

# City Of Hart

407 S. State St  
Hart, Mi 49420  
Planning Commission  
Thursday, May 7<sup>th</sup>, 2026  
Minutes, Approved

**MEMBERS PRESENT:** Lisa Clark, Jim Cunningham, Jim Evans, Cynitha Fout, Diane LaPorte, Andrew Mullen, and Betty Root

**ABSENT:** None

**OTHERS PRESENT:** City Manager Nichole Kleiner, City Clerk/Treasurer Karla Swihart

- C. Fout called the meeting to order at 4:00 pm.

## **APPROVAL OF AGENDA:**

- J. Cunningham motioned to approve the agenda and was supported by B. Root
  - Ayes: 7 Nays: 0 Absent: 0

## **APPROVAL OF MINUTES:**

- L. Clark motioned to approve the minutes from April 2nd, 2026, and was supported by D. LaPorte
  - Ayes: 7 Nays: 0 Absent: 0

## **PUBLIC COMMENTS ON AGENDA ITEMS:**

- NONE

## **PUBLIC HEARINGS:**

- D. LaPorte motioned to open the Public Hearing @4:02pm for Section 1242.07 “Moratorium on Data Centers” and was supported by J. Evans
  - Ayes: 7 Nays: 0 Absent: 0

Draft Ordinance Amendment: Moratorium on Data Centers (Section 1242.07)

Approve Draft and Authorize Public Hearing Notice for May 7, 2026

### **ORDINANCE NO. 26-**

**AN ORDINANCE TO AMEND CHAPTER 1242 OF TITLE FOUR OF PART TWELVE ON THE CODIFIED ORDINANCES OF THE CITY OF HART, MICHIGAN TO PLACE A TEMPORARY MORATORIUM ON CERTAIN USES AND DEVELOPMENTS, AND TO PROVIDE FOR SEVERABILITY PROVISIONS, REPEAL PROVISIONS, AND AN EFFECTIVE DATE OF THIS ORDINANCE.**

THE CITY OF HART ORDAINS:

Section 1. Amendment of Section 1242.07. A new section, Section 1242.07 of Chapter 1242 of Title Four of Part Twelve of the Code of Ordinances of the City of Hart (the “City Code”), is hereby added to the City Code, which shall read in its entirety as follows:

1242.07 TEMPORARY MORATORIUM ON DATA CENTERS AND DIGITAL MINING USES.

A temporary moratorium on City consideration of applications for data centers and/or digital mining uses is hereby adopted under the following terms, conditions and limitations:

- (a) For purposes of this section, data centers are defined as secure buildings filled with computer servers that store, process and transmit data in support of internet functions and other digital services, and which are typically accompanied by networking equipment, water-fueled cooling systems (to prevent overheating), backup power systems and security systems, and which typically have minimal on-site staffing, limited customer visitation, and no retail activity. In addition, digital mining, also commonly known as cryptocurrency mining, is defined as a use involving a building or structure that is primarily occupied by computers used to mine digital currency, such as Bitcoin or cryptocurrency.

- (b) During the temporary moratorium, no City official, employee, agent, contractor, board, agency or commission shall receive, consider, review, approve, deny, or hold public hearings or on a zoning or building application for the use of any land, building or structure for a data center and/or digital mining use.
- (c) The temporary moratorium is effective as to all applications for data centers and/or digital mining uses received in the City on or after \_\_\_\_, 2026.
- (d) The temporary moratorium shall remain in effect for six months and terminate on \_\_\_\_, 2026, unless previously terminated, extended, or otherwise altered by the City Council. In addition, if the City adopts amendments to the Code of Ordinances of the City of Hart addressing data centers and/or digital mining use, the moratorium shall automatically terminate upon the effective date of the amending ordinance, unless otherwise extended by the City Council.
- (e) The provision of this section automatically expires and has no further effect after \_\_\_\_, 2026, the date of expiration, unless altered by the City Council.

