



City of Hart, Michigan
PLANNING COMMISSION
June 4, 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. May 7, 2026 Regular Meeting
- 4. Public Comments** (limit to 3 minutes per speaker)
- 5. Action Items**
 - a. Discussion and Consideration of a Zoning Text Amendment Regarding Caretaker/Employee Dwelling Units in the C-2 Limited Commercial District
 - i. **Action:** *Provide direction to staff regarding the proposed amendment and, if desired, authorize preparation of a formal ordinance amendment and scheduling of a public hearing.*
 - b. Review FY25-26 Annual Report and Discuss FY26-27 Goals
 - i. **Action:** *Recommend staff present the PC Annual Report to city council in accordance with the Michigan Planning Enabling Act*
- 6. Discussion Items**
 - a. Data Center Moratorium – next steps
- 7. Other Business and Communications from Commission members**
- 8. Public Comments** (limit to 3 minutes per speaker)
- 9. Adjourn**
 - a. *Next regular meeting August 6, 2026*

City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, May 7th, 2026
Minutes, Draft

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

ABSENT: None

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

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

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

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

PUBLIC COMMENTS ON AGENDA ITEMS:

- NONE

PUBLIC HEARINGS:

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

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

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

ORDINANCE NO. 26-

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

THE CITY OF HART ORDAINS:

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

1242.07 TEMPORARY MORATORIUM ON DATA CENTERS AND DIGITAL MINING USES.

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

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

- (b) During the temporary moratorium, no City official, employee, agent, contractor, board, agency or commission shall receive, consider, review, approve, deny, or hold public hearings or an 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.

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

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

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

McKenna has compiled three options for green infrastructure based upon the Redevelopment Ready Community Guidelines. These options include the implementation of permeable pavers, native vegetation as a more common 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 of its agent unless an exemption is made in writing by the Department of Public Works Superintendent. Pruning will be conducted according to the National Arborist Association's Pruning Standards for Shade Trees, revised 1988. Future revisions to the National Association's Pruning standards will be accepted as the current revised standard.
- 2. The minimum clearance of any overhanging portion thereof shall be eight (8) feet over sidewalks and 15 feet over all streets except major thoroughfares which shall have a clearance of 16 feet.

B. Street corner clearance and other visual obstructions.

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

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

D. Overhead tree pruning by utility companies.

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

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

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

Tree Removal.

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

ALTERNATIVE OPTION

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

Tree Replacement Requirements

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

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

- Draft Ordinance Amendments: Land Division Act (Section 1243.04).

As of December 23, 2025, Governor Whitmer approved Senate Bill N. 23, which includes amendments to Section 560.108 of the Michigan Land Division Act. This amended Section 560.108 of the Land Division Act shall become effective 91 days after adoption, which is currently dated March 24, 2026. Below, we have copied the amended text of this Section for your convenience. The amended text is highlighted in **bold**.

****560.108 amended. THIS AMENDED SECTION IS EFFECTIVE MARCH 24, 2026. ****

560.108. amended Parent parcel or Parent tract; number of parcels resulting from division; limitations; requirements.

Sec. 108.

 - (1) A division is not subject to the platting requirements of this act.
 - (2) Subject to subsection (3), the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:
 - (a) For the first 10 acres or fraction thereof in the parent parcel or parent tract, the following number of parcels:
 - (i) **Beginning on the effective date of the amendatory act that added subsection (6). Until 1 year after that date, and subject to subsection (6), 4 parcels**
 - (ii) **Beginning 1 year after the effective date of the amendatory act that added subsection (6), 10 parcels.**
 - (b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, 1 additional parcel, for up to a maximum of 11 additional parcels.
 - (c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, 1 additional parcel.
 - (3) For a parent parcel or tract parcel of not less than 20 acres, the division may result in a total of 2 parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:
 - (a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.
 - (b) One of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.
 - (4) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under subsections (2) and (3) and is not subject to section 109, if the parcel is accessible.
 - (5) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of this act if all of the following requirements are met:
 - (a) Not less than 10 years have elapsed since the parcel or tract was recorded.
 - (b) The partitioning or splitting results in not more than the following number of parcels, whichever is less:
 - (i) Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.
 - (ii) Seven parcels or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.
 - (c) The partitioning or splitting satisfies the requirements of section 109.
 - (6) **Beginning on the effective date of the amendatory act that added this subsection, a parcel or tract may be partitioned or split at any time into a greater number of parcels or tracts than otherwise authorized by this section if the partitioning or splitting is authorized by and complies with standards set forth in an ordinance of the municipality or county having authority to approve or disapprove a division under section 109 (1).**

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

WHAT DOES THIS MEAN?

