



City of Hart, Michigan
PLANNING COMMISSION
May 7, 2026 @ 4:00 PM
AGENDA

Hart Council Chambers, 407 State Street, Hart, MI 49420

- 1. Call to order / Roll Call:**
 - a. Commissioners: Cunningham, Fout, LaPorte, Mullen, Root, Clark, Evans
- 2. Approval of Agenda**
- 3. Approval of Minutes**
 - a. April 2, 2026 Regular Meeting
- 4. Public Comments** (limit to 3 minutes per speaker)
- 5. Public Hearings**
 - a. Zoning Ordinance Amendment: Section 1242.07, “Moratorium on Data Centers”
 - i. Open public hearing
 - ii. Public comment
 - iii. Close public hearingPlanning Commission Discussion - *Motion to recommend approval/denial/or approval with conditions to the City Council*
 - b. Zoning Ordinance Amendments: Section 1243.28F - Pervious Surfaces, Section 1243.22 – Native Vegetation, and Section 1243.22G - Tree Planting, Maintenance, and Removal
 - i. Open public hearing
 - ii. Public comment
 - iii. Close public hearingPlanning Commission Discussion - *Motion to recommend approval/denial/or approval with conditions to the City Council*
 - c. Zoning Ordinance Amendments: Section 1243.04 Limitations on Lot Splits
 - i. Open public hearing
 - ii. Public comment
 - iii. Close public hearingPlanning Commission Discussion - *Motion to recommend approval/denial/or approval*
- 6. Action Items**
 - a. Resolution PC2026-01 Opposing House Bills 5529-5532 and 5581-5585 – *Motion to approve/deny/or approve with conditions*
- 7. Discussion Items**
 - a. Lofts on Main Development Next Steps
 - i. Development Agreement Terms
 - ii. Planned Unit Development (PUD) Agreement Terms
- 8. Other Business and Communications from Commission members**
 - a. Update on Nick Knitter’s request for lot in Industrial Park for composting
 - b. Update on Dark Water Coffee Roasters
 - c. Update on Easement to Water Tower in Industrial Park
- 9. Public Comments** (limit to 3 minutes per speaker)
- 10. Adjourn**
 - a. *Next regular meeting June 4, 2026*

City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, April 2nd, 2026
Minutes

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

ABSENT:

OTHERS PRESENT: City Manager Nichole Kleiner,

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

APPROVAL OF AGENDA:

- L. Clark motioned to approve the agenda and was supported by D. LaPorte
 - Ayes: 7 Nays: 0 Absent: 0

APPROVAL OF MINUTES:

- B. Root motioned to approve the minutes from January 8th, 2025, and was supported by A. Mullen
 - Ayes: 7 Nays: 0 Absent: 0

PUBLIC COMMENTS ON AGENDA ITEMS:

- NONE

ACTION ITEMS:

- 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 a zoning or building applications 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 expire and have 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.

- J. Cunningham motioned to approve draft Moratorium on Data Centers, and to hold a Public Hearing on May 7th, 2026, and 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 lawncare 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) 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 or 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.
- A. Mullen motioned to approve draft ordinance amendments and authorize Public Hearing on May 7th, 2026, and supported by B. Root
 - 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), 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 results 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 24th, 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.

◦ D. LaPorte motioned 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 and supported by J. Evans

- Ayes: 7 Nays: 0 Absent: 0

- D-1 and D-2 Zoning Districts Memo Review and Consideration of Allowing Composting as Special Land Use in Either District.

D-1, Industrial District – 1252.01 Purpose

This district includes the older industrial areas within the City which are characterized by older buildings with minimal building setbacks and site improvements. Most generally recognized industrial uses are permitted along with accessory retail sales. As these older buildings are expanding and re-used, improvements should be made to protect nearby non-industrial uses from these industrial operations.

