

Heather Hanover
Chair

James Eshelman
Vice-Chair

Commissioners

Scott Dzurka, *Mayor*
Eric Hufnagel, *City Commissioner*
Eric Harger
Mark Holden
Brian Mills
Melvin Renfrow
Vacant



Chad A. Gamble
City Manager

Mindy J. Seavey
City Clerk

Kristina Kinde
City Treasurer

Michael Homier
City Attorney

Christopher Khorey, AICP
Planning Consultant

PLANNING COMMISSION

April 10, 2024

The St. Johns Planning Commission will hold a regular meeting on April 10, 2024 at 5:30 pm in the County Commission Chambers located at the Clinton County Courthouse, 100 E. State Street, St. Johns, MI. (Please use Cass St. Entrance.)

AGENDA

1. **Call to Order (5:30 pm)**
2. **Approval of Agenda (5:31 – 5:32 pm)**
3. **Approval of Minutes (March 13, 2024 Meeting) (5:33-5:34 pm)**
4. **Public Hearings: (5:35-6:22 pm)**
 - A. **Golf Cart Pilot Program Draft Text Amendment (5:35-5:50 pm)**
 - B. **Chicken Coop Allowable Materials – Potential Amendment (5:51 – 6:06 pm)**
 - C. **Sidewalk Requirements – Potential Amendment (6:07 – 6:22 pm)**
5. **New Business:**
6. **Old Business:**
7. **Committee Site Plan Approvals:**
8. **Public comment for non-agenda items (6:23 – 6:29 pm)**
9. **Commissioner Comments. (6:30 – 6:35 pm)**
10. **Adjournment**

Please note that the Planning Commission will take up the following topics at future meetings, depending on available time:

- *Definition of “Permanent Foundation” – Potential Ordinance Amendment*
- *Planning Commission By-Laws – Updated*

Heather Hanover
Chair

James Eshelman
Vice-Chair

Commissioners

Scott Dzurka, *Mayor*
Eric Hufnagel, *Commissioner*
Mark Holden
Melvin Renfrow
Eric Harger
Brian Mills
Vacant



PLANNING COMMISSION

MARCH 13, 2024

REGULAR MEETING MINUTES

1. CALL TO ORDER

The meeting of the St. Johns Planning Commission was called to order by Chair Hanover at 5:33 p.m.

Members Present: Heather Hanover, Mark Holden, Eric Harger, Scott Dzurka, Eric Hufnagel, James Eshelman, Brian Mills

Members Absent: Melvin Renfrow

Staff Present: Chad Gamble, City Manager; Mindy Seavey, City Clerk; Chris Khorey, McKenna

Chris Khorey, McKenna, said the agenda should have approval of the minutes of the February 26, 2024 joint meeting as well.

2. APPROVAL OF AGENDA

Motion by Commissioner Dzurka seconded by Commissioner Holden to approve the agenda as amended.

YEA: Hanover, Holden, Harger, Dzurka, Hufnagel, Eshelman, Mills

NAY: None

Motion carried.

3. APPROVAL OF MINUTES – FEBRUARY 14, 2024 MEETING & FEBRUARY 26, 2024 JOINT MEETING WITH CITY COMMISSION

Motion by Commissioner Hufnagel seconded by Commissioner Eshelman to approve the minutes as presented.

YEA: Hanover, Holden, Harger, Dzurka, Hufnagel, Eshelman, Mills

NAY: None

Motion carried.

4. PUBLIC HEARINGS - NONE

5. NEW BUSINESS:

A. Chicken Coop Allowable Materials – Potential Amendment

Chris Khorey, McKenna, discussed the proposal to make subtle changes to the chicken coop ordinance. He discussed making sure that the coops are completely enclosed and securely fastened.

There was a discussion of:

- The sides of the coop.
- Aesthetics.
- Pre-fabricated kits.
- Brightly colored material is subjective.
- It can't flap in the wind; must be free of rips and tears; securely fastened.
- Quality.
- Maximum allowable height.
- Fixed or mobile.
- Schedule a public hearing in April.

Alex Shinabarger was present. He discussed the difference between a tarp and a canvass.

Beverly Masarik was present. She said there are different mills for your tarp also.

B. Sidewalk Requirements – Potential Amendment

Chris Khorey, McKenna, discussed a new section of the ordinance; it is less clear with commercial development and this would be more specific; threshold of approval that applies; and it would strengthen our sidewalk requirement.

There was a discussion of:

- Committee site plan review or planning commission approval.
- City Commission/School Board joint meeting & Safe Routes to School Program.
- Point of Sale Ordinance
 - Change of real estate could trigger sidewalks.
- Being creative in financing of a sidewalk.
 - Special assessment districts.
- GIS sidewalk layer
- Gap closure issues.
- Sidewalk reimbursement program.
- Road millage.

