around are present, such turn-around drives shall not occupy in excess of 60 percent of the width of the front yard.
- (c) Parking in the following areas shall be prohibited:
- (1) between the curb and the sidewalk
 - (2) between the curb and the right-of-way line
 - (3) on any curb lawn of any public street
 - (4) on driveway approaches within the public right-of-way
- (d) The outdoor parking or storage of semi-tractors, semi-trailers, or vehicles with two or more rear axles in residential areas is prohibited.
- (e) The outdoor parking or storage of semi-tractors, semi-trailers, or vehicles with two or more rear axles on any streets, alleys, or public ways within the City is prohibited, except when actively loading or unloading.

The outdoor parking or storage of semi-tractors, semi-trailers, or vehicles with two or more rear axles in any other area is prohibited except:

- (1) Where such parking is necessary in connection with construction activity actually

occurring on the property pursuant to a valid and current building permit.

- (2) For a period of up to 3 hours, or longer as permitted by the Chief of Police, for the purpose of loading or unloading materials, supplies, or inventory to be used in connection with the business activity occurring on the property. Such vehicles and attachments may not be parked for the purpose of storing such materials, supplies, or inventory.
 - (3) Where such vehicles are being offered for sale by a licensed dealership.
 - (4) Where such vehicles are customarily used in connection with the business where the vehicles are parked.
- (f) The outdoor parking or storage of any unattached trailers or other recreational vehicles or equipment as defined in Section 90-1, on any streets, alleys, or public ways within the City is prohibited. No vehicle with a trailer, recreational vehicle, or similar appurtenance shall be parked on any streets, alleys, or public ways within the City for a period of more than 12 hours.

(Ord. No. 436, § I, 1-26-09)

HISTORY

Amended by Ord. [550](#) on 1/5/2018

ARTICLE 90-XI SIGNS

[Sec 90-961 Definitions](#)

[Sec 90-962 Description And Purpose](#)

[Sec 90-963 Signs Exempted](#)

[Sec 90-964 Signs Not Needing A Permit](#)

[Sec 90-965 Sign Permits And Application](#)

[Sec 90-966 Design, Construction And Location Standards](#)

[Sec 90-967 Sign Regulations Applicable To All Districts](#)

[Sec 90-968 Nonconforming Signs, Illegal Signs, And Signs Accessory To Nonconforming Uses](#)

[Sec 90-969 Measurement Of Signs](#)

[Sec 90-970 Responsibility And Removal](#)

[Sec 90-971 Signs In The Residential Districts](#)

[Sec 90-972 Signs In The Apartment And Office Districts](#)

[Sec 90-973 Signs In The B-1, B-2, B-3, B-4 And B-6 Districts](#)

[Sec 90-974 Signs In The Industrial Districts](#)

[Secs 90-975 - 90-1005 \(Reserved\)](#)

Sec 90-961 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Billboard means a sign that advertises an establishment, product, service or activity not available on the lot on which the sign is located. Also called an off-premises sign.

Commercial establishment means a business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door that may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate-controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance that may regularly be used by the public for exclusive ingress and egress to that business and that may

be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

Directional sign means any sign used primarily to give information about the location of either the driver of motorized vehicles or possible destinations.

Estate sale or auction sale means a sale of real estate and/or personal property conducted by a person or company retained by the owner of the real estate or personal property and who is paid by the owner for this service.

Exempt sign means a sign for which a sign permit is not required.

Freestanding sign means a sign not attached to a building or wall, supported by one or more poles or braces or resting on the ground or on a foundation resting on the ground.

Government sign means a sign erected or required to be erected by the city or the state or federal government.

Ground sign means a freestanding sign supported by a base that rests directly on the ground and the top of which is not more than six feet above the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.

Identification sign means any sign intended to communicate information about services and facilities.

Marquee means a permanent structure constructed of rigid materials that projects from the exterior wall of a building.

Marquee sign means a sign affixed flat against the surface of a marquee.

Permanent sign means a sign installed on a support structure which is not intended or designed to be moved or removed but to remain for an indefinite period of time.

Pole sign means a freestanding sign supported by a structure, or poles, or braces less than 50 percent of the width of the sign and located more than six feet above the ground.

Projecting sign means a double-faced sign attached to a building or wall that extends more than 12 inches from the face of the building or wall.

Reader board means one of the following:

- (a) Manual: A sign on which the letters or pictorials are changed manually; or
- (b) Electronic message board: A sign or portion thereof that displays electronic, pictorial or text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, lightbulbs, or other illumination devices within the display area. Such signs include computer programmable, microprocessor controlled electronic displays, and video display signs.
- (c) Multi-vision sign: Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image or images.

Nit means a unit of illuminative brightness equal to one candela (12.5 lumens or 1.16 footcandles) per square meter, measured perpendicular to the rays of the source.

Roofline means the top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys or other minor projections.

Roof sign means a sign erected above the roofline of a building.

Sidewalk sign means an A-frame sign which is portable and designed to be placed on the sidewalk in front of the use which the sign advertises.

Sign means a device, structure, fixture or placard that may or may not use graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity.

Temporary sign means a sign installed for a limited period of time. Temporary signs are categorized as follows:

Banner sign, flag sign and flutter flag sign mean a sign of fabric, plastic, or other non-rigid material without an enclosing structural framework which may or may not be attached to a pole, building or structure.

Pennant means a flag or cloth that tapers to a point.

Portable sign means a type of temporary sign that is not permanent and not or affixed to a building or structure and by its nature may be or is intended to be easily moved from one location to another such as a sidewalk sign and signs supported on a metal chassis and may include copy that can be changed manually through the use of attachable characters.

Post sign constructed of unbendable materials firmly attached to one or more wood, metal, plastic or other rigid posts or supports placed into the ground without permanent footings.

Streamers means a long, narrow strip of material used as a decoration or symbol.

Wire frame sign means a temporary sign made of corrugated plastic, vinyl, cardboard, poster board or similar material which is supported by or attached to a metal frame.

Traffic warning sign means a sign that indicates a hazard ahead on a road that may not be readily apparent to a driver.

Vehicle sign means a vehicle primarily located or used to serve as a sign rather than as transportation. This includes semitrailers either attached or detached from a truck tractor.

Video display sign means a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery of a television quality which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

Wall sign means a sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.

Window sign means a sign installed or placed inside of a building, close to and facing a window so it is clearly visible from outside of the building.

(Ord. No. 301, § 5(3.81), 2-10-97; Ord. No. 333, § II, 5-29-01; Ord. No. 334, § I, II, 5-29-01; Ord. No. 433, § I, 12-22-08; Ord. No. 462, § I, 11-22-10; Ord. No. 495, § III, 5-13-13; Ord. No. 534, §§ 1.A—C., 6-

27-16; Ord. No. 543, § I, 6-26-17)

Cross reference - Definitions generally, § 1-2.

Sec 90-962 Description And Purpose

- (a) This article is intended to regulate the size, number, location and manner of display of signs in the city in a manner consistent with the following purposes:
- (1) To protect and further the health, safety and welfare of residents, property owners and visitors.
 - (2) To prevent traffic hazards and pedestrian accidents caused by signs that obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
 - (3) To conserve and enhance community character.
 - (4) To promote uniformity in the size, number or placement of signs within districts.
 - (5) To promote the economic viability of commercial areas by minimizing visual clutter, and allowing for proper placement of signs to safely direct motorists to their destination.
 - (6) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other nonbusiness uses to communication.
- (b) It is further recognized that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.

(Ord. No. 301, § 5(3.80), 2-10-97)

Sec 90-963 Signs Exempted

The following signs shall be exempted from the provisions of this article except for the regulations of section 90-966:

- (a) Signs which are 1.5 square feet or less in area.
- (b) Directional, traffic warning and identification signs erected by a government agency when located within the street right-of-way.
- (c) Flags of any nation, state, city, township, government, or government authorized agency.

(Code 1970, § 3.81; Ord. No. 301, § 5(3.82), 2-10-97; Ord. No. 318, § I, 3-22-99; Ord. No. 433, § II, 12-22-08; Ord. No. 462, § VI, 11-22-10; Ord. No. 534, § 2, 6-27-16)

Sec 90-964 Signs Not Needing A Permit

- (a) Ordinary maintenance of signs such as painting, cleaning and light replacement.
- (b) Alteration of sign message.
- (c) Temporary signs as permitted and regulated by the zoning district within which the sign is located.

(Ord. No. 301, § 5(3.83), 2-10-97; Ord. No. 534, § 3, 6-27-16)

Sec 90-965 Sign Permits And Application

- (a) *Permits required.* A sign permit shall be required for all signs which are proposed to be over 20 square feet in size except those signs exempted by section 90-963 herein.
- (b) *Application.* An application for a sign permit shall be made to the building inspector along with a fee as required by the council. The application, at a minimum, shall include the following:
- (1) Name, address and telephone number of the applicant and the person erecting the sign.
 - (2) Address or permanent parcel number of the property where the sign will be located.
 - (3) A sketch showing the location of the building, structure or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures along with setback from lot lines.
 - (4) Two blueprints or drawings of the plans and specifications, method of construction and attachment to structures or ground, stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than 30 pounds per square foot of area.
 - (5) Any required electrical permit, attached to the application.
 - (6) The zoning district in which the sign is to be located.
 - (7) For a pole sign that is to be 20 feet or higher, design plans sealed by a professional engineer, submitted with the application.
 - (8) Any other information the building inspector may require in order to demonstrate compliance with this article.
 - (9) Signature of the applicant or the person erecting the sign.
- (c) *Electrical signs.* All signs requiring electrical service shall be reviewed for compliance with the city's electrical code. Approval of electrical signs shall be noted on or attached to the sign permit.
- (d) *Issuance of sign permit.* The building inspector shall issue a sign permit if all provisions of this article and other applicable city ordinances are met. A sign authorized by a permit shall be installed or under construction within six months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon filing of a new application and fee.

(Code 1970, § 3.80; Ord. No. 301, § 5(3.84), 2-10-97; Ord. No. 534, § 4, 6-27-16)

Sec 90-966 Design, Construction And Location Standards

- (a) All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or damage.
- (b) Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- (c) Signs shall be constructed to withstand all wind and vibration forces that can be normally expected to occur in the vicinity.
- (d) Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- (e) Signs shall not be placed in, upon or over any public right-of-way, alley or other place, except as may be otherwise permitted by the city, county road commission, or state department of transportation.
- (f) A utility pole, or street sign pole or other supporting member shall not be used for the placement

of any sign unless specifically designed and approved for such use.