One year after the effective date of an amendment, on March 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.

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

ACTION ITEMS:

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

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

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

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

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

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

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

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

DISCUSSION ITEMS:

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

OTHER BUSINESS and COMMUNICATION FROM COMMISSION MEMBERS:

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

PUBLIC COMMENTS GENERAL:

- NONE

ADJOURN:

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



Karla Swihart
City Clerk



MEMORANDUM

TO: Planning Commission

FROM: Nichole Kleiner, Zoning Administrator

DATE: June 4, 2026

RE: Potential Zoning Text Amendment – Caretaker/Employee Dwelling Units in the C-2 District

Staff has identified a potential gap in the zoning ordinance regarding businesses that require continuous on-site supervision, security, maintenance, or emergency response capabilities.

A towing and auto body business located in the C-2 Limited Commercial District has historically maintained an employee/operator on-site to provide 24-hour towing response. While vehicle repair, body shops, and wrecker services are permitted uses in the C-2 District, the ordinance does not specifically address caretaker or employee living quarters.

Staff is seeking Planning Commission input on whether the ordinance should allow a caretaker or employee dwelling unit as a **Special Land Use** when on-site occupancy is necessary for business operations.

The intent would not be to introduce general residential uses into the district, but rather to provide a controlled process for businesses with legitimate operational needs, such as towing services, security operations, or similar uses requiring an on-site presence.

If the Commission is supportive of the concept, staff will prepare a formal zoning text amendment and schedule a public hearing for future consideration.

Requested Action:

Provide direction to staff regarding whether a zoning text amendment should be pursued.

ATTACHMENT: Proposed text amendment of C-2 District

CHAPTER 1251

C-2, Limited Commercial

1251.01 Purpose.

1251.02 Permitted uses.

1251.03 Special land uses.

1251.04 District regulations.

1251.05 Additional regulations.

CROSS REFERENCES

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

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

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

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

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

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

Industrial waste - see GEN. OFF. 670.05; S.U. & P.S. 1040.05

Industrial pretreatment program - see S.U. & P.S. 1042.04

1251.01 PURPOSE.

(a) This district would allow commercial uses which have some industrial characteristics. The area proposed for this category is in the eastern part of the City along Oceana Drive. Uses which are allowed include body shops, truck storage and repair, vehicle sales and propane gas distribution establishments.

(b) The uses in this area may not need public utilities as they would not be high employment uses but need larger lots and good access is necessary.

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

1251.02 PERMITTED USES.

Land and structures in the C-2, Limited Commercial Zone may be used for the following purposes only:

- (a) Truck terminals including maintenance and repair facilities.
- (b) Contractor equipment establishments including water well drilling, oil and gas drilling, road construction contractors and other similar uses.
- (c) Commercial fuel depots.
- (d) Lumberyards and other building supply establishments.
- (e) Vehicle repair or body shops, including wrecker service, provided all work is done within an enclosed building and that damaged vehicles are not kept on-site for long term storage. Any vehicles being repaired or any materials kept outside must be well screened from the view of nearby properties and roadways.
- (f) Mini warehouses and self storage facilities.
- (g) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses, provided that any materials or equipment kept outside shall be well screened from the view of nearby properties and roadways.
- (h) Gas stations with or without repair facilities, or retail sales of food, beverages, and miscellaneous items.
- (i) Propane gas distributorships.
- (j) Open air businesses including but not limited to: the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile or modular homes, and similar uses.
- (k) Customary accessory buildings and uses including limited retail sales provided such sales are accessory to the permitted use.
- (l) Other uses which are determined by the Zoning Administrator to be similar to the above uses and which meet the intent of the district.

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

1251.03 SPECIAL LAND USES.

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

- (a) Adult businesses as regulated by Section 1256.13

(b) Caretaker or Employee Dwelling Unit.

