

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

May 8, 2024

The St. Johns Planning Commission will hold a regular meeting on May 8, 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 (April 10, 2024 Meeting) (5:33-5:34 pm)**
4. **Public Hearings: None**
5. **New Business:**
 - a. **Permanent Foundations for Accessory Buildings and Modular Homes (5:35-5:50 pm)**
 - b. **Noise Ordinance (5:51 – 6:06 pm)**
 - c. **Definition of Front Yard on a Corner Lot (6:07 – 6:22 pm)**
6. **Old Business:**
7. **Committee Site Plan Approvals: None**
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*

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PLANNING COMMISSION

APRIL 10, 2024

REGULAR MEETING MINUTES

1. CALL TO ORDER

The meeting of the St. Johns Planning Commission was called to order by Chair Hanover at 5:31 p.m.

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

Members Absent: None

Staff Present: Mindy Seavey, City Clerk; Jeff Keesler, McKenna

2. APPROVAL OF AGENDA

Motion by Commissioner Durka seconded by Commissioner Hufnagel to approve the agenda as presented.

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

NAY: None

Motion carried.

3. APPROVAL OF MINUTES – MARCH 13, 2024 MEETING

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

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

NAY: None

Motion carried.

PUBLIC COMMENT FOR NON-AGENDA ITEMS

There were none.

Chairperson Hanover said on April 22nd at 5:00 p.m. the MSU students would be presenting their findings on the Depot area study and the planning commission is invited to the meeting.

4. PUBLIC HEARINGS

A. Golf Cart Pilot Program Draft Text Amendment

Motion by Commissioner Dzurka seconded by Commissioner Eshelman to open the public hearing.

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

NAY: None

Motion carried.

The public hearing was opened at 5:33 p.m.

Jeff Keesler, McKenna, said this is the second round of the ordinance. He said the intent is to allow for different types of mobility in the city and a lot of people are already doing this. He discussed: give regulations and guidance for use; a Pilot program (Friday before Memorial Day until Monday of Labor Day); definitions; changes; narrowed down version; requirements listed in the draft ordinance; and many of these features are sold in kits or are on the vehicle already.

There was a discussion of:

- Provision of helmet.
- Definition doesn't include a gas golf cart.
- Speed limit for golf carts.
- Driving them towards the right side of the road.
- Mint Festival and having a flag on the golf cart for visibility.
- If wipers are standard.
- Not allow on Clinton Avenue?
 - Clearance on Clinton Avenue trying to back out of a spot.
- Children and pets on golf carts.
 - Can say something about capacity and not allowed to ride on laps.
- Registration process.
 - Can't have fees related to this.
 - ⊖ Places another burden on the city.
- Leave item #4 in as is.
- Clarification on streets.
 - Take out those streets and add M-21 and US-27.
- Changes to proposed ordinances.
- Pentwater permitting, sticker, can track how many you have, give them the rules.
- Insurance.
 - Make sure recognized on their insurance in some way.
 - At least 16 and licensed to operate vehicle.
 - Add this to ordinance.
 - Possibly carry a rider on insurance. ~~for a combine tractor.~~
 - ⊖ Catastrophic injury claims.
 - Maybe "under your own risk".
 - Run past an attorney.
 - Could ask people to provide proof of insurance coverage for a permit.
- A permit is a preventative measure.
- Windshield with wipers may not be correct.
 - Section 708 doesn't say it has to have wipers.
- Golf cart vs. low-speed vehicle and insurance.
- Definition of a golf cart, has to be 15 mph.
 - Keep 15 mph.
- Clarify what we mean on front and rear bumpers; roof standard?
 - Crash helmet section that references 658(b); might need to keep that section in there.
 - Think most golf carts meet the roof standard.

Chairperson Hanover asked if there was anyone in the audience that wished to comment.

Everett Thornton was present. He discussed: put child 3 or under has to be in a car seat; turning signals, certain size required by the state; thought there was a section that you can use hand signals; speed, would rather see them going the speed limit of 25 mph; flags, roof on golf cart is higher than my wife's Equinox; roof, what comes on a golf cart is hard plastic and you are not going to have roll bars on a golf cart; mirrors, what about a rear mirror; downtown area, would be nice, problem is if you are headed right toward 21; think downtown right on main street would be a problem; insurance, has collision on his under his home insurance policy; will have to check and see if covered just on his property or on the road; reason for reflectors?; and you are going to want to have them register them for the Pilot program.