- (g) A sign shall not be erected in any place where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or constitute a nuisance per se.
- (h) All outside signs shall not have any flashing, blinking, scrolling, alternating, sequentially lighted, animated, rolling, shimmering, sparkling, bursting, dissolving, twinkling, fade-in/fade-out, oscillating, moving text, moving images, or simulated movement of text or images except that traditional barber pole signs are permitted.
- (i) A wall sign shall not extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roofline of a building.
- (j) A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.

(Ord. No. 301, § 5(3.85), 2-10-97; Ord. No. 462, § II, 11-22-10)

Sec 90-967 Sign Regulations Applicable To All Districts

- (a) All wall, window and freestanding signs may include reader boards.
- (b) Any pole sign, including awnings to which signs are affixed or displayed, shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
- (c) Vehicles and semi-trailers intended to function as a sign may be permitted subject to all other applicable regulations of this article as a freestanding sign. Commercial vehicles that bear signs may be parked on the site provided they are located in such a manner that they do not function as signs.
- (d) Directional signs are permitted for each parcel provided the size of each device does not exceed four square feet and three feet in height and each device is located at least five feet from any lot line.
- (e) Temporary signs are allowed in all zoning districts subject to the following regulations:
 - (1) Temporary signs, including signs held by a person, shall be located outside of the public right-of-way and shall not hamper the visibility of a driver on or off the site.
 - (2) Temporary signs shall not be illuminated in any fashion.
 - (3) Temporary signs shall be anchored in a safe and secure manner. The anchoring of temporary signs by tying or attaching weighted objects (such as cinder blocks or tires) is prohibited.
 - (4) A temporary sign shall be located a minimum of five feet from the edge of any road or street right-of-way or public or private sidewalk except for sidewalk signs as regulated herein.
 - (5) A temporary sign shall not be displayed if it is torn, bent, faded, not upright, unreadable or otherwise unsightly.
 - (6) Prohibited temporary signs. The following types of temporary signs are prohibited:
 - a. Searchlights, laser lights, strobe lights, and lights of a similar nature.
 - (7) Temporary signs shall meet the following dimensional requirements or as allowed by the zoning district:
 - a. Wire frame signs: Each sign shall not exceed four square feet in area and 30

inches in height.

- b. Post signs: Each sign shall not exceed eight square feet in area and four feet in height.
 - c. Banner, flag and flutter flags shall not exceed 20 square feet in size and eight feet in height.
 - d. Portable signs shall not exceed 32 square feet in area.
- (f) Except as otherwise provided herein, no sign shall be placed in any required side yard or located upon a roof, and no sign shall exceed a height of 28 feet above ground level.
- (g) Off-premises signs which provide directions to hospitals and schools are permitted in any zoning district subject to the following regulations:
- (1) Such sign may be allowed on any city-owned property subject to approval by the city.
 - (2) Such sign or signs may also be permitted within the road right-of-way provided approval is granted by the city or the Michigan Department of Transportation depending on the applicable jurisdiction.
- (h) Electronic message boards are allowed in all zoning districts subject to the following regulations:
- (1) An electronic message board shall not consist of more than 75 percent of the allowable sign area except for signs which are 35 square feet or less in area.
 - (2) The dwell time, defined as the interval of change between each individual message, shall be at least five seconds and a change of message must be accomplished within one second or less. The dwell time shall not include the one second or less to change the message.
 - (3) An electronic message board sign shall not exceed a maximum illumination of 5,000 nits during daylight hours and a maximum illumination of 150 nits between dusk to dawn as measured at the sign's face at maximum brightness.

Prior to the issuance of a sign permit for an electronic message board, the applicant shall certify to the zoning administrator that the illumination settings for the sign comply with the maximum illumination requirements of this subsection 90-967(h)(3).

However, even if such signs comply with the nit requirements above, such signs shall not, in the opinion of the zoning administrator, be brighter than is necessary for clear and adequate visibility, be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight, or to otherwise interfere with the driver's operation of a motor vehicle, or be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

- (4) An electronic message board shall be equipped with a brightness control sensor that allows the brightness to be adjusted either manually or automatically.
- (5) Electronic message board signs legally in existence upon the effective date of this subsection 90-967(h) shall be required to comply with the illumination requirements of this section and the requirements of subsection 90-966(h) regarding flashing, movement, scrolling and other methods of message display within 60 days from the effective date of this section.
- (6) Electronic reader board signs which do not face a public street or land zoned or used for residential purposes and when such signs are used for drive through restaurants, gas

stations and similar establishments serving motorists then such signs are exempt from the requirements of this subsection 90-967(h).

- (i) Window signs are permitted in all zoning districts subject to the following regulations:
- (1) The sign or signs shall cover no more than 25 percent of the total area of the windows.
 - (2) A window sign may consist of illuminated letters including neon lights.
 - (3) An electronic reader board is allowed as a window sign and shall comply with the requirements for electronic reader boards as set forth in subsection 90-967(h). Any flashing or strobe-type lights within a building or structure which are visible from the exterior of the building or structure are prohibited.
- (j) Any sign allowed by this article may contain a non-commercial message.

(Ord. No. 301, § 5(3.86), 2-10-97; Ord. No. 427, § I, 9-22-08; Ord. No. 432, § I, 12-22-08; Ord. No. 455, § I, 3-22-10; Ord. No. 462, §§ III, IV, 11-22-10; Ord. No. 495, §§ I, II, 5-13-13; Ord. No. 534, § 5, 6-27-16; Ord. No. 543, § I, 6-26-17)

Sec 90-968 Nonconforming Signs, Illegal Signs, And Signs Accessory To Nonconforming Uses

- (a) Every legal permanent sign that does not conform to the height, size, area or location requirements of this article as of the date of the adoption of the ordinance from which this article was derived is hereby deemed to be nonconforming.
- (b) Nonconforming signs may be maintained and repaired so as to continue the useful life of the sign. If a nonconforming sign is damaged or destroyed, resulting in a loss of 60 percent of its replacement value by fire, flood, wind or other such calamity, its reconstruction shall be in accordance with the provisions of this chapter. Any such restoration must be started within a period of one year at the time of such damage and diligently prosecuted to completion. For the purposes of this section, maintained shall be defined as to remain unaltered except to clean, paint, or other such activity with the objective of retaining or restoring the sign in or to a state in which it can perform its required function that does not increase the extent of the nonconformity, and repaired shall be defined as to make whole, good, or strong without increasing the extent of the nonconformity.
- (c) Nonconforming signs may be changed as long as the sign is not enlarged or the nature of the nonconformity increased.
- (d) For the purposes of this article, a nonconforming sign may be diminished in size or dimension, or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
- (e) A sign accessory to a nonconforming use may be erected in the city in accordance with the sign regulations for the district in which the property is located.

(Ord. No. 301, § 5(3.87), 2-10-97; Ord. No. 446, § I, 7-27-09)

Sec 90-969 Measurement Of Signs

- (a) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure that encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from

the background against which it is placed, excluding only the structure necessary to support the sign.

- (b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces; except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as one face.
- (c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

(Ord. No. 301, § 5(3.88), 2-10-97)

Sec 90-970 Responsibility And Removal

Unless otherwise provided in this article, no signs, except those identified in sections 90-963 and 90-967(g) shall be located within the public right-of-way. All signs located in the city shall be erected, altered and maintained at the risk of the owner thereof, who shall assume full responsibility for consequences of damage caused thereby. Any sign erected, altered or maintained shall be removed by the owner within 24 hours of receipt of notice from the building inspector stating that such sign is unsafe or not properly maintained and shall be removed unless such condition is corrected. Upon failure to remove or correct such conditions within 24 hours of notice, the building inspector shall take such action as is necessary to have the sign removed as a public nuisance. Any signs located within the public right-of-way may be immediately removed by the building inspector.

(Code 1970, § 3.82; Ord. No. 301, § 5(3.89), 2-10-97; Ord. No. 443, § I, 5-26-09; Ord. No. 455, § II, 3-22-10; Ord. No. 534, § 6, 6-27-16)

Sec 90-971 Signs In The Residential Districts

In the R-R, R-S, R-1, R-2, R-D and R-M districts, only the following signs are permitted subject to the dimensional requirements in section 90-967 or as allowed herein:

- (a) One permanent ground sign may be permitted per parcel subject as part of an application for and approval of a special land use permit. The sign shall not exceed 32 square feet in area and six feet in height and may be an illuminated non-flashing type.
- (b) The following temporary signs are permitted:
 - (1) No more than four wire frame signs per parcel.
 - a. During the time period where the property is actively listed for sale, one temporary sign per parcel may consist of a post sign.

(Code 1970, § 3.83; Ord. No. 301, § 5(3.90), 2-10-97; Ord. No. 305, § 1, 10-27-97; Ord. No. 525, § I, 4-27-15; Ord. No. 534, § 7, 6-27-16; Ord. No. 543, § I, 6-26-17)

Sec 90-972 Signs In The Apartment And Office Districts

The following signs are permitted:

- (a) In the A-1, A-2, A-O zoning districts one permanent ground sign per parcel not to exceed 32 square feet in area and six feet in height.

(b) In the B-5 zoning district:

- (1) One ground sign per parcel, but not a pole sign, up to a maximum size of 24 square feet. Such sign shall not exceed a height of four feet above grade as measured to the top of the sign. Ground signs shall be setback a minimum of five feet from the front and side lot lines, but in no case shall a sign be placed where it might obstruct the vision of a motorist.
- (2) Each lot is also permitted to have one wall sign per street frontage to be placed on that side of the building which faces the street up to a maximum size of 50 square feet per sign.
- (3) For buildings containing more than one office establishment the size of the ground sign and wall sign(s) may be increased by 50 percent.
- (4) Projecting signs shall be allowed according to the requirements of subsection 90-973(e).
- (5) Awnings, canopy and marquee signs are permitted in lieu of a permitted wall sign.
- (6) Ground and wall sign materials shall reflect the architectural character and materials of the building facade.
- (7) For externally lit signs, the lighting fixture shall be mounted on the top of the sign only and the fixture directed downward so that the light does not present a glare to any person.

