



City of Hart, Michigan
PLANNING COMMISSION

April 2, 2026

AGENDA

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

4:00 PM

- 1. Call to order / Roll Call:**
 - a. Commissioners: Cunningham, Fout, LaPorte, Mullen, Root, Clark, Evans
- 2. Approval of Agenda**
- 3. Approval of Minutes**
 - a. March 5, 2026 Regular Meeting
- 4. Public Comments on Agenda Items**
- 5. Action Items**
 - a. Draft Ordinance Amendment: Moratorium on Data Centers (Section 1242.07)
 - i. *Approve Draft and Authorize Public Hearing Notice for May 7, 2026*
 - b. 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)
 - i. *Approve Draft and Authorize Public Hearing Notice for May 7, 2026*
 - c. Draft Ordinance Amendments: Land Division Act (Section 1243.04)
 - d. D-1 and D-2 Zoning Districts Memo Review and Consideration of Allowing Composting as a Special Land Use in Either District
- 6. Discussion Items**
 - a. Consideration of Resolution Opposing State Legislative Package Impacting Local Zoning Authority
 - b. Housing Rental Code Ordinance and Enforcement
- 7. Other Business and Communications from Commission members**
- 8. Public Comments (General)**
- 9. Adjourn**
 - a. *Next regular meeting May 7, 2026*

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City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, February 5th, 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, and City Clerk – 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 B. Root
 - Ayes: 7 Nays: 0 Absent: 0

APPROVAL OF MINUTES:

- D. Laporte motioned to approve the minutes from January 8th, 2025, and was supported by L. Clark
 - Ayes: 7 Nays: 0 Absent: 0

PUBLIC COMMENTS ON AGENDA ITEMS:

- NONE

ACTION ITEMS:

- None

DISCUSSION ITEMS:

- The Planning Commission broke off into two groups.
 - 1 group was Date Center, Land Use, and Community Impacts

 - 1 group was the Housing Rental Code Ordinance and Enforcement

OTHER BUSINESS and COMMUNICATION FROM COMMISSION MEMBERS:

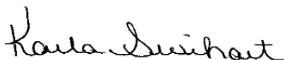
- Feb 7th Winter Fest downtown starting at noon.

PUBLIC COMMENTS GENERAL:

- NONE

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned upon a motion by L. Clark and supported by A. Mullen. The next meeting scheduled will be held on March 5th, 2026



Karla Swihart
City Clerk



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Richard M. Wilson, Jr.	Kimberly M. Large ¹	Kathryn Z. Stegink	John M. DeVries	<i>Also Admitted in</i>
Scott E. Dwyer	Nikole L. Canute ⁵	Tyler M. LeMieux ⁹	Michael C. Haines	¹ Delaware
Elizabeth K. Bransdorfer	Daniel J. Broxup	Carly F. Cruickshank	James K. White	² Illinois
Ross A. Leisman	Joshua D. Beard	Jonathan D. Tromp	Fredric N. Goldberg	³ Indiana
Neil P. Jansen	Bradley A. Fowler	Yue Li ⁴	John H. Gretzinger	⁴ Iowa
Mark E. Nettleton ²	Amber M. Soler	Jade S. Doty ³	Douglas A. Donnell ⁶	⁵ New York
Nathaniel R. Wolf	Timothy J. Figura ⁷	Benjamin E. Anema	William A. Horn ⁸	⁶ Ohio
Jennifer A. Puplava	Jeffrey M. Black	<i>Of Counsel</i>	Mark A. Van Allsburg	⁷ Pennsylvania
Benjamin A. Zainea	Curtis L. Underwood	James R. Brown	Daniel R. Kubiak	⁸ Wisconsin
Ronald M. Redick	Dominic T. Clolinger		George V. Saylor, III	

March 6, 2026

City of Hart
Nichole Kleiner
City Manager
407 S State Street
Hart, Michigan 49420
nkleiner@cityofhart.org

Re: Moratorium on Consideration of Applications for Data Centers and Digital Mining Uses

Dear Nichole:

Per your request, enclosed is the draft Zoning Ordinance amendment to enact a six-month moratorium on consideration of applications for data center and digital mining uses. The purpose of the moratorium is to allow the City time to evaluate appropriate standards for data centers and digital mining uses and to place any necessary amendments in effect before the City would receive an application for a data center and/or a digital mining use. During the moratorium, no City official, employee, agent, contractor, board, agency, or commission can receive, consider, or review any application for a data center and/or digital mining use.

