

City of Hart

Development Review Guidebook



December 19, 2017

Contents

Preface	2
General Information	2
Contact Reference Guide	2
Contact Information.....	2
Boards and Commissions	3
Master Plan	3
Zoning Ordinance & Map.....	4
Notification Procedures	4
Site Plan Review	5
What is a Site Plan?.....	5
Benefits and Purpose of Site Plan Review (SPR).....	5
Applicability and Thresholds for Review.....	5
Review Process.....	5
Submittal Requirements	8
Tips and Hints.....	11
Performance Guarantees.....	11
Outside Approvals.....	11
Special Land Use	12
Process	12
Special Land Use Review Criteria	13
Rezoning.....	15
Review Process.....	15
Rezoning Review Criteria	16
Planned Unit Development (PUD)	18
Review Process.....	18
Zoning Variances	21
Review Process.....	21
Specific Information for Variances.....	21
Review Standards for Dimension or Non-Use Variances	21
Review Standards for Use Variances	22

Preface

This guidebook provides a detailed overview of the City of Hart’s major development approval processes. The intent is to assist residents, developers, and investors to understand the review and approval process for various types of projects from concept to completion. While this guide is intended to be detailed, it is not intended to supplant the City’s Zoning Ordinance. Moreover, applicants should review the specific ordinances and work with City staff concerning development projects.

General Information

Contact Reference Guide

The City of Hart’s website (<https://cityofhart.org/>) contains zoning maps, application forms, the City’s Zoning Ordinance and Master Plan, and many other resources.

The City of Hart conducts its daily operations out of City Hall.

Hart City Hall
407 State Street
Hart, Michigan 49420

Telephone: (231) 873-2488 - Facsimile: (231) 873-0100
Hours: 8:00 AM – 5:00 PM, Monday through Friday

Contact Information

The first step to beginning any development process is to speak with key staff. Although staff will assist with review processes, some final decisions on projects are subject to City Council, Planning Commission, or Zoning Board of Appeals review and approval.

Department/ Nature of Work	Key Contact	Title	Telephone	E-Mail Address
Zoning Requirements and Permits	Stan Rickard	Zoning Administrator / City Manager	(231) 923- 3546	srickard@ci.hart.mi.us
PUDs, Rezoning, Special Land Use, and Site Plan Review	David Jirousek	Planning Consultant	(616) 988- 3525	jjirousek@williams-works.com
Building Permits	Stan Rickard	Zoning Administrator / City Manager	(231) 923- 3546	srickard@ci.hart.mi.us
BioPure Treatment Facility	Paul Cutter	Superintendent	(231) 873- 2259	Planning Commissionutter@ci.hart.mi.us
Hydro Department	Bob Dodds	Superintendent	(231) 873- 5367	hydro@ci.hart.mi.us
Department of Public Works	Brad Whitney	Superintendent	(231) 873- 3100	bwhitney@ci.hart.mi.us
Police and Public Safety	Juan Salazar Jr.	Chief of Police	(231) 873- 2488	jsalazar@ci.hart.mi.us

Boards and Commissions

The Zoning Ordinance specifies the procedures for development applications. However, depending on the nature of the project, more than one authority may be required to review the proposal. Some groups are advisory and provide recommendations while others have final decision-making authority. A table of local boards and commissions and their primary roles and responsibilities is provided below:

Board or Commission	Roles and Responsibilities	Meeting Information ¹
City Council	Governing body with authority over development incentives, ordinance amendments, development policies, etc. Approves rezoning and subdivision requests.	Second and Fourth Tuesday of each month;
Planning Commission	Creates and updates the Master Plan, reviews rezoning requests and subdivisions; approves site plans and special use permits.	First Thursday of each month; 7:30 pm
Zoning Board of Appeals (ZBA)	Interprets and grants variances from provisions of the Zoning Ordinance; conducts hearings and resolves disputes regarding decisions of the Zoning Administrator.	As needed

¹-Subject to change.

The table below demonstrates the role of the review authorities regarding the approval of the following applications.

	Zoning Administrator, Planner	Planning Commission	City Council	ZBA
Site Plan	Recommendation	Decision		Appeal
Special Land Use	Recommendation	Decision		
Rezoning	Recommendation	Recommendation	Decision	
Planned Unit Development	Recommendation	Recommendation	Decision	
Variance	Recommendation			Decision

Link for Planning & Zoning Application:

https://cityofhart.org/documents/Zoning_Application_Form_03_20_12_mprVg.pdf

The timeline for reaching a decision for each development application depends on the schedule of the reviewing board and/or commission, public notice requirements, as well as the types of development review(s) required. Please check with City Hall contacts regarding all application deadlines.

Master Plan

The City of Hart Master Plan is the primary tool for making decisions that affect the future land use of the city. It is a broad-based policy document for the physical, economic, and social development of the community as it relates to land use. Prospective developers should review the Master Plan to understand if their proposed project fulfills the goals of the plan. The Master Plan including the Future Land Use map is available for download using the following link:

Master Plan: https://cityofhart.org/documents/HART_MASTER_PLAN_FINAL_11-12-13_nPMkN.pdf

Zoning Ordinance & Map

The Zoning Ordinance regulates the use of land. In general, land use type, building size and location, parking area size and location, screening, landscaping, access, lighting, signage, and design standards are prescribed. The purpose of the Zoning Ordinance is to carry out the land use vision of Hart's Master Plan by law. Consulting the Zoning Ordinance and Zoning Map should be the first step in development/redevelopment of any property and may be the topic of initial discussions with City staff. The Zoning Ordinance and Zoning Map is available for download using the following links:

Zoning Ordinance: [http://library.amlegal.com/nxt/gateway.dll/Michigan/hart_mi/parttwelve-planningandzoningcode/titlefour-zoning?f=templates\\$fn=altmain-nf.htm\\$3.0\\$vid=amlegal:hart_mi](http://library.amlegal.com/nxt/gateway.dll/Michigan/hart_mi/parttwelve-planningandzoningcode/titlefour-zoning?f=templates$fn=altmain-nf.htm$3.0$vid=amlegal:hart_mi)

Zoning Map: https://cityofhart.org/documents/Hart-Zoning-Map-6-2017_WhwHD.pdf

Notification Procedures

For those development review processes that require public hearings, notification requirements are outlined by the Michigan Zoning Enabling Act (PA 110 of 2008, as amended). A notice shall be published in a newspaper of general circulation and mailed or hand delivered to all persons owning property and occupants of property within 300 feet of the boundary of the property proposed for which approval is requested at least fifteen (15) days before the hearing. The notice shall:

- Describe the nature of the request.
- Identify any property that is the subject of the request, including all street addresses contained upon the property, or other means of parcel identification.
- State when and where the request will be considered.
- Indicate when and where written comments will be received concerning this request.