Discussion:

- Revise to put them in a car seat if under 3 years old.
- Can't travel more than 15 mph; prohibited on roads with speed limit over 30 mph.
- A flag?
 - Not require with Pilot, but have as feedback after.
- Restrict 100 block of Clinton Avenue (State to Walker Street).
- Seatbelts in use by all occupants.
- Registration, if don't have, how do we get the information out there.
 - Have them register during the Pilot.
 - Reference that a permit may be required.

Motion by Commissioner Dzurka seconded by Commissioner Hufnagel to close the public hearing.

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

NAY: None

Motion carried.

The public hearing was closed at 6:39 p.m.

Motion by Commissioner Renfrow seconded by Commissioner Mills that the planning commission send the ordinance to the city commission with discussed changes.

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

NAY: None

Motion carried.

B. Chicken Coop Allowable Materials – Potential Amendment

Motion by Commissioner Dzurka seconded by Commissioner Hufnagel to open the public hearing.

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

NAY: None

Motion carried.

The public hearing was opened at 6:41 p.m.

Jeff Keesler, McKenna, discussed items G. & H.

There was a discussion of:

- Tarps and canvas allowed at a certain mil of 20.
- Ducks.
- Harger said heavy duty tarp is considered 10 mil.
 - Canvas at 20 mil; tarp at 10 mil.

Chairperson Hanover asked if there were any public comments.

There were none.

Motion by Commissioner Dzurka seconded by Commissioner Hufnagel to close the public hearing.

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

NAY: None

Motion carried.

The public hearing was closed at 6:49 p.m.

Motion by Commissioner Eshelman seconded by Commissioner Dzurka that the planning commission recommend the ordinances changes to the city commission.

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

NAY: None

Motion carried.

C. Sidewalk Requirements - Potential Amendment

Motion by Commissioner Hufnagel seconded by Commissioner Eshelman to open the public hearing.

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

NAY: None

Motion carried.

The public hearing was opened at 6:49 p.m.

Jeff Keesler, McKenna, said we are talking about requiring sidewalks whenever a site plan approval is required or a new principal structure is constructed. He discussed the waiver process.

There was a discussion of:

- Gaps in sidewalk.
- Inventory of sidewalks to the planning commission.
- Strategic vision for sidewalks.
- Notification to residents on requirements.
 - Effective date.
 - Education.
 - Put in newsletter.
 - No local newspaper or on-line news.
 - Mailing to households.
 - Messaging for renters.
- Safety issue.
- Talking about a new structure being developed and new roadways being put in.
- There has been inventory done, good for staff to share.
- Strategic way to infill some of those spots.
- City commission had a joint meeting with school board
 - Safe Routes to School program was discussed, which does provide resources.
 - Large areas in the city that would be appropriate.
- Sidewalks and walkable streets came out of the master plan.
- Safe routes are coming a couple of years down the road.
- Probably a couple of areas that may be exempt already.
 - Need to clarify what the exemption zones are.
- Question about site plan approval of any type?
 - An addition to your home, a garage.
 - Give planning & zoning a good clear signal when you have to require a sidewalk.

- A waiver gives some leeway.
 - Give direction to staff to name those areas.
- Sidewalk map - in excess of 50% of properties needing sidewalk.
 - What extent the street millage includes some of those areas.

Motion by Commissioner Dzurka seconded by Commissioner Holden to close the public hearing.

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

NAY: None

Motion carried.

The public hearing was closed at 7:08 p.m.

Motion by Commissioner Dzurka seconded by Commissioner Eshelman that the planning commission recommend the ordinance changes to the city commission.

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

NAY: Mills

Motion carried.

5. NEW BUSINESS - NONE:

6. OLD BUSINESS - NONE:

7. COMMITTEE SITE PLAN APPROVALS - NONE:

8. PUBLIC COMMENT FOR NON-AGENDA ITEMS

There were no public comments.

9. COMMISSIONER COMMENTS

Mayor Dzurka thanked the group for working on the RV changes. He said the city commission made some amendments at their meeting: allow for parking on vehicles as long as on surface; 20' off of right of way in front yard. He said cement pads that go outside of the perimeter of garage are not allowable under current ordinance. We need to look at that.

Commissioner Eshelman asked if it moved forward.

Mayor Dzurka said it will come to the meeting on April 22nd.