D-2, Industrial Park District – 1253.01 Purpose

This chapter contains regulations for the Hart Industrial Park which are based on the restrictive covenants adopted for the park. The purpose of these regulations is to develop an industrial area with uniform design standards.

CONCLUSION

Based on our analysis of the two zoning districts (D-1, Industrial District, and D-2, Industrial Park District), it is the opinion of McKenna that each district is distinct enough in intent and regulation that a combination of the two would be administratively challenging and potentially confusing for property owners and future applicants. The D-1 district is aimed at housing more intensive industrial uses and implements additional regulations in accordance with this intent, such as more restrictive setback requirements from residential zones. The difference in regulations would lead to a number of nonconforming properties should the districts be combined.

◦ D. LaPorte motioned that D-1 and D-2 do not get combined and supported by A. Mullen

- Ayes: 7 Nays: 0 Absent: 0

◦ D. LaPorte motioned to add composting as a special land use in either D-1 or D-2 District and supported by L. Clark

- Ayes: 7 Nays: 0 Absent: 0

DISCUSSION ITEMS:

- Consideration of Resolution Opposing State Legislative Package Impacting Local Zoning Authority
The purpose of this memo is to provide background information and request the Planning Commission's consideration of recommendation to City Council regarding a package of bills currently moving through the Michigan House that would significantly limit local zoning authority. This information was provided by the Michigan Municipal League. Attached for your review are a summary of the legislation and a sample resolution for consideration.

The pending bill package would establish statewide standards that preempt many local zoning regulations. In effect, it would shift key land use decisions from local governments to the State.

Potential Impacts to the City of Hart

If adopted, the legislation would have the following implications for local planning and zoning:

- **Loss of Local Control**
The City's ability to make zoning decisions based on local conditions would be significantly reduced, with the State setting many regulatory limits.
- **Minimum Allowance for Smaller Lots and Homes**
The City could not require lot sizes larger than approximately 1,500 square feet of homes larger than 500 square feet.
- **Duplexes and Accessory Dwelling Units (ADUs) by right**
Duplexes and ADUs would be permitted in most residential districts with limited local review
- **Mobile Homes in Residential Areas**
Local ordinances would be restricted from prohibiting mobile homes in many residential zones.
- **Reduce Parking Requirements**
Parking standards would be capped, generally limiting requirements to no more than once space per unit for multifamily developments.
- **State-Controlled Setbacks and Site Standards**
The State would establish maximum setback requirements, limiting local flexibility in site design.
- **Accelerated Approval Timelines**
The City would be required to act on site plan within 60 days and would have reduced ability to require additional studies or review
- **Changes to Protest Petition Processes**
The legislation modifies how residents can formally oppose development proposals.

Summary

In practical terms, this legislation would substantially reduce the City's ability to:

- Manage growth and development patterns
- Protect neighborhood character
- Apply standards tailored to Hart's unique conditions

Legislative Bill Package

- **HB 5529 (Grant) Land Division Act Lot Size:** Prohibits local ordinances from requiring a minimum parcel or lot size greater than 1,500 square feet for detached single-family residence where the subdivision is accessible and will be served by public water and sewer
- **HB 5530 (Wortz) Lot Size** Prohibits a minimum parcel size greater than 1,500 square feet for detached single-family residence where the parcel is accessible and will be served by public water and sewer
- **HB 5531 (Neeley) Study Requirements:** Allows local units for government to require reasonably necessary studies in reviewing a site plan application after initial approval. Creates a 60-day decision shot clock after receipt of a site plan for a local unit of government.
- **HB 5532 (Aragona) Protest Petitions:** Expands the qualifying petition area to 300 ft and sets a 60% signature threshold.
- **HB 5581 (Kunse) Dwelling Size:** Prohibits a minimum area requirement greater than 500 square feet for a dwelling.
- **HB 5582 (Grant) Parking Requirements:** Mandates parking requirements at no more than one space per dwelling unit for multifamily residential use of property. Allows mobile homes in any residential zones.
 - **"Mobile home"** means a structure that is transportable in 1 or more sections, built on a chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes

the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

- **HB 5583 (Longjohn) Setback Requirements:** Mandates setbacks requirements at 15 feet or less from the front property line and five feet from the side or rear for dwellings or outbuildings if the local unit of government is located in whole or part within a metropolitan statistical area (MSA) or is located adjacent to a MSA area.
- **HB 5584 (Andrews) Duplex by Right:** Creates a statewide definition of “duplex” Mandates duplexes are a permitted use in any district where single family residences are allowed and not subject to any procedures different from a single-family residence.
- **HB 5585 (Meerman) Accessory Dwelling Units:** Creates a statewide definition of “accessory dwelling unit” (ADU). Mandates ADUs are permitted by right in residential zoning districts and not subject to a public hearing. ADUs are prohibited from density calculations, additional parking requirements, and owner occupancy requirements. Allow mobile homes in any residential zone.
 - L. Clark motioned to present Opposition to Michigan House Bill 5529-5532 and 5581-5585 Regarding Local Municipal Zoning Authority and supported by D. LaPorte
 - Ayes: 6 Nays: 0 Absent: 0 Abstained: 1
- Housing Rental Code Ordinance and Enforcement
Not discussed.

OTHER BUSINESS and COMMUNICATION FROM COMMISSION MEMBERS:

- None

PUBLIC COMMENTS GENERAL:

- NONE

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned upon a motion by A. Mullen and supported by D. LaPote. The next meeting scheduled will be held on May 7th, 2026

Karla Swihart

Karla Swihart
City Clerk

CITY OF HART

COUNTY OF OCEANA, MICHIGAN

At a regular meeting of the City Council of the City of Hart, held at the City Hall, 407 State Street, within the City, on the ____ day of ____, 2026, at 7:30 p.m., Local Time.

PRESENT: Members: _____

ABSENT: Members: _____

The following preamble and ordinance was offered by Member _____ and seconded by Member _____.

ORDINANCE NO. 2026-02

AN ORDINANCE TO AMEND CHAPTER 1242 OF TITLE FOUR OF PART TWELVE OF 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 on any zoning or building applications 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 [REDACTED], 2026.
- (d) The temporary moratorium shall remain in effect for six months and terminate on [REDACTED], 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 uses, the moratorium shall automatically terminate upon the effective date of the amending ordinance, unless otherwise extended by the City Council.
- (e) The provisions of this section automatically expire and have no further effect after [REDACTED], 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. I, the undersigned, the duly qualified and acting City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the foregoing Ordinance amendments and additions were adopted by City of Hart at a regular City Council meeting properly held on the _____ day of _____, 2026; and that the meeting with held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance amendments and additions in the Oceana Echo on the _____ day of _____, 2026. This Ordinance of a summary of its provisions shall be published within fifteen (15) days of adoption.

Section 4. I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

AYES: _____

NAYS: _____

ORDINANCE DECLARED ADOPTED.

Karla Swihart, City Clerk
City of Hart

CITY OF HART
ORDINANCE NO. 2026-01

ZONING ORDINANCE AMENDMENT
Green Infrastructure Standards

First Reading: _____ Second Reading & Adoption: _____ Publication: _____

Effective Date (ten days after publication): _____

THE CITY OF HART ORDAINS THAT CHAPTER 1243 OF THE CITY OF HART ZONING ORDINANCE IS HEREBY AMENDED TO ADD THE FOLLOWING SECTIONS:

CHAPTER 1243 GENERAL PROVISIONS

1243.28 PERVIOUS SURFACES.

A. Definitions.

1. *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 is intended to mimic natural groundwater infiltration, decrease post-construction stormwater runoff, and implement Low Impact Development (LID) practices.