Section 2. Severability. The provisions of this ordinance are hereby declared to be severable. Should any provision, section or part of this ordinance be declared to be invalid by any court of competent jurisdiction, such decision shall affect only that provision, section or part thereof, and shall not affect or invalidate the remainder of the ordinance, which shall nevertheless continue to be in full force and effect.

Section 3. Publication and Effective Date. This Ordinance shall become effective ten (10) days after its publication or ten (10) days after publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart. This Ordinance or a summary of its provisions shall be published within fifteen (15) days of adoption.

- **NO** Public present, B. Root motioned to close the Public Hearing at 4:03pm and was supported by J. Evans
  - Ayes: 7 Nays: 0 Absent: 0
- J. Cunningham motioned to recommend to City Council for approval and was supported by J. Evans
  - Ayes: 7 Nays: 0 Absent: 0
- L. Clark motioned to open the Public Hearing @4:06pm for Section 1243.28F and Section 1243.22G and was supported by A. Mullen
  - Ayes: 7 Nays: 0 Absent: 0

Draft Ordinance Amendments: (Green Infrastructure) Pervious Surfaces (Section 1243.28.F), Native Vegetation (Section 1243.22), and Tree Planting, Maintenance, and Removal (Section 1243.22.G)

Approve Draft and Authorize Public Hearing Notice for May 7, 2026

McKenna has compiled three options for green infrastructure based upon the Redevelopment Ready Community Guidelines. These options include the implementation of permeable pavers, native vegetation as a more common lawn care practice increases infiltration of water into the ground, decreasing the pressure on stormwater systems. Tree planting, removal, and maintenance standards support proper care and long-term management of green infrastructure. These three options appear to be the most easily implementable and administrable of the options outlined in RRC's Guidelines and will meet RRC Certified Expectations for Green Infrastructure.

**PROPOSED SECTION 1243.28 PERVIOUS SURFACES**

**A. Definitions.**

- Pervious Durable Surface. A surface covering the ground that allows the infiltration of water into the ground and provides stormwater treatment and storage without a surface outlet. Also referred to as "permeable" or "porous"

**B. Intent.** The use of pervious surfaces in site and street design mimics natural ground water infiltration, decreases the amount of post-construction stormwater runoff, and implements Low Impact Development (LID).

**C. Pervious Durable Surface types.** City approved pervious paving materials are listed below:

- Grass Pavers: Used for areas with occasional parking. Not permitted for high-use areas.

- Permeable interlocking Concrete Pavers
- Permeable Pavement
- Permeable Clay Brick Pavers: Used for areas with pedestrian and vehicular traffic.
- Any type not listed but approved by the Department of Public Works Superintendent and the Approving Authority.

**D. Benefits of Pervious Durable Surfaces** (Source: 'Introduction to Green Infrastructure Techniques and Opportunities', Drummed Carpenter, PLLC):

- Eliminates or minimizes runoff.
- Recharges groundwater
- Traps suspended solids and pollutants.
- Melting water seeps through the pavement instead of freezing to increase slip and fall protection.
- Reduces surface temperatures and, therefore, the heat island effect.
- Eliminates the need for retention basins and water collection areas.
- Eliminates costs for retention basins, curbs, gutters, and other water collection installations
- In winter conditions, typically requires much less salt or other de-icing products than traditional pavement types.
- Lower installation costs (no underground piping, storm drains, or sloping/grading needed).
- Low life-cycle costs with an equal life expectancy to that of regular concrete (20 to 40 years when correctly installed).

