

City Of Hart

407 S. State St

Hart, Mi 49420

Planning Commission

Thursday, September 4th, 2025

Minutes

MEMBERS PRESENT: Jim Cunningham, Cynitha Fout, Gale Goldberg Diane LaPorte, Andrew Mullen, and Betty Root

ABSENT: None

OTHERS PRESENT: Interim City Manager Nichole Kleiner, and City Clerk – Karla Swihart

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

APPROVAL OF AGENDA:

- A. Mullen motioned to approve agenda and supported by B. Root
 - Ayes: 6 Nays: 0 Absent: 0

APPROVAL OF MINUTES:

- J. Cunningham moved to approve minutes from April 3rd, 2025, and supported by B Root
 - Ayes: 6 Nays: 0 Absent: 0

PUBLIC COMMENTS ON AGENDA ITEMS:

- NONE

PUBLIC HEARING:

- NONE

ACTION ITEMS:

- Consider recommendation to the Council to adopt Proposed A-Residential Zoning Amendments
CHAPTER 1245
A, Residential Zone
1245.01 Purpose
1245.02 Permitted uses
1245.03 Speical uses
1245.04 District regulations
1245.05 Additional regulations
CROSS.REFERENCES
Zoning and planning in home rule cities – see M.C.L.A. Sec. 117.4i
Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A Sec. 125.581
Section 125.581
Regulation on buildings; authority to zone – see M.C.L.A. Sec. 125.582
Regulation of congested areas – see M.C.L.A Sec. 125.583
Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property – see M.C.L.A. Sec. 125.583a
Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use – see M.C.L.A 125.592
- **1245.01 PURPOSE**
This district provides primarily for single family dwelling units and includes the majority of the existing residential areas in the City. This district is intended to be served by public water and sanitary sewer. Regulations contained within this chapter also provide for the development of certain non-residential facilities as special land uses which can provide convenient services while at the same time maintaining the overall residential character of the district.
(Ord. 182. Passed 5-12-98; Ord. 184 passed 5-25-99.)
- **1245.02 PERMITTED USES.**

Land and structures in the A, Residential Zone, may be used for the following purposes only.

- (a) Single Family detached dwellings.
 - (b) Child and adult day care homes with no more than six minor children and adults.
 - (c) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1500 feet apart as measured between property lines.
 - (d) Home occupations.
 - (e) Private communication antenna not exceeding twenty-five feet in height as regulated by Section 1243.18.
 - (f) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by Section 1243.16.
 - (g) Essential public service equipment.
 - (h) Two-family dwellings (duplexes) including the conversion of single family dwellings to a two-family dwelling. Two off-street parking spaces for each dwelling shall be provided on the same parcel as the two-family dwelling. Such dwelling shall have the exterior appearance of a one-family dwelling.
 - (i) Churches, synagogues or other similar places of worship and customary related uses.
 - (j) Public and institutional uses.
 - (k) Public and private schools and school administration buildings.
 - (l) Accessory apartments as regulated by Section 1243.25.
- (Ord. 182. Passed 5-12-98; Ord. 184 Passed 5-25-99.)

1245.03 SPECIAL USES.

The following uses may be permitted as a special land use subject to the applicable general and specific requirements and standards of Chapter 1256.

- (a) Antenna and towers exceeding a height of twenty-five feet as regulated by Section 1243.18.
 - (b) Non-commercial parks, playgrounds and play fields.
 - (c) Essential public service buildings and structures.
 - (d) Housing for the elderly, retired or those requiring assisted care including nursing homes.
 - (e) Public and private golf courses.
 - (f) Child day care homes which provide care to more than six but not more than twelve minor children.
 - (g) Child day care centers.
 - (h) Bed and breakfast establishments.
 - (i) Foster care group home for seven or more persons.
 - (j) Domestic farm animals and fowls penned and housed more than 200 feet from any dwelling other than the dwelling occupied by the owner of the farm animals or fowls and located on a parcel of land containing three acres or more.
 - (k) Duplexes.
 - (l) Boarding houses.
- (Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2005-6. Passed 6-28-05; Ord. 2014-01. Passed 1-7-13)

1245.04 DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.

	Minimum Lot Area	Minimum Lot Width	Minimum Front Setback	Minimum Rear Setback	Side Setback Total/Min. One Side
Lots with both public sewer and water	6,000 s.f.	45ft	15ft local 30ft major street or state highway	25ft	15ft/5ft
Lots with public sewer or water	9,000 s.f.	65ft	Same as above	25ft.	15ft./5ft.
Lots with no public sewer or water	12,000 s.f.	100ft	Same as above	25ft.	15ft./10ft.

