

Scott Dzurka
Mayor

Brad Gurski
Vice Mayor

Eric Hufnagel
Commissioner

Chris Hyzer
Commissioner

Chris DeLiso
Commissioner



Chad A. Gamble, P.E.
City Manager

Mindy J. Seavey
City Clerk

Kristina Kinde
City Treasurer

Michael Homier
City Attorney

Justin Smith
Director of Public
Services

**CITY OF ST. JOHNS
CITY COMMISSION MEETING
PROPOSED AGENDA**

**Monday, February 24, 2025, 6:00 p.m.
Room 2200 – Clinton County Courthouse**

***Listen to Meeting Via Telephonic Conference
Dial 1 929 205 6099**

<https://zoom.us/j/2050014286>

Meeting ID: 205 001 4286

***Please note, you will not be able to make public comments through Zoom;
only in-person attendees will be able to participate in public comments.**

(Times for agenda items are estimated times)

A. OPENING: (6:00 pm – 6:05 pm)

1. Invocation
2. Pledge of Allegiance
3. Consent Agenda (*Action Item*)

The staff proposes the following items for the Consent Agenda. If any Commissioner wishes to discuss any of these items, it should be placed on the regular agenda. The remaining items and recommendations may be approved en masse:

- a. Approval of Minutes
 - Special meeting minutes of January 27, 2025
 - Regular meeting minutes of January 27, 2025
- b. Receipt of Warrants
 - In the amount of \$1,706,957.01
- c. Police Department Pace Scheduler Proposal
 - Staff recommends that the city commission approve the Pace Scheduler Proposal and authorize the mayor to endorse the same to include the initial start-up expense of \$1,600.00.
4. Approval of Agenda: (6:05 pm – 6:07 pm) *Action Item*

B. PUBLIC HEARINGS:

C. PRESENTATIONS:

1. Badge Pinning Ceremony – Fire Chief Kevin Douglas (6:07 pm – 6:10 pm)
2. Master Plan Presentation (6:10 pm – 6:25 pm)
(Presenter: Chris Khorey, McKenna)

D. PERSONS WISHING TO PRESENT TESTIMONY:

1. Public comment - agenda & non-agenda items (6:25 pm – 6:28 pm) Discussion only
Each speaker is only entitled to one (1) three-minute time during each Public Comment period.

E. COMMUNICATIONS:

F. OLD BUSINESS:

1. Resolution #10-2025 – Resolution to Adopt an Ordinance to Amend Title IX: General Regulations, Chapter 93: Nuisances of the City of St. Johns Code of Ordinances Regarding Noise Control (6:28 pm – 6:33 pm) Action Item
(Presenter: Chris Khorey, McKenna)
2. Planning Commission Recommendation – Resolution #11-2025 - Adopt an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Landscape Standards (6:33 pm – 6:36 pm) Action Item
(Presenter: Chris Khorey, McKenna)
3. Planning Commission Recommendation – Resolution #12-2025 - Adopt an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Accessory Structures (6:36 pm – 6:39 pm) Action Item
(Presenter: Chris Khorey, McKenna)
4. Planning Commission Recommendation – Resolution #13-2025 - Resolution to Adopt an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Height Requirements for Corner Lots (6:39 pm – 6:42 pm) Action Item
(Presenter: Chris Khorey, McKenna)
5. Planning Commission Recommendation – Resolution #14-2025 - Adopt an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding General Exceptions for Corner Lots (6:42 pm – 6:45 pm) Action Item
(Presenter: Chris Khorey, McKenna)
6. Planning Commission Recommendation – Resolution #15-2025 - Adopt an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Supplementary Regulations for Keeping Animals (6:45 pm – 6:48 pm) Action Item
(Presenter: Chris Khorey, McKenna)

G. NEW BUSINESS:

1. Approval of Capital Improvement Plan (6:48 pm – 6:55 pm) Action Item
(Presenter: Chad Gamble, City Manager)
2. Fantasy Forest Playground Installation Vendor Selection & Contract (6:55 pm – 7:05 pm) Action Item
(Presenter: Bill Schafer, Parks and Recreation Director)

3. 2025 Street Millage Improvements Bids & Sole Source Designation (7:05 pm – 7:15 pm)
Action Item (Presenter: Justin Smith, Director of Public Services)
4. Compost Site Proposal (7:15 pm – 7:20 pm) Discussion only
(Presenter: Justin Smith, Director of Public Services)
5. Quarterly Budget Report (7:20 pm – 7:25 pm) Discussion only
(Presenter: Kristina Kinde, Treasurer)
6. City Manager Comments (7:25 pm – 7:35 pm) Discussion only
7. Commissioner Comments (7:35 pm – 7:45 pm) Discussion only

H. ADJOURNMENT: (7:45 pm)

(Next Regular Meeting Scheduled for **Monday, March 24, 2025, 6:00 p.m.**)

NOTICE: People with disabilities needing accommodation for effective participation in this meeting should contact the city clerk 989-224-8944 at least two working days in advance of the meeting. An attempt will be made to provide reasonable accommodation.



CONSENT AGENDA

CITY OF ST. JOHNS
CITY COMMISSION MINUTES
SPECIAL MEETING
JANUARY 27, 2025

The special meeting of the St. Johns City Commission was called to order by Mayor Dzurka at 4:05 p.m. at the Clinton County Courthouse, 100 East State Street, 2nd Floor, Suite #2200, St. Johns, Michigan.

COMMISSIONERS PRESENT: Eric Hufnagel, Brad Gurski, Scott Dzurka, Chris Hyzer, Chris DeLiso

COMMISSIONERS ABSENT: None

STAFF PRESENT: Chad Gamble, City Manager; Kristina Kinde, City Treasurer; Mindy J. Seavey, City Clerk; Justin Smith, Director of Public Services; David Kirk, Police Chief; Bill Schafer, Recreation Director; Jeremy Ritter, DPW Supervisor; Jordan Whitford, Fire Chief & Wastewater Supervisor; Calvin Galecka, Water Supervisor

Agenda

Mayor Dzurka asked if there were any additions or deletions to the agenda.

Motion by Commissioner Gurski seconded by Commissioner Hufnagel that the city commission approve the agenda as presented.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

Public Comments

Mayor Dzurka asked if there were any public comments.

There were none.

Welcome, Meeting Overview

City Manager Gamble discussed:

**CITY COMMISSION MINUTES
SPECIAL MEETING**

JANUARY 27, 2025

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- The meeting will proceed with department heads presenting their CIPs, and the strategic plan will guide the administration's focus areas.
- Organize three stations for police & fire; wastewater, water department, public works; and administration and parks to discuss CIPs.

Brief Review of 2025/2026 City Action Plan

Overview of 25/26 Budget Process & CIP Format & Objectives of Meeting

City Manager Gamble discussed the strategic plan and the roadmaps for this year.

Breakout Sessions of Commissioners with Individual Department and Divisions

3 breakout sessions were set for commissioners to go from table to table for more details with the individual departments:

1. Police/Fire/Wastewater
2. Water/Dept. of Public Works
3. Administration/Parks

Commission Discussion of CIP and General Comments

The commission discussed:

- Higham Street Parking Lot, compressor for the Fire Department, well #14, DDA, and fiscal impacts/funds.

Wrap Up and Next Steps

City Manager Gamble handed out copies of the budget calendar.

Mayor Dzurka mentioned upcoming changes to healthcare due to PHP no longer offering plans.

Adjournment

Motion by Commissioner Hyzer seconded by Commissioner Gurski that the meeting be adjourned.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

The meeting was adjourned at 5:29 p.m.

CITY OF ST. JOHNS

CITY COMMISSION MINUTES

JANUARY 27, 2025

The regular meeting of the St. Johns City Commission was called to order by Mayor Dzurka at 6:00 p.m. at the Clinton County Courthouse, 100 East State Street, 2nd Floor, Suite #2200, St. Johns, Michigan.

COMMISSIONERS PRESENT: Eric Hufnagel, Brad Gurski, Scott Dzurka, Chris Hyzer, Chris DeLiso

COMMISSIONERS ABSENT: None

STAFF PRESENT: Chad Gamble, City Manager; Kristina Kinde, City Treasurer; Mindy J. Seavey, City Clerk; Justin Smith, Director of Public Services; Anne Seuryneck, City Attorney; Ethan Walthorn, McKenna

Mayor Dzurka asked if any of the commissioners or persons present wished to discuss any of the items on the consent agenda.

Commissioner Hyzer asked to remove items D, E & G.

Mayor Dzurka asked to remove item J. He said they would be under New Business as the following: item D - #1, E as #2, G as #3, and J as #4.

Motion by Commissioner Hufnagel seconded by Commissioner Hyzer that the consent agenda be approved as amended.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

a. Approval of Minutes

Motion by Commissioner Hufnagel seconded by Commissioner Hyzer that the minutes of the January 13, 2025 special meeting be approved as presented.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

b. Receipt of Warrants

Motion by Commissioner Hufnagel seconded by Commissioner Hyzer that warrants be approved as presented in the amount of \$4,690,419.42.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

c. Board Re-appointments

Motion by Commissioner Hufnagel seconded by Commissioner Hyzer that the city commission reappoint the following: Bob Rehmann, Parking Committee (two-year term expiring November of 2026).

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

f. Sanitary Sewer Surcharge Rate Update

Motion by Commissioner Hufnagel seconded by Commissioner Hyzer that the city commission approve the updated sanitary sewer surcharge fees by adopting the revised fee & rate schedule.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

h. Social Media Policy

Motion by Commissioner Hufnagel seconded by Commissioner Hyzer that the city commission approve the changes to the City's current social media policy now titled Employee Use of Social Media Policy and approve the new social media policy entitled Public Use of Social Media Policy.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

i. DNR Infrastructure Volunteer Fire Capacity Grant Acceptance

Motion by Commissioner Hufnagel seconded by Commissioner Hyzer that the city commission accept the DNR Infrastructure Volunteer Fire Capacity Grant and authorize the mayor to sign the related project agreement.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

AGENDA

Mayor Dzurka asked if there were any additions or deletions to the agenda. He added Invoice #7327 for 511 Higham Street after the Bingham item under New Business.

Motion by Commissioner Hyzer seconded by Commissioner DeLiso that the city commission approve the agenda as amended.

AGENDA

A. OPENING:

1. Invocation
2. Pledge of Allegiance
3. Consent Agenda

The staff proposes the following items for the Consent Agenda. If any Commissioner wishes to discuss any of these items, it should be placed on the regular agenda. The remaining items and recommendations may be approved en masse:

- a. Approval of Minutes
 - Special meeting minutes of January 13, 2025
- b. Receipt of Warrants
 - In the amount of \$4,690,419.42
- c. Board Re-appointments
 - Staff recommends the city commission reappoint the following: Bob Rehmann, Parking Committee (two-year term expiring November of 2026).
- d. ~~Parking Plan Related Traffic Control Orders — #393-25, #394-25 & #395-25 (Moved to New Business)~~
 - ~~-Staff recommends the city commission approve Traffic Control Orders #393-24, #394-24 and #395-24 as submitted making the orders permanent.~~
- e. ~~DDA/PSD Director Contract Approval (Moved to New Business)~~
 - ~~-Staff recommends the city commission approve the employment agreement for Heather Hanover for the position of DDA/PSD Director and authorize the mayor to sign the contract.~~
- f. Sanitary Sewer Surcharge Rate Update
 - Staff recommends the city commission approve the updated sanitary sewer surcharge fees by adopting the revised fee & rate schedule.
- g. ~~Wastewater Filter Building and Lift Station PLC Improvements (Moved to New Business)~~
 - ~~-Staff recommends the city commission approve the proposals from RS Technical for PLC replacement and authorize the mayor to sign the quotations.~~

h. Social Media Policy

-Staff recommends the city commission approve the changes to the City's current social media policy now titled Employee Use of Social Media Policy and approve the new social media policy entitled Public Use of Social Media Policy.

i. DNR Infrastructure Volunteer Fire Capacity Grant Acceptance

-Staff recommends the city commission accept the DNR Infrastructure Volunteer Fire Capacity Grant and authorize the mayor to sign the related project agreement.

~~j. Mid-Year Budget Adjustments (Moved to New Business)~~

~~-Staff recommends the city commission approve all mid-year budget adjustments attached.~~

4. Approval of Agenda:

B. PUBLIC HEARINGS:**C. PRESENTATIONS:**

1. Utility Rate Presentation & Discussion

D. PERSONS WISHING TO PRESENT TESTIMONY:

1. Public comment - agenda & non-agenda items

E. COMMUNICATIONS:**F. OLD BUSINESS:**

1. Resolution #2-2025 – Resolution to Introduce an Ordinance to Amend Title IX: General Regulations, Chapter 93: Nuisances of the City of St. Johns Code of Ordinances Regarding Noise Control

G. NEW BUSINESS:

1. Parking Plan Related Traffic Control Orders – #393-25, #394-25 & #395-25
2. DDA/PSD Director Contract Approval
3. Wastewater Filter Building and Lift Station PLC Improvements
4. Mid-Year Budget Adjustments
5. Fire Chief Discussion & Appointment
6. Resolution #3-2025 Adopting Guidelines for Poverty Exemptions to be Implemented by the Board of Review
7. Planning Commission Recommendation – Resolution #4-2025 - Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Landscape Standards
8. Planning Commission Recommendation – Resolution #5-2025 - Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Accessory Structures

9. Planning Commission Recommendation – Resolution #6-2025 - Resolution to Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Height Requirements for Corner Lots
10. Planning Commission Recommendation – Resolution #7-2025 - Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding General Exceptions for Corner Lots
11. Planning Commission Recommendation – Resolution #8-2025 - Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Supplementary Regulations for Keeping Animals
12. Rezoning of 450 E. Townsend from R-1 to R-2 – Resolution #9-2025 - Introduce an Ordinance to Amend the City’s Zoning Ordinance to Rezone Property
13. Consideration of Approval of the Clinton Area Ambulance Service Budget and Capital Expenditures for 25/26
14. Presentation and Discussion of Utility Agreement with Bingham Township
15. Invoice #7327 for 511 Higham Street (*Added to Agenda*)
16. City Manager Comments
17. Commissioner Comments

H. ADJOURNMENT:

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

PUBLIC HEARINGS

PRESENTATIONS

1. Utility Rate Presentation & Discussion

Andy Campbell, Bendzinski, presented the proposed utility rates.

He discussed:

- A 6% increase in water and sewer rates is necessary to maintain the minimum reserve balance.
 - Billable flow for water remains steady, while sewer flow decreased slightly.
 - Capital improvements require funding, and larger projects may need to be debt-funded.
 - The green line on the chart indicates cash and investments, while the red line shows the recommended minimum cash balance.
 - The city cannot afford to slow down on rate increases.

- The green line is close to the minimum reserve balance for the next four years.
- Development should pay for itself, and the city cannot take on development costs without changes.
 - Development capital improvements are on the capital improvement plan.
- The tertiary filter project may be required due to EGLE's requirements.
 - EGLE is considering lowering the CBOD limit, which may necessitate the project.

There was a discussion about the proposed 6% rate increase:

- The commission discussed exploring various financial strategies, including debt funding and project bundling, to potentially reduce the rate increase below 6%.
 - Funding future projects with debt could potentially lower the rate increase.
 - There is no legal limit on cash reserves for future projects, but financial advisors recommend not exceeding two years' worth of reserves.
 - Michigan case law and state law.
 - Bolt versus Lansing case.
 - Delaying capital projects might increase costs in the long run.
 - Bundling projects and using debt could spread costs over time and potentially benefit users.
 - Conservative past approaches have led to larger rate increases later.

PERSONS WISHING TO PRESENT TESTIMONY

1. Public Comment

Mayor Dzurka asked if there were any public comments. He discussed the rules regarding public comment.

Derek Stringham, 511 E. Higham, was present. He said he received a bill for a fire department run of \$500. He said he had a conversation with Chad Gamble and discussed the circumstances of the fire.

There was a discussion of the \$500 fee and the request.

Motion by Commission Hyzer seconded by Commissioner DeLiso that the city commission move the agenda item up.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None
Motion carried.

Invoice #7327 for 511 Higham Street

Mayor Dzurka said he was hoping to hear from Chad, Chief Kirk and Chief Whitford to understand the situation.

Fire Chief Whitford discussed the circumstances of the fire call.

There was a discussion of:

- The procedure for appealing a fee and notification of the procedure.
- Documentation of fire runs.
- Communication between the police and fire departments.

Motion by Commissioner DeLiso seconded by Commissioner Gurski that the commission remove invoice #7327 for 511 Higham Street.

There was a discussion of the reason for the waiver of the fee:

- In response to not being elevated or not being trash burning; miscommunication between fire and police dept; and his request wasn't brought to the city commission in a timely manner.

Mayor Dzurka asked for a vote on the motion.
YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso
NAY: None
Motion carried.

COMMUNICATIONS

OLD BUSINESS

1. Resolution #2-2025 – Resolution to Introduce an Ordinance to Amend Title IX: General Regulations, Chapter 93: Nuisances of the City of St. Johns Code of Ordinances Regarding Noise Control

Ethan Walthorn, McKenna, was present. He discussed the changes proposed, which would clear up language for enforcement, which was kind of vague.

There was a discussion of:

- Farm equipment noise.

- Time intervals in Section 93.22 need correction.
- The 8 p.m. time.

Motion by Commissioner DeLiso seconded by Commissioner Hufnagel that the city commission adopt Resolution #2-2025, with the correction under section 93.22 to reflect each of time frames being from 8 pm – 7 am and from 7 am to 8 pm.

YEA: Hufnagel, Gurski, Dzurka, DeLiso

NAY: Hyzer

Motion carried.

NEW BUSINESS

1. Parking Plan Related Traffic Control Orders – #393-25, #394-25 & #395-25

Commissioner Hyzer asked for clarification. He questioned the upfront purchase of equipment for unsold parking spots.

There was a discussion of:

- 2 out of 17 spots have been sold.
 - The DDA thought all of them would be sold.
 - The cost is \$500 per spot.
- This is a trial basis.
- The price of those parking spots and possibly adjusting the cost after this year.

Motion by Commissioner Hufnagel seconded by Commissioner Hyzer that the city commission approve Traffic Control Orders #393-24, #394-24 and #395-24 as submitted making the orders permanent.

YEA: Hufnagel, Gurski, Dzurka, Hyzer

NAY: DeLiso

Motion carried.

2. DDA/PSD Director Contract Approval

Commissioner Hyzer discussed section 6. He said there is a possible new law for sick time and asked what happens if the state law changes.

Attorney Seurnyck said she is an employee of the DDA and asked if the DDA already approved this contract.

City Manager Gamble said yes. He discussed the section in the contract that says “governing law”.

Attorney Seurnyck said if the contract needs to be amended, the city and DDA would need to come together to amend it.

Motion by Commissioner Hyzer seconded by Commissioner Gurski that the city commission approve the employment agreement for Heather Hanover for the position of DDA/PSD Director and authorize the mayor to sign the contract.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

3. Wastewater Filter Building and Lift Station PLC Improvements

Commissioner Hyzer said in the fiscal impact area of the RCA, where did the savings come from?

Supervisor Whitford said we had the lining project come in under budget, and the maintenance building overhead door, boiler and blower roof replacements were under budget. We are still at \$6,546 in the positive for PO's opened or completed and that would be including this project.

Motion by Commissioner Gurski seconded by Commissioner Hufnagel that the city commission approve the proposals from RS Technical for PLC replacement and authorize the mayor to sign the quotations.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

4. Mid-Year Budget Adjustments

Mayor Dzurka said he wants to understand what this does do to the bottom line of the General Fund.

Treasurer Kinde said on the attachments you can see the net effect. A lot of these are rollover projects that didn't get completed last year. Last year, \$500,000 was rolled over to the General Fund Balance.

There was a discussion of:

- The potential of projects budgeted this year that won't get completed and will rollover to the next fiscal year.
- ARPA Funds.
- Equipment replacement funds.

- Assigned Fund Balance towards specific uses/projects.
- The process and budgeting for next fiscal year instead of the rollover of projects.

Motion by Commissioner Hyzer seconded by Commissioner Hufnagel that the city commission approve all mid-year budget adjustments attached.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

5. Fire Chief Discussion & Appointment

City Manager Gamble discussed the process. He discussed Chief Whitford and his professionalism. He said we were able to make this a full-time position by combining the fire chief and rental inspection. We had a strong response to this job posting with 18 applications; held interviews with 8 competitive candidates. He said candidate Kevin Douglas is here with us this evening. He currently works with Bath Township; he excels and is an excellent example of servant leadership. He would be a tremendous asset to us. He presented him as the candidate for fire chief. He said he has asked to remain the assistant fire chief for 3 months with Bath to assist in their transition.

Kevin Douglas was present. He thanked Chad for the opportunity. He said Chief Whitford has done a lot, and he hopes to build on what he has done. He would love to keep building the department and work with the department. He said he has some experience with having someone from the outside coming in.

Mayor Dzurka said we are excited to have you join and has heard great things about him.

Motion by Commissioner Gurski seconded by Commission Hufnagel that the city commission appoint Kevin Douglas as Fire Chief.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

Mayor Dzurka thanked Jordan for his service.

6. Resolution #3-2025 Adopting Guidelines for Poverty Exemptions to be Implemented by the Board of Review

Motion by Commissioner Hyzer seconded by Commissioner Gurski that the city commission Adopt Resolution #3-2025.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

7. Planning Commission Recommendation – Resolution #4-2025 - Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Landscape Standards

Ethan Walthorn, McKenna, was present. He discussed the major changes: approving body; buffering requirements; codifying requirements; allowing flexibility; section 155.299 street frontage landscaping; greenbelts or street frontage.

There was a discussion of:

- The authority moving from the city commission.
- Appeals go to the ZBA.
- Buffering, credits for current trees, handled on an individual basis.

Motion by Commissioner Hufnagel seconded by Commissioner DeLiso that the city commission Adopt Resolution #4-2025 - Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Landscape Standards with a clarification regarding greenbelts.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

8. Planning Commission Recommendation – Resolution #5-2025 - Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Accessory Structures

City Manager Gamble said we needed to clarify the height of accessory structures.

Ethan Walthorn, McKenna, was present. He discussed: measured to actual height of roof itself; and discussed other changes.

Commissioner Hyzer asked if we are going to remove figure 3.2.

Mr. Walthorn said yes.

Motion by Commissioner Gurski seconded by Commissioner Hufnagel that the city commission adopt Resolution #5-2025 - Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Accessory Structures.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None
Motion carried.

9. Planning Commission Recommendation – Resolution #6-2025 - Resolution to Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Height Requirements for Corner Lots

Ethan Walthorn, McKenna, was present. He discussed the changes, which are relatively simple.

Motion by Commissioner Gurski seconded by Commissioner Hufnagel that the city commission adopt Resolution #6-2025 - to Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Height Requirements for Corner Lots.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

10. Planning Commission Recommendation – Resolution #7-2025 - Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding General Exceptions for Corner Lots

Ethan Walthorn, McKenna, was present. He discussed the changes.

Motion by Commissioner Gurski seconded by Commissioner Hyzer that the city commission adopt Resolution #7-2025 - Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding General Exceptions for Corner Lots.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

11. Planning Commission Recommendation – Resolution #8-2025 - Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Supplementary Regulations for Keeping Animals

Motion by Commissioner Hyzer seconded by Commissioner Gurski that the city commission adopt Resolution #8-2025 - Introduce an Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Supplementary Regulations for Keeping Animals.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

12. Rezoning of 450 E. Townsend from R-1 to R-2 – Resolution #9-2025 - Introduce an Ordinance to Amend the City’s Zoning Ordinance to Rezone Property

Mayor Dzurka discussed the rezoning. He said there were a number of individuals who submitted concerns and the planning commission addressed those in their discussion. He said there was a strong consideration that they not be rental homes.

The rezoning of 450 East Townsend from R1 to R2 was discussed with considerations for future development.

There was a discussion of:

- Rezoning to R2 allows more flexibility and could address housing gaps.
 - The city controls the property and can ensure high-quality housing.
 - There is a need for luxury housing over \$500,000.
- Prefer R1 zoning unless a developer proposes a suitable plan.
- The property should be marketed as R1 before considering R2 zoning.
- R2 zoning allows for more units.
- R2 zoning provides flexibility and aligns with Planning Commission's recommendations.
- R2 does not exclude R1.
- Planning Commission recommended flexibility for denser property.
- Affordable housing is a concern, with entry-level housing being expensive.
- Condos next to the soccer field are priced in the high \$200,000s to mid \$300,000s.
- Starter housing is considered to be in the mid-\$200,000 range.

Motion by Commissioner Hyzer seconded by Commissioner Gurski that the city commission keep 450 E. Townsend Road zoned as R-1.

YEA: Gurski, Hyzer, DeLiso

NAY: Hufnagel, Dzurka

Motion carried.

13. Consideration of Approval of the Clinton Area Ambulance Service Budget and Capital Expenditures for 25/26

Ed Thelen, ambulance board member, was present. He discussed:

- Budget considerations include rising costs and increased service demands.

- The \$15 per capita did not change, but may increase to \$17 in the future.
- A new ambulance costs over \$300,000, up from \$164,000 five years ago.
- Over 4,300 runs last year, up over 10% from the previous year.
- Hired an assistant director.
- They are going to update the Articles.
- Medicare runs, a \$200 loss.
- Building remodeling.

There was a discussion of the authority and the budget.

Motion by Commissioner Gurski seconded by Commissioner Hyzer that the city commission approve the \$10,182,400 ambulance budget with the city portion as \$115,470.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

14. Presentation and Discussion of Utility Agreement with Bingham Township

City Manager Gamble discussed the joint meetings with Bingham Township; exploring an Authority and Urban Cooperative Agreement; and the proposals from Spicer and Bendzinski.

There was a discussion of:

- Further exploration and discussions are needed regarding a utility agreement with Bingham Township.
 - There is a need for thorough exploration of utility service agreements and authority options.
 - The township prefers moving towards an authority, but is open to other agreements.
 - Concerns about the city's benefits and the township's contributions.
 - The city needs to be proactive in determining its needs and expectations.
 - The city should propose a buy-in amount for the township.
 - Concerns about being pressured due to township's funding needs.
- Partnership and Revenue Sharing between City and Township
 - There is a mutual understanding of the need for partnership, but clarity on revenue sharing and serious commitment is required.
 - There is a need for a clear partnership with the township to stabilize rates for all users.

- Water and Sewer Infrastructure Management
 - A partnership with the township is seen as beneficial for managing long-term infrastructure costs and liabilities.
 - Increased users are needed to solve sewer rate issues, as the city is built out.
 - Partnership with the township could help manage liabilities and costs long-term.
 - The city should position itself to predict long-term pressures and revenues.
- Formation of an Authority to Manage Services
 - The formation of an authority is seen as a viable option to manage services effectively.
 - An authority could help manage rates and infrastructure more effectively.
- Spicer and Bendzinski Agreements
 - The agreements should focus on asset evaluation and rate analysis to provide a clearer picture of potential impacts.
 - The Spicer agreement could be reduced; connectivity part of it is so far down road.
 - If there is an authority, it would be their job to look at connection points.

Motion by Commissioner Gurski seconded by Commissioner DeLiso that the city commission negotiate a short-term agreement with the township on water/sewer, prioritizing a move towards an authority in the next 5 years.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

Motion by Commissioner Gurski seconded by Commissioner Hufnagel that the city commission work with Bendzinski and Spicer on proposed agreements with a 50/50 split on the two proposals and wait for action from the township.

There was a discussion on the motion.

Mayor Dzurka asked for a vote on the motion.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

15. City Manager Comments

City Manager Gamble discussed:

- NPDES Permit.
- CDSMI.
- Michigan Municipal Executives Conference in Bay City.
 - He will be presenting.
- Sister City Commission opportunity.
 - Fairly low cost for a trip.

16. Commissioner Comments

Commissioner Hufnagel asked about meeting schedule on the 24th, the joint meeting with the Planning Commission. He said the Briggs District Library remodeling is completed and the grand reopening is on March 6th, 4-6 pm.

Commissioner DeLiso said at the Bingham meeting they seemed reticent to spend money on the studies and maybe us approving it shows good faith on our part.

Mayor Dzurka said thank you, it was a large agenda and he appreciated everyone's time. He thanked Kristina, who lead so much of the budget kick-off; the team did great. He wanted to recognize Bruce DeLong, the new chair of the Clinton County Board of Commissioners. His district represents Bingham Township and the City.

ADJOURNMENT

Motion by Commissioner Hyzer seconded by Commissioner Gurski that the meeting be adjourned.

YEA: Hufnagel, Gurski, Dzurka, Hyzer, DeLiso

NAY: None

Motion carried.

The meeting was adjourned at 9:28 p.m.

**CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
February 24, 2025**

Department: Police	Attachments:	Submitted to CA for Review
Subject: <i>Police Department Pace Scheduler Proposal</i>	[X] <i>Pace Scheduler Proposal</i>	[X]
Prepared by: David Kirk, Chief of Police	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: The Police Department currently uses antiquated processes (clip board with paper copies typically riddled with white out corrections tape) for the department schedule. The Pace Scheduler program would allow us to contemporize our scheduling tasks into an electronic format. The program not only illustrates a duty schedule, but it can also be accessed remotely by mobile smart phone and used to send out requests for shift coverage as well as vacation requests, sick call ins, extra staffing for special events, etc. Due to the fact that the program requires a contractual agreement, it is being brought to Commission for review.

BACKGROUND/DISCUSSION: This program has not been previously researched or submitted for review. The idea was presented during one of our administrative group discussions as we were trouble shooting shift shortages. It became quite apparent in a rapid fashion that a program with these capabilities could take large strides in streamlining all of our scheduling related tasks and put them in an electronic format with superior clarity in comparison to the existing processes.

STRATEGIC PLAN OBJECTIVE: There is an overarching and ever present objective to assess administrative processes within the Police Department and introduce contemporary best practices where affordable and appropriate. The initiation of this program and its related processes will take significant steps to put all matters relative to scheduling within those desired parameters.

FISCAL IMPACT: The Pace Scheduler program has an initial start-up cost of \$1,600.00 and then an annually recurring \$1,600.00 license maintenance fee. There are currently funds available for the initial expense within the Computer Software line item #101-301-977-015.

RECOMMENDATION: *Staff recommends the City Commission approve the Pace Scheduler Proposal and authorize the Mayor to endorse the same to include the initial start-up expense of \$1,600.00.*

Pace Scheduler Proposal

ST. JOHNS POLICE DEPARTMENT
APRIL LECH
109 E. STATE ST.
ST. JOHNS, MI 48879

Frank Provenzano
01-29-2025



OVERVIEW

Dear April,

Thank you for taking the time to view a demonstration of our scheduling software. Based on our discussion during the demo, we hope you agree that the software will be an excellent fit for your department.

Our system will allow you to quickly and easily:

- Create schedules utilizing our permanent shift and customized rotation patterns and populate schedules for any schedule period you choose (ex. 3 months, 6 months, year, indefinitely)
- Easily identify and fill staffing deficits
- Automate the vacation bidding process
- Manage on-the-fly schedule changes
- Notify and let officers sign up for available extra-duty or open-shift overtime
- Send unlimited email and/or text alerts and messages to your staff
- Handle time off/overtime requests electronically, all backed by a full audit trail and extremely robust reporting.
- Track benefit time
- Quickly assign beats/areas/sectors and equipment needed for them.
- Ease the burden on your payroll/admin staff by allowing us to create an export for your payroll system at no charge to you.

Our extensive experience working with police departments has allowed us to optimize our onboarding and training processes to ensure a successful and smooth transition to our software. You can rest assured that the Pace Team is with you every step of the way!

Sincerely,

Frank Provenzano

National Account Manager

Pace Scheduler

SCOPE OF SERVICES

The Pace Scheduler software is an advanced scheduling solution built specifically for the unique needs of law enforcement. It is an online-hosted solution, which allows users 24-7 access anywhere they have an active internet connection. The site is scalable and fully functional on any modern device (tablet, phone, laptop, PC, etc.).

The software is based on a yearly subscription model and includes the following:

- 13 Month first-year term (extra month to cover the setup/onboarding process)
- Site hosting, Maintenance, Standard Updates, and bug fixes.
- Unlimited Phone and Email Support (M-F, 8A-5P, NBD response)
- Initial Online Training for Admins, Supervisors, and Regular Users
- Unlimited Text/Email Messaging and Alerts
- Any New Standard Pace Planned Features Released as Part of the Core Software
- Unlimited Storage of Client Scheduling Data (data is never deleted)
- Custom Export to Payroll Software (if applicable)

Any additional features/needs requiring custom development will be reviewed by the development team for feasibility, a clearly written scope defined, and will be quoted separately.

ONBOARDING PROCEDURE

Upon purchasing Pace Scheduler, you will receive a welcome email requesting the following:

- Fill out Google Sheet – details what info we need from you to setup your site, along with examples
- Provide 1-2 months of your current schedule
- Provide current roster in specified format
- Identify who will be the Pace “Project Lead” and “Co-Lead” for your department – these will be the Pace Scheduler experts from your department who will be the main POC.

ONBOARDING ESTIMATED TIMEFRAME

The timeline below is merely an estimate and is dependent on many factors including, but not limited to department size, when data is received, client availability and responsiveness, and client scheduled “go-live” date.

Phase	Timeframe
Data Collection	Weeks 1-2
Site Setup	Weeks 3-4
Review and Training	Week 5-6
GO LIVE	Weeks 6-7
Custom Payroll Reports	TBD

TERMS AND CONDITIONS

PACE SCHEDULER SERVICES AND SUPPORT

Subject to the terms of this Agreement, Company (Pace Scheduler) will use commercially reasonable efforts to provide Customer the Services as agreed upon. As part of the setup process, Customer will identify the key admin level user who will be the go-to contact person when the Pace Scheduler team needs to contact Company.

RESTRICTIONS AND RESPONSIBILITIES

Customer will not, directly or indirectly: reverse engineer, decompile, disassemble or otherwise attempt to discover the source code, object code or underlying structure, ideas, know-how or algorithms relevant to the Services or any software, documentation or data related to the Services ("Software"); modify, translate, or create derivative works based on the Services or any Software (except to the extent expressly permitted by Company or authorized within the Services); use the Services or any Software for timesharing or service bureau purposes or otherwise for the benefit of a third party; or remove any proprietary notices or labels.

Further, Customer may not remove or export from the United States or allow the export or re-export of the Services, Software or anything related thereto, or any direct product thereof in violation of any restrictions, laws or regulations of the United States Department of Commerce, the United States Department of Treasury Office of Foreign Assets Control, or any other United States or foreign agency or authority. As defined in FAR section 2.101, the Software and documentation are "commercial items" and according to DFAR section 252.227-7014(a)(1) and (5) are deemed to be "commercial computer software" and "commercial computer software documentation." Consistent with DFAR section 227.7202 and FAR section 12.212, any use modification, reproduction, release, performance, display, or disclosure of such commercial software or commercial software documentation by Customer will be governed solely by the terms of this Agreement and will be prohibited except to the extent expressly permitted by the terms of this Agreement.

Customer represents, covenants, and warrants that Customer will use the Services only in compliance with Company's standard published Term of Service and all applicable laws and regulations. Customer hereby agrees to indemnify and hold harmless Company against any damages, losses, liabilities, settlements and expenses (including without limitation costs and attorneys' fees) in connection with any claim or action that arises from an alleged violation of the foregoing or otherwise from Customer's use of Services. Although Company has no obligation to monitor Customer's use of the Services, Company may do so and may

prohibit any use of the Services it believes may be (or alleged to be) in violation of the foregoing.