The following sections detail the types of land use applications and provides a comprehensive review of each. It should be recognized that this overview does not preempt or supersede any part of the City of Hart Zoning Ordinance.

Site Plan Review

Site Plan review and approval of all development proposals is required to ensure that the City of Hart develops in an orderly fashion in accordance with the Master Plan. It is recommended that all potential projects (with the exception of individual single-family homes) consult with planning staff regarding compliance with Chapter 1258 of the City of Hart Zoning Ordinance.

What is a Site Plan?

Most Michigan communities have some form of site plan review. The Michigan Zoning Enabling Act (PA 110 of 2006) defines the site plan as "the documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes."

Benefits and Purpose of Site Plan Review (SPR)

The point of reviewing a site plan is to make sure the site functions well, is attractive, and is safe for the public. Poorly designed sites that are cramped, inconvenient, unsafe, and unattractive can hurt a business, negatively impact neighboring properties, and also make a site more difficult to sell, lease, or reuse. When reviewing a site plan, Planning Commission members visualize such things as: how vehicles and people will circulate on the site, how the rainwater will run off or puddle on the site, where utilities will connect, and how the development will impact its neighbors. In addition to making sure the site plan meets ordinance standards, the Zoning Administrator is available to assist the owner or developer and can often make suggestions that may help to better use the site, which can reduce costs, keep future development options open, and enhance the resale value of properties.

Applicability and Thresholds for Review

The City of Hart has two types of site plan review. The Planning Commission is required to review any new (or existing use increasing by more than 50%) principal commercial, office, industrial, business, or institutional use or residential use having more than two dwellings. The Planning Commission also reviews all special land uses and Planned Unit Developments. The Zoning Administrator is able to approve expansion of an existing building or use if less than a 50% expansion. The Zoning Administrator also can approve an accessory building or structure, a single or two-family dwelling, or a change in use which results in the need for more parking spaces. The ZA reviews every site plan and will forward comments and recommendations to the Planning Commission as appropriate. Final site plan approval is required before a building permit can be issued.

Review Process

Step 1. Application.

The application process starts with the City's Zoning Administrator who coordinates with county departments and consultants for the review.

Step 2. Fees.

City staff accepts the application and appropriate fee set by City Council resolution. Applications must be signed by the owner of the property, or their authorized agent. Applications for Zoning Administrator review must be accompanied by three copies of a complete site plan. Applications for Planning Commission review require 12 copies of a

complete site plan. Other materials such as a traffic study or environmental impact assessment could also be required by the Planning Commission during review.

Step 3. Staff Review.

The site plan is reviewed by relevant county departments, the Michigan Department of Transportation (if applicable), and planning consultants. Comments and recommendations are forwarded to the Planning Commission for their review. The approving entity (either the Planning Commission or the Zoning Administrator) will either: approve the site plan, approve the site plan with conditions, or deny the site plan. If a conditional approval is given by the Planning Commission, they often will allow the Zoning Administrator to review the revised site plan and give final approval if all of the conditions that the Planning Commission placed on the site plan have been met.

Step 4. Approval.

Once the final site plan has been approved, the Zoning Administrator signs three copies. One copy becomes part of the City's files, another copy is forwarded to the Building Inspector so a building permit may be issued, and the final copy is retained by the applicant.

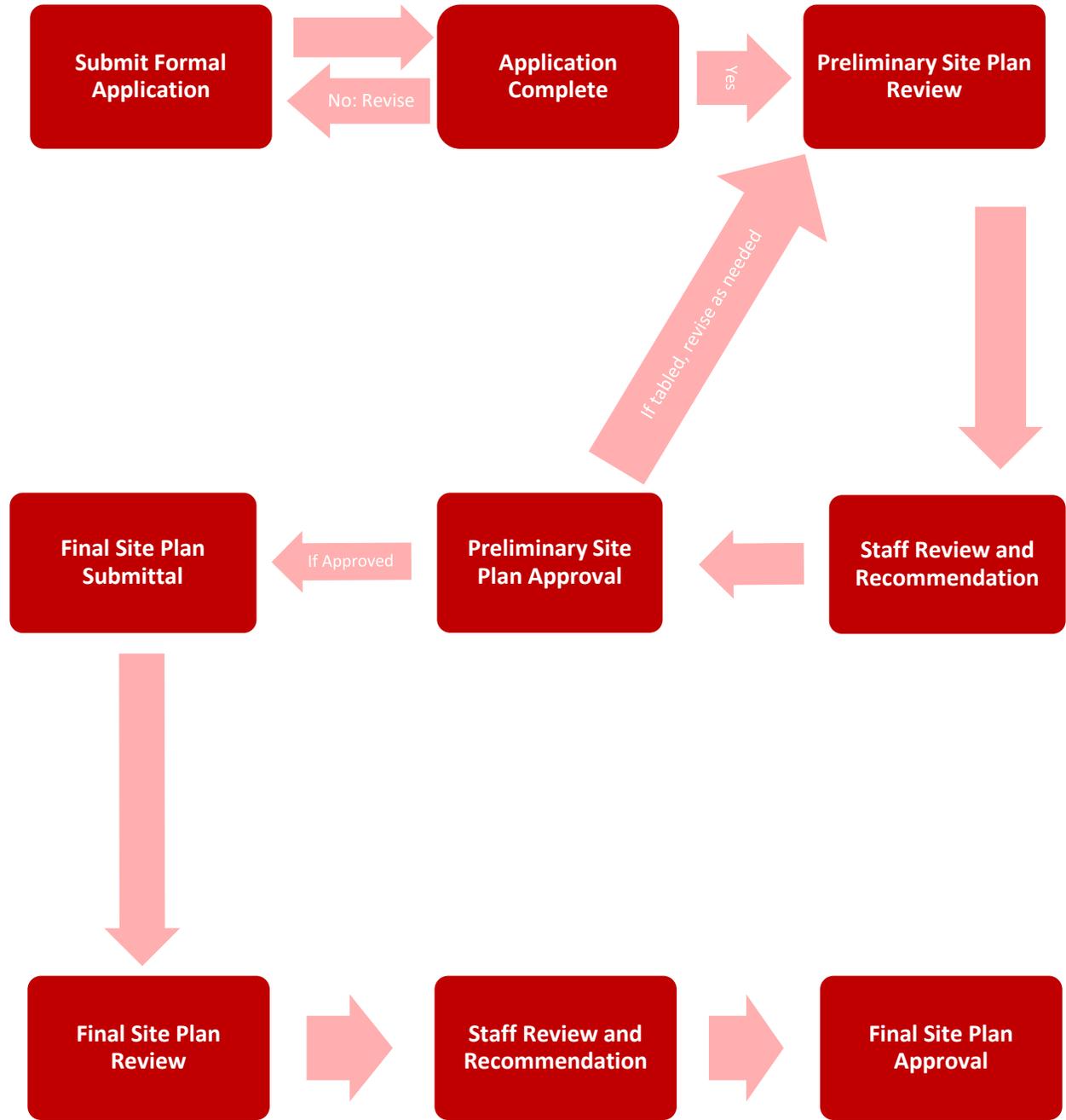
Step 5. Permit and Construction Timeline

