



Notice of Hybrid Public Meeting

City of Hart, Michigan
PLANNING COMMISSION AGENDA
April 1, 2021, 4:00 PM
407 State St. – COUNCIL CHAMBERS

*THIS NOTICE IS GIVEN AND PUBLISHED PURSUANT TO
MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES
EMERGENCY ORDER UNDER MCL 333.2253 – GATHERING PROHIBITION AND MASK ORDER AND PA 228 OF
2020 AMENDMENT TO SECTION 3 OF PA 267 OF 1976 OPEN MEETINGS ACT*

**A MAXIMUM OF 25 INDIVIDUALS WILL BE PERMITTED TO ATTEND THE MEETING
CONTINGENT UPON ABILITY TO ACCOMMODATE SOCIAL DISTANCING
REQUIREMENTS.**

Topic: City of Hart Planning Commission
Time: April 1, 2021 04:00 PM Eastern Time (US and Canada)
Join Zoom Meeting

<https://us02web.zoom.us/j/83839151468?pwd=OCtMLzNKL3pDR0tLMW5MRWFDQmZDOT09>

Meeting ID: 838 3915 1468

Passcode: 786853

One tap mobile

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Find your local number: <https://us02web.zoom.us/j/83839151468?pwd=OCtMLzNKL3pDR0tLMW5MRWFDQmZDOT09>

Access is provided through the Michigan Relay Service for individuals with speech or hearing impairments.

<https://hamiltonrelay.com/michigan/index.html>

PLANNING COMMISSION

1. Call to order / roll call: Cunningham, LaPorte, Root, Splane, J.Wittman, P. Wittman and Goldberg
2. Approval of agenda
3. Approval of Minutes of March 4, 2021
4. Public comments: **Public comment on any matter that is not included on the agenda for a public hearing by the Council. We ask that you please limit your comments to 3 minutes**
5. Action Items:
6. Discussion Item.
 - a. Review updated Zoning Map Rev. March 2021.
 - b. Consider amending the Sign Ordinance to address obscene material.
7. Other business and communications from Commission members
8. Adjourn – next regular meeting on May 6, 2021

City Of Hart

407 S. State St

Hart, Mi 49420

Planning Commission

Thursday, March 4th, 2021

Minutes

MEMBERS PRESENT: Gale Goldberg, Jim Cunningham, Jack Wittman, Peggy Wittman, and Rob Splane

ABSENT: Diane LaPorte, Betty Root

OTHERS PRESENT: Lynne Ladner (City Manager), and Karla Swihart (Dep. Clerk), David Jirousek (Horizon Community), and Nicole Steele (HEART)

J. Cunningham called the meeting to order at 4:01 pm.

APPROVAL OF AGENDA: G. Goldberg motioned to approve the agenda and supported by R. Splane

- Ayes: 5 Nays: 0 Absent: 2 (Laporte, Root) The motion carried.

APPROVAL OF MINUTES: G. Goldberg motioned to approve minutes from January 7th, 2021, with an amendment regarding the motion to recommend approve the AutoZone site plan to the City Council. The correction was not recommended to The city Council as the Site plan for AutoZone was already approved by the Planning Commission. and supported by R. Splane

- Ayes: 5 Nays: 0 Absent 2 (Laporte, Root) The motion carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Nicole Steel (HEART) stated that some covenants were governing the Industrial Park, D. Jirousek looked it over. The covenants referenced a commission that would oversee the district, which hasn't been meeting regularly. The suggestion was to have the City Council appoint a commission since any prior terms would have expired and go about amending the covenants. The reason for bringing this up is there is a developer interested in two of the sites, and the covenants restrict pole buildings which is what the developer is looking to build, so we want to get this cleared up before we can move forward. Reason for bringing it up to the Planning commission if this project can move forward just wanted the commission to be aware.

ACTION ITEMS:

- Approval of 2020 Annual Report.
D. Jirousek stated this is our 4th annual report. The purpose of the annual report is to recap the activities of the previous year and set goals for the upcoming year and be sent to the City Council for review.

2020 Reviews

1. 9.03.2020 Special Land Use and Site Plan Amendment. Deb Windell (Lakeside Family Fitness and Wellness Center). Request to approve a drive-through window in the B-1 Central Business District located at 37,39 & 45 S. State Street. Decision – Denial. Vote – 7-0
2. 11.03.20 Zoning Map Amendment. Sue Payne (OLTA Properties, LLC) Rezoning from Central Business District (B-1) to residential (A) for property located at 218 Washington Street. Decision – Recommendation of Approval. Vote – 6-0
3. 11.03.20 Zoning Map Amendment. Eva Kostal (Harbor House of Hart Ministry). Conditional rezoning from Residential (A) to General Business (B-2) for property located at 315 S. State Street. Decision – Recommendation of Approval. Vote – 4-2.