**PROPOSED SECTION 1243.22. F NATIVE VEGETATION**

- A. The following unifying elements should be a part of every development within the A, A-1, A-2, B-1, and B-2 districts.
1. Existing natural features, such as wetlands, woodlands, landmark trees, and scenic vistas, should be preserved and incorporated into the development or redevelopment.
  2. To screen uses from the roadway, undulating landforms and combination of trees, shrubs, perennials and grasses should be used instead of rigid berms and rows of evergreen trees.
  3. Building setbacks and landscape buffers should be designed as naturalized green spaces, incorporating sustainable storm water management features and creative use of vegetation.
  4. At least 60 percent of the landscape proposed should be composed of materials that are native (For a listing of species native to Lower Michigan, see MICHIGAN FLORA ONLINE at [www.michiganflora.net](http://www.michiganflora.net)) and hardy in both rural and suburban settings, inspire rural images and vistas, maintain a healthy condition in a street side environment and provide visual interest to highlight the rural character of the City.
- B. Low impact Development (LID) best practices shall be used in the development of any site or development within the districts listed above. The design of stormwater management systems shall respond to the natural drainage patterns on of the areas.
- C. All development shall be designed to incorporate and/or promote the preservation of the site's natural features and unique physical characteristics. A natural features preservation plan shall be submitted. This shall include an inventory of existing conditions. Green space enhancement plans for land area along public roads abutting the commercial development shall also be provided.

**PROPOSED SECTION 1243.22. G TREE PLANTING, AND REMOVAL**

**Tree Planting.**

- A. Prohibited trees.** The owner of property abutting any street may, upon obtaining prior written permission from the Department of Public Works, plant trees in the curblawn and street right-of-way after which they shall become a City tree. The following species shall not be planted in the aforementioned locations: Populus Spp., (White Poplar or Aspen); Acer Negunda, (Box Elder); Ailanthus Altissima, (Tree of Heaven); Pyrus Calleryana, (Callery Pear); Acer Saccharinum, (Silver Maple); Catalpa, (Catalpa); Ulmus, (American, Winged, Slippery, Rock, Cedar, and Siberian elm); Juglans, (English Walnut, Butternut, Black Walnut); Robinia

Pseudoacacia, (Black Locust); Salix Alba, (Willow); Alnus (Alder); Taxus, (Yew); Thuja, (Cedar); Sassafras Albidum, (Sassafras); Elaeagnus Andustifolia, (Russian-Olive); Morus Alba, (Mullberry); Prunus Serotina, (Black Cherry); Ginkgo Biloba, (Ginkgo or Maidenhair-female sex).

- B. Spacing.** No trees shall be planted closer together than the following: small trees ,20 feet; medium trees, 30 feet; and large trees, 40 feet. Special landscape plantings may be excepted from this provision upon written approval by the Department of Public Works.
- C. Utilities.** No street trees other than those species listed as small or medium trees may be planted under or within 10 lateral feet of any overhead primary electric wire.
- D. Distance from curb and sidewalk.** No trees may be planted any closer to any curb or sidewalk than the following distances: small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet.
- E. Exempt trees.** Trees planted prior to the enactment of this chapter are exempt from the spacing provisions of this section.

#### **Trees and Shrub Maintenance.**

##### **A. City Trees.**

- 1. All maintenance performed on trees located in public places, curb lawns and street right-of-way will be performed by the City of its agent unless an exemption is made in writing by the Department of Public Works Superintendent. Pruning will be conducted according to the National Arborist Association's Pruning Standards for Shade Trees, revised 1988. Future revisions to the National Association's Pruning standards will be accepted as the current revised standard.
- 2. The minimum clearance of any overhanging portion thereof shall be eight (8) feet over sidewalks and 15 feet over all streets except major thoroughfares which shall have a clearance of 16 feet.