10. ADJOURNMENT

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

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

NAY: None

Motion carried.

The meeting was adjourned at 7:12 p.m.

§ 155.189 ACCESSORY BUILDINGS AND STRUCTURES - REGULATIONS.

(A) In a front yard. No accessory building shall project into any front yard.

(B) In a side or rear yard. The exterior wall line of a fire-resistant construction of an accessory structure shall not be constructed closer than three feet to any lot line and the roof water runoff of the accessory building shall not be directed to any adjacent property.

(C) On a corner lot. No accessory building shall be closer to the side street lot line than the side yard setback of the principal building on the lot.

(D) Entrance. In no case shall the entrance of a garage be less than 20 feet from a street line.

(E) Distance to principal building. No accessory building shall be nearer than ten feet to a principal building. For the purpose of determining lot coverage and setback, an accessory structure located within ten feet of a main building shall be considered "attached."

(F) For purposes of this chapter the regulations applicable to accessory buildings shall also apply to any off-street parking space on a residential lot.

(G) All accessory buildings shall be on a permanent foundation capable of accommodating all loads associated with the accessory building. All accessory buildings must be constructed upon a concrete slab. The Zoning Administrator may also approve similar materials to concrete, such as super compacted crushed concrete.

(H) Accessory building setbacks in non-residential districts.

(1) Any part of a detached accessory building shall be at least 60 feet from any front lot line when the adjoining lot is located in a residential district.

(2) Accessory buildings may be erected as a part of or connected to the principal building, but in either case accessory buildings are considered a part of the principal building, and all yard requirements for a principal building will be complied with.

(I) Principal building required. Accessory structures or buildings may only be constructed on a lot that contains a principal building. No accessory structure or building may be constructed on a lot that does not have a principal building.

(J) Appearance. The exterior facade materials and architectural design of all accessory structures shall have a residential character. The overall appearance of the structure shall be in accordance with the purpose of the district where it is located.

(K) Detached and temporary accessory structures. Detached and temporary accessory structures that do not require permanent attachment to the ground but have similar characteristics as an accessory structure such as movable carports and playsets shall comply with the requirements for detached accessory buildings.

(L) Lot coverage and setback. Where the accessory structure is attached to a main building, it shall be considered a part of the main building and shall be subject to the area, lot coverage, and setback regulations of this chapter applicable to main buildings. See § 155.170.

(M) Height. Unless specifically noted herein otherwise, the maximum height for attached accessory structures shall be the maximum height permitted in the zoning district or the height of the principal structure, whichever is less.

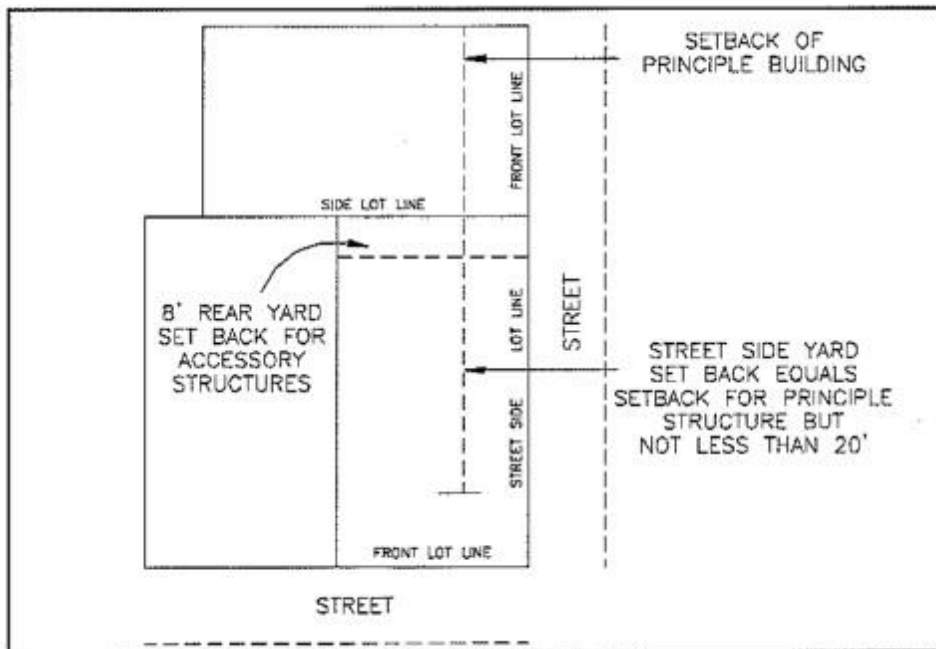
(N) Accessory buildings and structures in residential districts.

