City of Hart, Michigan

PLANNING COMMISSION

November 5, 2026 @ 4:00 PM

AGENDA

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

1. **Call to order / Roll Call:**
   Commissioners: Cunningham, Fout, LaPorte, Mullen, Root, Clark, Evans
2. **Approval of Agenda**
3. **Approval of Minutes**
   October 1, 2026 Regular Meeting
4. **General Public Comments** *(limit to 3 minutes per speaker)*
   Comments on matters not scheduled for a public hearing during this meeting. Comments concerning scheduled public hearing topics will be received during the respective hearings.
5. **Public Hearing**
   a. **Zoning Ordinance Amendment – Animal Grooming, Boarding & Kennels.**
      - Staff introduction and overview
      - Open public hearing – Receive comments
      - Close public hearing

   b. **Zoning Ordinance Amendment - Data Centers and Digital Mining**
      - Staff introduction and overview
      - Open public hearing – Receive comments
      - Close public hearing

   c. **Re-zone 301 S State St from A – Residential to B-2 – General Business and Amend Official Zoning Map**
      - Staff introduction and overview
      - Open public hearing – Receive comments
      - Close public hearing
6. **Action Items**
   a. **Consider recommendation to City Council** – *Animal Grooming, Boarding & Kennels Ordinance Amendment*
   b. **Consider recommendation to City Council** – *Data Centers and Digital Mining Ordinance Amendment*
   c. **Consider recommendation to City Council** – *Rezoning of 301 S. State Street*
7. **Discussion Items**
   a. Consider re-zoning parcel 020-337-002-20 from Residential to C-2 Limited Commercial and Amend Official Zoning Map
   b. Hart Auto Residential Structure Update
8. **Other Business and Communications from Commission members**
9. **Adjourn**
   a. Next regular meeting December 3, 2026

With advance notice of seven calendar days, the City will provide interpreter services at all public meetings, including language translation and signage for the hearing impaired. Call 231-873-2488. La Ciudad proporcionará servicio de intérprete para esta reunión pública si se pide con siete días de anticipación, lo cual incluye la traducción de idioma y letreros para los con una discapacidad auditiva. Llame al 231-873-2488.

City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, October 1st, 2026
Minutes, Draft

MEMBERS' PRESENT: Lisa Clark, Jim Cunningham, Jim Evans, Cynitha Fout, Diane LaPorte(late), 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:

- A. Mullen motioned to approve the agenda and was supported by J. Evans
  - Ayes: 6 Nays: 0 Absent: 1

APPROVAL OF MINUTES:

- B. Root motioned to approve the minutes from September 3rd, 2026, and was supported by J. Evans
  - Ayes: 6 Nays: 0 Absent: 1

PUBLIC COMMENTS ON AGENDA ITEMS:

- None

PUBLIC HEARINGS:

- None

ACTION ITEMS:

- Review Proposed Zoning Ordinance Amendment – Animal Grooming, Boarding & Kennels. **Requested Action:** Review the proposed zoning ordinance amendments, provide directions to staff, and authorize scheduling a public hearing

  ORDINANCE NO. 2026-05

  AN ORDINANCE TO AMEND THE CITY OF HART ZONING CODE TO REGULATE ANIMAL GROOMING, DAYCARE, BOARDING AND KENNEL FACILITIES

  The City of Hart ordains:

  Section 1. Definitions

  Section 1241.01 of the City of Hart Zoning Code is amended to add or revise the following definitions:

  Animal Grooming Establishment, A commercial establishment primarily engaged in bathing, trimming, grooming, or similar care of domestic animals. An animal grooming establishment does not include overnight boarding unless separately approved as an animal boarding facility.

  Animal Boarding Facility/Pet Daycare. A commercial establishment where ~~dogs~~ k-9, ~~cats~~ feline, or other domestic animals belonging to persons other than the owner or operator are temporarily cared for, supervised, housed, boarded, or kept for compensation, whether during daytime hours or overnight. This term includes commercial kennels and pet daycare facilities but does not include veterinary hospitals or animal grooming establishments where animals are kept only for the time reasonably necessary to provide grooming services.

  Kennel. A premises used for the commercial boarding, breeding, training, daycare, or keeping of ~~dogs~~ k-9 or ~~cats~~ felines for compensation. The keeping of household pets as an accessory residential use shall not constitute a kennel.

Section 2. General Business District

Section 1250.03, Special Uses, is amended to add:

(f) Animal boarding facilities, pet daycare facilities, and commercial kennels, subject to the requirements of Section 1256.15

Section 3. Special Land Use Standards

Chapter 1256 is amended to add Section 1256.15 as follows:

1256.15 ANIMAL BOARDING FACILITIES, PET DAYCARE FACILITIES AND COMMERICAL KENNELS

Animal boarding facilities, pet daycare facilities, and commercial kennels may be approved as special land use in districts where specifically authorized, subject to the general special land use standards of this Chapter and the following requirements.

