



City of Hart, Michigan
PLANNING COMMISSION

October 7, 2021

AGENDA

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

4:00 PM

Access is provided through the Michigan Relay Service for individuals with speech or hearing impairments <https://hamiltonrelay.com/michigan/index.html>

1. Call to order / roll call: Cunningham, LaPorte, Powers, Root, J. Wittman, P. Wittman and Goldberg
2. Approval of agenda
3. Approval of minutes of May 6, 2021 Commission meeting
4. Public comments
5. Elections
 - a. Chair
 - b. Vice-Chair
 - c. Secretary
6. Action Items:
7. Discussion Item.
 - a. Review Redevelopment Ready Community annual tasks
 - b. Review of Jodi Ellinger zoning application
 - c. Discussion regarding revision of 1256.13 ADULT BUSINESSES
8. Other business and communications from Commission members
9. Adjourn – next regular meeting on November 4th, 2021

City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, May 6th 2021
Minutes

MEMBERS PRESENT: Betty Root, Gale Goldberg, Jim Cunningham, J. Wittman, P. Wittman and Rob Splane

ABSENT: D. Laporte

OTHERS PRESENT: Karla Swihart (Dep. Clerk)

B. Root called the meeting to order at 4:00 pm.

APPROVAL OF AGENDA: R. Splane moved to approve the agenda and supported by J. Cunningham

- Ayes: 6 Nays: 0 Absent: 1 The motion carried.

APPROVAL OF MINUTES: G. Goldberg moved to approve minutes from April 1st, 2021, and supported by J. Cunningham

- Ayes: 6 Nays: 0 Absent: 1 The motion carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- J. Wittman addressed R. Splane, the Mayor, and the Hart City Council for not being honest and transparent about the new City Manager's hiring process. Mr. Wittman feels that you (Mr. Splane) need to step down and get the hiring process back to the way it should be and go through the proper channels. We need to take the residents of the City's interest to heart.

PUBLIC HEARING: Proposed amendment to the zoning ordinance – PROHIBITION OF OBSCENE MATERIAL DISPLAYED ON SIGNS.

- B. Root called the Public Hearing to order at 4:05 pm. J. Wittman motioned to open the Public Hearing prohibition of obscene material displayed on signs and supported by G Goldberg
 - Ayes: 6 Nays: 0 Absent: 1 The motion carried.

With no public presence, the Public Hearing was closed at 4:07 pm. J. Cunningham motioned to close the Public Hearing and supported by J. Wittman.

- Ayes: 6 Nays: 0 Absent: 1 The motion carried.

ACTION ITEMS: Consider recommending to the City Council Ordinance to Amend the 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.

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 the 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.
- P. Wittman was not here for the discussion at the last meeting and had questions; It seems the language is very broad and very open-ended. The only detail is that it references sexual content as being offensive, but the other two items are very broad. Applying contemporary community

standards that are fluent and change constantly and the reasonable person requires somebody's opinion on the reasonableness of the person making a comment.

- G. Goldberg also wondered about some of the wording. With David Jirousek not being in attendance at the meeting to ask, G. Goldberg stated I assume D. Jirousek put the wording together and assume he got it from other cities he has worked with. At the last meeting, City Manager L. Ladner passed around a picture of the sign found in a downtown window, which had an offensive item. The police could not do anything about it because the City does not have obscene material in our ordinance.
- J. Cunningham stated that the current basic definition according to the supreme court of the united states, Obscenity does not have a clear definition. Still, it is something you know when you see it, and it is up to local interruption on what is considered obscene. Obscene material must meet all three criteria standards.
- Upon discussion by the Commission, it was determined to postpone until the June 3rd Planning Commission meeting and have David Jirousek.
P. Wittman motioned to postpone until June 3rd planning meeting to discuss with David before a recommendation is made to the City council and supported by G. Goldberg
 - Ayes: 5 Nays: 1 (root) Absent: 1 The motion carried

DISCUSSION ITEMS:

- J. Cunningham asked about construction on Point Park and Veterans Park and was told they are currently doing design and should come in front of the Planning Commission in May but no later than June, but nothing further has been done since the last meeting in April.
- J. Cunningham asked about the Solar farm that is being considered east of Hart. J. Wittman stated that it is still in the works but has been postponed for at least a year. R Splane said that the MPPA, which the City of Hart is a member of, is considering purchasing that project.