(1) Accessory buildings shall be erected only in the rear yard area.

(2) Accessory buildings shall not exceed 16 feet in height and shall be located at least six feet from any other separate structure on the same lot and shall not be closer than three feet to any lot line, or five feet from an alley right-of-way line. Structures closer than ten feet to another structure on the same or adjacent lots must be constructed of fire rated materials as required by the Building Code.

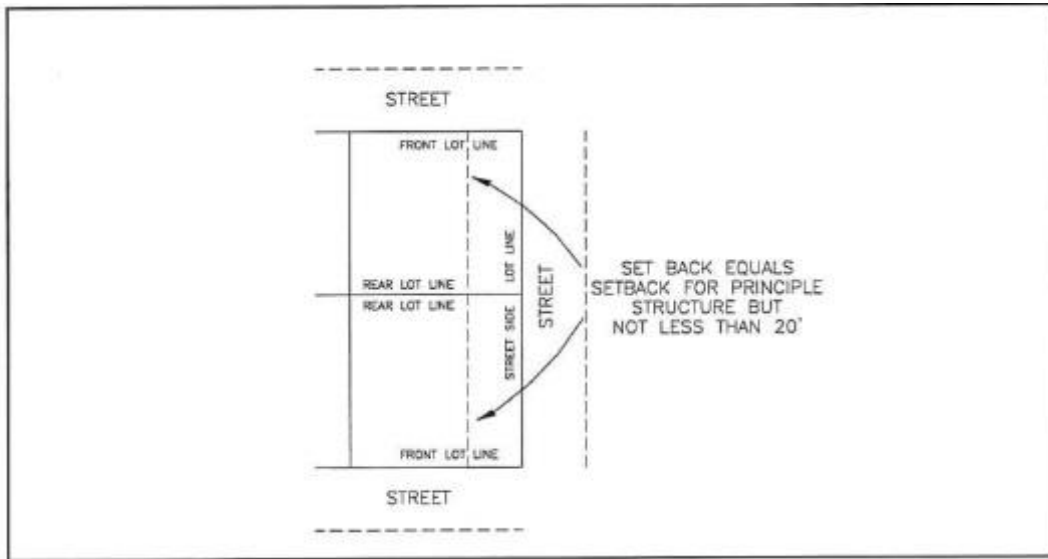
(3) When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district, no accessory building shall be within eight feet of such abutting lot line nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot, but in no case shall the setback be less than 20 feet. (See Figure 5-1).

Figure 5 - 1



(4) When the rear line of a corner lot abuts the rear line of any other lot or is directly across an alley therefrom, no accessory building shall be closer to the side street lot line of a corner lot than the side street yard setback of the principal building on the corner lot, but in no case shall the setback be less than 20 feet. (See Figure 5-2.)

Figure 5 - 2



(5) Porches, decks, and patios.

(a) Patios or decks constructed "at-grade" may be built within front, side and rear yard setbacks. An at-grade patio shall mean any patio, deck or concrete slab which is constructed at the approved grade level or which is elevated to a height of not more than 18 inches above the approved grade level.

(b) The surface of any attached deck that extends more than eight feet from the face of the building to which it is attached may not be higher than the first floor elevation of the principal structure.

(c) Unenclosed and/or uncovered front porches and stoops may encroach into a required front yard setback area, but in no case may be located closer than 15 feet from the front property line in the R-1 district or closer than ten feet in the R-2/R-3 district. For the purposes of this provision, unenclosed shall mean having no windows or screens.

(d) Porches, decks, patios covered or partially covered by permanent construction shall not project into any perimeter setbacks.

(e) Handicapped access ramps may encroach into the required perimeter setbacks.

(f) Decks and raised patios may be allowed to project not more than 15 feet into the required rear yard setbacks or five feet into the side yard setback, provided that the following conditions are met:

1. The deck or raised patio does not encroach into any easement.
2. The deck or raised patio is not located facing any street, except when located in the rear yard of a double frontage lot.

3. The deck or raised patio is located not less than five feet from any detached accessory building.

4. Any additional structure attached to the deck or raised patio, such as a gazebo, shall be located at least ten feet from the principal residential structure.