##### **B. Street corner clearance and other visual obstructions.**

- 1. No property owner shall maintain on their property any tree, shrub, hedge or other vegetation at a height greater than three feet above the surface of the street within a distance of 25 feet from the street right-of-way line or as otherwise determined by the Department of Public Works Superintendent or any designee thereof at an intersection corner. No person shall maintain any tree, shrub, hedge or other vegetation anywhere on his/her property which interferes with the clear view or traffic of drivers approaching an intersection.
- 2. Failure to prune trees, shrubs, hedges or other plantings as required in Subsection B (1) above may result in a written notice to comply from the Department of Public Works Superintendent.
- 3. The written notice to comply shall be served by certified mail to the last known address of the property owner.
- 4. The property owner shall have 21 days from receipt of the notice to comply. Prosecutions for violations of this section may be commenced by issuance of an appearance ticket. The Department of Public Works Superintendent or his/her designee is authorized to issue and serve such appearance tickets.
- 5. Any tree, shrub, or other planting planted on private property by physically obstructing by overhang or other means the public right-of-way, public street or sidewalk or obstructing streetlights, traffic signs or the vision of vehicular traffic shall be pruned by the City in accordance with this section.

##### **C. Abuse or mutilation of trees.** Unless specifically authorized by the Director of Public Works, or by ordinance, no person, firm, or corporation shall damage, cut, carve, transplant or remove any City tree or street tree nor attach any rope, wire, nails, advertising poster or other contrivance, nor set fire, nor permit any fire to injure such trees.

##### **D. Overhead tree pruning by utility companies.**

- 1. All line clearance tree trimming or other construction work requiring tree trimming to trees located in public places, curb lawns or street right-of-way by any utility shall be conducted in accordance with the standards set forth in this ordinance. Acts of God, the

loss of utilities services due to weather and like emergencies constitute an exception to this subsection.

2. For nonemergency trimming of trees by a utility company, the utility shall provide written notice to the Department of Public Works Superintendent at least 15 days in advance of the tree trimming. Said notice shall provide the exact location of the proposed trimming. Trimming shall be conducted in accordance with this section and the direction of the Department of Public Works Superintendent.
  3. Utility companies shall provide notice to adjacent house addresses of residents prior to curblawn tree pruning activities for nonemergency trimming.
- E. **Topping.** No Person, utility or other party may top any street tree, City tree or tree located at a public place. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this subsection at the determination of the Department of Public Works Superintendent.

#### **Tree Removal.**

- A. Only the City or its agent may remove street trees or City trees. Any other person requesting to remove street trees or City trees must obtain a permit from the Department of Public Works. City trees and street trees may be removed from the following reasons only:
1. Where the tree is at least 90% dead;
  2. Where the tree constitutes a public hazard;
  3. Where the tree is diseased;
  4. Where the trees are planted too closely together, or;
  5. Where necessary for the installation of public streets, infrastructure improvements or driveways after review by the Department of Public Works Superintendent.

#### **ALTERNATIVE OPTION**

Should the City not prefer all of the above options, an alternative is listed below regarding tree replacement requirements. These tree replacement standards would require developers to replace removed trees at a ratio of one (1) replacement for every five (5) removed trees. This alternative option may be added to Section 1243 as the City sees fit.

#### **Tree Replacement Requirements**

Trees shall either be replaced onsite at a ratio of one (1) replacement tree per five (5) removed trees, or a Payment in Lieu of Trees shall be made.

- A. Replacement trees shall comply with the following:
1. Deciduous replacement trees shall be a minimum three (3) inches DBH at planting
  2. Coniferous replacement trees shall be a minimum 10 feet in height
  3. Prohibited species listed in Section 1243 shall not be used as replacement trees.
  4. Replacement trees may be counted as required trees to meet other requirements of this section.
  5. Replacement trees shall be indicated on the Site Plan and planted in locations that, in the opinion of the Approving Authority, would have the greatest impact on reducing urban heat islands to make the City more resilient.
- B. Payment in Lieu of Trees. In lieu of planting trees on site, the applicant may pay a replacement fee per tree to the City of Hart to plant trees elsewhere within the City. The fee per tree shall be \$300 per tree.
- **NO** public present D. LaPorte motioned to close the Public Hearing at 4:07pm and was supported by B. Root
    - Ayes: 7 Nays: 0 Absent: 0
  - D. LaPorte motioned to recommend to City Council for adoption and was supported by B. Root
    - Ayes: 7 Nays: 0 Absent: 0
- D. LaPorte motioned to open the Public Hearing @4:09pm for Section 1243.04 and was supported by A. Mullen
  - Ayes: 7 Nays: 0 Absent: 0