Alex Shinabarger discussed the sidewalk on Morton Street.

City Manager Gamble said there are options for gap closure on our sidewalk network.

Alex Shinabarger discussed speeding on Morton Street.

Everett Thornton was present. He said they bought their second house on Wight Street in 1990. He said the City was offering to pay a certain portion of sidewalk and the neighbor did the concrete work and was happy with what the city paid him. He discussed not putting this on people that are buying their first home.

There was a discussion of:

- Is there anything that prohibits someone from removing a sidewalk.
- Replacement of sidewalk.
- Sidewalk assessment on taxes.
- Zoning amendment.
- Strategic approach from city commission.

- Long range.

C. Driveways – 1977 Paved Driveway Ordinance – Enforce or Update?

Chris Khorey, McKenna, discussed the section on driveway approaches/aprons.

There was a discussion of:

- Approaches and possibly require them to be changed from gravel to concrete as streets are being done.
- Handle the same way we will handle sidewalks.
- Non-paved approaches cause damage to streets & equipment.
- Rental units vs. owner occupied.

6. OLD BUSINESS:

A. Golf Cart Pilot Program Policy Brainstorm

Mayor Dzurka said there was some hesitation from the city commission, but they seem in favor of a Pilot project. He discussed defining what we are talking about when we say a golfcart. He said the city commission asked the planning commission to clarify and define what we may open up for a Pilot project.

Commissioner Hufnagel said there was concern about it being available during the Mint Festival. There was a discussion of a Pilot and to get some feedback on it.

There was a discussion of:

- Duration of a Pilot Program.
- Senate Bill #771 that was introduced March 7, 2024.
 - Changes to Motor Vehicle Code.
 - Expands the population.
 - Page 6, rules for how golfcart should be designed.
- City’s liability.
 - Adhere closely to state law.
- Times of operation.
- Any road we don’t want a golfcart on.
- Permit requirement.

Alex Shinabarger discussed: a photo of his golfcart; MSP statewide traffic crashes in 2022; 49 in Clinton County of go-carts or golfcarts; 1 fatal crash in Clinton County.

Chief Kirk said that report would only cover those on streets or roads, not private property. He said he was requested to talk to Owosso. They had 1 OWI crash and have had the ordinance for roughly two years.

Everett Thornton asked for a copy of SB #771. He asked if we checked with Elsea or Owosso. He discussed headlights, brake lights, and turn signals. He said he wouldn’t allow the in the wintertime. He asked if there were incidents with golfcarts during the Mint Festival. He said Owosso copied Elsie’s ordinance.

There was a discussion of:

- Length of Pilot program.
 - Weekends for 60 days.
 - Full summer.
 - Weekends from Memorial weekend through Labor Day weekend.
 - June 1 – September 30.
- Mint Festival and what would be allowed as far as vehicles.
- Crash helmet.

- Information to the public regarding a Pilot program.

Mr. Thornton said don't allow golfcarts on main street, you won't see a golfcart coming.

7. COMMITTEE SITE PLAN APPROVALS:

A. Cork and Bottle – 801 S. Old US-27

Mr. Khorey said the final approved site plan is in the packet. He said it is moving onto the county for permits.

Commissioner Mills asked about a sidewalk.

Mr. Khorey said 27 is MDOT and there is a drainage swale. He said this is a situation where a waiver may have been appropriate due to significant practical impediments.

There was a discussion of:

- A billboard.
 - They are going to ask for a variance and it would be headed to the ZBA (Zoning Board of Appeals).

8. PUBLIC COMMENT FOR NON-AGENDA ITEMS

There were no public comments.

9. COMMISSIONER COMMENTS

Commissioner Holden said in 1974 when he moved into town, they had a skywalk in town right where Swegles School was.

Chairperson Hanover said she has heard comments about the Harris project and that it is very tall. She also asked about the required additional parking spaces.

Mr. Khorey said they are required and they have to do parking before they get the Certificate of Occupancy.

10. ADJOURNMENT

Motion by Commissioner Eshelman seconded by Commissioner Dzurka that the Planning Commission adjourn the meeting.

YEA: Hanover, Holden, Harger, Dzurka, Hufnagel, Eshelman, Mills

NAY: None

Motion carried.

The meeting was adjourned at 7:59 p.m.

St. Johns Golf Cart Ordinance

DRAFT April 10, 2024

Regarding a pilot program allowing golf cart use and operation in the City of St. Johns from the Friday before Memorial Day (May 24) to the day after Labor Day (September 3), 2024.