5. The deck or raised patio and all other appurtenant facilities shall conform to any applicable codes and ordinances.

(g) All deck hand railings and/or screening shall not be higher than 42 inches above the surface of the deck (excluding support structures for a roofed porch) without approval from the Planning Commission.

(Ord. 616, passed 9-23-2013; Am. Ord. 642, passed 4-23-2018)

§ 155.185 SINGLE-FAMILY DWELLING REGULATIONS.

A single-family dwelling and any additions or alterations thereto, erected, moved or placed in the city, other than a mobile home park, shall conform to the following regulations in addition to all other regulations of this chapter:

(A) The plan outline of the dwelling, including only heated living area, shall be large enough to contain within it a square of 20 feet on a side. This size requirement shall not make any houses existing at the date of amendment non-conforming so that they cannot be enlarged or improved.

(B) It shall be firmly attached to a permanent foundation constructed on the site in accordance with the city Building Code and shall have a wall of the same permitted dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. This requirement shall apply even in the event that the dwelling in question is a mobile home or modular construction. ~~In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.~~

(C) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

(D) It shall be connected to a public sewer and water supply, if available or if connection is required by the city sewer or water ordinances, otherwise they may be connected to private facilities approved by the Mid-Michigan Health Department.

(E) The construction of all new single and two family residences shall include, if none are present, the construction of a public sidewalk. The sidewalk shall be constructed in accordance with city specifications.

(F) It shall comply with all pertinent zoning, subdivision, and other ordinances regulating use, floor area, lot size, setback, yards, and the like, in the zoning district in which it is located.

(G) It shall comply with all pertinent building construction and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(H) It shall be aesthetically compatible in design and appearance to homes in the neighborhood in which it is located. In the first instance, it shall be the responsibility of the Zoning Administrator to determine whether this standard is met. The City of St. Johns

Zoning Administrator may at his or her discretion, refer the matter to the Zoning Board of Appeals for the determination. Any party aggrieved by an adverse decision by the City Zoning Administrator may appeal to the Zoning Board of Appeals, which board shall make the determination, with findings, without reference to the standards for the granting of variances. The determination of compatibility shall be based upon the character, design and appearance of residential dwellings located outside of mobile home parks within 300 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or where said area is not so developed, by the character, design, and appearance of the residential dwellings generally found throughout the city. The determination of compatibility shall also be based upon compliance with the following standards:

(1) The dwelling shall have a combination of roof overhang and pitch comparable to the overhang and pitch of homes typically found in the neighborhood in which it is to be located.

(2) The dwelling shall have a chimney that is constructed of a material and style similar to those of other dwellings typically found in the neighborhood in which it is to be located.

(3) The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, and which are comparable to steps and/or porches of homes typically found in the neighborhood in which it is located.

(4) The dwelling and roof shall be covered with a material which is in composition, comparable to those typically found in the neighborhood in which it is to be located.

(5) The dwelling shall have windows located on the front sides, and exterior doors either on the front and rear or front and side as generally found in homes in the neighborhood in which it is to be located.

(6) The orientation of the dwelling's front entrance shall be similar to the orientation of homes in the neighborhood in which it is located.

(7) A dwelling may be approved as aesthetically compatible in design and appearance to homes in the neighborhood in which it is to be located, even if all of the above conditions do not exist, provided it is determined that the dwelling and/or its site has other design features which make it aesthetically compatible to homes in the district. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.

(Ord. 616, passed 9-23-2013)

GENERAL PROVISIONS

NOISE CONTROL

§ 93.20 EXCESSIVE NOISE DECLARED NUISANCE.

All loud or unusual noises or sounds and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities are hereby declared to be public nuisances. Excessive levels of sound are detrimental to the physical, mental and social well-being of the citizens of the city, as well as to their comfort, quality of life, general welfare and safety. The purpose of this article is to regulate or abate noises which annoy, disturb, injure or endanger the comfort, repose, health, peace, safety or welfare of persons within the city, and to establish maximum sound level limits for motor vehicles and transportation noise and other general environmental noise.

None of the terms or prohibitions of §§ 93.20 and 93.21 shall apply to or be enforced against:

(A) Emergency vehicles. Any police or fire vehicle or any ambulance, while engaged upon emergency business.