Customer consents on behalf of all its users to receive automated text messages related to the software's functionality. These messages may include notifications, alerts, and reminders. Standard message and data rates may apply. Users can opt out individually by replying "STOP" to any message. Customer is responsible for updating Pace Scheduler with any changes to its users' mobile numbers. Company is not liable for delayed, undelivered, or compromised messages.

Customer shall be responsible for obtaining and maintaining any equipment and ancillary services needed to connect to, access or otherwise use the Services, including, without limitation, modems, hardware, servers, software, operating systems, networking, web servers and the like (collectively, "Equipment"). Customer shall also be responsible for maintaining the security of the Equipment, Customer account, passwords (including but not limited to administrative and user passwords) and files, and for all uses of Customer account or the Equipment with or without Customer's knowledge or consent.

CONFIDENTIALITY; PROPRIETARY RIGHTS

Each party (the "Receiving Party") understands that the other party (the "Disclosing Party") has disclosed or may disclose business, technical or financial information relating to the Disclosing Party's business (hereinafter referred to as "Proprietary Information" of the Disclosing Party). Proprietary Information of Company includes non-public information regarding features, functionality and performance of the Service. Proprietary Information of Customer includes non-public data provided by Customer to Company to enable the provision of the Services ("Customer Data"). The Receiving Party agrees: (i) to take reasonable precautions to protect such Proprietary Information, and (ii) not to use (except in performance of the Services or as otherwise permitted herein) or divulge to any third person any such Proprietary Information. The Disclosing Party agrees that the foregoing shall not apply with respect to any information after five (5) years following the disclosure thereof or any information that the Receiving Party can document (a) is or becomes generally available to the public, or (b) was in its possession or known by it prior to receipt from the Disclosing Party, or (c) was rightfully disclosed to it without restriction by a third party, or (d) was independently developed without use of any Proprietary Information of the Disclosing Party or (e) is required to be disclosed by law.

Customer shall own all right, title and interest in and to the Customer Data. Company shall own and retain all right, title and interest in and to (a) the Services and Software, all improvements,

enhancements or modifications thereto, (b) any software, applications, inventions or other technology developed in connection with Implementation Services or support, and (c) all intellectual property rights related to any of the foregoing.

Notwithstanding anything to the contrary, Company shall have the right to collect and analyze data and other information relating to the provision, use and performance of various aspects of the Services and related systems and technologies (including, without limitation, information concerning Customer Data and data derived therefrom), and Company will be free (during and after the term hereof) to use such information and data to improve and enhance the Services and for other development, diagnostic and corrective purposes in connection with the Services and other Company offerings. No rights or licenses are granted except as expressly set forth herein.

Notwithstanding anything in this Agreement to the contrary, it is the express intention of the parties to this Agreement that all right, title and interest of whatever nature in the Company's user manuals, training materials, all computer software, report formats, together with all subsequent versions, enhancements and supplements to said software and written materials, all copyright rights (including both source and object code) and all oral or written information relating to the Company's software or written materials conveyed in confidence by the Company pursuant to this Agreement which is not generally known to the public and which give the Company an advantage over their respective competitors who do not know or use such information, and all other forms of intellectual property of whatever nature is and shall remain the sole and exclusive property of the Company and shall not be exploited by the Customer, except as expressly set forth herein.

PAYMENT OF FEES

Customer will pay Company the applicable fees described in the Order Form for the Services and Custom Implementation Services in accordance with the terms therein (the "Fees"). If Customer's use of the Services exceeds the Service Capacity set forth on the Order Form or otherwise requires the payment of additional fees (per the terms of this Agreement), Customer shall be billed for such usage and Customer agrees to pay the additional fees in the manner provided herein. Company reserves the right to change the Fees or applicable charges and to institute new charges and Fees upon thirty (30) days prior notice to Customer (which may be sent by email). If Customer believes that Company has billed Customer incorrectly, Customer must contact Company no later than 60 days after the closing date on the first billing statement in which the error or problem appeared, in order to receive an adjustment or credit. Inquiries should be directed to Company's customer support department.

Company will bill customer via an invoice. Full payment for invoices issued in any given month must be received by Company thirty (30) days after the mailing date of the invoice. Unpaid amounts are subject to a finance charge of 1.5% per month on any outstanding balance, or the maximum permitted by law, whichever is lower, plus all expenses of collection and may result in immediate termination of Service. Customer shall be responsible for all taxes associated with Services other than U.S. taxes based on Company's net income.

TERM AND TERMINATION

Subject to earlier termination as provided below, this Agreement shall be automatically renewed for additional periods of the same duration as the Term as specified in the Order Form unless either party requests termination at least thirty (30) days prior to the end of the then-current term.

In addition to any other remedies it may have, either party may also terminate this Agreement upon thirty (30) days' notice (or without notice in the case of nonpayment), if the other party materially breaches any of the terms or conditions of this Agreement. Customer will pay in full for the Services up to and including the last day on which the Services are provided. All sections of this Agreement which by their nature should survive termination will survive termination, including, without limitation, accrued rights to payment, confidentiality obligations, warranty disclaimers, and limitations of liability.

WARRANTY, MAINTENANCE, AND DISCLAIMER

Company shall use reasonable efforts consistent with prevailing industry standards to maintain the Services in a manner which minimizes errors and interruptions in the Services and shall perform the Implementation Services in a professional and workmanlike manner. Services may be temporarily unavailable for scheduled maintenance or for unscheduled emergency maintenance, either by Company or by third-party providers, or because of other causes beyond Company's reasonable control, but Company shall use reasonable efforts to provide advance notice in writing or by e-mail of any scheduled service disruption. HOWEVER, COMPANY DOES NOT WARRANT THAT THE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE; NOR DOES IT MAKE ANY WARRANTY AS TO THE RESULTS THAT MAY BE OBTAINED FROM USE OF THE SERVICES. EXCEPT AS EXPRESSLY SET FORTH IN THIS SECTION, THE SERVICES AND IMPLEMENTATION SERVICES ARE PROVIDED "AS IS" AND COMPANY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT.

LIMITATION OF LIABILITY

NOTWITHSTANDING ANYTHING TO THE CONTRARY, EXCEPT FOR BODILY INJURY OF A PERSON, COMPANY AND ITS SUPPLIERS (INCLUDING BUT NOT LIMITED TO ALL EQUIPMENT AND TECHNOLOGY SUPPLIERS), OFFICERS, AFFILIATES, REPRESENTATIVES, CONTRACTORS AND EMPLOYEES SHALL NOT BE RESPONSIBLE OR LIABLE WITH RESPECT TO ANY SUBJECT MATTER OF THIS AGREEMENT OR TERMS AND CONDITIONS RELATED THERETO UNDER ANY CONTRACT, OR NEGLIGENCE THEORY,; (A) FOR ERROR OR INTERRUPTION OF USE OR FOR LOSS OR INACCURACY OR CORRUPTION OF DATA OR COST OF PROCUREMENT OF SUBSTITUTE GOODS, SERVICES OR TECHNOLOGY OR LOSS OF BUSINESS; (B) FOR ANY INDIRECT, EXEMPLARY, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES; (C) FOR ANY MATTER BEYOND COMPANY'S REASONABLE CONTROL; OR (D) FOR ANY AMOUNTS THAT, TOGETHER WITH AMOUNTS ASSOCIATED WITH ALL OTHER CLAIMS, EXCEED THE FEES PAID BY CUSTOMER TO COMPANY FOR THE SERVICES UNDER THIS AGREEMENT IN THE 12 MONTHS PRIOR TO THE ACT THAT GAVE RISE TO THE LIABILITY, IN EACH CASE, WHETHER OR NOT COMPANY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

requested. This Agreement shall be governed by the laws of the State of Illinois without regard to its conflict of laws provisions.

MISCELLANEOUS

If any provision of this Agreement is found to be unenforceable or invalid, that provision will be limited or eliminated to the minimum extent necessary so that this Agreement will otherwise remain in full force and effect and enforceable. This Agreement is not assignable, transferable or sub licensable by Customer except with Company's prior written consent. Company may transfer and assign any of its rights and obligations under this Agreement without consent. This Agreement is the complete and exclusive statement of the mutual understanding of the parties and supersedes and cancels all previous written and oral agreements, communications and other understandings relating to the subject matter of this Agreement, and that all waivers and modifications must be in a writing signed by both parties, except as otherwise provided herein. No agency, partnership, joint venture, or employment is created as a result of this Agreement and Customer does not have any authority of any kind to bind Company in any respect whatsoever. In any action or proceeding to enforce rights under this Agreement, the prevailing party will be entitled to recover costs and attorneys' fees. All notices under this Agreement will be in writing and will be deemed to have been duly given when received, if personally delivered; when receipt is electronically confirmed, if transmitted by facsimile or e-mail; the day after it is sent, if sent for next day delivery by recognized overnight delivery service; and upon receipt, if sent by certified or registered mail, return receipt

SECURITY STATEMENT

The Pace Scheduler is a cloud based software solution, which therefore poses little risk to any internal IT networks. Further, no highly sensitive data is stored anywhere within the Pace Scheduler databases. We do not collect social security numbers, payment information, health information, or external passwords. For all of the data that we do collect, we keep it secure in the following ways:

The Pace Scheduler uses 256-bit secure sockets layer encryption for all communications with our servers.

All data is password protected and multiple security and permission layers are enforced at the application level to ensure only the proper users view the data they are entitled to view. Passwords are encrypted using the PBKDF2 algorithm with a SHA256 hash, a password stretching mechanism recommended by NIST. This means even members of the Pace Scheduler development team cannot gain access to a user's password.

The data is physically stored on the highly secured AWS technology infrastructure. The AWS data center operations have been accredited under ISO 27001, SOC 1 and SOC 2/SSAE 16/ISAE 3402 (Previously SAS 70 Type II), PCI Level 1, FISMA Moderate, Sarbanes-Oxley (SOX). These centers also provide environmental/disaster safeguards, network security safeguards, and system security safeguards that all comply with industry standards.

Database backups are taken and stored at regular intervals, no less than once per day, and are also stored within the secure AWS technology infrastructure. Every change to your data is written to write-ahead logs, which are shipped to multi-datacenter, high-durability storage. In the unlikely event of unrecoverable hardware failure, these logs can be automatically 'replayed' to recover the database to within seconds of its last known state.

UPTIME AND AVAILABILITY

Uptime

The Pace Scheduler application is hosted on Amazon Web Services servers, which guarantees a 99.99% uptime. To date, Pace Scheduler has kept a historical 99.996% uptime (including both planned and un-planned outages), while frequently releasing features and making many improvements on the application.

Scheduled Maintenance

When Pace releases new functionality that may require downtime, releases updates to existing features that may require downtime, or needs to bring the website down for maintenance for any other reason, Pace will schedule these updates or outages between 12:00AM CST and 5:00AM CST unless extenuating circumstances exist. Releases that require 0 seconds of downtime may happen at alternate times. During the vast majority of releases there will be no downtime. The reason for scheduling certain releases in the night is to ensure that if downtime happens it will not affect users during normal business hours. There may occasionally be exceptions when the Pace team may need to do maintenance during business hours, and in these instances the Pace Scheduler team will communicate as appropriate to any affected clients.

SUPPORT TERMS

Company will provide Technical Support to Customer via both telephone and electronic mail on weekdays during the hours of 9:00 am through 5:00 pm US/Central time, with the exclusion of Federal Holidays (“**Support Hours**”).

Customer may initiate a helpdesk ticket during Support Hours by calling 630-395-2185 or any time by emailing support@pacescheduler.com.

Company will use commercially reasonable efforts to respond to all Helpdesk tickets within one (1) business day.

PRICING AND FEES

PACE SCHEDULER
2040 CORPORATE LANE
NAPERVILLE, IL 60563

DATE: January 29, 2025
QUOTATION #: STJ20250129
QUOTE VALID UNTIL: April 29, 2025

BILL TO:
ST. JOHNS POLICE DEPARTMENT
APRIL LECH
109 E. STATE ST.
ST. JOHNS, MI 48879

DESCRIPTION	TYPE OF FEE	TOTAL
General Software License Fee - up to 20 Users	Yearly Recurring	\$1,600.00
Setup Fee	One-time	(\$500.00) WAIVED

COST BREAKDOWN:

DESCRIPTION	TOTAL
YEARLY RECURRING TOTAL FEES	\$1,600.00
ONE-TIME FEES	NONE
FIRST YEAR TOTAL	\$1,600.00*

Please check the option below to add Single Sign On (SSO) through Microsoft Azure to your subscription:

_____ SSO Pricing for above stated user count: \$240.00/Year (\$1,840.00 subscription total per year with SSO)

*Pace Scheduler offers a satisfaction guarantee, whereby once your full team has attended and completed all training and onboarding meetings, and are using the system and considered live, if you are dissatisfied with the product during the first 12 months of your subscription, Pace will prorate and refund the unused portion of your subscription. Refund does not include any custom development fees.

* Purchase a multi-year subscription in order to lock in your current pricing with no increases throughout the multi-year subscription contract.

Please check an option below if you would like to take advantage of a multi-year subscription agreement:

_____ 2 Year _____ 3 Year _____ 4 Year _____ 5 Year

Payment is due upfront for selected number of years in order to take advantage of this offer.

EXHIBIT A

Custom Implementation Services

Custom Implementation Services: Pace will use commercially reasonable efforts to provide Customer the additional services and/or functionality described here in Exhibit A (hereafter referred to as Custom Implementation Services), and Customer shall pay Company the Custom Implementation Fee in accordance with the terms herein.

This exhibit describes all items that go beyond the scope of the core Pace Scheduler program and are therefore considered to be Custom Implementation Services:

- N/A. Customer did not request any Custom Implementation Services in this contract.

PACE SCHEDULER SERVICES AGREEMENT
QUOTATION #: STJ20250129

This Pace Scheduler Services Agreement (“Agreement”) is entered into on _____ (the “Effective Date”) between Pace Systems, Inc. with a place of business at 2040 Corporate Lane, Naperville, IL 60563 (“Company”), and the Customer listed above (“Customer”). This Agreement includes and incorporates the proposal in its entirety, as well as the stated Terms and Conditions and contains, among other things, warranty disclaimers, liability limitations and use limitations. There shall be no force or effect to any different terms of any related purchase order or similar form even if signed by the parties after the date hereof.

Customer acknowledges and agrees to payment being due upfront and within 30 days of receipt of Pace Scheduler invoice.

Pace Systems, Inc.:

Customer:

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

PO# (If Applicable): _____



CLIENT BILLING INFORMATION

Date: _____

Company Information

<i>Company Name:</i>		<i>Company Address:</i>	
<i>City:</i>	<i>State:</i>	<i>Zip Code:</i>	
<i>Phone Number:</i>	<i>Fax Number:</i>	<i>Website:</i>	
<i>Company Contact:</i>		<i>Title:</i>	<i>Phone Number:</i>

Tax Exempt? Yes No

FEIN#: _____

Accounting Contact

<i>Name:</i>	<i>Phone:</i>	<i>Email:</i>
--------------	---------------	---------------

Authorized Signature

Title

Date

PLEASE EMAIL A COPY OF YOUR COMPLETED W9 FORM TO YOUR ACCOUNT MANAGER

In order to move forward, we will need the following from you:

1. Copy of signed Proposal
2. Completed Client Billing Information (see Page 12)
3. PO (if you use them)
4. Tax Exempt Certificate
5. Completed W9 Form
6. Full contact information (name, phone, email) for the following:
 - **Project Lead**
 - **Co-Lead**
 - **Head of Department** - (this person will be copied on correspondence and progress)
 - **Payroll Contact** – Person who manages the payroll software (if you want us to build a payroll export)

The Project Lead/Co-Lead will be the main points of contact for us, will fill out the information we need to setup your new site, and will be the driving force at your department to get everyone on board.

Once we receive the above information, we will send out a welcome email within 24 hours to the Project Lead and Co-Lead.

The welcome email will detail the information we need from you in order to setup your site. Once you receive it, please **do not** fill anything out until we have had a chance to review it together. This reduces the chance of errors, which may delay the building of your new Pace Scheduler site.



AGENDA



Master Plan Update

CITY OF ST. JOHNS, MICHIGAN

February 24, 2025



Key Elements – Master Plan

Future Land Use

Redevelopment

Housing Capacity

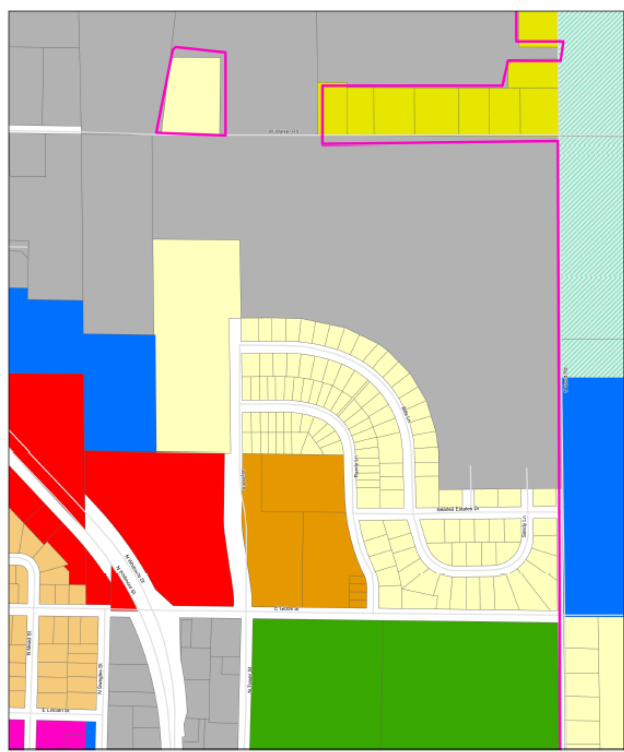
Mobility



Future Land Use

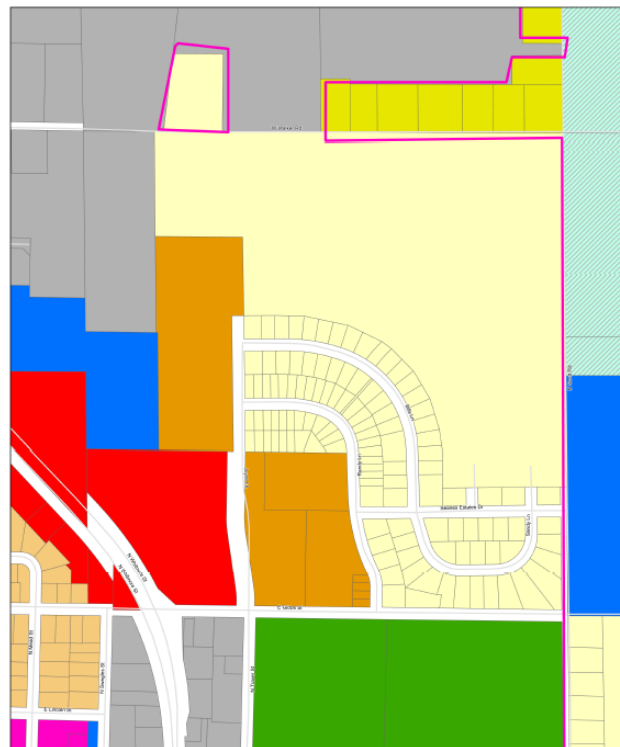


Searles Estates – Current FLU



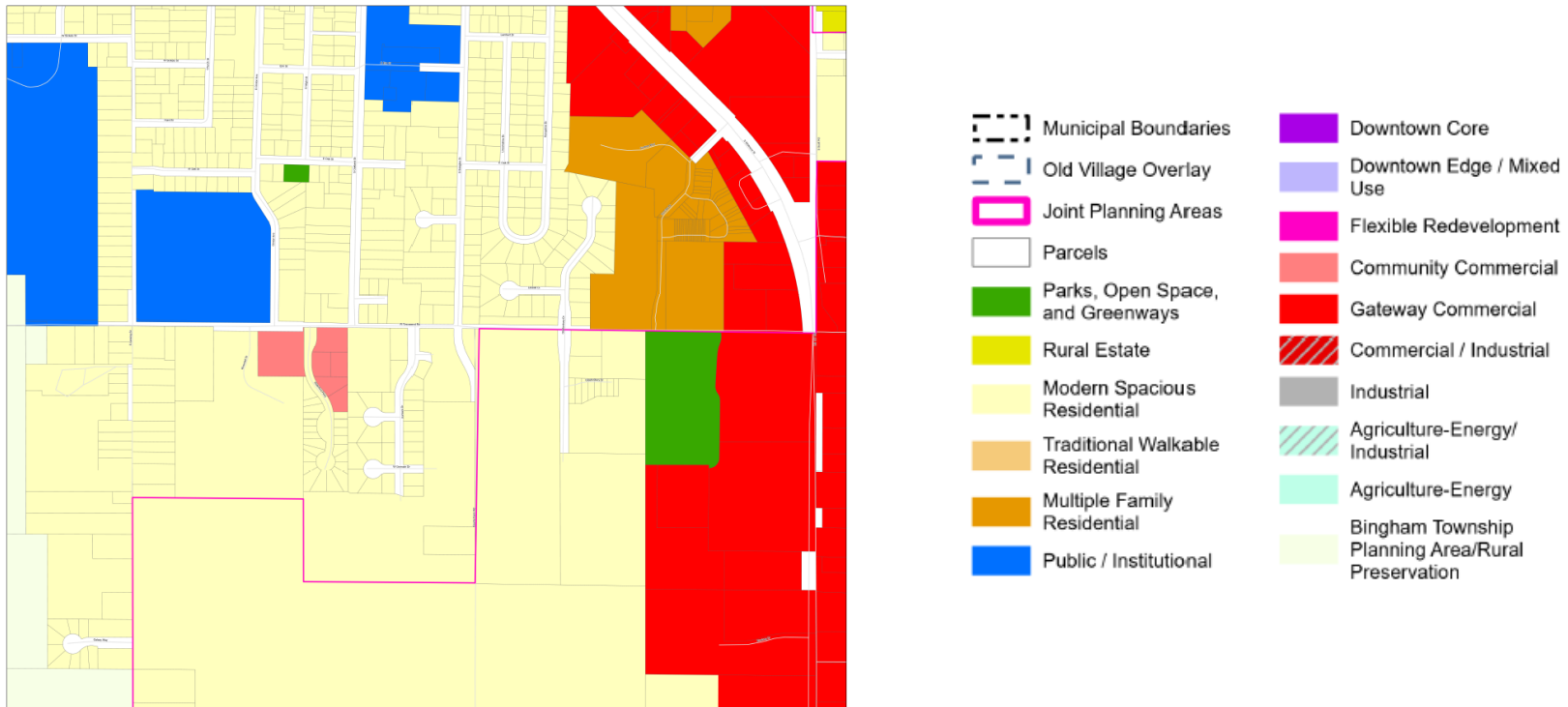
- Municipal Boundaries
- Old Village Overlay
- Joint Planning Areas
- Parcels
- Parks, Open Space, and Greenways
- Rural Estate
- Modern Spacious Residential
- Traditional Walkable Residential
- Multiple Family Residential
- Public / Institutional
- Downtown Core
- Downtown Edge / Mixed Use
- Flexible Redevelopment
- Community Commercial
- Gateway Commercial
- Commercial / Industrial
- Industrial
- Agriculture-Energy/Industrial
- Agriculture-Energy
- Bingham Township Planning Area/Rural Preservation

Searles Estates – Proposed FLU

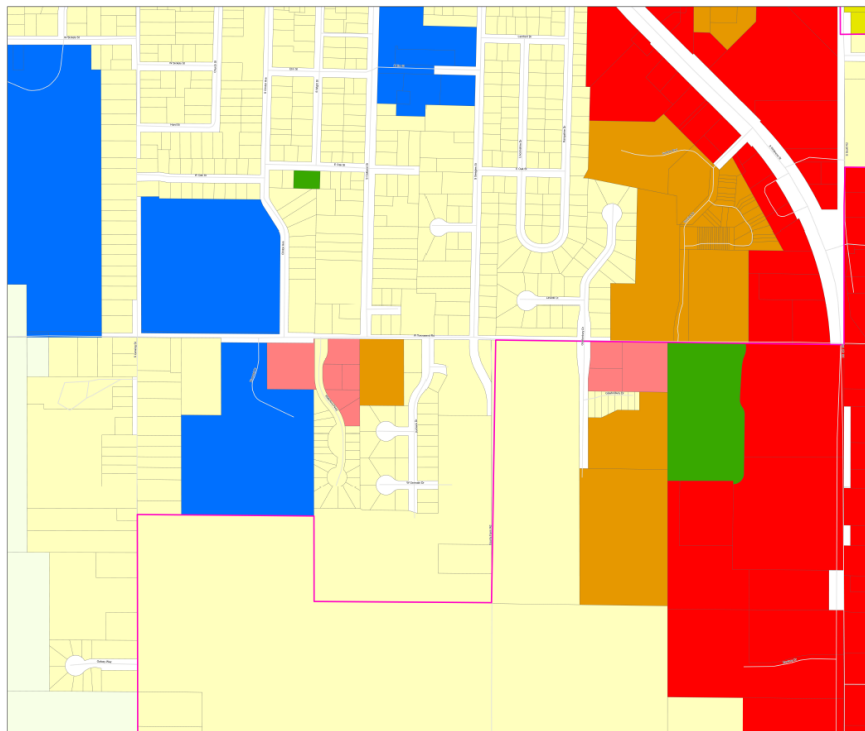


- | | | | |
|---|----------------------------------|---|---|
|  | Municipal Boundaries |  | Downtown Core |
|  | Old Village Overlay |  | Downtown Edge / Mixed Use |
|  | Joint Planning Areas |  | Flexible Redevelopment |
|  | Parcels |  | Community Commercial |
|  | Parks, Open Space, and Greenways |  | Gateway Commercial |
|  | Rural Estate |  | Commercial / Industrial |
|  | Modern Spacious Residential |  | Industrial |
|  | Traditional Walkable Residential |  | Agriculture-Energy/Industrial |
|  | Multiple Family Residential |  | Agriculture-Energy |
|  | Public / Institutional |  | Bingham Township Planning Area/Rural Preservation |

Townsend Road– Current FLU

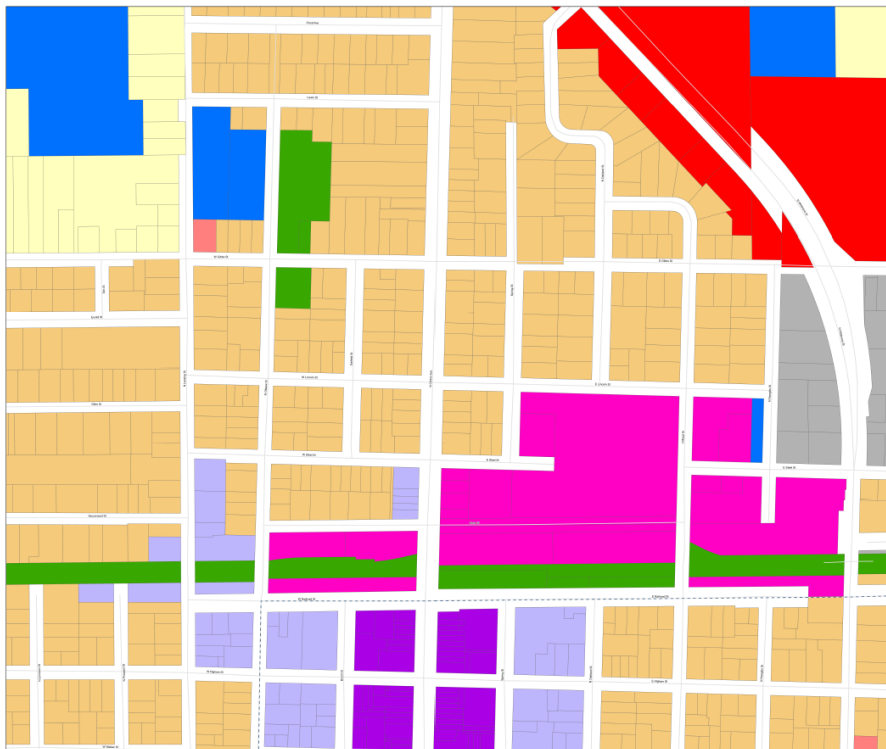


Townsend Road– Proposed FLU



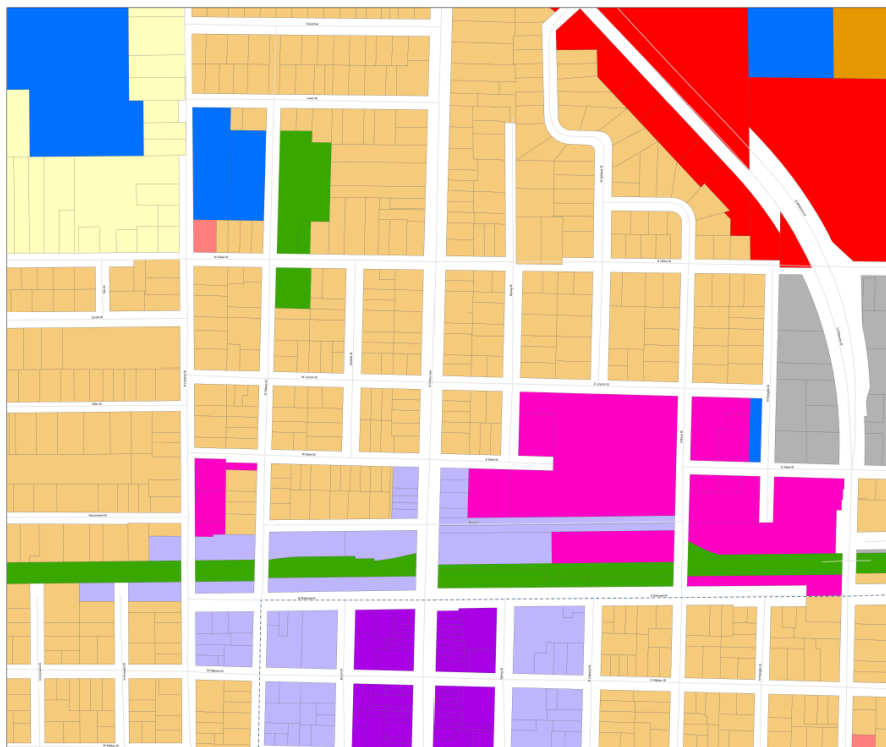
- Municipal Boundaries
- Old Village Overlay
- Joint Planning Areas
- Parcels
- Parks, Open Space, and Greenways
- Rural Estate
- Modern Spacious Residential
- Traditional Walkable Residential
- Multiple Family Residential
- Public / Institutional
- Downtown Core
- Downtown Edge / Mixed Use
- Flexible Redevelopment
- Community Commercial
- Gateway Commercial
- Commercial / Industrial
- Industrial
- Agriculture-Energy/Industrial
- Agriculture-Energy
- Bingham Township Planning Area/Rural Preservation

North Downtown – Current FLU



- Municipal Boundaries
- Old Village Overlay
- Joint Planning Areas
- Parcels
- Parks, Open Space, and Greenways
- Rural Estate
- Modern Spacious Residential
- Traditional Walkable Residential
- Multiple Family Residential
- Public / Institutional
- Downtown Core
- Downtown Edge / Mixed Use
- Flexible Redevelopment
- Community Commercial
- Gateway Commercial
- Commercial / Industrial
- Industrial
- Agriculture-Energy/Industrial
- Agriculture-Energy
- Bingham Township Planning Area/Rural Preservation

North Downtown – Proposed FLU



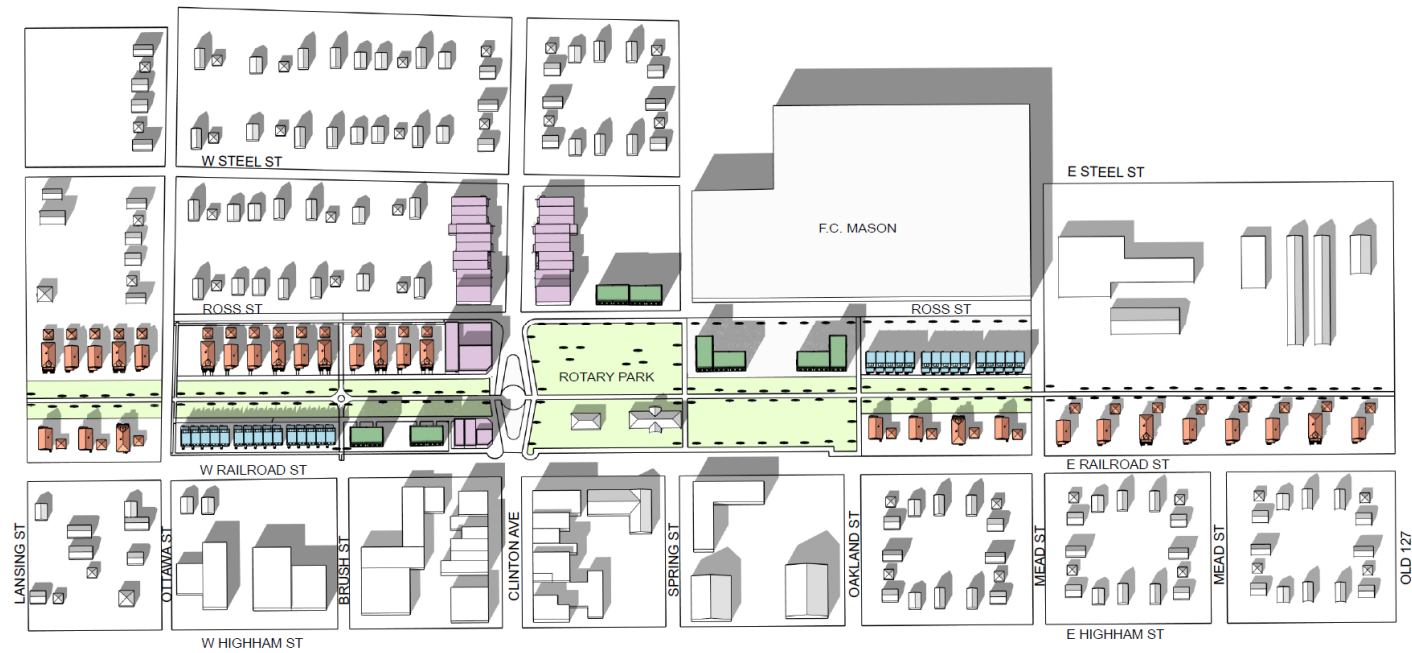
- Municipal Boundaries
- Old Village Overlay
- Joint Planning Areas
- Parcels
- Parks, Open Space, and Greenways
- Rural Estate
- Modern Spacious Residential
- Traditional Walkable Residential
- Multiple Family Residential
- Public / Institutional
- Downtown Core
- Downtown Edge / Mixed Use
- Flexible Redevelopment
- Community Commercial
- Gateway Commercial
- Commercial / Industrial
- Industrial
- Agriculture-Energy/Industrial
- Agriculture-Energy
- Bingham Township Planning Area/Rural Preservation



Redevelopment



North Downtown Redevelopment





Housing Capacity



Housing Analysis Takeaways

- **St. Johns needs more housing of all types, and at all price points.**
- **St. Johns' biggest need is *high end* housing.**
 - “Filtering” – higher income households crowding out low/middle incomes for the same housing units.

