

City of Hastings
COUNTY OF BARRY, STATE OF MICHIGAN

ORDINANCE NO. 548

AN ORDINANCE TO AMEND CHAPTER 90 OF THE HASTINGS CODE OF 1970, AS AMENDED, BY AMENDING SECTION 90-472 (16) AND (21) B-1 CENTRAL BUSINESS DISTRICT, DWELLING UNITS

As recommended by the Planning Commission on August 7, 2017.

THE CITY OF HASTINGS ORDAINS:

SECTION I.

Chapter 90 of the Hastings Code of 1970 is hereby amended to amend Section 90-472 (16) and (21) dwelling units in B-1 to read as follows:

- (16) Dwelling units may be permitted as an accessory use within a building of two stories or greater subject to the following conditions:
- a. A dwelling unit shall not be located on the ground floor or in a basement.
 - b. A dwelling unit shall not be located on the same floor or on a floor lower than a business located in the same building.
 - c. 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.
 - d. Access to a dwelling unit shall be separate from the access used by the business located in the same building.
 - e. Off-street parking shall be provided as required below:
 1. 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.
 2. Parking spaces may be provided within municipal parking lots but such spaces shall require the approval of the city council.
 3. Parking spaces shall be provided at the ratio of one space for each dwelling unit.

- f. Window air conditioning units shall not project beyond the face of the building for that portion of the building which fronts on a street.
 - g. 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.
- (21) 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.
- a. The unit shall only be located in a one story building which has its main entrance fronting on State Street.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. A building shall contain no more than one attached live-work unit per building.
 - f. A residential use within a live-work unit shall not be located in a basement.
 - g. A residential use within a live-work unit shall be located in the rear of the building and shall not have any frontage along State Street.
 - h. Off-street parking shall be provided as required below:
 - 1. 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.

2. Parking spaces may be provided within municipal parking lots, but such spaces shall require the approval of the city council.
 3. Parking spaces shall be provided at the ratio of one space for each dwelling unit.
- i. Window air conditioning units shall not project beyond the face of the building for that portion of the building which fronts on a street.
 - j. 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.
 - k. 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.

SECTION II.

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION III.


This ordinance shall become effective upon its adoption and publication as provided by City Charter.

Moved by Member Jarvis, with support by Member Resseguie, that **Ordinance No. 548** be adopted as read.

YEAS: Cusack, Jarvis, McNabb-Stange, Redman, Resseguie, Smith, and Tossava.
NAYS: Bowers.
ABSENT: Maupin-Moore.


Adoption Date: August 28, 2017
Effective Date: September 1, 2017
First Reading: August 14, 2017
Second Reading: August 28, 2017

CITY OF HASTINGS


By: Daniel V. King
Hastings City Clerk

CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Hastings, Michigan, does hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Hastings, at a regular meeting of the City Council on the 28th day of August 2017 at which meeting a quorum was present and remained throughout, and that the original of said Ordinance is on file in the records of the City of Hastings. I further certify that the meeting was conducted and public notice was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.


Daniel V. King
City Clerk