After the Planning Commission grants a Special Land Use, an application for a building permit may be completed and submitted to the City.

Once the site plan receives final approval, construction must start within one year after the date of approval unless a one-year extension is granted by the Planning Commission. An extension will only be granted if reasonable evidence is provided to show that there is a likelihood of construction starting within another year. If the original year goes by with no construction started (and having proceeded meaningfully toward completion) and no extension has been applied for, the site plan will be null and void.

Step 6. Amendments.

Amendments to an approved site plan may be allowed with Zoning Administrator approval as long as the changes are considered to be minor (as determined by the Zoning Administrator). An amendment not considered to be minor would need to be submitted to the Planning Commission for their review and approval.



Submittal Requirements

Chapter 1258 of the Zoning Ordinance addresses site plan review, Chapter 1259 addresses signs, and Chapter 1260 addresses off-street parking and loading. Copies of these sections or the full ordinance are available from the City on their website or by going to the links below:

Zoning Ordinance: [http://library.amlegal.com/nxt/gateway.dll/Michigan/hart_mi/parttwelve-planningandzoningcode/titlefour-zoning?f=templates\\$fn=altmain-nf.htm\\$3.0\\$vid=amlegal:hart_mi](http://library.amlegal.com/nxt/gateway.dll/Michigan/hart_mi/parttwelve-planningandzoningcode/titlefour-zoning?f=templates$fn=altmain-nf.htm$3.0$vid=amlegal:hart_mi)

Zoning Map: https://cityofhart.org/documents/Hart-Zoning-Map-6-2017_WhwHD.pdf

To help sift through the technical language more quickly, below is checklist of the City's requirements.

Basic Information. Every site plan should have "the basics" so anyone reviewing it can understand where the site is and what is being proposed. The sooner the Planning Commission and Zoning Administrator get oriented, the quicker the review will be. The basics include such things as:

- | | |
|--|---|
| <input type="checkbox"/> Name, address, phone number of the applicant | <input type="checkbox"/> Location map of streets and land uses within ¼ mile |
| <input type="checkbox"/> North arrow and scale | <input type="checkbox"/> Parking lots and driveway access points |
| <input type="checkbox"/> Date of preparation/revision | <input type="checkbox"/> Existing/proposed streets and curb cuts within 100 feet |
| <input type="checkbox"/> Names of adjacent streets | <input type="checkbox"/> Name, address, and phone number of individual or firm who prepared the site plan |
| <input type="checkbox"/> Lot lines with dimensions | <input type="checkbox"/> Building setbacks from property lines and road right-of-way |
| <input type="checkbox"/> Existing/proposed utilities for the property | <input type="checkbox"/> Dwelling unit densities by type, if applicable |
| <input type="checkbox"/> Existing and proposed building and man-made features including existing buildings or uses within 100 feet of the property | |
| <input type="checkbox"/> Location map of streets and land uses within ¼ mile | |

District Requirements. Each zoning district has dimensional requirements. Requirements for each zoning district are listed in the district's regulations.

- | | |
|--|--|
| <input type="checkbox"/> Minimum lot size: _____ | <input type="checkbox"/> Minimum lot width: _____ |
| <input type="checkbox"/> Front Yard Setback: _____ | <input type="checkbox"/> Maximum building height: _____ |
| <input type="checkbox"/> Side Yard Setback: _____ | <input type="checkbox"/> Percentage of lot coverage: _____ |
| <input type="checkbox"/> Rear Yard Setback: _____ | |

Development Data. SPR regulations enable the City to ask for a variety of information to facilitate review. Each item is required unless specifically waived by the Planning Commission. It's best to talk to the City ahead of time in order to help streamline the process. Items that are necessary include (ordinance section numbers are included for reference where applicable):