(a) Corner Lots. The setback along the principal street shall be the minimum required by this section while the setback along the secondary street shall be at least fifteen feet. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street. Corner lots shall have two front lot lines and two side lot lines and no rear lot lines.

(b) Maximum height – 35 feet.

(C) Minimum floor area:

(1) one-story single-family dwelling ~~720-400~~ square feet of total floor area

(2) two-story or split level, single family dwelling 600 square feet on the ground floor of total combined floor area.

(3) ~~split level, bi-level and raised ranch~~ Two-family dwelling (duplex) ~~800-400~~ square feet total combined floor area (800 sq ft. total).

~~—(4) two-family dwelling 720-600 square feet per dwelling.~~

(Ord. 182 Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 06-02. Passed 11-28-06; Ord. 2007-04. Passed 11-13-07.)

1245.05 ADDITIONAL REGULATIONS.

(a) Off-Street parking shall be regulated by Chapter 1260.

(b) Signs shall be regulated by Chapter 1259

(c) Site plan review as regulated by Chapter 1258 is required for all special land uses.

(d) Site condominiums shall be regulated by Chapter 1257.

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

- D. LaPorte motioned to Recommend minimum floor area section 3 in draft Ordinance A,B,C, also include Tiny home in definitions and supported by J. Cunningham

- Ayes: 6 Nays: 0 Absent: 0

“(draft ordinance language – Dwelling Unit Minimum Floor Area requirements for Dwellings Definitions.

- Tiny Home: A single-family dwelling unit of **400 square feet or less**, excluding lofts, constructed in compliance with the Michigan Residential Code and/or HUD Manufactured Housing Standards.

3. Minimum Floor Requirements.

Unless otherwise provided, the following minimum floor areas shall apply:

(a) One-story single-family dwelling:

Minimum **400 square feet** of total floor area

(b) Two-story or split-level single-family dwelling:

Minimum **600 square feet** of total combined floor area

(c) Two-family dwelling (duplex)

Minimum **400 square feet** per unit (800 sq ft total).”

- Consider recommendation to the council to adopt proposed A1 Residential Zoning Amendments

CHAPTER 1246

A-1, Residential Zone

1246.01 Purpose.

1246.02 Permitted uses.

1246.03 Special Uses.

1246.04 District regulations

1246.05 Additional Regulations

CROSS REFERENCE

Zoning and planning in home rule cities – see M.C.L.A Sec. 117.4i.

Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. Sec. 125.581

Regulation of location of buildings; authority to zone – see M.C.L.A. Sec 125.582

Regulation of congested areas – see M.C.L.A. Sec 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property – see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use – see M.C.L.A Sec. 125.592

1246.01 PURPOSE.

This district allows for single family dwellings as predominant land use on minimum lot sizes which are larger than those required in the A Zone.

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

1246.02 PERMITTED USES.

Land and structures in the A-1 Residential Zone may be used for the following purposes only.

- (a) Single family detached dwellings.
 - (b) Child and adult day care homes with no more than six minor children and adults.
 - (c) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1500 feet apart as measured between property lines.
 - (d) Home occupations
 - (e) Private communication antenna not exceeding twenty-five feet in height as regulated by Section 1243.18
 - (f) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by Section 1243.16.
 - (g) Essential public service equipment.
 - (h) Two-family dwellings (duplexes) including the conversion of single-family dwellings to a two-family dwelling. Two off-street parking spaces for each dwelling shall be provided on the same parcel as the two-family dwelling. Such dwelling shall have the exterior appearance of a one-family dwelling.
 - (i) Churches, synagogues or other similar places of worship and customary related uses.
 - (j) Public and institutional uses.
 - (k) Public and private schools and school administration buildings.
- (Ord. 182. Passed 05-12-98; Ord. 184. Passed 5-25-99.)

1246.03 SPECIAL USES.

The following uses may be permitted as special land use subject to the applicable general and specific requirements and standards of Chapter 1256.

- (a) Antennae and towers exceeding a height of twenty-five feet as regulated by Section 1243.18.
- (b) Non-commercial parks, playgrounds and play fields.
- (c) Essential public service buildings and structures.
- (d) Housing for the elderly, retired or those requiring assisted care including nursing homes.
- (e) Public and private golf courses.
- (f) Child day care homes which provide care to more than six but not more than twelve minor children.
- (g) Child day care centers.
- (h) Bed and Breakfast establishments.
- (i) Accessory apartments as regulated by Section 1243.25.
- (j) Foster care group home for seven or more children or adults.
- (k) Domestic farm animals and fowls penned and housed more than 200 feet from any dwelling other than the dwelling occupied by the owner of the farm animals or fowls, and located on a parcel of land containing three acres or more.
- (l) Boarding houses.
- (m) Buildings containing 3 or 4 dwelling units.