2020 Zoning Text Amendments – None

2020 Discussions

1. January 9, 2020: Off-Road Recreation Vehicle (ORV) and Golf Cart ordinance.
2. March 5, 2020: Medical and Recreational Marihuana.
3. June 4, 2020: Social Zones
4. September 3, 2020: Lakeside Fitness Drive-Thru, Harbor House Transitional Housing Program.
5. September 22, 2020: Harbor House Transitional Housing Program.
6. November 5, 2020: Potential request for conditional rezoning for 710 S. State St
7. December 5, 2020: Potential request for conditional rezoning for 710 S. State St

2021 Goals- To Discuss on March 4, 2021.

1. Medical and Recreational Marihuana Ordinances.
2. Master Plan Review.
 - G. Goldberg motioned to approve the 2020 Annual Report and Upcoming Goals to discuss on March 4th, 2021 meeting and Supported by R. Splane
 - Ayes: 5 Nays: 0 Absent: 2 (Laporte, Root) The motion carried

DISCUSSION ITEMS:

- J. Cunningham asked where we are with the Gales IGA building? City Manager L. Ladner said, Another business put an offer in on the building before La. Fiesta Chips was able to put in an offer.
- AutoZone's permits are all pulled and approved; they are hoping to start building in April.

OTHER BUSINESS AND COMMUNICATIONS FROM THE COMMISSION MEMBERS:

- None

ADJOURN:

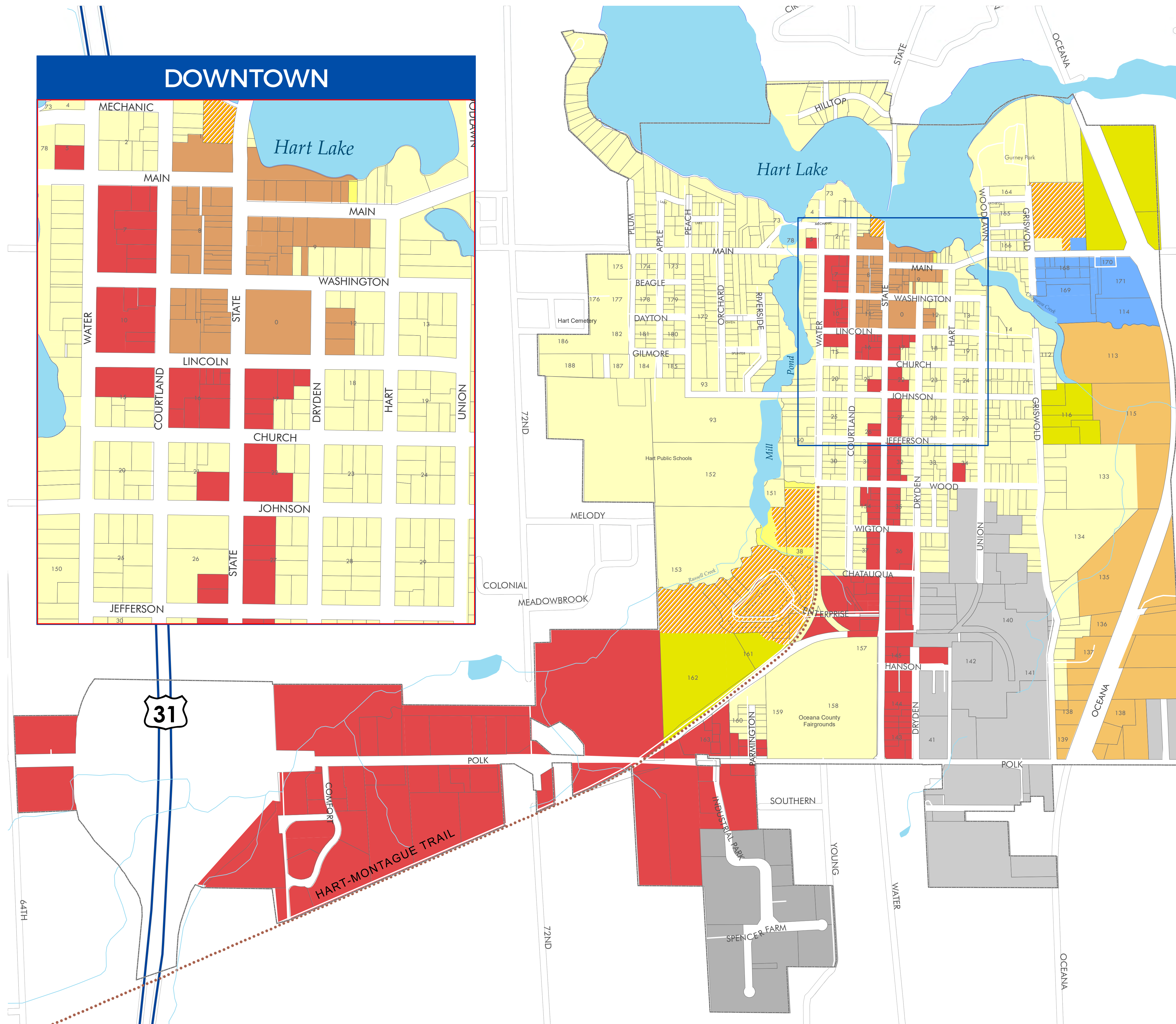
- There being no further business to come before the Planning Commission, the meeting adjourned at 4:15 pm upon a motion by J. Wittman and supported by R. Splane. The next scheduled meeting will be held on April 1st at 4 pm.