(B) Highway maintenance and construction. Excavations or repairs of bridges, streets, or highways by or on behalf of the city, county, or the State of Michigan, during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day. (C) Motor vehicles, (as defined in the state motor vehicle code, MCL 257.1 et seq., MSA 9.1801 et seq.) in operation on a public right-of-way;

(D) Railroad equipment in operation on a railroad right-of-way; or

(E) Aircraft in flight or in operation at an airport.

(1990 Code, § 9.10)

§ 93.21 SPECIFIC OFFENSES.

Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive.

(A) Animal and bird noises. The keeping of any animal or bird which, by causing frequent or long continued noise, shall ~~disturb the comfort or repose of any person.~~create a noise disturbance across a property line.

(B) Construction noises. The erection (including excavating therefor), demolition, alteration or repair of any building and the excavation of streets and highways on Sundays and other days, except between the hours of 7:00 a.m. and 6:00 p.m., unless a permit be first obtained from the City Manager.

(C) Sound amplifiers. Use of any loudspeaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose, except one which is noncommercial in character and when so used shall be subject to the following restrictions:

- (1) The only sounds permitted are music or human speech;

(2) Operations are permitted for four hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.;

(3) Sound amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten miles per hour except when said truck is stopped or impeded by traffic;

(4) Sound shall not be issued within 100 yards of hospitals, schools or churches;

(5) The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the sound amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility;

(6) No sound amplifying equipment shall be operated with an excess of 15 watts of power in the last stage of amplification.

(D) Engine exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

(E) Handling merchandise Loading and unloading. The creation of a loud and excessive noise in connection with loading or unloading any vehicle ~~or the~~ or otherwise handle boxes, crates, containers, building materials, garbage cans, or similar objects in such a manner as to cause a noise disturbance across a residential property line. opening and destruction of bales, boxes, crates and containers.

(F) Blowers. The discharge into the open air of air from any noise creating blower or power fan unless the noise from such blower or fan is muffled sufficiently to deaden such noise.

(G) Hawking. The hawking of goods, merchandise, or newspapers in a loud and boisterous manner.

(H) Horns and signal devices. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(I) Radio, TV, boom-box and vehicular radios.

(1) The playing of any radio, television set, phonograph, CD player, boom-box, or any musical instrument, hand-carried, stationary, within a building or dwelling, or within an automobile or other vehicle, in such a manner so as to annoy or disturb the quiet comfort or repose of persons within 50 feet of the device shall be prohibited.

(2) The City Commission finds that excessive noise and excessive vibration from such devices degrades the environment, peace and dignity of the city residents and is harmful and detrimental to the health, welfare and safety of its inhabitants. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- (a) The level of the noise;
- (b) Whether the nature of the noise is usual or unusual;
- (c) Whether the origin of the noise is natural or unnatural;
- (d) The level and intensity of the background noise, if any;
- (e) The proximity of the noise to residential areas or to persons;

(f) The nature and zoning of the area within which the noise emanates, such as residential, commercial, or industrial;

(g) The density of the inhabitation of the area within which the noise emanates;

(h) The time of day and/or night the noise occurs;

(i) The duration of the noise;

(j) Whether the noise is recurrent, intermittent, or constant;

(k) Whether the noise contains the discharge or escape of sounds or vibrations which cause discomfort to others within 50 feet of the source.

(3) The effective control and elimination of excessive noise and excessive vibration is essential to the furtherance of the health and welfare of the city's inhabitants and to the conduct and normal pursuit of life, recreation, commerce and industrial activity.

(J) Shouting and whistling. Yelling, shouting, hooting, whistling, or singing or the making of any other loud noise on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(K) Whistle or siren. The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger.

(1990 Code, § 9.11) (Am. Ord. 429, passed 3-13-1995)

§ 93.22 MAXIMUM PERMISSIBLE SOUND LEVELS

No person shall create, assist in creating, permit, continue or permit the continuance of, on private property, any source of sound in such a manner as to create a sound level which exceeds the limits set forth in the table below when measured at or within the property line. Where property is used for both residential and commercial purposes, the residential sound level limits shall be used only for measurements made on the portion of the property used solely for residential purposes. Any sound in excess of the limits shall be deemed prima facie to be a noise disturbance.