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2014-01. Passed 1-7-14.)

1246.04 DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.

- (a) Minimum lot area and width.
 - (1) Single family dwellings: 12,000 square feet and 100 feet of lot width.
 - (2) Non-residential uses: 15,000 square feet and 100 feet of lot width.
- (b) minimum required building setbacks.
 - (1) Front yard – 25 feet.

(2) Side yard. For dwelling units, a total of 30 feet provided no side setback shall be less than 10 feet. For all other uses 25 feet on each side.

(3) Corner lots. The setback along the principal street shall be a minimum of 25 feet while the setback along the secondary street shall be at least 15 feet. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street. Corner lots shall have two front lot lines and two side lot lines and no rear lot lines.

(4) Rear yard – 25 feet.

(c) Maximum building height – 35 feet.

(d) Minimum floor area:

(1) One Story – 720-400 square feet of total floor area.

(2) Two Story or Split level single-family dwelling – 600 square feet on the ground floor of total combined floor area.

(3) Split level, bi-level and raised ranch Two-family dwelling (duplex) – 800-400 square feet total combined floor area (800 sq. ft. total).

(4) Two – four unit Three and four-family dwellings – 720-400 square feet per dwelling unit. (1,200 sq. ft total for triplex; 1,600 sq. ft. total for four-family).

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2007-04. Passed 11-13-07.)

1246.05 ADDITIONAL REGULATIONS.

(a) Off-street parking shall be regulated by Chapter 1260.

(b) Signs shall be regulated by Chapter 1259.

(c) Site plan review as regulated by Chapter 1258 is required for all special land uses.

(d) Site condominiums shall be regulated by Chapter 1257.

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

- D. LaPorte motioned to Recommend Proposed A1 Residential Zoning amendments for adoption to City Council and supported by A. Mullen

- Ayes: 5 Nays: 0 Absent: 1

- Consider Recommendation to the Council to adopt Proposed Landscaping Zoning Amendments.

- G. Goldberg motioned to bring back other options on landscaping before finalized and supported by D. LaPorte

- Ayes: 6 Nays: 0 Absent: 0

- Consider recommendation to the Council to adopt proposed Food Truck Zoning Ordinance
AN ORDINANCE TO REGULATE THE OPERATION OF TRANSITORY-FOOD SERVICE UNITS AND THE
ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR TRANSITORY FOOD SERVICE UNITS.

THE CITY OF HART ORDINANCES:

Section 1. Purpose

The purpose of this Ordinance is to establish a policy to regulate and manage Transitory Food Service Units in the City of Hart (the "CITY"); to permit and regulate Transitory Food Service Units in the City; to reduce vehicular and pedestrian traffic congestion; to encourage new business; and to protect the health, safety, and welfare of the City's business district and the City's people.

Section 2. Definition

Transitory Food Service Unit means a motorized vehicle, including pulled mobile trailer, a temporary food service station, cart, smoker, grill, freezing or cutting unit, or similar apparatuses that engages in the storage, preparation, service, sale or distribution of ready-to-eat or immediately consumable food items to the public directly from the unit. Transitory Food Service Unit includes a "special transitory food unit" and a "temporary food establishment" as defined under the Michigan Food Law, MCL 289.1111.

Section 3. Permit Requirements

Except as otherwise authorized under this Ordinance, no Transitory Food Service Unit may engage in the preparation service, sale, or distribution of food in the City of public or private property without first obtaining a permit from the City in the manner prescribed in this ordinance. The

application fee will be set from time to time by resolution of the City Council. All fees must be paid to the City Treasurer at the time the application is submitted. All permits issued pursuant to this Ordinance must be available on site for inspection upon request by the City Zoning Administrator or law enforcement officer. Permits must be conspicuously displayed on the premises of any cart, stand, booth, motorized vehicle, mobile trailer, or similar apparatus used in the business at all times. No person may carry or display any expired, suspended, or revoked permit, or any license or permit for which a duplicate has been issued. Additionally, the Transitory Food Service Unit must comply with all applicable state licensing requirements, including but not limited to filing a Notification of Intent to Operate a Special Transitory Food Unit, and must further comply with all applicable requirements of the Oceana County Health Department. Failure to comply with all applicable licensing and regulatory requirements may result in the revocation of the permit by the City.