The City Council could later shorten or extend the length of the moratorium, as needed, by a subsequent amendment of the City Council. However, the City Council should be cautious about extending the moratorium to last more than a total of one year because courts view moratoriums lasting more than one year with increased skepticism. The moratorium will automatically terminate after expiration of its six-month term. It will also automatically terminate if the City Council adopts an ordinance addressing data centers and/or digital mining uses during the moratorium’s term.

Adoption of the moratorium requires the Planning Commission to recommend the ordinance to the City Council, which makes the final determination regarding adoption. The Planning Commission must conduct a public hearing prior to making a recommendation to the

City of Hart
March 6, 2026
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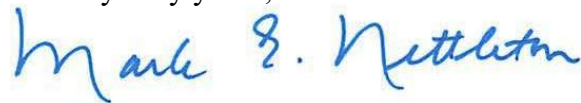
City Council. Notice of the public hearing must be published at least 15 days prior to the public hearing.

Upon recommendation by the Planning Commission, the City Council may adopt the ordinance over the course of two public meetings. The City Council must first introduce the ordinance at one meeting and then adopt the ordinance at a subsequent meeting. Notice of the public hearing must also be published at least 15 days prior to the public hearing.

Once the ordinance is adopted by the City Council, a notice of adoption of the ordinance must be published within 15 days of adoption, and the ordinance will take effect 10 days after publication of the notice of adoption.

Please let me know if you have any questions or comments.

Very truly yours,



Mark E. Nettleton

Direct Dial/Fax: (616) 632-8048
E-Mail: mnettleton@mikameyers.com

Encl.

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. 26- _____

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. 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.

AYES: _____

NAYS: _____

ORDINANCE DECLARED ADOPTED.

Karla Swihart, City Clerk
City of Hart



Memorandum

TO: City of Hart
FROM: Remy Clark, Senior Planner
Paige Brodeur, Associate Planner
SUBJECT: **Green Infrastructure**
DATE: March 25, 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 requirements, and tree planting standards. The introduction of both pervious surfaces as an allowable material for roads and sidewalks and 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', Drummond 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 a 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 of the area.
- 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, MAINTENANCE, 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 rights-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 Angustifolia, (Russian-Olive); Morus Alba, (Mulberry); 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 feet; medium trees, three 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 rights-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 of 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 but physically obstructing by overhang or other means the public right-of-way, public street or sidewalk or obstructing street lights, 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 allow any substance which is harmful to such trees to come in contact with them, 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 rights-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 for 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.



Memorandum

TO: City of Hart
FROM: Remy Clark, Senior Planner
Paige Brodeur, Associate Planner
SUBJECT: **Updates to the Michigan Land Division Act**
DATE: March 25, 2026

As of December 23, 2025, Governor Whitmer approved Senate Bill No. 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**.

LAND DIVISION ACT (EXCERPT) Act 288 of 1967

***** 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 parent tract 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 the 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 the 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 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.



Memorandum

TO: City of Hart
FROM: Remy Clark, Senior Planner
Paige Brodeur, Associate Planner
SUBJECT: **D-1 and D-2 Zoning Districts / Composting**
DATE: March 25, 2026

McKenna has been tasked with assessing the D-1 and D-2 Zoning Districts as outlined in the City of Hart’s Zoning Ordinance. As part of this task, McKenna was asked to determine if the two districts are similar enough in nature to reasonably be combined into one district. Another consideration at play is Composting. While Composting as an incidental use is a Special Land Use in the D-1 District, is not permitted in any manner in the D-2 District. Our analysis below is completed with the intent of recommending either a combination of the two districts or to simply permit composting as a Special Land Use in the D-1 and D-2 Districts.

DISTRICT INTENTS

As stated in the Ordinance, the intent of the D-1 and D-2 districts are as follows:

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 expanded 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.