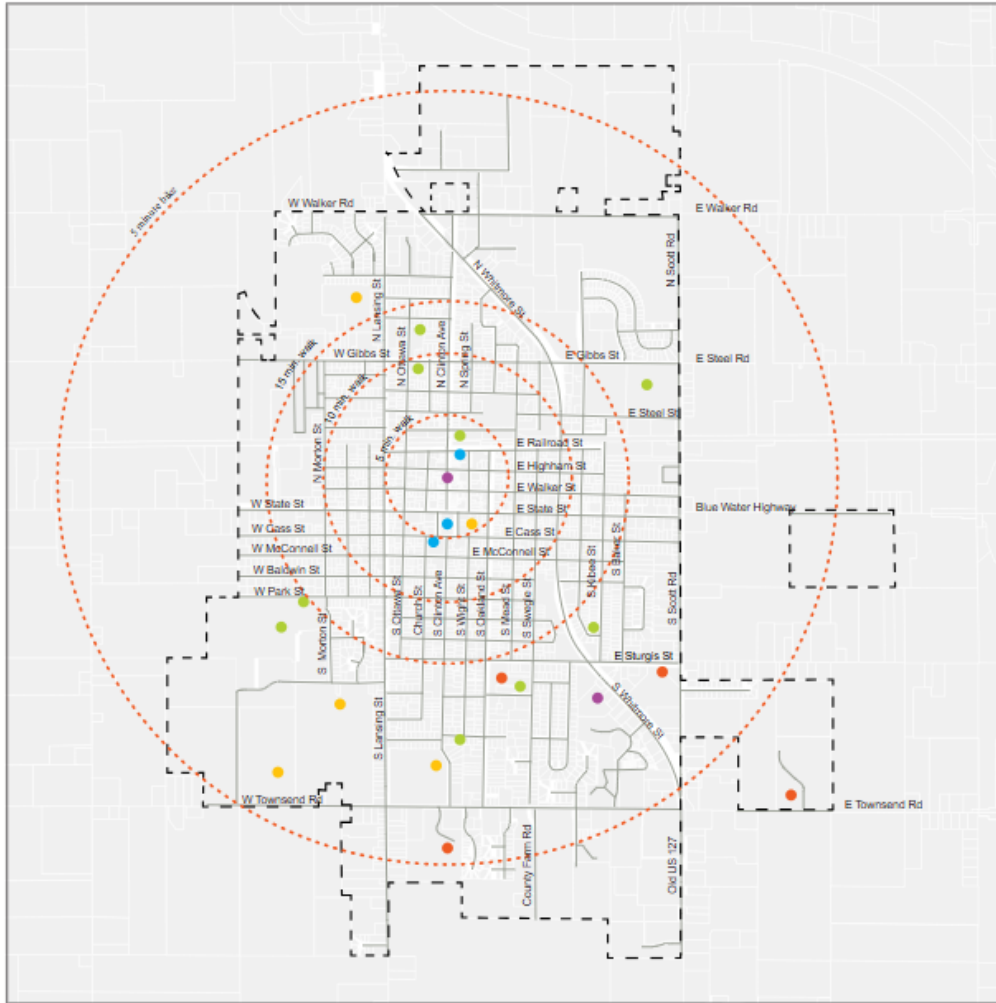
Housing Analysis Takeaways

- **Projected Housing Need in 2040 (St. Johns-Bingham Township Combined): 4,966 Housing Units**
- **Future Land Use Map (St. Johns-Bingham Township Combined): 6,102 Housing Units**

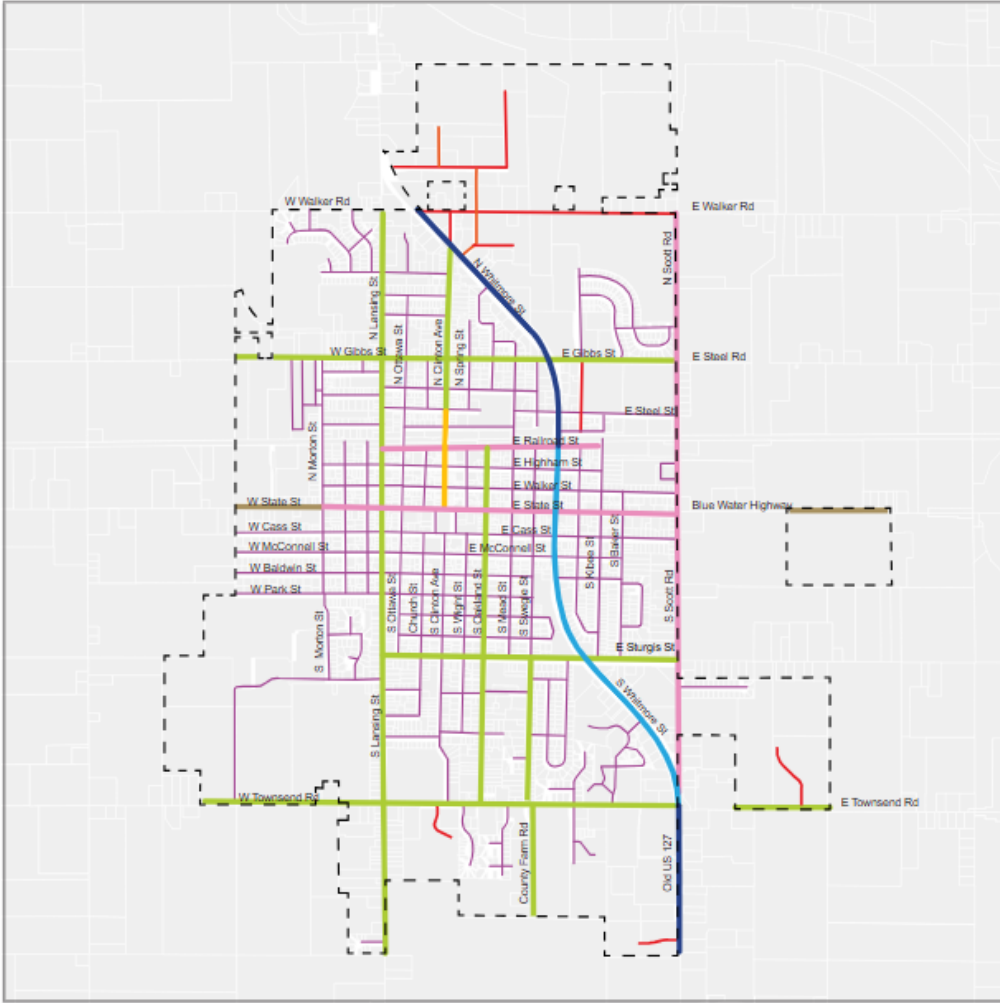


Mobility/Transportation

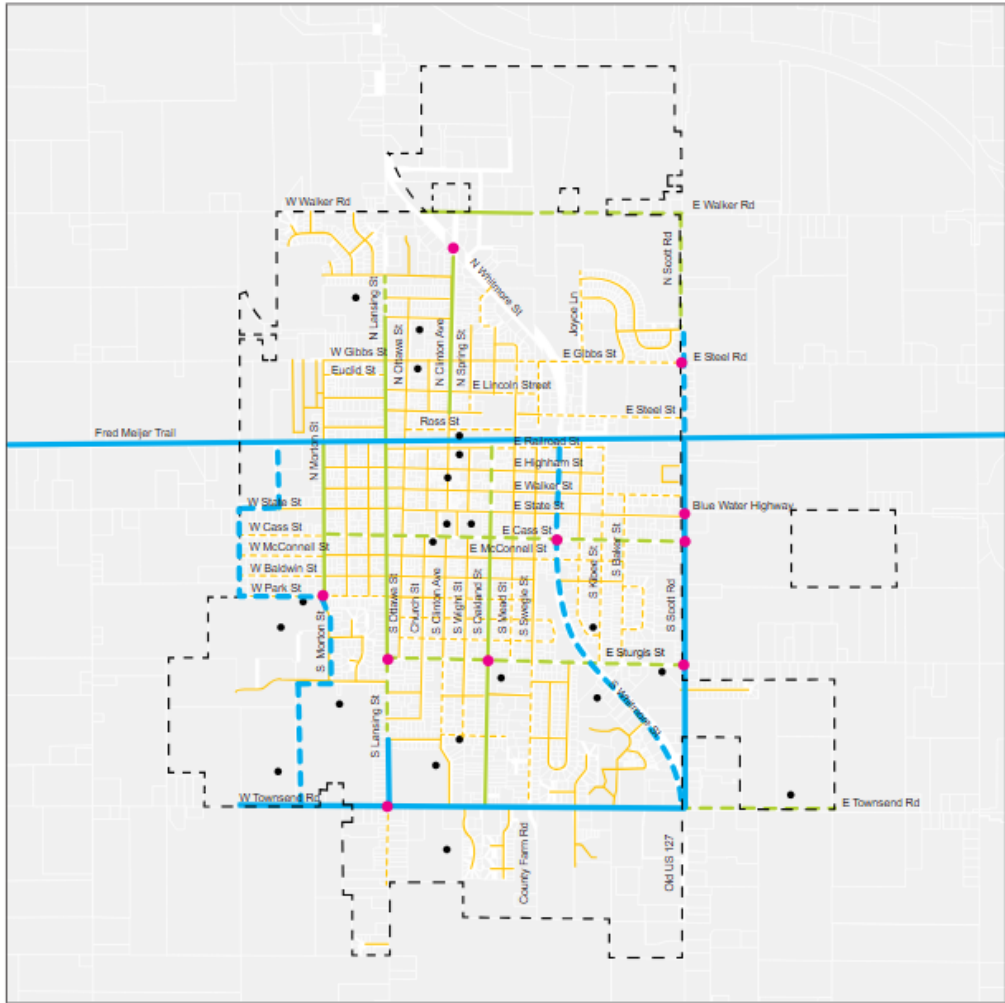




- LEGEND**
- Parks
 - Schools
 - Medical
 - City
 - Commercial



- LEGEND**
- Regional Boulevard
 - Urban Boulevard
 - Downtown Mainstreet
 - Neighborhood Connector
 - Business Connector
 - Neighborhood Streets
 - Mixed Use Connector
 - Rural Highway
 - City Boundary



LEGEND

- Existing Non-Motorized Trails
- Proposed Non-Motorized Trails
- Existing Bike Lanes
- Proposed Bike Lanes
- Existing Sidewalks
- Pedestrian Improvement Opportunities
- Intersection Improvements
- Local Destinations

Next Steps

Full Draft – Review and Comments by Planning Commission

Presentation to City Commission – February 24

Outreach to Stakeholders (DDA/PSD, Land Owners, MDOT, Businesses)

Adoption Process – Distribution, Public Hearing



DUKE NA



Questions?





Michigan
GANNETT

PO Box 630491 Cincinnati, OH 45263-0491

AFFIDAVIT OF PUBLICATION

CITY OF ST JOHNS
desc 0353
City Of St Johns
100 E State St
Saint Johns MI 48879-1579

STATE OF WISCONSIN, COUNTY OF BROWN

The Lansing State Journal, a newspaper published in the city of Lansing, Ingham County, State of Michigan, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

01/31/2025

and that the fees charged are legal.
Subscribed and sworn to before me on 01/31/2025

**NOTICE
ST JOHNS CITY COMMISSION
ORDINANCE**

Notice is hereby given that the St. Johns City Commission will consider ordinances at a regular meeting held on Monday, February 24, 2025 at 6:00 p.m., Room #2200 (2nd Floor) of the Courthouse located at 100 E. State St., St. Johns, MI.

1. An Ordinance to Amend Title IX: General Regulations, Chapter 93: Nuisances of the City of St. Johns Code of Ordinances Regarding Noise Control.
2. An Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Landscape Standards
3. An Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Accessory Structures
4. An Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Height Requirements for Corner Lots
5. An Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding General Exceptions for Corner Lots
6. An Ordinance to Amend Chapter 155 of the City of St. Johns Code of Ordinances Regarding Supplementary Regulations for Keeping Animals

A copy of the complete text of the proposed ordinance can be reviewed or obtained through the St. Johns City Clerk's Office, 100 E. State St., Suite 1100, St. Johns MI 48879.
Mindy J. Seavey, City Clerk

NOTICE: People with disabilities needing accommodation for effective participation in the meeting should contact the City Clerk at (989) 224-8944 at least two (2) working days in advance of the meeting. An attempt will be made to make reasonable accommodation.

LSJ-10986765 01/31/2025

Legal Clerk _____

 Notary, State of WI, County of Brown
 5.15.27

My commission expires

Publication Cost:	\$261.50	
Tax Amount:	\$0.00	
Payment Cost:	\$261.50	
Order No:	10986765	# of Copies:
Customer No:	1187031	1
PO #:	25013	

THIS IS NOT AN INVOICE!
Please do not use this form for payment remittance.

NANCY HEYRMAN
 Notary Public
 State of Wisconsin

**CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
February 24, 2025**

Department: Community Development	Attachments:	Submitted to CA for Review
Subject: Noise Ordinance Amendments for Final Adoption	<input checked="" type="checkbox"/> Recommended Noise Ordinance Amendment (Redline) <input checked="" type="checkbox"/> Ordinance to Amend Noise Ordinance <input checked="" type="checkbox"/> Resolution to Adopt Ordinance - #10-2025	 [N/A] [N/A] [N/A]
Prepared by: Christopher Khorey, AICP, McKenna	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: At the request of City Manager Chad Gamble, the Planning Commission has developed and recommended amendments to Ordinance 93.20-25, which is the City’s noise ordinance. The amendments are intended to correct deficiencies with the current ordinance, which is vague and hard to enforce. The City Commission declined to adopt the new Ordinance on January 27, 2025 due to concerns over conflicting language regarding times when certain decibel limits are in effect. That concern has been corrected in the version for the February 24, 2025 meeting.

BACKGROUND/DISCUSSION: This ordinance change was brought before the Commission for the first reading at the January 27, 2025 Commission meeting. The new ordinance establishes clear and objective metrics for noise ordinance violations based on the zoning district where the noise is emanating from and the activity generating the noise. It also has a series of exemptions for activities that are legitimate and desirable, but may generate loud noises. This structure should allow for fair and efficient response to noise complaints by the police and code enforcement.

There was a legal question whether Section 93.23 adequately protects noises emanating from land uses subject to the Right to Farm Act during the debate at the prior Commission meeting. After review by the City Attorney, the ordinance has been amended to incorporate references to the Right To Farm Act that protects “generally accepted agricultural and management practices approved by the Michigan Commission on Agriculture”.

STRATEGIC PLAN OBJECTIVE: Master Plan Neighborhoods Goal #1 States: “Preserve, Protect, and Enhance the Integrity, Economic Viability, and Livability of St. Johns Neighborhoods.” An enforceable and fair noise ordinance furthers that goal.

FISCAL IMPACT: Fiscal impact is anticipated to be minimal, though Staff hopes for some cost savings on code enforcement from the new Ordinance.

RECOMMENDATION: Staff requests that the City Commission adopt Resolution #10-2025 to adopt the ordinance.

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~~Any pet or domestic livestock, as defined in Section 155.200, 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, Monday-Saturday between the hours of 8 pm and 7 am, except between the hours of 7:00 a.m. and 6:00 p.m.,~~ unless a permit be first obtained from the City Manager (See Section 93.23.7).

(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, unless a permit be first obtained from the City Manager:

- (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.;~~

(32) 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;

(43) Sound from amplifying equipment shall not be issued within 100 yards of the property line of hospitals, schools or ~~churches~~ religious institutions;

(54) The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet-yards from the sound amplifying equipment and so that the volume is not unreasonably loud in excess of the standards in Section 93.22, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility;

(65) 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 handlehandling 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 such that the standards of Section 93.22 are not violated.

(G) Hawking. The hawking of goods, merchandise, or newspapers in a loud and boisterous manner, in violation of the standards in Section 93.22.

(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, in violation of the standards of Section 93.22.

(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~~ City Manager or their designee 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 is being intentionally used to harass or annoy another person

(k) Whether the noise contains the discharge or escape of sounds or vibrations ~~which cause discomfort~~ in violation of the standards in Section 93.22 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~~8:00 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>108:00 p.m. to 7:00 a.m.</u>	<u>60</u>
	<u>7:00 a.m. to 10:008:00 p.m.</u>	<u>66</u> 80
<u>Commercial</u>	<u>8:00 10:00 p.m. to 7:00 a.m.</u>	<u>66</u>
	<u>7:00 a.m. to 108:00 p.m.</u>	<u>71</u> 80
<u>Industrial</u>	<u>8:00 10:00 p.m. to 7:00 a.m.</u>	<u>71</u>
	<u>7:00 a.m. to 108:00 p.m.</u>	<u>71</u> 80

Noise sensitive areas (hospitals, schools, and religious institutions)	8:00 10:00 p.m. to 7:00 a.m. 7:00 a.m. to 108:00 p.m.	60 66 70
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** 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).*

§ 93.2~~32~~ 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 or educational 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 ~~108:00~~ 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 ~~68:00~~ a.m. and ~~108:00~~ 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 ~~108:00~~ 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 ~~108:00~~ p.m. and ~~6~~ 7:00 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 ~~108:00~~ 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~~City~~

Manager or their designee. The city commissionCity Manager or their designee shall cause such a permit to issue under circumstances and subject to conditions as follows:

- a. The city commissionCity Manager or their designee 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 commissionCity Manager or their designee; and
- c. The applicant will not use the equipment in residential areas between the hours of 408:00 p.m. and 7:00 a.m. of the following day.

(11) Use of fireworks in compliance with State law and Chapter 135 of the St. Johns Code of Ordinances.

(12) 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) An alleged violation shall be investigated by the St. Johns Police Department and/or the St. Johns Code Enforcement Officer. The investigator shall use a decibel meter to determine the loudest observed noise, and, if that noise is in excess of Section 93.22 and otherwise in violation of this Ordinance, it shall be considered to be in violation.

(2) 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 \$40.00set and revised annually by the City Manager or their designee. 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:as set and revised annually by the City Manager or their designee.

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.

(23) 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 \$50.00set and revised annually by the City Manager or their designee. 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.

CITY OF ST. JOHNS
ORDINANCE NO. _____

**AN ORDINANCE TO AMEND TITLE IX: GENERAL REGULATIONS, CHAPTER 93:
NUISANCES**

An Ordinance to amend the metrics for noise ordinance violations in the City of St. Johns

SECTION 1. Amendment to Title IX: General Regulations, Chapter 93: Nuisances, Section 93.20: Excessive Noise Declared Nuisance. The City amends Title IX, Chapter 93, Section 93.20 to read as follows:

“§ 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;~~

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

~~(D) Aircraft in flight or in operation at an airport.”~~

SECTION 2. Amendment to Title IX: General Regulations, Chapter 93: Nuisances, Section 93.21: Specific Offenses. The City amends Title IX, Chapter 93, Section 93.21 to read as follows:

“§ 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~~ Any pet or domestic livestock, as defined in Section 155.200, 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, Monday-Saturday between the hours of 8 pm and 7 am, except between the hours of 7:00 a.m. and 6:00 p.m.,~~ unless a permit be first obtained from the City Manager (See Section 93.23.7).

(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, unless a permit be first obtained from the City Manager:

(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.;~~

~~(32)~~ 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;

~~(43)~~ Sound from amplifying equipment shall not be issued within 100 yards of the property line of hospitals, schools or ~~churches~~ religious institutions;

~~(54)~~ The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet-yards from the sound amplifying equipment and so that the volume is not unreasonably loud in excess of the standards in Section 93.22, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility;

~~(65)~~ 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~~ handling 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 such that the standards of Section 93.22 are not violated.

(G) Hawking. The hawking of goods, merchandise, or newspapers in a loud and boisterous manner, in violation of the standards in Section 93.22.

(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, in violation of the standards of Section 93.22.

(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~~ City Manager or their designee 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 is being intentionally used to harass or annoy another person

~~(kl)~~ Whether the noise contains the discharge or escape of sounds or vibrations which cause discomfort in violation of the standards in Section 93.22 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 11:00:00 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.”

SECTION 3. Amendment to Title IX: General Regulations, Chapter 93: Nuisances. Title IX, Chapter 93 is amended to add a new Section 93.22 to read as follows:

“§ 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>108:00 p.m. to 7:00 a.m.</u>	<u>60</u>
	<u>7:00 a.m. to 8:00 p.m.</u>	<u>6680</u>
<u>Commercial</u>	<u>8:00 p.m. to 7:00 a.m.</u>	<u>66</u>
	<u>7:00 a.m. to 8:00 p.m.</u>	<u>7180</u>
<u>Industrial</u>	<u>8:00 p.m. to 7:00 a.m.</u>	<u>71</u>
	<u>7:00 a.m. to 8:00 p.m.</u>	<u>71-80</u>
<u>Noise sensitive areas (hospitals, schools, and religious institutions)</u>	<u>8:00 p.m. to 7:00 a.m.</u>	<u>60</u>
	<u>7:00 a.m. to 8:00 p.m.</u>	<u>6670</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).”

SECTION 4. Amendment to Title IX: General Regulations, Chapter 93: Nuisances, re-numbering Section 93.22: Exceptions. Section 93.22 shall be renumbered to Section 93.23 and amended to read as follows:

“§ 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 or educational 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 6-7:00 a.m. of the following day unless otherwise preempted by the Right to Farm Act and in conformity with the Generally Accepted Agricultural and Management Practices approved by the Michigan Commission of Agriculture.

(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~~ City Manager or their designee. ~~The city commission~~ City Manager or their designee shall cause such a permit to issue under circumstances and subject to conditions as follows:

a. ~~The city commission~~ City Manager or their designee 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~~ City Manager or their designee; and
- c. The applicant will not use the equipment in residential areas between the hours of ~~10~~8:00 p.m. and 7:00 a.m. of the following day.

(11) Use of fireworks in compliance with State law and Chapter 135 of the St. Johns Code of Ordinances.

(12) 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.~~

SECTION 5. Amendment to Title IX: General Regulations, Chapter 93: Nuisances. Title IX, Chapter 93 is amended to add new Section 93.24 to read as follows:

“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.”

SECTION 6. Amendment to Title IX: General Regulations, Chapter 93: Nuisances. Title IX, Chapter 93 is amended to add new Section 93.25 to read as follows:

“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) An alleged violation shall be investigated by the St. Johns Police Department and/or the St. Johns Code Enforcement Officer. The investigator shall use a decibel meter to determine the loudest observed noise, and, if that noise is in excess of Section 93.22 and otherwise in violation of this Ordinance, it shall be considered to be in violation.

~~(2)~~ 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 set and revised annually by the City Manager or their designee. 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: as set and revised annually by the City Manager or their designee.

- 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.~~
- (a) 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 set and revised annually by the City Manager or their designee. Repeat offenses under this subsection shall be subject to increased fines as provided by section 1- 11(c)(2) of this Code. 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.”

SECTION 7. Repealer Clause

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 8. Savings Clause

This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order, or parts hereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities, or causes of action of the City, or other person, either criminal or civil, that may have already occurred, accrued, or grown out of any Ordinance, Resolution, Order, or policy, or any part thereof, hereby repealed.

SECTION 9. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

SECTION 10. Effective Date

This Ordinance shall be effective twenty (20) days from and after its adoption by the City of St. Johns City Commission and after its publication.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

As the City Clerk of the City of St. Johns, Clinton County, Michigan, I certify that this is a true and complete copy of an ordinance adopted by the St. Johns City Commission at a regular meeting held on _____, 2024.

Scott Dzurka, Mayor _____

Mindy J. Seavey, Clerk _____

88044:00001:201214862-1

**CITY OF ST. JOHNS
RESOLUTION #10-2025**

RESOLUTION TO ADOPT AN ORDINANCE TO AMEND TITLE IX: GENERAL REGULATIONS, CHAPTER 93: NUISANCES OF THE CITY OF ST. JOHNS CODE OF ORDINANCES REGARDING NOISE CONTROL

At a regular meeting of the City Commission of the City of St. Johns, Clinton County, Michigan, held at the City Hall, in said City on the 24th day of February, 2025 at 6:00 p.m., Local Time.

Present: _____

Absent: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, the City of St. Johns (“City”) has previously adopted an ordinance identifying and regulating excessive noise nuisance violations within the city limits; and

WHEREAS, the City now desires to amend Title IX (*General Regulations*), Chapter 93 (*Nuisances*) of the Code of Ordinances of the City of St. Johns, to allow the City to establish clear and objective metrics for noise violations based on the zoning district where the noise is emanating from and the activity generating the noise; and

WHEREAS, pursuant to the “Ordinances” chapter of the City of St. Johns Charter (“Charter”), the City has the authority to amend its Code of Ordinances; and

WHEREAS, pursuant to Section 5 of the Charter, at its meeting on January 27, 2025, the City introduced Ordinance No. ___, An Ordinance to Amend Title IX: General Regulations, Chapter 93: Nuisances (“Ordinance”); and

WHEREAS, the City now desires to adopt the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Johns as follows:

1. The City adopts Ordinance No. ___, An Ordinance An Ordinance to Amend Title IX: General Regulations, Chapter 93: Nuisances.
2. The City shall publish the Ordinance as required by law.
3. To the extent that any resolution or portion of resolution is inconsistent with this Resolution, such resolutions or portions of resolutions are hereby rescinded.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)

)

COUNTY OF CLINTON)

I, the undersigned, the duly qualified and acting Clerk of the City of St. Johns, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission of said City at a regular meeting held on the 24th day of February, 2025.

Mindy Seavey, City Clerk

**CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
February 24, 2025**

Department: Community Development	Attachments:	Submitted to CA for Review
Subject: <i>Landscape Standards Amendments – Final Adoption</i>	<input checked="" type="checkbox"/> Landscape Standards Amendments (Redline) <input checked="" type="checkbox"/> Landscape Standards – Resolution to Adopt - #11-2025 <input checked="" type="checkbox"/> Landscape Standards – Ordinance	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Prepared by: Christopher Khorey, AICP, McKenna	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: At the request of City Manager Chad Gamble, the Planning Commission has developed and recommended amendments to Ordinance 155.295-303, which contains the City’s landscape standards. The amendments are intended to correct deficiencies with the current ordinance. The City Commission approved the First Reading of the amendments on January 27, 2025.

BACKGROUND/DISCUSSION: This ordinance change was brought before the Commission for the first reading at the January 27, 2025 Commission meeting. The new ordinance has explicit requirements for buffer walls and plantings according to district of adjacent parcel. Additionally, requirements creating unrealistically high requirements were eliminated to ease difficulty of compliance, and a summary table clearly listing landscaping area requirements based on total ground floor square footage of proposed principal structure was added.

STRATEGIC PLAN OBJECTIVE: Master Plan Sustainability and Environmental Preservation Goal #1 states: “Integrate natural features into site development while cleaning up existing contamination to protect the quality of nature in urban areas.” The suggested enhancements and modifications to the landscape standards further this goal.

FISCAL IMPACT: Fiscal impact is anticipated to be minimal, though Staff hopes for some cost savings on code enforcement from the new Ordinance.

RECOMMENDATION: Staff requests that the City Commission adopt Resolution #11-2025 to adopt the ordinance.

LANDSCAPE STANDARDS

§ 155.295 INTENT.

(A) The intent of this subchapter is to promote the public health safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent buildings and in parking lots.

(B) The standards of this subchapter are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this chapter to improve the function, appearance and value of their property.

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

§ 155.296 APPLICATION.

(A) The requirements set forth in this subchapter shall apply to all lots, sites, and parcels which are developed or expanded following the effective date of this chapter that are subject to ~~local~~ site plan review, as described in Section 155.276. No site plan or land use shall be approved unless said site plan shall show landscaping consistent with the provisions of this subchapter.

(B) The ~~City Commission~~ approving body for a Site Plan Approval as described in Section 155.276 (Zoning Administrator, Site Plan Review Committee, or Planning Commission) may also determine that ~~dimensional-existing~~ conditions ~~unique to~~ the parcel would prevent development of required buffer zones, ~~off street parking area~~, landscaping or green belts, without causing negative impacts on neighboring properties. If such a determination is made, the ~~City approving body Commission~~ may grant an exception from the landscaping provisions of this subchapter.

(C) The following are minimum landscape standards and the city may require additional landscaping based on individual circumstances. If applicable this determination will be made during site plan review.

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

§ 155.297 MINIMUM BUFFER ZONES.

(A) Buffering requirements. A buffering zone shall be established within the setback of the subject site, screening it from adjacent sites according to Table 10-1. Walls are prohibited from areas along a public street right-of-way or front yard. ~~unless approved by the City Commission.~~ The height of the wall or berm of the subject site shall be an effective height in relation to the adjacent site. Parking lot screening requirements in Section 155.297 shall be met in all applicable situations, regardless of Zoning District. Plantings shall meet the standards described in Section 155.297.B. Walls shall meet the standards described in § 155.297(~~D~~E), and berms those of § 155.297(~~E~~F). Buffers that utilize a combination of plant materials, berms, and walls shall be encouraged.

TABLE 10-1

		District of Subject Parcel				
		<u>R-1, R-2, R-3, R-MH</u>	<u>CBD, MC, P, T</u>	<u>MU</u>	<u>GC, O</u>	<u>I-1, I-2</u>
<u>District of Adjacent Parcel</u>	<u>R-1, R-2, R-3, R-MH</u>	No Required Buffer Zone.	Buffer Plantings (Subsection B) OR Buffer Wall (Subsection E) Buffer Wall (Subsection D)	Buffer Plantings (Subsection B) OR Buffer Wall (Subsection E)	Buffer Plantings (Subsection B) OR Buffer Wall (Subsection E)	Buffer Plantings (Subsection B) AND Buffer Berm (Subsection F) Approving Body may approve Buffer Wall in lieu of Berm.
	<u>MU</u>	No Required Buffer Zone.	Buffer Wall (Subsection E)	Buffer Plantings (Subsection B)	Buffer Plantings (Subsection B) OR	Buffer Plantings (Subsection B) OR

					<u>Buffer Wall (Subsection ED)</u>	<u>Buffer Wall (Subsection ED)</u>
	<u>CBD, MC, P, T</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>Buffer Plantings (Subsection B) OR Buffer Wall (Subsection ED)</u>
	<u>GC, O</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>Buffer Plantings (Subsection B)</u>
	<u>I-1, I-2</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>

Buffering Requirements

Subject Site

Buffering Requirements from Adjacent Sites

Single Family and Duplex Residences

None

Multi-Family, General Commercial and Offices Uses, Central Business District and Municipal Center Uses

Plantings* or a 6 foot wall/berm from all uses

Industrial Uses

Plantings* or an 8 foot wall/berm from all uses

(B) *Buffer Plantings shall consist of two trees, either canopy and/or deciduous, and four large shrubs per each 25 linear feet along the property line.

(BC) When an adjacent property is zoned or used as a single-family residence, and is across a public street from the subject site, the ~~City Commission~~ Site Plan Approving Body may require additional landscaping to screen parking lots access drives, loading zones, outdoor display areas, storage yards, or accessory structures.

(CD) Parking and storage.

~~(1) Parking lot screens will be designed with a hedge, wall, berm or combination thereof forming a continuous screen at least 48 inches in height above parking lot grade. The parking lot screen shall be located in the buffer zone to provide maximum screening of the parking lot. Walls shall be set back a minimum of five feet from the property line.~~

Commented [CK1]: Duplicative with other requirements, creating unrealistically high requirements.

(21) All loading and unloading areas which are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height. Screening shall be sufficient to contain blowing debris and screen the loading and unloading areas from adjacent property owners.

(32) All storage areas (including areas for storage of refuse) shall be screened on four sides by a fence or wall no less than six feet in height. Three screened sides may be allowed with Planning Commission approval if the applicant can demonstrate just cause. The fence or wall shall not allow light to penetrate through it. The four sides screened shall be those sides where the potential visual impact of the storage areas is greatest for adjacent property owners.

(ED) Buffer wall standards. Required walls shall comply with the standards listed below.

(1) Walls shall be located on the lot line except where underground utilities interfere and/or where this chapter requires conformance with yard setback lines.

(2) Walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter, unless specifically approved by the City Commission.

(3) Walls shall be constructed of decorative concrete block, brick, pressure treated wood, or comparable nonporous materials on the exterior sides facing an affected district.

(4) Walls shall be durable, weather resistant, rustproof and easily maintainable. Wood or wood products shall be high quality durable materials as approved by the Building Inspector. Wood fences shall be sight obscuring sufficient to shield light and block blowing debris. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed 20% of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required and shall not reduce minimum height requirement.

(5) Walls must be maintained in good condition by the property owner.

(6) Curbing, bollards, or plant material shall be required where parking is adjacent to walls. Bumper blocks shall not be permitted.

(EF) Buffer Berm standards. Required berms shall be constructed as landscaped earth mounds with a crest area at least four feet in width. The exterior face of the berm shall be

constructed as an earthen slope. The interior face of the berm may be constructed as a earthen slope or retained by means of a wall, terrace or other means acceptable to the Building Department. Whenever an earthen slope is provided, it shall be constructed with a slope not to exceed one foot of vertical rise to three feet of horizontal distance (1:3) (see illustration). Free form naturalistic contouring and berm shaping is encouraged.

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

§ 155.298 REQUIRED PARKING LOT TREES AND PARKING LOT ISLANDS.

~~(A) The following standards apply to Parking lots developments which that exceed 16 spaces shall be landscaped with one tree per 8 spaces, subject to the requirements of this section.:~~

TABLE 10-3 Parking Lot Trees

ZONING DISTRICT

Number of parking spaces

Multiple Family, Commercial and Industrial

1 canopy tree per 8 spaces

~~(AB)~~ Tree location.

(1) All of the required parking lot trees shall be placed within an area including the parking surface and extending 15 feet from the surface edge. At least two-thirds (2/3) of the required trees shall be dispersed throughout the interior of the parking area. Tree requirements may be adjusted based on review by the Planning Commission.

(2) Parking lot tree calculations and interior parking lot tree requirements shall be rounded up.

~~(BC)~~ Tree base. Each tree shall be surrounded by an area of grass or living ground cover at least 150 square feet in size and a minimum of eight feet wide to provide for adequate resources of air and water. Tree plantings shall also be protected from automobiles with curbing or other suitable device.

~~(C) Required parking lot trees. Required parking lot trees shall not be credited towards required green belt or buffer trees.~~

(D) Design of parking lot islands.

Commented [CK2]: Removing this to allow flexibility when necessary.

(1) All parking lot islands shall contain decorative material and be curbed. Islands shall be at least 150 feet in area. Each island shall be at least ten feet wide, with a depth two feet shorter than the depth of the adjacent parking space.

(2) Islands shall have a minimum of ten feet radius at the ends facing main aisles. A minimum radius shall be two foot where island is not adjacent to main traffic aisle.

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

§ 155.299 ~~GREEN BELTS REQUIRED ALONG AND WITHIN RIGHT OF WAY.~~STREET FRONTAGE LANDSCAPING.

The intent of ~~the green belt~~street frontage landscaping is to provide a consistent buffer along vehicular corridors. A green belt shall be planted within or adjacent to the right of way of any public street. If planting in the right of way is not permitted by the road agency with jurisdiction in the right-of-way, or is not acceptable to a utility company, the green belt plantings shall be planted within the required setback. The ~~City Commission~~approving body may allow such planting to be placed anywhere within the front yard if there is no front yard parking. The green belt shall meet the following standards.

(A) The green belt shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.

(B) Green belts ~~within multi-family and industrial districts~~ shall include one deciduous canopy tree per 30 linear feet of the frontage including any openings for driveways, sidewalks, or easements. The approving body may waive this requirement for roadways where City streetscape has been installed.