C. Permitted Pervious Surface Types. City-approved pervious paving materials include:

1. Grass pavers (for occasional parking; not permitted for high-use areas);
2. Permeable interlocking concrete pavers;
3. Permeable pavement;
4. Permeable clay brick pavers (for pedestrian and vehicular traffic);

5. Other comparable materials as approved by the Department of Public Works Superintendent and the Approving Authority.

D. Benefits. Pervious surfaces provide the following benefits:

1. Reduce or eliminate stormwater runoff;
2. Recharge groundwater;
3. Trap suspended solids and pollutants;
4. Improve winter safety by reducing surface ice;
5. Reduce surface temperatures and heat island effects;
6. Reduce need for retention basins and stormwater infrastructure;
7. Lower long-term lifecycle costs when properly installed.

1243.22(F) NATIVE VEGETATION.

A. Applicability.

The following standards shall apply to all development within the A, A-1, A-2, B-1, and B-2 zoning districts.

B. General Standards.

1. Existing natural features, including wetlands, woodlands, landmark trees, and scenic vistas, shall be preserved and incorporated into development where feasible.
2. Screening shall utilize naturalized forms including landforms, trees, shrubs, grasses, and perennials rather than rigid berms or monoculture plantings.
3. Setbacks and landscape buffers shall function as naturalized green spaces incorporating sustainable stormwater management.
4. A minimum of sixty percent (60%) of landscape materials shall consist of native species appropriate to Lower Michigan, selected for durability, visual interest, and compatibility with rural and suburban conditions.

C. Low Impact Development (LID). 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 of the area.

D. Natural Features Preservation Plan. A plan shall be submitted identifying existing natural features and site conditions. The plan shall demonstrate how development preserves or enhances these features. Green space enhancements along public road frontages shall be included.

1243.22(G) TREE PLANTING, MAINTENANCE, AND REMOVAL.

Tree Planting

A. Prohibited Species. The following species shall not be planted within public rights-of-way or curblawn areas: *Populus* spp., *Acer negundo*, *Ailanthus altissima*, *Pyrus calleryana*, *Acer saccharinum*, *Catalpa*, *Ulmus* spp., *Juglans* spp., *Robinia pseudoacacia*, *Salix alba*, *Alnus* spp., *Taxus* spp., *Thuja* spp., *Sassafras albidum*, *Elaeagnus angustifolia*, *Morus alba*, *Prunus serotina*, and female *Ginkgo biloba*.

B. Spacing Requirements.

1. Small trees: minimum 20 feet apart;
2. Medium trees: minimum 30 feet apart;
3. Large trees: minimum 40 feet apart; Exceptions may be approved by the Zoning Administrator.

C. Utilities. Only small or medium trees may be planted within 10 lateral feet of overhead primary electric lines.

D. Distance from Infrastructure. Minimum distance from curb or sidewalk:

- Small trees: 2 feet
- Medium trees: 3 feet
- Large trees: 4 feet

E. Exemptions. Trees planted prior to adoption are exempt from spacing requirements.

Tree and Shrub Maintenance

A. City Responsibility.

1. Maintenance of trees in public areas shall be performed by the City unless otherwise approved.
2. Minimum clearance: 8 feet over sidewalks, 15 feet over streets (16 feet on major thoroughfares).

B. Visibility and Clearance.

1. Vegetation shall not obstruct visibility at intersections or along streets.
2. Property owners shall correct violations within 21 days of notice.
3. The City may prune vegetation obstructing public rights-of-way.

C. Protection of Trees. No person shall damage, remove, or attach materials to City trees without authorization.

D. Utility Trimming. Utility companies shall comply with City standards and provide notice prior to non-emergency trimming.

Tree Replacement Requirements

A. Replacement Standard. Trees removed shall be replaced at a ratio of one (1) tree per five (5) removed trees or through a payment in lieu.

B. Replacement Specifications.

1. Deciduous: minimum 3-inch caliper;
2. Coniferous: minimum 10 feet in height;
3. Prohibited species shall not be used;

4. Replacement trees may count toward other landscape requirements.

C. Placement.

Replacement trees shall be shown on the site plan and located to maximize environmental benefit and reduce heat island effects.

