City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, August 1st, 2024
Minutes Approved

MEMBERS PRESENT: Betty Root, Cynitha Fout, Gale Goldberg, and Diane LaPorte
ABSENT: Jim Cunningham
OTHERS PRESENT: City Manager – Rob Splane, Community & Economic Development Director – Nichole Kleiner, Planning Consultant Jeff from Mckenna

- B. Root called the meeting to order at 4:40 pm.

APPROVAL OF AGENDA:

- D. Laporte moved to approve the agenda and supported by C. Fout
  - Ayes: 4 Nays: 0 Absent: 1

APPROVAL OF MINUTES:

- C. Fout moved to approve minutes from June 6th, 2024, and supported by D. Laporte
  - Ayes: 4 Nays: 0 Absent: 1

PUBLIC COMMENTS on Agenda Items: NONE

ACTION ITEMS: NONE

DISCUSSION ITEMS:

- Review Overlay District Draft Language and Suggest Potential Edits

CITY CENTER OVERLAY DISCTRICT

AUTHORITY

Pursuant to authority granted in Section 125.3503 of the Michigan Zoning Enabling Act. (P.A. 110 of the 2006, as amended), this Overlay District is written to permit flexibility in the regulation of land development in the Hart City Center as needed to achieve the vision set forth in the City Center Overlay.

INTROBUCTION AND ELEMENTS OF THE CITY CENTER OVERLAY

a. City Center Overlay. This section of the Zoning Ordinance is intended to implement the Vision, Concept and Design Guidelines for the City Center as established in the City Center Overlay. The City Center Overlay articulates design principles to support a unified vision for downtown Hart and give examples of how sites along the corridor could redevelop. The Design Guidelines provide standards for building, site and district design for the City Center. The regulation contained in this Section enumerate the principles of the City Center Overlay inasmuch as possible.

b. Overlay District Elements. To achieve the vision set forth in the City Center Overlay, the City has established an Overlay District comprised of the following key elements:

1. Regulating Plan. Shows recommended building height and location of streets in the City Center, and Primary Frontages where regulation of building mass is most important create the streetscape and environments envisioned. Some flexibility in the location of streets may be permitted by the City, upon recommendation by the Planning Commission as discussed in this Section.

2. Form-Based Code. Enumerated in this Section, provides the regulatory framework for development and redevelopment in the City Center Overlay District, as shown on the Regulating Plan discussed above.

PURPOSE AND DEVELOPMENT PRINCIPLES

The purpose of this District is to accomplish the following:

a. Define a City Center area for Hart that will create an identity for its commercial core

b. Implement a City Center Vision

c. Promote development of an integrated, mixed-use, pedestrian-oriented environment with buildings containing commercial, residential and office uses

d. Provide Street linkages to serve the development within the district, and logical street connections to development outside the district

e. Regulate building height and require appropriate landscaping and screening to achieve appropriate scale along streetscapes and ensure proper transition to nearby residential neighborhoods.

f. Create a definable sense of place for the City with a pedestrian oriented, traditional urban form that encourages residents to visit, stay, and enjoy the district

g. Encourage development consistent with the desired vision through

APPLICABILTY

a. Application of Regulations. Within the City Center Overlay District, all requirements of the Hart Zoning Ordinance shall apply, except as modified by this Section. When applying the regulations to the form-based zones, if regulations elsewhere within this ordinance conflict or appear to conflict with the regulations of this Section, the regulations of this Section shall apply.

b. Interpretations and Appeals. This Overlay District relies on the Hart Planning Commission to interpret the intent of the Overlay. As such, certain flexibility is required to implement the City Center Overlay, depending on the timing, location and nature of redevelopment within the City Center. Therefore, the Planning Commission shall have the authority to act on appeals, interpretations or modifications, in order to ensure they are consistent with the overall vision.

c. Underlying Zoning. Where the term “underlaying zoning” is used, it shall refer to the zoning of the subject property as designated on the official Zoning Map for the City of Hart and any applicable regulations that apply to that zoning district. Underlying this City Center Overlay District are the following underlying zoning districts:

1. A, Residential Zone

2. A-1, Residential Zone

3. A-2, Apartment Zoning District

4. B-1, Central Business District

5. B-2, General Business District

6. C-2, Limited Commercial

7. D-1, Industrial Commercial

8. D-2, Industrial Park District

9. M-1, Medical/Institutional District

10. PUD, Planned Unit Development

d. Expansion of the District. In order to provide for the harmonious development and use of land within the City Center, and to see to its logical extension, the City Council, upon recommendation by the Planning Commission, may extend the boundaries of the City Center where development is proposed that is consistent with the City Center Overlay and the Purpose and Development Principles of the Overlay.

e. Conflicts. Where the provisions of this Section conflicts with other provisions of the Hart Code of Ordinances, the provisions of this Section shall govern.

f. Triggers for Compliance. Use and development of land within this Overlay District shall be as follows:

1. Existing Uses. An existing use shall be permitted to continue.

2. Changes in Use. Changes in use from one use to another use that does not require additional parking or building additions shall be permitted.