(C) Greenbelt trees should be arranged to simulate a natural setting such as massing or staggered rows, except where a more formal arrangement is determined to be more consistent with the existing character of the city.

(D) Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants. Refer to the visibility controls section in §§ 155.180 through 155.197.

(E) Green belts shall be a minimum of eight foot wide. Trees shall not be planted closer than four feet from pavement, curb or other structures.

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

§ 155.300 PLANT MATERIAL SPECIFICATIONS.

All plant material shall be free of disease and insects at time of planting, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen ANZI Z60.1.

(A) Minimum plant material planting size.

- (1) Evergreen trees shall be a minimum of five feet in height.
- (2) Narrow evergreens shall be a minimum of three feet in height.
- (3) Ornamental trees shall be a minimum of ten feet in height or 1 3/4" caliper.
- (4) Large deciduous shrubs shall be a minimum of four feet in height.
- (5) Deciduous canopy trees shall be a minimum of 15 feet in height or 2" caliper.
- (6) Small evergreen or deciduous ornamental shrubs shall be a minimum of 18" - 24" spread.

(B) Plant material spacing.

- (1) Plant materials shall not be placed closer than four feet from the fence line or property line.
- (2) Where plant materials are placed in two or more rows, plantings shall be staggered in rows and/or grouped informally to create a naturalistic appearance.
- (3) Evergreen trees shall be planted not more than 15 feet on center.
- (4) Narrow evergreens shall be planted not more than six feet on center.
- (5) Deciduous canopy trees shall be planted not more than 25 feet on center.
- (6) Ornamental trees shall be planted not more than ten feet on center.
- (7) Large deciduous shrubs shall be planted not more than four feet on center.

(C) Plant material and design variety. The overall landscape plan shall demonstrate a variety of plant material with not more than 50% of any one species utilized throughout the design.

(D) Suggested (not required) plant materials.

- (1) Evergreen trees.
- (2) Juniper.
- (3) Hemlock.
- (4) Fir.
- (5) Pine. (Dwarf, Globe, Pendulous, species/Cultivars are not permitted.)
- (6) Spruce.
- (7) Douglas-Fir.

(E) Narrow Evergreens. (Dwarf, Globe, Pendulous, species/Cultivars are not permitted.)

- (1) Column Hinoki Cypress.
- (2) Blue Columnar Chinese Juniper.
- (3) Pyramidal Red-Cedar.
- (4) Swiss Stone Pine.
- (5) Pyramidal White Pine.
- (6) Irish Yew.
- (7) Douglas Arbor-Vitae.
- (8) Columnar Giant Arbor-Vitae.

(F) Ornamental trees.

- (1) Flowering crabs.
- (2) Service Berry.
- (3) Dogwood.
- (4) Redbud.
- (5) Hornbeam.
- (6) Hawthorn.
- (7) Magnolia.

(G) Large deciduous shrubs.

- (1) Honeysuckle.
- (2) Viburnum.
- (3) Mock-Orange.
- (4) Forsythia.
- (5) Lilac.
- (6) Ninebark.
- (7) Cotoneaster.
- (8) Hazelnuts.
- (9) Euonymus.
- (10) Privet.
- (11) Buckthorn.

(12) Sumac.

(H) Deciduous canopy trees.

(1) Oaks.

(2) Hard Maples.

(3) Hackberry.

(4) Birch.

(5) Beech.

(6) Ginkgo (male species only).

(7) Honeylocust (thornless and seedless cultivars only).

(8) Hop Hornbeam.

(9) Linden.

(I) Trees not permitted (as credit for site plan review/landscaping requirements).

(1) Box Elder.

(2) Soft Maples (Silver).

(3) Elms.

(4) Poplars.

(5) Willows.

(6) Horse Chestnut (Nut Bearing).

(7) Tree of Heaven.

(8) Catalpa.

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

§ 155.301 EXISTING TREE PRESERVATION INCENTIVES.

(A) The standards outlined below are intended to encourage the preservation of quality and mature trees by providing credits, at City Commission approval, toward the required trees for green belts, buffer zones and within parking lots.

(B) All trees over eight inches caliper shall be identified on the site plan with notations of trees to be preserved and trees to be removed.

(C) Trees intended to be preserved shall be noted with a unique symbol on the site plan and be protected during construction through the use of construction fencing at or beyond the dripline of the tree or trees to be preserved.

~~(D) Trees to be preserved shall be considered for credit only if they are located on the developed portion of the site as determined by the City Commission. The City Commission approving body~~ pursuant to site plan approval may allow credit for such plant material preservation if it will maintain and encourage the intent of the chapter. To obtain credit consideration the preserved trees shall be of a high quality and at least two inches caliper.

~~(E) Credit consideration for preserved trees shall be:~~

~~—TABLE 10-4~~

~~—Preserved Tree Credit~~

~~Preserved Tree Caliper* (Inches)~~

~~Number of Trees to be Credited~~

~~12 inches and over~~

~~3~~

~~8 inches to 11.99 inches~~

~~2~~

~~2 ½ inches to 7.99~~

~~1~~

~~*Caliper is the diameter of a tree trunk and shall be measured at a height six inches above the existing grade up to and including four inch caliper size and 12 inches above the existing grade for larger sizes.~~

~~(FE) To protect and encourage the continued health and vitality of the preserved trees, the ground within the dripline of the trees shall be maintained in the existing natural state. Storage of soils or other materials during or after construction within the tree dripline is prohibited.~~

~~(GE) If preserved trees die within three years after construction the property owner shall replace with the number of trees that would have been required had the tree preservation credit not been provided. Said trees shall be replaced within 30 days of written notice from the city or within an extended time period as specified in said notice.~~

~~(H) The minimum number of required trees shall not be reduced by less than 50% through the use of approved tree credits. However, the City Commission during site plan r~~

Commented [CK3]: Remove this and allow any trees over 2 inches caliper to count towards requirements.

Commented [CK4]: Remove this and allow as many trees as qualify to count towards requirements.

~~review, may determine existing landscaping or screening intended to be preserved would provide comparable required landscaping, buffering or screening.~~

(1G) After a site plan is approved, special permission by the City-Planning Commission will be required for the removal of trees proposed to be preserved on the site plan. The City Commission may condition their removal on their being replaced with the number of trees that would have been required had the tree preservation credit not been provided prior to site plan approval.

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

§ 155.302 LANDSCAPE STANDARDS FOR PRINCIPAL STRUCTURES.

These standards apply only to development which requires the site plan review process. Required principal structure landscaping shall be provided adjacent to or within close proximity to the perimeter of the principal structure. Landscape design is encouraged to face or be visible from public thoroughfares and principal structures on public accessways. The area of required landscape shall be based on the total ground floor square footage of the proposed principal structure:

TABLE 10-5
Landscaping Around Principle Structures

Principal Structure

% Area of Required Landscape Based on Total Ground Floor Square Footage of Proposed Principal Structure

District of Subject Parcel						
<u>R-1, R-2, R-MH</u>	<u>R-3</u>	<u>CBD</u>	<u>MC, P, T</u>	<u>MU</u>	<u>GC, O</u>	<u>I-1, I-2</u>
<u>0%.</u>	<u>Buildings with More than 4 Dwelling Units: 15%</u> <u>Buildings with 4 or Fewer Dwelling Units: 0%</u>	<u>0%</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>	<u>5%</u>

Multi-Family

15%

Commercial

10%

Industrial

5%

(A) Plant material and planting design is encouraged to be ornamental in character and based on minimum ANSI standards for plant material type and spacing.

(B) Deciduous canopy trees and large evergreens will not be counted towards principal structure landscape requirements.

(C) Shredded hardwood, bark mulch, stone mulch, or vegetative ground covers shall be utilized within required landscape bed areas. Grass, lawn or sod will not be permitted.

(D) Area calculations shall be based on the limits of landscape beds. Applicants shall demonstrate that 2/3 of the bed will be occupied by mature plant material.

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

§ 155.303 MINIMUM STANDARD FOR INSTALLATION AND MAINTENANCE.

(A) Installation . Landscaping shall be installed in a sound workmanlike manner and conform to the American Standard for Nursery Stock ANSI Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off planting season, the certificate of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.

(B) Material removal . Tree stakes, guy wires and tree wrap are to be removed after one year.

(C) Maintenance. Greenbelt areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this chapter dies or becomes diseased, they shall be replaced within 30 days of written notice from the city or within an extended time period as specified in said notice.

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

~~§ 155.304 COMPLIANCE FOR PRE-EXISTING SITES.~~

~~—In any case where the building and/or parking area is being increased by at least 25% over the originally approved site plan or the use is being changed to a more intense use, as determined by the City Commission, the site shall be brought into full compliance with the landscape standards herein. In situations where the increase in building and/or parking area is less than 25% over the original site plan, the requirement of new landscaping shall be equal to 4% of compliance for every 1% of increase in building or parking footprint. (example: a building or parking area increase of 10% requires a 40% compliance with the landscape standards. If any development or principal use requiring a certificate of occupancy is destroyed by any means beyond 50% of the appraised replacement value, the site shall be brought into full compliance with the landscape standards herein.~~

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

Commented [CK5]: Remove this and replace with more flexibility for approving body.

**CITY OF ST. JOHNS
RESOLUTION #11-2025**

**RESOLUTION TO ADOPT AN ORDINANCE TO AMEND CHAPTER 155 OF THE
CITY OF ST. JOHNS CODE OF ORDINANCES
REGARDING LANDSCAPE STANDARDS**

At a regular meeting of the City Commission of the City of St. Johns, Clinton County, Michigan, held at the City Hall, in said City on the 24th day of February, 2025 at 6:00 p.m., Local Time.

Present: _____

Absent: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.*, as amended (“MZEA”), the City has the authority to regulate the use of land within the City; and

WHEREAS, the City desires to regulate landscaping standards within the City by amending Section 155.294 through Section 155.304 of Title XV (Land Usage) of the City’s Code of Ordinances (“Ordinance”); and

WHEREAS, upon giving notice in accordance with the MZEA, the City Planning Commission (“Planning Commission”) held a public hearing to consider the Ordinance; and

WHEREAS, on January 8, 2025, the Planning Commission voted to recommend adoption of the Ordinance to the City Commission; and

WHEREAS, on January 27, 2025, the City voted to introduce the Ordinance; and

WHEREAS, the City desires to adopt the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Johns as follows:

1. The City adopts Ordinance No. _____, An Ordinance to Amend Title XV: Land Usage, Chapter 155 of The City Of St. Johns Zoning Code Regarding Landscape Standards.
2. The City shall publish the Ordinance as required by law.
3. To the extent that any resolution or portion of resolution is inconsistent with this Resolution, such resolutions or portions of resolutions are hereby rescinded.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)

)

COUNTY OF CLINTON)

I, the undersigned, the duly qualified and acting Clerk of the City of St. Johns, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission of said City at a regular meeting held on the 24th day of February, 2025.

**CITY OF ST. JOHNS
ORDINANCE NO. _____**

**AN ORDINANCE TO AMEND TITLE XV: LAND USAGE, CHAPTER 155: ZONING
CODE REGARDING LANDSCAPE STANDARDS**

THE CITY OF ST. JOHNS ORDAINS:

Section 1. Amendment to Title XV: Land Usage, Chapter 155: Zoning Code—Landscape Standards. The City amends Title XV, Chapter 155 regarding Landscape Standards to read as follows:

“§ 155.295 INTENT.

(A) The intent of this subchapter is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent buildings and in parking lots.

(B) The standards of this subchapter are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this chapter to improve the function, appearance and value of their property.

§ 155.296 APPLICATION.

(A) The requirements set forth in this subchapter shall apply to all lots, sites, and parcels which are developed or expanded following the effective date of this chapter that are subject to ~~local~~ site plan review, as described in Section 155.276. No site plan or land use shall be approved unless said site plan shall show landscaping consistent with the provisions of this subchapter.

(B) The ~~City Commission~~ approving body for a Site Plan Approval as described in Section 155.276 (Zoning Administrator, Site Plan Review Committee, or Planning Commission) may also determine that ~~dimensional-existing~~ conditions ~~unique to~~ of the parcel would prevent development of required buffer zones, ~~off street parking area~~, landscaping or green belts, without causing negative impacts on neighboring properties. If such a determination is made, the ~~City approving body Commission~~ may grant an exception from the landscaping provisions of this subchapter.

(C) The following are minimum landscape standards and the city may require additional landscaping based on individual circumstances. If applicable this determination will be made during site plan review.

§ 155.297 MINIMUM BUFFER ZONES.

(A) Buffering requirements. A buffering zone shall be established within the setback of the subject site, screening it from adjacent sites according to Table 10-

1. Walls are prohibited from areas along a public street right-of-way or front yard, ~~unless approved by the City Commission.~~ The height of the wall or berm of the subject site shall be an effective height in relation to the adjacent site. Parking lot screening requirements in Section 155.297 shall be met in all applicable situations, regardless of Zoning District. Plantings shall meet the standards described in Section 155.297.B. ~~W~~alls shall meet the standards described in § 155.297(~~DE~~), and berms those of § 155.297(~~EF~~). Buffers that utilize a combination of plant materials, berms, and walls shall be encouraged.

TABLE 10-1

		<u>District of Subject Parcel</u>				
		<u>R-1, R-2, R-3, R-MH</u>	<u>CBD, MC, P, T</u>	<u>MU</u>	<u>GC, O</u>	<u>I-1, I-2</u>
<u>District of Adjacent Parcel</u>	<u>R-1, R-2, R-3, R-MH</u>	No Required Buffer Zone.	<u>Buffer Plantings (Subsection B)</u> OR <u>Buffer Wall (Subsection E)</u> <u>Buffer Wall (Subsection D)</u>	<u>Buffer Plantings (Subsection B)</u> OR <u>Buffer Wall (Subsection ED)</u>	<u>Buffer Plantings (Subsection B)</u> OR <u>Buffer Wall (Subsection ED)</u>	<u>Buffer Plantings (Subsection B)</u> AND <u>Buffer Berm (Subsection F)</u> <u>Approving Body may approve Buffer Wall in lieu of Berm.</u>
	<u>MU</u>	No Required Buffer Zone.	<u>Buffer Wall (Subsection ED)</u>	<u>Buffer Plantings (Subsection B)</u>	<u>Buffer Plantings (Subsection B)</u> OR <u>Buffer Wall (Subsection ED)</u>	<u>Buffer Plantings (Subsection B)</u> OR <u>Buffer Wall (Subsection ED)</u>

	<u>CBD, MC, P, T</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>Buffer Plantings (Subsection B)</u> <u>OR</u> <u>Buffer Wall (Subsection ED)</u>
	<u>GC, O</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>Buffer Plantings (Subsection B)</u>
	<u>I-1, I-2</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>	<u>No Required Buffer Zone.</u>

Buffering Requirements

Subject Site

Buffering Requirements from Adjacent Sites

Single Family and Duplex Residences

None

Multi-Family, General Commercial and Offices Uses, Central Business District and Municipal Center Uses

Plantings* or a 6-foot wall/berm from all uses

Industrial Uses

Plantings* or an 8-foot wall/berm from all uses

(B) *Buffer Plantings shall consist of two trees, either canopy and/or deciduous, and four large shrubs per each 25 linear feet along the property line.

(BC) When an adjacent property is zoned or used as a single-family residence, and is across a public street from the subject site, the City Commission Site Plan Approving Body may require additional landscaping to screen parking lots access drives, loading zones, outdoor display areas, storage yards, or accessory structures.

(~~CD~~) Parking and storage.

~~—(1) Parking lot screens will be designed with a hedge, wall, berm or combination thereof forming a continuous screen at least 48 inches in height above parking lot grade. The parking lot screen shall be located in the buffer zone to provide maximum screening of the parking lot. Walls shall be set back a minimum of five feet from the property line.~~

(~~2~~1) All loading and unloading areas which are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height. Screening shall be sufficient to contain blowing debris and screen the loading and unloading areas from adjacent property owners.

(~~3~~2) All storage areas (including areas for storage of refuse) shall be screened on four sides by a fence or wall no less than six feet in height. Three screened sides may be allowed with Planning Commission approval if the applicant can demonstrate just cause. The fence or wall shall not allow light to penetrate through it. The four sides screened shall be those sides where the potential visual impact of the storage areas is greatest for adjacent property owners.

(~~ED~~) Buffer wall standards. Required walls shall comply with the standards listed below.

(1) Walls shall be located on the lot line except where underground utilities interfere and/or where this chapter requires conformance with yard setback lines.

(2) Walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter, unless specifically approved by the City Commission.

(3) Walls shall be constructed of decorative concrete block, brick, pressure treated wood, or comparable nonporous materials on the exterior sides facing an affected district.

(4) Walls shall be durable, weather resistant, rustproof and easily maintainable. Wood or wood products shall be high quality durable materials as approved by the Building Inspector. Wood fences shall be sight obscuring sufficient to shield light and block blowing debris. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed 20% of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required and shall not reduce minimum height requirement.

(5) Walls must be maintained in good condition by the property owner.

(6) Curbing, bollards, or plant material shall be required where parking is adjacent to walls. Bumper blocks shall not be permitted.

(~~EF~~) Buffer Berm standards. Required berms shall be constructed as landscaped earth mounds with a crest area at least four feet in width. The exterior face of the

berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other means acceptable to the Building Department. Whenever an earthen slope is provided, it shall be constructed with a slope not to exceed one foot of vertical rise to three feet of horizontal distance (1:3) (see illustration). Free form naturalistic contouring and berm shaping is encouraged.

§ 155.298 REQUIRED PARKING LOT TREES AND PARKING LOT ISLANDS.

(A) The following standards apply to Parking lots developments which that exceed 16 spaces shall be landscaped with one tree per 8 spaces, subject to the requirements of this section. :

TABLE 10-3 Parking Lot Trees	
<i>ZONING DISTRICT</i>	<i>Number of parking spaces</i>
<i>Multiple Family, Commercial and Industrial</i>	<i>1 canopy tree per 8 spaces</i>

(AB) Tree location.

(1) All of the required parking lot trees shall be placed within an area including the parking surface and extending 15 feet from the surface edge. At least two-thirds (2/3) of the required trees shall be dispersed throughout the interior of the parking area. Tree requirements may be adjusted based on review by the Planning Commission.

(2) Parking lot tree calculations and interior parking lot tree requirements shall be rounded up.

(BC) Tree base. Each tree shall be surrounded by an area of grass or living ground cover at least 150 square feet in size and a minimum of eight feet wide to provide for adequate resources of air and water. Tree plantings shall also be protected from automobiles with curbing or other suitable device.

~~—(C) Required parking lot trees. Required parking lot trees shall not be credited towards required green belt or buffer trees.~~

(D) Design of parking lot islands.

(1) All parking lot islands shall contain decorative material and be curbed. Islands shall be at least 150 feet in area. Each island shall be at least ten feet wide, with a depth two feet shorter than the depth of the adjacent parking space.

(2) Islands shall have a minimum of ten feet radius at the ends facing main aisles. A minimum radius shall be two foot where island is not adjacent to main traffic aisle.

§ 155.299 ~~GREEN BELTS REQUIRED ALONG AND WITHIN RIGHT OF WAY-STREET FRONTAGE LANDSCAPING.~~

The intent of ~~the green belt~~street frontage landscaping is to provide a consistent buffer along vehicular corridors. A green belt shall be planted within or adjacent to the right of way of any public street. If planting in the right of way is not permitted by the road agency with jurisdiction in the right-of-way, or is not acceptable to a utility company, the green belt plantings shall be planted within the required setback. The ~~City Commission~~approving body may allow such planting to be placed anywhere within the front yard if there is no front yard parking. The green belt shall meet the following standards.

(A) The green belt shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.

(B) Green belts ~~within multi-family and industrial districts~~ shall include one deciduous canopy tree per 30 linear feet of the frontage including any openings for driveways, sidewalks, or easements. The approving body may waive this requirement for roadways where City streetscape has been installed.

(C) Greenbelt trees should be arranged to simulate a natural setting such as massing or staggered rows, except where a more formal arrangement is determined to be more consistent with the existing character of the city.

(D) Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants. Refer to the visibility controls section in §§ 155.180 through 155.197.

(E) Green belts shall be a minimum of eight foot wide. Trees shall not be planted closer than four feet from pavement, curb or other structures.

§ 155.300 PLANT MATERIAL SPECIFICATIONS.

All plant material shall be free of disease and insects at time of planting, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen ANZI Z60.1.

(A) Minimum plant material planting size.

(1) Evergreen trees shall be a minimum of five feet in height.

(2) Narrow evergreens shall be a minimum of three feet in height.

(3) Ornamental trees shall be a minimum of ten feet in height or 1 3/4" caliper.

(4) Large deciduous shrubs shall be a minimum of four feet in height.

(5) Deciduous canopy trees shall be a minimum of 15 feet in height or 2" caliper.

(6) Small evergreen or deciduous ornamental shrubs shall be a minimum of 18" - 24" spread.

(B) Plant material spacing.

(1) Plant materials shall not be placed closer than four feet from the fence line or property line.

(2) Where plant materials are placed in two or more rows, plantings shall be staggered in rows and/or grouped informally to create a naturalistic appearance.

(3) Evergreen trees shall be planted not more than 15 feet on center.

(4) Narrow evergreens shall be planted not more than six feet on center.

(5) Deciduous canopy trees shall be planted not more than 25 feet on center.

(6) Ornamental trees shall be planted not more than ten feet on center.

(7) Large deciduous shrubs shall be planted not more than four feet on center.

(C) Plant material and design variety. The overall landscape plan shall demonstrate a variety of plant material with not more than 50% of any one species utilized throughout the design.

(D) Suggested (not required) plant materials.

(1) Evergreen trees.

(2) Juniper.

(3) Hemlock.

(4) Fir.

(5) Pine. (Dwarf, Globe, Pendulous, species/Cultivars are not permitted.)

(6) Spruce.

(7) Douglas-Fir.

(E) Narrow Evergreens. (Dwarf, Globe, Pendulous, species/Cultivars are not permitted.)

(1) Column Hinoki Cypress.

(2) Blue Columnar Chinese Juniper.

(3) Pyramidal Red-Cedar.

(4) Swiss Stone Pine.

(5) Pyramidal White Pine.

(6) Irish Yew.

(7) Douglas Arbor-Vitae.

- (8) Columnar Giant Arbor-Vitae.
- (F) Ornamental trees.
- (1) Flowering crabs.
 - (2) Service Berry.
 - (3) Dogwood.
 - (4) Redbud.
 - (5) Hornbeam.
 - (6) Hawthorn.
 - (7) Magnolia.
- (G) Large deciduous shrubs.
- (1) Honeysuckle.
 - (2) Viburnum.
 - (3) Mock-Orange.
 - (4) Forsythia.
 - (5) Lilac.
 - (6) Ninebark.
 - (7) Cotoneaster.
 - (8) Hazelnuts.
 - (9) Euonymus.
 - (10) Privet.
 - (11) Buckthorn.
 - (12) Sumac.
- (H) Deciduous canopy trees.
- (1) Oaks.
 - (2) Hard Maples.
 - (3) Hackberry.
 - (4) Birch.
 - (5) Beech.

- (6) Ginkgo (male species only).
- (7) Honeylocust (thornless and seedless cultivars only).
- (8) Hop Hornbeam.
- (9) Linden.
- (I) Trees not permitted (as credit for site plan review/landscaping requirements).
 - (1) Box Elder.
 - (2) Soft Maples (Silver).
 - (3) Elms.
 - (4) Poplars.
 - (5) Willows.
 - (6) Horse Chestnut (Nut Bearing).
 - (7) Tree of Heaven.
 - (8) Catalpa.

§ 155.301 EXISTING TREE PRESERVATION INCENTIVES.

(A) The standards outlined below are intended to encourage the preservation of quality and mature trees by providing credits, at City Commission approval, toward the required trees for green belts, buffer zones and within parking lots.

(B) All trees over eight inches caliper shall be identified on the site plan with notations of trees to be preserved and trees to be removed.

(C) Trees intended to be preserved shall be noted with a unique symbol on the site plan and be protected during construction through the use of construction fencing at or beyond the dripline of the tree or trees to be preserved.

(D) ~~Trees to be preserved shall be considered for credit only if they are located on the developed portion of the site as determined by the City Commission.~~ The ~~City Commission~~approving body pursuant to site plan approval may allow credit for such plant material preservation if it will maintain and encourage the intent of the chapter. To obtain credit consideration the preserved trees shall be of a high quality and at least two inches caliper.

~~(E) Credit consideration for preserved trees shall be:~~

~~—TABLE 10-4~~

~~—Preserved Tree Credit~~

~~Preserved Tree Caliper* (Inches)~~

~~Number of Trees to be Credited~~

~~12 inches and over~~

~~3~~

~~8 inches to 11.99 inches~~

~~2~~

~~2 ½ inches to 7.99~~

~~1~~

~~*Caliper is the diameter of a tree trunk and shall be measured at a height six inches above the existing grade up to and including four inch caliper size and 12 inches above the existing grade for larger sizes.~~

~~(FE)~~ To protect and encourage the continued health and vitality of the preserved trees, the ground within the dripline of the trees shall be maintained in the existing natural state. Storage of soils or other materials during or after construction within the tree dripline is prohibited.

~~(GF)~~ If preserved trees die within three years after construction the property owner shall replace with the number of trees that would have been required had the tree preservation credit not been provided. Said trees shall be replaced within 30 days of written notice from the city or within an extended time period as specified in said notice.

~~(H)~~ The minimum number of required trees shall not be reduced by less than 50% through the use of approved tree credits. However, the City Commission during site plan review, may determine existing landscaping or screening intended to be preserved would provide comparable required landscaping, buffering or screening.

~~(IG)~~ After a site plan is approved, special permission by the ~~City Planning~~ Commission will be required for the removal of trees proposed to be preserved on the site plan. The City Commission may condition their removal on their being replaced with the number of trees that would have been required had the tree preservation credit not been provided prior to site plan approval.

§ 155.302 LANDSCAPE STANDARDS FOR PRINCIPAL STRUCTURES.

These standards apply only to development which requires the site plan review process. Required principal structure landscaping shall be provided adjacent to or within close proximity to the perimeter of the principal structure. Landscape design is encouraged to face or be visible from public thoroughfares and principal structures on public accessways. The area of required landscape shall be based on the total ground floor square footage of the proposed principal structure:

TABLE
Landscaping Around Principle Structures

Principal Structure

% Area of Required Landscape Based on Total Ground Floor Square Footage of Proposed Principal Structure

<u>District of Subject Parcel</u>						
<u>R-1, R-2, R-MH</u>	<u>R-3</u>	<u>CBD</u>	<u>MC, P, T</u>	<u>MU</u>	<u>GC, O</u>	<u>I-1, I-2</u>
<u>0%</u>	<u>Buildings with More than 4 Dwelling Units: 15%</u> <u>Buildings with 4 or Fewer Dwelling Units: 0%</u>	<u>0%</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>	<u>5%</u>

Multi-Family

15%

Commercial

10%

Industrial

5%

(A) Plant material and planting design is encouraged to be ornamental in character and based on minimum ANSI standards for plant material type and spacing.

(B) Deciduous canopy trees and large evergreens will not be counted towards principal structure landscape requirements.

(C) Shredded hardwood, bark mulch, stone mulch, or vegetative ground covers shall be utilized within required landscape bed areas. Grass, lawn or sod will not be permitted.

(D) Area calculations shall be based on the limits of landscape beds. Applicants shall demonstrate that 2/3 of the bed will be occupied by mature plant material.

§ 155.303 MINIMUM STANDARD FOR INSTALLATION AND MAINTENANCE.

(A) Installation . Landscaping shall be installed in a sound workmanlike manner and conform to the American Standard for Nursery Stock ANSI Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off planting season, the certificate of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.

(B) Material removal . Tree stakes, guy wires and tree wrap are to be removed after one year.

(C) Maintenance. Greenbelt areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this chapter dies or becomes diseased, they shall be replaced within 30 days of written notice from the city or within an extended time period as specified in said notice.

~~§ 155.304 COMPLIANCE FOR PRE-EXISTING SITES.~~

~~—In any case where the building and/or parking area is being increased by at least 25% over the originally approved site plan or the use is being changed to a more intense use, as determined by the City Commission, the site shall be brought into full compliance with the landscape standards herein. In situations where the increase in building and/or parking area is less than 25% over the original site plan, the requirement of new landscaping shall be equal to 4% of compliance for every 1% of increase in building or parking footprint. (example: a building or parking area increase of 10% requires a 40% compliance with the landscape standards. If any development or principal use requiring a certificate of occupancy is destroyed by any means beyond 50% of the appraised replacement value, the site shall be brought into full compliance with the landscape standards herein.”~~

Section 2. Repealer Clause.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order, or parts hereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities, or causes of action of the City, or other person, either criminal or civil, that may have already occurred, accrued, or grown out of any Ordinance, Resolution, Order, or policy, or any part thereof, hereby repealed.

Section 4. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 5. Effective Date.

This Ordinance shall be effective twenty (20) days from and after its adoption by the City of St. Johns City Commission and after its publication.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

As the City Clerk of the City of St. Johns, Clinton County, Michigan, I certify that this is a true and complete copy of an ordinance introduced by the St. Johns City Commission at a regular meeting held on ____, 2025.

Scott Dzurka, Mayor _____

Mindy J. Seavey, Clerk _____

CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
February 24, 2025

Department: Community Development	Attachments:	Submitted to CA for Review
Subject: <i>Accessory Structures Zoning Amendments – Final Adoption</i>	<input checked="" type="checkbox"/> Recommended Accessory Structure Zoning Amendments (Redline) <input checked="" type="checkbox"/> Resolution to Adopt - #12-2025 <input checked="" type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Prepared by: Christopher Khorey, AICP, McKenna	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: At the request of City Manager Chad Gamble, the Planning Commission has developed and recommended amendments to Ordinance 155.188-9, which is an ordinance governing building height and accessory buildings. The amendments are intended to correct deficiencies with the current ordinance and to clarify the placement and character of accessory structures. The City Commission approved the First Reading of the amendments on January 27, 2025. As discussed and suggested at the meeting, Figure 3.2 has been removed from the proposed ordinance.

BACKGROUND/DISCUSSION: This ordinance change was brought before the Commission for the first reading at the January 27, 2025 Commission meeting. The new ordinance simplifies the definition of building height, easing compliance and enforcement, and includes many modifications to accessory structure regulations to preserve residential neighborhood character, even on the periphery of residential districts. Accessory structures are defined as part of the principal structure and expected to comply with the corresponding requirements. Additionally, accessory structures in non-residential districts are now limited to the height restriction of the zoning district, rather than that of the principal building.

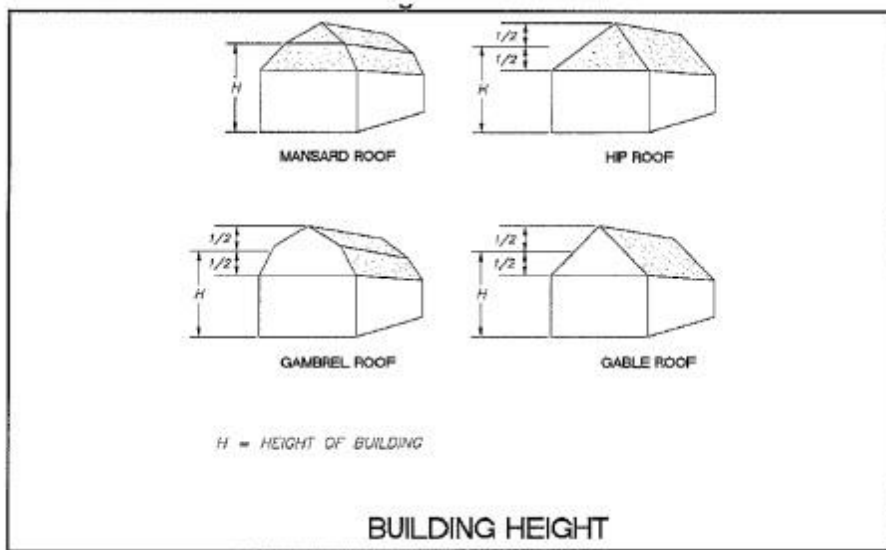
STRATEGIC PLAN OBJECTIVE: Master Plan Neighborhoods Goal #1 States: “Preserve, Protect, and Enhance the Integrity, Economic Viability, and Livability of St. Johns Neighborhoods.” Modifications to the Accessory Structure zoning contribute to this goal.

FISCAL IMPACT: Fiscal impact is anticipated to be minimal, though Staff hopes for some cost savings on streamlining code enforcement from the new Ordinance.

RECOMMENDATION: Staff requests that the City Commission adopt Resolution #12-2025 to adopt the proposed ordinance amendments regarding accessory structures.

BUILDING, HEIGHT OF. The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of ~~flat roofs, to the deck line of mansard roofs, or to the mean height between eaves and ridge for gable, hip, and gambrel roofs~~the roof. (See Figure 3-2.)

~~Figure 3-2~~



§ 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 ~~five~~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~~F) All accessory buildings shall be on a permanent foundation.

(G) 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 and lot coverage requirements for a principal building will be complied with.

~~—(HH) Accessory building setbacks in non-residential districts.~~

~~—(H1) In Non-Residential Districts, Any-any part of a detached accessory building shall be at least 60 feet from any front lot line when the any adjoining lot, including lots across the street, 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 in residential districts 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~~ Temporary accessory structures. ~~Detached and temporary~~ 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 of Attached Accessory Structures. Unless specifically noted herein otherwise, the maximum height for attached accessory structures in all districts shall be the maximum height permitted for principal buildings in the zoning ~~district or the height of the principal structure, whichever is less.~~ district.

(N) Detached aAccessory buildings and structures in residential districts.

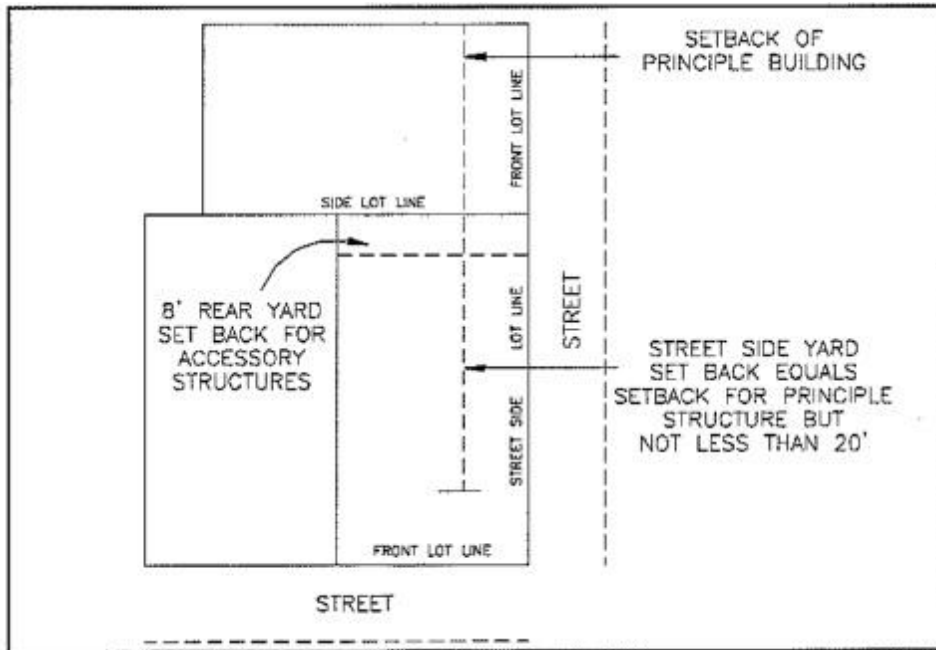
(1) Detached aAccessory buildings shall be erected only in the rear yard area.