Preliminary SPR Requirements	Final SPR Requirements
<i>Engineering and Utility Information</i>	
<input type="checkbox"/> General topographical features including existing contours at intervals no greater than two (2) feet. [Section 16.1-C-2-a-(2)-(b)-viii] <input type="checkbox"/> Proposed method of providing storm drainage [Section 16.1-C-2-a-(2)-(b)-xii] <input type="checkbox"/> Proposed method of providing sewer/water service and other public/private utilities [Section 16.1-C-2-a-(2)-(b)-xi] <input type="checkbox"/> Specific utility requirements for manufactured home developments [Section 8.5-H]	<input type="checkbox"/> Existing/proposed topography of the site at minimum two (2) foot contour intervals and its relationship to adjoining land; proposed grading showing two (2) foot contour intervals [Section 16.1-C-2-b-(1)-(b)-iii and vii] <input type="checkbox"/> Location, sizes, type of drainage , sanitary sewers, water services, storm sewers, detention/retention, and fire hydrants [Section 16.1-C-2-b-(1)-(b)-viii] <input type="checkbox"/> Easements , if any [Section 16.1-C-2-b-(1)-(b)-xii]
<i>Parking, Access, and Circulation</i>	
<input type="checkbox"/> Acreage allocated to each proposed use and gross area in building, structures, parking, public/private streets/drives, and open space [Section 16.1-C-2-a-(2)-(b)-ix]	<input type="checkbox"/> Street rights-of-way , indicating proposed access routes, internal circulation, relationship to existing ROWs, and curb cuts within 100 ft. of the property [Section 16.1-C-2-b-(1)-(b)-vi]
<input type="checkbox"/> Written description of the computation for required parking. [Section 16.1-C-2-a-(2)-(b)-xiii]	<input type="checkbox"/> Proposed parking areas/drives . Parking areas to be designated by lines showing individual spaces, conforming with ordinance provisions. [Section 16.1-C-2-b-(1)-(b)-xi]
<input type="checkbox"/> In all zoning districts, sidewalks are required on all sides of the property which abut a public street. [Sections 4.4, 5.4, 6.4, 7.4, 9.4, 10.4, 11.4, 12.4 and 13.4] Sidewalks are also specifically required for manufactured home and site condominium developments. [Section 8.5-G-11 and Section 2.26-D]	
<input type="checkbox"/> For non-residential districts or uses, except in the B-1 district, parking areas need to be either on the same lot or within 300 feet of the building or use they are intended to serve. In the B-1 district, parking needs to be on the same lot as the use, unless the property adjoins or has access to a community or common parking lot. [Section 16.3-A-1]	
<input type="checkbox"/> Adequate numbers of parking spaces must be provided. Provide number of employees and usable floor space for parking calculations. [Section 16.3-C] Each lot in a manufactured home community needs to provide a minimum of two (2) off-street, paved parking spaces. [Section 8.5-G-12] <ul style="list-style-type: none"> <input type="checkbox"/> Parking requirements vary according to the proposed use, see Section 16.3-C for details. <input type="checkbox"/> For special Uses, check for specific parking requirements for each use in Section 17.6 	

<input type="checkbox"/> The minimum width for all parking spaces is nine ft. The minimum length is 20 feet for a 76-90-degree angle parking pattern, 21 ft. for a 30-75-degree angle parking pattern and 25 feet for a parallel parking pattern. [Section 16.3-B-1]	
<input type="checkbox"/> Drives, streets and other circulation routes need to be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. [Section 16.1-D-1-b]	
<input type="checkbox"/> Maneuvering lanes are required to be a minimum of 18 to 24 ft. in width for two-way traffic and 12 to 15 ft. in width for one-way (angled parking) traffic, depending on the parking pattern. [Section 16.3-B-1]	
<input type="checkbox"/> Parking areas must be paved with a durable and dustless surface . A site plan note acknowledging the requirement helps. Parking areas should also be defined by curbing or curb stops. Curbing extends the life of pavement, can help direct stormwater, and prevents damage to landscaped areas and fences. [Section 16.3-B-3 & 4]	
<input type="checkbox"/> Any use involving the receipt or distribution of vehicles, materials or merchandise must have a designated loading area for delivery trucks. Loading areas are required to be paved with either asphalt or a portland cement binder to provide a permanent, and durable surface. [Section 16.3-D] <ul style="list-style-type: none"> <input type="checkbox"/> B-1/B-2 Districts: at least ten sq. ft. per linear foot of building, located in the rear yard. <input type="checkbox"/> OS-1 District: at least five sq. ft. per front linear food of building, located in the rear yard. <input type="checkbox"/> I-1 District: ten ft. by 50 ft. or at least 500 sq. ft. in size; minimum 14 ft. high, at least one loading space located off-street and in the rear or interior side yard. 	
<input type="checkbox"/> Stacking spaces for drive-thru facilities need to be provided - see specific requirements in Special Use standards in Section 17.6.	
<i>Natural Features, Landscaping, Screening, Lighting, and Signs</i>	
<input type="checkbox"/> Proposed buffer strips or screening. [Section 16.1-C-2-a-(2)-(b)-iv]	<input type="checkbox"/> Location, sizes, and types of fences, landscaping, buffer strips, and screening. [Section 16.1-C-2-b-(1)-(b)-ix]
<input type="checkbox"/> Location of any signs not attached to the building. [Section 16.1-C-2-a-(2)-(b)-vi]	<input type="checkbox"/> Location, sizes, and type of signs and on-site lighting. [Section 16.1-C-2-b-(1)-(b)-x]
<input type="checkbox"/> Significant natural features/other natural characteristics on the property, such as open space, stands of trees, wetlands, brooks, ponds, floodplains, hills, and similar natural assets. Additionally, any water feature within 250 ft. of the property boundary. [Section 16.1- C-2-a-(2)-(b)-v and Section 16.1-C-2-b-(1)-(b)-xiv]	
<input type="checkbox"/> Existing vegetation must be marked as either to be preserved or to be removed. Proposed landscaping and vegetation needs to be shown on the site plan as well. Vegetation may only be removed or altered if deemed reasonably necessary to develop the site in accordance with ordinance requirements. [Section 16.1-C-2-a-(2)-(b)-v, Section 16.1-C-2-b-(1)-(b)-xiv & Section 16.1-D-1-d]	
<input type="checkbox"/> Any proposed use needs to be adequately buffered from other uses and from surrounding public and private property. The PLANNING COMMISSION may require that landscaping, buffers. or	