(c) The following temporary signs are permitted in A-1, A-2, A-O and B-5 districts subject to the dimensional requirements in section 90-967 or as allowed herein:

- (1) One post sign per parcel not to exceed eight square feet in area and four feet in height or one post sign up to 32 square feet in area and eight feet in height. A permit is required.
- (2) Wire frame signs not to exceed four per parcel.
- (3) Banner, flag and flutter flags not to exceed four such signs per parcel in total. Banner, flag and flutter flag signs may be displayed indefinitely provided they are properly maintained and shall be removed if they become torn, faded, unreadable or otherwise unsightly.
- (4) Pennants and streamers are allowed provided they are properly maintained but shall be removed if they become torn, faded, unreadable or otherwise unsightly.
- (5) One portable per parcel shall be permitted for any 30 days within a period of 120 days; but the sign shall not be closer than five feet to the front street right-of-way line nor closer than 20 feet to any curb, rear lot line, side lot line or intersection of streets right-of-way. If the sign is illuminated, there shall be an electrical outlet installed in accordance with the electrical codes for the city and state within five feet of the sign. The sign permit shall designate the 30 days in the 120-day period, as requested on the application for a sign permit.

(Code 1970, § 3.84; Ord. No. 301, § 5(3.91), 2-10-97; Ord. No. 334, § III, 5-29-01; Ord. No. 534, § 8, 6-27-16; Ord. No. 543, § I, 6-26-17)

Sec 90-973 Signs In The B-1, B-2, B-3, B-4 And B-6 Districts

(a) Only the following signs are permitted in the B-1, B-2, B-3, B-4 and B-6 districts:

- (1) *Wall signs.* One or more signs may be attached parallel to and flat against the face of the building and may project 14 inches from the building if they are ten feet above ground level. These signs may extend across 90 percent of the width of the building and may have a height equal to one-fourth of the height of the building.

The maximum square footage for a single wall sign or the cumulative total of all wall signs shall not exceed ten percent of the square footage for each wall of the principal building which directly faces or fronts upon the public street or off-street parking area.

The sign or signs as permitted in the preceding paragraph above shall only be placed on that wall of the principal building and/or accessory building that directly faces or fronts upon the public street or any off-street parking area provided there are no buildings in between the principal and/or accessory building and the street.

For a principal or accessory building on a corner lot a single wall shall not contain a sign or signs greater in size than ten percent of the total square footage of that wall which is to contain the sign or signs.

(2) *B-1 district ground signs.* Ground Signs shall be permitted in the B-1 district according to the following requirements:

- a. One ground sign per parcel not to exceed 35 square feet in area, except that historical plaques shall not be included in the calculated area.
- b. The height of a ground sign shall not exceed six feet above grade.
- c. A ground sign shall be set back a minimum of five feet from all lot lines and in the opinion of the zoning administrator shall not be placed so as to create an unsafe situation for those persons using the driveway to the site or traveling on an abutting road or sidewalk.
- d. Ground signs in the B-1 zone shall be constructed primarily with wood, brick, stone, wrought iron, glazed tile, or other similar decorative material.
- e. Parcels with nonconforming pole signs shall be allowed a ground sign only upon the removal of all nonconforming pole signs from the property.

(3) *B-2 district ground signs.* ground signs shall be permitted in the B-2 district according to the following requirements:

- a. One ground sign per parcel except as may be allowed by subsection 90-973(b)(6).
- b. The size of the ground sign shall be as set forth in the ground sign below:

GROUND SIGN TABLE

Parcel Frontage Width	Sign Area	Sign Height	Sign
Less than 100 ft.	35 sq. ft.	6 ft.	10 ft.
100 to 299 ft.	65 sq. ft.	8 ft.	12 ft.
300 ft. or more	80 sq. ft.	10 ft.	12 ft.

- c. The height of the ground sign shall include the base and the height shall be measured from the natural grade on which the base rests to the top of the sign.
- d. The width of the sign shall include the frame or support structures.
- e. A ground sign shall be set back a minimum of five feet from all lot lines and in the opinion of the zoning administrator shall not be placed so as to create an unsafe situation for those persons using the driveway to the site or traveling on an abutting road or sidewalk.
- f. For parcels with more than 300 feet of road frontage or for parcels with road

frontage on more than one street, one ground sign may be permitted for each driveway which serves the parcel. The sign shall be placed within close proximity to each driveway while maintaining adequate separation between signs. The size of each sign shall be as set forth in the ground sign table of this section.

- g. For multitenant parcels, the permitted size of the ground sign may be increased by 25 percent. For purposes of this section, a multitenant parcel shall be defined as a parcel or a building which contains more than one commercial establishment.
 - h. For abutting parcels which share a common property line and a driveway onto a public road, the commercial establishments on each parcel may share one ground sign. The size of the sign shall then be determined by the total amount of road frontage of the two parcels in accordance with the ground sign table contained in this section. The owners or operators of each commercial establishment shall provide an appropriate operation and maintenance agreement to the city before a sign permit will be issued.
 - i. Street numbers shall be prominently displayed on all ground signs in a conspicuous location approved by the building inspector. The characters to be used for such purpose shall be not less than eight inches in height and shall be of a color that contrasts with the color of the background to which they are affixed. The street numbers shall not be in script. The street numbers will not be calculated as part of the allowed square footage of the message. It shall be unlawful for any person to display any street number other than the official number upon any ground sign.
 - j. Parcels with nonconforming pole signs shall be allowed a ground sign only upon the removal of all nonconforming pole signs from the property.
- (4) *Marquees and canopies.* Marquees and canopies constructed as an integral part of a building may be construed as the face of a building on which the permitted attached signs may be placed along the front edge; the area of such signs may be computed based upon the actual size of the building wall. All such signs shall be parallel to the face of the building. (See subsection 90-504(f)).
- (5) *Temporary signs.* The following temporary signs shall be permitted subject to the dimensional requirements in section 90-967 or as allowed herein:
- a. Post sign. One post sign shall be permitted per parcel not to exceed 32 square feet in area and six feet in height.
 - b. Wire frame signs. No more than four wire frame signs shall be permitted per parcel.
 - c. Banner, flag, or flutter flags. No more than four banner, flag or flutter flags shall be permitted per parcel. Banner, flag and flutter flag signs may be displayed indefinitely provided they are properly maintained and shall be removed if they become torn, faded, unreadable or otherwise unsightly.
 - d. Pennants and streamers. No more than four pennants or streamers per parcel shall be permitted provided they are properly maintained and shall be removed if they become torn, faded, unreadable or otherwise unsightly.
 - e. Portable sign. One portable sign shall be permitted for any 30 days within a period of 120 days; but the sign shall not be closer than five feet to the front street right-of-way line nor closer than 20 feet to any curb, rear lot line, side lot line or intersection of streets right-of-way. If the sign is illuminated, there shall be an electrical outlet installed in accordance with the electrical codes for the city and

state within five feet of the sign. The sign permit shall designate the 30 days in the 120-day period, as requested on the application for a sign permit

(6) Projecting signs subject to the following regulations:

- a. One projecting sign shall be permitted for each entrance of a business or separate commercial establishment within a building provided the sign is placed on the same plane as the building entrance.
- b. The maximum size of each sign shall not exceed six square feet.
- c. Each sign shall not project more than four feet from the building and be shall pinned away from the wall by a minimum of six inches.
- d. Each sign shall project from the wall at an angle of 90 degrees.
- e. Each sign shall not be higher than the window sill of the second-story window.
- f. Each sign shall maintain a minimum clearance from the ground of eight feet.
- g. Each sign shall be mounted to the building by a single mounting bracket (support chains shall be prohibited); and no support material shall project below the sign.
- h. A projecting sign shall be at least five feet from any adjoining building.
 - i. Each sign shall relate only to the use on the premise containing the sign.
 - j. The installation plans for the sign shall be approved by the building inspector who shall also inspect the sign after installation.
- k. Signs shall not be internally lighted. External lighting of signs is permitted but the source of illumination shall not cause glare.
- l. The use of wrought iron as a frame for signs is encouraged.

(Code 1970, § 3.85; Ord. No. 301, § 5(3.92), 2-10-97; Ord. No. 333, § I, 5-29-01; Ord. No. 334, § IV, 5-29-01; Ord. No. 432, § II, 12-22-08; Ord. No. 438, § I, 3-23-09; Ord. No. 446, § II, 7-27-09; Ord. No. 462, § V, 11-22-10; Ord. No. 486, § I, 6-25-12; Ord. No. 525, §§ II, III, 4-27-15; Ord. No. 534, §§ 9, 10, 6-27-16; Ord. No. 542, § I, 5-22-17; Ord. No. 543, § I, 6-26-17)

Sec 90-974 Signs In The Industrial Districts

Signs for the D-1 district shall be the same as signs permitted in the B-1 district per section 90-973. Signs for the D-2 district shall be the same as signs permitted in the B-2 district per section 90-973.

(Code 1970, § 3.86; Ord. No. 301, § 5(3.93), 2-10-97; Ord. No. 304, § 1, 10-27-97)

Secs 90-975 - 90-1005 (Reserved)

Editor's note - Ord. No. 534, § 10, adopted June 27, 2016, repealed § 90-975 in its entirety. Former § 90-975 pertained to portable signs, pennants, and streamers and derived from Code 1970, § 3.87; Ord. No. 301, § 5(3.94), adopted Feb. 10, 1997; Ord. No. 334, §§ V—VII, adopted May 29, 2001; Ord. No. 525, § IV, adopted April 27, 2015.

ARTICLE 90-XII LANDSCAPING

[Sec 90-1006 Intent And Purpose](#)

[Sec 90-1007 Applicability](#)

[Sec 90-1008 General Regulations](#)

[Sec 90-1009 Buffer Zones Required](#)

[Sec 90-1010 Buffer Zone Development Standards](#)

[Sec 90-1011 Front Yard Landscaping](#)

[Sec 90-1012 Off-Street Parking Area Landscaping Requirements](#)

[Sec 90-1013 Minimum Standards For Plantings And Berms](#)

Sec 90-1006 Intent And Purpose

- (a) The purpose of this article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as buffer zones between uses and along roadways. Landscaping is considered by the city to be an important element of land development, which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the city.
- (b) This article is also intended to:
- (1) Improve and enhance the character of the site;
 - (2) Screen or filter views, where necessary;
 - (3) Help unify the various parts of the site;
 - (4) Blend inharmonious land uses;
 - (5) Buffer incompatible uses;
 - (6) Moderate harsh or unpleasant sounds;
 - (7) Remove air pollutants;
 - (8) Control glare and reflection;
 - (9) Slow the effects of erosive winds or water and promote stormwater retention, thereby helping to prevent flooding;
 - (10) Assist in directing safe and efficient traffic flow at driveways and within parking lots;
 - (11) Ensure adequate sight distance;
 - (12) Reduce the impacts of glare from headlights; and
 - (13) Distinguish and separate vehicular and pedestrian circulation.
- (c) The landscape standards of this article are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

(Ord. No. 301, § 6(3.90), 2-10-97)

Cross reference - Environment, ch. 38.