(2) Detached Aecessory-accessory buildings in residential districts shall not exceed 16 feet in height and shall be located at least six feet from any other separate structure in residential districts 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.

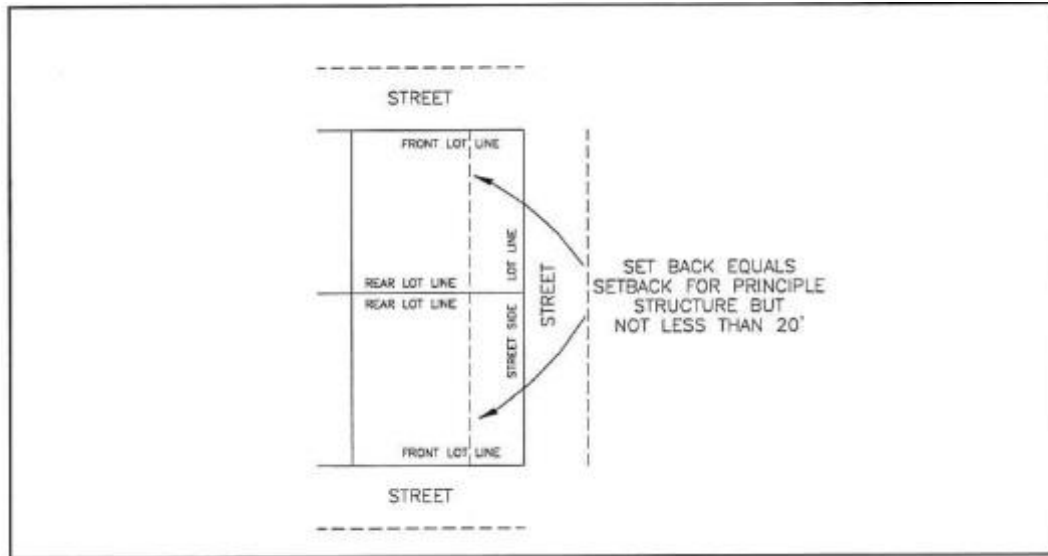
(3) When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district, no accessory building shall be within eight feet of such abutting lot line nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot, but in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

**CITY OF ST. JOHNS
RESOLUTION #12-2025**

**RESOLUTION TO ADOPT AN ORDINANCE TO AMEND CHAPTER 155 OF THE
CITY OF ST. JOHNS CODE OF ORDINANCES
REGARDING ACCESSORY STRUCTURES**

At a regular meeting of the City Commission of the City of St. Johns, Clinton County, Michigan, held at the City Hall, in said City on the 24th day of February, 2025 at 6:00 p.m., Local Time.

Present: _____

Absent: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.*, as amended (“MZEA”), the City has the authority to regulate the use of land within the City; and

WHEREAS, the City desires to regulate landscaping standards within the City by amending Section 155.004 and Section 155.189 of Title XV (Land Usage) of the City’s Code of Ordinances; and

WHEREAS, upon giving notice in accordance with the MZEA, the City Planning Commission (“Planning Commission”) held a public hearing to consider the Ordinance; and

WHEREAS, on January 8, 2025, the Planning Commission voted to recommend adoption of the Ordinance to the City Commission; and

WHEREAS, on January 27, 2025, the City voted to introduce the Ordinance; and

WHEREAS, the City desires to adopt the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Johns as follows:

1. The City adopts Ordinance No. _____, An Ordinance to Amend Title XV: Land Usage, Chapter 155, Section 155.004 and Section 155.189 of The City Of St. Johns Zoning Code Regarding Accessory Structures.
2. The City shall publish the Ordinance as required by law.
3. To the extent that any resolution or portion of resolution is inconsistent with this Resolution, such resolutions or portions of resolutions are hereby rescinded.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)

)

COUNTY OF CLINTON)

I, the undersigned, the duly qualified and acting Clerk of the City of St. Johns, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission of said City at a regular meeting held on the 24th day of February, 2025.

**CITY OF ST. JOHNS
ORDINANCE NO. _____**

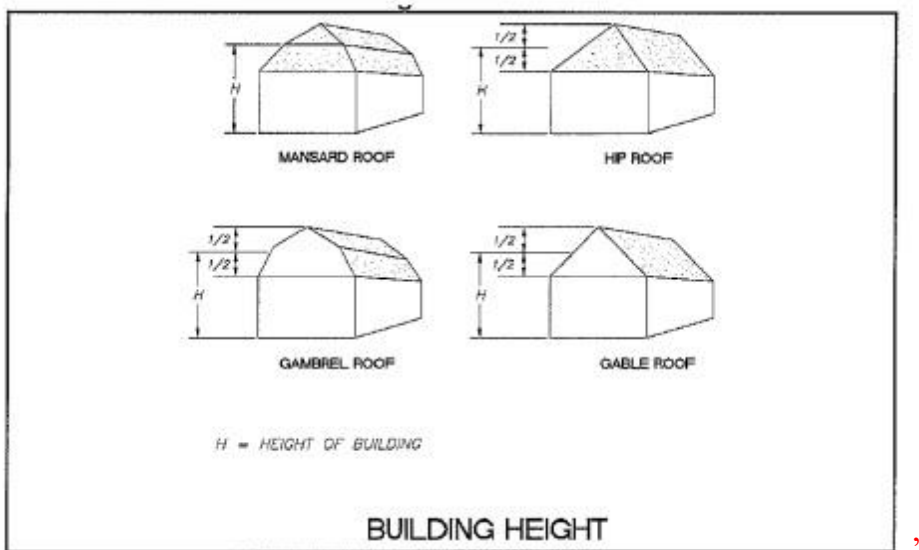
**AN ORDINANCE TO AMEND TITLE XV: LAND USAGE, CHAPTER 155: ZONING
CODE REGARDING ACCESSORY STRUCTURES**

THE CITY OF ST. JOHNS ORDAINS:

Section 1. Amendment to Title XV: Land Usage, Chapter 155: Zoning Code—Definitions.
The City amends Title XV, Chapter 155, Section 155.004, in part, to read as follows:

“BUILDING, HEIGHT OF. The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of ~~flat roofs, to the deck line of mansard roofs, or to the mean height between eaves and ridge for gable, hip, and gambrel roofs~~ the roof. (See Figure 3-2.)

~~Figure 3-2~~



Section 2. Amendment to Title XV: Land Usage, Chapter 155: Zoning Code—Supplementary Regulations. The City amends Title XV, Chapter 155, Section 155.189 to read as follows:

“§ 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 five~~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~~F) All accessory buildings shall be on a permanent foundation.

(G) 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 and lot coverage requirements for a principal building will be complied with.

~~—(HH) Accessory building setbacks in non-residential districts.~~

—(H+) In Non-Residential Districts, Any any part of a detached accessory building shall be at least 60 feet from any front lot line when the any adjoining lot, including lots across the street, 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 in residential districts 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~~ Temporary accessory structures. ~~Detached and temporary~~ 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 of Attached Accessory Structures. Unless specifically noted herein otherwise, the maximum height for attached accessory structures in all districts shall be the maximum height permitted for principal buildings in the zoning ~~district~~ or the height of the principal structure, whichever is less.~~district.~~

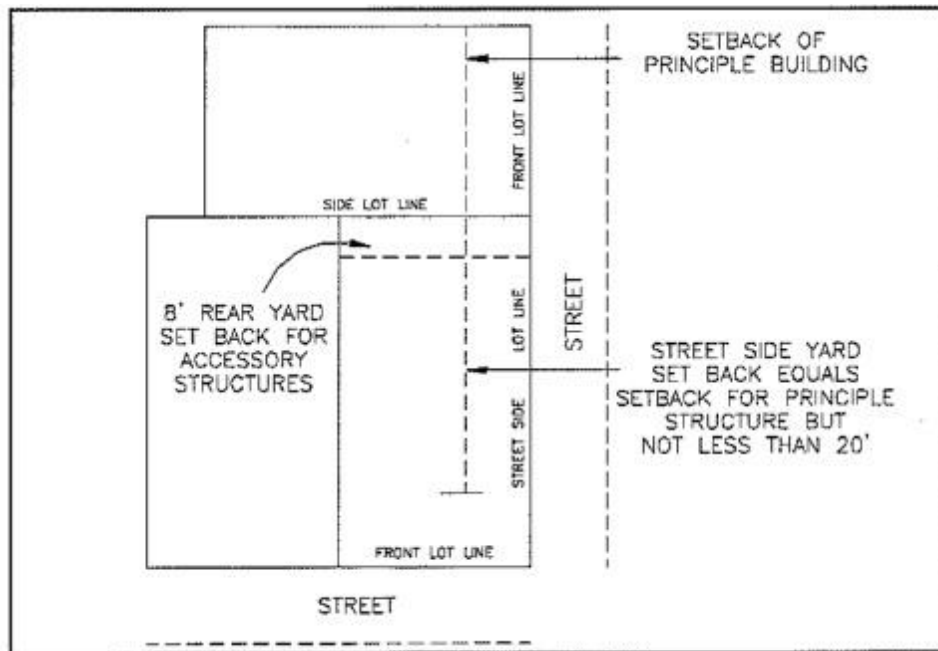
(N) Detached Accessory buildings and structures in residential districts.

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

(2) Detached Accessory accessory buildings in residential districts shall not exceed 16 feet in height and shall be located at least six feet from any other separate structure in residential districts 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.

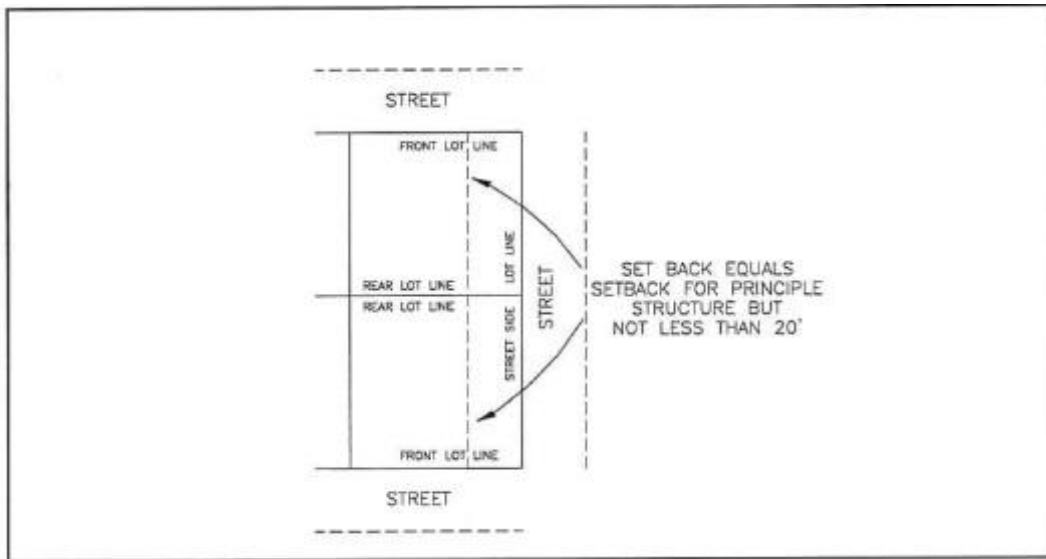
(3) When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district, no accessory building shall be within eight feet of such abutting lot line nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot, but in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

Section 3. Repealer Clause.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause.

This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order, or parts hereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities, or causes of action of the City, or other person, either criminal or civil, that may have already occurred, accrued, or grown out of any Ordinance, Resolution, Order, or policy, or any part thereof, hereby repealed.

Section 5. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6. Effective Date.

This Ordinance shall be effective twenty (20) days from and after its adoption by the City of St. Johns City Commission and after its publication.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

As the City Clerk of the City of St. Johns, Clinton County, Michigan, I certify that this is a true and complete copy of an ordinance introduced by the St. Johns City Commission at a regular meeting held on ____, 2025.

Scott Dzurka, Mayor _____

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Mindy J. Seavey, Clerk _____

CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
February 24, 2025

Department: Community Development	Attachments:	Submitted to CA for Review
Subject: <i>Corner Lot Amendments – Final Adoption</i>	<input checked="" type="checkbox"/> Recommended Corner Lot Definition Amendment (Redline) <input checked="" type="checkbox"/> Recommended Schedule of Regulations Amendments (Redline) <input checked="" type="checkbox"/> Recommended Chicken Coop Amendment (Redline) <input checked="" type="checkbox"/> Recommended Average Front Yard Amendment (Redline) <input checked="" type="checkbox"/> Resolution #13-2025 & Ordinance to Adopt <input checked="" type="checkbox"/> Resolution #14-2025 & Ordinance to Adopt <input checked="" type="checkbox"/> Resolution #15-2025 & Ordinance to Adopt	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Prepared by: Christopher Khorey, AICP, McKenna	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: At the request of City Manager Chad Gamble, the Planning Commission has developed and recommended amendments to Ordinances 155.004, 155.170, 155.200, 155.213 which are ordinances concerning corner lot setbacks and allowed uses for front yards. The amendments are intended to correct inconsistencies which create confusion in the current ordinance. The City Commission approved the First Reading of the amendments on January 27, 2025.

BACKGROUND/DISCUSSION: This ordinance change was brought before the Commission for the first reading at the January 27, 2025 Commission meeting. The new ordinance establishes a clear front yard definition, substitutes several yard-to-building height ratio requirements for given dimensions, and prohibits the keeping of animals (chicken coops specifically) on the newly defined secondary street front yards.

STRATEGIC PLAN OBJECTIVE: Master Plan Neighborhoods Goal #1 States: “Preserve, Protect, and Enhance the Integrity, Economic Viability, and Livability of St. Johns Neighborhoods.” A clear and consistent set of corner lot setbacks and definitions furthers that goal.

FISCAL IMPACT: Fiscal impact is anticipated to be minimal, though Staff hopes for some cost savings on code enforcement from the new Ordinance.

RECOMMENDATION: Staff requests that the City Commission adopt the aforementioned changes to the City’s code of ordinances. The resolutions would require three separate motions in order to adopt them. Therefore, staff recommends the following: 1. recommend passage of Resolution #13-2025, 2. recommend passage of Resolution #14-2025, and 3. recommend passage of Resolution #15-2025 in order to adopt the ordinances.

§ 155.004 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY APARTMENT. A dwelling unit in a permitted single-family residence that is subordinate to the principal one-family dwelling unit in terms of size, location, and appearance, and provides complete housekeeping facilities for one family, including independent cooking, bathroom, and sleeping facilities, with physically separate access from any other dwelling unit. A single-family residence with an accessory dwelling does not constitute a duplex.

ACCESSORY BUILDING. A supplemental and subordinate building or structure on the same lot as the main building but not part of the main building.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

ADULT BUSINESSES. This term includes adult merchandise stores, adult motion picture theaters, adult mini-motion picture theaters, nude body painting or modeling studios, cabarets, adult novelty businesses, escort services, and peep shows, which incorporate in their business name, or otherwise describe their business as "adult," "adult entertainment," "adults only," and those businesses which fit the definitions hereinafter set forth, and which exclude minors from entry. In addition, the adult regulated businesses are more specifically defined as follows:

(1) **ADULT MERCHANDISE STORE.** A commercial establishment having a substantial or significant portion of its stock and trade in books, magazines, periodicals, photographs, videotapes, video cassettes, laser discs, films, or other visual representations which depict, describe, or portray "specified sexual activities" or "specified anatomical areas," as defined herein.

(2) **ADULT MOTION PICTURE THEATER.** A commercial establishment used for presenting film or videotapes recordings, having a dominant theme distinguished or characterized by emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

(3) **NUDE BODY PAINTING OR MODELING STUDIO.** An establishment which features, or offers, as a portion of its business, the services of body painting or nude photography of the human body through services of its models, masseurs, masseuses, employees who are nude, semi-nude, or topless when performing those services.

(4) **ADULT MINI-MOTION PICTURE THEATER.** Means of adult entertainment provided within an adult business that is characterized by one of the following:

(a) A coin or token operated machine where someone may view a motion picture film, video film, laser discs, which depicts, described, or portrays "specified sexual activities" or "specified anatomical areas," as defined herein;

(b) A booth, or other such constructed area, where an individual may, for the payment of a fee, view a motion picture, film, videotape recording, or live entertainment which depicts, describes, or portrays "specified sexual activities" or "specified anatomical areas" as defined herein.

(5) CABARET. Means a café, restaurant, or bar, where patrons are entertained by dancers, strippers, 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" as defined herein.

(6) ADULT NOVELTY BUSINESS. Means a business which has, as a principal activity, the sale of devices which simulate human genitals or devices designed for sexual stimulation.

(7) ADULT PERSONAL SERVICE BUSINESS. Means a business having as its principal activity a person, while nude, or while displaying "specified anatomical areas," as defined herein, 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.

(8) SPECIFIED SEXUAL ACTIVITIES. Are defined as:

(a) Human genitalia in a state of sexual stimulation or arousal.

(b) Acts of human masturbation, sexual intercourse, or sodomy.

(c) Fondling, or other erotic touching, of human genitalia, pubic regional, buttock, or female breast.

(9) SPECIFIED ANATOMICAL AREAS. Are defined as:

(a) Less than completely and opaquely covered:

1. Human genitalia and pubic region;

2. Buttock; and

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

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

(10) MASSAGE PARLOR. Means an establishment wherein private massage is practiced, used, or made available as the principal use of the premises.

(11) **MASSAGE.** Means manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of physical, mechanical, or other device, of the body of another, for a fee.

(12) **PROTECTED USE.** Means church, school, and residential.

(13) **SCHOOL.** Means a public, or private, school offering education to students enrolled in kindergarten, or one or more grades, 1 through 12.

(14) **CHURCH.** Means a building used for regular public worship services and exempt from taxation under the General Property Tax Act of Michigan.

(15) **ESCORT SERVICE.** An establishment which provides the services of escorting members of the opposite sex for payment of a fee.

(16) **ADULT PEEP SHOW.** A means of entertainment provided within an adult business that is characterized by one of the following:

(a) A coin or token operated machine where someone may view a motion picture film which depicts, describes or portrays "specified sexual activities" or "specified anatomical areas," as defined herein.

(b) A booth or other such constructed area where an individual may, for the payment of a fee, view a motion picture film, videotape recording, or live entertainment which depicts, describes or portrays "specified sexual activities" or "specified anatomical areas" as defined herein.

(17) **RESIDENTIAL.** Means any designated residential zoning district by the City of St. Johns Zoning Chapter, including R-1, R-2, R-3, and R-MH.

ADULT FOSTER CARE LARGE GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for at least 13 but not more than 20 adults.

ADULT FOSTER CARE MEDIUM GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for at least seven but no more than 12 adults.

ADULT FOSTER CARE SMALL GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for six or fewer adults.

ALLEY. A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

AUTOMOBILE CIRCULATION AREA. Space provided on a lot for automobile maneuvering, parking or storage.

AUTO REPAIR SHOP. An establishment providing auto repair services such as auto body repair, major engine repair, undercoating, glass replacement and upholstery work.

AUTO SERVICE STATION. An establishment offering retail sale of motor fuels, oil and lubricants and/or minor vehicle repair and service such as replacement of tires, batteries, mufflers, brakes, or starters; oil changes and engine tune-ups.

BASEMENT. A story partly underground or wholly underground. Where more than one-half of its height is above the highest level of the adjoining ground, a basement shall be counted as a story for the purposes of height measurement.

BED AND BREAKFAST. A building other than a hotel where, for compensation and by prearrangement for definite periods, lodgings and breakfast, are provided for three or more persons.

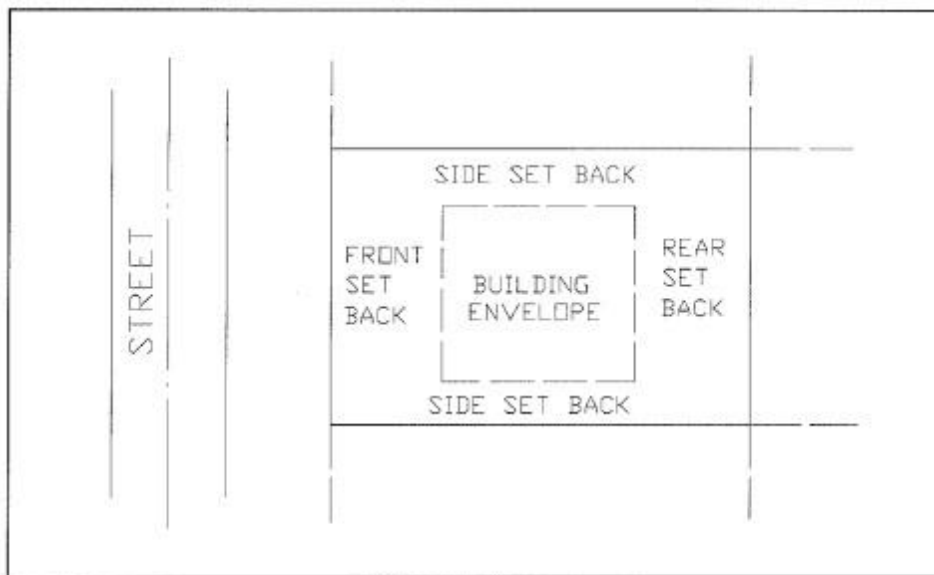
BUFFER PLANTING. Living vegetation designed and maintained to enclose activities, use, light, noise and materials within the specified lot or area.

BUILDING. Any covered structure built for the support, shelter or enclosure of persons, animals or property, and which is permanently affixed to the land.

BUILDING CODE. The Building Code of the City of St. Johns, as amended.

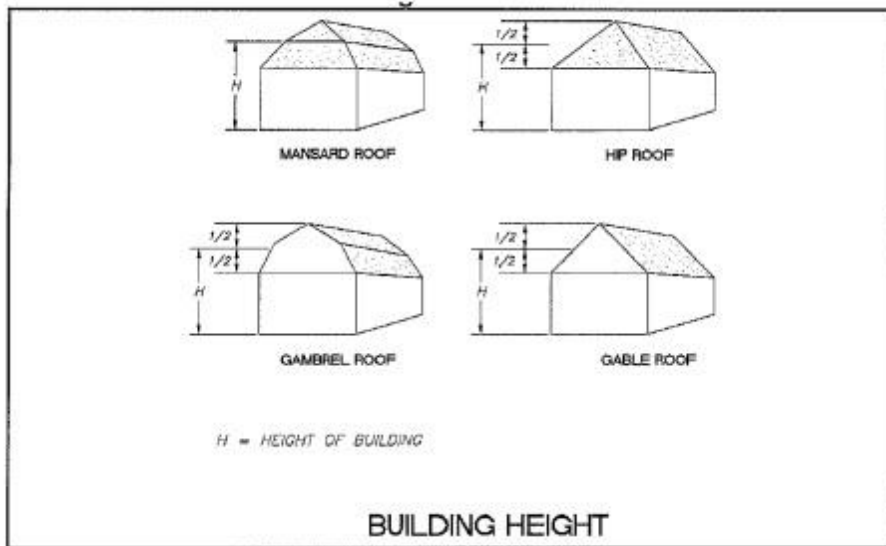
BUILDING ENVELOPE. A volume based on that portion of the lot exclusive of required yards, of maximum permitted height. (See Figure 3-1.)

Figure 3 - 1



BUILDING, HEIGHT OF. The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of ~~flat roofs, to the deck line of mansard roofs, or to the mean height between eaves and ridge for gable, hip, and gambrel~~the roofs. (See Figure 3-2.)

Figure 3 - 2



BUILDING, PRINCIPAL. A building or, where the context so indicates, a group of buildings which exist to serve the primary or chief purpose for which a lot is used.

BUSINESS AND PROFESSIONAL OFFICES. Concerns engaged in service activities of a customarily professional nature (not offering personal services required by the general public frequently for hygienic and grooming purposes), and business concerns of a headquarters of district staff operation activity.

BUSINESS SCHOOL. An educational or training establishment designed and operated for learning specific business office skills.

CAR WASH. An area of land and/or a structure used principally for the cleaning, washing, polishing or waxing of motor vehicles.

CITY COMMISSION. The City of St. Johns Commission.

CLUSTER HOUSING. A method of development in which minimum lot sizes are reduced in return for an equal amount of open space for the development.

CONDOMINIUM. The following definitions shall apply to all condominium developments:

(1) **CONVENTIONAL CONDOMINIUM PROJECT.** A development in which ownership interest is divided under the authority of the Condominium Act (Public Act 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.

(2) **SITE CONDOMINIUM PROJECT.** A development in which ownership interest is divided under the authority of the Condominium Act (Public Act 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area, constitutes the equivalent of a lot.

(3) **GENERAL COMMON AREAS.** Portions of the condominium development owned and maintained by the condominium association.

(4) LIMITED COMMON AREAS. Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development.

(5) CONDOMINIUM SUBDIVISION PLAN. Means drawings and information prepared pursuant to § 66 of the Condominium Act, Public Act 59 of 1978.

(6) MASTER DEED. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in § 8 of the Condominium Act, Public Act 59 of 1978.

(7) CONTRACTIBLE CONDOMINIUM. A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with this act.

(8) CONVERSION CONDOMINIUM. A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under § 71 of the Condominium Act, Public Act 59 of 1978.

(9) EXPANDABLE CONDOMINIUM. A condominium project to which additional land may be added in accordance with the Condominium Act, Public Act 59 of 1978.

COMMUNITY DEVELOPMENT PLAN. The plan for the future development of the St. Johns area, prepared, adopted, and amended pursuant to Act 285 of the Public Acts of 1931, as amended.

COURT, OPEN. A court enclosed on not more than three sides by exterior walls of a building or by exterior walls and lot lines with one side or end open to a street, way, alley, or yard.

COVERAGE. The ratio of gross floor area of the first floor of a building or of a group of buildings on the same lot to the area of the lot, expressed as a percentage.

DAY CARE FACILITIES. Includes the following definitions as defined and regulated by Public Act 116 of 1973, as amended:

(1) FAMILY DAY CARE HOME. A state licensed private home in which one, but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

(2) GROUP DAY CARE HOME. A state licensed private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

(3) CHILD CARE CENTER. A state licensed facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child.

DENSITY OF POPULATION. A ratio expressed as either the number of persons or the number of families per gross acre or net acre of land.

DISCONTINUANCE. The failure to pursue customary operations.

DRIVE-IN. Partially or wholly oriented and designed to accommodate vehicle-borne customers who generally plan to remain in the vehicle.

DRIVE, PRIVATE. A privately owned pathway to provide access for automobiles into and through a parcel or group of parcels being developed. A drive does not include individual driveways on individual lots used to provide access to a garage or a parking area.

DRIVE-THROUGH. A business establishment that provides customers with the opportunity to pay for and receive goods or services without leaving their car. A drive-through establishment is distinguished from a drive-in establishment by the fact that drive-through operations involve a driveway approach that the customer uses to enter the service area, receive service and departs, while a drive-in involved parking spaces the customer parks in to receive service.

DRIVEWAY. A pathway for motor vehicles that provides direct access to a garage or a parking area from a street or private drive

DUMP. An area, either public or private, utilized for the deposit of collect materials of very low or nonexistent value. Generally regarded as the terminal deposit for unwanted matter, but not including organic garbage.

DWELLING UNIT. A house, building, or mobile home, or portion thereof, which is occupied wholly as the home, residence or sleeping place by one or more human beings, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered as a dwelling. In case of mixed occupancy where a building occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this chapter and shall comply with the provisions thereof relative to dwelling. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

(1) DWELLING, MULTIPLE. A multiple dwelling is a building used for as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotel, but not including mobile homes.

(2) DWELLING, ONE-FAMILY. A detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family or functional family only.

(3) DWELLING, TWO-FAMILY. A detached two-family dwelling is that occupied by two families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

(4) EFFICIENCY UNIT. An efficiency unit is a dwelling unit consisting of one or more rooms exclusive of hallways or closets directly off the principal room.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal or state departments or commissions, of overhead, surface or underground gas, electrical, steam, or water distribution or transmission systems, collection, communication, supply, treatment or disposal systems, including mains, drains, sewers, pipes, conduits, or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare.

FAMILY. An individual; or a group of two or more persons related by lineal descentance, marriage, or adoption; together with not more than two additional persons not so related to such individual or group, living together as a single housekeeping unit in a dwelling unit.

FARM BUILDING. Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of a particular type for the pursuit of their agricultural activities.

FENCE. An artificially constructed barrier of wood, masonry, metal or other manufactured material, or combination of materials, erected to enclose, screen or separate areas.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building used or intended to be used for office, merchandising or services to the public as customers, patrons, clients, patients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen, and the general public are denied access.

FLOOR AREA RATIO. FAR is a measurement of building density wherein a ratio of 1.0 means that the floor area may equal the lot area or other unit of land area. An FAR of 5.0 means that the floor area may be up to five times as large as the lot area; and an FAR of 0.5 means that the floor area may be no more than one-half of the lot area.

FUNCTIONAL FAMILY. The functional equivalent of domestic family consisting of not more than six persons living together in a dwelling unit as a single housekeeping unit and intending to live together as a group for the indefinite future. This definition shall not include any fraternity, sorority, club, hotel or other group of persons whose association is temporary or commercial in nature.

GROSS FLOOR AREA. The total floor area, as measured to the outside surfaces of exterior walls, but not including the following spaces: crawl spaces, unfinished and non-habitable portions of the building, garages and open porches, balconies and terraces.

GROSS SITE AREA. An area proposed for development, including portions of the building, garages and open porches, balconies and terraces.

HOME OCCUPATION. Any occupation or profession carried on only by a member of a family residing on the premises as an accessory use, and meeting the standards set forth in this chapter.

HOSPITAL, GENERAL CARE. An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments training facilities, central service facilities, and staff offices.

HOTEL. A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are more than 15 sleeping rooms.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the house, and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this chapter.

HOUSEKEEPING UNIT. A dwelling unit organized as a single entity in which the members share common kitchen facilities and have access to all parts of the dwelling.

INCARCERATED. A person currently serving a criminal sentence in a county, state, or federal correctional facility.

INCINERATOR. A mechanical device and/or inclosing structure for the burning of refuse, collected or produced on the site.

INDUSTRY. An extraction, production, processing, testing, cleaning, repair, storage, or distribution of commodities.

INTENSITY OF LAND USE. A ratio relating the total floor area of buildings to a unit of land area.

JUNK YARD. A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment. The following are not included in this definition:

- (1) Places where such uses are conducted entirely within a completely enclosed building;
- (2) The sale of used vehicles in operable condition; and
- (3) The sale of salvaged materials incidental to manufacturing operations.

KENNEL. Any premises on which four or more dogs, four months old or older, are kept.

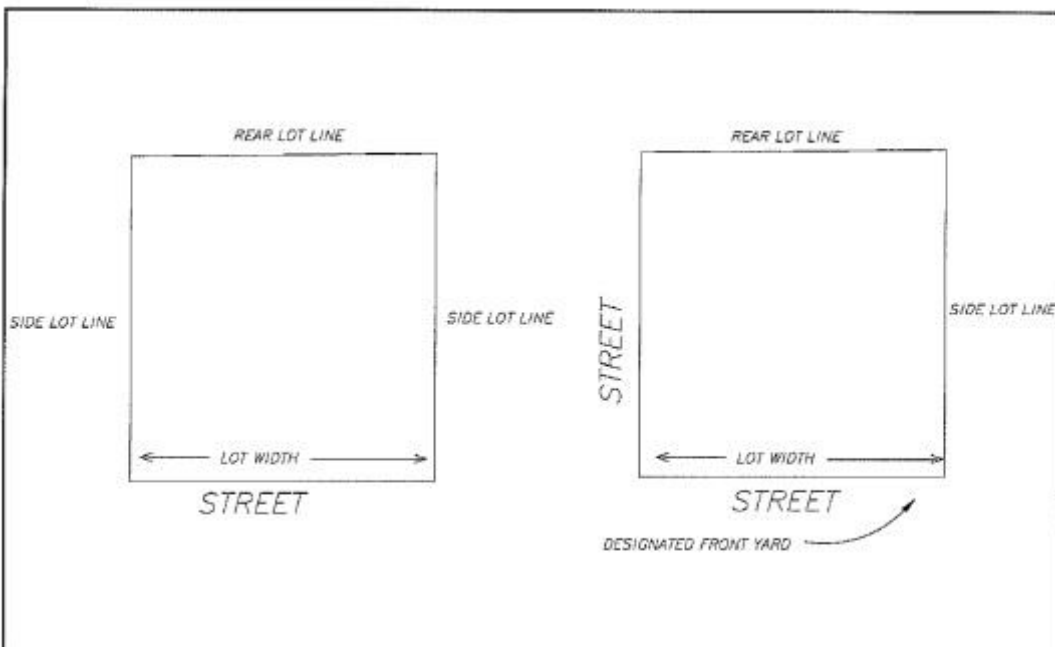
LIGHT SOURCE. Any device or fixture producing artificial light including those parts and surfaces of reflectors, refractors, globes, baffles, shades, and hoods upon which the light falls.

LOADING BERTH. A facility used and/or designed for receiving cargo from or discharging cargo into a vehicle.

LOT. A parcel of land occupied or capable of being occupied by a land use, building, structure, or group of buildings together with such yards, open spaces, lot width, and lot area, as are required by the chapter.

LOT, CORNER. A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points beginning within the lot or at the points of intersection of the side lines with the street lines intersect at an interior angle of less than 135 degrees. (See Figure 3-3.)

Figure 3 - 3



LOT, DEPTH OF. The mean horizontal distance between the rear and front lot lines.

LOT, INTERIOR. Any lot other than a corner lot. (See Figure 3-3.)

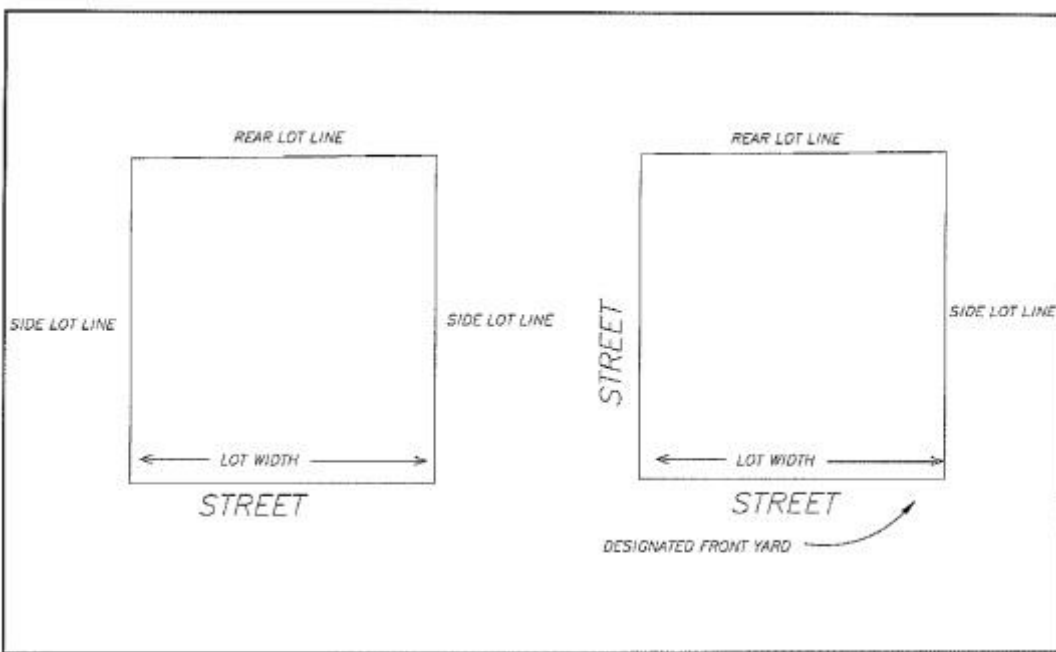
LOT LINES. The lines of demarcation between the properties of different owners or between any privately owned property and any street, alley, park or other public land, or the lines of demarcation between lots as recorded on a subdivision plat.