- Draft Ordinance Amendments: Land Division Act (Section 1243.04).  
As of December 23, 2025, Governor Whitmer approved Senate Bill N. 23, which includes amendments to Section 560.108 of the Michigan Land Division Act. This amended Section 560.108 of the Land Division Act shall become effective 91 days after adoption, which is currently dated March 24, 2026. Below, we have copied the amended text of this Section for your convenience. The amended text is highlighted in **bold**.  
\*\*\*\*560.108 amended. THIS AMENDED SECTION IS EFFECTIVE MARCH 24, 2026. \*\*\*\*  
**560.108. amended Parent parcel or Parent tract; number of parcels resulting from division; limitations; requirements.**  
Sec. 108.
  - (1) A division is not subject to the platting requirements of this act.
  - (2) Subject to subsection (3), the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:
    - (a) For the first 10 acres or fraction thereof in the parent parcel or parent tract, the following number of parcels:
      - (i) **Beginning on the effective date of the amendatory act that added subsection (6). Until 1 year after that date, and subject to subsection (6), 4 parcels**
      - (ii) **Beginning 1 year after the effective date of the amendatory act that added subsection (6), 10 parcels.**
    - (b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, 1 additional parcel, for up to a maximum of 11 additional parcels.
    - (c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, 1 additional parcel.
  - (3) For a parent parcel or tract parcel of not less than 20 acres, the division may result in a total of 2 parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:
    - (a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.
    - (b) One of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.
  - (4) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under subsections (2) and (3) and is not subject to section 109, if the parcel is accessible.
  - (5) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of this act if all of the following requirements are met:
    - (a) Not less than 10 years have elapsed since the parcel or tract was recorded.
    - (b) The partitioning or splitting results in not more than the following number of parcels, whichever is less:
      - (i) Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.
      - (ii) Seven parcels or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.
    - (c) The partitioning or splitting satisfies the requirements of section 109.
  - (6) **Beginning on the effective date of the amendatory act that added this subsection, a parcel or tract may be partitioned or split at any time into a greater number of parcels or tracts than otherwise authorized by this section if the partitioning or splitting is authorized by and complies with standards set forth in an ordinance of the municipality or county having authority to approve or disapprove a division under section 109 (1).**

(7) A parcel or tract created under the provisions of subsection (5) or of an ordinance described in subsection (6) may not be further partitioned or split without being subject to the platting requirements of this act, except in accordance with the provisions of subsection (5) or of an ordinance described in subsection (6).

#### WHAT DOES THIS MEAN?

One year after the effective date of an amendment, on March 24<sup>th</sup>, 2027, this amendment will increase the number of times a single parcel may be split for the first 10 acres, up from 4 parcels to 10 parcels. This means that a lot that is at least 10 acres large may be split into up to 10 different without going through the plat or site condominium process. The rates at which parcel splits are granted for whole parcels larger than 10 acres remain unchanged in the amendment.

In addition, a new subsection (6) was added to grant the authority to local communities that ability to grant even more land divisions per parcel than what the above regulations allow, so long as the proposed lot splits would still comply with local regulations. This grants local governments the ability to approve more land divisions than the maximums otherwise allowed by the State.

**McKenna is concerned that the wording of Subsection 6 means that communities that have not proactively established their own cap on the number of splits have inadvertently triggered Subsection 6.**

Hart does not have any cap on the number of splits, except for the minimum lot size in each district.

#### PROPOSED AMENDMENT

To address any concerns or unforeseen issues brought about by these amendments, McKenna proposes the following language to be added in Section 1243.04 of the City of Hart's Zoning Ordinance. Changes are highlighted in red.