OTHER BUSINESS AND COMMUNICATIONS FROM THE COMMISSION MEMBERS:

- P. Wittman mentioned A group is meeting in front of City Hall at 5 pm for the National Day of prayer, and everyone is welcome to join.

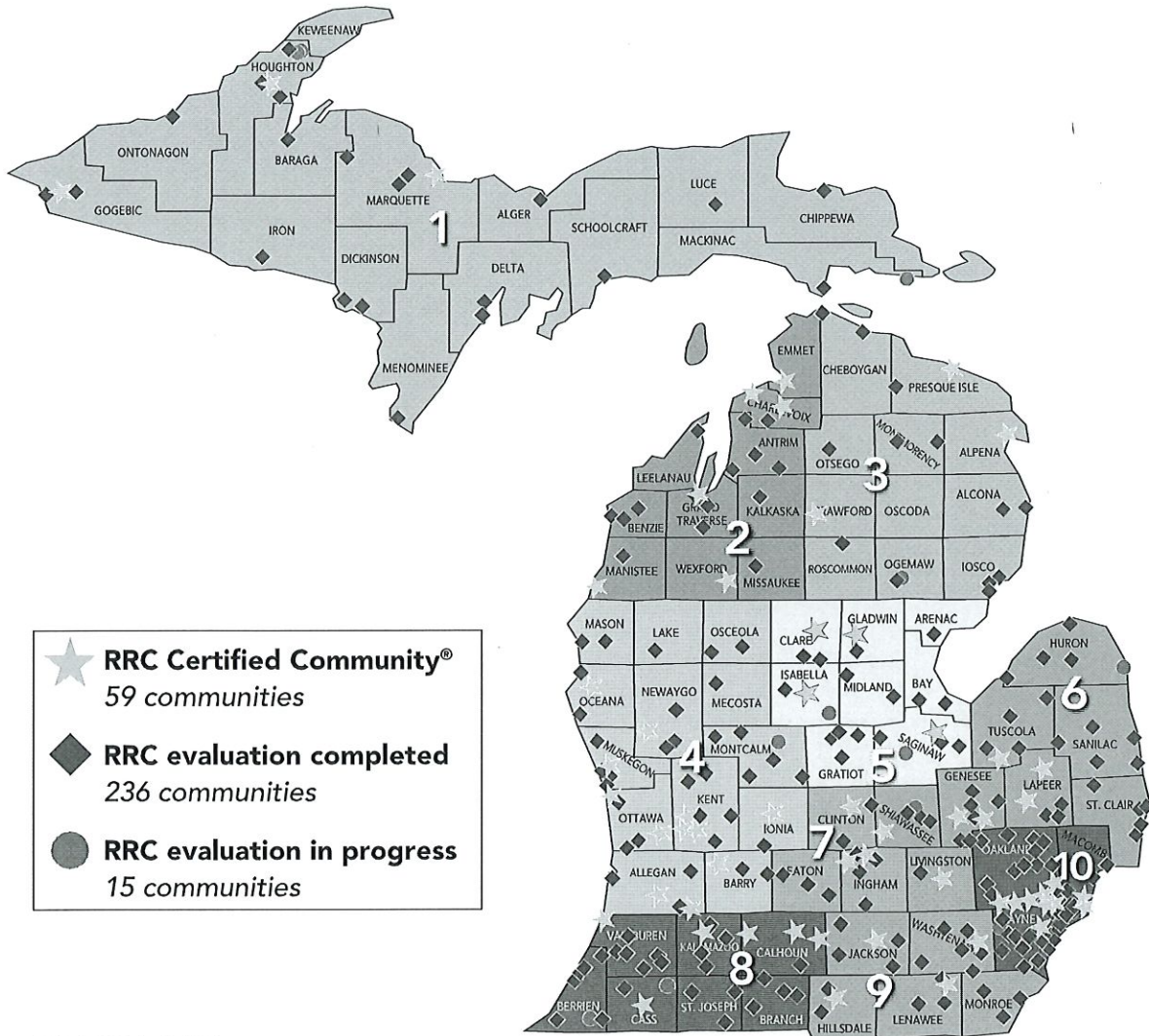
ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned at 4:25 pm upon a motion by J. Wittman and supported by R. Splane. The next scheduled meeting will be held on June 3rd at 4 pm.