Sec. 70.06. Operation of golf carts on city streets.

No person shall operate a golf cart on city streets, except under the following circumstances:

As used in this article, "golf cart" means a multi-passenger electric vehicle designed for low speeds (less than 25 miles per hour) with four wheels and a roof, generally designed for use during the game of golf. To operate on city streets in St. Johns, a golf cart must have the following:

- At least 2 headlamps that comply with section 685.
- At least 1 tail lamp that complies with section 686.
- At least 1 stop lamp and 1 lamp or mechanical signal device that comply with sections 697 and 697b.
- Turn signals
- At least 1 red reflector on each side of the golf cart as far to the rear as practicable and 1 red reflector on the rear of the golf cart as required for low-speed vehicles by 49 CFR 571.500.
- A manufacturer's identification number permanently affixed to the frame of the golf cart.
- Safety belts that comply with section 710a and that are used as required by section 710e.
- Windshield (with wipers) that complies with section 708a.
- One exterior mirror mounted on the driver's side of the golf cart and either 1 exterior mirror mounted on the passenger side of the golf cart or 1 interior mirror as required for low-speed vehicles by 49 CFR 571.500.
- The crash helmet requirements applicable to low-speed vehicles under section 658b.
- Brakes and a parking brake that comply with section 704.
- Front and Rear Bumpers
- A horn that complies with section 706.
- A Roof

Prohibitions:

- (1) Golf carts are prohibited from operating on Clinton Avenue between Railroad Street and State Street, at any time.
- (2) Golf carts are prohibited on roads with a speed limit over 30 mph.
- (3) Golf carts are prohibited from operating at speeds faster than 15 mph.

- (4) Children under 3 years old are prohibited from being passengers on golf carts in St. Johns.
- (5) Pets and livestock are prohibited from being passengers on golf carts in St. Johns.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 2000, Act 82, Eff. July 1, 2000;—Am. 2002, Act 494, Imd. Eff. July 3, 2002;—Am. 2015, Act 126, Imd. Eff. July 15, 2015;—Am. 2017, Act 139, Eff. Jan. 28, 2018;—Am. 2018, Act 204, Eff. Sept. 18, 2018.

257.657a Operation of golf cart on village, city, or township streets or state trunk line highway.

Sec. 657a. (1) A village or city having a population of fewer than 30,000 individuals based upon the 2010 decennial census may by resolution allow the operation of golf carts on the streets of that village or city, subject to the requirements of this section. A township having a population of fewer than 30,000 individuals based upon the 2010 decennial census may by resolution, unless disapproved by the county board of commissioners under subsection (3), allow the operation of golf carts on the streets of that township, subject to the requirements of this section.

(2) If a village, city, or township allows the operation of golf carts on the streets of that village, city, or township, that village, city, or township may require those golf carts and the operators of those golf carts to be recorded on a list maintained by that village, city, or township. A village, city, or township shall not charge a fee for listing golf carts or the operators of those golf carts.

(3) A county board of commissioners may, by resolution, disapprove the operation of golf carts on the streets of a township located within that county if the county board of commissioners conducts a hearing and determines that 1 or more of the following apply:

(a) The operation of golf carts on the streets of that township would cause significant environmental damage.

(b) The operation of golf carts on the streets of that township would cause a significant concern of public safety.

(4) The county board of commissioners shall provide public notice of a hearing under subsection (3) at least 45 days before the hearing is conducted. The county board of commissioners shall also provide written notice of a hearing under subsection (3) to the township at least 45 days before the hearing is conducted.

(5) A person shall not operate a golf cart on any street unless he or she is at least 16 years old and is licensed to operate a motor vehicle.

(6) The operator of a golf cart shall comply with the signal requirements of section 648 that apply to the operation of a vehicle.

(7) A person operating a golf cart upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction.

(8) Except as otherwise provided in subsection (9), a person shall not operate a golf cart on a state trunk line highway. This subsection does not prohibit a person from crossing a state trunk line highway when operating a golf cart on a street of a village, city, or township, using the most direct line of crossing.

(9) The legislative body of a local unit of government may request the state transportation department to authorize the local unit of government to adopt an ordinance authorizing the operation of golf carts on a state trunk line highway, other than an interstate highway, located within the local unit of government. The request shall describe how the authorization would meet the requirements of subsection (10). The state transportation department shall solicit comment on the request from the local units of government where the state trunk line highway is located. The state transportation department shall consider comments received on the request before making a decision on the request. The state transportation department shall grant the request in whole or in part or deny the request not more than 60 days after the request is received. If the state transportation department grants a request in whole or in part under this subsection, the local unit of government that submitted the request may adopt an ordinance authorizing the operation of golf carts on the state trunk line highway that was the subject of the request. A county may submit a request for authorization under this subsection on behalf of 1 or more local units of government located within that county if requested by those local units of government.