(a) Maximum number of animals

The Planning Commission shall establish the maximum number of animals permitted on the premises based upon the size of the property and building, proximity to neighboring properties, available outdoor area, parking, sanitation facilities, and potential impacts on surrounding property.

(b) Enclosed building.

Animals kept overnight shall be housed within a completely enclosed building.

(c) Outdoor areas.

Outdoor exercise, relief, or play areas shall;

Be securely fenced;

Not be located within a required front yard;

Be maintained in a clean and sanitary condition; and

Be designed and operated to minimize noise, odor, drainage, and other impacts on adjoining properties.

(d) Setbacks,

Buildings used for animal boarding shall be located at least twenty-five (25) feet from a residentially used or zoned property. Outdoor animal areas shall be located at least fifty (50) feet from a residentially used or zoned property. The Planning Commission may require a greater setback where necessary to protect adjoining properties.

(e) Overnight outdoor activity.

Animals shall be kept indoors between 9:00p.m. and 7:00 a.m., except for brief supervised relief periods.

(f) Noise.

The facility shall be operated so that barking or other animal noise does not create an unreasonable disturbance to surrounding properties. The Planning Commission may require sound attenuation measures where necessary.

(g) Sanitation and waste

Animal waste shall be collected regularly and stored and disposed of in a manner that prevents odor, insects, rodents, runoff, or other nuisance conditions.

(h) Drainage.

Outdoor animal areas and indoor wash or kennel areas shall be designed so that animal waste, wash water, or contaminated runoff does not discharge onto adjoining property or into a storm drain except as lawfully permitted.

(i) Screening.

The Planning Commission may require landscaping, fencing, or other screening where outdoor animal areas are visible from adjoining residential property or public right-of-way.

(j) Parking and circulation.

Adequate off-street parking, customer drop-off and pickup areas, and circulation shall be provided so that vehicles associated with the facility do not create unsafe conditions or routinely obstruct adjoining streets.

(k) Additional conditions.

The Planning Commission may impose reasonable conditions relating to hours of operation, number of animals, outdoor activity, screening, noise control, sanitation, or similar operational characteristics when necessary to ensure compatibility with surrounding properties.

Section 4. Conflict and Severability

All ordinances or portions of ordinances inconsistent with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid, the remaining provisions shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective following adoption and publication as required by law.

A. Mullen motioned to amend Ordinance 2026-05 to change dogs to K-9 and cats to Feline and was supported by L. Clark

Ayes: 7 Nays: 0 Absent: 0

- Review Proposed Zoning Ordinance Amendment – Data Centers and Digital Mining.

Requested Action: Review the proposed zoning ordinance amendments, provide direction to staff, and authorize scheduling a public hearing.

ORDINANCE NO. 2026-06

DATE CENTER AND DIGITAL MINING ZONING AMENDMENT

An ordinance to amend Section 1241.01 and Section 1253.02 and add Section 1253.06 to the City of Hart Zoning Code to allow data centers and digital mining facilities in the D-2 Industrial Park District as a special land uses.

Section 1 Definitions

Section 1241.01 is amended to add the following definitions in alphabetical order:

Data Center. A building, portion of a building, or facility whose principal use is housing and operating computer servers, data storage systems, networking equipment, or similar computing infrastructure for remote storage, processing, management, or transmission of digital data. Associated equipment may include dedicated cooling systems, electrical infrastructure, backup generators, battery systems, and security equipment.

This term does not include offices, information technology consulting companies, software development businesses, telecommunications offices, financial institutions, medical offices, research facilities, manufacturing facilities, or other uses in which computers, servers, or data-processing equipment are incidental or accessory to the principal use. Classification shall be based on the actual use of the premises rather than the business name or industry designation. A digital mining facility is separately defined.

Digital mining facility. A building, portion of a building, or facility whose principal use is operating specialized computing equipment to mine cryptocurrency or perform computational validation of blockchain transactions. This term does not include incidental computing activities accessory to an otherwise permitted principal use.

Section 2 D2 permitted uses

The introductory paragraph of Section 1253.02 is amended to read as follows. Subsection (a) through (h) remain unchanged.

Land and buildings in the D-2, Industrial Park District may only be used for the following purposes or for special land uses authorized under Section 1253.06.

Section 3 D2 special land use standards

Section 1253.06 is added as follows:

1253.06 DATA CENTERS AND DIGITAL MINING FACILITIES.

(a) Authorization. Data centers and digital mining facilities are permitted only in the D-2, Industrial Park District, subject to special land use approval under Chapter 1256 and site plan approval under Chapter 1258, These uses shall not be authorized in another district though a general provision allowing similar or unlisted uses.

(b) Applicable requirements. These facilities shall comply with Sections 1253.03 through 1253.05, Chapter 1256, Chapter 1258, and the additional requirements of this section. The specific equipment-placement allowance in subsection (d) applies notwithstanding the building and structure setbacks in Section 1253.06(a).

(c) Supplemental application information. In addition to the information otherwise required for special land use and site plan review, the applicant shall provide:

(1) a description of computing activities, operational hours, staffing, development phases, and anticipated full-buildout capacity.