Karla Swihart
City Clerk

redevelopment ready communities®



REGIONS

- | | |
|---|---|
| <p>1 Upper Peninsula region
Christopher Germain, AICP
517.599.5450
germainc2@michigan.org</p> | <p>6 East Michigan region
Christopher Germain, AICP
517.599.5450
germainc2@michigan.org</p> |
| <p>2 Northwest region
Pablo Majano
517.285.4165
majanop@michigan.org</p> | <p>7 South Central region
Stephanie Peña
517.420.3405
penas@michigan.org</p> |
| <p>3 Northeast region
Pablo Majano
517.285.4165
majanop@michigan.org</p> | <p>8 Southwest region
Julia Turnbull
517.599.1752
turnbullj2@michigan.org</p> |
| <p>4 West Michigan region
Pablo Majano
517.285.4165
majanop@michigan.org
(Kent, Ottawa, Muskegon counties)
Julia Turnbull
517.599.1752
turnbullj2@michigan.org
(all others)</p> | <p>9 Southeast Michigan region
Elizabeth King, EDFP
517.249.0827
kinge5@michigan.org</p> |
| <p>5 East Central Michigan region
Stephanie Peña
517.420.3405
penas@michigan.org</p> | <p>10 Detroit Metro region
Elizabeth King, EDFP
517.249.0827
kinge5@michigan.org</p> |

General inquiries: RRC@michigan.org



redevelopment ready communities®

Region 1: Upper Peninsula

- ★ Bessemer (Gogebic County)
- ◆ Calumet (Houghton County)
- ◆ Chassell Township (Houghton County)
- Clark Township (Mackinac County)
- ◆ Escanaba (Delta County)
- ◆ Gladstone (Delta County)
- ◆ Hancock (Houghton County)
- ★ Houghton (Houghton County)
- ◆ Iron Mountain (Dickinson County)
- ◆ Iron River (Iron County)
- ◆ Ironwood (Gogebic County)
- ◆ Ishpeming (Marquette County)
- Lake Linden (Houghton County)
- ◆ L'Anse (Baraga County)
- Laurium (Houghton County)
- ◆ Manistique (Schoolcraft County)
- ★ Marquette (Marquette County)
- ◆ Menominee (Menominee County)
- ◆ Michigamme Township (Marquette County)
- ◆ Munising (Alger County)
- ◆ Negaunee (Marquette County)
- ◆ Newberry (Luce County)
- ◆ Norway (Dickinson County)
- ◆ Ontonagon (Ontonagon County)
- ◆ Sault Ste. Marie (Chippewa Cnty)
- ◆ St. Ignace (Mackinac County)
- ◆ Wakefield (Gogebic County)

Region 2: Northwest

- ◆ Bear Lake (Manistee County)
- ◆ Bellaire (Antrim County)
- ◆ Benzonia (Benzie County)
- ★ Boyne City (Charlevoix County)
- ★ Cadillac (Wexford County)
- ★ Charlevoix (Charlevoix County)
- ◆ East Bay Charter Township (Grand Traverse County)
- ◆ East Jordan (Charlevoix County)
- ◆ Elk Rapids (Antrim County)
- ◆ Ellsworth (Antrim County)
- ◆ Frankfort (Benzie County)
- ◆ Garfield (Grand Traverse County)
- ◆ Kalkaska (Kalkaska County)
- ◆ Honor (Benzie County)
- ◆ Kingsley (Grand Traverse County)
- ◆ Lake City (Missaukee County)
- ◆ Mancelona (Antrim County)
- ★ Manistee (Manistee County)
- ◆ Northport (Leelanau County)
- ★ Petoskey (Emmet County)
- ★ Traverse City (Grand Traverse Cnty)

Region 3: Northeast

- ★ Alpena (Alpena County)
- ◆ Briley Twp (Montmorency County)
- ◆ Cheboygan (Cheboygan County)
- ◆ East Tawas (Iosco County)
- ◆ Gaylord (Otsego County)
- ★ Grayling (Crawford County)
- ◆ Harrisville (Alcona County)
- ◆ Hillman (Montmorency County)
- ◆ Lincoln (Alcona County)
- ◆ Mackinaw City (Cheboygan County)
- ◆ Onaway (Presque Isle County)
- ◆ Oscoda Township (Iosco County)
- ★ Rogers City (Presque Isle County)
- ◆ Roscommon (Roscommon County)
- ◆ Tawas (Iosco County)
- ◆ West Branch (Ogemaw County)
- ◆ West Branch Twp (Ogemaw County)

