

City of Hart, Michigan
PLANNING COMMISSION AGENDA -
May 6, 2021, 4:00 PM
NOTICE OF PUBLIC MEETING
City Hall, 407 State Street, Hart, MI 49420

1. Call to Order / roll call: Root, Cunningham, LaPorte, Splane, Goldberg, Wittman, Wittman
2. Approval of Agenda
3. Approval of Minutes of April 1st, 2021 Commission Meeting
4. Public Comments –
5. Public Hearing:
 - a. Proposed amendment to zoning ordinance – PROHIBITION OF OBSCENE MATERIAL DISPLAYED ON SIGNS
6. Action Items
 - a. Consider recommending to Council Ordinance to Amend the zoning ordinance.
7. Discussion Items
8. Other business and communications from Commission members
9. Adjournment – Next regular meeting June 3rd, 2021

City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, April 1st, 2021
Minutes

MEMBERS PRESENT: Betty Root, Gale Goldberg, Jim Cunningham, and D. LaPorte

ABSENT: R. Splane, J. Wittman and P. Wittman

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

B. Root called the meeting to order at 4:10 pm.

APPROVAL OF AGENDA: J. Cunningham moved to approve the agenda and supported by D. LaPorte

- o Ayes: 4 Nays: 0 Absent: 3 The motion carried.

APPROVAL OF MINUTES: G. Goldberg moved to approve minutes from March 4th, 2021, and supported by J. Cunningham

- o Ayes: 4 Nays: 0 Absent: 3 The motion carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS: NONE

ACTION ITEMS: NONE

DISCUSSION ITEMS:

- Review updated Zoning Map Rev. March 2021
2018-2020 has been several rezoning done within the City of Hart not reflected on the published zoning map. D. Jirousek worked with the county to ensure everything was lined up and updated the zoning map.
- Consider amending the Sign Ordinance to address obscene material.
Police Chief discovered an obscene cardboard sign displayed in a downtown resident window located in the commercial district. As it was displayed in a spot, anyone walking by could be seen. Unfortunately, in working with the prosecutor and working with D. Jirousek, the sign displayed in the window was not illegal because we didn't prohibit obscene materials. We also permit all window signs in the commercial district. With that being said, in order to not have this happen again, the Planning Commission needs to amend the sign ordinance.
Section 1. Chapter 1259 Signs. Chapter 1259 is amended to include Section 1259.12 to read as follows.

- **1259.12 PROHIBITION OF OBSCENE MATERIAL DISPLAYED ON SIGNS.**

- (a) In accordance with Act 343 of 1984, no sign shall include obscene material that can be read or observed, as defined by Act. Obscene material is that which meets all of the following criteria:

1. The average individual, applying contemporary community standards, would find this material, taken as a whole, appeals to the prurient interest.
2. The reasonable person would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.
3. The material depicts or describes sexual conduct in a patently offensive way.

Section 2. Effective Date. This ordinance shall be effective seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

AYES: _____

NAYS: _____

ORDINANCE DECLARED ADOPTED.

J. Cunningham moved we hold a Public Hearing on May 6th to discuss Zoning Ordinance Text Amendment- Chapter 1259 Signs- prohibition of obscene material displayed on signs and supported by D. LaPorte.

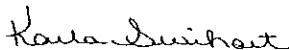
o Ayes: 4 Nays: 0 Absent: 3 (splane, J. Wittman and P. Wittman)

OTHER BUSINESS AND COMMUNICATIONS FROM THE COMMISSION MEMBERS:

- J. Cunningham asked about construction on Point Park. They are currently doing design and should come in front of the Planning Commission in May but no later than June. Veterans Park is under the same contract and will come in front of the Planning Commission at the same meeting as Point Park.
- Gales IGA building is still in negotiation. No new news regarding how that is going.
- AutoZone is starting construction next week.
- G. Goldberg asked about Medical Marijuana. Will that be discussed soon with the Planning Commission? City Manager L. Ladner stated she and D. Jirousek decided to put off until fall to see if it is still a hot topic or not.
- ORV passed in Hart and is now going in front of Golden Township. G. Goldberg asked for a copy of the ordinance that the City Council approved.

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned at 4:35 pm upon a motion by D. LaPorte and supported by J. Cunningham. The next scheduled meeting will be held on May 6th at 4 pm.



Karla Swihart
City Clerk

NOTICE OF PUBLIC HEARING
CITY OF HART
PROPOSED AMENDMENT TO ZONING ORDINANCE

The City of Hart Planning Commission requests public comments on proposed amendments to the City's Zoning Ordinance, Chapter 1259 Signs to add Section 1259.12 Prohibition of Obscene Material Displayed on signs

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 3. The material depicts or describes sexual conduct in a patently offensive way.

The public hearing is scheduled for 4:00 PM on Thursday, May 6, 2021, at Hart City Hall, 407 State Street, Hart, MI. Call City Clerk Karla Swihart at 231-923-0012 for more information.