D. Payment in Lieu.

A fee of \$300 per tree may be paid to the City in lieu of planting, to be used for tree planting elsewhere within the City.

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.

PUBLICATION AND EFFECTIVE DATE. I, the undersigned, the duly qualified and acting City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the foregoing Ordinance amendments and additions were adopted by City of Hart at a regular City Council meeting properly held on the _____ day of _____, 2026; and that the meeting with held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance amendments and additions in the Oceana Echo on the _____ day of _____, 2026. This Ordinance of a summary of its provisions shall be published within fifteen (15) days of adoption.

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

CITY OF HART
ORDINANCE NO. 2026-03

ZONING ORDINANCE AMENDMENT
Land Division Act Compliance

First Reading: _____ Second Reading & Adoption: _____ Publication: _____

Effective Date (ten days after publication): _____

THE CITY OF HART ORDAINS THAT SECTION 1243.04 OF THE CITY OF HART ZONING ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:

CHAPTER 1243 GENERAL PROVISIONS

CHAPTER 1243 GENERAL PROVISIONS

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 this 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.

SEVERABILITY. If any section of this ordinance is held invalid, such invalidity shall not affect the remaining provisions.

PUBLICATION AND EFFECTIVE DATE. This ordinance shall take effect ten (10) days after publication.

I, the undersigned, the duly qualified and acting City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the foregoing Ordinance amendments and additions were adopted by City of Hart at a regular City Council meeting properly held on the _____ day of _____, 2026; and that the meeting with held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance amendments and additions in the Oceana Echo on the _____ day of _____, 2026.

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Karla Swihart, City Clerk

A motion was made by _____ and supported by _____.

___ ayes ___ nays ___ absent

RESOLUTION PC2026-01
Hart Planning Commission
City of Hart, Michigan
Oceana County

**OPPOSE HOUSE BILLS 5529–5532 AND 5581–5585 THAT WOULD PREEMPT LOCAL
ZONING AUTHORITY AND RECOMMEND CITY COUNCIL TAKE SIMILAR
ACTION**

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.

Moved by _____, supported by _____, and thereafter adopted by the Hart Planning Commission at a regular meeting held on _____, 2026

Ayes: _____ Nays: _____ Absent: _____

Karla Swihart, City Clerk

Legislative Bill Package

- **HB 5529 (Grant) Land Division Act Lot Size:** Prohibits local ordinances from requiring a minimum parcel or lot size greater than 1,500 square feet for detached single-family residence where the subdivision is accessible and will be served by public water and sewer. *Hart's current minimum = 6,000 SF*
- **HB 5530 (Wortz) Lot Size:** Prohibits a minimum parcel size greater than 1,500 square feet for detached single-family residence where the parcel is accessible and will be served by public water and sewer.
- **HB 5531 (Neeley) Study Requirements:** Allows local units of government to require reasonably necessary studies in reviewing a site plan application. Limits circumstances of when additional information can be required for the same application after initial approval. Creates a 60-day decision shot clock after receipt of a site plan for a local unit of government.
- **HB 5532 (Aragona) Protest Petitions:** Expands the qualifying petition area to 300 ft and sets a 60% signature threshold.
- **HB 5581 (Kunse) Dwelling Size:** Prohibits a minimum area requirement greater than 500 square feet for a dwelling. *Hart = 720 SF min*
- **HB 5582 (Grant) Parking Requirements:** Mandates parking requirements at no more than one space per dwelling unit for multifamily residential use of property. Allows mobile homes in any residential zone. *Hart = 2 spaces for 1st dwelling unit + 1 space for each additional dwelling unit*
 - **"Mobile home"** means a structure that is transportable in 1 or more sections, built on a chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. *THIS IS SAME AS HART'S DEFINITION*
- **HB 5583 (Longjohn) Setback Requirements:** Mandates setback requirements at 15 feet or less from the front property line and five feet from the side or rear for dwellings or outbuildings if the local unit of government is located in whole or part within a metropolitan statistical area (MSA) or is located adjacent to a MSA area. *We say 25-ft < OK on jr streets* *We say 15' + 5' (20-ft total)*
- **HB 5584 (Andrews) Duplex by Right:** Creates a statewide definition of "duplex." Mandates duplexes are a permitted use in any district where single family residences are allowed and not subject to any procedures different from a single-family residence. *OK allowed in Hart*