Section 4. Permit Exceptions

A Transitory Food Service Unit may engage in the preparation, service, sale, or distribution of food in the City on public or private property without a permit required under Section 3 of this Ordinance

- ~~1. Operating at a single location for less than 2 hours;~~
- ~~2. The operator is a USA veteran licensed to sell goods under Michigan Public Act 359 of 1921 or is otherwise exempt from the permitting requirements of this Ordinance under state and federal law;~~
3. The operator is operating under the invitation of a special event permit holder, or a special event held by the City of Hart, or one of its agencies.

The City reserves the right to request documentation in support of any exemption.

Section 5. Applications

1. A person requesting a Transitory Food Service Unit permit must submit a written application no more than 6 months in advance, and no less than 7 days prior to the proposed operation date.
2. Applications are to be on forms provided by the City and must state under oath such facts as may be required for, or applicable to, the granting of the permit. The City reserves the right to request additional information or documentation regarding the application to ensure proper compliance with this Ordinance and the safety of the general public.
3. The applicant must pay a fee of in an amount set by City Council from time to time by resolution. Fees must be made payable to "The City of Hart". All payments must be made by cash, check, credit card, or electronic fund transfers.
4. The application fee is nonrefundable and does not guarantee approval by the City.
5. Permits are valid for 14 consecutive days. Each additional period of 14 days or less requires an additional application submitted in the same manner as an original application. Longer-term permits may be granted only by City Council resolution.
6. A Transitory Food Service Unit that is engaged in the business of selling prepared food that is cooked or heated with a device or appliance using any gas or liquid may not receive a permit until and unless the motor vehicle, conveyance, cart, stand, booth or other similar structure of fixture, device or appliance is reviewed or inspected by the Oceana County Health Department.
7. Application Process
 - A. Application must be submitted to: City of Hart, 407 South State Street, Hart MI 49420 in accordance with the requirements this Ordinance for approval by either the City Manager or the Chief of Police.
 - B. The City reserves the right to deny the application for incompleteness. No permit may be granted to any person owing any personal property taxes, money, judgement, or any other indebtedness to the City, except for real property taxes and special assessments, or to any person using any personal property in the operation of a business upon which personal property in the operation of a business upon which personal property taxes are delinquent.
 - C. If, within 14 days from application submission, the applicant is unable to furnish any required or requested initial or supplemental documentation and/or delinquent payments, the application will be considered abandoned.

Section 6. Regulations

All the following regulations must be followed at all times by any Transitory Food Service Unit operating in the City.

1. Transitory Food Service Units may operate in zoning districts B-1 and B-2, as designated by the current City of Hart Zoning Map on private property. Those applying for a permit to operate on public property may only operate in designated areas under an approved special event permit or otherwise approved by City Council.
2. No Transitory Food Service Unit may operate within the vicinity of a hospital entrance or within 100 ft of the main entrance of a brick – and – mortar food service establishment unless the unit is an accessory use of the restaurant.
3. Transitory Food Service Units may operate within the hours of 7:00am and 10:00 pm on Sundays through Thursdays and 7:00am and 12:00am on Fridays and Saturdays unless the City Council approves additional permitted hours upon request of a Transitory Food Service Unit.
4. No Transitory Food Service Units may be left overnight, unattended on public property, unless authorized by City Council by Resolution or under an approved Special Events Permit.
5. No Transitory Food Service Unit may block, obstruct, restrict, or otherwise interfere with the movement of vehicular traffic, or designated public parking.
6. No Transitory Food Service Unit may block, obstruct, restrict, or otherwise interfere with the flow of pedestrian foot traffic, movement or access to public walkways, trails or public amenities.
7. No furnishings are allowed on curbs, sidewalks, trails, in roads, pedestrian or vehicular right of ways. This includes, but not limited to, lights, signs, banners, chairs, tables, or external waste receptacles.
8. The City of Hart reserves the right to permit furnishings on any public lawn, lot, park, or space. All furnishings must be included on a site plan and submitted with application. And must be in good quality condition. Furnishings are subject to approval by the City Manager or Chief of Police.
9. No liquid, solid, or food waste, or debris will be permitted to emit from the Transitory Food Service Unit. The permittee must keep the premises whereon said Transitory Food Service Unit is located free from their own rubbish, waste products, cans, bottles and debris including napkins, straws, paper cups and plates and other waste material.
10. Only reasonable vapors, steam or exhaust will be permitted to emit from the Transitory Food Service Unit.
11. Use of generators may be prohibited if its use, location, or condition is anticipated to create a nuisance to neighbors or pedestrians.
12. The Transitory Food Service Unit must comply with all local, state, and federal laws set forth by the Michigan Food Code, Michigan Health Department, USDA, Michigan Department of Agriculture, Michigan Secretary of State, Michigan Liquor Control Code, Internal Revenue Service, Oceana County Health Department, or any other agency or entity with lawful jurisdiction over the Transitory Food Service Unit, its operation, or product sales.
13. Transitory Food Service Unit must comply with all regulations herein, and subsequent recommendations by the City of Hart. The Transitory Food Service Unit must furnish all documents as outlined, and any other proof or documents requested by Chief of Police.