<p>greenbelts be preserved or provided to ensure this. [Section 16.1-D-1-d and Section 16.2-C & I]</p>
<p><input type="checkbox"/> Trash dumpsters, designated outdoor storage areas in the I-1 District and loading/unloading areas or hospital emergency rooms are all required to be screened with a solid, sight-obscuring fence or wall six ft. high. [Section 16.2-E & F]</p>
<p><input type="checkbox"/> Greenbelts are required within the front setback area in the OS-1, B-1, B-2, P-1, and I-1 districts and also around any non-residential parking lot abutting or within 100 ft. of a residential district, and within any parking lot which has at least 50 spaces. [Section 16.2-G] Greenbelts need to meet the standards in Section 16.2-H & I.</p>
<p><input type="checkbox"/> All parking lots need to have adequate lighting which needs to be shielded so as to prevent light from spilling onto adjacent properties. [Section 16.3-B-5]</p>
<p><input type="checkbox"/> All proposed signage needs to meet the requirements of Section 16.4.</p>

Tips and Hints

1. Of course, if all the information and details necessary are provided on the site plan as originally submitted, and if the plan meets all requirements, approval can be received very quickly. The City likes to be able to say “yes!” on the first go-around with a site plan.
2. Remember, the site plan is a contract with the community and should not leave out information. Site plan notes assuring the City that you know what your responsibilities are help a speedy approval. For example, less tree removal on your site saves you time, money and may reduce additional landscaping requirements. It also makes the site more attractive and helps stormwater runoff. If you have noted the trees on site, also note which ones are going “to be protected.”
3. City staff is here to **help facilitate** the development process; ask for help if you need it!

Performance Guarantees

As a condition of approval of a site plan review or special use, the Planning Commission can require a financial guarantee to assure the installation of features such as roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items. Any performance guarantee will need to be 100% of the cost of materials and installation for the required improvements plus engineering and contingency costs. A performance guarantee can be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the City. The process and requirements for performance guarantees are explained in Section 19.3-B.

Outside Approvals

Sometimes developments are in a floodplain or may involve altering a wetland. These activities fall under state and/or federal law and often need state level permits. Site Plan approval is often conditioned upon getting these other approvals. Copies of such approvals must be provided to the City for the project file.

Special Land Use

In each zoning district special land uses are identified. Special land uses are those that may have operational characteristics that could negatively affect adjacent properties or the community as a whole, if not planned and designed properly. Treated differently than permitted, uses, the Planning Commission may use discretionary review standards in addition to site plan review requirements.

No special land use shall commence until a Special Land Use permit is issued in accordance with the City of Hart Zoning Ordinance. All special land use requests must be accompanied by a Site Plan (see previous section).

Process

Step 1. Application.

The application process starts with the City's Zoning Administrator who coordinates with county departments and consultants for the review.

Step 2. Fees.

City staff accepts the application and appropriate fee set by City Council resolution. Applications must be signed by the owner of the property, or their authorized agent. Applications for Planning Commission review require 12 copies of a complete site plan. Other materials such as a traffic study or environmental impact assessment could also be required by the Planning Commission during review.

Step 3. Site Plan Requirement.

Applications for a special land use permit shall also be accompanied by a site plan which shall contain the information for final site plans required by Chapter 1258.

Step 4. Additional Information.

The Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include but shall not be limited to: traffic analysis, environmental impact statement, and economic analysis justifying the need for a proposed use or uses, impact on public utilities and services, effect on the public school system.

Step 5. Notice of Public Hearing.

Upon receipt of a complete application, a public hearing shall be noticed by staff in accordance with the notification procedures outlined on page four of this guidebook.

Step 6. Staff Review.

The Planner (and other staff as appropriate) will provide a review and recommendation based upon the required standards and finding outlined in Section 1256.04. This review and recommendation will be presented during the public hearing being conducted at the Planning Commission meeting.

Step 7. Public Hearing and Planning Commission Recommendations.

Upon hearing the staff review and conducting a public hearing, the Planning Commission will approve, approve with conditions, or deny the Special Land Use request. The Planning Commission may postpone action on the application if it is determined that additional information is needed from the applicant that would help address the standards and findings Section 1256.04. Approval is issued if the applicant conforms to all applicable policies and regulations. Approval with conditions is issued to make certain the application complies with the City’s policies and regulations.

Step 8. Permit.

After the Planning Commission grants a Special Land Use, an application for a building permit may be completed and submitted to the City.

In cases where development authorized by a special land use permit has not commenced within one year of issuance, the permit shall automatically terminate.