- **HB 5585 (Meerman) Accessory Dwelling Units:** Creates a statewide definition of “accessory dwelling unit” (ADU). Mandates ADUs are permitted by right in residential zoning districts and not subject to a public hearing. ADUs are prohibited from density calculations, additional parking requirements, and owner occupancy requirements. Allows mobile homes in any residential zone. !

not allowed currently

LOFTS ON MAIN - DEVELOPMENT AGREEMENT TERMS & CONSIDERATIONS

QUESTIONS FOR PLANNING COMMISSION (Entitlements / Site Design / Community Fit)

Focus: **What will get approved vs. what will stall**

Land Use & Zoning

- PUD Next Steps

Site Design Expectations

- Building height, massing, setbacks—any concerns?
- Parking expectations vs. what's realistic for a downtown-adjacent site?
- Expectations for:
 - Green space
 - Buffering
 - Connectivity to downtown / Hart Lake

Public Amenities

- What does PC expect in terms of:
 - Walkability features (sidewalks, trails)
 - Public gathering space
 - Streetscape integration

Infrastructure Impacts

- Any concerns with:
 - Water/sewer capacity
 - Stormwater requirements (this is often where projects get hung up)
- Expectations for green infrastructure (regarding new language)

Community Perception

- What concerns do they anticipate from the public?
- What design elements would make this more publicly supported?

Process & Timing

- What is a realistic entitlement timeline?
- What level of detail do they expect before giving support?

**What approvals are required and what level of design/detail is needed to secure entitlement?
(define)**

DEVELOPMENT AGREEMENT — KEY TERMS TO SIGNAL EARLY

You don't need to draft yet, but you *do* want alignment on these:

Core Structure

- Defined **due diligence period**
- Executed **purchase agreement after DD**
- Clear **milestones:**
 - Entitlements
 - Financing secured
 - Construction start
 - Completion

Financial Terms

- Purchase price (even if conceptual)
- Deposit structure (becomes non-refundable at milestones)

Reversion / Clawback

- Property reverts if project doesn't proceed within defined timeline

Performance Requirements

- Minimum investment
- Minimum unit count
- Site plan consistency

Public Infrastructure / Amenities

- Who builds/pays for:
 - Roads
 - Utilities
 - Sidewalks
 - Public spaces

QUESTIONS:

1. **“What specifically would cause this deal to fall apart?”**
2. **“What needs to be true for financing to close?”**
3. **“What approvals are highest risk?”**
4. **“Who is responsible for infrastructure costs?”**
5. **“At what point is the developer financially committed (non-refundable)?”**



MCKENNA

April 4, 2024

City of Hart Planning Commission
407 State St.
Hart, MI 49420

Subject: City of Hart: Planned Unit Development Agreement

THIS PLANNED UNIT DEVELOPMENT AGREEMENT (the “Agreement”) is made effective as of this day of April 4, 2024, between City of Hart, a Michigan general law City (referred to as the “City”), with offices at 407 S. State St. #1, Hart, Michigan 49420; and a future Development (referred to as “The Development”), occupying most of the block located at 3 Main St. Hart, MI 49420 and states the following:

Recitals

WHEREAS, the Zoning Ordinance of the City allows for a Planned Unit Development (PUD) zoning classification as an optional method of development whereby regulations may be provided for the conservation of natural resources and features, encourage innovation in land use planning, to enhance housing, employment, shopping, traffic circulation, and to ensure the compatibility of design and use between neighboring properties and encourage development that is consistent and compatible with the City’s Master Plan; and

