

**ORDINANCE NO. 604**

AN ORDINANCE TO AMEND CHAPTER 90 OF THE HASTINGS CODE OF 1970, AS AMENDED, BY AMENDING THE FOLLOWING: ARTICLE 90-IX, BY ADDING DIVISION 90-IX-8, SECTION 90-914 AND SECTION 90-915 ACCESSORY DWELLING UNITS AND RELATED AMENDMENTS TO ARTICLE 90-VI, DISTRICT REGULATIONS.

AS RECOMMENDED BY THE PLANNING COMMISSION ON JANUARY 4, 2022

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**THE CITY OF HASTINGS ORDAINS:**

**SECTION I.**

Article 90-IX is hereby amended by adding Division 90-IX-8, Section 90-914 and Section 90-915, Accessory Dwelling Units and Article 90-VI, District Regulations, Sections 90-237 (l), 90-262 (l), 90-287 (j), 90-312 (j), 90-337 (j), 90-392 (k), 90-422 (l), 90-452 (l)

Section 90-914 Definitions

- (a) Accessory Dwelling Unit (ADU): A secondary housing unit that occupies the same structure or lot as the principal single-family dwelling.
- (b) Internal ADU: An ADU that is fully integrated into the existing structure of the principal single-family dwelling (most often located in a finished basement or attic).
- (c) Attached ADU: An ADU that shares at least one wall with the principal single-family dwelling, generally having a separate entrance and sharing no internal connections with the main dwelling.
- (d) Detached ADU: An ADU developed as a detached building, or developed within a legal, conforming detached accessory building (such as a garage or carriage house).

Section 90-915 Accessory Dwelling Unit Requirements

(a) Except as otherwise provided in this Section, an ADU is allowed only on a lawful conforming lot that is occupied by a lawful single-family dwelling. An ADU is not allowed on a lot that is occupied by a residential facility licensed by the State pursuant to Public Act 218 of 1979, as amended or Public Act 116 of 1973, as amended.

(b) Only one (1) ADU is allowed per lot.

(c) An ADU shall not be sold separately from the principal single-family dwelling on the lot.

(d) The total floor area of the ADU shall not exceed the area of the existing first floor of the principal single-family dwelling on the lot. An ADU located on a second floor shall not exceed the area of the first floor of the building. An interior stair floor area shall not count toward the floor area calculation of the ADU.

(e) The principal building height restrictions of the zoning district shall apply, except that the ADU shall not exceed the height of the principal single-family dwelling on the lot.

(f) The accessory building setback requirements of the zoning district shall apply.

(g) Detached ADUs shall be located closer to the principal single-family dwelling on the lot than to the principal dwelling on an adjacent lot.

(h) Detached ADUs shall not be located within the front yard. Corner lots are considered to have a front yard along each street frontage.

(i) An otherwise permissible ADU is allowable as a special land use where the ADU:

(1) Is located on a lawful nonconforming lot;

(2) Does not comply with applicable floor area, height, and/or location requirements, subject to the provisions of this Ordinance pertaining to special land uses, and the additional requirements of this Section.

(j) The ADU shall be compatible in general exterior appearance to the principal single-family dwelling on the lot in terms of building materials, colors, and landscaping.

(k) The ADU shall be served by the same driveway that serves the principal single-family dwelling on the lot.

(l) An ADU shall be provided a minimum of one (1) parking space, in addition to the two (2) parking spaces required for the principal single-family dwelling on the lot. The ADU parking space(s) may be provided as tandem or stacked parking on an existing driveway.

(m) The ADU shall be served by approved water and sewer facilities.

(n) The ADU shall meet all applicable requirements of the locally adopted building code and fire code, including adequate emergency access.

(o) Either the principal single-family dwelling or the ADU shall be owner-occupied.

(p) A deed restriction that runs with the land must be filed with the Register of Deeds that incorporates the following restrictions:

(1) The ADU shall not be sold separately from the principal single-family dwelling.

(2) The owner-occupancy requirement of this Section.

(3) The deed restriction must be in effect until the ADU is removed.

(q) Prior to the issuance of a building permit for an ADU, the zoning administrator shall determine that the proposed ADU meets the standards of this Section. The following information shall be submitted for review:

(1) A site plan showing the location of the proposed ADU, lot identification (address and property number), size of lot, dimension of lot lines, existing improvements on the lot, location of structures on adjacent lots, abutting streets, driveways, and parking areas.

(2) Sufficient architectural drawings or photographs to show building exteriors.

(3) Interior floor plans showing the floor area of the proposed ADU, accessory building, and/or principal single-family dwelling.

(4) The recorded deed restriction required by subsection (p).

(5) Any additional information deemed necessary by the zoning administrator for review.

(r) The approval of an ADU shall expire within one (1) year after the date of such approval unless a building permit has been issued and construction has commenced.

(s) The building permit and any other form of approval issued for an ADU shall be subject to revocation upon a finding by the City or its lawfully authorized designee, that there is in fact noncompliance with the conditions and requirements contained in this Section.

*Related Amendments to Article 90-VI District Regulations*

*R-R District Section 90-237 (l) Accessory Dwelling Units as regulated by Secs 90-914/915*

*R-S District Section 90-262 (l) Accessory Dwelling Units as regulated by Secs 90-914/915*

*R-1 District Section 90-287 (j) Accessory Dwelling Units as regulated by Secs 90-914/915*

*R-2 District Section 90-312 (j) Accessory Dwelling Units as regulated by Secs 90-914/915*

*R-D District Section 90-337 (j) Accessory Dwelling Units as regulated by Secs 90-914/915*

*A-1 District Section 90-392 (k) Accessory Dwelling Units as regulated by Secs 90-914/915*

*A-2 District Section 90-422 (l) Accessory Dwelling Units as regulated by Secs 90-914/915*

*A-O District Section 90-452 (I) Accessory Dwelling Units as regulated by Secs 90-914/915*

**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.**

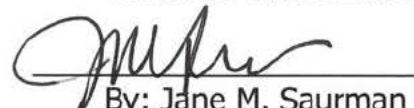
This ordinance shall become effective upon its adoption and publication as provided by City Charter.

Moved by Resseguie , with support by McLean , that **Ordinance No. 604** be adopted as read.

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

Adoption Date:    January 24, 2022  
Effective Date:    January 28, 2022  
First Reading:     January 10, 2022  
Second Reading:  January 24, 2022

**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 day of 2022, 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: January 24, 2022



Jane M. Saurman  
City Clerk