- ★ **RRC Certified Community®**
59 communities
- ◆ **RRC evaluation completed**
236 communities
- **RRC evaluation in progress**
15 communities

Region 4: West Michigan

- ★ Allegan (Allegan County)
- ◆ Baldwin (Lake County)
- ◆ Big Rapids (Mecosta County)
- ◆ Carson City (Montcalm County)
- ◆ Cascade Township (Kent County)
- ◆ Cedar Springs (Kent County)
- ◆ Douglas (Allegan County)
- ◆ East Grand Rapids (Kent County)
- Edmore (Montcalm County)
- ◆ Ewart (Osceola County)
- ★ Fremont (Newaygo County)
- ★ Grand Haven (Ottawa County)
- ★ Grand Rapids (Kent County)
- ◆ Grant (Newaygo County)
- ◆ Greenville (Montcalm County)
- ★ Hart (Oceana County)
- ◆ Hastings (Barry County)
- ◆ Holland (Ottawa County)
- ◆ Howard City (Montcalm County)
- ★ Hudsonville (Ottawa County)
- ★ Ionia (Ionia County)
- ★ Kentwood (Kent County)
- ◆ Lake Odessa (Ionia County)
- ◆ Lakeview (Montcalm County)
- ◆ Lowell (Kent County)
- ◆ Ludington (Mason County)
- ★ Middleville (Barry County)
- ★ Muskegon (Muskegon County)
- ◆ Muskegon Heights (Muskegon County)
- ◆ Nashville (Barry County)
- ◆ Newaygo (Newaygo County)
- ◆ Norton Shores (Muskegon County)
- ◆ Otsego (Allegan County)
- ◆ Pentwater (Oceana County)
- ★ Plainwell (Allegan County)
- ◆ Reed City (Osceola County)
- ◆ Roosevelt Park (Muskegon Cnty)
- ◆ Scottville (Mason County)
- ◆ Shelby (Oceana County)
- ◆ Sparta (Kent County)
- ◆ Spring Lake (Ottawa County)
- ◆ Spring Lake Township (Ottawa County)
- ◆ Stanton (Montcalm County)
- ◆ Wayland (Allegan County)
- ◆ White Cloud (Newaygo County)
- ◆ Whitehall (Muskegon County)
- ★ Wyoming (Kent County)
- ◆ Zeeland (Ottawa County)

Region 5: East Central

- ◆ Alma (Griatiot County)
- ◆ Auburn (Bay County)
- ◆ Bay City (Bay County)
- ◆ Beaverton (Gladwin County)
- ◆ Breckenridge (Griatiot County)
- ◆ Bridgeport Twp (Saginaw County)
- ◆ Clare (Clare County)
- ◆ Coleman (Midland County)
- ◆ Farwell (Clare County)
- ◆ Frankenmuth (Saginaw County)
- ★ Gladwin (Gladwin County)
- ★ Harrison (Clare County)
- ◆ Ithaca (Griatiot County)
- ◆ Lake Isabella (Isabella County)
- ◆ Merrill (Saginaw County)
- ◆ Midland (Midland County)
- ★ Mt. Pleasant (Isabella County)
- ★ Saginaw (Saginaw County)
- St. Charles (Saginaw County)
- ◆ St. Louis (Griatiot County)
- Shepard (Isabella County)
- ◆ Standish (Arenac County)

Region 6: East Michigan

- ◆ Almont (Lapeer County)
- ◆ Bad Axe (Huron County)
- ◆ Caro (Tuscola County)
- ◆ Cass City (Tuscola County)
- Corunna (Shiawassee County)
- ◆ Davison (Genesee County)
- ◆ Dryden (Lapeer County)
- ◆ Durand (Shiawassee County)

Region 6: East Michigan cont.