Sec 90-1007 Applicability

- (a) The standards contained in this article shall be applicable to any site plan, special land use request, condominium, subdivision plan or PUD submitted for review and approval under this article, subject to the limitations given in subsection (b) of this section. The regulations of this article shall not apply to individual single-family and two-family dwelling units.
- (b) For existing and proposed uses that require site plan approval to either expand or be built, landscaping should be installed insofar as practical. The planning commission in its review of the

site plan has the authority to increase, decrease or otherwise modify the landscaping and screening requirements of this article. In doing so, the commission shall consider the following criteria:

- (1) The amount of space on the site available for landscaping.
- (2) Existing landscaping on the site and on adjacent properties.
- (3) The type of use on the site and size of the development.
- (4) Existing and proposed adjacent land uses.
- (5) The effect the required landscaping would have on the operation of the existing or proposed land use.

(Ord. No. 301, § 6(3.91), 2-10-97)

Sec 90-1008 General Regulations

- (a) Landscaping shall be installed within 180 days of occupancy of the building or structure unless a longer period is permitted in writing by the zoning administrator.
- (b) All landscaping shall be hardy plant materials and maintained thereafter in a neat, healthy and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
- (c) For the purpose of this article, a corner lot is considered as having a front yard along each street, and the appropriate landscaping shall be provided for both yards.
- (d) The extensive use of cobblestones, crushed stones, or other nonliving material as a ground cover should be minimized.

(Ord. No. 301, § 6(3.92), 2-10-97)

Sec 90-1009 Buffer Zones Required

- (a) A buffer zone either A, B, or C as per section 90-1010 shall be required on the subject lot or parcel along the boundary between adjoining lands in different zoning districts as indicated on table 8-1.
- (b) Where the boundary between zoning districts lies on an active or abandoned railroad right-of-way, parcels adjacent to and separated solely by the railroad right-of-way shall be considered adjoining, and subject to buffer zone requirements.
- (c) Buffer zone requirements shall not apply where adjacent zoning districts are separated by a public street. In such case, the front yard landscaping requirements of this article shall apply.
- (d) A buffer zone shall be required even if the abutting parcel is unimproved land.
- (e) Where the buffer zone width requirements of this article are greater than the minimum setback requirements for the zoning district of the subject property, a building footprint may encroach into the required buffer zone; however, no parking area or driveway shall be permitted to encroach within a required buffer zone.

(Ord. No. 301, § 6(3.93), 2-10-97)

Sec 90-1010 Buffer Zone Development Standards

Required buffer zones shall comply with the following standards:

- (a) A buffer zone shall be provided as required by table 8-1.

TABLE 8-1
LANDSCAPE BUFFER ZONE REQUIREMENTS

Subject Zone	R-R, R-S, R-1, R-2, R-D	R-M	A-O	A-1, A-2, B-5	B-1 to B-6, Office	D-1, D-2
A-O	B	B		C	B	B
A-1, A-2, B-5	B	B	C		C	C
B-1, B-3	C	C	C	C		C
B-2, B-4, B-6, Office	B	B	B	B		B
D-1, D-2	A	A	A	A		

Read from subject zone across to adjacent zone. Landscaping required to be placed in subject zone only. For landscaping in the R-M mobile home park district, please refer to section 90-366.

- (b) Buffer zone minimum widths:

Buffer zone A: 20 feet
Buffer zone B: 15 feet
Buffer zone C: 10 feet

- (c) A mixture of deciduous canopy trees, deciduous ornamental trees, evergreen trees and shrubs shall be planted in the buffer zone, in compliance with the following quantity standards:

TABLE 8-2

Type of Plant Material	Quantity of Plant Materials per 100 Linear Feet of Buffer Zone		
	Buffer Zone A	Buffer Zone B	Buffer Zone C
Canopy trees	3	3	2
Ornamental trees	3	2	2
Evergreen trees	4	3	2
Shrubs	10	6	4

- (d) Types of trees permitted to be planted within the buffer zone shall include but not be limited to the following:

- (1) *Canopy trees*: Maple, Ash, Locust, Sycamore, Oak, Linden, Ginkgo.
- (2) *Ornamental trees*: Redbud, Hawthorn, Crabapple, Dogwood, Plum, Russian Olive, Shadblow.
- (3) *Evergreen trees*: Norway Spruce, Austrian Pine, White Pine, Blue Spruce, Hemlock, Japanese Yew.

- (e) If a berm is used for all or part of the buffer zone, required plant material quantities may be reduced by 25 percent. The berm shall comply with minimum standards contained in this article. All plant materials shall be placed along the top and exterior side slope of the berm. The buffer

zone width shall be increased as needed to accommodate maximum berm side slopes of one foot vertical rise to three feet horizontal.

- (f) A screen wall or fence may be used for all or part of the buffer zone. If a fence or screen wall is used as a buffer zone, the following regulations shall apply.
- (1) Required quantities of plant materials may be reduced by 50 percent for that area abutting the fence or wall.
 - (2) All required plant materials shall be on the exterior side of the screen wall or fence.
 - (3) The fence or wall shall comply with the applicable regulations of article IX, division 4 of this chapter.
- (g) All areas of the buffer strip outside of planting beds shall be covered with grass or other living ground cover.
- (h) Stormwater detention/retention areas shall be permitted within buffer zones provided they do not reduce the screening effect.
- (i) Solid waste dumpsters may be located in buffer zones, provided they are screened on three sides by a continuous opaque wall or fence six feet in height.

(Ord. No. 301, § 6(3.94), 2-10-97; Ord. No. 524, § I, 4-27-15)

Sec 90-1011 Front Yard Landscaping

- (a) Except for necessary driveways, frontage roads, service drives or walkways, the front yard shall be landscaped according to the following minimum requirements. If the building is not set back sufficiently to allow adequate area for such landscaping, the planning commission site plan review committee or zoning administrator as the case may be, shall determine the proper amount of plantings.
- (1) One canopy tree and two evergreen trees plus one additional canopy and evergreen tree for each 75 feet in length of road frontage.
 - (2) One ornamental tree plus one for each 75 feet in length of road frontage.
 - (3) Shrubs at a rate of one per each tree required.
- (b) Earthen berms may be permitted within the required front yard landscape area. Credit of up to 25 percent may be received against providing the required plantings through the use of berms three feet in height or greater.
- (c) Plantings and berms shall be located so as not to obstruct the vision of drivers entering or leaving a site.

(Ord. No. 301, § 6(3.95), 2-10-97)

Sec 90-1012 Off-Street Parking Area Landscaping Requirements

All parking areas having 20 or more parking spaces shall be landscaped according to the following minimum requirements:

- (a) One canopy tree for every 20 parking spaces, with a minimum of two trees, shall be planted adjacent to and within the parking area.
- (b) Trees shall be located to prevent damage by motor vehicles.

- (c) Landscaping islands shall be dispersed through the parking lot in order to break up large expanses of paved surfaces and improve traffic flow and line of sight for drivers. Each landscape island shall be a minimum of six feet wide and shall contain at least one canopy tree.
- (d) Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.
- (e) All landscape areas shall be protected by raised curbs, parking blocks or other similar methods.
- (f) Where any parking area, excepting areas serving one-family or two-family dwellings, abuts or faces a public right-of-way, a three-foot-high continuous obscuring screen at least three but no more than four feet high may be required between the parking area and the public road right-of-way line. The screen may be comprised of natural or manmade material or any combination of these elements. Such screening may be required for parking lots across the street from residential uses where vehicle lights, noise or appearance may create a nuisance or safety hazard for residents.
- (g) Landscaping required for buffer zones and front yard landscaping that abuts off-street parking areas may substitute for up to 50 percent of the required parking lot landscaping.

(Ord. No. 301, § 6(3.96), 2-10-97)

Sec 90-1013 Minimum Standards For Plantings And Berms

(a) *Minimum plant size at time of planting.*

(1)	Deciduous canopy tree	2-½" caliper
(2)	Deciduous ornamental tree	2" caliper
(3)	Evergreen tree	7' height
(4)	Deciduous shrub	2' height
(5)	Upright evergreen shrub	2' height
(6)	Spreading evergreen shrub	18" spread

(b) *Minimum standards for berms.*

- (1) Wherever a berm is used to meet the minimum requirements of this article, it shall have a minimum height of three feet and a maximum height of five feet above grade.
- (2) Berms shall be constructed so as to maintain side slopes not to exceed a one-foot vertical rise to three feet horizontal ratio.
- (3) Berm areas shall be covered with grass or other living ground cover.
- (4) Berms shall be constructed so as not to alter drainage patterns on the site or on adjacent properties.

(Ord. No. 301, § 6(3.97), 2-10-97)

ARTICLE 90-XIII SPECIAL LAND USES

[DIVISION 90-XIII-1 GENERALLY](#)

[DIVISION 90-XIII-2 SPECIFIC STANDARDS](#)

State Law reference - Special land uses, MCL 125.584a, MSA 5.2934(1).

DIVISION 90-XIII-1 GENERALLY

[Sec 90-1046 Purpose](#)

[Sec 90-1047 Authorization](#)

[Sec 90-1048 Procedure](#)

[Sec 90-1049 Standards For Approval](#)

[Sec 90-1050 Conditions And Safeguards](#)

[Sec 90-1051 Validity Of Permit](#)

[Sec 90-1052 Amendment Of An Approved Special Land Use](#)

Sec 90-1046 Purpose

The purpose of this article is to provide regulations for uses not essentially incompatible with uses permitted by right in a given district, but which may only be appropriate if restrictions or conditions are imposed by reason of special problems presented by the use itself or its particular location in relation to neighboring properties. The special land use permit procedure established in this article is designed to provide the planning commission with an opportunity to review and act upon any application for a special use permit.

(Ord. No. 301, § 8(3.240), 2-10-97)

Sec 90-1047 Authorization

The planning commission shall have the power to approve special land use permit applications with such conditions and safeguards as are appropriate under this article or to deny special land use permit applications where not in harmony with the purpose and intent of this article.