City of Hart

Oceana County, Michigan

ZONING MAP

Updated: March 24, 2021



- A, Residential Zone
- A-1, Residential Zone
- A-2, Apartment Zoning District
- B-1, Central Business District
- B-2, General Business District
- C-2, Limited Commercial
- D-1, Industrial District
- D-2, Industrial Park District
- M-1, Medical/Institutional District
- PUD, Planned Unit Development

1 inch = 500 feet



williams&works
engineers | surveyors | planners



Data Sources: Michigan CGI, Oceana County Equalization

OBSCENE MATERIAL
Act 343 of 1984

AN ACT to define and prohibit the possession or dissemination of obscene material under certain circumstances; to prohibit conduct related thereto; to provide penalties; to prohibit local units of government from enacting or enforcing any law, ordinance, or rule pertaining to matters under this act; and to repeal certain acts and parts of acts.

History: 1984, Act 343, Eff. Mar. 29, 1985.

The People of the State of Michigan enact:

752.361 Meanings of words and phrases.

Sec. 1. For the purposes of this act, the words and phrases in sections 2 to 4 have the meanings ascribed to them in those sections.

History: 1984, Act 343, Eff. Mar. 29, 1985.

752.362 Definitions; C to O.

Sec. 2. (1) "Contemporary community standards" means the customary limits of candor and decency in this state at or near the time of the alleged violation of this act.

(2) "Disseminate" means to manufacture, sell, lend, rent, publish, exhibit, or lease to the public for commercial gain or to offer or agree to manufacture, sell, lend, rent, publish, exhibit, or lease to the public for commercial gain.

(3) "Knowledge of content and character" means having general knowledge of the nature and character of the material involved. Knowledge of content and character may be proven by direct evidence or by circumstantial evidence, or both.

(4) "Material" means anything tangible that is capable of being used or adapted to arouse prurient interest, whether through the medium of reading, observation, sound, or in any other manner, including but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, motion picture, photograph, video tape, video disk, film, transparency, slide, audiotape, audiodisk, computer tape, or any other medium used to electronically produce or reproduce images on a screen, or any mechanical, chemical, or electronic reproduction. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects whether or not processing or other acts are required to make the content of the material apparent.

(5) "Obscene" means any material that meets all of the following criteria:

(a) The average individual, applying contemporary community standards, would find the material, taken as a whole, appeals to the prurient interest.

(b) The reasonable person would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(c) The material depicts or describes sexual conduct in a patently offensive way.

History: 1984, Act 343, Eff. Mar. 29, 1985;—Am. 1992, Act 216, Eff. Mar. 31, 1993.

752.363 Definitions; P.

Sec. 3. (1) "Person" means an individual, or a sole proprietorship, partnership, corporation, association, or other legal entity, or an agent or servant of an individual or legal entity.

(2) "Prurient interest" means a shameful or morbid interest in nudity, sex, or excretion.

History: 1984, Act 343, Eff. Mar. 29, 1985.

752.364 "Sexual conduct" defined.

Sec. 4. (1) "Sexual conduct" means 1 or more of the following:

(a) Representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated.