- ◆ Elkton (Huron County)
- ◆ Fenton (Genesee County)
- ◆ Flint (Genesee County)
- ◆ Flint Charter Twp. (Genesee Cty)
- ◆ Fort Gratiot (St. Clair County)
- ★ Grand Blanc (Genesee County)
- Harbor Beach (Huron County)
- ◆ Imlay City (Lapeer County)
- ★ Laingsburg (Shiawassee County)
- ★ Lapeer (Lapeer County)
- ◆ Lexington (Sanilac County)
- ◆ Linden (Genesee County)
- ◆ Marine City (St. Clair County)
- ◆ Marlette (Sanilac County)
- ◆ Mayville (Tuscola County)
- ★ Millington (Tuscola County)
- ◆ Mount Morris Twp. (Genesee Cty)
- ★ North Branch (Lapeer County)
- ◆ Owosso (Shiawassee County)
- ◆ Peck (Sanilac County)
- ◆ Port Austin (Huron County)
- ◆ Port Huron (St. Clair County)
- ◆ Port Sanilac (Sanilac County)
- ◆ Sandusky (Sanilac County)
- ◆ Sebewaing (Huron County)
- ◆ St. Clair (St. Clair County)
- ★ Swartz Creek (Genesee County)
- ◆ Vassar (Tuscola County)
- ◆ Vernon (Shiawassee County)
- ◆ Yale (St. Clair County)

Region 7: South Central

- ◆ Charlotte (Eaton County)
- ◆ DeWitt (Clinton County)
- ◆ East Lansing (Ingham County)
- ◆ Eaton Rapids (Eaton County)
- ★ Lansing (Ingham County)
- ◆ Leslie (Ingham County)
- ◆ Mason (Ingham County)
- ★ Meridian Twp. (Ingham County)
- ◆ Ovid (Clinton County)
- ★ St. Johns (Clinton County)
- ◆ Vermontville (Eaton County)
- ◆ Williamston (Ingham County)

Region 8: Southwest

- ★ Albion (Calhoun County)
- ◆ Bangor (Van Buren County)
- ★ Battle Creek (Calhoun County)
- ◆ Benton Harbor (Berrien County)
- ◆ Bronson (Branch County)
- Buchanan (Berrien County)
- ★ Cassopolis (Cass County)
- ◆ Coldwater (Branch County)
- ◆ Colon (St. Joseph County)
- ◆ Comstock Township. (Kalamazoo County)
- ◆ Decatur (Van Buren County)
- ◆ Dowagiac (Cass County)
- ◆ Galesburg (Kalamazoo County)
- ◆ Hartford (Van Buren County)
- ◆ Homer (Calhoun County)
- ★ Kalamazoo (Kalamazoo County)
- ◆ Lawrence (Van Buren County)
- ◆ Lawton (Van Buren County)
- Marcellus (Cass County)
- ★ Marshall (Calhoun County)
- ◆ Niles (Berrien/Cass counties)
- ◆ Paw Paw (Van Buren County)
- ◆ Portage (Kalamazoo County)
- ◆ Quincy (Branch County)
- ◆ St. Joseph (Berrien County)
- ★ South Haven (Van Buren County)
- ◆ Stevensville (Berrien County)
- ◆ Sturgis (St. Joseph County)
- ◆ Three Oaks (Berrien County)
- ◆ Three Rivers (St. Joseph County)
- ◆ Union City (Branch County)
- ◆ Vicksburg (Kalamazoo County)
- ◆ Watervliet (Berrien County)

Region 9: Southeast

- ◆ Adrian (Lenawee County)
- ◆ Ann Arbor (Washtenaw County)
- ◆ Blissfield (Lenawee County)
- ◆ Brooklyn (Jackson County)
- ◆ Chelsea (Washtenaw County)
- ◆ Clinton (Lenawee County)
- ◆ Concord (Jackson County)
- ◆ Dexter (Washtenaw County)
- ◆ Dundee (Monroe County)
- ◆ Fowlerville (Livingston County)
- ◆ Grass Lake (Jackson County)
- ★ Hillsdale (Hillsdale County)
- ★ Howell (Livingston County)
- ★ Jackson (Jackson County)
- ◆ Jonesville (Hillsdale County)
- ◆ Luna Pier (Monroe County)
- ◆ Manchester (Washtenaw County)
- ◆ Milan (Monroe, Washtenaw)
- ◆ Monroe (Monroe County)
- ★ Pinckney (Livingston County)
- ◆ Reading (Hillsdale County)
- ◆ Saline (Washtenaw County)
- ◆ Springport (Jackson County)
- ★ Tecumseh (Lenawee County)
- ★ Ypsilanti (Washtenaw County)