(Ord. No. 301, § 8(3.241), 2-10-97; Ord. No. 407, § VII, 8-28-06)

Sec 90-1048 Procedure

- (a) *Application.* An application for a special land use permit shall be made through the city clerk/treasurer to the planning commission. The application may be accompanied by an application for a zone change if such change is necessary to accommodate the requested special land use. The required fee shall be as established by council resolution.
- (b) *Site plan requirement.* Applications for a special land use permit shall also be accompanied by a site plan, which shall contain the information for final site plans required by article IV of this chapter.
- (c) *Additional information.* The planning commission may also require that the applicant provide additional information about the proposed use. Such information may include but shall not be limited to traffic analysis; environmental impact statement; and economic analysis justifying the need for a proposed use or uses, impact on public utilities and services, and affect on the public school system.
- (d) *Planning commission hearing.* The application shall be referred to the planning commission, which shall set a public hearing for the application. Notice of the hearing shall be as required in section 90-47 of this zoning ordinance.

(Ord. No. 301, § 8(3.242), 2-10-97; Ord. No. 321, 8-23-99; Ord. No. 407, § VII, 8-28-06)

Sec 90-1049 Standards For Approval

To approve a special land use, the planning commission must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this article for specific special land uses:

- (a) Be designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not result in a detrimental change to the essential character of the area in which it is proposed.
- (b) Be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- (c) Not create excessive additional requirements at public cost for public facilities and services.
- (d) Not involve uses, activities, processes, materials and equipment, or conditions of operation that will be overly detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- (e) Be consistent with the intent and purpose of the zoning district in which such use will be located.
- (f) Be compatible with and in accordance with the city's master plan.

(Ord. No. 301, § 8(3.243), 2-10-97)

Sec 90-1050 Conditions And Safeguards

- (a) In approving a request for a special land use permit, the planning commission may impose conditions and safeguards. Such conditions may include but are not limited to conditions necessary to:
 - (1) Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
 - (2) Protect the natural environment and conserve natural resources and energy;
 - (3) Ensure compatibility with adjacent uses of land; and
 - (4) Promote the use of land in a socially and economically desirable manner.
- (b) Conditions imposed shall meet all of the following requirements:
 - (1) Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (2) Be related to the valid exercise of the police power and purposes affected by the proposed use or activity.
 - (3) Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- (c) The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the planning commission and the applicant. The approving planning commission shall maintain a record of the conditions which are changed.

(Ord. No. 301, § 8(3.244), 2-10-97)

Sec 90-1051 Validity Of Permit

- (a) Planning commission approval of a special land use permit shall be valid regardless of change of ownership, provided that all terms and conditions are complied with by the new owners.
- (b) In cases where development authorized by a special land use permit has not commenced within one year of issuance, the permit shall automatically terminate. Upon written application filed before the termination of the one-year period, the planning commission may authorize a single extension for a further period of not more than one year.
- (c) The planning commission shall have the authority to revoke a special land use permit following a public hearing with notice given as required herein. Such permit may be revoked upon evidence that the applicant, owner or operator has failed to comply with the requirements of the permit as stipulated by the planning commission and any other applicable regulations of this article.

(Ord. No. 301, § 8(3.245), 2-10-97)

Sec 90-1052 Amendment Of An Approved Special Land Use

- (a) Any person or agency for which a special land use has been approved shall notify the zoning administrator of any proposed amendment to the approved use and site plan. Any minor change such as dimension changes, increase in parking, drive relocation, landscaping changes, or movement of lighting or signs may be approved by the zoning administrator, who shall notify the planning commission in writing of such amendments. A copy shall be placed in the file of the original permit requested.
- (b) Any major changes to any approved special land use shall comply with the filing procedures contained in this article for special land use. Major changes shall include but are not limited to increasing the density or number of dwelling units, increasing the number of buildings or land area, and the addition of another use or uses not initially authorized under the original site plan. The zoning administrator shall determine if other similar changes constitute a major amendment.

(Ord. No. 301, § 8(3.246), 2-10-97)

DIVISION 90-XIII-2 SPECIFIC STANDARDS

[Sec 90-1076 Generally](#)

[Sec 90-1077 Bed And Breakfast](#)

[Sec 90-1078 Child Day Care In The Home For More Than Six But Less Than 12](#)

[Sec 90-1079 Child Care Center Outside Of Home](#)

[Sec 90-1080 Housing For The Elderly, Retired Or Assisted Care Facilities](#)

[Sec 90-1081 Golf Courses](#)

[Sec 90-1082 Churches, Synagogues Or Similar Places Of Worship](#)

[Sec 90-1083 Commercial Kennels](#)

[Sec 90-1084 Vehicle Service And Gasoline Stations](#)

[Sec 90-1085 Requirements For New And Existing Wireless Communication Towers And Antennas Exceeding 35 Feet](#)

[Sec 90-1086 \(Reserved\)](#)

[Sec 90-1087 Hospitals](#)

[Sec 90-1088 Public And Institutional Uses](#)

[Sec 90-1089 Specific Standards For Special Uses](#)

[Sec 90-1090 Accessory Buildings More Than One Story In The Neighborhood Edge Zoning District](#)

[Sec 90-1091 Height Exceptions For Buildings In The B-1, B-2, B-3, And D-2 Zoning Districts](#)

[Sec 90-1092 Transitional Or Emergency Housing](#)**Sec 90-1076 Generally**

The provisions given in this division are standards for specific special land uses that must be satisfied to qualify for a special land use, in addition to the general standards set forth in this article.

(Ord. No. 301, § 8(3.247), 2-10-97)

Sec 90-1077 Bed And Breakfast

- (a) In addition to providing a site plan as required by this chapter an applicant for a bed and breakfast shall also provide a floor plan noting total square footage of the dwelling unit and the use and square footage of each room.
- (b) The following standards shall be met:
- (1) The bed and breakfast shall not have more than six transient rooms.
 - (2) There shall be a minimum distance of 500 feet between bed and breakfast establishments as measured between property lines.
 - (3) Rooms utilized for sleeping accommodations shall contain at least 100 square feet for two occupants with an additional 30 square feet for each additional occupant to a maximum of four occupants per room.
 - (4) There shall be no separate cooking facilities in the bedroom area.
 - (5) One off-street parking space shall be provided for each transient room in the bed and breakfast. A two-stall garage or covered parking for one-third of the required parking spaces shall be provided. All off-street spaces shall also conform to the requirements of article X of this chapter.
 - (6) Lavatories and bathing facilities shall be available to all persons using any bed and breakfast.
 - (7) The dwelling unit in which the bed and breakfast is located shall be the principal residence of the operator/owner, and the operator/owner shall live on premises when the bed and breakfast operation is active. The dwelling unit shall contain a minimum of 2,000 square feet.
 - (8) The sleeping rooms of the bed and breakfast shall not consist of more than 40 percent of the total dwelling unit floor area. In addition, there shall be a minimum of 20 percent of the dwelling that can be used as a common area for both guests and the owner.
 - (9) The bed and breakfast shall comply with all applicable regulations of the district health department and the state.
 - (10)
 - a. A bed and breakfast located in a residential zoning district shall be permitted one sign not to exceed six square feet and shall be set back ten feet from the front and side lot lines.
 - b. A bed and breakfast located in a nonresidential zoning district shall be permitted to install signs in accordance with the sign requirements of article XI of this chapter for that zoning district in which the bed and breakfast is located.

(Ord. No. 301, § 8(3.248), 2-10-97)

Sec 90-1078 Child Day Care In The Home For More Than Six But Less Than 12

- (a) Child day care homes shall be licensed by the state under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.).
- (b) A child day care home shall not be located closer than 800 feet to any of the following facilities as measured along a street, road or other public thoroughfare, excluding an alley:
 - (1) A residential facility offering substance abuse treatment and rehabilitation services licensed by the state.
 - (2) A community correction center, resident home, halfway house or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
- (c) The outdoor play area shall not be located within the required front yard setback area and shall be the minimum area required by state law.
- (d) All outdoor play areas shall be enclosed by a fence that is at least 48 inches high and complies with the applicable regulations for fences as required by this chapter.
- (e) One off-street parking space shall be provided for each nonfamily employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement.
- (f) Hours of operation shall not exceed 16 hours in a 24-hour period, and activity shall be limited between the hours of 10:00 p.m. and 6:00 a.m.
- (g) Child day care homes shall only be permitted in a safe environment. Such environment, both on the premises and adjacent to such property, shall be free from nuisance or hazardous conditions that would place children's health or safety at risk. Such conditions might include but are not limited to bodies of water, unacceptable exposure to traffic, noise, air contaminants, vibration, explosive materials, or other dangerous commercial or industrial activities.
- (h) As a condition of approval, the planning commission may require any site improvement they feel is necessary to ensure the health and safety of the children to be present on the premises.
- (i) Child day care homes shall not result in a detrimental change to the essential residential character of the neighborhood in which it is to be located, nor shall it result in an unreasonable nuisance condition to residents of the neighborhood in which it is to be located. In determining whether potential for an unreasonable nuisance situation exists, the planning commission shall evaluate the following factors:
 - (1) Traffic volumes to be generated into the neighborhood once the group day care home is in operation;
 - (2) Adequacy of parking or dropoff sites; and
 - (3) Presence of other child day care homes or similar uses in the immediate area, and any complaints on record regarding the same uses.

(Ord. No. 301, § 8(3.249), 2-10-97)

Sec 90-1079 Child Care Center Outside Of Home

- (a) Child care centers shall be licensed by the state under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.).
- (b) A child care center shall not be located closer than 800 feet to any of the following facilities as measured along a street, road or other public thoroughfare, excluding an alley:

- (1) A residential facility offering substance abuse treatment and rehabilitation services licensed by the state.
 - (2) A community correction center, resident home, halfway house or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
- (c) The minimum lot area shall be 17,000 square feet, with a minimum lot width of 132 feet.
 - (d) A child dropoff/pickup area shall be provided off the public street.
 - (e) Child care centers shall comply with the minimum building setbacks specified for principal buildings in the zoning district in which the child care center is located. In order to protect the peace and quiet of neighboring residents, the planning commission may impose greater setbacks than the minimum specified in those instances where the child care center would be located adjacent to single-family dwellings.
 - (f) The outdoor play area shall not be located within the required front yard building setback area. Such area shall be enclosed by a fence that is at least 48 inches high and complies with the applicable regulations for fences as required by this chapter.
 - (g) Child care centers shall only be permitted in a safe environment. Such environment shall be free from nuisance or hazardous conditions, either on or adjacent to the premises, that would place children's health or safety at risk. Such conditions might include but are not limited to bodies of water, unacceptable exposure to traffic, noise, air contaminants, vibration, explosive materials, or other dangerous commercial or industrial activities.
 - (h) As a condition of approval, the planning commission may require any site improvement they feel is necessary to ensure the health and safety of the children to be present on the premises.
 - (i) Child care centers shall not result in a detrimental change to the essential character of the area in which it is to be located.
 - (j) Child care centers shall not result in an unreasonable nuisance condition to residents of any residential district. In determining whether potential for a nuisance situation exists, the planning commission shall evaluate the following factors:
 - (1) Traffic volumes to be generated once the child care center is in operation;
 - (2) Adequacy of parking or dropoff sites;
 - (3) Presence of other child care centers in the immediate area, and any complaints on record regarding the same uses.
 - (k) Where such use abuts existing residential land use or a residential zoning district, landscape buffer zone B shall be provided as specified in article XII of this chapter.
 - (l) The facility shall be connected to public water and sanitary sewer.
 - (m) The facility shall be located on a parcel that has frontage on a major street as illustrated in the city master plan or on a state highway.