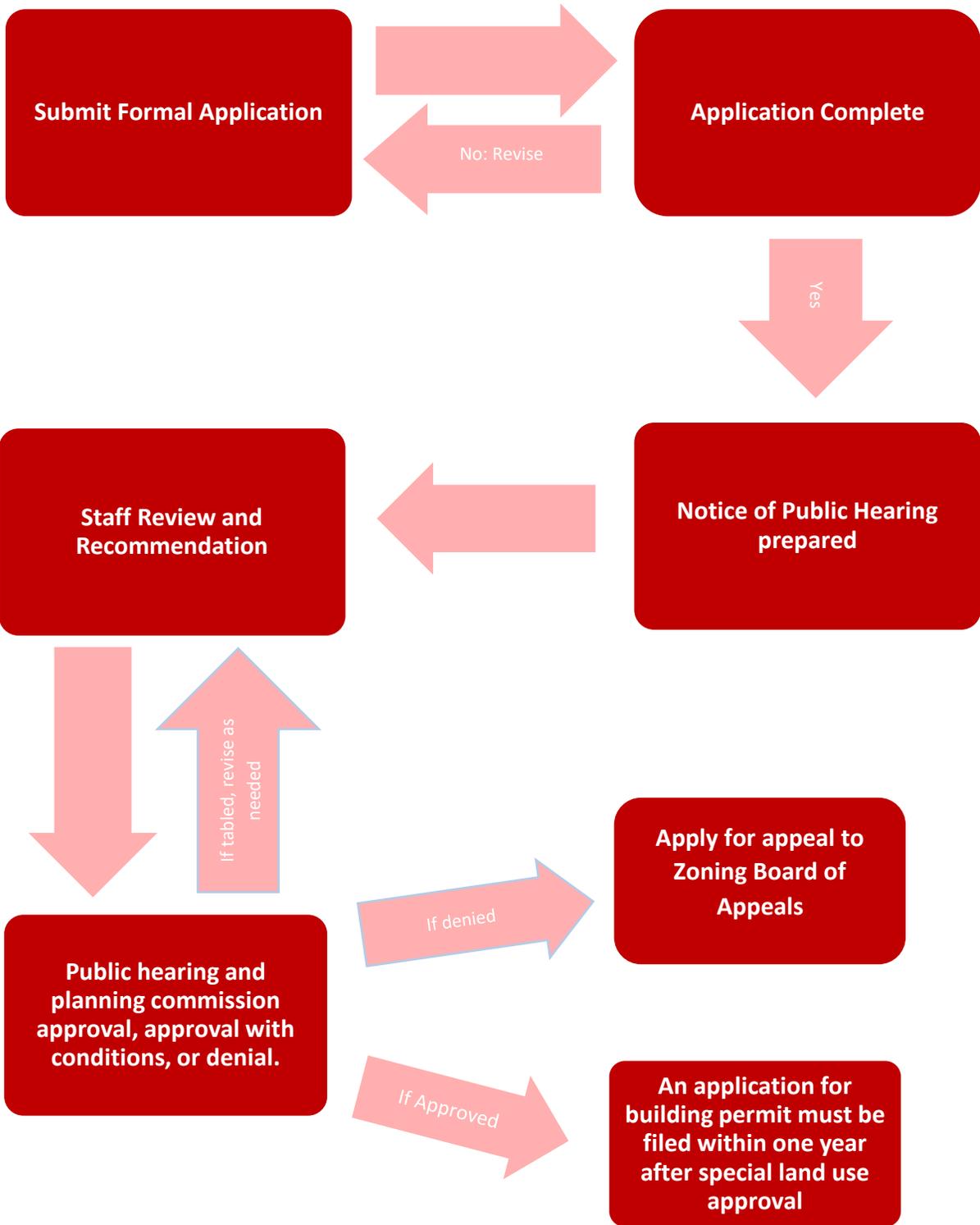
Step 9. Appeal to the Zoning Board of Appeals.

Should the Planning Commission deny the Special Land Use request, the decision to deny the Special Land Use request can be appealed to the Zoning Board of Appeals.

Special Land Use Review Criteria

To approve a special land use, the Planning Commission must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this Zoning Code for specific special land uses:

1. Be designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not result in a detrimental change to the essential character of the area in which it is proposed.
2. Be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
3. Not create excessive additional requirements at public cost for public facilities and services.
4. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be overly detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
5. Be consistent with the intent and purpose of the zoning district in which such use will be located.
6. Be compatible with and in accordance with the City Master Plan.



Rezoning

Zoning divides land into categories according to desired character and permitted use and sets regulations for each unique district. When a property owner wants to use land in a way that is not permitted by the zoning of the property, the owner must request to rezone the property to a classification which permits the desired use. A rezoning is a legislative process that will amend the zoning map. The City Council (with recommendation from the Planning Commission) has the authority to approve or deny rezoning requests.

The City Council may of its own motion, or shall upon petition signed by the owner(s) of a property proposed for rezoning, prepare an ordinance amending or changing the district boundaries or the district regulations.

Review Process

Step 1. Application.

The applicant shall submit the required information to the City Clerk. The information required varies depending on the type of amendment (map or text) proposed. Review fees shall be enclosed as part of the complete rezoning application.

Step 2. Notice of Public Hearing.

Upon receipt of a complete application, a public hearing shall be noticed by staff in accordance with the notification procedures outlined on page four of this guidebook.

Step 3. Staff Review.

The Planner and other staff (as appropriate) will provide a review and recommendation regarding the rezoning request. This review and recommendation will be presented prior to the public hearing being conducted at the Planning Commission meeting.

Step 4. Public Hearing and Planning Commission Recommendation.

Upon hearing staff's review and conducting a public hearing, the Planning Commission will make a recommendation to the City Council to approve, deny, or postpone the rezoning request.

Step 5. City Council Review.

Upon receiving a recommendation from the Planning Commission, the City Council will consider the Planning Commission's recommendation. The City Council will take action to approve, deny, or postpone the rezoning request (after the second Ordinance reading).

Step 6. City Council Approval.

Once the City Council approves the amendment to the Zoning Ordinance, a Notice of Amendment must be published within fifteen (15) days in a newspaper of general circulation within the municipality.