(10) The state transportation department shall authorize operation of a golf cart under subsection (9) only on a state trunk line highway that is not an interstate highway within a local unit of government that has already adopted an ordinance under subsection (1), that serves as a connector between portions of the local unit of government that only connect through the state trunk line highway, and that meets 1 or more of the following requirements:

(a) Provides access to tourist attractions, food service establishments, fuel, motels, or other services.

(b) Serves as a connector between 2 segments of the same county road that run along discontinuous town lines.

(c) Includes a bridge or culvert that allows a golf cart to cross a river, stream, wetland, or gully that is not

crossed by a street or county road on which golf carts are authorized to operate under an ordinance adopted as provided in subsection (1).

(11) The state transportation department may permanently or temporarily close a state trunk line highway to the operation of golf carts otherwise authorized under subsection (9) after written notice to the clerk of the local unit of government that requested the authorization under subsection (9). The notice shall be in writing and sent by first-class United States mail or personally delivered not less than 30 days before the adoption of the rule or order closing the state trunk line highway. The notice shall set forth specific reasons for the closure. The state transportation department is not required to develop a plan for an alternate route for a state trunk line highway that it has temporarily closed to the operation of golf carts.

(12) Where a usable and designated path for golf carts is provided adjacent to a highway or street, a person operating a golf cart may, by local ordinance, be required to use that path.

(13) A person operating a golf cart shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a 2-way street or on the left or right of traffic in the case of a 1-way street, in an unoccupied lane.

(14) A golf cart shall not be operated on a sidewalk constructed for the use of pedestrians.

(15) A golf cart shall be operated at a speed not to exceed 15 miles per hour and shall not be operated on a state trunk line highway or a highway or street with a speed limit of more than 30 miles per hour except to cross that state trunk line highway or highway or street. A village, city, or township may, by resolution, designate roads or classifications of roads for use by golf carts under this subsection.

(16) A golf cart shall not be operated on a state trunk line highway or the streets of a city, village, or township during the time period from 1/2 hour before sunset to 1/2 hour after sunrise.

(17) A person operating a golf cart or who is a passenger in a golf cart is not required to wear a crash helmet.

(18) A person operating a golf cart on a state trunk line highway shall ride as near to the right side of the roadway as practicable.

(19) This section does not apply to a police officer in the performance of his or her official duties.

(20) A golf cart operated on a street of a village, city, or township under this section is not required to be registered under this act for purposes of section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101.

(21) As used in this section, "golf cart" means a vehicle designed for transportation while playing the game of golf. A village, city, or township may require a golf cart registered within its jurisdiction to meet any or all of the following vehicle safety requirements of a low-speed vehicle for approval under this section:

(a) At least 2 headlamps that comply with section 685.

(b) At least 1 tail lamp that complies with section 686.

(c) At least 1 stop lamp and 1 lamp or mechanical signal device that comply with sections 697 and 697b.

(d) At least 1 red reflector on each side of the golf cart as far to the rear as practicable and 1 red reflector on the rear of the golf cart as required for low-speed vehicles by 49 CFR 571.500.

(e) One exterior mirror mounted on the driver's side of the golf cart and either 1 exterior mirror mounted on the passenger side of the golf cart or 1 interior mirror as required for low-speed vehicles by 49 CFR 571.500.

(f) Brakes and a parking brake that comply with section 704.

(g) A horn that complies with section 706.

(h) A windshield that complies with section 708a.

(i) A manufacturer's identification number permanently affixed to the frame of the golf cart.

(j) Safety belts that comply with section 710a and that are used as required by section 710e.

(k) The crash helmet requirements applicable to low-speed vehicles under section 658b.

History: Add. 2014, Act 491, Imd. Eff. Jan. 13, 2015;—Am. 2018, Act 139, Eff. Aug. 8, 2018.

257.658 Riding on seat of bicycle, motorcycle, moped, electric skateboard, or electric personal assistive mobility device; number of persons; wearing of crash helmet; conditions; rules; requirements for autocycle.

Sec. 658. (1) A person propelling a bicycle or operating a motorcycle or moped shall not ride other than upon and astride a permanent and regular seat attached to that vehicle.

(2) A bicycle or motorcycle shall not be used to carry more persons at 1 time than the number for which it is designed and equipped.

(3) An electric personal assistive mobility device or an electric skateboard shall not be used to carry more than 1 person at a time.