(Ord. No. 301, § 8(3.250), 2-10-97)

Sec 90-1080 Housing For The Elderly, Retired Or Assisted Care Facilities

- (a) The maximum density of housing for the elderly, retired or assisted care facilities shall not exceed 14 units per acre. For purposes of this section a unit shall include a room in a nursing or convalescent home or a dwelling unit with or without kitchen facilities designed for occupancy by not more than two persons.

- (b) Uses permitted shall include but need not be limited to:
- (1) Group dining facilities;
 - (2) Recreational facilities;
 - (3) Commercial or retail uses for use by residents or their guests, child or adult day care facility;
 - (4) Limited medical or therapy facilities for residents.
- (c) Where such use abuts existing residential land use or a residential zoning district, landscape buffer zone B shall be provided as specified in article XII of this chapter.
- (d) The facility shall be connected to public water and sanitary sewer facilities.
- (e) The facility shall be located on a parcel that has frontage on a major street as illustrated in the city's master plan or on a state highway.
- (f) The facility shall be located so as to provide its residents with safe and convenient pedestrian vehicular access to community services such as transportation, shopping, recreation and medical services.

(Ord. No. 301, § 8(3.251), 2-10-97)

Sec 90-1081 Golf Courses

- (a) All principal buildings on a golf course shall be at least 200 feet from the front lot line and 200 feet from all other lot lines.
- (b) Uses permitted in conjunction with the golf course may include a pro shop offering golf merchandise for sale as well as golf equipment repair services, a restaurant, driving range and similar related uses as may be approved by the planning commission.
- (c) Tees, fairways, greens and trails shall be arranged in a manner to limit stray golf shots and trespassing onto neighboring properties. The planning commission may require fencing to prevent trespassing onto neighboring properties.
- (d) Lighting shall be no brighter than necessary to provide for safe use of the recreational facility and shall be directed away from adjoining properties and public rights-of-way. The planning commission may, as a condition of special land use approval, require the reduction or extinguishment of lighting during periods when the area is not being used for its intended purpose.

(Ord. No. 301, § 8(3.252), 2-10-97)

Sec 90-1082 Churches, Synagogues Or Similar Places Of Worship

- (a) All church buildings shall be set back a minimum of 40 feet from all lot lines.
- (b) Parking lots shall be set back a minimum of 15 feet from any lot line that abuts existing residential uses or residential zoning districts. This setback area shall be landscaped according to the requirements of Article XII of this chapter for landscape buffer zone C. The planning commission may increase, decrease or otherwise modify the landscaping requirements in order to achieve the intent of providing a suitable buffer zone for adjacent properties.
- (c) Athletic fields, accessory buildings which exceed the requirements of section 90-831 or other uses or buildings associated with the church use may be allowed only with approval of the planning commission, in accordance with the general standards for special land uses.

For accessory buildings which exceed the requirements of section 90-831, the planning commission may modify the requirements of section 90-831 as part of the conditions of the special land use. In determining whether to approve a modification of these requirements, the planning commission must find, based upon the facts presented by the applicant, that the modification satisfies the standards of approval for a special land use in this chapter and that the modification is justified due to the nature, size, density, location or design of the proposed special land use.

- (d) A child care center may be operated on church property only if approved by the planning commission as an additional special land use if it complies with the standards for child care centers as specified in this article.
- (e) The facility shall be connected to public water and sanitary sewer.
- (f) Churches with a seating capacity of over 300 in the main room of worship shall comply with the following standards:
 - (1) The church shall be located on a parcel that has frontage on a major street as illustrated in the city's master plan or on a state highway.
 - (2) The parcel shall have a minimum of two acres.
 - (3) The parcel shall have a minimum width of 200 feet along a major street or state highway.
- (g) Churches that existed before the adoption of the ordinance from which this chapter was derived (1-27-1997) or church-owned lands that were purchased before the adoption of the ordinance from which this chapter was derived (1-27-1997) shall be considered conforming. Such existing churches may expand and such church-owned lands may be built upon provided a special land use is obtained from the planning commission. Expansions of existing churches shall comply with the requirements of this section.
- (h) Site development standards pertaining to walls, fences, driveways, sidewalks and other similar physical site improvements, excluding building setbacks and height and parking, may be modified by the planning commission as part of the conditions of the special land use. In determining whether to approve a modification of these requirements, the planning commission must find, based upon the facts presented by the applicant, that the modification satisfies the standards of approval for a special land use in this chapter and that the modification is justified due to the nature, size, density, location or design of the proposed special land use.
- (i) Churches may exceed the maximum height standard for the district in which they are located provided that the front, side and rear setbacks are increased by one (1) foot for every foot by which the building exceeds the maximum allowed height.

(Ord. No. 301, § 8(3.253), 2-10-97; Ord. No. 305, § 2, 10-27-97; Ord. No. 358, § I, 10-14-02)

HISTORY

Amended by Ord. [554](#) on 9/14/2018

Sec 90-1083 Commercial Kennels

- (a) The minimum lot area for a commercial kennel is two acres plus an additional one-third acre for each animal in excess of six.
- (b) Buildings for the housing of animals and outdoor fenced areas for keeping of animals shall not be located within 200 feet of any property line or street right-of-way.
- (c) The premises shall be kept in a safe and sanitary manner so as not to cause a public nuisance through production of flies, excessive odors, noise or other conditions detrimental to the

community health and welfare.

(Ord. No. 301, § 8(3.254), 2-10-97)

Sec 90-1084 Vehicle Service And Gasoline Stations

- (a) The minimum frontage for vehicle service and gasoline stations shall be 150 feet along each street that abuts the parcel.
- (b) The minimum lot size shall be 15,000 square feet.
- (c) Pump islands shall be set back a minimum of 20 feet from all lot lines.
- (d) Buildings shall be set back a minimum of 50 feet from the front lot line. Setbacks from other lot lines shall be as required by the district. For vehicle service and gasoline service stations in the B-1 zoning district, however, the setbacks for the canopy, fuel pumps and buildings shall be determined by the planning commission during review of the site plan so that the location of such structures will be compatible insofar as is practicable with nearby existing building setbacks in order to maintain the visual setback character of the downtown area. In determining the appropriate setbacks the commission shall give due consideration to achieving pedestrian safety, avoiding negative impacts on adjoining land uses and insuring safe ingress, egress and on site movement for vehicles.
- (e) Not more than two canopies may be placed within the required front and side yards covering gasoline and/or diesel pumps. The canopy shall meet the following requirements:
 - (1) There shall be a minimum setback from any road right-of-way of three feet.
 - (2) There shall be a minimum setback from any area or side yard lot line of 15 feet.
 - (3) Any canopy must be completely open on all sides except at the top and the side if it is attached to the principal building, then on all sides except its top and the side if it is attached to the principal building; the canopy shall be constructed to meet the requirements of the city's construction code and shall have a minimum clearance height of 12.5 feet and a maximum clearance height of 15 feet and a maximum overall height of 18 feet.
 - (4) The clearance height of the canopy shall be posted on all sides from which access is obtained for the canopy.
 - (5) Support posts for the canopy shall be placed so as not to be a traffic hazard for vehicles using the premises and not in any regularly used portion of the property used by vehicles.
 - (6) Canopy lighting shall be completely recessed within the canopy so that the light source is not visible from off the site.
- (f) Vehicle parking spaces at the pump island may be counted as part of the required parking spaces.
- (g) Traffic circulation and parking shall be arranged to avoid vehicle and pedestrian congestion near or in front of the entrance to the building.
- (h) Driveways shall be a minimum of 55 feet from street intersections unless located on M-37 or M-43, in which case the driveway placement standards of section 90-883 shall apply. This distance shall be measured along the curblines from the point of intersection of street right-of-way lines to the closest edge of the driveway. Driveways shall be a minimum of ten feet from abutting property lines.

(Ord. No. 301, § 8(3.255), 2-10-97; Ord. No. 472, § II, 2-27-12)

Sec 90-1085 Requirements For New And Existing Wireless Communication Towers And Antennas Exceeding 35 Feet

(a) *Purpose.* It is the intent of this section to regulate new and existing wireless communication towers and antennas which exceed 35 feet in height in accordance with the Federal Telecommunications Act of 1996, the Sequestration Act of 2012 and the Michigan Zoning Enabling Act, PA 110 Of 2006, as amended. Within the general parameters of these laws, this section also intends to reduce the impact of these communication elements on adjacent land uses by reasonably regulating their location, height, safety, general appearance, and eventual removal.

Additionally, this section intends to promote and encourage the co-location of attached communication antennas on existing towers and support structures.

(b) *Definitions.* As used in this section:

- (1) *Collocate* means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. Collocation has a corresponding meaning.
- (2) *Equipment compound* means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- (3) *Wireless communications equipment* means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- (4) *Wireless communications support structure* means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
- (5) Not included in the above definition are private communication antennas as defined in section 90-1 of this chapter.

(c) *Co-location of new wireless communications equipment and modification of existing wireless communications equipment and support structures permitted by right.* The co-location of new or the replacement of existing wireless communications equipment as defined herein and the modification of existing wireless communications support structures shall be permitted by the zoning administrator subject to compliance with all of the following requirements and the issuance of the applicable city building and electrical permits.