(2) Anticipated average and peak electrical demand, average and peak daily water demand, and wastewater discharge volume and characteristics.

(3) Locations and specifications of cooling equipment, generators, transformers, substations, battery systems, fuel storage, and other major mechanical equipment.

(4) Proposed screening, noise controls, generator testing schedule, and emergency access.

(5) An emergency response plan identifying operational contracts, access arrangements, and hazards associated with batteries, fuels, and other regulated materials.

(6) A closure plan addressing safe shutdown, outdoor equipment removal or reuse, waste disposal, and site stabilization.

(d) Equipment location and screening. October cooling equipment, generators, transformers, battery systems, and similar accessory equipment shall be shown on the approved site plan. Such equipment shall not be located within the required front yard. The Planning Commission may approve equipment within required side or rear yards when all of the following are demonstrated:

(1) Equipment is screened from adjoining residential properties and public streets by buildings, opaque fencing, walls, or landscaping.

(2) The location complies with applicable noise and vibration requirements.

(3) Required fire separation, utility clearance, maintenance success, drainage, and emergency access are maintained.

(4) Required landscaping and buffers remain in place.

This allowance does not authorize principal buildings within required yards. Equipment enclosures used solely for accessory equipment may be included in the allowance. Screening shall maintain required ventilation and safety clearances.

(e) Noise. The facility shall comply with Section 1253.04 and other applicable City noise regulations. The applicant shall provide equipment sound specifications, and an explanation of how the proposed location, operating conditions, and mitigation will meet those requirements.

The Planning Commission shall require an acoustical analysis prepared by a qualified professional when the submitted information does not adequately demonstrate compliance, including where equipment operates continuously near residential uses or produces tonal or low-frequency sound. The analysis shall evaluate full-buildout operation, cooling equipment, generator testing, and proposed mitigation. The Commission may accept equipment specifications and documented calculations in place of a professional study when they adequately demonstrate compliance; its determination shall be recorded in the approval findings.

Required noise controls shall be installed before the associated equipment begins operation. The Planning Commission may require post-installation field measurements as an approval condition when needed to verify predicted performance. Applicable noise limits remain enforceable whether or not a study or field measurements are required.

(f) Generators. Routine generator testing and maintenance shall occur only between 8:00 a.m. and 6:00 p.m., Monday through Friday, excluding federal holidays. This restriction does not apply during an actual power outage or emergency. Generators shall be accessory to the approved facility; approval under this section does not authorize a separate principal power-generation use.

(g) Utility Services. The applicant shall coordinate with applicable utility providers and submit preliminary written information addressing available capacity, anticipated service limitations, and required improvements. The Planning Commission may grant conditional approval before final utility engineering or service agreements are completed when the record supports the findings required be Section 1256.04 and identifies a feasible means of providing adequate.

Conditions shall identify the required utility confirmations and improvements and the stage at which each must be completed. Written utility authorization shall be obtained before construction of the associated service infrastructure. Adequate service capacity and improvements necessary for each development phase shall be confirmed and completed before that phase begins operation. Conditional approval shall be substitute for evidence needed to make the general special land use findings.

Special land use approval does not guarantee or reserve electrical, water, or wastewater capacity. Utility service commitments, infrastructure improvements, and applicant financial responsibilities shall be addressed through applicable utility policies and service agreements. Wastewater and cooling-system discharges shall comply with applicable discharge and pretreatment requirements.

(h) Fire and emergency review. Application materials shall be submitted to the applicable fire authority for review of emergency access, fuel storage, battery systems, fire protection, and emergency response agreements. Required permits and inspections shall be completed before operation.

(i) Changes and expansion. Changes to the approved use, site layout, equipment, or operating characteristics under Section 1256.11, as applicable. Applications shall identify changes in electrical demand, water use, wastewater discharge, and noise.

(j) Closure and reuse. Upon permanent discontinuance of the use, the owner shall implement the approved closure plan. Obsolete or unsafe outdoor equipment serving exclusively the discontinued use shall be removed within twelve months. Functional equipment may remain for an approved lawful reuse or a documented sale or redevelopment plan that identifies a completion schedule and continued maintenance.

The Planning Commission may approve retention or an extension of the removal period upon finding that the equipment remains safe, the property is maintained, and the proposed schedule is reasonable. Buildings, utility infrastructure, and equipment serving a continuing lawful use may validity and revocation remain governed by Section 1256.06.

Section 4 Severability

If any provision of this ordinance is held invalid, the remaining provisions shall remain in effect.

Section 5 Effective date

This ordinance shall take effect on _____, following adoption and publication as required by law.

- D. LaPorte motioned to extend the moratorium on Data Centers for months or until the Ordinance is passed and supported by L. Clark
  - Ayes: 7 Nays: 0 Absent: 0

DISCUSSION:

- NONE

OTHER BUSINESS and COMMUNICATION FROM COMMISSION MEMBERS:

- J. Evans brought up the property on Oceana drive regarding the building in the back that a worker is living in, questioning if permits were ever pulled and if they are in violation. Should it be turned over to the building inspector? CM Kleiner will look into when the structure was built and go from there.
- D. LaPorte time to start thinking of the Xmas parade
- Don't forget about Art Walk coming up this weekend downtown.

