

City of Hastings
COUNTY OF BARRY, STATE OF MICHIGAN

ORDINANCE NO. 611

AN ORDINANCE TO AMEND CHAPTER 90 OF THE HASTINGS CODE OF 1970, AS AMENDED, BY AMENDING THE FOLLOWING: ARTICLE 90 - I, SECTION 90-1 CHILD CARE HOMES AND CHAPTER 90, ARTICLE 90-VI, SECTIONS 90-237 (C), 90-238 (I)(J), 90-262 (B), 90-263 (I)(J), 90-287 (B), 90-288 (H)(I), 90-288A (B)90-289A (I)(J), 90-312 (B), 90-313 (H)(I), 90-337 (C), 90-338 (I)(J), 90-392 (D), 90-393 (H)(I), 90-422 (D), 90-423 (H)(I), 90-452 (D), 90-453 (H)(I), 90-515 (D), AND CHAPTER 90, ARTICLE 90-XIII, DIVISION 90-XIII, SECTION 90-1078.

AS RECOMMENDED BY THE PLANNING COMMISSON ON FEBRUARY 6, 2023

THE CITY OF HASTINGS ORDAINS:

SECTION I.

Section 90-1 is hereby amended to Chapter 90, Article 90 – I Child Care Homes, and Sections 90-237 (c), 90-238 (i)(j), 90-262 (b), 90-263 (i)(j), 90-287 (b), 90-288 (h)(i), 90-288A (b) 90-289A (i)(j), 90-312 (b), 90-313 (h)(i), 90-337 (c), 90-338 (i)(j), 90-392 (d), 90-393 (h)(i), 90-422 (d), 90-423 (h)(i), 90-452 (d), 90-453 (h)(i), 90-515 (d) to Chapter 90, Article 90-VI, and Section 90-1078 to Chapter 90, Article 90, Division 90-XIII of the Hastings Code of 1970, as amended, to read as follows:

Sec 90-1 Definitions

Child care homes.

1. Family child care home means a private residence in which less than eight 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, as licensed and/or registered and regulated by the State of Michigan under Act No. 116 of Public Acts of 1973.
2. Group child care home means a private residence in which more than seven, but less than fifteen 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, as licensed and/or registered and regulated by the State of Michigan under Act No. 116 of Public Acts of 1973.

Sec 90-237 Permitted Uses

- c. Adult foster care family homes and family child care homes.

Sec 90-238 Special Uses

- i. Adult foster care small group homes and group child care homes.
- j. Child care centers.

Sec 90-262 Permitted Uses

- b. Adult foster care family homes and family child care homes.

Sec 90-263 Special Uses

- i. Adult foster care small group homes and group child care homes.
- j. Child care centers.

Sec 90-287 Permitted Uses

- b. Adult foster care family homes and family child care homes.

Sec 90-288 Special Uses

- h. Adult foster care small group homes and group child care homes.
- i. Child care centers.

Sec 90-288A Permitted Uses

- b. Adult foster care family homes and family child care homes.

Sec 90-289A Special Uses

- i. Adult foster care small group homes and group child care homes.
- j. Child care centers.

Sec 90-312 Permitted Uses

- c. Adult foster care family homes and family child care homes.

Sec 90-313 Special Uses

- h. Adult foster care small group homes and group child care homes.
- i. Child care centers

Sec 90-337 Permitted Uses

- c. Adult foster care family homes and family child care homes.

Sec 90-338 Special Uses

- i. Adult foster care small group homes and group child care homes.
- j. Child care centers.

Sec 90-392 Permitted Uses

- d. Adult foster care family homes and family child care homes.

Sec 90-393 Special Uses

- h. Adult foster care small group homes and group child care homes.
- i. Child care centers.

Sec 90-422 Permitted Uses

- d. Adult foster care family homes and family child care homes.

Sec 90-423 Special Uses

- h. Adult foster care small group homes and group child care homes.
- i. Child care centers.

Sec 90-452 Permitted Uses

- d. Adult foster care family homes and family child care homes.

Sec 90-453 Special Uses

- h. Adult foster care small group homes and group child care homes.
- i. Child care centers.

Sec 90-515 Special Uses

- e. Adult foster care small group homes and group child care homes.

Sec 90-1078 Group Child Care Homes

- a. Group child 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 Group child 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 child 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. Group child 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. Group child 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 child care home is in operation.
 2. Adequacy of parking or drop-off sites.
 3. Presence of other group child care homes or similar uses in the immediate area, and any complaints on record regarding the same uses.

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.

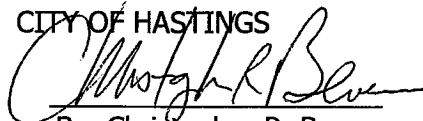
SECTION III.

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

Moved by Jarvis, with support by Resseguie, that Ordinance No. 611 be adopted as read.

YEAS: Barlow, Cary, Furrow, Jarvis, Nesbitt, Resseguie and Tossava.
NAYS: None.
ABSENT: Bowers and McLean.

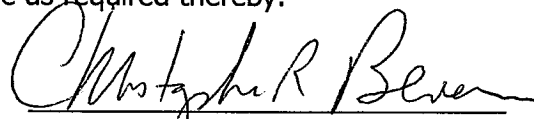
Adoption Date: March 13, 2023
Effective Date: March 17, 2023
First Reading: February 27, 2023
Second Reading: March 13, 2023

CITY OF HASTINGS

By: Christopher R. Bever
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 13th day of March 2023, 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: March 13, 2023


Christopher R. Bever
Hastings City Clerk