3. Site Improvements. Site and building maintenance shall be allowed.

4. Building Expansions

a. Exempt Expansions. Additions of a size equal or less than 10% of the gross square footage of the existing buildings may be permitted and may be constructed according to the requirements of the City Center Overlay District or the underlying zoning, at the property owner's discretion.
b. Minor Expansions. Additions of a size greater than 10% but equal or less than 25% of the gross square footage of the existing building, shall be permitted, but shall meet the Site Plan Review Requirements in the Hart Zoning Ordinance for the district in which it is located.
c. Major Expansions. Additions of a size greater than 25% of the gross square footage of the existing building shall meet the requirements of this City Center Overlay District.
5. New Buildings and Development. New development projects proposed under this City Center Overlay District, shall meet all requirements of this City Center Overlay District.
6. Modifications. Modifications of the requirements in this City Center Overlay District may be approved when consistent with the City Center Overlay, determined by the Planning Commission.

STANDARDS FOR NEW DEVELOPMENT

a. Streets and Access. The Regulating Plan shows recommended street locations to provide interconnectivity and access to internal portions of the City Center. These streets will be maintained by City of Hart.
1. Location. The location of streets shall be generally consistent with the Hart Zoning Ordinance but may be modified by the Planning Commission upon their consideration.
2. Street Design. All streets and service drives shall be constructed to meet the requirements of the Hart Zoning Ordinance.
3. Temporary Access. Where a planned street is not constructed at the time of redevelopment of a property and connections cannot be immediately provided, temporary access may be allowed provided the following is met:
a. Such access meets the construction requirements of the zoning ordinance in terms of width and design.
b. The development has dedicated the necessary easements to accommodate any streets or service drives are constructed.
c. If shared parking is necessary, parking agreements have been executed on the developer's site to allow for future shared parking.
d. Deed restrictions are recorded that ensure its removal when such streets and service drivers are constructed.
4. Street Furniture. Bences, trash receptacles and other furniture may be required in park and plaza areas and along adjoining sidewalks where the Planning Commission determines that pedestrian activity will benefit from these facilities. Street furniture shall be permanent, durable, and consistent with national standards for outdoor furniture.
b. Public Open Spaces. A minimum of 5% of the gross floor area of all stories of proposed building shall be provided as open space. Such areas shall be located to complement existing or planned public greenspaces and shall be one of the following.
1. Greenspace. Greenspaces are open spaces that provide recreation or leisure areas that serve the entire City Center area.
a. Location and design of greenspaces shall generally follow those shown on the City Center Overlay, with flexibility allowed by the Planning Commission to waive requirements.
b. To the greatest extent possible, greenspaces should be adjacent to other greenspaces on adjoining parcels to create contiguity of greenspaces.
c. Greenspaces shall be landscaped and shall not be counted toward parking lot, greenbelt or buffer requirements.
2. Park or playground. Parks and playgrounds are best suited near residential areas at the perimeter of the City Center.
3. Corner Plaza. Required build-to lines may be modified to accommodate a plaza. The typical size of a plaza is 25 feet by 25 feet but may vary depending on site conditions.

CONTRIBUTIONS IN LIEU

The City recognizes that certain physical elements of the City Center may be best developed in a coordinated fashion rather than piecemeal as development occurs. Therefore, where desired by

the applicant or where required by the City, payments in lieu of those improvements may be made in accordance with the following:

a. Payments in lieu may be accepted for the following improvements:

1. Streets as shown on the Regulation Plan.

2. Streetscaping

3. Parking

4. Public Open Space

5. Required Landscaping

b. In cases where the elements above cannot reasonably be developed on a parcel, or for those where coordinated installation (on-street parking, for example) is needed for logical development, the City may allow developers to defer construction in one of the following ways:

1. Payment into a dedicated fund, of an amount equal to the cost to install all deferred improvements on the subject site. Improvements costs must also consider off-site improvements and utilities needed to serve the site. The developer shall submit to the City an estimate of costs to construct these items for verification by the City's engineer.

2. The City may facilitate, through a special assessment district or other means, construction of streetscaping as development progresses in the City Center. Developments proposed under this City Center Overlay District shall participate in the special assessment district may be created to install or replace some or all of the items listed above, the costs of which will be distributed amongst developed parcels consistent with the standards listed.

ZONES AND PERMITTED USES

a. Zones. The City Center Overlay District shall be and is hereby divided into Zones as enumerated on the Regulating Overlay.

1. Mixed Use Zone. The Mixed Use Zone is intended to provide for a traditional mixture of office buildings, retail stores, entertainment establishments, public spaces, residential uses and related activities that are mutually supporting and serve the needs of City residents. The intent of the zone regulations is to encourage a lively social environment and economically viable City Center with a wide variety of uses in a pedestrian oriented unified setting, with shared parking and access.

2. Residential Zone. The Residential Zone is intended to support the activities of the Mixed Use Zone through increased residential densities and pedestrian-oriented design. It is also intended to provide a transition between the tall mixed use buildings located near Southfield and 13 mile Roads, and the neighborhoods abutting the City Center.

b. Permitted Uses.