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 November 5th, 2026

Karla Swihart

Karla Swihart
City Clerk

Zoning Ordinance Amendment – Animal Grooming, Boarding & Kennels

PURPOSE:

This amendment originated from a request by an existing dog grooming business that would like to expand its services to include dog boarding.

Our current zoning ordinance allows grooming as a personal service establishment but does not provide a way to approve commercial animal boarding or kennels in any zoning district.

The proposed amendment addresses that gap by updating our definitions and allowing animal boarding, daycare, and commercial kennels as a **Special Land Use in the B-2 General Business District.**

It also establishes standards to protect surrounding properties, including setbacks, fencing, noise control, sanitation, outdoor activity restrictions, and parking requirements.

Rather than allowing these uses outright, the Special Land Use process gives the Planning Commission an opportunity to review each application individually and establish appropriate conditions based on the property and surrounding uses.

We're asking the Commission to consider the proposed ordinance amendment, receive public comments, and make a recommendation to City Council.

CITY OF HART
OCEANA COUNTY, MICHIGAN

ORDINANCE NO. 2026-05

First reading _____, Second reading _____, Publication date _____, Effective Date (10 days after publication), _____

AN ORDINANCE TO AMEND THE CITY OF HART ZONING CODE TO REGULATE ANIMAL GROOMING, DAYCARE, BOARDING AND KENNEL FACILITIES

The City of Hart ordains:

Section 1. Definitions

Section 1241.01 of the City of Hart Zoning Code is amended to add or revise the following definitions:

Animal Grooming Establishment. A commercial establishment primarily engaged in bathing, trimming, grooming, or similar care of domestic animals. An animal grooming establishment does not include overnight boarding unless separately approved as an animal boarding facility.

Animal Boarding Facility/Pet Daycare. A commercial establishment where K-9, feline, or other domestic animals belonging to persons other than the owner or operator are temporarily cared for, supervised, housed, boarded, or kept for compensation, whether during daytime hours or overnight. This term includes commercial kennels and pet daycare facilities but does not include veterinary hospitals or animal grooming establishments where animals are kept only for the time reasonably necessary to provide grooming services.

Kennel. A premises used for the commercial boarding, breeding, training, daycare, or keeping of K-9 or feline for compensation. The keeping of household pets as an accessory residential use shall not constitute a kennel.

Section 2. B-2 General Business District

Section 1250.03, Special Uses, is amended to add:

(f) Animal boarding facilities, pet daycare facilities, and commercial kennels, subject to the requirements of Section 1256.15

Section 3. Special Land Use Standards

Chapter 1256 is amended to add Section 1256.15, as follows:

1256.15 ANIMAL BOARDING FACILITIES, PET DAYCARE FACILITIES AND COMMERCIAL KENNELS.

Animal boarding facilities, pet daycare facilities, and commercial kennels may be approved as a special land use in districts where specifically authorized, subject to the general special land use standards of this Chapter and the following requirements:

(a) Maximum number of animals.
The Planning Commission shall establish the maximum number of animals permitted on the premises based upon the size of the property and building, proximity to neighboring properties, available outdoor area, parking, sanitation facilities, and potential impacts on surrounding property.

(b) Enclosed building.
Animals kept overnight shall be housed within a completely enclosed building.

(c) Outdoor areas.
Outdoor exercise, relief, or play areas shall:

Be securely fenced;

Not be located within a required front yard;

Be maintained in a clean and sanitary condition; and

Be designed and operated to minimize noise, odor, drainage, and other impacts on adjoining properties.

(d) Setbacks.
Buildings used for animal boarding shall be located at least twenty-five (25) feet from a residentially used or zoned property. Outdoor animal areas shall be located at least fifty (50) feet from a residentially used or zoned property. The Planning Commission may require a greater setback where necessary to protect adjoining properties.

(e) Overnight outdoor activity.
Animals shall be kept indoors between 9:00 p.m. and 7:00 a.m., except for brief supervised relief periods.

(f) Noise.
The facility shall be operated so that barking and other animal noise does not create an unreasonable disturbance to surrounding properties. The Planning Commission may require sound attenuation measures where necessary.

(g) Sanitation and waste.
Animal waste shall be collected regularly and stored and disposed of in a manner that prevents odor, insects, rodents, runoff, or other nuisance conditions.

(h) Drainage.

Outdoor animal areas and indoor wash or kennel areas shall be designed so that animal waste, wash water, or contaminated runoff does not discharge onto adjoining property or into a storm drain except as lawfully permitted.

(i) Screening.
The Planning Commission may require landscaping, fencing, or other screening where outdoor animal areas are visible from adjoining residential property or public rights-of-way.

(j) Parking and circulation.
Adequate off-street parking, customer drop-off and pickup areas, and circulation shall be provided so that vehicles associated with the facility do not create unsafe conditions or routinely obstruct adjoining streets.