(4) A person less than 19 years of age operating a moped on a public thoroughfare shall wear a crash helmet.

§ 155.200 KEEPING OF ANIMALS.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

DOMESTICATED ANIMALS. Animals taken care of in their day-to-day needs by humans.

EXOTIC OR WILD ANIMAL. Any animal not commonly domesticated in Michigan that is kept as a pet, raised for slaughter, or used for agricultural purposes, especially animals that pose a clear and present danger to humans. The following animals shall be considered EXOTIC OR WILD ANIMALS in all instances: big cats, venomous snakes, birds of prey, primates, deer, racoons, and opossums.

LIVESTOCK. A domesticated animal raised for slaughter or kept for the purposes of contributing to an agricultural use through labor, breeding, or the production of milk, eggs, manure, wool, or other animal-based products. The following animals shall be considered LIVESTOCK in all instances: cattle, horses, pigs, sheep, goats, turkeys, and chickens.

(B) All domesticated animals must be kept in safe and sanitary conditions appropriate to their species and in compliance with all county, state, and federal standards.

(C) The following domesticated animals may be kept on a residentially zoned lot:

(1) Livestock.

(a) A zoning permit shall be required to keep livestock on a lot. The Zoning Administrator shall have the jurisdiction to determine that an animal is considered livestock under this section, based on the definition in division (A). Appeals of the decision of the Zoning Administrator shall be to the Zoning Board of Appeals.

(b) Livestock with fur shall be prohibited within 500 feet of any dwelling unit. Examples include, but are not limited to: cattle, sheep, and horses.

(c) Chickens. Chickens shall only be permitted in the following circumstances:

1. Chickens shall only be permitted in the R-1, R-2, and R-3 Zoning Districts.
2. Lots under one acre shall be permitted to have up to four chickens. Lots over one acre shall be permitted to have up to six chickens.
3. Roosters shall not be permitted.
4. The slaughtering of any chicken is prohibited.
5. Chickens must be kept within a covered enclosure, including a coop and a run, at all times. Chickens shall not be allowed to roam the lot or any other property. The covered enclosure shall be exempt from the standards governing fences in § 155.187 and shall instead be subject to the regulations of this section.

6. The enclosed area where the chickens are kept, including the coop and the run, must meet the following standards:

A. It shall not be located in a front yard.

B. It shall be set back at least ten feet from any lot line and any residence on the same lot as the chicken enclosure.

C. It shall be set back at least 40 feet from any residence that is not on the same lot as the chicken enclosure.

D. It shall not exceed the 10 foot limit, mean height from peak to eaves.

E. It shall count as a structure for the purpose of calculating the maximum permitted lot coverage.

F. It shall be maintained in a clean and neat matter at all times.

G. The coop must be securely fastened and free of rips and tears. The following materials shall not be used to construct the enclosure area: tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.

H. Canvas is allowed but shall have a minimum mil of 20.

I. Chicken feed must be kept in rodent-proof, sealed containers.

(d) Bees. Bees may be kept on any lot, provided the bee enclosure is located in the rear yard and is set back at least 20 feet from any lot line.

(D) Exotic or wild animals. Exotic or wild animals shall not be kept as domesticated animals anywhere in the city. See Chapter 92.

(E) Kennels. See § 155.437.

(Ord. 678, passed 8-28-2023)

§ 155.201 SIDEWALKS

- A. **Sidewalks Required.** Sidewalks, at least five feet in width and meeting the design and engineering requirements of the City of St. Johns shall be installed along the street frontage of a property whenever a Site Plan approval (of any type) is required under this Ordinance or whenever a new principal structure is constructed on any lot (including single family homes). Sidewalks shall also be installed along both sides of all new roadways constructed in the City of St. Johns.
- B. **Waiver Process.** The Planning Commission may waive the requirements of Subsection A based on the following criteria:
1. There is a legal, physical, or environmental impediment that makes the construction of a sidewalk meeting the City's design standards impossible, in the opinion of the Planning Commission.
 2. The granting of the waiver would not be detrimental to the public health, safety, or general welfare and would not create a precedent which would prevent the enforcement of the ordinance for similar conditions or situations in the area in which the property is located.
 3. A waiver not limited by a specific duration shall be deemed unspecified in length, but shall not be considered a permanent waiver of sidewalk requirements nor revoke in any way the right of the City to order, install, or assess for sidewalks in accordance with other sections of the Code of Ordinances upon a determination that conditions are necessary for the construction of sidewalk in accordance with public need, health, safety, and general welfare.
 4. In permitting a waiver, conditions of approval may be imposed that are necessary to meet the intent of this subsection or to preserve the public health, safety, and general welfare.