

ORDINANCE NO. 599

AN ORDINANCE TO AMEND CHAPTER 90 OF THE HASTINGS CODE OF 1970, AS AMENDED, BY AMENDING THE FOLLOWING: ARTICLE 90 - VI, DIVISION 90 – VI – 12 B-1 CENTRAL BUSINESS DISTRICT, BY AMENDING SECTION 90-474 (C)

AS RECOMMENDED BY THE PLANNING COMMISSION ON APRIL 5, 2021

THE CITY OF HASTINGS ORDAINS:

SECTION I.

Section 90-474 (c) is hereby amended to Chapter 90, Article 90 - VI, Division 90 – VI - 14 of the Hastings Code of 1970, as amended, to read as follows:

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: 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.

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 Smith, with support by Jarvis, that **Ordinance No. 599** be adopted as read.

YEAS: Bowers, Cary, Jarvis, Maupin-Moore, McLean, McNabb-Stange, Resseguie, Smith and Tossava.
NAYS: None.
ABSENT: None.


Adoption Date: April 26, 2021
Effective Date: April 30, 2021
First Reading: April 12, 2021
Second Reading: April 26, 2021

CITY OF HASTINGS

By: Jane M. Saurman
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 26th day of April 2021, 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.

Dated: April 26, 2021


Jane M. Saurman
City Clerk