(k) Additional conditions.
The Planning Commission may impose reasonable conditions relating to hours of operation, number of animals, outdoor activity, screening, noise control, sanitation, or similar operational characteristics when necessary to ensure compatibility with surrounding properties.

Section 4. Conflict and Severability

All ordinances or portions of ordinances inconsistent with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid, the remaining provisions shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective following adoption and publication as required by law.

Data Centers and Digital Mining

PURPOSE:

The City currently has a moratorium in place on data centers and digital mining facilities because our zoning ordinance does not specifically define these uses or identify where they would be permitted.

The purpose of the moratorium was to give the City time to establish appropriate zoning regulations before considering these types of developments.

The proposed amendment establishes definitions for data centers and digital mining facilities and allows them only in the **D-2 Industrial Park District as a Special Land Use**.

It also establishes specific standards addressing electrical and water capacity, noise, equipment placement, screening, emergency response, and eventual facility closure.

These facilities can have significant infrastructure demands, particularly on electrical systems, so the intent is to ensure the City has an opportunity to evaluate those impacts before approving a development.

Rather than prohibiting these uses entirely, the amendment establishes a process for considering them on a case-by-case basis while protecting surrounding properties and City infrastructure.

This amendment is intended to replace the temporary moratorium with permanent zoning regulations. Tonight, we're asking the Commission to consider the proposed ordinance, receive public comments, and make a recommendation to City Council.

CITY OF HART
OCEANA COUNTY, MICHIGAN

ORDINANCE NO. 2026-06

First reading _____, Second reading _____, Publication date _____, Effective Date (10 days after publication), _____

DATA CENTER AND DIGITAL MINING ZONING AMENDMENT

An ordinance to amend Section 1241.01 and Section 1253.02 and add Section 1253.06 to the City of Hart Zoning Code to allow data centers and digital mining facilities in the D-2 Industrial Park District as special land uses.

Section 1 Definitions

Section 1241.01 is amended to add the following definitions in alphabetical order:

Data center. A building, portion of a building, or facility whose principal use is housing and operating computer servers, data storage systems, networking equipment, or similar computing infrastructure for remote storage, processing, management, or transmission of digital data. Associated equipment may include dedicated cooling systems, electrical infrastructure, backup generators, battery systems, and security equipment.

This term does not include offices, information technology consulting companies, software development businesses, telecommunications offices, financial institutions, medical offices, research facilities, manufacturing facilities, or other uses in which computers, servers, or data-processing equipment are incidental or accessory to the principal use. Classification shall be based on the actual use of the premises rather than the business name or industry designation. A digital mining facility is separately defined.

Digital mining facility. A building, portion of a building, or facility whose principal use is operating specialized computing equipment to mine cryptocurrency or perform computational validation of blockchain transactions. This term does not include incidental computing activities accessory to an otherwise permitted principal use.

Section 2 D2 permitted uses

The introductory paragraph of Section 1253.02 is amended to read as follows. Subsections (a) through (h) remain unchanged:

Land and buildings in the D-2, Industrial Park District may only be used for the following purposes or for special land uses authorized under Section 1253.06.

Section 3 D2 special land use standards

Section 1253.06 is added as follows:

1253.06 DATA CENTERS AND DIGITAL MINING FACILITIES.

(a) Authorization. Data centers and digital mining facilities are permitted only in the D-2, Industrial Park District, subject to special land use approval under Chapter 1256 and site plan approval under Chapter 1258. These uses shall not be authorized in another district through a general provision allowing similar or unlisted uses.

(b) Applicable requirements. These facilities shall comply with Sections 1253.03 through 1253.05, Chapter 1256, Chapter 1258, and the additional requirements of this section. The specific equipment-placement allowance in subsection (d) applies notwithstanding the building and structure setbacks in Section 1253.03(a).

(c) Supplemental application information. In addition to the information otherwise required for special land use and site plan review, the applicant shall provide:

(1) A description of computing activities, operating hours, staffing, development phases, and anticipated full-buildout capacity.

(2) Anticipated average and peak electrical demand, average and peak daily water demand, and wastewater discharge volume and characteristics.

(3) Locations and specifications of cooling equipment, generators, transformers, substations, battery systems, fuel storage, and other major mechanical equipment.

(4) Proposed screening, noise controls, generator testing schedule, and emergency access.

(5) An emergency response plan identifying operational contacts, access arrangements, and hazards associated with batteries, fuels, and other regulated materials.

(6) A closure plan addressing safe shutdown, outdoor equipment removal or reuse, waste disposal, and site stabilization.

(d) Equipment location and screening. Outdoor cooling equipment, generators, transformers, battery systems, and similar accessory equipment shall be shown on the approved site plan. Such equipment shall not be located within the required front yard. The Planning Commission may approve equipment within required side or rear yards when all of the following are demonstrated:

(1) Equipment is screened from adjoining residential properties and public streets by buildings, opaque fencing, walls, or landscaping.