A caretaker, manager, security, or employee dwelling unit accessory to a permitted principal use may be approved as a Special Land Use in the C-2 Limited Commercial District, subject to the requirements of Chapter 1256 and the following standards:

1. The Planning Commission shall find that on-site occupancy is reasonably necessary for the operation, security, maintenance, supervision, or emergency response functions of the principal use.
2. The dwelling unit shall be clearly subordinate and incidental to the principal commercial use on the property and shall not alter the primary commercial character of the site.
3. Occupancy shall be limited to the owner, manager, caretaker, security personnel, towing operator, or other employee of the principal use, together with members of their immediate family.
4. The dwelling unit shall not be sold, leased, rented, or occupied independently of the principal use.
5. No more than one caretaker or employee dwelling unit shall be permitted on a parcel unless otherwise specifically approved by the Planning Commission as part of the Special Land Use approval.
6. The dwelling unit may be located within the principal building or within an accessory building approved as part of the Special Land Use.
7. The dwelling unit shall comply with all applicable building, fire, health, and safety codes.
8. Occupancy of the dwelling unit shall cease upon discontinuance of the principal use or upon a determination by the Zoning Administrator that the conditions supporting the Special Land Use approval no longer exist.

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

1251.04 DISTRICT REGULATIONS.

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

- (a) Minimum lot area and width - One acre and 200 feet of lot width.
- (b) Minimum required building setbacks.
 - (1) Front yard - 50 feet.

(2) Side and rear yard - 25 feet except where a C-2 property abuts a residentially zoned lot, then the minimum setback shall not be less than 50 feet.

(c) Maximum building height - 35 feet.

(d) Landscaping - Wherever a C-2 Zone abuts an existing residential zone, landscaping shall be provided as required by Section 1243.22.

(e) Dumpsters shall not be located within the front yard and shall be screened as required by Section 1258.07(l).

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 22-01. Passed 2-8-22.)

1251.05 ADDITIONAL REGULATIONS.

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

(b) Signs shall be regulated by Chapter 1259.

(c) Site plan review shall be required as regulated by Chapter 1258.

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

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

Memorandum

To: City of Hart Planning Commission
Date: June 2, 2026
From: Nichole Kleiner, City Manager/Zoning Administrator
RE: Planning Commission Annual Report - DRAFT

Overview

The Michigan Planning Enabling Act requires the Planning Commission to provide an annual written report to the City Council concerning its operations and the status of planning activities, recommendations, and goals. Please find the following summary information for FY25-26 and potential goals for FY2026-27.

Action Summary Table

Type	2022	2023	2024	2025	2026
Meetings	4	2	5	6	9
Text Amendments	2	0	0		
Site Plans	0	0	1		
Special Land Uses	0	1	0		
Plats	0	0	1		
Site Condos	0	0	0	0	0
Rezoning	0	2	1		

2026 Attendance

Month	Cynthia Fout, Chair	Jim Cunningham Councilor	Diane LaPorte Member	Betty Root Councilor	Clark (Goldberg) Member	Jim Evans Member	Andrew Mullen Councilor
Meetings	9/9	9/9	9/9	9/9	9/9	8/9	8/9

2026 Reviews

Date	Application	Decision	Vote
11-6-25	Special Land Use (Drive-Thru) West Shore College 710 State St	Approved	6-0-1
11-6-25	Site Plan Review – West Shore Community College 710 State St	Approved	6-0-1
11-6-25	Site Plan Review – Spot on Pho and Boba Tea	Approved with Conditions	6-0-1

FY2025-2026 Discussions

1. Supported sale of Industrial Park lots to Dark Water Coffee.
2. Finalization of Industrial Park Covenant revisions.
3. Tiny home discussion and ordinance amendment recommendation to city council (not accepted)
4. Ordinance text amendment to allow for 3 & 4 dwelling units in the A-1 Residential District
5. Adoption of a Food Truck Ordinance
6. Interpretation of dog grooming/boarding in the B-2 District
7. Review of expiration of Act 425 Agreement and zoning impacts of parcels coming into the city
8. Addition of M-1 Medical/Institutional District to Chapter 1259 (signs)
9. Rental Code Enforcement Discussions took place with the item being tabled until the city has more capacity to administer
10. Opposition to House Bills affecting local zoning authority.
11. Adoption of Green Infrastructure Standards
12. Moratorium on Data Centers

FY 2026-2027 Goals

1. Continuing work on Redevelopment Ready Community Initiatives
2. Find funding to support a new Master Plan
3. Get signatures from land owners in order to record the revised Industrial Park Covenants.
4. Continue regular review of all existing ordinances and suggest updates as necessary