LOT OF RECORD. A lot which actually exists in a subdivision plat or condominium plan as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, SIDE OF. That edge of a lot not designated as front or rear.

LOT, WIDTH OF. The distance between side lot lines measured at the intersection of those lot lines and the street right-of-way. In the case of a corner lot it shall be the distance between the side lot line and the edge of the street right-of-way. In the case of a cul-de-sac or curvilinear street, the setback shall be measured at the required front setback line. (See Figure 3-4.)

Figure 3 - 4



MAIN RESIDENTIAL BUILDING. One or more individual dwelling structures, each having all of its parts connected in a substantial manner by common walls and completely enclosed rooms or garages, and each dwelling structure containing one or more dwelling units.

MEDICAL AND DENTAL CLINIC. A facility organized and operated for the primary purpose of providing health service in medical or dental specialty for out-patient medical or dental care of the sick or injured, and including related facilities such as laboratories and other service facilities operated in connection with the clinics.

MIXED USE. The intermingling of land uses or activities within a single zoning lot, such as residential and commercial.

MOBILE HOME. A structure transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when

connected to required utilities and includes the plumbing, heating, air-condition and electrical systems contained in the structure.

MOBILE HOME PARK. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. For the purpose of this chapter, is a specifically designated parcel of land designed and developed to accommodate two or more mobile home sites for residential use.

MOTEL. A business comprised of a series of attached, semidetached, or detached rental units for the overnight accommodation of transient guests, each unit containing bedroom, bathroom, and closet space, with each unit having its own entrance from the parking area.

NET DEVELOPMENT AREA. The total area within the property lines of a project less the acreage of private streets, drives and internal streets, sites for churches and stores but including land reserved for schools and parks.

NONCONFORMING. A building, structure, or use lawfully established which does not conform to the current regulations of the district or zone in which it is situated.

NONCONFORMING USE, LEGAL. A building, structure, or use lawfully existing at the time of enactment of this Code or amendment thereto which does not conform to the regulations of the district or zone in which it is situated.

NURSING HOME. A facility which:

- (1) Provides nursing services on a continuing bases;
- (2) Admits the majority of the occupants upon advice of physicians as ill or infirm persons requiring nursing services;
- (3) Provides for physicians' or supervision; and
- (4) Maintains medical records.

OCCUPANCY OF LAND. The ownership and exercise on a permanent or temporary basis of that right of property which includes the use of land.

PARCEL. An area of land defined by property lines; a parcel need not be in single ownership.

PARK. Any lot, site, field or tract of land used for active or passive recreation purposes, primarily out-of-doors.

PARKING AREA. The temporary storage of registered motor vehicles of rated capacity not exceeding one and one-half tons.

PHYSICAL DEVELOPMENT. The arranging of land for human use, including the subdivision of land, the provision of facilities for communication and transportation, and the placement and erection of structures.

PLANNING COMMISSION. The St. Johns City Planning Commission.

PLAYFIELD. Any area of open space utilized for active recreation and designed to accommodate over 15 persons at one time.

PLAZA. An open area accessible to the public, which is either:

(1) An open area along the front lot line not less than five feet deep, measured perpendicular to the front lot line; or

(2) An open area on a through lot, extending from street (front lot line) to street (rear lot line) and not less than 15 feet wide, and which is at no point more than five feet above the curb level of the nearest adjoining street and is unobstructed from its lowest level to the sky, except for approved covered pedestrian walks.

PRIME RETAIL FRONTAGE. The first floor space on property within the Central Business District that abuts Clinton Avenue (State Street – Railroad Street), Walker Street (Brush Street – Spring Street), Higham Street (Brush Street – Spring Street) and Railroad Street (Brush Street – Spring Street), where the prime use of land is retail in nature.

PRIVATE SCHOOL. An educational institution not supported in any direct manner by general taxation, assessment, or other forms of public revenue.

PROPERTY. Real estate.

PUBLIC HOUSING. Dwelling units owned and/or operated by a public agency.

PUBLIC SCHOOL. An educational institution partially or wholly supported by general taxation, assessment, or other forms of public revenue.

RELIGIOUS INSTITUTION. Churches or other places of worship, including related plant, administrative and living facilities, such as: parsonage, vicarage, rectory, staff living quarters, Sunday school and day school buildings or other religious education buildings, include pre-school, parish house or place of public assemblage, operated and maintained in each case as an adjunct of an adjacent or nearby church, but not including schools providing education pursuant to state laws concerning compulsory education, seminaries, colleges, or facilities for the education or training of religious personnel.

RESIDENCE. A place used for human habitation other than on a transient basis.

SANITARY LANDFILL. A method of refuse disposal utilizing alternate layers of soil, sand, or other inert matter with the dumped and leveled refuse.

SCHOOL, ELEMENTARY. A public or private institution providing education below the ninth grade pursuant to the laws concerning compulsory education of the State of Michigan.

SCHOOL, HIGH. A public or private institution providing education above the eighth grade pursuant to the laws concerning compulsory education of the State of Michigan.

SCHOOL, PRIMARY. A public or private institution providing education below the fourth grade pursuant to the laws concerning compulsory education of the state of Michigan.

SETBACK LINE. Distance from the lot lines to an existing principle structure.

SETBACK LINE, REQUIRED. The line delineating the minimum required depth of the front yard.

SIDEWALK CAFÉ. Any outdoor dining area located on any public sidewalk or right-of-way that is associated with a restaurant or other eating and drinking establishment contiguous to the café area.

SIGN. A presentation or representation by letters, figures, designs, devices, pictures, emblems, insignia, numbers, lines, colors displayed so as to be visible to the public for the purpose of making anything known or attracting attention.

STANDARD DWELLING STRUCTURE. Any building, or portion of building, for which a certificate of occupancy for dwelling purposes has been issued and which conforms to all applicable health and building laws and this chapter.

STORY, HEIGHT OF. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the ceiling joists.

STREET, INTERNAL. A pathway that provides access by automobiles to individual lots that connects those lots with an existing public street.

STREET LINE. The dividing line between the street and a lot.

STREET, PRIVATE. A pathway not owned, controlled or maintained by a city, township, county, state or federal governmental agency that provides access by automobiles to individual lots.

STRUCTURAL ALTERATION. Any change in the supporting members of a building such as bearing walls, columns, girders or beams.

STRUCTURE. Anything constructed or erected, which requires a location on the ground or attached to something having a location on the ground (for example, decks, gazebos, playsets, at-grade patios).

TRADE. Actions or business involving the exchange of commodities by barter or trade, including necessary activities attendant thereto, but not including the production, processing or consumption of commodities.

TRADE SCHOOL. An educational or training establishment designed and operated for learning specific non-office skills or vocations, generally of a manual nature.

TRAFFIC. Vehicles in motion, unless otherwise modified (e.g., pedestrian traffic).

TOWNHOUSE. A building containing two or more dwelling units, with individual rear yards and/or front yards designed as an integral part of each one family dwelling unit.

USABLE OPEN SPACE. Yard space exclusive of the required front and side yards on a residential lot reserved for and devoted to the admittance of light and air and semi-private outdoor activities, and effectively separated from automobile circulation and parking.

USE. If not otherwise modified, the activity by humans, or consequent to human initiation or taking place; the remaining manifestations of such past activity.

VARIANCE. An authorization permitting change in the requirements of this chapter by the Zoning Board of Appeals in cases where the general requirements of this chapter and the literal enforcement of such would result in an unnecessary and undue hardship upon the variance applicant.

YARD. A space on the same lot with a building, unoccupied and unobstructed from the ground upward, except for certain specified building projections.

YARD, FRONT. A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than certain specified building projections. In the case of a developed corner lot, the front yard will be the lot line abutting the street that the lot is addressed on. In the case of an undeveloped lot that has not been assigned an address, the front yard shall be the narrowest street frontage, as measured along the right-of-way line from side lot line to side lot line. All other road frontages shall be considered "secondary street frontages." one of the two sides of the lot fronting on a street that is designated as the front yard by the property owner at the time of applying for a zoning permit.

YARD, REAR. A yard extending across the back of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear line of the main building or any projection thereof, other than certain building projections.

YARD, SIDE. A yard between the main building and the side line of the lot, and extending from the front yard or street line if there is no front yard required, to the rear yard, or the rear lot line if there is no rear yard required, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof, other than certain building projections.

ZONING ADMINISTRATOR. That person or persons duly charged by the appropriate appointing authority with the responsibility for executing and administering this chapter.

ZONING LOT. A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot may be subsequently subdivided into two or more zoning lots. A zoning lot, therefore, may or may not coincide with a lot as shown on any recorded subdivision plat or deed.

(Ord. 616, passed 9-23-2013; Am. Ord. 626, passed 8-22-2016; Am. Ord. 627, passed 8-22-2016; Am. Ord. 642, passed 4-23-2018; Am. Ord. 665, passed 12-13-2021; Am. Ord. 679, passed 8-28-2023; Am. Ord. 681, passed 12-11-2023)

§ 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 or secondary street 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 maximum allowable height for a detached accessory structure in the zoning district it is located within.

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 following materials shall not be used to construct the enclosure area: tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.

H. 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)

§ 155.213 AVERAGE FRONT YARD.

On any completely platted block frontage on which at least half of the lots are built upon, the required front yard or secondary street yard may be reduced to the average of the existing front yards, but to not less than ten feet, subject to the provisions of this chapter.

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

**CITY OF ST. JOHNS
RESOLUTION #13-2025**

**RESOLUTION TO ADOPT AN ORDINANCE TO AMEND CHAPTER 155 OF THE
CITY OF ST. JOHNS CODE OF ORDINANCES
REGARDING HEIGHT REQUIREMENTS FOR CORNER LOTS**

At a regular meeting of the City Commission of the City of St. Johns, Clinton County, Michigan, held at the City Hall, in said City on the 24th day of February, 2025 at 6:00 p.m., Local Time.

Present: _____

Absent: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.*, as amended (“MZEA”), the City has the authority to regulate the use of land within the City; and

WHEREAS, the City desires to regulate landscaping standards within the City by amending Section 155.004 of Title XV (Land Usage) of the City’s Code of Ordinances; and

WHEREAS, upon giving notice in accordance with the MZEA, the City Planning Commission (“Planning Commission”) held a public hearing to consider the Ordinance; and

WHEREAS, on January 8, 2025, the Planning Commission voted to recommend adoption of the Ordinance to the City Commission; and

WHEREAS, on January 27, 2025, the City voted to introduce the Ordinance; and

WHEREAS, the City desires to adopt the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Johns as follows:

1. The City adopts Ordinance No. _____, An Ordinance to Amend Title XV: Land Usage, Chapter 155, Section 155.004 of The City Of St. Johns Zoning Code Regarding Height Requirements for Corner Lots.
2. The City shall publish the Ordinance as required by law.
3. To the extent that any resolution or portion of resolution is inconsistent with this Resolution, such resolutions or portions of resolutions are hereby rescinded.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF CLINTON)

I, the undersigned, the duly qualified and acting Clerk of the City of St. Johns, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission of said City at a regular meeting held on the 24th day of February, 2025.

**CITY OF ST. JOHNS
ORDINANCE NO. _____**

**AN ORDINANCE TO AMEND TITLE XV: LAND USAGE, CHAPTER 155: ZONING
CODE REGARDING HEIGHT REQUIREMENTS FOR CORNER LOTS**

THE CITY OF ST. JOHNS ORDAINS:

Section 1. Amendment to Title XV: Land Usage, Chapter 155: Zoning Code—Definitions.
The City amends Title XV, Chapter 155, Section 155.004 to read as follows:

“§155.004 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY APARTMENT. A dwelling unit in a permitted single-family residence that is subordinate to the principal one-family dwelling unit in terms of size, location, and appearance, and provides complete housekeeping facilities for one family, including independent cooking, bathroom, and sleeping facilities, with physically separate access from any other dwelling unit. A single-family residence with an accessory dwelling does not constitute a duplex.

ACCESSORY BUILDING. A supplemental and subordinate building or structure on the same lot as the main building but not part of the main building.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

ADULT BUSINESSES. This term includes adult merchandise stores, adult motion picture theaters, adult mini-motion picture theaters, nude body painting or modeling studios, cabarets, adult novelty businesses, escort services, and peep shows, which incorporate in their business name, or otherwise describe their business as "adult," "adult entertainment," "adults only," and those businesses which fit the definitions hereinafter set forth, and which exclude minors from entry. In addition, the adult regulated businesses are more specifically defined as follows:

(1) **ADULT MERCHANDISE STORE.** A commercial establishment having a substantial or significant portion of its stock and trade in books, magazines, periodicals, photographs, videotapes, video cassettes, laser discs, films, or other visual representations which depict, describe, or portray "specified sexual activities" or "specified anatomical areas," as defined herein.

(2) **ADULT MOTION PICTURE THEATER.** A commercial establishment used for presenting film or videotapes recordings, having a dominant theme distinguished or characterized by emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

(3) NUDE BODY PAINTING OR MODELING STUDIO. An establishment which features, or offers, as a portion of its business, the services of body painting or nude photography of the human body through services of its models, masseurs, masseuses, employees who are nude, semi-nude, or topless when performing those services.

(4) ADULT MINI-MOTION PICTURE THEATER. Means of adult entertainment provided within an adult business that is characterized by one of the following:

(a) A coin or token operated machine where someone may view a motion picture film, video film, laser discs, which depicts, described, or portrays "specified sexual activities" or "specified anatomical areas," as defined herein;

(b) A booth, or other such constructed area, where an individual may, for the payment of a fee, view a motion picture, film, videotape recording, or live entertainment which depicts, describes, or portrays "specified sexual activities" or "specified anatomical areas" as defined herein.

(5) CABARET. Means a café, restaurant, or bar, where patrons are entertained by dancers, strippers, 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" as defined herein.

(6) ADULT NOVELTY BUSINESS. Means a business which has, as a principal activity, the sale of devices which simulate human genitals or devices designed for sexual stimulation.

(7) ADULT PERSONAL SERVICE BUSINESS. Means a business having as its principal activity a person, while nude, or while displaying "specified anatomical areas," as defined herein, 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.

(8) SPECIFIED SEXUAL ACTIVITIES. Are defined as:

(a) Human genitalia in a state of sexual stimulation or arousal.

(b) Acts of human masturbation, sexual intercourse, or sodomy.

(c) Fondling, or other erotic touching, of human genitalia, public regional, buttock, or female breast.

(9) SPECIFIED ANATOMICAL AREAS. Are defined as:

(a) Less than completely and opaquely covered:

1. Human genitalia and pubic region;

2. Buttock; and

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

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

(10) MASSAGE PARLOR. Means an establishment wherein private massage is practiced, used, or made available as the principal use of the premises.

(11) MASSAGE. Means manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of physical, mechanical, or other device, of the body of another, for a fee.

(12) PROTECTED USE. Means church, school, and residential.

(13) SCHOOL. Means a public, or private, school offering education to students enrolled in kindergarten, or one or more grades, 1 through 12.

(14) CHURCH. Means a building used for regular public worship services and exempt from taxation under the General Property Tax Act of Michigan.

(15) ESCORT SERVICE. An establishment which provides the services of escorting members of the opposite sex for payment of a fee.

(16) ADULT PEEP SHOW. A means of entertainment provided within an adult business that is characterized by one of the following:

(a) A coin or token operated machine where someone may view a motion picture film which depicts, describes or portrays "specified sexual activities" or "specified anatomical areas," as defined herein.

(b) A booth or other such constructed area where an individual may, for the payment of a fee, view a motion picture film, videotape recording, or live entertainment which depicts, describes or portrays "specified sexual activities" or "specified anatomical areas" as defined herein.

(17) RESIDENTIAL. Means any designated residential zoning district by the City of St. Johns Zoning Chapter, including R-1, R-2, R-3, and R-MH.

ADULT FOSTER CARE LARGE GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for at least 13 but not more than 20 adults.

ADULT FOSTER CARE MEDIUM GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for at least seven but no more than 12 adults.

ADULT FOSTER CARE SMALL GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for six or fewer adults.

ALLEY. A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

AUTOMOBILE CIRCULATION AREA. Space provided on a lot for automobile maneuvering, parking or storage.

AUTO REPAIR SHOP. An establishment providing auto repair services such as auto body repair, major engine repair, undercoating, glass replacement and upholstery work.

AUTO SERVICE STATION. An establishment offering retail sale of motor fuels, oil and lubricants and/or minor vehicle repair and service such as replacement of tires, batteries, mufflers, brakes, or starters; oil changes and engine tune-ups.

BASEMENT. A story partly underground or wholly underground. Where more than one-half of its height is above the highest level of the adjoining ground, a basement shall be counted as a story for the purposes of height measurement.

BED AND BREAKFAST. A building other than a hotel where, for compensation and by prearrangement for definite periods, lodgings and breakfast, are provided for three or more persons.

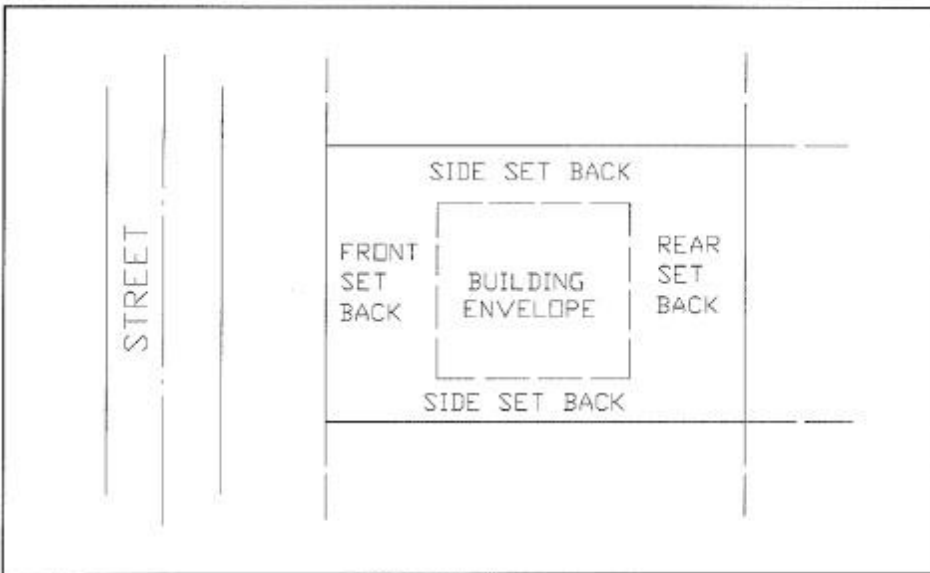
BUFFER PLANTING. Living vegetation designed and maintained to enclose activities, use, light, noise and materials within the specified lot or area.

BUILDING. Any covered structure built for the support, shelter or enclosure of persons, animals or property, and which is permanently affixed to the land.

BUILDING CODE. The Building Code of the City of St. Johns, as amended.

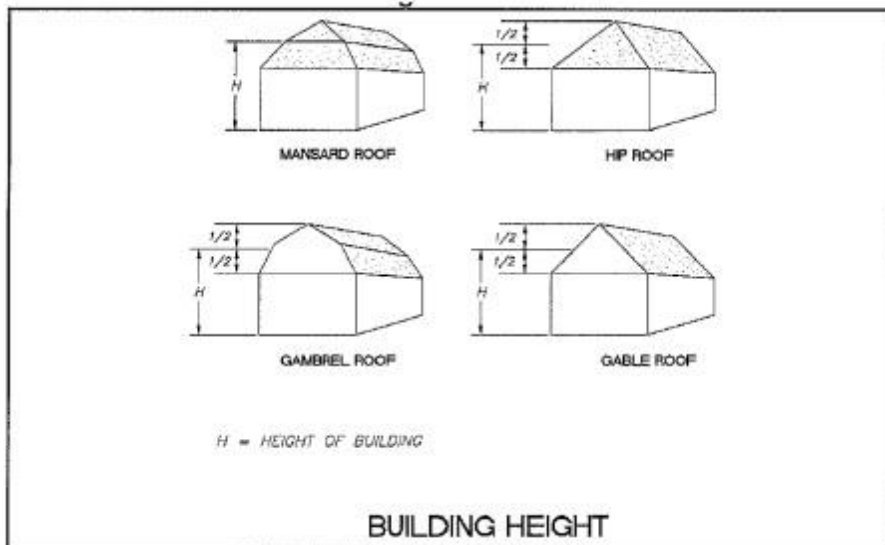
BUILDING ENVELOPE. A volume based on that portion of the lot exclusive of required yards, of maximum permitted height. (See Figure 3-1.)

Figure 3 - 1



BUILDING, HEIGHT OF. The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of ~~flat roofs, to the deck line of mansard roofs, or to the mean height between eaves and ridge for gable, hip, and gambrel~~ roofs. (See Figure 3-2.)

Figure 3 - 2



BUILDING, PRINCIPAL. A building or, where the context so indicates, a group of buildings which exist to serve the primary or chief purpose for which a lot is used.

BUSINESS AND PROFESSIONAL OFFICES. Concerns engaged in service activities of a customarily professional nature (not offering personal services required by the general public frequently for hygienic and grooming purposes), and business concerns of a headquarters of district staff operation activity.

BUSINESS SCHOOL. An educational or training establishment designed and operated for learning specific business office skills.

CAR WASH. An area of land and/or a structure used principally for the cleaning, washing, polishing or waxing of motor vehicles.

CITY COMMISSION. The City of St. Johns Commission.

CLUSTER HOUSING. A method of development in which minimum lot sizes are reduced in return for an equal amount of open space for the development.

CONDOMINIUM. The following definitions shall apply to all condominium developments:

(1) **CONVENTIONAL CONDOMINIUM PROJECT.** A development in which ownership interest is divided under the authority of the Condominium Act (Public Act 59 of 1978) and in which the condominium unit consists primarily of

the dwelling or other principal structure and most of the land in the development is part of the general common area.

(2) **SITE CONDOMINIUM PROJECT.** A development in which ownership interest is divided under the authority of the Condominium Act (Public Act 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area, constitutes the equivalent of a lot.

(3) **GENERAL COMMON AREAS.** Portions of the condominium development owned and maintained by the condominium association.

(4) **LIMITED COMMON AREAS.** Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development.

(5) **CONDOMINIUM SUBDIVISION PLAN.** Means drawings and information prepared pursuant to § 66 of the Condominium Act, Public Act 59 of 1978.

(6) **MASTER DEED.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in § 8 of the Condominium Act, Public Act 59 of 1978.

(7) **CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with this act.

(8) **CONVERSION CONDOMINIUM.** A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under § 71 of the Condominium Act, Public Act 59 of 1978.

(9) **EXPANDABLE CONDOMINIUM.** A condominium project to which additional land may be added in accordance with the Condominium Act, Public Act 59 of 1978.

COMMUNITY DEVELOPMENT PLAN. The plan for the future development of the St. Johns area, prepared, adopted, and amended pursuant to Act 285 of the Public Acts of 1931, as amended.

COURT, OPEN. A court enclosed on not more than three sides by exterior walls of a building or by exterior walls and lot lines with one side or end open to a street, way, alley, or yard.

COVERAGE. The ratio of gross floor area of the first floor of a building or of a group of buildings on the same lot to the area of the lot, expressed as a percentage.

DAY CARE FACILITIES. Includes the following definitions as defined and regulated by Public Act 116 of 1973, as amended:

(1) FAMILY DAY CARE HOME. A state licensed private home in which one, but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

(2) GROUP DAY CARE HOME. A state licensed private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

(3) CHILD CARE CENTER. A state licensed facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child.

DENSITY OF POPULATION. A ratio expressed as either the number of persons or the number of families per gross acre or net acre of land.

DISCONTINUANCE. The failure to pursue customary operations.

DRIVE-IN. Partially or wholly oriented and designed to accommodate vehicle-borne customers who generally plan to remain in the vehicle.

DRIVE, PRIVATE. A privately owned pathway to provide access for automobiles into and through a parcel or group of parcels being developed. A drive does not include individual driveways on individual lots used to provide access to a garage or a parking area.

DRIVE-THROUGH. A business establishment that provides customers with the opportunity to pay for and receive goods or services without leaving their car. A drive-through establishment is distinguished from a drive-in establishment by the fact that drive-through operations involve a driveway approach that the customer uses to enter the service area, receive service and departs, while a drive-in involved parking spaces the customer parks in to receive service.

DRIVEWAY. A pathway for motor vehicles that provides direct access to a garage or a parking area from a street or private drive

DUMP. An area, either public or private, utilized for the deposit of collect materials of very low or nonexistent value. Generally regarded as the terminal deposit for unwanted matter, but not including organic garbage.

DWELLING UNIT. A house, building, or mobile home, or portion thereof, which is occupied wholly as the home, residence or sleeping place by one or more human beings, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered as a

dwelling. In case of mixed occupancy where a building occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this chapter and shall comply with the provisions thereof relative to dwelling. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

(1) DWELLING, MULTIPLE. A multiple dwelling is a building used for as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotel, but not including mobile homes.

(2) DWELLING, ONE-FAMILY. A detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family or functional family only.

(3) DWELLING, TWO-FAMILY. A detached two-family dwelling is that occupied by two families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

(4) EFFICIENCY UNIT. An efficiency unit is a dwelling unit consisting of one or more rooms exclusive of hallways or closets directly off the principal room.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal or state departments or commissions, of overhead, surface or underground gas, electrical, steam, or water distribution or transmission systems, collection, communication, supply, treatment or disposal systems, including mains, drains, sewers, pipes, conduits, or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare.

FAMILY. An individual; or a group of two or more persons related by lineal descentance, marriage, or adoption; together with not more than two additional persons not so related to such individual or group, living together as a single housekeeping unit in a dwelling unit.

FARM BUILDING. Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of a particular type for the pursuit of their agricultural activities.

FENCE. An artificially constructed barrier of wood, masonry, metal or other manufactured material, or combination of materials, erected to enclose, screen or separate areas.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building used or intended to be used for office, merchandising or services to the public as customers, patrons, clients, patients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding

floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen, and the general public are denied access.

FLOOR AREA RATIO FAR is a measurement of building density wherein a ratio of 1.0 means that the floor area may equal the lot area or other unit of land area. An FAR of 5.0 means that the floor area may be up to five times as large as the lot area; and an FAR of 0.5 means that the floor area may be no more than one-half of the lot area.

FUNCTIONAL FAMILY. The functional equivalent of domestic family consisting of not more than six persons living together in a dwelling unit as a single housekeeping unit and intending to live together as a group for the indefinite future. This definition shall not include any fraternity, sorority, club, hotel or other group of persons whose association is temporary or commercial in nature.

GROSS FLOOR AREA. The total floor area, as measured to the outside surfaces of exterior walls, but not including the following spaces: crawl spaces, unfinished and non-habitable portions of the building, garages and open porches, balconies and terraces.

GROSS SITE AREA. An area proposed for development, including portions of the building, garages and open porches, balconies and terraces.

HOME OCCUPATION. Any occupation or profession carried on only by a member of a family residing on the premises as an accessory use, and meeting the standards set forth in this chapter.

HOSPITAL, GENERAL CARE. An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments training facilities, central service facilities, and staff offices.

HOTEL. A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are more than 15 sleeping rooms.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the house, and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this chapter.

HOUSEKEEPING UNIT. A dwelling unit organized as a single entity in which the members share common kitchen facilities and have access to all parts of the dwelling.

INCARCERATED. A person currently serving a criminal sentence in a county, state, or federal correctional facility.

INCINERATOR. A mechanical device and/or inclosing structure for the burning of refuse, collected or produced on the site.

INDUSTRY. An extraction, production, processing, testing, cleaning, repair, storage, or distribution of commodities.

INTENSITY OF LAND USE. A ratio relating the total floor area of buildings to a unit of land area.

JUNK YARD. A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment. The following are not included in this definition:

- (1) Places where such uses are conducted entirely within a completely enclosed building;
- (2) The sale of used vehicles in operable condition; and
- (3) The sale of salvaged materials incidental to manufacturing operations.

KENNEL. Any premises on which four or more dogs, four months old or older, are kept.

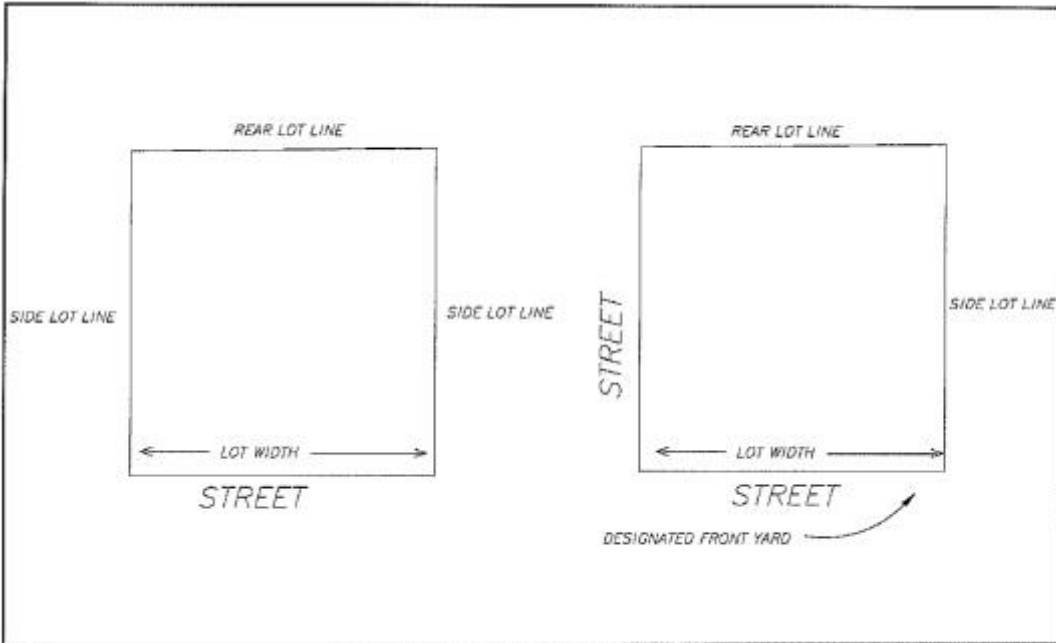
LIGHT SOURCE. Any device or fixture producing artificial light including those parts and surfaces of reflectors, refractors, globes, baffles, shades, and hoods upon which the light falls.

LOADING BERTH. A facility used and/or designed for receiving cargo from or discharging cargo into a vehicle.

LOT. A parcel of land occupied or capable of being occupied by a land use, building, structure, or group of buildings together with such yards, open spaces, lot width, and lot area, as are required by the chapter.

LOT, CORNER. A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points beginning within the lot or at the points of intersection of the side lines with the street lines intersect at an interior angle of less than 135 degrees. (See Figure 3-3.)

Figure 3 - 3



LOT, DEPTH OF. The mean horizontal distance between the rear and front lot lines.

LOT, INTERIOR. Any lot other than a corner lot. (See Figure 3-3.)

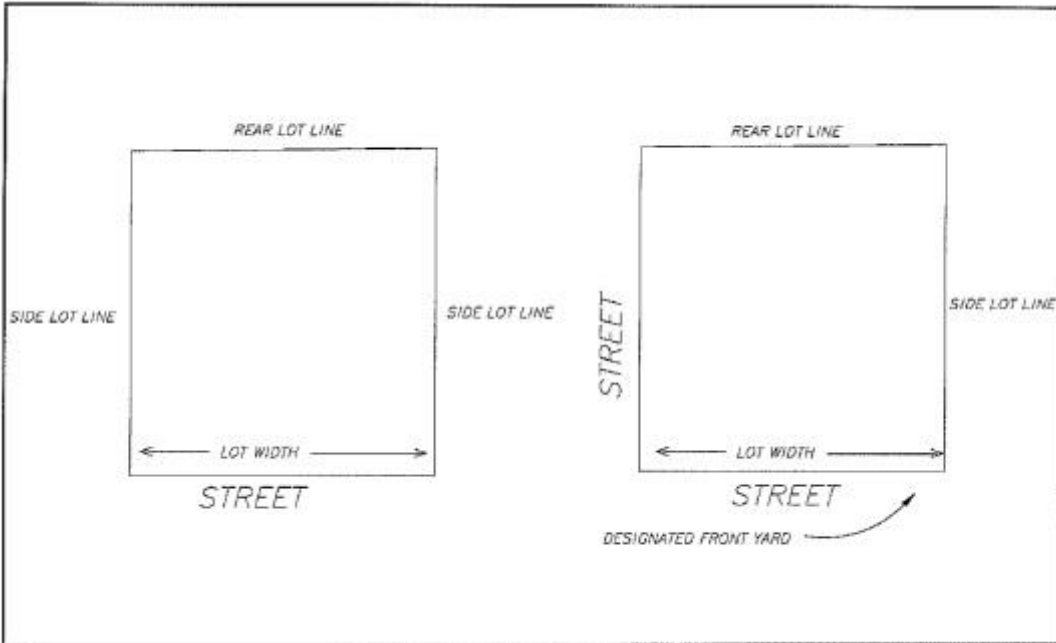
LOT LINES. The lines of demarcation between the properties of different owners or between any privately owned property and any street, alley, park or other public land, or the lines of demarcation between lots as recorded on a subdivision plat.

LOT OF RECORD. A lot which actually exists in a subdivision plat or condominium plan as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, SIDE OF. That edge of a lot not designated as front or rear.

LOT, WIDTH OF. The distance between side lot lines measured at the intersection of those lot lines and the street right-of-way. In the case of a corner lot, it shall be the distance between the side lot line and the edge of the street right-of-way. In the case of a cul-de-sac or curvilinear street, the setback shall be measured at the required front setback line. (See Figure 3-4.)

Figure 3 - 4



MAIN RESIDENTIAL BUILDING. One or more individual dwelling structures, each having all of its parts connected in a substantial manner by common walls and completely enclosed rooms or garages, and each dwelling structure containing one or more dwelling units.

MEDICAL AND DENTAL CLINIC. A facility organized and operated for the primary purpose of providing health service in medical or dental specialty for outpatient medical or dental care of the sick or injured, and including related facilities such as laboratories and other service facilities operated in connection with the clinics.

MIXED USE. The intermingling of land uses or activities within a single zoning lot, such as residential and commercial.

MOBILE HOME. A structure transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to required utilities and includes the plumbing, heating, air-condition and electrical systems contained in the structure.

MOBILE HOME PARK. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. For the purpose of this chapter, is a specifically designated parcel of land designed and developed to accommodate two or more mobile home sites for residential use.

MOTEL. A business comprised of a series of attached, semidetached, or detached rental units for the overnight accommodation of transient guests, each unit containing bedroom, bathroom, and closet space, with each unit having its own entrance from the parking area.

NET DEVELOPMENT AREA. The total area within the property lines of a project less the acreage of private streets, drives and internal streets, sites for churches and stores but including land reserved for schools and parks.