(2) The location complies with applicable noise and vibration requirements.

(3) Required fire separation, utility clearances, maintenance access, drainage, and emergency access are maintained.

(4) Required landscaping and buffers remain in place.

This allowance does not authorize principal buildings within required yards. Equipment enclosures used solely for accessory equipment may be included in the allowance. Screening shall maintain required ventilation and safety clearances.

(e) Noise. The facility shall comply with Section 1253.04 and other applicable City noise regulations. The applicant shall provide equipment sound specifications and an explanation of how the proposed location, operating conditions, and mitigation will meet those requirements.

The Planning Commission shall require an acoustical analysis prepared by a qualified professional when the submitted information does not adequately demonstrate compliance, including where equipment operates continuously near residential uses or produces tonal or low-frequency sound. The analysis shall evaluate full-buildout operation, cooling equipment, generator testing, and proposed mitigation. The Commission may accept equipment specifications and documented calculations in place of a professional study when they adequately demonstrate compliance; its determination shall be recorded in the approval findings.

Required noise controls shall be installed before the associated equipment begins operation. The Planning Commission may require post-installation field measurements as an approval condition when needed to verify predicted performance. Applicable noise limits remain enforceable whether or not a study or field measurements are required.

(f) Generators. Routine generator testing and maintenance shall occur only between 8:00 a.m. and 6:00 p.m., Monday through Friday, excluding federal holidays. This restriction does not apply during an actual power outage or emergency. Generators shall be accessory to the approved facility; approval under this section does not authorize a separate principal power-generation use.

(g) Utility service. The applicant shall coordinate with applicable utility providers and submit preliminary written information addressing available capacity, anticipated service limitations, and required improvements. The Planning Commission may grant conditional approval before final utility engineering or service agreements are completed when the record supports the findings required by Section 1256.04 and identifies a feasible means of providing adequate service.

Conditions shall identify the required utility confirmations and improvements and the stage at which each must be completed. Written utility authorization shall be obtained before construction of the associated service infrastructure. Adequate service capacity and improvements necessary for each development phase shall be confirmed and completed before that phase begins operation. Conditional approval shall not substitute for evidence needed to make the general special land use findings.

Special land use approval does not guarantee or reserve electrical, water, or wastewater capacity. Utility service commitments, infrastructure improvements, and applicant financial responsibilities shall be addressed through applicable utility policies and service agreements. Wastewater and cooling-system discharges shall comply with applicable discharge and pretreatment requirements.

(h) Fire and emergency review. Application materials shall be submitted to the applicable fire authority for review of emergency access, fuel storage, battery systems, fire protection, and emergency response arrangements. Required permits and inspections shall be completed before operation.

(i) Changes and expansion. Changes to the approved use, site layout, equipment, or operating characteristics shall be reviewed under Section 1256.07 and Section 1258.11, as applicable. Applications shall identify changes in electrical demand, water use, wastewater discharge, and noise.

(j) Closure and reuse. Upon permanent discontinuance of the use, the owner shall implement the approved closure plan. Obsolete or unsafe outdoor equipment serving exclusively the discontinued use shall be removed within twelve months. Functional equipment may remain for an approved lawful reuse or a documented sale or redevelopment plan that identifies a completion schedule and continued maintenance.

The Planning Commission may approve retention or an extension of the removal period upon finding that the equipment remains safe, the property is maintained, and the proposed schedule is reasonable. Buildings, utility infrastructure, and equipment serving a continuing lawful use may remain. This subsection does not automatically terminate a special land use permit; permit validity and revocation remain governed by Section 1256.06.

Section 4 Severability
If any provision of this ordinance is held invalid, the remaining provisions shall remain in effect.

Section 5 Effective date
This ordinance shall take effect on _____, following adoption and publication as required by law.

Planning Commission review notes

These notes are not part of the proposed ordinance.

Requested action: Review the draft, provide direction on the proposed standards, and authorize preparation of a hearing-ready amendment and public hearing notice after City Attorney review.

Existing standards retained. The draft relies on existing D-2 setbacks, height, coverage, landscaping, storage, vibration, parking, signs, lighting, site plan standards, and general special land use requirements. Section 1253.06(d) expressly provides limited flexibility for side and rear yard accessory equipment.

Noise policy. Section 1253.04(b) currently establishes a 75-decibel limit at the nearest occupied residential dwelling. The draft retains that limit and the other nuisance and special land use

standards. The Commission should consider whether a separate nighttime or tonal-noise standard is appropriate before finalizing the amendment.

Industrial Park covenants. Section 1253.05(f) references the Industrial Park restrictive covenants. Confirm compatibility before finalizing the amendment. Zoning approval does not amend or waive private restrictions.

Source reviewed: ORDINANCES ALL, uploaded September 30, 2026; Sections 1241.01, 1253.01–1253.05, 1256.03–1256.08, and 1258.07–1258.11.

Re-zone 301 S State St from A – Residential to B-2 – General Business and Amend Official Zoning Map

PURPOSE:

The City received a rezoning request from Elevate Oceana for the property at 301 S. State Street, the former funeral home, to change the zoning from A – Residential to B-2 – General Business.