#### 1243.04 LIMITATIONS ON LOT SPLITS.

**a)** No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under Zoning Code. If already less than the minimum required, it shall not be further divided or reduced. The Zoning Administrator may waive this provision to avoid legal action where the purpose of the conveyances is to make the property descriptions correspond to the actual occupancy of the property.

**b) The City of Hart hereby elects to opt out of Section 108(6) of PA 58 of 2025, amending the Land Division Act (PA 288 of 1967), and shall not authorize land divisions beyond those otherwise permitted under the Act.**

- **NO** public present, B. Root motioned to close the Public Hearing at 4:09pm and was supported by J. Evans
  - Ayes: 7 Nays: 0 Absent: 0
- J. Evans motioned to recommend to City Council for adoption and was supported by L. Clark
  - Ayes: 7 Nays: 0 Absent: 0

#### ACTION ITEMS:

- Resolution PC2026-01 Opposing House Bills 5529-5532 and 5581-5585
- WHEREAS, the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended) grants local governments the authority to plan and regulate land use in a manner that reflects the unique needs, infrastructure, and character of their communities; and  
WHEREAS, the City of Hart Planning Commission is charged with guiding land use planning and zoning in a manner that balances housing needs with infrastructure capacity, public safety, environmental considerations, and long-term community development goals; and  
WHEREAS, House Bills 5529–5532 and 5581–5585, currently under consideration in the Michigan Legislature, would impose statewide zoning mandates that preempt local authority on matters including, but not limited to, duplexes, accessory dwelling units (ADUs), minimum lot sizes, setbacks, and minimum dwelling sizes; and  
WHEREAS, such legislation would limit the City's ability to implement zoning standards tailored to local conditions, infrastructure capacity, and community-supported planning efforts; and

WHEREAS, while the City of Hart supports efforts to address housing availability and affordability, effective solutions require collaboration with local governments and recognition of community-specific needs; and

WHEREAS, one-size-fits-all mandates risk undermining thoughtful local planning, infrastructure investments, and locally driven development strategies.

*NOW, THEREFORE, BE IT RESOLVED THAT, the City of Hart Planning Commission hereby expresses its opposition to House Bills 5529–5532 and 5581–5585, and any similar legislation that would preempt local zoning authority; and*

*BE IT FURTHER RESOLVED THAT, the Planning Commission recommends that the Hart City Council adopt a similar resolution formally opposing such legislation; and*

*BE IT FURTHER RESOLVED THAT, the Planning Commission encourages the Michigan Legislature to work collaboratively with local governments to develop housing solutions that respect local planning authority and infrastructure realities; and*

*BE IT FURTHER RESOLVED THAT, upon adoption by the City Council, a copy of such resolution be transmitted to the Governor, State Representative Curt VanderWall, State Senator Jon Bumstead, and the Michigan Municipal League.*

- B. Root motioned to approve Resolution PC2026-01 and was supported by J. Evans
  - Ayes: 7 Nays: 0 Absent: 0

**DISCUSSION ITEMS:**

- Lofts on Main Development Next Steps  
Development agreement terms  
Planned Unit Development (PUD) Agreement Terms

**OTHER BUSINESS and COMMUNICATION FROM COMMISSION MEMBERS:**

- Update that Nick Knitter’s request for lot in Industrial Park for composting fell through
- Update on Dark Water Coffee Roasters a purchase agreement has been signed – 60 days to close with 3 years to build or lot reverts back to the City
- Update on Easement to Water Tower in Industrial Park is still not signed
- D. LaPorte reminder the AirPort Breakfast is June more details to come
- J. Cunningham said this year the Car Show will fall in behind the Asparagus parade

**PUBLIC COMMENTS GENERAL:**

- NONE

**ADJOURN:**

- There being no further business to come before the Planning Commission, the meeting adjourned upon a motion by D. LaPorte and supported by J. Evans. The next meeting scheduled will be held on June 4<sup>th</sup>, 2026



Karla Swihart  
City Clerk