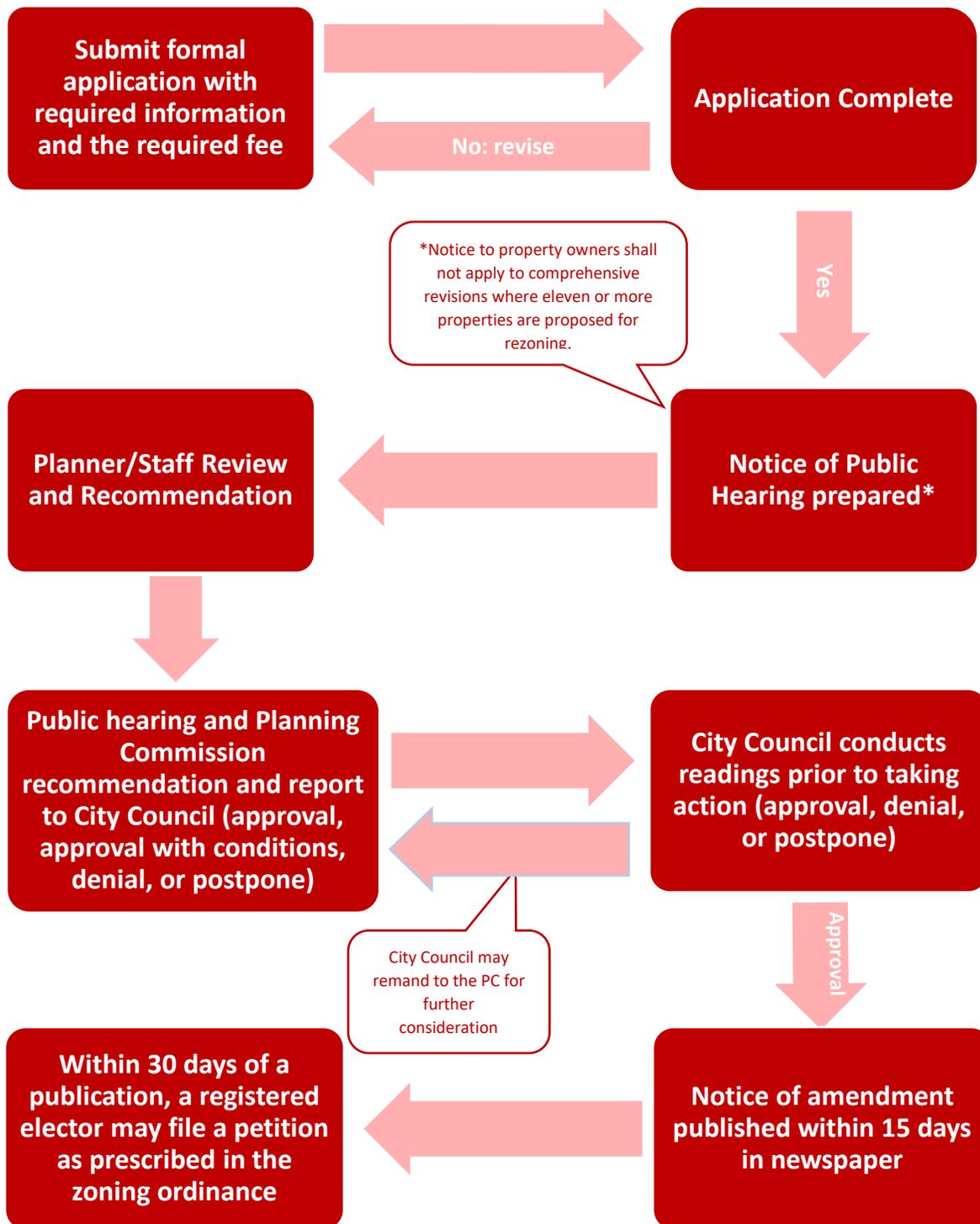
Step 8. Effective Date

A Zoning Ordinance amendment/modification shall take effect no less than seven (7) days after publication unless a referendum petition is filed within the thirty-day period after the publication is found to be adequate.

Rezoning Review Criteria

The Planning Commission and the City Council will consider at a minimum the following factors in reviewing an ordinance for the rezoning of land, whether with or without an offer of conditions:

1. Whether the rezoning is consistent with the policies and uses proposed for that area in the City's Master Plan;
2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.



Planned Unit Development (PUD)

Planned Unit Development (PUD) is a zoning tool to allow flexibility in development regulations by encouraging the use of land in accordance with its character and adaptability; conserving natural resources and energy; preserving historic resources; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the community; and bringing about greater compatibility of design and use.

Review Process

Step 1. Pre-Application Meeting.

Potential applicants shall meet with municipal staff prior to submission of a PUD application to discuss required information and review procedures as outlined in Chapter 1254 of the Zoning Ordinance.

Step 2. Preliminary PUD Plan Submittal.

Applicants shall submit an application for Preliminary PUD Plan review to the Zoning Administrator. The information required for Preliminary PUD review is listed in 1254.05(b).

Step 3. Preliminary PUD Plan Review.

Upon receipt of a complete application, staff (and other parties, agencies, etc. as applicable) will provide a review and recommendation of the Preliminary PUD Plan.

Step 4. Preliminary PUD Approval.

Upon determination of the Planning Commission that a Preliminary PUD Plan is in conformance with 1254.05(b) and other associated plans and regulations, the Preliminary PUD Plan shall be granted approval, approval with conditions, or denial by the Planning Commission.

Step 5. Final PUD Application Submittal.

Following Preliminary plan approval, the applicant shall submit a Final PUD Plan to the Zoning Administrator. The information required for Final Site Plan review is listed in Section 1254.05.

Step 6. Staff Review.

The Planner (and other staff as appropriate) will provide a review and recommendation based upon the required standards and finding outlined in Section 1254.05. This review and recommendation will be presented during the public hearing being conducted at the Planning Commission meeting.

Step 7. Public Hearing and Planning Commission Recommendation.

Upon hearing the staffs' review and conducting a public hearing, the Planning Commission will make a recommendation to City Council to approve, approve with conditions, or deny the Final PUD Plan. The Planning Commission may postpone action

on the application if it is determined that additional information is needed from the applicant that would help address the standards and findings.

Step 8. City Council Action.