Elevate Oceana intends to use the property as part of its structured and supervised recovery housing program. The facility would provide housing along with shared meeting, recreation, and gathering spaces and a commercial kitchen.

The Planning Commission previously discussed whether the proposed use could be classified as a short-term rental or boarding house rather than requiring a rezoning.

Staff reviewed the ordinance and found that short-term rentals are not specifically defined, and the appropriate classification depends on how the property will actually operate, including the length of stays and nature of the housing.

For reference, the neighboring property at 315 S. State Street was rezoned to B-2 in 2020 for a similar lodging use, although that does not necessarily establish the appropriate zoning for this property.

This public hearing is an opportunity to receive comments on the proposed rezoning and consider whether B-2 General Business is an appropriate zoning classification for this property.

Following the hearing, the Commission may make a recommendation to City Council regarding the proposed zoning map amendment.

301 S STATE ST

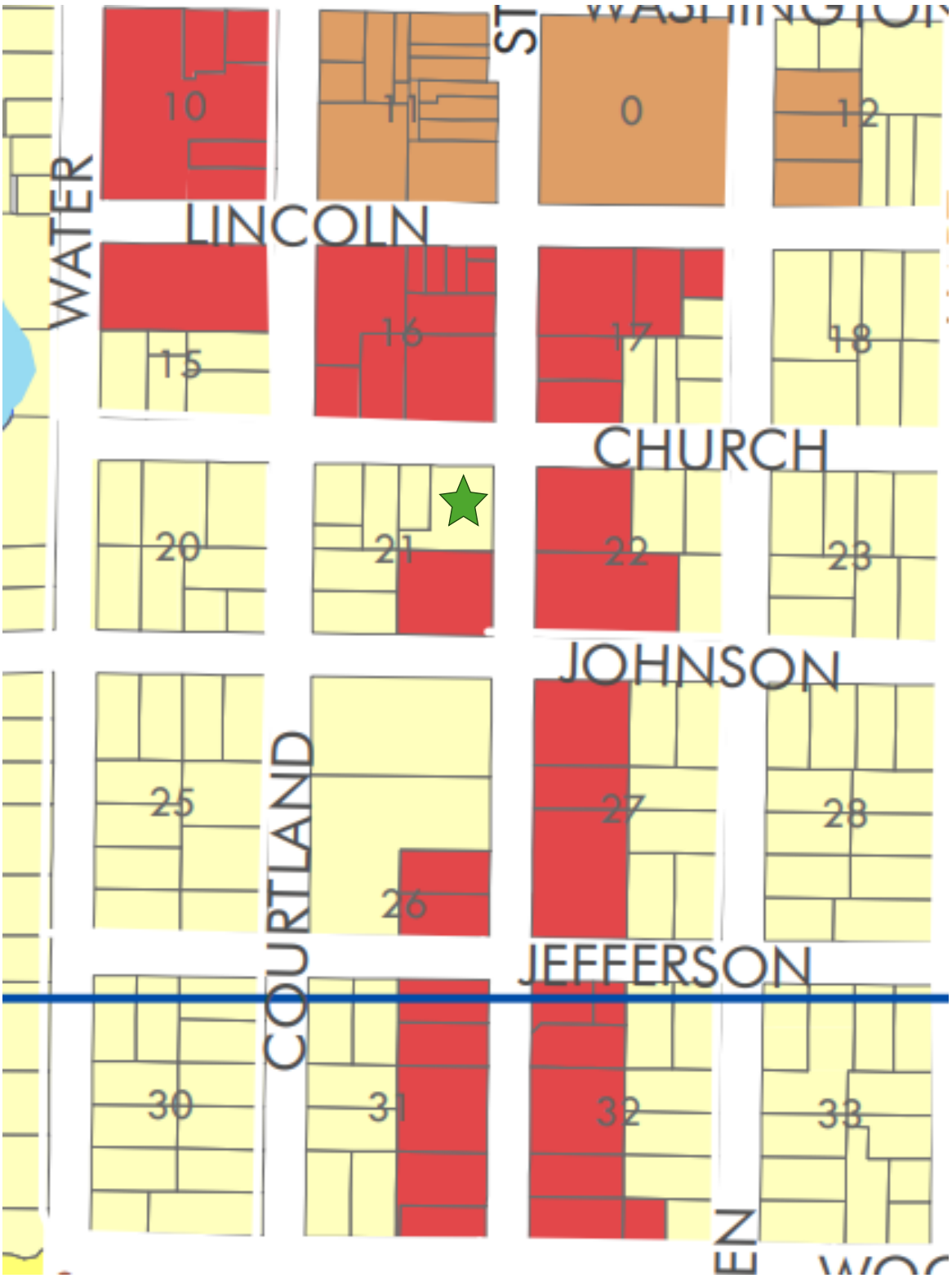


315 S STATE ST



111 CHURCH ST




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Discussion – Potential Rezoning of Parcel 020-337-002-20

828 Griswold St

The property owner is interested in selling an existing pole barn and an adjoining southern access parcel to a buyer who would like to operate a construction business.