NONCONFORMING. A building, structure, or use lawfully established which does not conform to the current regulations of the district or zone in which it is situated.

NONCONFORMING USE, LEGAL. A building, structure, or use lawfully existing at the time of enactment of this Code or amendment thereto which does not conform to the regulations of the district or zone in which it is situated.

NURSING HOME. A facility which:

- (1) Provides nursing services on a continuing bases;
- (2) Admits the majority of the occupants upon advice of physicians as ill or infirm persons requiring nursing services;
- (3) Provides for physicians' or supervision; and
- (4) Maintains medical records.

OCCUPANCY OF LAND. The ownership and exercise on a permanent or temporary basis of that right of property which includes the use of land.

PARCEL. An area of land defined by property lines; a parcel need not be in single ownership.

PARK. Any lot, site, field or tract of land used for active or passive recreation purposes, primarily out-of-doors.

PARKING AREA. The temporary storage of registered motor vehicles of rated capacity not exceeding one and one-half tons.

PHYSICAL DEVELOPMENT. The arranging of land for human use, including the subdivision of land, the provision of facilities for communication and transportation, and the placement and erection of structures.

PLANNING COMMISSION. The St. Johns City Planning Commission.

PLAYFIELD. Any area of open space utilized for active recreation and designed to accommodate over 15 persons at one time.

PLAZA. An open area accessible to the public, which is either:

(1) An open area along the front lot line not less than five feet deep, measured perpendicular to the front lot line; or

(2) An open area on a through lot, extending from street (front lot line) to street (rear lot line) and not less than 15 feet wide, and which is at no point more than five feet above the curb level of the nearest adjoining street and is unobstructed from its lowest level to the sky, except for approved covered pedestrian walks.

PRIME RETAIL FRONTAGE. The first floor space on property within the Central Business District that abuts Clinton Avenue (State Street – Railroad Street), Walker Street (Brush Street – Spring Street), Higham Street (Brush Street – Spring Street) and Railroad Street (Brush Street – Spring Street), where the prime use of land is retail in nature.

PRIVATE SCHOOL. An educational institution not supported in any direct manner by general taxation, assessment, or other forms of public revenue.

PROPERTY. Real estate.

PUBLIC HOUSING. Dwelling units owned and/or operated by a public agency.

PUBLIC SCHOOL. An educational institution partially or wholly supported by general taxation, assessment, or other forms of public revenue.

RELIGIOUS INSTITUTION. Churches or other places of worship, including related plant, administrative and living facilities, such as: parsonage, vicarage, rectory, staff living quarters, Sunday school and day school buildings or other religious education buildings, include pre-school, parish house or place of public assemblage, operated and maintained in each case as an adjunct of an adjacent or nearby church, but not including schools providing education pursuant to state laws concerning compulsory education, seminaries, colleges, or facilities for the education or training of religious personnel.

RESIDENCE. A place used for human habitation other than on a transient basis.

SANITARY LANDFILL. A method of refuse disposal utilizing alternate layers of soil, sand, or other inert matter with the dumped and leveled refuse.

SCHOOL, ELEMENTARY. A public or private institution providing education below the ninth grade pursuant to the laws concerning compulsory education of the State of Michigan.

SCHOOL, HIGH. A public or private institution providing education above the eighth grade pursuant to the laws concerning compulsory education of the State of Michigan.

SCHOOL, PRIMARY. A public or private institution providing education below the fourth grade pursuant to the laws concerning compulsory education of the state of Michigan.

SETBACK LINE. Distance from the lot lines to an existing principle structure.

SETBACK LINE, REQUIRED. The line delineating the minimum required depth of the front yard.

SIDEWALK CAFÉ. Any outdoor dining area located on any public sidewalk or right-of-way that is associated with a restaurant or other eating and drinking establishment contiguous to the café area.

SIGN. A presentation or representation by letters, figures, designs, devices, pictures, emblems, insignia, numbers, lines, colors displayed so as to be visible to the public for the purpose of making anything known or attracting attention.

STANDARD DWELLING STRUCTURE. Any building, or portion of building, for which a certificate of occupancy for dwelling purposes has been issued and which conforms to all applicable health and building laws and this chapter.

STORY, HEIGHT OF. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the ceiling joists.

STREET, INTERNAL. A pathway that provides access by automobiles to individual lots that connects those lots with an existing public street.

STREET LINE. The dividing line between the street and a lot.

STREET, PRIVATE. A pathway not owned, controlled or maintained by a city, township, county, state or federal governmental agency that provides access by automobiles to individual lots.

STRUCTURAL ALTERATION. Any change in the supporting members of a building such as bearing walls, columns, girders or beams.

STRUCTURE. Anything constructed or erected, which requires a location on the ground or attached to something having a location on the ground (for example, decks, gazebos, playsets, at-grade patios).

TRADE. Actions or business involving the exchange of commodities by barter or trade, including necessary activities attendant thereto, but not including the production, processing or consumption of commodities.

TRADE SCHOOL. An educational or training establishment designed and operated for learning specific non-office skills or vocations, generally of a manual nature.

TRAFFIC. Vehicles in motion, unless otherwise modified (e.g., pedestrian traffic).

TOWNHOUSE. A building containing two or more dwelling units, with individual rear yards and/or front yards designed as an integral part of each one family dwelling unit.

USABLE OPEN SPACE. Yard space exclusive of the required front and side yards on a residential lot reserved for and devoted to the admittance of light and air and semi-private outdoor activities, and effectively separated from automobile circulation and parking.

USE. If not otherwise modified, the activity by humans, or consequent to human initiation or taking place; the remaining manifestations of such past activity.

VARIANCE. An authorization permitting change in the requirements of this chapter by the Zoning Board of Appeals in cases where the general requirements of this chapter and the literal enforcement of such would result in an unnecessary and undue hardship upon the variance applicant.

YARD. A space on the same lot with a building, unoccupied and unobstructed from the ground upward, except for certain specified building projections.

YARD, FRONT. A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than certain specified building projections. In the case of a developed corner lot, the front yard will be the lot line abutting the street that the lot is addressed on. In the case of an undeveloped lot that has not been assigned an address, the front yard shall be the narrowest street frontage, as measured along the right-of-way line from side lot line to side lot line. All other road frontages shall be considered "secondary street frontages." ~~one of the two sides of the lot fronting on a street that is designated as the front yard by the property owner at the time of applying for a zoning permit.~~

YARD, REAR. A yard extending across the back of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear line of the main building or any projection thereof, other than certain building projections.

YARD, SIDE. A yard between the main building and the side line of the lot, and extending from the front yard or street line if there is no front yard required, to the rear yard, or the rear lot line if there is no rear yard required, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof, other than certain building projections.

ZONING ADMINISTRATOR. That person or persons duly charged by the appropriate appointing authority with the responsibility for executing and administering this chapter.

ZONING LOT. A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot may be subsequently subdivided into two or more zoning lots. A zoning lot, therefore, may or may not coincide with a lot as shown on any recorded subdivision plat or deed."

Section 2. Repealer Clause.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order, or parts hereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities, or causes of action of the City, or other person, either criminal or civil, that may have already occurred, accrued, or grown out of any Ordinance, Resolution, Order, or policy, or any part thereof, hereby repealed.

Section 4. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 5. Effective Date.

This Ordinance shall be effective twenty (20) days from and after its adoption by the City of St. Johns City Commission and after its publication.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

As the City Clerk of the City of St. Johns, Clinton County, Michigan, I certify that this is a true and complete copy of an ordinance introduced by the St. Johns City Commission at a regular meeting held on ____, 2025.

Scott Dzurka, Mayor _____

Mindy J. Seavey, Clerk _____

**CITY OF ST. JOHNS
RESOLUTION #14-2025**

**RESOLUTION TO ADOPT AN ORDINANCE TO AMEND CHAPTER 155 OF THE
CITY OF ST. JOHNS CODE OF ORDINANCES
REGARDING GENERAL EXCEPTIONS FOR CORNER LOTS**

At a regular meeting of the City Commission of the City of St. Johns, Clinton County, Michigan, held at the City Hall, in said City on the 24th day of February, 2025 at 6:00 p.m., Local Time.

Present: _____

Absent: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.*, as amended (“MZEA”), the City has the authority to regulate the use of land within the City; and

WHEREAS, the City desires to regulate landscaping standards within the City by amending Section 155.213 of Title XV (Land Usage) of the City’s Code of Ordinances; and

WHEREAS, upon giving notice in accordance with the MZEA, the City Planning Commission (“Planning Commission”) held a public hearing to consider the Ordinance; and

WHEREAS, on January 8, 2025, the Planning Commission voted to recommend adoption of the Ordinance to the City Commission; and

WHEREAS, on January 27, 2025, the City voted to introduce the Ordinance; and

WHEREAS, the City desires to adopt the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Johns as follows:

1. The City adopts Ordinance No. _____, An Ordinance to Amend Title XV: Land Usage, Chapter 155 of The City Of St. Johns Zoning Code Regarding General Exceptions for Corner Lots.
2. The City shall publish the Ordinance as required by law.
2. To the extent that any resolution or portion of resolution is inconsistent with this Resolution, such resolutions or portions of resolutions are hereby rescinded.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF CLINTON)

I, the undersigned, the duly qualified and acting Clerk of the City of St. Johns, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission of said City at a regular meeting held on the 24th day of February, 2025.

88044:00001:201199463-1

**CITY OF ST. JOHNS
ORDINANCE NO. _____**

**AN ORDINANCE TO AMEND TITLE XV: LAND USAGE, CHAPTER 155: ZONING
CODE REGARDING GENERAL EXCEPTIONS FOR CORNER LOTS**

THE CITY OF ST. JOHNS ORDAINS:

Section 1. Amendment to Title XV: Land Usage, Chapter 155: Zoning Code—General Exceptions. The City amends Title XV, Chapter 155, Section 155.213 to read as follows:

“§ 155.213 AVERAGE FRONT YARD.

On any completely platted block frontage on which at least half of the lots are built upon, the required front yard or secondary street yard may be reduced to the average of the existing front yards, but to not less than ten feet, subject to the provisions of this chapter.”

Section 2. Repealer Clause.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order, or parts hereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities, or causes of action of the City, or other person, either criminal or civil, that may have already occurred, accrued, or grown out of any Ordinance, Resolution, Order, or policy, or any part thereof, hereby repealed.

Section 4. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 5. Effective Date.

This Ordinance shall be effective twenty (20) days from and after its adoption by the City of St. Johns City Commission and after its publication.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

As the City Clerk of the City of St. Johns, Clinton County, Michigan, I certify that this is a true and complete copy of an ordinance introduced by the St. Johns City Commission at a regular meeting held on ____, 2025.

Scott Dzurka, Mayor _____

Mindy J. Seavey, Clerk _____

88044:00001:201038953-1

**CITY OF ST. JOHNS
RESOLUTION #15-2025**

**RESOLUTION TO ADOPT AN ORDINANCE TO AMEND CHAPTER 155 OF THE
CITY OF ST. JOHNS CODE OF ORDINANCES
REGARDING SUPPLEMENTARY REGULATIONS FOR KEEPING ANIMALS**

At a regular meeting of the City Commission of the City of St. Johns, Clinton County, Michigan, held at the City Hall, in said City on the 24th day of February, 2025 at 6:00 p.m., Local Time.

Present: _____

Absent: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.*, as amended (“MZEA”), the City has the authority to regulate the use of land within the City; and

WHEREAS, the City desires to regulate the keeping of animals within the City by amending Section 155.200 of Title XV (Land Usage) of the City’s Code of Ordinances; and

WHEREAS, upon giving notice in accordance with the MZEA, the City Planning Commission (“Planning Commission”) held a public hearing to consider the Ordinance; and

WHEREAS, on January 8, 2025, the Planning Commission voted to recommend adoption of the Ordinance to the City Commission; and

WHEREAS, on January 27, 2025, the City voted to introduce the Ordinance; and

WHEREAS, the City desires to adopt the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Johns as follows:

1. The City adopts Ordinance No. _____, An Ordinance to Amend Title XV: Land Usage, Chapter 155 of The City Of St. Johns Zoning Code Regarding Supplementary Regulations for Keeping Animals.
2. The City shall publish the Ordinance as required by law.
3. To the extent that any resolution or portion of resolution is inconsistent with this Resolution, such resolutions or portions of resolutions are hereby rescinded.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF CLINTON)

I, the undersigned, the duly qualified and acting Clerk of the City of St. Johns, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission of said City at a regular meeting held on the 24th day of February, 2025.

88044:00001:201199465-1

**CITY OF ST. JOHNS
ORDINANCE NO. _____**

**AN ORDINANCE TO AMEND TITLE XV: LAND USAGE, CHAPTER 155: ZONING
CODE REGARDING SUPPLEMENTARY REGULATIONS FOR KEEPING ANIMALS**

THE CITY OF ST. JOHNS ORDAINS:

**Section 1. Amendment to Title XV: Land Usage, Chapter 155: Zoning Code—
Supplementary Regulations.** The City amends Title XV, Chapter 155, Section 155.200 to read
as follows:

“§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 or secondary street 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 maximum allowable height for a detached accessory structure in the zoning district it is located within.

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 following materials shall not be used to construct the enclosure area: tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.

H. 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.”

Section 2. Repealer Clause.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order, or parts hereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities, or causes of action of the City, or other person, either criminal or civil, that may have already occurred, accrued, or grown out of any Ordinance, Resolution, Order, or policy, or any part thereof, hereby repealed.

Section 4. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 5. Effective Date.

This Ordinance shall be effective twenty (20) days from and after its adoption by the City of St. Johns City Commission and after its publication.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

As the City Clerk of the City of St. Johns, Clinton County, Michigan, I certify that this is a true and complete copy of an ordinance introduced by the St. Johns City Commission at a regular meeting held on ____, 2025.

Scott Dzurka, Mayor _____

Mindy J. Seavey, Clerk _____

The Capital Improvement Plan booklet is included in the February 24, 2025 Special Meeting packet.

CITY OF ST. JOHNS, MICHIGAN

REQUEST FOR COMMISSION ACTION

February 24, 2025

Department: Parks and Recreation	Attachments: Contract	Submitted to CA for Review
Subject: Fantasy Forest Playground Installation Vendor Selection & Contract	[X] Wade Trim Recommendation letter and Bid Tabs [X] Agreement Section - Contract for Isabella Corporation	N/A [X]
Prepared by: Bill Schafer Parks and Recreation Director	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: The Fantasy Forest 2.0 Core Team (FFCT), in concert with the City Commission, has spent the last 10 months soliciting community input, developing a master plan and fundraising for the construction of phase 1 of the new Fantasy Forest playscape (FF2.0). The input was acquired through a public open house and an online survey. From this input, the team worked with Great Lakes Recreation and Wade Trim Engineers, to synthesize a project master plan that will carry the spirit of the current playscape, establish a goal of making most of the new structure universally accessible and constructed with materials that will last a generation. The FF2.0 Master Plan was approved at the April 22, 2024 Commission meeting. Bid documents were then prepared that solicited playscape vendors capable of supplying the materials and themed vision products.

The bids for installation of the approved vendor playscape purchases via Great Lakes Recreation, and necessary civil site work were opened on February 6, 2025. Two companies submitted bids for the work, Isabella Corporation and Rhino Sports Construction. The bids were reviewed by city staff, Wade Trim, and Great Lakes Recreation. The bid tab is attached for your reference.

Based on the detailed review of bids received for FF2.0, both companies could provide the necessary skills to deliver a quality product/project. In addition, Wade Trim has submitted a letter of recommendation of the award of the bid to Isabella Corporation. The City concurs with the recommendation of award of the bid to Isabella.

BACKGROUND/DISCUSSION:

Since it opened in the fall of 2000, Fantasy Forest has been one of the feature attractions of the City Park. Due to it being a wooden structure, the playground has been deteriorating over the last 23 years and every year there is a longer list of items that need to be repaired. Each year the items needing repairs are larger and require more time and material. The new playground will provide the community and region with a “destination” to bring their kids to play. The City has spent the last 1¼ years planning, getting community input, and working with professional playground and engineering firms to develop this playground master plan.

This plan went through multiple iterations until a consensus for the Master Plan was achieved on a playscape worthy of a generational project of significance. Once the plan was approved by the City Commission, the FF2.0 Committee and St. Johns Area Community Fund began with the fundraising portion of the project. The St Johns Community Fund continues to lead the fundraising process.

Due to the scope of this project being directly tied to the remaining amount of money that will be raised to complete the overall funding of the project, the bid documents asked for a base design and three alternate playscape sections price out separately. Based on the amount of money raised, the alternate sections would be included in the playscape material order from the vendor awarded the project. The base bids ranged from \$292,000 – \$1,200,000. Base bids including all alternates ranged from \$473,300 – \$1,511,570. After a comprehensive review by staff, Wade Trim and the Great Lakes Recreation, a recommendation and related support of the recommended vendor was compiled.

STRATEGIC PLAN OBJECTIVE: The replacement and continued investment in the City’s parks are a major facet of the Strategic Plan. Of note this action specifically addresses Goal #1.b. to “Acquire, develop, maintain and preserve sufficient open space and recreation facilities.” It further supports strategic plan goals 1.d. 2.c. This project is a regionally significant generational project that will draw people of all ages and physical abilities from around the state to our City that will have large economic impacts for decades to come.

FISCAL IMPACT: Currently the total funding to date for Phase I of Fantasy Forest 2.0 is approximately \$1,589,387. The money for this project is sourced from a variety of sources: City of St. Johns, St Johns Area Community Fund, multiple grants, and continuing community fundraising. The City has committed to date \$275,000 for the project, the remaining funds will come from additional grants and fundraising. The low bid submitted and affirmed by Wade Trim is from Isabella Corporation in the amount of \$769,000. The City will have to use approximately \$80,000 to make up the gap in funding for all costs associated with phase I of the FF2.0 construction. This was anticipated and why the administration requested use of these fund last year.

RECOMMENDATION: Staff recommend the City Commission approve the low bid as submitted by Isabella Corp and confirmed by Wade Trim for the amount of \$769,000 and Authorize the Mayor to sign the contract.



Wade Trim, Inc.
500 Griswold Street, Suite 2500 • Detroit, MI 48226
313.961.3650 • www.wadetrim.com

February 12, 2025

City of St. Johns
100 E. State Street, Suite 100
St. Johns, MI 48897

Attention: Bill Schafer, Recreation Director

Re: Fantasy Forest 2.0 Playground Installation and Site Work
Recommendation of Award

Dear Mr. Schafer:

On Thursday, February 6, 2025, bids were received for the construction of the Fantasy Forest 2.0 Playground Installation and Site Work project. A total of two (2) bids were received from Rhino Recreation and The Isabella Corporation. The project bid tab is attached to this letter as Attachment A.

The low bid for the Base Scope of Work in the amount of \$769,000.00 was submitted by The Isabella Corporation. The second bid was in the amount of \$926,956.78 submitted by Rhino Recreation.

It is our recommendation at this time to award the project to the low bidder, The Isabella Corporation. Based on the proposal provided as well as a Dun and Bradstreet review, we believe The Isabella Corporation to be qualified to complete the Base Scope of Work. As a result, we recommend award of a contract to The Isabella Corporation for the Base Scope of Work in the amount of \$769,000.00.

If you have any further questions or comments, please do not hesitate to contact us.

Sincerely,

Wade Trim, Inc.

A handwritten signature in black ink that reads "Catherine A. Dennis".

Catherine Dennis, PLA
Project Manager

CAD
CSJ200101D
20250212_Award-Ltr.docx

City of St. Johns

Fantasy Forest Playground Installation and Site Work

Thursday, February 06, 2025 at 3:00 PM

Item No.	Division Description	Contractor: Rhino Recreation	Contractor: The Isabella Construction	
		Bid Bond: 5%	Bid Bond: 5%	Bid Bond:
		Amount	Amount	Amount
1	Total: Base Bid	\$926,956.78	\$769,000.00	
2	Total: Alternate 1: Independent Play Area	\$75,851.80	\$46,880.00	
3	Total: Alternate 2: Tot Area	\$214,506.08	\$182,566.00	
4	Total: Alternate 3: Track Ride Feature	\$79,098.20	\$49,723.75	
	Grand Total: Base Bid and Alternates 1- 3	\$1,296,412.86	\$1,048,169.75	

SECTION 00 52 00
AGREEMENT

PART 1 GENERAL

1.1 SCOPE

- A. This Agreement, made and entered into this _____ day of February in the year 2025, by and between City of St. Johns hereinafter called Owner, and The Isabella Corporation hereinafter called Contractor, in consideration of the mutual covenants hereinafter sent forth, agree as follows:

1.2 WORK

- A. Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:
1. This project includes the installation of the playground equipment, site furnishings, and related site work for Fantasy Forest 2.0 playground at St. Johns City Park in St. Johns, Michigan.

1.3 CONTRACT TIME

- A. The Work will be substantially completed on or before September 12, 2025, and completed and ready for final payment in accordance with paragraph 14.11 of Section 00 72 00 - General Conditions on or before September 26, 2025.
- B. Engineering and inspection costs incurred after the specified final completion date shall be paid by the Contractor to the Owner prior to final payment authorization.
1. Charges shall be made at such times and in such amounts as the Engineer shall invoice the Owner, provided however said charges shall be in accordance with the Engineer's current rate schedule at the time the costs are incurred.
 2. The costs of the Engineer incurred after the specified final completion date shall be deducted from the Contractor's progress payments.
- C. Liquidated Damages.
1. Owner and Contractor recognize that time is of the essence of this Agreement and that the Owner will suffer financial loss if the Work is not Substantially Complete within the time specified in paragraph 1.03.A above, plus any extensions thereof allowed in accordance with Article 12 of Section 00 72 00. They also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by the Owner if the Work is not Substantially Complete on time. Accordingly, instead of requiring any such proof, the Owner and the Contractor agree that as liquidated damages for delay (but not as penalty) the Contractor shall pay the Owner thirteen hundred dollars (\$1,300) for each day that expires after the time specified in paragraph 1.03.A above for Substantial Completion until the Work is Substantially Complete.
 2. Liquidated damages charged shall be deducted from the Contractor's progress payment.

1.4 CONTRACT PRICE

A. OWNER shall pay Contractor as provided in the attached Proposal for performance of the Work in accordance with the Contract Documents. Total contract price is \$769,000.00.

1.5 PAYMENT PROCEDURES

A. Progress payments and retainage under this Contract are governed by the provisions of PA 1980, No. 524 (MCLA 125.1561 et seq.). That Act is incorporated herein by reference and made a part of this Contract. Without excluding any provisions of the Act from this Contract, but in order to comply therewith and summarize certain provisions, the following shall apply:

1. The person representing the Contractor who will submit written requests for progress payments shall be: Byron Jubeck.
2. The person representing the Owner to whom requests for progress payments are to be submitted shall be: Justin Smith.
3. The Contractor's representative, listed above, shall submit Applications for Payment on the form provided in the Contract Documents in accordance with Article 14 of Section 00 72 00. Applications for Payment will be processed as provided in Section 00 72 00.

1.6 CONTRACTOR'S REPRESENTATIONS

A. In order to induce the Owner to enter into this Agreement, the Contractor makes the following representations:

1. Contractor has considered the nature and extent of the Contract Documents, Work, locality, and all local conditions and federal, state and local laws, and regulations that may affect cost, progress, performance, or furnishing of the Work.
2. Contractor has studied carefully all reports of investigations and tests of subsurface and latent physical conditions at the site or otherwise affecting cost, progress or performance of the Work which were relied upon in the preparation of the Plans and Specifications and which have been identified in the Supplementary Conditions.
3. Contractor has made or caused to be made examinations, investigations and tests and studies of such reports and related data in addition to those referred to in paragraph 1.06.A.2 above as the Contractor deems necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports or similar data are or will be required by the Contractor for such purposes.
4. Contractor has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents.
5. Contractor has given Engineer written notice of all conflicts, errors or discrepancies that he has discovered in the Contract documents and the written resolution thereof by Engineer is acceptable to the Contractor.

1.7 CONTRACT DOCUMENTS

- A. The Contract Documents which comprise the entire Contract between the Owner and the Contractor are attached to this Agreement, made a part hereof and consists of the following:
1. Procurement Requirements (including the Advertisement for Bids, Instructions to Bidders, Proposal, Legal Status of Bidder, and other Documents listed in the Table of Contents thereof).
 2. This Agreement
 3. Performance and other Bonds
 4. Notice of Award
 5. Notice to Proceed (if issued)
 6. Conditions of the Contract (including Section 00 72 00 and Section 00 73 00 - Supplementary Conditions, if any)
 7. Specifications contained within Division 01 through 49 of the Project Manual dated January 2025
 8. Plans consisting of sheets numbered G-1.0 through L-2.1 inclusive with each sheet bearing the following general title: Fantasy Forest 2.0 Playground Installation and Site Work
 9. Addendum number 1
 10. Documentation submitted by the Contractor prior to Notice of Award
 11. Any Modification, including Change Orders, duly delivered after execution of Agreement.

1.8 MISCELLANEOUS

- A. Terms used in this Agreement which are defined in Article 1 of Section 00 72 00 shall have the meanings indicated in Section 00 72 00.
- B. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on any other party without the written consent of the party sought to be bound; and specifically but without limitation, monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.
- C. Owner and Contractor each binds themselves, partners, successors, assigns and legal representatives to the other party hereto, their partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.
- D. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions

shall continue to be valid and binding upon the Owner and the Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

1.9 OTHER PROVISIONS

A. Insert other provisions, if applicable

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE SIGNED THIS AGREEMENT IN THREE COUNTERPARTS. ONE COUNTERPART EACH HAVE BEEN DELIVERED TO OWNER AND CONTRACTOR, ONE COUNTERPART HAS BEEN DELIVERED TO THE ENGINEER. ALL PORTIONS OF THE CONTRACT DOCUMENTS HAVE BEEN SIGNED OR IDENTIFIED BY OWNER AND CONTRACTOR.

THIS AGREEMENT WILL BE EFFECTIVE ON _____, 20__.

OWNER _____
BY _____
ATTEST _____
ADDRESS FOR GIVING NOTICES

CONTRACTOR _____
BY _____
ATTEST _____
ADDRESS FOR GIVING NOTICES

NO. _____

LICENSE

AGENT FOR SERVICE OF PROCESS:

END OF SECTION

**CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
February 24, 2025**

Department: Public Works	Attachments:	Submitted to CA for Review
Subject: 2025 Street Millage Improvements Bids & Sole Source Designation	<input checked="" type="checkbox"/> Michigan Paving & Materials Co. <input checked="" type="checkbox"/> Rieth-Riley Construction Co. <input checked="" type="checkbox"/> Leavitt & Starck Excavating Inc. <input checked="" type="checkbox"/> McKearney Asphalt & Sealing <input checked="" type="checkbox"/> Tomco Asphalt Inc. <input checked="" type="checkbox"/> TBD Construction <input checked="" type="checkbox"/> Bid Tabulation – 2025 Street Millage Improvements	<input type="checkbox"/> N/A <input type="checkbox"/> N/A <input type="checkbox"/> N/A <input type="checkbox"/> N/A <input type="checkbox"/> N/A <input type="checkbox"/> N/A <input type="checkbox"/> N/A
Prepared by: Justin Smith, Director of Public Services; Jeremy Ritter, Department of Public Works Supervisor	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: The 2025 Street Millage Improvement Project aims to enhance 1.34 miles of city streets. The project was put out for bid, with the bid opening held on February 6th. A total of six contractors submitted proposals for the 2025 Street Improvement Project. They are available on the attached bid sheet.

BACKGROUND/DISCUSSION: Since the passing of the first Street Millage, Michigan Paving and Materials has been a valued partner with the City of St Johns providing both low cost and high-quality projects. Michigan Paving and Materials’ bid for 2025 once again reflects the lowest pricing among the submissions. In 2024 when I presented the bids to the commission, I had requested sole sourcing the remaining years of the street millage to Michigan Paving and Materials based upon past bid tabulations. Commission requested one additional year of bidding per our purchasing policy. Given the results of the 2025 bids, I would once again request sole sourcing the final years of the street millage and other main line paving operations to Michigan Paving and Materials.

Once the 2025 Bid is approved, we will present a contract to the commission that has been reviewed and approved by our attorneys for City Commission approval.

STRATEGIC PLAN OBJECTIVE: The 2025 Street Millage Improvement Project reflects the priorities of residents, who have expressed a strong desire for street improvements. The Street Millage remains a crucial funding source to ensure these enhancements are completed.

FISCAL IMPACT: The funds for this project will be available in the 25/26 Fiscal Budget provided by the annual Street Millage. If the sole source is approved, future years paving projects that are appropriated within the budget process, and fall under the sole source project, will be designated as such.

RECOMMENDATION: Staff recommends that the City Commission approve the bid from Mid-Michigan Paving & Materials Co. to complete the 2025 Street Millage improvements and utilize Michigan Paving and Materials as a sole source vendor through FY 28/29 for all non-patch based paving operations/projects.

VIII. Bid Proposal

I/We agree to the 2025 Annual Street Millage improvement project.

TOTAL: \$ 786,681.10

Total amount in words

Seven Hundred and Eighty-Six Thousand, Six Hundred and Eighty-One Dollars and Ten Cents

The undersigned agrees that this proposal shall be effective for a period of thirty (30) days from the date established for opening of all bids.

Signature  Date 02/06/25

Print Name Aaron Downing Fax (517) 482-4854

Company Michigan Paving and Materials Co. Cell (517) 204-0683

Address 16777 Wood Street, Lansing, MI 48906

Email Adowning@mipmc.com

FED ID# 38-1713135 Company Phone Number (517) 346-5104

City of St. Johns 2025 Street Millage Bid Sheet

Item No.	Description	Unit Pricing	Quantity	Total Per Line
10	Mobilization - Lump Sum	\$ 30,000.00	1.00	\$ 30,000.00
20	Curb & Gutter, Rem. - Ft	\$ 10.00	4,047.00	\$ 40,470.00
30	Pavt. Rem - Syd	\$ 15.00	311.00	\$ 4,665.00
40	Sidewalk Removal - Syd	\$ 15.00	531.00	\$ 7,965.00
50	Excavation Earth - Cyd	\$ 15.00	-	\$ -
60	Subgrade Undercut - Cyd	\$ 30.00	-	\$ -
70	Agg Base, 6" - Syd	\$ 10.00	-	\$ -
80	HMA Crush & Shape - Syd	\$ 2.50	10,400.00	\$ 26,000.00
90	Salvage Gravel, Surplus - Cyd	\$ 20.00	240.00	\$ 4,800.00
100	Salvage, Crushed - Cyd	\$ 10.00	-	\$ -
110	Driveway Maintenance - Syd	\$ 20.00	54.00	\$ 1,080.00
120	Approach C I 6" - Syd	\$ 8.00	450.00	\$ 3,600.00
130	Shld, 6" - Syd	\$ 8.00	-	\$ -
140	Trenching - Sta	\$ 100.00	-	\$ -
150	Culv CIF, 12" - Ft	\$ 65.00	-	\$ -
160	Sewer Tap, 4" - Ea	\$ 300.00	-	\$ -
170	Dr. Structure Cover, Adj - Ea	\$ 400.00	5.00	\$ 2,000.00
180	Dr. Structure Tap, 4" - Ea	\$ 300.00	-	\$ -
190	Dr. Structure Lowering - Ea	\$ 200.00	5.00	\$ 1,000.00
200	Underdrain, 4" - Ft	\$ 10.00	-	\$ -
210	Pavt. Cleaning - Lump Sum	\$ 7,500.00	1.00	\$ 7,500.00
220	Cold Milling - Syd	\$ 2.30	15,100.00	\$ 34,730.00
230	HMA Surface, Removal - Syd	\$ 10.00	-	\$ -
240	Hand Patching - Ton	\$ 250.00	-	\$ -
250	HMA, 13A - Ton	\$ 85.00	5,050.00	\$ 429,250.00
260	HMA Approach - Ton	\$ 200.00	12.00	\$ 2,400.00
270	Cold Milling Conc Pavt - Syd	\$ 3.45	-	\$ -
280	Driveway, 6" - Syd	\$ 50.85	450.00	\$ 22,882.50
290	Curb & Gutter F-4 - Ft	\$ 24.80	4,047.00	\$ 100,365.60
300	Detectable Warning Surface - Ft	\$ 50.00	47.00	\$ 2,350.00
310	Curb Ramp Opening - Sft	\$ 25.00	23.00	\$ 575.00
320	Sidewalk, 4" - Sft	\$ 4.80	4,715.00	\$ 22,632.00
330	Sidewalk, 6" - Sft	\$ 5.30	-	\$ -
340	Curb Ramp, 6" - Sft	\$ 6.30	-	\$ -
350	Barricades Type III - Ea	\$ 87.00	72.00	\$ 6,264.00
360	Restoration of Greenspace - Syd	\$ 8.00	1,000.00	\$ 8,000.00
370	Flowable Fill - Syd	\$ 100.00	5.00	\$ 500.00
380	Dust Palliative, Applied - Ton	\$ 600.00	-	\$ -
390	Minor Traf. Devices - Lump Sum	\$ 22,410.00	1.00	\$ 22,410.00
400	Plastic Drum, Furn - Ea	\$ 22.80	100.00	\$ 2,280.00
410	Plastic Drum, Oper - Ea	\$ 1.20	100.00	\$ 120.00
420	Sign Type B, Furn - Sft	\$ 3.00	100.00	\$ 300.00
430	Sign Type B, Oper - Sft	\$ 0.42	100.00	\$ 42.00
440	Water Valve, Adj - Ea	\$ 300.00	-	\$ -
450	Water Service, Adj - Ea	\$ 300.00	-	\$ -
460	Sanitary Structure, Adj - Ea	\$ 500.00	5.00	\$ 2,500.00
				\$ 786,681.10

VIII. Bid Proposal

I/We agree to the 2025 Annual Street Millage improvement project.

TOTAL: \$
_____ 856,522.00 _____

Total amount in words

Eight Hundred Fifty Six Thousand Five Hundred Twenty Two Dollars

The undersigned agrees that this proposal shall be effective for a period of thirty (30) days from the date established for opening of all bids.