Intent Compared

The intent of the D-2, Industrial Park District, makes evident the fact that the district is primarily regulated by the associated City of Hart Industrial Park Restrictive Covenants in conjunction with the Zoning Ordinance. As such, it is a more focused and regulated intent than the intent stated for D-1, Industrial District, which is a broader intent aimed at creating standards for industrial uses in a more general sense. This would indicate that the two districts do have a significant difference in terms of intent.



PERMITTED USES

To assess the overlap of permitted uses between the D-1 and D-2 districts, we have outlined commonalities and differences below:

Uses Permitted in Both D-1 and D-2

The following uses are permitted in both the D-1 and D-2 districts:

- a) Manufacture, compounding, processing, packaging, treating, and assembling from previously prepared or pre-processed materials in the production of:
 - 1) Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other textile goods.
 - 2) Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials or any materials kept outside must be well screened from the view of nearby properties and roadways.
 - 3) Lumber and wood products, including mill work, prefabricated structural wood products and containers.
 - 4) Furniture and fixtures.
 - 5) Paperboard containers, building paper, building board, and bookbinding.
 - 6) Printing and publishing.
 - 7) Chemical products such as plastics, perfumes, synthetic fibers.
 - 8) Manufacturing of engineering, measuring, optic, medical, lenses, photographic, and similar instruments.
 - 9) Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, and similar manufacturing establishments.
 - 10) Metals, minerals, and other naturally occurring substances.
 - 11) Finished food products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionary, beverage, and kindred foods.
- b) Research and development facilities, testing and experimental laboratories.
- c) Tool and die manufacturing establishments.
- d) Essential public service equipment, structures and buildings.
- e) Customary accessory buildings and uses including limited retail sales provided such sales are accessory to the permitted use.
- f) Private communication antennas not exceeding twenty-five feet in height as regulated by Section 1243.18.

Uses Only Permitted in D-1

The following uses are permitted in D-1, but not permitted in D-2:

- a) Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.



- b) Stone yards or monument works.
- c) Trade and industrial schools.
- d) Utility and public service buildings.
- e) Lumber yards and other building supply establishments.
- f) Vehicle repair or body shops, including wrecker service.
- g) Mini warehouses and self storage facilities.
- h) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning.
- i) Gas stations with or without repair facilities or retail sales of food, beverages and miscellaneous items.
- j) Other uses which are determined by the Zoning Administrator to be similar to the above uses and which meet the intent of this district.

Uses Only Permitted in D-2

The following uses are permitted in D-2, but not explicitly permitted in D-1:

- a) Business incubators, providing office, laboratory and production space for start-up businesses.
- b) Production greenhouses, hydroponics and similar horticultural facilities for growing plants intended for wholesale or as raw materials for small scale pre-production on or off the site.

Permitted Uses Compared

Based on the permitted uses outlined above, it is clear that the D-1 district is intended to house more intensive industrial uses than the D-2 district permits. It would be a matter of discretion to determine if the City is comfortable with increased use intensity in the D-2 district. However, given the D-2 district's proximity to residential properties along Southern Dr and Young Dr, it is understandable that a less intense Industrial District would be desired at this location.

SPECIAL USES

The D-2, Industrial Park District, does not outline any special uses that may be permitted in accordance with Chapter 1256 of the Zoning Ordinance. D-1, Industrial District, outlines a number of special uses. These uses are listed below:

- (a) 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.
- (b) Contractor yards for construction equipment such as bulldozers, backhoes, and dump trucks, provided all such equipment and vehicles are stored indoors or otherwise well screened from view of surrounding properties and roadways.
- (c) Antenna and towers exceeding a height of twenty-five feet.
- (d) Asphalt, concrete, or similar refining and manufacturing.
- (e) Salvage yards and recycling centers.
- (f) Refuse and garbage incinerators.
- (g) Scrap tire collection sites and scrap tire processors.



- (h) Manufacture of gas, coke, or coal tar products.
- (i) Manufacture of ammunition, fireworks, or other explosives.
- (j) Stock yards and slaughterhouses.
- (k) Blast furnaces, drop forges, petroleum refining, metal stamping, and similar uses.
- (l) Solid waste processing facility, including composting as an incidental use.
- (m) Petroleum refining and bulk storage facilities.