Region 10: Detroit Metro

- ◆ Auburn Hills (Oakland County)
- ◆ Berkley (Oakland County)
- Canton Township (Wayne County)
- ◆ Center Line (Macomb County)
- ◆ Clawson (Oakland County)
- ★ Dearborn (Wayne County)
- ◆ Detroit (Wayne County)
- ★ Eastpointe (Macomb County)
- ◆ Ecorse (Wayne County)
- ★ Farmington (Oakland County)
- ★ Ferndale (Oakland County)
- ◆ Flat Rock (Wayne County)
- ◆ Grosse Pointe (Wayne County)
- ◆ Hamtramck (Wayne County)
- ◆ Hazel Park (Oakland County)
- ◆ Harper Woods (Macomb County)
- ◆ Highland Park (Wayne County)
- ◆ Holly (Oakland County)
- ◆ Huntington Woods (Oakland County)
- ◆ Inkster (Wayne County)
- ◆ Lake Orion (Oakland County)
- ★ Lathrup Village (Oakland County)
- ◆ Lincoln Park (Wayne County)
- ◆ Madison Heights (Oakland County)
- ◆ Melvindale (Wayne County)
- ◆ Milford (Oakland County)
- ◆ Mt. Clemens (Macomb County)
- ◆ New Baltimore (Macomb County)
- ★ Novi (Oakland County)
- ★ Oak Park (Oakland County)
- ◆ Orion Township (Oakland County)
- ◆ Ortonville (Oakland County)
- ◆ Oxford (Oakland County)
- ◆ Plymouth (Wayne County)
- ◆ Pontiac (Oakland County)
- ◆ Richmond (Macomb County)
- ◆ River Rouge (Wayne County)
- ★ Rochester Hills (Oakland County)
- ◆ Romulus (Wayne County)
- ★ Roseville (Macomb County)
- ★ Southfield (Oakland County)
- ◆ Sterling Heights (Macomb County)
- ◆ Trenton (Wayne County)
- ◆ Troy (Oakland County)
- ◆ Van Buren Twp. (Wayne County)
- ◆ Warren (Macomb County)
- ◆ Waterford Twp. (Oakland County)
- ◆ Wayne (Wayne County)
- ◆ Westland (Wayne County)
- ◆ Wixom (Oakland County)
- ◆ Wyandotte (Wayne County)



**MICHIGAN ECONOMIC
DEVELOPMENT CORPORATION**

Priority Redevelopment Sites

Helpful Hints
All Priority Sites related information can be found here

RSTeam Contact Info 1

Hart's mpliance.org Priority Sites marketing page 1

Submit new Priority Sites here: 2

Predevelopment Assistance 1

Design & Build Scenarios 3

Success Stories

+ Add another card

Recertification Tasks

Helpful Hints
*These are the items that your community will need to complete to achieve the RRC Certified status. If your community is not actively working on a card, you can leave them in this column until you're ready to begin work on them.
Cards/Best Practices marked as Pink/Annual Items have a component that will need to be completed annually to maintain your community's RRC Status.*

RRC Certified: Partially Aligned
RRC Essentials: Fully Aligned
Annual Item
(1.1) Master Plan: The governing body has adopted a master plan in the past five years
Dec 6, 2022 5 8/72

RRC Certified: Partially Aligned
RRC Essentials: Fully Aligned
Annual Item
(2.6) Green Infrastructure: The zoning ordinance includes standards for green infrastructure. (CERTIFIED LEVEL ONLY)
1 2/15

RRC Certified: Partially Aligned
RRC Essentials: Fully Aligned
(3.3) Conceptual Review Meetings: The community defines and offers conceptual review meetings for

+ Add another card

Active Tasks

Helpful Hints
Move a card to this column when you've begun to work on an item. It helps us know what you're working on and how we might be able to help!

RRC Certified: Partially Aligned
RRC Essentials: Fully Aligned
Annual Item
(1.4) Public Participation Plan: The community has a public participation plan for engaging a diverse set of community stakeholders
2 3 8/10

RRC Certified: Partially Aligned
RRC Essentials: Fully Aligned
Annual Item
(2.2) Accessibility & User-friendliness: The zoning ordinance is accessible and user-friendly.
2 5/7

RRC Certified: Partially Aligned
RRC Essentials: Fully Aligned
Annual Item
(5.1) Economic Development Strategy: The community has approved an economic development strategy. (CERTIFIED LEVEL ONLY)
4 4 8/9

RRC Certified: Partially Aligned
Annual Item
(4.7) Joint Meetings: The community holds joint meetings with board and