1. Mixed Use Zone.

a. Any of the uses allowed in the underlying zoning districts may be permitted.

b. Residential units, consistent with the City Center Overlay, may be permitted. These include dedicated residential areas as shown, but also mixed-use buildings as discussed in the City Center Overlay.

c. Reconstruction and expansion of existing single-family structures is permitted, provided such is consistent with the underlying zoning requirements.

d. Other complementary uses, consistent with the City Center Overlay and adjacent land uses, may be permitted by the City Council upon recommendation by the Planning Commission.

2. Residential Zone.

a. Uses permitted in the underlying zoning districts shall be allowed.

b. Residential units, consistent with the City Center Overlay, may be permitted.

c. Reconstruction and expansion of existing single-family structures is permitted, provided such is consistent with the underlying zoning requirements.

MIXED USE ZONE REQUIREMENTS

a. Streetscaping. The following shall be installed along all Primary Frontages, as shown on the Regulating Overlay, as part of a comprehensive street and streetscape network:

REQUIRED STREETSCAPING

Sidewalks

Sidewalks shall be installed along all street frontages and shall be a minimum five (5) feet wide. Sidewalks along all Primary Frontages, as shown on the Regulating Plan, shall be a minimum of seven (7) feet wide, whichever is wider.
Wider sidewalks are encouraged, and may encompass all or a portion of the front yard build-to zone as defined in sub-section c. Building Requirements below
Accessible sidewalk connections shall be provided between parking areas and building entrances
Street Trees
Trees grates may be installed, and when used shall be five (5) to ten (10) feet in length and shall have access to irrigation systems provided by the developer.
Street Lights
Pedestrian level street lighting of a decorative nature shall be installed along all sidewalks consistent with the City Center Overlay or street light standards adopted by the City.
Light poles shall be installed at least every 30ft. or closer in order to provide required illumination.
Illumination levels shall comply with the Hart Zoning Ordinance.

- Review Food Truck Ordinance Draft Language and Suggest Potential Edits

FOOD TRUCKS

1. Food trucks may cater to outdoor public entertainment events only with an approved Peddler's Permit, issued by the City of Hart. The food truck must be removed from the property at the conclusion of the event.
2. Up to two (2) food trucks are allowed as accessory uses at restaurants, wineries, and breweries. No more than two (2) food trucks can operate simultaneously on any site that directly touches a residential zoning district.
3. All food trucks must have all the necessary permits from the Oceana County Health Department and the State of Michigan and shall demonstrate compliance to the City of Hart prior to receiving a Peddler's Permit.
Mobile food vending is permitted in all zoning districts in the City of Hart, subject to the following requirements:
(a) Each individual mobile food vendor must obtain a Peddler's Permit from the clerk's office to operate within the City limits.
(b) the property owner or event organizer offering mobile food vending shall obtain a zoning permit as required
(c) Mobile food vendors may not park overnight at any mobile food vending event location, unless specifically permitted by the City of Hart through the Peddler's Permit.
(d) A 12-foot one-way aisle where one-way vehicles circulation is required must be maintained around mobile food vending.
(e) A 26 -foot two-way aisle where two-way vehicle circulation is required must be maintained around mobile food vending.
(f) Mobile food vending may not impede the use of minimum number of parking spaces based on the site's parking demand.
(g) Mobile food vending must be setback at least ten feet from any building.
(h) No alcoholic beverages may be sold via mobile food vending – unless this alcohol service is part of an otherwise permitted event such as a temporary outdoor event in a commercial district or outdoor festivals, fairs, carnivals, craft shows, athletic tournaments and events, concerts, farmer's markets, auto shows, or as permitted by the Michigan Department of Licensing and Regulatory Affairs and/or the Michigan Liquor Control Commission.
(i) All mobile food vending must comply with the City of Hart's noise ordinance.
(j) No mobile food vendor may be located within 200 feet of an open restaurant, unless the mobile food vendor is part of the restaurant business, or the restaurant's property owner gives written permission.
(k) Mobile food vendors are encouraged to operate in large, open and vacant lots in the City with a Peddler's Permit and written permission from the landowner.

(l) Mobile food vending may be located in a public right-of-way or on public property where all the following apply:

1. The mobile food vending activity is stationary and is authorized by an owner of property adjacent to the right-of-way location.

2. The front and rear ends of the mobile food vendor do not extend beyond the adjacent boundary of the hosting property.

3. The public right-of-way is in a location where on-street parking is permitted.

4. The mobile food vendor is not within 60 feet of an intersecting street.

5. No portion of the mobile food vendor shall be parked directly across from a driveway.

6. No portion of the mobile food vendor shall block the driveway.

(m) Waste receptacles shall be provided for the general public in the vicinity of the food vendor truck.

(n) The standards above shall not apply to food trucks that do business by traveling on public rights-of-way from neighborhood to neighborhood, such as ice cream trucks. Such vendor trucks shall not be regulated by this Ordinance.

(o) Waivers from this section, including the time and frequency restrictions, may be obtained from the City of Hart.

OTHER BUSINESS:

Public Comments Non-Agenda Items:

- 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 G. Goldberg. The next scheduled meeting will be held on September 5th, 2024.

Karla Swihart

Karla Swihart
City Clerk