- (1) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
- (2) The existing wireless communications support structure or existing equipment compound is in compliance with the City of Hastings Zoning Ordinance and applicable building and electrical codes.
- (3) The proposed collocation and any subsequent collocations will not do any of the following:
 - a. Increase the overall height of the wireless communications support structure by more than 20 feet or ten percent of its original height, whichever is greater. The height shall be measured from the top of the structure to the average ground grade within 25 feet of the base of the wireless communications support structure;

- b. Increase the width of the original wireless communications support structure by more than the minimum necessary to permit collocation; or
 - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
- (4) The proposed collocation complies with the terms and conditions of any previous final approvals of the existing wireless communications support structure or wireless communications equipment as previously approved by the City of Hastings Planning Commission or Zoning Administrator; and
- (5) Any wireless communications equipment which meets the requirements of subsections (c) (1) and (2) but does not meet the requirements of subsection (c)(3) or (4) shall only be approved if the collocation complies with the requirements of subsection 90-1085(d) which requires a special land use permit.
- (6) Application and submittal information. An application for the uses permitted by subsection 90-1085(c)(1) above shall be filed with the city and contain the following information unless specifically waived by the zoning administrator:
- a. A complete written and graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/antenna will be anchored.
 - b. A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer's specifications and applicable city codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.
 - c. A description of the tower maintenance program.
 - d. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used as permitted in that zoning district.
 - e. Security measures including emergency contact personnel.
 - f. The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the city and the cancellation of such policy shall not be effective without the approval of the city.
 - g. All required fees shall be paid to the city at the time of application.
- (7) Site plan requirements. The applicant shall also file with the city three copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet containing the following information unless specifically waived by the zoning administrator:
- a. The date on which the site plan was prepared as well as the name of the preparer.
 - b. A north arrow and legal description of the property.
 - c. The area and dimensions of the parcel containing the tower and antenna including any area leased for the tower.

- d. A location map sufficient to show the character of the area surrounding the proposed antenna and the zoning and land use on adjacent properties.
- e. The height of the tower and antenna and its distance to all property lines.
- f. Any buildings or structures existing on the parcel.
- g. The distance to the closest building on adjacent property.
- h. The location of any overhead transmission lines on the site or on adjacent property which might be affected by the tower.
- i. Any tower supporting structures or devices.
- j. Type and height of fencing to be installed around the tower or an equipment building.
- k. Elevation drawings of any buildings designed to serve the tower.
 - l. Access road, width and construction standards along with access easement.
- m. Any lighting proposed to be located on the tower.

(8) Upon approval of the application by the zoning administrator, the applicant may proceed to obtain the applicable building and electrical permits.

(d) *Wireless communications equipment and wireless communications support structure allowed by special use permit.* Wireless communications equipment which is proposed to be mounted or attached to a newly installed wireless communications support structure which will exceed a height of 35 feet or a proposed collocation subject to subsection 90-1085(c)(5) may be allowed in all zoning districts if a special land use permit is approved by the planning commission subject to the regulations and requirements of this section and also the general special land use review procedures and standards of article 13 of this zoning ordinance.

(1) *Procedures:*

- a. An application for a special use permit for wireless communications equipment and wireless communications support structures shall be reviewed for completeness by the zoning administrator or their agent. An application shall be considered complete if it contains all of the information contained in subsections 90-1085(d)(2) and (3) below. Within 14 days of receiving the application the zoning administrator shall notify the applicant in writing of any missing items. Failure to do so shall mean that the special use permit application is considered complete (but not approved).
- b. Once a completed application is received, a public hearing shall be scheduled in accordance with the requirements of subsection 90-1048(d) of this chapter.
- c. The planning commission shall render a decision on a completed application within 90 days of its receipt or 60 days if the collocation is subject to subsection 90-1085(c)(5). Failure to do so shall result in the approval of the application as submitted.
- d. Any conditions imposed upon the approval of the special use permit must relate directly to the requirements of this zoning ordinance and any applicable city ordinances as well as applicable State of Michigan and federal laws.

(2) *Application requirements:* In addition to normal application requirements, an application for wireless communications equipment and wireless communications support structures

which require a special use permit shall include all of the following information unless specifically waived by the planning commission. The fee paid by the applicant shall not exceed the actual cost to process the application or \$1000.00, whichever is less.

- a. Proposed use - A complete written and graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/antenna will be anchored.
 - b. Location justification - Written materials which document the need for the proposed location.
 - c. Ownership interest - The nature and extent of the applicant's ownership or lease interest in the property, building or structure upon which the facilities are proposed for placement.
 - d. Co-Locations - Documentation that the applicant has investigated the potential of co-location with other wireless communication service providers or owners of wireless communications support structures located in Hastings or neighboring communities and which may meet the coverage needs of the applicant. The documentation must include written evidence that the applicant has had direct communication and response regarding the potential for co-location with the owners/operators of such other wireless communications support structures. All applications for construction of a wireless communications support structure will be required to provide plans for future co-location with other owners/operators at a fair and reasonable rental rate.
 - e. Engineering certification and plans - A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer's specifications and applicable city codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.
 - f. A description of the tower maintenance program.
 - g. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that zoning district.
 - h. Security measures including emergency contact personnel.
 - i. Liability - The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the city and the cancellation of such policy shall not be effective without the approval of the city.
- (3) *Site plan requirements:* Fourteen copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet. However, a larger scale may be accepted by the planning commission depending upon the size of the parcel. The plan shall be prepared and sealed by a professional engineer. The site plan shall contain at a minimum the information required by subsection 90-1085(c)(7) above and any information required by article IV, site plan review of this chapter, or as may be required by the planning commission unless specifically waived by the planning commission.

- (4) *Performance standards.* Wireless communications equipment and wireless communications support structures shall comply with all of the following requirements:
- a. Any support structure shall be set back from all lot lines a distance equal to the height of the support structure. The planning commission may modify the setback if it is demonstrated by the applicant that a lesser setback will not threaten adjoining properties or roadways. In no case shall the setback be less than the setback requirement of the zoning district in which the lot is located;
 - b. The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer's installation requirements provided they do not conflict with the state and local requirements;
 - c. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded;
 - d. The applicant shall provide written documentation of compliance with the Michigan Airport Zoning Act (Public Act 23 of 1950) and the Michigan Tall Structures Act (Public Act 259 of 1959);
 - e. A tower or similar structure which has been constructed to support an antenna which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the city. An extension of 90 days may be granted by the planning commission or zoning administrator as the case may be upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90-day period;
 - f. In removing the tower, the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the planning commission;
 - g. The antenna or tower shall be permanently secured to a stable foundation;
 - h. No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation;
 - i. All antennas and towers must be grounded to protect against damage from lightning;
 - j. All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference;
 - k. Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact; and
 - l. A commercial or public antenna or tower, including accessory buildings and guy wire supporting structures, shall be fully enclosed by a sturdy fence, securely gated, and shall have such height as reasonably determined by the planning commission. The fence may be fitted with barbed wire along the top of the fence if permitted by the planning commission.
 - m. Towers may be permitted to be on the same site as another principal use. In its consideration of this, the planning commission shall find that allowing the antenna or tower shall not pose a hazard to nearby buildings, properties and roadways and shall also comply with the special approval standards of this chapter.

- (5) *Approval standards.* In order to approve the application, the planning commission shall find that:
- a. The proposed use and structure meet the special land use approval standards of section 90-1049;
 - b. The proposed use and structure meet requirements of this subsection 90-1085(d);
 - c. Approval of the project will fill a significant gap in the service coverage of the applicant; and
 - d. That alternate sites or facilities for the wireless communications equipment and wireless communications support structure are not available or feasible.
- (6) *Conditions of approval:* Any conditions imposed on an approval must relate directly to this section, other applicable city ordinances and codes and applicable state and federal laws.
- (7) *Noncompliance with subsection 90-1085(d) requirements.* If the planning commission determines to deny an application for special use permit approval because the proposed project does not meet one or more of the requirements contained in subsection 90-1085(d) or any of the special use or site plan standards found elsewhere in this chapter the planning commission shall nevertheless approve the proposed project if the applicant can demonstrate to the satisfaction of the planning commission that no other viable alternative to the installation of the wireless communication structure and equipment can be found which will either provide personal wireless services to the area in question or close a significant gap in the existing service coverage for the area. Pursuant to any such approval by the planning commission, the wireless communication support structure and equipment shall still comply with all of the requirements of subsection 90-1085(d) and other applicable provisions of this section except to the extent that the applicant demonstrates that compliance with a particular requirement or regulation would:
- a. Prohibit or have the effect of prohibiting the providing of personal wireless services to the area, or
 - b. Prohibit the applicant from closing a significant gap in existing service coverage to the area involved.

(Ord. No. 511, § I, 6-23-14)

Editor's note - Ord. No. 511, § I, adopted June 23, 2014, amended § 90-1085 in its entirety to read as set out herein. Former § 90-1085 pertained to antennas and towers above a certain height or exceeding a certain dimension and derived from Ord. No. 301, § 8(3.256), adopted Feb. 10, 1997.

Sec 90-1086 (Reserved)

Editor's note - Ord. No. 539, § 4, adopted Dec. 27, 2016, repealed § 90-1086 in its entirety. Former § 90-1086 pertained to schools and derived from Ord. No. 301, § 8(3.257), adopted Feb. 10, 1997; Ord. No. 305, § 3, adopted Oct. 27, 1997.

Sec 90-1087 Hospitals

- (a) Hospitals and permitted accessory uses, including off-street parking, shall be located on a contiguous parcel of land of not less than ten acres. For purposes of this section, contiguous

shall mean lands abutting or adjacent and also lands under the control of the hospital but separated by a public street or right-of-way.