Special Uses Compared

The lack of special uses allowed in the D-2 zoning district provide further evidence to the fact that the D-1 zoning district is intended to house more intense industrial uses. This would be a matter of City discretion to determine if increased intensity in the D-2 district would be in line with the City’s vision and goals for the area.

DISTRICT REGULATIONS

The table below compares the District Regulations for the D-1 and D-2 zoning districts as outlined in Sections 1252.04 and 1253.03 respectively:

Regulation	D-1, Industrial District	D-2, Industrial Park District
Minimum Lot Area and Width	One acre / 100 ft of width	N/A
Front Yard Setback	25 ft if on a local City street and 20 feet if on a major City street or State Highway	70 ft
Side and Rear Yard Setback	None required except where a D-1 property abuts a residentially zoned lot, in which case the minimum setback shall not be less than two times the height of the building.	30 ft
Maximum Lot Coverage	N/A	40%
Maximum Building Height	35 ft	35 ft
Parking Requirements	Subject to Section 1260.10	Unique parking setback requirements dependent upon zoning district of adjacent properties. Otherwise, subject to Section 1260.10.



District Regulations Compared

The regulations imposed upon the D-1 and D-2 districts vary significantly. In combining the two districts, there is significant potential to inadvertently create a number of non-conforming properties. While this non-conformity could be addressed over time with redevelopment, it may cause potential issues and confusion for applicants and administrators in the meantime.

ADDITIONAL REGULATIONS AND SITE DEVELOPMENT STANDARDS

The D-1 and D-2 districts are subject to identical Site Development Standards as outlined in Sections 1252.05 and 1253.04 respectively. They are also subject to nearly identical Additional Regulations as outlined in Sections 1252.06 and 1253.05 respectively. The only difference in requirements is that the D-2, Industrial Park District, is subject to the City of Hart Industrial Park Restrictive Covenants.

City of Hart Industrial Park Restrictive Covenants

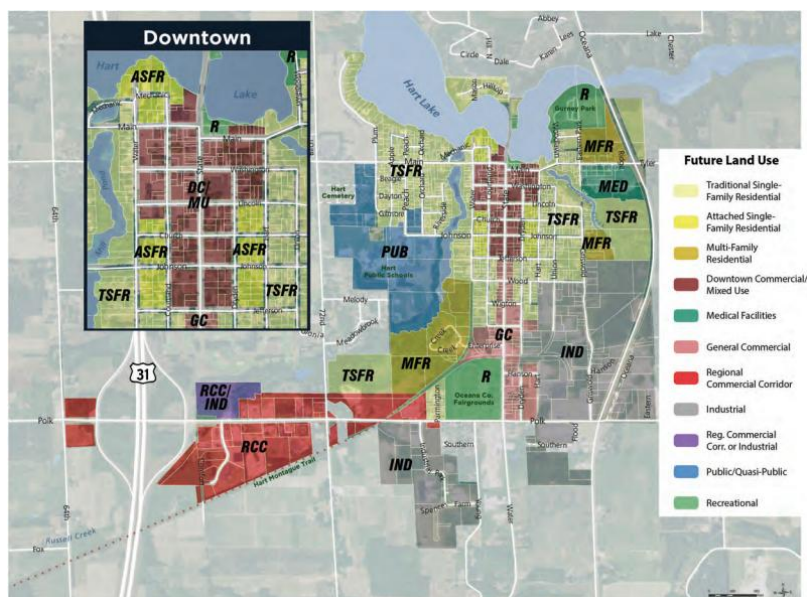
The City of Hart Industrial Park Restrictive Covenants have minimal impact on Zoning considerations. The document defers to the City for zoning requirements of subject properties. As such, any alteration in zoning classification would not conflict with the Restrictive Covenants as written.

Landscape Buffer Requirements

Both districts are subject to identical landscape buffer requirements as outlined in Section 1243.22(b). There is no significant differentiation in the manner in which landscaping requirements are administered for either district.

MASTER PLAN CONSIDERATIONS

Below is the Future Land Use Map provided in the City of Hart's 2025 Master Plan.