<u>Land use district category</u>	<u>Time interval</u>	<u>A-weighted sound level limit (dB(A))</u>
<u>Residential</u>	<u>10:00 p.m. to 7:00 a.m.</u>	<u>60</u>
	<u>7:00 a.m. to 10:00 p.m.</u>	<u>66</u>
<u>Commercial</u>	<u>10:00 p.m. to 7:00 a.m.</u>	<u>66</u>
	<u>7:00 a.m. to 10:00 p.m.</u>	<u>71</u>
<u>Industrial</u>	<u>10:00 p.m. to 7:00 a.m.</u>	<u>71</u>
	<u>7:00 a.m. to 10:00 p.m.</u>	<u>71</u>
<u>Noise sensitive areas</u>	<u>10:00 p.m. to 7:00 a.m.</u>	<u>60</u>
	<u>7:00 a.m. to 10:00 p.m.</u>	<u>66</u>

** For any source of sound which emits a pure tone or impulsive sound, the maximum sound level limits set forth in the table above shall be reduced by five dB(A).*

§ 93.232 EXCEPTIONS.

~~None of the terms or prohibitions of §§ 93.20 and 93.21 shall apply to or be enforced against:~~

~~—(A) Emergency vehicles. Any police or fire vehicle or any ambulance, while engaged upon emergency business.~~

~~—(B) Highway maintenance and construction. Excavations or repairs of bridges, streets, or highways by or on behalf of the city, county, or the State of Michigan, during the night, when the public safety, welfare, and The following noises or noise-producing activities shall be exempt from the provisions of this article:~~

- (1) Noise associated with athletic, musical or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, colleges or universities.
- (2) Noise associated with outdoor gatherings, public dances, shows, concerts, parades, fairs, festivals, and sporting or entertainment events, provided that all necessary permits, licenses or approvals have been obtained from all appropriate jurisdictions for the event, and subject to any alternative maximum sound limits imposed by the city.
- (3) Stationary bells, chimes, or carillons played for religious purposes or in conjunction with religious services, for national celebrations or public holidays, or for other noncommercial purposes, between the hours of 7:00 a.m. and 10:00 p.m., and for a period not to exceed 90 seconds' duration in any one hour.
- (4) Sound made to alert persons to the existence of an emergency, danger, or attempted crime, including sound made by stationary safety signals and warning devices.
- (5) Noise resulting from the provision of essential services.
- (6) Noise resulting from emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to protect persons or property from an imminent danger.
- (7) Noise sources associated with the construction, repair, remodeling or grading of any real property, between the hours of 6:00 a.m. and 10:00 p.m., provided that all necessary permits have been obtained from the city and the permits are currently in effect.
- (8) Noise sources associated with lawn maintenance equipment when it is functioning within manufacturer's specifications and with all mufflers and noise reduction equipment in use and in proper operating condition, between the hours of 7:00 a.m. and 10:00 p.m.
- (9) Noise created by mechanical devices, apparatus or equipment associated with agricultural operations, provided the operations do not take place between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
- (10) Noise associated with the operation or use, for any noncommercial purpose, of any loudspeaker, sound amplifier, public address system or similar device between the hours of 7:00 a.m. and 10:00 p.m., including the use or operation of mechanical loudspeakers on or from a motor vehicle, only if a permit for the specific activity has been granted by the city commission. The city commission shall cause such a permit to issue under circumstances and subject to conditions as follows:
 - a. The city commission finds that the applicant has a noncommercial message that cannot be effectively communicated to the public by any other means of communication available;
 - b. The applicant will limit the use of the loudspeakers to times, locations and sound levels which will not unreasonably disturb the public peace, as determined by the city commission; and

c. The applicant will not use the equipment in residential areas between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

(11) Noise associated with any activity to the extent that regulation of the activity has been preempted by state or federal law. convenience renders it impossible to perform such work during the day.

(1990 Code, § 9.12)

93.24 EVALUATION OF NOISE LEVEL LIMITS.

It is the intent of the city to periodically reevaluate the noise level limits and other standards contained in this article, and, if it is determined to be appropriate, to adjust such standards either upward or downward in light of future possible advances in technology or the state of the art.

93.25 VIOLATION OF ARTICLE; MUNICIPAL CIVIL INFRACTION

(1) A person who violates any provision of this division (article IV, division 1) is responsible for a municipal civil infraction, subject to payment of a civil fine in the amount provided by this section, plus costs and other sanctions, for each infraction.