Existing Zoning Concerns

- Both parcels are currently zoned residential.
- The pole barn was originally an accessory structure to the residence, but the residence is now under separate ownership.
- Because the pole barn no longer shares ownership with the principal residence, its current status as an accessory building appears inconsistent with our zoning ordinance.
- The proposed construction business is not permitted under the existing residential zoning.

Potential Rezoning

The property adjoins C-2 Limited Commercial zoning to the east and south. Rezoning both parcels to C-2 could be considered; however, the combined property would be approximately 0.83 acres, with 78 feet of road frontage and approximately 180 feet of rear lot width.

C-2 requires a minimum of one acre and 200 feet of lot width. Dimensional variances may therefore be necessary.

Questions for the Commission

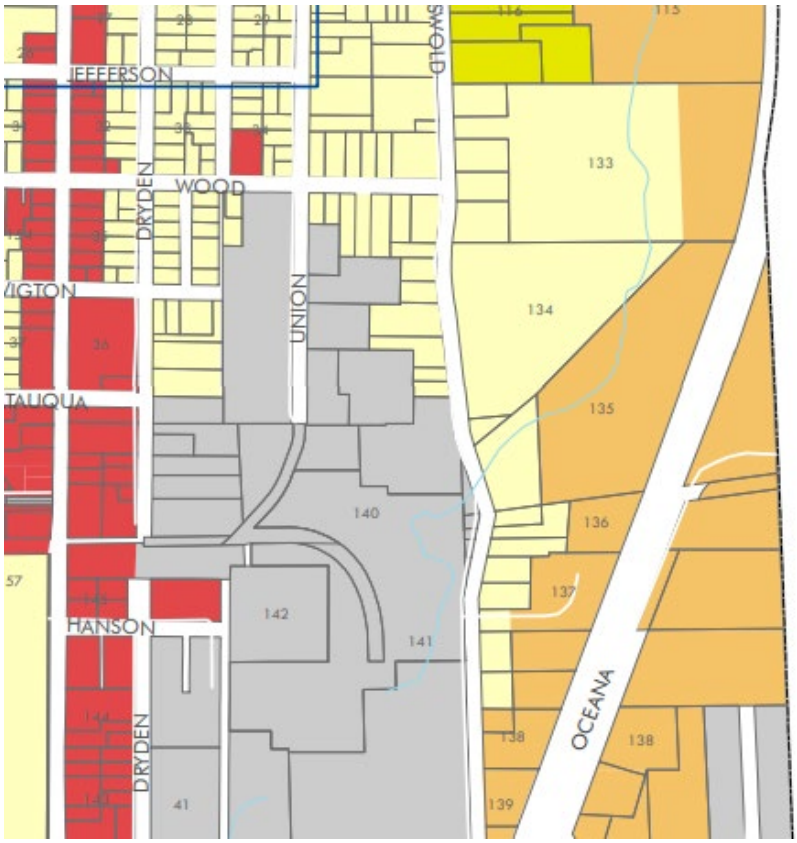
1. Does the Commission believe extending C-2 zoning to these parcels would be appropriate given the surrounding zoning and land uses?
2. Are there concerns with commercial traffic accessing the property from the residential street?
3. Does the Commission have concerns with a construction business operating near neighboring residential properties?

Staff Recommendation

Staff is not recommending that the City initiate rezoning. The existing accessory-building issue should first be reviewed administratively, and the property owner would be responsible for pursuing any rezoning or variance applications.

This discussion is intended to obtain preliminary feedback only. No formal action is requested.


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020-337-005-00
020-337-005-20
020-337-006-00
020-337-005-40
020-602-016-00
S Griswold St
020-338-002-00
020-338-001-00
020-338-003-00


JEFFERSON
WOOD
DRYDEN
UNION
HANSON
OCEANA
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CITY OF HART

MEMORANDUM

TO: Planning Commission
FROM: Nichole Kleiner, Zoning Administrator
DATE: November 5, 2026
RE: Follow-Up – Hart Auto Employee Residence

At the June 4, 2026 meeting, staff presented a potential zoning text amendment to allow caretaker or employee residences in the C-2 Limited Commercial District. The Commission was not supportive of pursuing the amendment.

Since that discussion, the property owner located a furnace inspection sticker dated **1997**, providing evidence that the residence existed before the City's C-2 zoning ordinance was adopted in 1998.

Under **Section 1262.02 of the Zoning Ordinance**, lawful uses established before the ordinance was adopted may continue as legal nonconforming uses, provided they have not been discontinued for more than 12 consecutive months.

Based on this new information, staff believes the residence qualifies as a “legal nonconforming use”, subject to confirmation that it was lawfully used as a residence before the ordinance took effect and has remained in continuous use.

Staff Recommendation

Staff recommends documenting the property's legal nonconforming status and closing the matter without pursuing a zoning text amendment.

No Planning Commission action is required.