Both districts are slated to remain industrial in the City's Future Land Use Map and the entirety of both districts are noted as potential redevelopment sites. The D-1 district is shown in gray at the southeast portion of the map while the D-2 district is shown in gray at the southmost portion of the map. A combination of the two zoning districts would not have any meaningful impact on the future land use plans of the City.

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.

It is McKenna's recommendation that the City opt to permit Composting as a Special Land Use in either district as deemed appropriate by the City rather than to combine the two districts into one overarching industrial district.

MEMORANDUM

To: Hart Planning Commission

From: Nichole Kleiner, City Manager

Date: May 31, 2026

Re: 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 a 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.

Overview of Proposed Legislation

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 Allowances for Smaller Lots and Homes**
The City could not require lot sizes larger than approximately 1,500 square feet or 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.
 - **Reduced Parking Requirements**
Parking standards would be capped, generally limiting requirements to no more than one 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 plans 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 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.
- **[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.
 - ***“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 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.
- **[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. Allows mobile homes in any residential zone.

CITY OF MOUNT CLEMENS, MICHIGAN

RESOLUTION IN OPPOSITION TO MICHIGAN HOUSE BILLS 5529–5532 AND 5581–5585 REGARDING LOCAL MUNICIPAL ZONING AUTHORITY

The City Commission of the City of Mount Clemens, Michigan, at a regular meeting held on the 16th day of March, 2026, adopted the following Resolution:

WHEREAS, Michigan House Bills 5529 through 5532 and 5581 through 5585 have been introduced in the Michigan House of Representatives and referred to committee for consideration; and

WHEREAS, these bills propose significant statewide changes to local zoning and land use regulations that would preempt long-standing municipal authority to regulate development within local communities; and

WHEREAS, Michigan has historically recognized that zoning and land use decisions are best made at the local level, where elected officials and planning bodies have the greatest understanding of community character, infrastructure capacity, and long-term development goals; and

WHEREAS, the proposed legislation would impose additional requirements for studies, documentation, and administrative processes related to site plan review, which may create unnecessary delays, increase costs for applicants and municipalities, and function as unfunded mandates on local governments; and

WHEREAS, the legislation would limit the authority of municipalities to establish and enforce zoning standards related to residential density, minimum home square footage, building spacing, parking requirements, and other development regulations that have been carefully adopted through local planning processes; and

WHEREAS, the legislation would require municipalities to permit duplex housing on parcels currently zoned for single-family residential, thereby overriding locally adopted zoning ordinances and community planning decisions; and

WHEREAS, municipalities must retain the ability to plan for responsible growth while ensuring that infrastructure systems—including water, sewer, roads, public safety services, and drainage—are capable of supporting additional development; and

WHEREAS, the City of Mount Clemens recognizes the importance of addressing housing availability and affordability, but believes that housing policy solutions should preserve meaningful local input and flexibility so that communities can respond to their unique needs and conditions; and

WHEREAS, broad state preemption of local zoning authority risks undermining decades of community planning, infrastructure investment, and neighborhood stability;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Mount Clemens strongly opposes the passage of Michigan House Bills 5529 through 5532 and 5581 through 5585, as these bills would significantly restrict the ability of local governments to responsibly plan for growth, manage infrastructure capacity, and protect the character and stability of their neighborhoods; and

BE IT FURTHER RESOLVED, that the City Commission urges the Michigan Legislature to preserve local zoning authority and work collaboratively with municipalities to address housing needs and development policy in a manner that respects local planning processes and avoids unfunded mandates; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit copies of this Resolution to the Governor of the State of Michigan, members of the Michigan House of Representatives and Michigan Senate representing residents of Mount Clemens, and to other appropriate state officials and municipal organizations.

BE IT FURTHER RESOLVED, that any and all resolutions in conflict herewith are repealed only to the extent necessary to give full force and effect to the provisions of this Resolution.

This Resolution is deemed severable. Should any provision, clause, word, or sentence be determined to be unenforceable, the remainder shall remain in full force and effect.

AYES: McGarity, Rick, Yore, Brown, Calhoun, Fournier, Kropp

NAYS: None

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I, Cathleen Martin, Clerk of the City of Mount Clemens, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Mount Clemens City Commission at its regular meeting held on March 16, 2026.



Cathleen Martin, City Clerk