WHEREAS, the City and The Developer wish to enter into this Agreement consistent with the applicable codes, ordinances, and regulations; and

WHEREAS, the City and The Developer each represent and warrant it has the requisite approvals and authority to enter into this Agreement to be bound accordingly;

WHEREAS, the Development, located at approximately 3 Main St., under this Agreement shall be consistent with the terms of the Agreement and any violations may result in an immediate reversion of land back to the underlying zoning district, with all provisions of this agreement voided.

NOW, THEREFORE, in consideration of the mutual covenants and considerations herein contained and based on the approval of the Planned Unit Development (sometimes referred to as the “Project”) and the City of Hart Zoning Ordinance, the parties to the Agreement hereby agree as follows:

1. The Development site is made up of five individual parcels. The parent property with parcel number 020-207-001-00, is at the intersection of Main St., N. Water St., and S. Courtland St., which is situated in City of Hart, Oceana County, Michigan, and is described in Exhibit A, hereinafter as “Project Site.” All of the parcels in the development are listed below. All other provisions and requirements of the Planned Unit



Development (PUD) zoning district shall apply to the Project Site unless otherwise stated in this Agreement or unless otherwise set forth by this Agreement.

Parcels included in the development:

- E. Main St. - 64-020-207-001-00 (Parent)
 - E. Main St. - 64-020-207-004-50
 - E. Main St. - 64-020-207-004-00
 - S. Courtland Street - 64-020-207-005-00
 - S. Courtland Street - 64-020-207-008-00
2. The land uses permitted by right on the Project Site are those presented in Exhibit A, and shall be residential and commercial uses, as defined in Chapter 1245 of the Hart Zoning Ordinance. Permitted uses include the following:
 - a. Multi-Family Dwellings.
 - b. Commercial Business Uses.
 3. Additional land uses may be permitted, subject to a determination by the Planning Commission (by majority vote) that they meet the requirements of the Zoning Ordinance. An amendment to this agreement shall be required to add a new permitted land use.
 4. There shall be no uses permitted by Special Land Use on the project site.
 5. The Development shall be built out, as shown in Exhibit A (the approved Site Plan). This provision shall supersede any contradictory provision in the Zoning Ordinance.
 6. The approved Site Plan in Exhibit A shall be the governing Site Plan for the site. Exhibit A may be amended, if approved by a majority vote of the Planning Commission. An amendment to this Agreement shall be required in order to amend Exhibit A. This provision shall supersede any contradictory Zoning Ordinance.
 7. For any zoning-related issue not specifically addressed in this agreement, the relevant provisions of the Zoning Ordinance shall apply.
 8. The Developer shall obtain all required City, State, and other governmental reviews, approvals, and permits, including but not limited to Site Plan Approval from the City and approvals by the Building Official, Fire Chief, and all County agencies with jurisdiction. All relevant Building codes shall be met prior to a Certificate of Occupancy being issued by the City.



9. The provisions of this Agreement shall be considered interdependent such that invalidation of any one or more of these covenants by judgment or decree or order of any court results in the invalidation of this entire Agreement unless the parties agree otherwise in writing. The covenants herein contained shall be binding upon the parties hereto and their respective successors and assigns and shall run with the title to the land, unless and until amended, altered or terminated pursuant to the Agreement between the City, The Developer, and its successors or assigns.
10. This Agreement shall be deemed to be mutually drafted and shall be construed under Michigan Law.
11. This Agreement is a fully integrated contract for all purposes under Michigan Law. This is the entire Agreement and supersedes any prior discussions or oral Agreements.
12. Each party herein reserves all legal rights, equitable and otherwise, to enforce the terms of this Agreement.

Signed:

City of Hart by vote at a Planning Commission meeting on May 2, 2024

_____ by its _____ on _____

Developer