+ Add another card

Ready for RRC Review & General Questions

Helpful Hints
Think an item is complete? Just want us to take a look at a draft? Drag the card here and we'll get an email telling us it's ready for review! You can also just ask general questions here (click 'add card' below)

+ Add another card

Completed Best Practice Items

Helpful Hints
*The name says it all. These items have passed RRC review and are complete! Don't forget that some items are time sensitive and/or annual tasks - we'll confirm you're still doing them prior to certifying the community. ***ONLY THE RRC PLANNER SHOULD MOVE THINGS INTO THIS LIST***

RRC Certified: Fully Aligned
RRC Essentials: Fully Aligned
(1.2) Downtown/Corridor Plan: The governing body has adopted a downtown/corridor plan
3 2 8/6

RRC Certified: Fully Aligned
RRC Essentials: Fully Aligned
Annual Item
(1.3) Capital Improvement Plan: The governing body has adopted a capital improvements plan
2 4 9/5

RRC Certified: Fully Aligned
RRC Essentials: Fully Aligned
(2.1) Alignment with Master Plan: The governing body has adopted a zoning ordinance that aligns with the goals of the master plan.
1 4 7/7

RRC Certified: Fully Aligned

+ Add another card

RRC Documents & Resources

Helpful Hints
We've uploaded all the community's RRC materials and records to this list so you have easy access.

Essentials or Certified Path 1 1/2

Trello Handbook & Resources 2

RRC Handbook & RRC Library 2

Baseline Report 2

Certification Documents 3

Quarterly Reports 6

Training Records

MOU, Resolutions & Other Documents 5 4/4

+ Add another card

jellicopmu.com - website
permanent make-up only

03/20/12



City of Hart, 407 State Street, Hart, Michigan 49420

Planning & Zoning Application 231-873-2488 231-873-0100 (fax) www.ci.hart.mi.us

Apply at Oceana County Annex, 210 Johnson, for your Building Permit (231-873-5355).

Address/Location of Subject Property: 49 S. State St Date: 9-2-21

Parcel # of Subject Property: _____

Current Zoning & Use of Subject Property: commercial

Applicant Information:

Name: Jodi Ellinger Organization: _____

Address: 4541 W. Hammett Rd City/State/Zip: Pentwater

Phone: 231-750-2170 Email: jellico2906@gmail.com Fax: _____

I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.

Signature: Jodi Ellinger Date: 9-2-21

I hereby grant permission for members of the City of Hart (Planning Commission) (Zoning Board of Appeals) (City Council) (Staff) to enter the property described below (or as described in the attached) for the purpose of gathering information related to this application. (Note to applicant: This is optional and will not affect any decision on your application.)

Signature of Owner: Jodi Ellinger Date: 9-2-21

Applicant is the: Owner Lessee Optionee Contractor/Architect

If the applicant is not the owner of the property, complete the following:

Owner's Name: Gabe Forieqner

Address: _____ City/State/Zip: _____

Phone: _____ Signature: _____

Proposed Use: Permanent Make Up Salon Proposed Zoning: _____

Explanation of Request: eyebrows, eyeliner - breast reconstruction
cosmetic tattooing -

If application is for a variance, please attach one (1) copy of a site plan. If application is for a Site Plan Review, please attach twelve (12) copies of a complete site plan.

Approved Approved with following conditions:

Denied for the following reasons:

TO BE COMPLETED BY CITY

Date received: 9/2/21 Fees: \$10 (Res) \$25 (Com) \$825 (Wat) \$1200 (Sew) Escrow: \$1000 \$500 \$250 Variance: \$50

Receipt Number: _____ Staff: _____

Zoning Administrator: _____ Date: _____

Note: Information contained in this application, as well as supporting documentation, may be subject to review by the public if a Freedom of Information Act Request is filed.
s:sharedhart/planning&zoning/forms&handouts/zoningapplicationform.doc

1256.13 ADULT BUSINESSES.

(a) Purposes. In the development and execution of this Zoning Code, it is recognized that there are some uses which, because of their very nature, have serious operational characteristics, particularly when one or more of them are located in near proximity to residential zones, thereby having a deleterious effect upon adjacent areas. Regulation of these uses through location is necessary to ensure that the adverse effects of such uses will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are for the purpose of preventing a concentration of these uses within any one area or to prevent deterioration or blighting of nearby residential neighborhoods.

(b) Definitions. As used in this section.