(b) Representations or descriptions of masturbation, excretory functions, or a lewd exhibition of the genitals.

(2) "Simulated" means the explicit depiction or description of any of the types of conduct set forth in the definition of sexual conduct under subsection (1), which creates the appearance of such conduct.

(3) "Ultimate sexual acts" means sexual intercourse, fellatio, cunnilingus, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, or depictions or descriptions of sexual bestiality, sadomasochism, masturbation, or excretory functions.

History: 1984, Act 343, Eff. Mar. 29, 1985.

752.365 Obscenity; elements; misdemeanor; penalty; second or subsequent offense as a felony.

Sec. 5. (1) A person is guilty of obscenity when, knowing the content and character of the material, the person disseminates, or possesses with intent to disseminate, any obscene material.

(2) Obscenity is a misdemeanor, punishable by imprisonment for not more than 1 year, or by a fine of not more than \$100,000.00, or both.

(3) A person convicted of a second or subsequent offense under this section is guilty of a felony and may be imprisoned for not more than 2 years, and shall be fined not less than \$50,000.00 or more than \$5,000,000.00. For purposes of this section, an offense is considered a second or subsequent offense if the defendant has previously been convicted under this section or under any similar statute of the United States or of any state.

History: 1984, Act 343, Eff. Mar. 29, 1985;—Am. 1992, Act 216, Eff. Mar. 31, 1993.

752.366 Repealed. 1992, Act 216, Eff. Mar. 31, 1993.

Compiler's note: The repealed section pertained to obscenity in the second degree.

752.367 Applicability of MCL 752.365.

Sec. 7. Section 5 does not apply to the dissemination of obscene material by any of the following:

(a) An individual who disseminates obscene material in the course of his or her duties as an employee of, or as a member of the board of directors of, any of the following:

(i) A public or private college, university, or vocational school.

(ii) A library established by this state or a library established by a county, city, township, village, or other local unit of government or authority or combination of local units of government and authorities or a library established by a community college district.

(iii) A public or private not for profit art museum that is exempt from taxation under section 501(c)(3) of the internal revenue code.

(b) An individual who disseminates obscene material in the course of the individual's employment and does not have discretion with regard to that dissemination or is not involved in the management of the employer.

(c) Any portion of a business regulated by the federal communications commission.

(d) A cable television operator that is subject to the communications act of 1934, chapter 652, 48 Stat. 1064.

History: 1984, Act 343, Eff. Mar. 29, 1985;—Am. 1992, Act 216, Eff. Mar. 31, 1993.

752.368 Prohibited conduct; violation as misdemeanor; penalty.

Sec. 8. (1) A person shall not:

(a) As a condition to a sale, allocation, consignment, or delivery for the resale of any paper, magazine, periodical, book, publication, or other merchandise, require or demand that the purchaser or consignee receive for resale or further commercial distribution any obscene material.

(b) Deny, revoke, or threaten to deny or revoke a franchise, or impose or threaten to impose any penalty, financial or otherwise, because of the failure or refusal to accept obscene material or material reasonably believed by the purchaser or consignee to be obscene.

(2) A violation of this section is a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not more than \$500.00, or both.

History: 1984, Act 343, Eff. Mar. 29, 1985.

752.369 Action by prosecuting attorney or attorney general.

Sec. 9. A prosecuting attorney or the attorney general may commence and prosecute an action under this act.

History: 1984, Act 343, Eff. Mar. 29, 1985.

752.370 Prohibited law, ordinance, or rules; exceptions.

Sec. 10. (1) A municipality, township, village, city, or an instrumentality thereof shall not enact or enforce any law, ordinance, or rule which regulates, or intends to regulate, any matter covered by this act.

(2) Subsection (1) does not apply to a zoning law, zoning ordinance, or zoning rule.

History: 1984, Act 343, Eff. Mar. 29, 1985.

752.371-752.373 Repealed. 1992, Act 216, Eff. Mar. 31, 1993.

Compiler's note: The repealed sections pertained to obtaining and using an advisory opinion and declaratory judgment and establishing a burden of proof.

752.374 Repeal of MCL 750.343a to 750.343d, 750.344, 750.345, 750.345a, and 750.346.

Sec. 14. Sections 343a to 343d, 344, 345, 345a, and 346 of Act No. 328 of the Public Acts of 1931, being sections 750.343a to 750.343d, 750.344, 750.345, 750.345a, and 750.346 of the Michigan Compiled Laws, are repealed.

History: 1984, Act 343, Eff. Mar. 29, 1985.