(1) For violations where the source of noise is associated with a residential activity (regardless of the character of the receiving land use), the amount of the civil fine shall be no less than \$10.00. Repeat offenses under this subsection shall be subject to increased fines as provided by section 1-11(c)(2) of this Code, except that the increased fine for a repeat offense shall be as follows:

a. The fine for any offense which is a first repeat offense shall be no less than \$20.00, plus costs.

b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$50.00, plus costs.

(2) For violations where the source of noise is associated with a commercial or industrial activity (regardless of the character of the receiving land use), the amount of the civil fine shall be no less than \$50.00. Repeat offenses under this subsection shall be subject to increased fines as provided by section 1-11(c)(2) of this Code.

(a) No provision of this article shall be construed to impair any common law or statutory cause of action or legal remedy of any person for injury or damage arising from any violation of this article or from other law.

(b) If there is any evidence of retaliation by any offender against any complainant or witness, the evidence shall be communicated to the district court. When sentencing any violator, the district court shall first examine the evidence of retaliation, and if acts of retaliation shall be shown, shall consider the acts and sentence the violator accordingly.



Memorandum

TO: City of St. Johns Planning Commission

FROM: Christopher Khorey, AICP, Vice President
Paige Brodeur, Assistant Planner

SUBJECT: **Inconsistent Application of Front Yards on Corner Lots**

DATE: May 1, 2024

Below please find a comparison of how front yards are determined on corner lots, and how regulations apply along the second street frontage. The Planning Commission should discuss potential amendments to make the treatment of corner lots more consistent through the Ordinance.

Key areas for discussion are highlighted in red.

Ordinance Section	Topic	Front Yard on Corner Lots Defined as...	Regulations for Front Yard	Regulations for Secondary Street Frontage
155.004	General Definition	Designated by the Property Owner	-	-
155.125	I-1 Minimum Principal Building Setbacks	Designated by the Property Owner	35 feet	20 feet
155.135	I-2 Minimum Principal Building Setbacks	Designated by the Property Owner	35 feet	20 feet
155.170	R-1 Minimum Principal Building Setbacks	Designated by the Property Owner	25 feet	20 feet
155.170	R-2 Minimum Principal Building Setbacks	Designated by the Property Owner	25 feet	20 feet



Ordinance Section	Topic	Front Yard on Corner Lots Defined as...	Regulations for Front Yard	Regulations for Secondary Street Frontage
155.170	R-3 Minimum Principal Building Setbacks	Designated by the Property Owner	10 feet	20 feet
155.170	MC Minimum Principal Building Setbacks	Designated by the Property Owner	50 feet	25% of the height of the principal building.
155.170	GC Minimum Principal Building Setbacks	Designated by the Property Owner	25 feet	No Required Setback
155.170	CBD Minimum Principal Building Setbacks	Designated by the Property Owner	No Required Setback	No Required Setback
155.170	MU Minimum Principal Building Setbacks	Designated by the Property Owner	10 feet	10 feet
155.189	Accessory Buildings	Designated by the Property Owner	Not Permitted in Front Yard	Cannot be closer than principal building to lot line.
155.200	Chicken Coops	Designated by the Property Owner	Not Permitted in Front Yard	Permitted in Street Side Yard
155.213	Front Yard Setback Reduction	Designated by the Property Owner	Can be reduced to average of setbacks on block	Could be used to reduce secondary street setback?
155.214	Yard Encroachments	Designated by the Property Owner	Overhangs, steps, terraces, etc can extend into setback.	Overhangs, steps, terraces, etc can extend into setback.
155.299	Landscaping	Designated by the Property Owner	8 Foot-wide Greenbelt 1 Tree Per 30 Feet PC can allow trees to be	8 Foot-wide Greenbelt 1 Tree Per 30 Feet PC cannot allow trees to be planted



Ordinance Section	Topic	Front Yard on Corner Lots Defined as...	Regulations for Front Yard	Regulations for Secondary Street Frontage
			planted outside of Greenbelt	outside of Greenbelt
155.341	Residential Parking	BOTH Street Frontages	All parking must be on paved driveway. Driveway must lead to a garage.	All parking must be on paved driveway. Driveway must lead to a garage.
155.341	RV Parking	BOTH Street Frontages	No RV Parking	No RV Parking
155.443	Cluster Developments	BOTH Street Frontages	35 foot minimum setback	35 foot minimum setback

We look forward to discussing this topic on May 8.