(1) "Adult book store" means an establishment which has a substantial or significant portion of its stock-in-trade for sale or rent, which stock-in-trade consists of books, magazines, newspapers, videotapes, video discs and motion pictures which are characterized by an emphasis on specified sexual activities or specified anatomical areas, or which establishment excludes admission to minors by virtue of age.

(2) "Adult business" includes, but is not limited to, adult book stores, adult video stores, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors, nude modeling studios and tattoo parlors.

(3) "Adult cabaret" means a cafe, restaurant or bar where patrons are entertained by dancers, strippers or male or female impersonators, whether accompanied by music or not, whose conduct is characterized by an emphasis on specified sexual activities or specified anatomical areas.

(4) "Adult motion picture theater" means any establishment, or part thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein for observation by patrons therein.

(5) "Adult novelty business" means a business which has as a principal activity the sale of devices which stimulate human genitals or devices designed for sexual stimulation.

(6) "Adult personal service business" means a business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, wrestling studios, conversation parlors and theatrical performances or entertainment.

(7) "Adult store" means an establishment which has in excess of fifty percent of its stock-in-trade for sale or rental to the public or patrons, video cassettes or video tapes, having as a dominant theme an emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas.

(8) "Buttock" includes the anus and perineum of any person.

(9) "Church" means a building used for regular public worship services and exempt from taxation under the General Property Tax Act of the state.

(10) "Massage" means the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another, for a fee.

(11) "Massage parlor" means an establishment wherein private massage is practiced, used or made available as a principle use of the premises.

(12) "Nude modeling studio" means any building, structure, premises or part thereof used primarily as a place which offers as its principal activity the providing of models to display specified anatomical areas for artists and photographers for a fee.

(13) "Protected use" means a church, school or public park.

(14) "Public park" means any park owned and maintained by the City.

(15) "School" means a public or private school offering education to students enrolled in pre-kindergarten, kindergarten, one or more grades of one through twelve, or post secondary education.

(16) "Sexual intercourse" includes fellatio, cunnilingus, anal intercourse and 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's body.

(17) "Sodomy" means sexual bestiality.

(18) "Specified anatomical areas" means:

A. Less than completely and opaquely covered:

1. Human genitalia and pubic region;

2. Buttock; or

3. Female breast below a point immediately above the top of the areola; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(19) "Specified sexual activities" means:

A. The stimulation or arousal of human genitalia;

B. Acts of human masturbation, sexual intercourse or sodomy; or,

C. Fondling or other erotic touching of human genitalia, pubic region, buttock or female breast.

(20) "Tattoo parlor" means a business having as its principal activity the application or placing, by any method, of designs, letters, scrolls, figures, symbols or other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

(c) Authorization. The Planning Commission may, by the issuance of a special use permit, authorize the uses specified within this Zoning Code only in the C-2 Zoning District and after finding that the following conditions exist:

(1) The parcel upon which the use is intended is located outside a 200 foot radius of any parcel upon which is located any residence, dwelling place, daycare facility, church, or school unless a petition requesting waiver of this requirement is received and certified by the City Clerk signed by fifty-one percent of those adult persons or institutions residing within or owning residential, daycare, school, or church property within a 300 foot radius of the proposed location in which case the Planning Commission may waive this requirement.

(2) The use is not located within the 200 foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:

A. That the proposed use will not be contrary to the interest or injurious to nearby properties and that the spirit and intent of this section will be observed.

B. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.

C. That the establishment of a regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program or urban renewal.

D. That all applicable state laws and local ordinances will be observed.

(d) Limit in Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said order of denial, except on the ground of new evidence not previously available or proof of changed conditions.

(e) Miscellaneous Requirements.

(1) The height, yard, lot area, lot width, building coverage, sign and parking requirements of an adult business shall conform to the requirements for the zone in which it is located and with the standards for special land use approval contained within the Zoning Code.

(2) The distance between an adult business and a protected use shall be measured in a straight line, without regard to intervening structures or objects, from the lot line of the adult business or building containing an adult business to the nearest lot line of the protected use.

(f) Exceptions. The provisions of this Zoning Code regarding massage parlors shall not apply to licensed masseuse for fitness clubs, hospitals, sanitariums, sanitoriums, nursing homes or medical clinics, or to the offices of a physician, surgeon, podiatrist, chiropractor, osteopath or physical therapist, duly licensed by the State, or to barber shops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders of patrons.

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