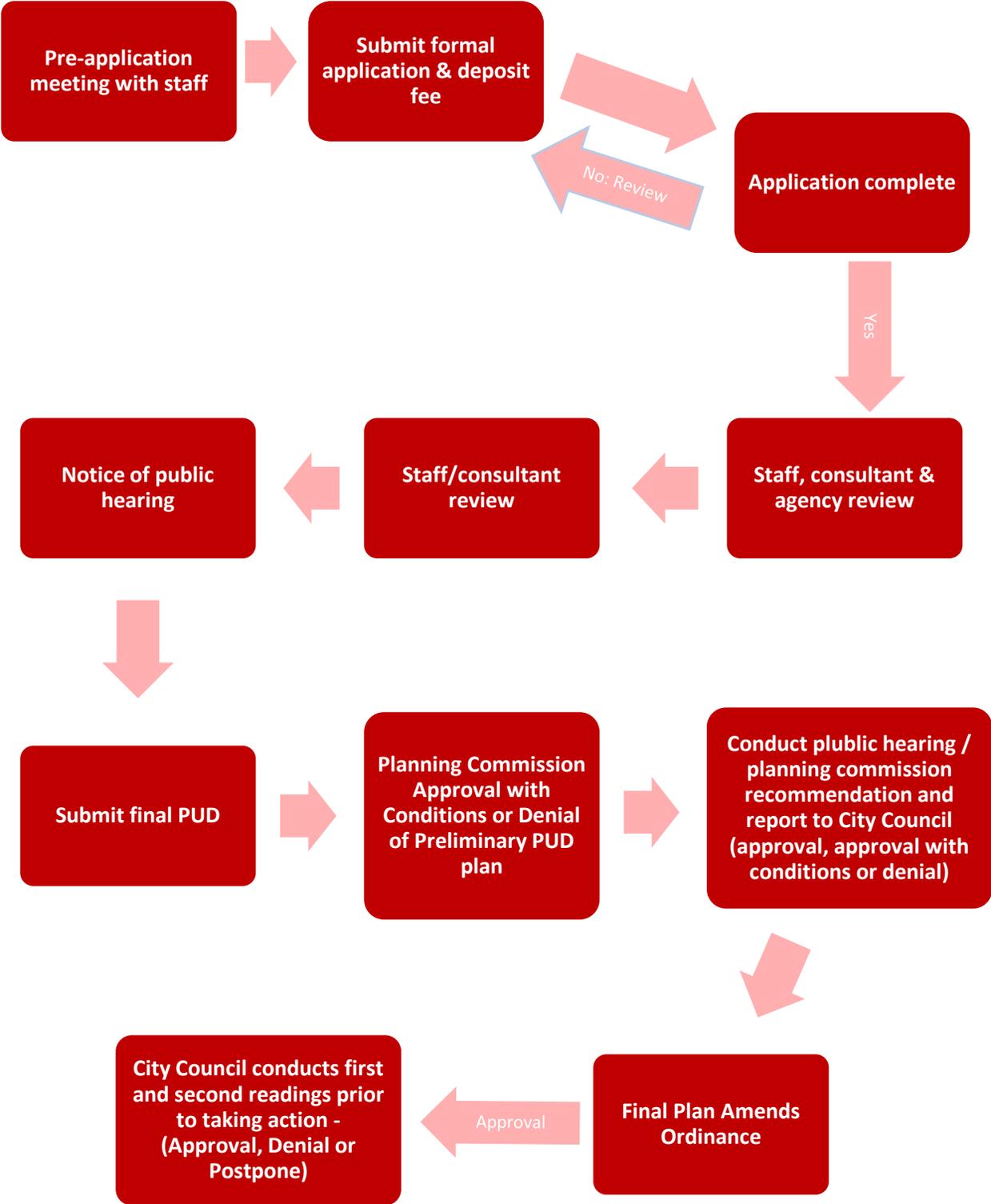
Upon receiving a recommendation from the Planning Commission, City Council will hold a first reading of the Final PUD Plan request. At a following meeting the governing body will conduct a second reading and consider the Planning Commission's recommendation. Prior to taking action, City Council may remand the proposed Final PUD Plan back to the Planning Commission for further consideration. City Council will take action to approve, deny or postpone the Final PUD Plan (after the second Ordinance reading).

Step 9. City Council Approval.

Once City Council approves the Final PUD Plan, a Notice of Amendment must be published within fifteen (15) days in a newspaper of general circulation within Hart.

Step 10. Effective Date.

A PUD shall take effect no less than seven (7) days after publication unless a referendum petition is filed within the thirty-day period after the publication is found to be adequate.



Zoning Variances

The Zoning Board of Appeals (ZBA) is the quasi-judicial appointed body that can permit variances from the Zoning Ordinance. The most common variances are dimensional such as lot area and width, building height, bulk regulations, setbacks, and off-street parking and loading requirements. Additionally, the City of Hart allows the ZBA to hear and decide upon variances in the use of land which is not otherwise permitted in the zoning district in which the property is placed.

Review Process

Step 1. Application Submittal.

Applicants shall submit an application for a variance or appeal request to the Zoning Administrator. All required information and fees shall be enclosed as part of a complete variance or appeal application.

Step 2. Notice of Public Hearing.

Upon receipt of a complete application, a public hearing shall be noticed by staff in accordance with the notification procedures outlined on page four of this guidebook.

Step 3. Staff Review.

The Planner (and other staff as appropriate) will provide a review and recommendation based upon the required standards and findings. This review and recommendation will be presented during the public hearing being conducted at the Zoning Board of Appeals meeting.

Step 4. Public Hearing and Zoning Board of Appeals Decision.

Upon hearing staff's review and conducting the public hearing, the ZBA shall approve, approve with conditions, or deny the variance request.

Specific Information for Variances

In granting a variance, the board may grant a lesser variance or specific, in writing, conditions regarding the location, character, landscaping, or other treatment that will, in the board's judgment, be reasonable necessary to the furtherance of the intent of the Zoning Ordinance and the protection of the public interest. The breach of any condition shall automatically invalidate the permit granted.

Each variance granted under the provisions of the Zoning Ordinance becomes null and void after one (1) year from the date of granting unless the construction, occupancy, or other actions authorized by such variance or permit has commenced. The Zoning Board of Appeals may grant one single extension for a period not to exceed one (1) year.

Review Standards for Dimension or Non-Use Variances

A variance from zoning requirements, with the exception of a "use variance" (see below), requires the applicant to demonstrate the following conditions as found in Section 1261.06 of the Zoning Ordinance:

1. Shall not be contrary to the public interest or to the intent and general purpose of this Ordinance.

2. Shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the zoning district in which the subject parcel is located.

When both of the above conditions are satisfied, a variance may be granted when any one of the following special conditions are met:

1. Where there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed solely economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. Where absent a variance, a significant natural feature would be negatively affected or destroyed.
3. Where absent a variance, public health, safety, and welfare would be negatively affected.
4. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Review Standards for Use Variances

A use variance allows a use of land that is not permitted in the district in which the property is placed. Because this type of relief is so significant, granting of a use variance requires the existence of an unnecessary hardship. The applicant is responsible for demonstrating the following conditions as contained in Section 1261.07.

1. The property could not be used or be put to a reasonable use for the purposes permitted in that zone.
2. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
3. The use would not alter the essential character of the area.
4. The problem is not self-created.