Section 7. Indemnification

A Transitory Food Service Unit permit holder, and private property owner, agrees to hold harmless and indemnify the City of Hart, its agencies, its employees, or agents in all matters arising from the permitted application, and/or the operation of the Transitory Food Service Unit.

Section 8. Insurance

A Transitory Food Service Unit ~~permit holder~~, operating on public property, must have no less than \$1,000,000.00 business liability insurance naming the City of Hart as an additional insured for approved dates of operation. Proof of business insurance must be submitted with permit application. Proof of insurance is due prior to the Transitory Food Service Unit permitted operation dates.

Section 9. Impoundment

Any equipment associated with a Transitory Food Service Unit that is not in compliance with this Ordinance and is left on public property may be impounded at the owner's sole expense.

Section 10. Non-Exclusivity:

No provision in this chapter limits or intends to limit in any way the Transitory Food Service Unit, or its operator, the right to offer or sell its products to the general public, other business entities, municipalities, or agencies before, during or after the operation permitted herein. The permit does not limit the City of Hart from freely engaging other persons, organizations, or businesses to provide the same or similar products or services at any time. Approval for a permit does not constitute approval or agreement to approve future applications.

Section 11. Revocation, Suspension, or Refusal Appeal

Once a permit has been issued, the Zoning Administrator may, at any time, revoke or suspend a license for failure to comply with the provisions of this Ordinance or any rules or regulations promulgated by the city included, but not limited to one or more of the following reasons:

1. Failure to pay all required fees;
2. Fraud, misrepresentation or false statement contained in the application for a permit;
3. Fraud, misrepresentation or false statement made in the operation of a business;
4. Any violation amounting to a felony, or misdemeanor involving moral turpitude, resulting from a business in the City;
5. Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a nuisance per se to the health, safety or welfare of the public;
6. Failure to comply with an requirement of any authorized City official as it relates to the operation or business pertaining to the permit;
7. The failure of any applicant or permittee (including all employees, agents and representatives of the applicant or permittee) to meet and satisfy any provision of this Code or any other duly established rule or regulation of the City applicable to the business for which the permit has been requested or granted;
8. Failure to obtain any other required license or permit for the business from any federal, state or local agency or authority and lack of any evidence that such state license or permit has been obtained and proof that all fees pertaining thereto have been paid;
9. Failure to provide any information reasonably requested by the Zoning Administrator related to the application;
10. Failing to comply with this Ordinance.

The City must provide a permittee with reasonable notice and an opportunity to be heard before revoking or suspending a permit.

If a permit application is denied or a permit is revoked or suspended, the aggrieved party may appeal to the City Council in writing within ten days. If no appeal is timely filed, then the denial, revocation, or suspension is final.

Section 12. Other Permits.

A permit obtained does not relieve any Transitory Food Service Unit of its responsibility for obtaining any other permit or license or authorization required by any other ordinance, statute, law or administrative rule promulgated by any entity with jurisdiction over the location or conduct considered within this Ordinance.

Section 13. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding will not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 14. Repealer Clause

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 15. Violation

A violation of this ordinance is a municipal civil infraction, and, in addition, the City of Hart is entitled to enforce this ordinance by seeking injunctive relief or any other remedy allowed by law.

Section 16. Effective Date

This ordinance is effective 30 days after publication.

- A. Mullen motioned to strike 4-1, upon verification of state law 4-2 and also strike permit holder under section 8 and supported by D. LaPorte.
 - Ayes: 5 Nays: 1 Absent: 0

DISCUSSION ITEMS:

- By-Laws – passed out to members to be discussed at the next meeting.

OTHER BUSINESS:

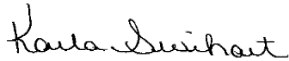
- Consider new members, also some onsite training.

PUBLIC COMMENTS ON NON-AGENDA ITEMS:

- 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 A. Mullen. The next meeting scheduled will be held on October 2nd, 2025.

A handwritten signature in black ink, appearing to read "Karla Swihart". The script is cursive and fluid.

Karla Swihart
City Clerk