- (b) The parcel shall be located on a major street or state highway as identified in the city's master plan. The parcel shall have a minimum frontage of 300 feet on such street or highway.
- (c) The site shall be served by public utilities.
- (d) All vehicular ingress and egress shall be from a major street or highway unless the planning commission determines that access to other streets is needed to reduce traffic hazards for hospital traffic and passing traffic. Such access shall only be allowed if it can be demonstrated that vehicle and pedestrian safety on the other streets that will be used to provide access will not be significantly and adversely affected.
- (e) Maximum lot coverage by the principal hospital building and all permitted accessory buildings shall not exceed 40 percent.
- (f) Building height shall not exceed 35 feet.
- (g) All buildings shall comply with the setbacks of the zoning district in which the hospital is located.
- (h) If the hospital parcel abuts a residential zone or a single-family dwelling on abutting property, the hospital buildings shall be set back a distance equal to the height of the building.
- (i) Landscaping and buffering shall be provided as required by article XII of this chapter.
- (j) Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to deflect the light away from any adjoining residential properties or streets and highways. Lighting fixtures within 100 feet of any residential dwelling shall not exceed 20 feet in height. All other fixtures shall not exceed 35 feet in height unless the planning commission finds that a fixture more than 35 feet high will not result in adverse impact on nearby properties and residents. All light fixtures shall be designed to achieve total luminary cutoff, including exterior building lights.
- (k) In addition to the medical and health services normally provided by a hospital, the following uses are permitted as hospital related or accessory uses:
 - (1) Pharmacies.
 - (2) Ambulance and delivery areas.
 - (3) Outpatient medical laboratories.
 - (4) Kitchen and cafeteria.
 - (5) Laundry facilities.
 - (6) Conference facilities for in-house use.
 - (7) Gift shop.
 - (8) Chapel.
 - (9) Medical clinics or offices for doctors and physicians authorized to perform or provide services within the hospital.
 - (10) Facilities for mental health.
 - (11) Offices and facilities for physical therapy, including exercise rooms, gymnasiums and swimming pools.
 - (12) Residential facilities occupied by persons employed by the hospital.
 - (13) Helipads but only if approved as a separate special land use by the planning commission.
 - (14) Other uses determined by the planning commission to be normal and customary hospital-

related uses.

- (l) Hospitals which existed before the adoption of the ordinance from which this chapter was derived or hospital-owned lands which were purchased before the adoption of the ordinance from which this chapter was derived shall be considered conforming. Such existing hospitals may expand, and such hospital-owned lands may be built upon provided a special land use is obtained from the planning commission. Expansions of existing hospitals shall comply with the requirements of this section.
- (m) Site development standards pertaining to signs, walls, fences, driveways, sidewalks and other similar physical site improvements excluding building setbacks and height and parking may be modified by the planning commission as part of the conditions of the special land use. In determining whether to approve a modification of these requirements, the planning commission must find, based upon the facts presented by the applicant, that the modification satisfies the standards of approval for a special land use in this chapter and that the modifications is justified due to the nature, size, density, location or design of the proposed special land use.

(Ord. No. 301, § 8(3.258), 2-10-97; Ord. No. 305, § 4, 10-27-97)

Sec 90-1088 Public And Institutional Uses

For public and institutional use, site development standards pertaining to signs, walls, fences, driveways, sidewalks and other similar physical site improvements, excluding building setbacks and height and parking, may be modified by the planning commission as part of the conditions of the special land use. In determining whether to approve a modification of these requirements, the planning commission must find, based upon the facts presented by the applicant, that the modification satisfies the standards of approval for a special land use in this chapter and that the modification is justified due to the nature, size, density, location or design of the proposed special land use.

(Ord. No. 305, § 5, 10-27-97)

Sec 90-1089 Specific Standards For Special Uses

- (a) An employee or member of the nonprofit agency which operates the crisis shelter shall reside on the premises.
- (b) The use shall comply with all requirements of the Barry-Eaton District Health Department.
- (c) The dwelling must maintain the appearance of a single-family house with no exterior modifications made to accommodate or identify the crisis shelter use.
- (d) The number of people occupying the shelter at any one time shall be determined by the planning commission based on the size of the dwelling and the number of bedrooms provided.

The planning commission shall also determine the need for off-street parking spaces based on the number and ages of people permitted to occupy the dwelling, the size of the parcel or lot, its location and the availability of public transit.

- (e) Crisis shelter homes shall be a minimum of 1500 feet apart as measured in a straight line between such dwellings contained the use. The planning commission may allow such uses to be closer together if it can be demonstrated that a closer distance would still comply with the general standards for a special land use as contained in section 90-1049 of this section.
- (f) The applicant for such use is exempt from the site plan submittal requirements of this section. However, the applicant shall provide information on the number of people proposed to occupy the shelter at any one time. Drawings shall also be submitted illustrating the floor plan of the house and of the house and of the property illustrating all buildings and off street parking areas.

(Ord. No. 357, § VIII, 9-23-02)

Sec 90-1090 Accessory Buildings More Than One Story In The Neighborhood Edge Zoning District

- (a) The total height of an accessory building permitted under this section shall not exceed the total height of the principal building on the same parcel. For purposes of this section, total height shall be the vertical distance measured from the average grade to the highest point of the building.
- (b) The height of any door opening shall not be greater than ten feet.
- (c) Accessory buildings which are more than 14 feet in total height shall be setback a minimum of six feet from side lot lines and ten feet from the rear lot line except that the planning commission in its discretion may increase or decrease these setback distances if the increase or decrease is necessary to meet the intent of this section and to ensure that the accessory building does not have a substantial negative impact on nearby properties.
- (d) Accessory buildings which have a second story shall have at least one window on two sides of the building. Each required window shall be a minimum of 32 inches wide by 48 inches high measured to the outside of the window frame.
- (e) The exterior of accessory buildings shall be constructed with building materials which match or are similar to the exterior building materials of the principal building located on the same lot or on nearby lots.
- (f) Accessory buildings shall not be constructed with a flat roof. The roof shall be covered with asphalt, fiberglass, cedar shingles, standing metal seam or another building product which matches or is similar to the roof of the principal building on the same lot or nearby lots.
- (g) Site plan. A neat and accurate site drawing drawn to scale shall be submitted with the application for a special land use. The drawing shall, at a minimum, contain the following information:
 - (1) The size, height and location of the proposed accessory building and the existing house on the lot.
 - (2) Distance of the proposed accessory building from all lot lines.
 - (3) Buildings on adjacent lots.
 - (4) Roads abutting the lot.
 - (5) Any driveway serving the proposed accessory building.
 - (6) Size and location of existing trees on site.
 - (7) An architectural elevation drawing illustrating building height, type of exterior building materials, height of door openings and other information necessary to show how the proposed building meets the standards of this section.
- (h) Review standards. To approve a special land use under this section the planning commission shall find that the request meets the standards of section 90-1049, standards for special land use approval, and the following standards:
 - (1) The proposed accessory building meets the standards of this section 90-1090.
 - (2) The size, location, appearance, and architectural style of the proposed building will be compatible with the house on the lot and with the existing building characteristics of the immediate neighborhood.

- (i) Conditions. In approving a request for a special land use under this section, the planning commission may impose conditions in accordance with section 90-1050, conditions and safeguards for approval of special land uses, and may modify the proposed size of the accessory building in order to achieve compatibility with the character of the neighborhood.

(Ord. No. 449, § II, 10-26-09)

Sec 90-1091 Height Exceptions For Buildings In The B-1, B-2, B-3, And D-2 Zoning Districts

The maximum height requirement for buildings in the city is primarily 35 feet, although in certain zoning districts it increases to 40 feet. While it is the desire of the city that these maximum heights be maintained for consistency, it is recognized that in certain instances a greater building height may be permitted if a proposed building and its use can be determined to benefit the overall goals of the city. It is the intent of this section to allow buildings to exceed the maximum height requirements of its zone when allowed as a special land use by the planning commission in accordance with the procedures and standards of article XIII. In making a determination whether or not to allow a building to exceed the maximum height of the zoning district in which the development project is proposed, the planning commission must find that the proposed building height meets the standards of section 90-1049 and the following requirements and standards:

- (a) Only buildings in the B1, B2, B3, and D2 zoning districts are subject to the regulations of this section.
- (b) The proposed building must comply with the requirements of the city fire chief and police chief.
- (c) The proposed building must be of a size, scale and appearance which is substantially compatible with nearby buildings and the overall skyline of the city.
- (d) The proposed building shall be setback a minimum of 100 feet from an A-O, A-1, A-2, RR, RS, R1, R2, RD or RM zoning district and shall be setback an additional one foot from the minimum required lot line setback for each one foot that the building exceeds the maximum height limitation of the zoning district in which the building is proposed.

This additional setback distance shall be taken from the lot line(s) of the lot containing the proposed building which are closest to the residential zone. For example, if a building is proposed to be 45 feet high in the B2 zone which has a maximum building height of 35 feet, then the proposed building must be setback 100 feet plus ten feet, which is the minimum side setback of the B-2 zone, plus an additional ten feet as the proposed building is ten feet higher than the maximum building height in the B-2 zone. The proposed building would then be a minimum of 120 feet from the residential zone.

- (e) The planning commission shall have the authority to require a greater setback than permitted by this section and to approve a building height which is less than requested by the applicant in order to mitigate any negative effects of the proposed building on nearby residents.

(Ord. No. 471, § II, 2-27-12)

Sec 90-1092 Transitional Or Emergency Housing

- (a) Single-family detached dwellings may be used for transitional or emergency housing when occupied by an on-site manager and may house up to six transitional persons (adults and children).
- (b) A transitional or emergency house shall be considered relative to its proximity to any other transitional or emergency house, public or private school, residential rehabilitation facility, adult

day care center, family or group childcare home, or small or large adult foster care facility. A separation of at least 1500 feet as measured between property lines is recommended.

- (c) Rooms used for sleeping accommodations shall have a maximum of two occupants.
- (d) Rooms used for sleeping accommodations shall be a minimum size of 100 square feet.
- (e) The common living area shall be a minimum of 450 square feet or 20 percent of the total dwelling unit floor area, whichever is greater.
- (f) Parking shall be provided to satisfy demonstrated average parking demands and shall be located on site. The location and design of the parking area shall preserve the residential character of the area.
- (g) A transitional or emergency house shall maintain the appearance of a single-family dwelling with no exterior modifications made to accommodate or identify the emergency/transitional residence use.
- (h) Approval by the building inspector is required prior to occupancy of the dwelling. Thereafter, the building inspector shall conduct an annual compliance inspection.
- (i) The use of the dwelling shall not, in the judgment of the Planning Commission, be detrimental to adjacent land uses and the immediate neighborhood.
- (j) The Planning Commission may place conditions on the operation of the use in order to mitigate any adverse effects on nearby residents and to maintain the residential quality of the neighborhood.
- (k) The Planning Commission reserves the right to review on-site management schedules and require up to 24-hour supervision by staff employed by the non-profit or governmental agency operating the facility.
- (l) The management operating the facility must maintain non-profit or governmental status as a requirement of the special land use.
- (m) A site plan prepared in accordance with the requirements of Article IV need not be provided. However, the applicant shall provide information on the number of people proposed to occupy the dwelling at any one time. Drawings shall also be submitted illustrating the floor plan of the house and the layout of the property, including the location of all buildings and off street parking areas.
- (n) Any application submitted under this Section for a special land use permit and any site plans related thereto shall be submitted to the Police and Fire Departments for review and comment.

HISTORY

Adopted by Ord. [561](#) on 10/26/2018