Signature Adam Roberts Date 2/6/25

Print Name Adam Roberts Fax 517-721-0105

Company Rieth-Riley Construction Cell 517-667-8107

Address 4150 S Creyts Rd, Lansing MI 48917

Email ajroberts@rieth-riley.com

FED ID# 35-0918397 Company Phone Number 517-721-0103

City of St. Johns 2025 Street millage Bid sheet

Description	Unit Pricing	Units	Quantity	Total per line
Mobilization	\$11,500.00	LS	1	11,500.00
Curb & Gutter Rem.	\$14.50	FT	4047	58,681.50
Pavt. Rem	\$15.80	SYD	311	4,913.80
Sidewalk removal	\$23.00	SYD	531	12,213.00
Excavation earth	\$0.00	CYD	0	0.00
Subgrade undercut	\$0.00	CYD	0	0.00
Agg Base 6"	\$0.00	SYD	0	0.00
HMA crush & Shape	\$5.35	SYD	10,400	55,640.00
Salvage gravel surplus	\$10.00	CYD	240	2,400.00
Salvage crushed	\$0.00	CYD	0	0.00
Driveway maintenance	\$45.00	SYD	54	2,430.00
approach ci 6"	\$28.00	SYD	450	12,600.00
Schld 6"	\$0.00	SYD	0	0.00
Trenching	\$0.00	STA	0	0.00
Culv CIF 12"	\$0.00	FT	0	0.00
Sewer Tap 4"	\$0.00	EA	0	0.00
Dr. Structure cover	\$730.00	EA	5	3,650.00
Dr. Structure tap 4"	\$0.00	EA	0	0.00
Dr. Structure lowering	\$330.00	EA	5	1,650.00
Underdrain 4" ft	\$0.00	FT	0	0.00
Pavt. Cleaning 1	\$1,500.00	LS	1	1,500.00
Cold milling	\$2.75	SYD	15,100	41,525.00
HMA surface removal	\$0.00	SYD	0	0.00
Hand patching	\$0.00	TON	0	0.00
HMA 13A	\$78.50	TON	5,050	396,425.00
HMA Approach	\$155.00	TON	12	1,860.00
Cold milling conc pavt	\$0.00	SYD	0	0.00
Driveway 6"	\$62.50	SYD	450	28,125.00
Curb & Gutter F-4	\$32.10	FT	4047	129,908.70
Detectable warning surface	\$50.00	FT	47	2,350.00
Curb Ramp opening	\$30.00	FT	23	690.00
Sidewalk 4"	\$10.00	SFT	4715	47,150.00
Sidewalk 6"	\$0.00	SFT	0	0.00
curb ramp 6"	\$0.00	SFT	0	0.00
Barricades type 3	\$44.00	EA	72	3,168.00
Restoration of greenspace	\$9.50	SYD	1,000	9,500.00
Flowable fill	\$50.00	CYD	5	250.00
Dust pallative applied	\$0.00	TON	0	0.00
Minor traf. Devices 1	\$21,250.00	LS	1	21,250.00
Plastic drum furn	\$22.80	EA	100	2,280.00
Plastic drum oper	\$1.20	EA	100	120.00
Sign typ B furn	\$3.00	SFT	100	300.00
Sign typ B Oper	\$0.42	SFT	100	42.00
Water valve adj	\$0.00	EA	0	0.00
Water service adj	\$0.00	EA	0	0.00
Sanitary Structure Adj	\$880.00	EA	5	4,400.00
			Total:	856,522.00

VIII. Bid Proposal

I/We agree to the 2025 Annual Street Millage improvement project.

TOTAL: \$ 867,592.00

Total amount in words

Eight hundred sixty seven thousand five hundred ninety two and ⁰⁰/₁₀₀

The undersigned agrees that this proposal shall be effective for a period of thirty (30) days from the date established for opening of all bids.

Signature Tom Starck Date February 6, 2025

Print Name Tom Starck Fax 517-338-0767

Company Leavitt & Starck Excavating Cell 517-202-5068

Address 16220 National Parkway, Lansing, MI 48906

Email tom@leavittandstarck.com

FED ID# 45-4335441 Company Phone Number 517-323-7630

City of St. Johns 2025 Street millage Bid sheet

Description	Unit Pricing	Quantity	Total per line
Mobilization 1 lump sum	\$5,000.00	1	5,000.00
Curb & Gutter Rem. Ft	\$6.30	4047	25,496.10
Pavt. Rem syd	\$8.80	311	2,736.80
Sidewalk removal syd	\$8.46	531	4,492.26
Excavation earth cyd	\$60.00	0	0.00
Subgrade undercut cyd	\$126.00	0	0.00
Agg Base 6"	\$14.50	0	0.00
HMA crush & Shape syd	\$2.40	10,400	24,960.00
Salvage gravel surplus cyd	\$29.25	240	7,020.00
Salvage crushed cyd	\$29.25	0	0.00
Driveway maintenance syd	\$10.00	54	540.00
approach ci 6" syd	\$16.94	450	7,623.00
Schld 6"	\$510.00	0	0.00
Trenching sta	\$2,500.00	0	0.00
Culv CIF 12"	\$250.00	0	0.00
Sewer Tap 4"	\$1,500.00	0	0.00
Dr. Structure cover adj	\$750.00	5	3,750.00
Dr. Structure tap 4"	\$1,500.00	0	0.00
Dr. Structure lowering	\$750.00	5	3,750.00
Underdrain 4" ft	\$20.00	0	0.00
Pavt. Cleaning 1 lump sum	\$2,500.00	1	2,500.00
Cold milling syd	\$2.39	15,100	36,089.00
HMA surface removal syd	\$7.52	0	0.00
Hand patching ton	\$200.00	0	0.00

HMA 13A ton	\$93.50	5,050	472,175.00
HMA Approach ton	\$120.00	12	1,440.00
Cold milling conc pavt syd	\$10.00	0	0.00
Driveway 6" syd	\$87.94	450	39,573.00
Curb & Gutter F-4 ft	\$38.05	4047	153,988.35
Detectable warning surface	\$120.00	47	5,640.00
Curb Ramp opening	\$38.05	23	875.15
Sidewalk 4" sq ft	\$8.29	4715	39,087.35
Sidewalk 6"	\$9.29	0	0.00
curb ramp 6"	\$17.00	0	0.00
Barricades type 3	\$87.00	72	6,264.00
Restoration of greenspace syd	\$14.60	1,000	14,600.00
Flowable fill syd	\$200.00	5	1,000.00
Dust pallative applied	\$1,000.00	0	0.00
Minor traf. Devices 1 lump sum	\$2,499.99	1	2,499.99
Plastic drum furn	\$22.80	100	2,280.00
Plastic drum oper	\$1.20	100	120.00
Sign typ B furn	\$3.00	100	300.00
Sign typ B Oper	\$0.42	100	42.00
Water valve adj	\$750.00	0	0.00
Water service adj	\$750.00	0	0.00
Sanitary Structure Adj	\$750.00	5	3,750.00
			867,592.00

VIII. Bid Proposal

I/We agree to the 2025 Annual Street Millage improvement project.

TOTAL: \$ 903,530.49

Total amount in words Nine Hundred Three Thousand Five Hundred Thirty
Dollars and Forty Nine Cents

The undersigned agrees that this proposal shall be effective for a period of thirty (30) days from the date established for opening of all bids.

Signature  Date 02/06/2025

Print Name Brandon Rea Fax 517-484-3171

Company McKearney Asphalt & Sealing, Inc. Cell 517-898-8572

Address 16501 S. US 27 Hwy., Lansing, MI 48906

Email Brandon@mckearneyasphalt.com

FED ID# 38-2413400 Company Phone Number 517-484-3188

City of St. Johns 2025 Street millage Bid sheet

Description	Unit Pricing	Quantity	Total per line
Mobilization 1 lump sum	\$20,000.00	1	\$20,000.00
Curb & Gutter Rem. Ft	\$11.25	4047	\$45,528.75
Pavt. Rem syd	\$16.50	311	\$5131.50
Sidewalk removal syd	\$17.00	531	\$9027.00
Excavation earth cyd	\$16.00	0	0.00
Subgrade undercut cyd	\$33.00	0	0.00
Agg Base 6"	\$12.00	0	0.00
HMA crush & Shape syd	\$2.88	10,400	\$29,952.00
Salvage gravel surplus cyd	\$23.00	240	\$5520.00
Salvage crushed cyd	\$12.00	0	0.00
Driveway maintenance syd	\$22.50	54	\$1215.00
approach ci 6" syd	\$8.75	450	\$3937.50
Schld 6"	\$9.00	0	0.00
Trenching sta	\$125.00	0	0.00
Culv CIF 12"	\$75.00	0	0.00
Sewer Tap 4"	\$350.00	0	0.00
Dr. Structure cover adj	\$425.00	5	\$2125.00
Dr. Structure tap 4"	\$350.00	0	0.00
Dr. Structure lowering	\$225.00	5	\$1125.00
Underdrain 4" ft	\$15.00	0	0.00
Pavt. Cleaning 1 lump sum	\$4000.00	1	\$4000.00
Cold milling syd	\$1.98	15,100	\$29,898.00
HMA surface removal syd	\$12.50	0	0.00
Hand patching ton	\$300.00	0	0.00
HMA 13A ton	\$110.00	5,050	\$555,500.00
HMA Approach ton	\$140.00	12	\$1680.00
Cold milling conc pavt syd	\$4.95	0	0.00
Driveway 6" syd	\$56.25	450	\$25,312.50
Curb & Gutter F-4 ft	\$26.92	4047	\$108,945.24
Detectable warning surface	\$55.00	47	\$2585.00
Curb Ramp opening	\$32.50	23	\$747.50
Sidewalk 4" sq ft	\$5.70	4715	\$26,875.50
Sidewalk 6"	\$0.00	0	0.00
curb ramp 6"	\$0.00	0	0.00
Barricades type 3	\$100.00	72	\$7200.00
Restoration of greenspace syd	\$8.75	1,000	\$8750.00
Flowable fill syd	\$100.00	5	\$500.00
Dust pallative applied	\$700.00	0	0.00
Minor traf. Devices 1 lump sum	\$2000.00	1	2000.00
Plastic drum furn	\$25.25	100	\$2525.00
Plastic drum oper	\$1.50	100	\$150.00
Sign typ B furn	\$3.25	100	\$325.00
Sign typ B Oper	\$0.50	100	\$50.00
Water valve adj	\$350.00	0	0.00
Water service adj	\$350.00	0	0.00
Sanitary Structure Adj	\$585.00	5	\$2925.00
			\$903,530.49

VIII. Bid Proposal

I/We agree to the 2025 Annual Street Millage improvement project.

TOTAL: \$ 813,229.50

Total amount in words

eight hundred thirteen thousand two hundred twenty nine and fifty cents

The undersigned agrees that this proposal shall be effective for a period of thirty (30) days from the date established for opening of all bids.

Signature  Date 2/6/25

Print Name Greg Andrews Fax 517-676-4338

Company TOMCO Asphalt Cell 517-819-5994

Address 3694 W Columbia Rd Mason MI 48854

Email greg@tomcoasphalt.com

FED ID# 38-3670213 Company Phone Number 517-676-5600

HMA Approach ton	\$150.00	12	1,800.00
Cold milling conc pavt syd	\$0.00	0	0.00
Driveway 6" syd	\$56.00	450	25,200.00
Curb & Gutter F-4 ft	\$27.00	4047	109,269.00
Detectable warning surface	\$50.00	47	2,350.00
Curb Ramp opening FT	\$40.00	23	920.00
Sidewalk 4" sq ft	\$6.00	4715	28,290.00
Sidewalk 6"	\$0.00	0	0.00
curb ramp 6"	\$0.00	0	0.00
Barricades type 3	\$87.00	72	6,264.00
Restoration of greenspace syd	\$20.00	1,000	20,000.00
Flowable fill syd	\$180.00	5	900.00
Dust pallative applied	\$0.00	0	0.00
Minor traf. Devices 1 lump sum	\$4,500.00	1	4,500.00
Plastic drum furn	\$22.80	100	2,280.00
Plastic drum oper	\$1.20	100	120.00
Sign typ B furn	\$3.00	100	300.00
Sign typ B Oper	\$0.42	100	42.00
Water valve adj	\$0.00	0	0.00
Water service adj	\$0.00	0	0.00
Sanitary Structure Adj	\$450.00	5	2,250.00
			813,229.50

City of St. Johns 2025 Street millage Bid sheet

Description	Unit Pricing	Quantity	Total per line
Mobilization 1 lump sum	\$20,000.00	1	20,000.00
Curb & Gutter Rem. Ft	\$7.50	4047	30,352.50
Pavt. Rem syd	\$10.00	311	3,110.00
Sidewalk removal syd	\$10.00	531	5,310.00
Excavation earth cyd	\$0.00	0	0.00
Subgrade undercut cyd	\$0.00	0	0.00
Agg Base 6"	\$0.00	0	0.00
HMA crush & Shape syd	\$1.90	10,400	19,760.00
Salvage gravel surplus cyd	\$20.00	240	4,800.00
Salvage crushed cyd	\$0.00	0	0.00
Driveway maintenance syd	\$50.00	54	2,700.00
approach removal 6" syd	\$20.00	450	9,000.00
Schld 6"	\$0.00	0	0.00
Trenching sta	\$0.00	0	0.00
Culv CIF 12"	\$0.00	0	0.00
Sewer Tap 4"	\$0.00	0	0.00
Dr. Structure cover adj	\$450.00	5	2,250.00
Dr. Structure tap 4"	\$0.00	0	0.00
Dr. Structure lowering	\$450.00	5	2,250.00
Underdrain 4" ft	\$0.00	0	0.00
Pavt. Cleaning 1 lump sum	\$5,000.00	1	5,000.00
Cold milling syd	\$1.62	15,100	24,462.00
HMA surface removal syd	\$0.00	0	0.00
Hand patching ton	\$0.00	0	0.00
HMA 13A ton	\$95.00	5,050	479,750.00

Bid Bond

 **AIA** Document A310™ – 2010

CONTRACTOR:

(Name, legal status and address)

TOMCO ASPHALT, INC.
3694 W. Columbia Rd.
Mason, MI 48854

Bid Bond No. GR32921

SURETY:

(Name, legal status and principal place of business)

Granite Re, Inc.
14001 Quailbrook Drive
Oklahoma City, OK 73134

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:

(Name, legal status and address)

City of St. Johns
100 E State Street
St Johns, MI 48879

BOND AMOUNT: Five Percent of the Bid Amount (5.00% of Bid Amount)

PROJECT:

(Name, location or address, and Project number, if any)

2025 Street Improvements

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 30th day of January, 2025.

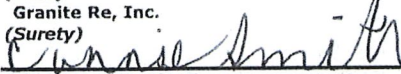
(Witness)


(Witness) Karla Heffron

TOMCO ASPHALT, INC.
(Principal)

(Seal)

(Title)
Granite Re, Inc.
(Surety)


(Title) Connie Smith, Attorney-in-fact

(Seal)

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D61110

GRANITE RE, INC.
GENERAL POWER OF ATTORNEY

Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of MINNESOTA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

MICHAEL J. DOUGLAS; CHRIS STEINAGEL; CHRISTOPHER M. KEMP; KARLA HEFFRON; SAMUEL DUCHOW; ROBERT DOWNEY; JULIA DOUGLAS; CONNIE SMITH; KORY MORTEL; ELIOT MOTU its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:

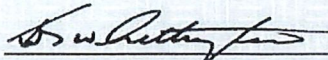
To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

MICHAEL J. DOUGLAS; CHRIS STEINAGEL; CHRISTOPHER M. KEMP; KARLA HEFFRON; SAMUEL DUCHOW; ROBERT DOWNEY; JULIA DOUGLAS; CONNIE SMITH; KORY MORTEL; ELIOT MOTU may lawfully do in the premises by virtue of these presents.

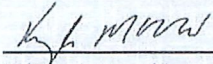
In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Assistant Secretary, this 31st day of July, 2023.

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)





Kenneth D. Whittington, President

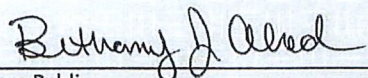


Kyle P. McDonald, Assistant Secretary

On this 31st day of July, 2023, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Assistant Secretary of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Assistant Secretary, respectively, of the Company.

My Commission Expires:
April 21, 2027
Commission #: 11003620





Bethany J. Alred
Notary Public

GRANITE RE, INC.
Certificate

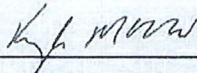
THE UNDERSIGNED, being the duly elected and acting Assistant Secretary of Granite Re, Inc., a Minnesota Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Assistant Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this

30th day of January, 2025





Kyle P. McDonald, Assistant Secretary

VIII. Bid Proposal

I/We agree to the 2025 Annual Street Millage improvement project.

TOTAL: \$ 887,453.25

Total amount in words

Eight Hundred Eighty Seven Thousand, Four Hundred Fifty Three Dollars and Twenty Five cents

The undersigned agrees that this proposal shall be effective for a period of thirty (30) days from the date established for opening of all bids.

Signature Amanda Haveman Date 2-3-25

Print Name Amanda Haveman Fax n/a

Company TBD Construction Services Cell 616-401-7373

Address 3417 Roger B Chaffee St. SE #311 Grand Rapids MI 49548

Email amanda@tbdconstruction.com

FED ID# 85-2076999 Company Phone Number 616-330-1823



**BID TABULATION
FOR
2025 STREET MILLAGE IMPROVEMENTS
FOR
CITY OF ST. JOHNS
CLINTON COUNTY, MICHIGAN**

BID OPENING FEBRUARY 6, 2025 AT 2:00 P.M.

ADDENDA

BIDDER	1	2	3	BID BOND	TOTAL AMOUNT
TOMCO ASPHALT, INC.	--	--	--	N/A	\$813,229.50
MICHIGAN PAVING & MATERIALS CO	--	--	--	N/A	\$786,681.10
TBD CONSTRUCTION	--	--	--	N/A	\$887,453.25
MCKEARNEY ASPHALT & SEALING	--	--	--	N/A	\$903,530.49
LEAVITT & STARCK EXCAVATING, INC.	--	--	--	N/A	\$867,592.00
RIETH-RILEY CONSTRUCTION CO.	--	--	--	N/A	\$856,522.00
	--	--	--	N/A	
	--	--	--	N/A	
	--	--	--	N/A	

100 East State Street, P.O. Box 477, St. Johns, Michigan 48879-0477
(989) 224-8944 Fax (989) 224-2204
E-mail: csj@ci.saint-johns.mi.us

**CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
February 24, 2025**

Department: Administration	Attachments:	Submitted to CA for Review
Subject: <i>Quarterly Budget Report Presentation</i>	<input checked="" type="checkbox"/> <i>Revenue and Expenditure Report as of 12/31/24</i> <input type="checkbox"/> <input type="checkbox"/>	[N/A]
Prepared by: Kristina Kinde Deputy City Manager Treasurer	Approved by: Chad A. Gamble, P.E. City Manager	

SUMMARY/HIGHLIGHT: This agenda item is meant to highlight fiscal year-to-date revenue and expenditure activity through the second quarter ending December 31, 2024. All first half budget adjustments have been posted. Through the first quarter revenues and expenditures represent approximately 50% of the budget.

BACKGROUND/DISCUSSION: The original budget column indicated in the attachment, is the budget approved at the May 20, 2024 Commission meeting. The adjusted budget column represents the budget after the budget adjustments from the January meeting.

STRATEGIC PLAN OBJECTIVE: N/A

FISCAL IMPACT: This is a presentation of the budget vs. actual year-to-date comparison and has no fiscal impact.

RECOMMENDATION: There is no formal action needed to be taken as this is a discussion-only item.

PERIOD ENDING 12/31/2024

*NOTE: Available Balance / Pct Budget Used does not reflect amounts encumbered.

GL NUMBER	DESCRIPTION	END BALANCE 06/30/2024	2024-25 AMENDED BUDGET	YTD BALANCE 12/31/2024	AVAILABLE BALANCE	% BDGT USED
Fund 101 - GENERAL FUND						
Revenues						
UNCLASSIFIED	Unclassified	6,309,420.50	5,896,435.42	3,741,906.32	2,154,529.10	63.46
TOTAL REVENUES		6,309,420.50	5,896,435.42	3,741,906.32	2,154,529.10	63.46
Expenditures						
101	LEGISLATIVE DEPARTMENT	637,894.43	625,976.40	320,618.66	305,357.74	51.22
172	ADMINISTRATION DEPARTMENT	1,129,477.10	1,197,252.49	676,726.72	520,525.77	56.52
265	MUNICIPAL BUILDING	88,536.00	90,000.00	44,946.00	45,054.00	49.94
272	INSURANCE AND RETIREMENT	(5,866.20)	0.00	0.00	0.00	0.00
301	POLICE DEPARTMENT	1,767,701.95	1,876,958.00	913,127.65	963,830.35	48.65
336	FIRE DEPARTMENT	251,207.24	3,103.02	0.00	3,103.02	0.00
441	DEPARTMENT OF PUBLIC WORKS	499,178.50	520,736.38	267,650.34	253,086.04	51.40
751	RECREATION DEPARTMENT	186,291.83	182,882.11	90,917.58	91,964.53	49.71
752	PARKS DEPARTMENT	123,995.00	180,086.83	89,104.69	90,982.14	49.48
901	CAPITAL EXPENSE/RESERVES	1,108,845.50	1,428,586.38	676,391.06	752,195.32	47.35
TOTAL EXPENDITURES		5,787,261.35	6,105,581.61	3,079,482.70	3,026,098.91	50.44
Fund 101 - GENERAL FUND:						
TOTAL REVENUES		6,309,420.50	5,896,435.42	3,741,906.32	2,154,529.10	63.46
TOTAL EXPENDITURES		5,787,261.35	6,105,581.61	3,079,482.70	3,026,098.91	50.44
NET OF REVENUES & EXPENDITURES		522,159.15	(209,146.19)	662,423.62	(871,569.81)	316.73
Fund 125 - WILSON CENTER						
Revenues						
UNCLASSIFIED	Unclassified	0.00	91,341.67	37,990.00	53,351.67	41.59
TOTAL REVENUES		0.00	91,341.67	37,990.00	53,351.67	41.59
Expenditures						
751	RECREATION DEPARTMENT	0.00	8,074.00	5,000.00	3,074.00	61.93
901	CAPITAL EXPENSE/RESERVES	0.00	83,267.67	32,990.00	50,277.67	39.62
TOTAL EXPENDITURES		0.00	91,341.67	37,990.00	53,351.67	41.59
Fund 125 - WILSON CENTER:						
TOTAL REVENUES		0.00	91,341.67	37,990.00	53,351.67	41.59
TOTAL EXPENDITURES		0.00	91,341.67	37,990.00	53,351.67	41.59
NET OF REVENUES & EXPENDITURES		0.00	0.00	0.00	0.00	0.00
Fund 136 - FIRE DEPARTMENT						
Revenues						
UNCLASSIFIED	Unclassified	0.00	549,145.27	397,739.24	151,406.03	72.43

PERIOD ENDING 12/31/2024

*NOTE: Available Balance / Pct Budget Used does not reflect amounts encumbered.

GL NUMBER	DESCRIPTION	END BALANCE 06/30/2024	2024-25 AMENDED BUDGET	YTD BALANCE 12/31/2024	AVAILABLE BALANCE	% BDGT USED
Fund 136 - FIRE DEPARTMENT						
Revenues						
TOTAL REVENUES		0.00	549,145.27	397,739.24	151,406.03	72.43
Expenditures						
336	FIRE DEPARTMENT	0.00	271,681.57	131,518.75	140,162.82	48.41
901	CAPITAL EXPENSE/RESERVES	0.00	277,419.90	269,969.90	7,450.00	97.31
TOTAL EXPENDITURES		0.00	549,101.47	401,488.65	147,612.82	73.12
Fund 136 - FIRE DEPARTMENT:						
TOTAL REVENUES		0.00	549,145.27	397,739.24	151,406.03	72.43
TOTAL EXPENDITURES		0.00	549,101.47	401,488.65	147,612.82	73.12
NET OF REVENUES & EXPENDITURES		0.00	43.80	(3,749.41)	3,793.21	8,560.30
Fund 202 - MAJOR STREET FUND						
Revenues						
UNCLASSIFIED	Unclassified	1,306,918.22	1,456,318.00	685,758.64	770,559.36	47.09
TOTAL REVENUES		1,306,918.22	1,456,318.00	685,758.64	770,559.36	47.09
Expenditures						
451	NEW CONSTRUCTION	489,789.41	382,342.08	0.00	382,342.08	0.00
463	STREET MAINTENANCE	673,938.14	1,019,255.75	571,388.79	447,866.96	56.06
475	TRAFFIC SERVICE MAINTENANCE	29,052.39	49,165.66	15,134.78	34,030.88	30.78
479	SNOW AND ICE CONTROL	32,780.64	35,246.69	1,827.80	33,418.89	5.19
483	ADMINISTRATION AND ENGINEERING	80,098.70	99,165.00	46,582.50	52,582.50	46.97
TOTAL EXPENDITURES		1,305,659.28	1,585,175.18	634,933.87	950,241.31	40.05
Fund 202 - MAJOR STREET FUND:						
TOTAL REVENUES		1,306,918.22	1,456,318.00	685,758.64	770,559.36	47.09
TOTAL EXPENDITURES		1,305,659.28	1,585,175.18	634,933.87	950,241.31	40.05
NET OF REVENUES & EXPENDITURES		1,258.94	(128,857.18)	50,824.77	(179,681.95)	39.44
Fund 203 - LOCAL STREET FUND						
Revenues						
UNCLASSIFIED	Unclassified	621,212.97	920,240.00	516,720.41	403,519.59	56.15
TOTAL REVENUES		621,212.97	920,240.00	516,720.41	403,519.59	56.15
Expenditures						
463	STREET MAINTENANCE	441,891.97	830,333.00	525,001.42	305,331.58	63.23
475	TRAFFIC SERVICE MAINTENANCE	18,179.96	33,455.52	16,307.61	17,147.91	48.74
479	SNOW AND ICE CONTROL	18,387.88	33,430.03	1,278.06	32,151.97	3.82
483	ADMINISTRATION AND ENGINEERING	100,938.84	55,067.00	24,533.50	30,533.50	44.55

PERIOD ENDING 12/31/2024

*NOTE: Available Balance / Pct Budget Used does not reflect amounts encumbered.

GL NUMBER	DESCRIPTION	END BALANCE 06/30/2024	2024-25 AMENDED BUDGET	YTD BALANCE 12/31/2024	AVAILABLE BALANCE	% BGD USED
Fund 203 - LOCAL STREET FUND						
Expenditures						
TOTAL EXPENDITURES		579,398.65	952,285.55	567,120.59	385,164.96	59.55
Fund 203 - LOCAL STREET FUND:						
TOTAL REVENUES		621,212.97	920,240.00	516,720.41	403,519.59	56.15
TOTAL EXPENDITURES		579,398.65	952,285.55	567,120.59	385,164.96	59.55
NET OF REVENUES & EXPENDITURES		41,814.32	(32,045.55)	(50,400.18)	18,354.63	157.28
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY						
Revenues						
UNCLASSIFIED	Unclassified	45,269.67	45,630.00	42,579.31	3,050.69	93.31
TOTAL REVENUES		45,269.67	45,630.00	42,579.31	3,050.69	93.31
Expenditures						
451	NEW CONSTRUCTION	46,653.15	75,710.00	46,002.10	29,707.90	60.76
TOTAL EXPENDITURES		46,653.15	75,710.00	46,002.10	29,707.90	60.76
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY:						
TOTAL REVENUES		45,269.67	45,630.00	42,579.31	3,050.69	93.31
TOTAL EXPENDITURES		46,653.15	75,710.00	46,002.10	29,707.90	60.76
NET OF REVENUES & EXPENDITURES		(1,383.48)	(30,080.00)	(3,422.79)	(26,657.21)	11.38
Fund 250 - LOCAL DEVELOPMENT FINANCE AUTHORITY FUND						
Revenues						
UNCLASSIFIED	Unclassified	277,687.13	248,343.81	272,792.38	(24,448.57)	109.84
TOTAL REVENUES		277,687.13	248,343.81	272,792.38	(24,448.57)	109.84
Expenditures						
172	ADMINISTRATION DEPARTMENT	12,850.95	60,316.29	54,254.85	6,061.44	89.95
901	CAPITAL EXPENSE/RESERVES	0.00	55,000.00	0.00	55,000.00	0.00
TOTAL EXPENDITURES		12,850.95	115,316.29	54,254.85	61,061.44	47.05
Fund 250 - LOCAL DEVELOPMENT FINANCE AUTHORITY FUND:						
TOTAL REVENUES		277,687.13	248,343.81	272,792.38	(24,448.57)	109.84
TOTAL EXPENDITURES		12,850.95	115,316.29	54,254.85	61,061.44	47.05
NET OF REVENUES & EXPENDITURES		264,836.18	133,027.52	218,537.53	(85,510.01)	164.28
Fund 251 - PRINCIPAL SHOPPING DISTRICT						
Revenues						

PERIOD ENDING 12/31/2024

*NOTE: Available Balance / Pct Budget Used does not reflect amounts encumbered.

GL NUMBER	DESCRIPTION	END BALANCE 06/30/2024	2024-25 AMENDED BUDGET	YTD BALANCE 12/31/2024	AVAILABLE BALANCE	% BDGT USED
Fund 251 - PRINCIPAL SHOPPING DISTRICT						
Revenues						
UNCLASSIFIED	Unclassified	95,686.28	80,725.00	89,419.43	(8,694.43)	110.77
TOTAL REVENUES		95,686.28	80,725.00	89,419.43	(8,694.43)	110.77
Expenditures						
172	ADMINISTRATION DEPARTMENT	62,395.99	76,300.00	58,738.91	17,561.09	76.98
TOTAL EXPENDITURES		62,395.99	76,300.00	58,738.91	17,561.09	76.98
Fund 251 - PRINCIPAL SHOPPING DISTRICT:						
TOTAL REVENUES		95,686.28	80,725.00	89,419.43	(8,694.43)	110.77
TOTAL EXPENDITURES		62,395.99	76,300.00	58,738.91	17,561.09	76.98
NET OF REVENUES & EXPENDITURES		33,290.29	4,425.00	30,680.52	(26,255.52)	693.35
Fund 265 - DRUG LAW ENFORCEMENT FUND						
Revenues						
UNCLASSIFIED	Unclassified	3.32	0.00	0.00	0.00	0.00
TOTAL REVENUES		3.32	0.00	0.00	0.00	0.00
Expenditures						
301	POLICE DEPARTMENT	611.50	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		611.50	0.00	0.00	0.00	0.00
Fund 265 - DRUG LAW ENFORCEMENT FUND:						
TOTAL REVENUES		3.32	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		611.50	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		(608.18)	0.00	0.00	0.00	0.00
Fund 355 - 2007 CAPITAL IMPRVMT BOND DEBT						
Revenues						
UNCLASSIFIED	Unclassified	142,421.20	0.00	0.00	0.00	0.00
TOTAL REVENUES		142,421.20	0.00	0.00	0.00	0.00
Expenditures						
906	DEBT ADMINISTRATION	143,088.90	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		143,088.90	0.00	0.00	0.00	0.00

PERIOD ENDING 12/31/2024

*NOTE: Available Balance / Pct Budget Used does not reflect amounts encumbered.

GL NUMBER	DESCRIPTION	END BALANCE 06/30/2024	2024-25 AMENDED BUDGET	YTD BALANCE 12/31/2024	AVAILABLE BALANCE	% BDGT USED
Fund 355 - 2007 CAPITAL IMPRVMT BOND DEBT						
Fund 355 - 2007 CAPITAL IMPRVMT BOND DEBT:						
TOTAL REVENUES		142,421.20	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		143,088.90	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		(667.70)	0.00	0.00	0.00	0.00
Fund 401 - FANTASY FOREST						
Revenues						
UNCLASSIFIED	Unclassified	75,016.80	1,754,000.00	618,280.67	1,135,719.33	35.25
TOTAL REVENUES		75,016.80	1,754,000.00	618,280.67	1,135,719.33	35.25
Expenditures						
451	NEW CONSTRUCTION	28,146.79	1,623,742.24	30,982.63	1,592,759.61	1.91
TOTAL EXPENDITURES		28,146.79	1,623,742.24	30,982.63	1,592,759.61	1.91
Fund 401 - FANTASY FOREST:						
TOTAL REVENUES		75,016.80	1,754,000.00	618,280.67	1,135,719.33	35.25
TOTAL EXPENDITURES		28,146.79	1,623,742.24	30,982.63	1,592,759.61	1.91
NET OF REVENUES & EXPENDITURES		46,870.01	130,257.76	587,298.04	(457,040.28)	450.87
Fund 402 - WILSON CENTER CAPITAL IMPROVEMENT						
Revenues						
UNCLASSIFIED	Unclassified	3,095,169.96	0.00	0.00	0.00	0.00
TOTAL REVENUES		3,095,169.96	0.00	0.00	0.00	0.00
Expenditures						
451	NEW CONSTRUCTION	1,018,461.39	0.00	46,356.27	(46,356.27)	100.00
TOTAL EXPENDITURES		1,018,461.39	0.00	46,356.27	(46,356.27)	100.00
Fund 402 - WILSON CENTER CAPITAL IMPROVEMENT:						
TOTAL REVENUES		3,095,169.96	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		1,018,461.39	0.00	46,356.27	(46,356.27)	100.00
NET OF REVENUES & EXPENDITURES		2,076,708.57	0.00	(46,356.27)	46,356.27	100.00
Fund 405 - STREET MILLAGE PROJECTS II						
Revenues						
UNCLASSIFIED	Unclassified	0.00	0.00	1.02	(1.02)	100.00
TOTAL REVENUES		0.00	0.00	1.02	(1.02)	100.00

PERIOD ENDING 12/31/2024

*NOTE: Available Balance / Pct Budget Used does not reflect amounts encumbered.

GL NUMBER	DESCRIPTION	END BALANCE 06/30/2024	2024-25 AMENDED BUDGET	YTD BALANCE 12/31/2024	AVAILABLE BALANCE	% BDGT USED
Fund 405 - STREET MILLAGE PROJECTS II						
Fund 405 - STREET MILLAGE PROJECTS II:						
TOTAL REVENUES		0.00	0.00	1.02	(1.02)	100.00
TOTAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	0.00	1.02	(1.02)	100.00
Fund 406 - STREET MILLAGE FUNDS III						
Revenues						
UNCLASSIFIED	Unclassified	846,373.47	998,000.95	825,840.90	172,160.05	82.75
TOTAL REVENUES		846,373.47	998,000.95	825,840.90	172,160.05	82.75
Expenditures						
451	NEW CONSTRUCTION	428,729.59	998,000.00	823,480.27	174,519.73	82.51
TOTAL EXPENDITURES		428,729.59	998,000.00	823,480.27	174,519.73	82.51
Fund 406 - STREET MILLAGE FUNDS III:						
TOTAL REVENUES		846,373.47	998,000.95	825,840.90	172,160.05	82.75
TOTAL EXPENDITURES		428,729.59	998,000.00	823,480.27	174,519.73	82.51
NET OF REVENUES & EXPENDITURES		417,643.88	0.95	2,360.63	(2,359.68)	8,487.37
Fund 515 - GARBAGE FUND						
Revenues						
UNCLASSIFIED	Unclassified	776,853.20	937,287.74	863,458.65	73,829.09	92.12
TOTAL REVENUES		776,853.20	937,287.74	863,458.65	73,829.09	92.12
Expenditures						
528	SANITATION ACTIVITIES	769,373.75	961,757.74	352,111.76	609,645.98	36.61
TOTAL EXPENDITURES		769,373.75	961,757.74	352,111.76	609,645.98	36.61
Fund 515 - GARBAGE FUND:						
TOTAL REVENUES		776,853.20	937,287.74	863,458.65	73,829.09	92.12
TOTAL EXPENDITURES		769,373.75	961,757.74	352,111.76	609,645.98	36.61
NET OF REVENUES & EXPENDITURES		7,479.45	(24,470.00)	511,346.89	(535,816.89)	2,089.69
Fund 592 - WATER AND WASTEWATER FUND						
Revenues						
UNCLASSIFIED	Unclassified	6,116,543.78	6,550,943.00	3,285,637.66	3,265,305.34	50.16
TOTAL REVENUES		6,116,543.78	6,550,943.00	3,285,637.66	3,265,305.34	50.16
Expenditures						
536	WATER AND SEWER REVENUE BONDS	315,264.67	253,428.13	135,958.38	117,469.75	53.65

PERIOD ENDING 12/31/2024

*NOTE: Available Balance / Pct Budget Used does not reflect amounts encumbered.

GL NUMBER	DESCRIPTION	END BALANCE 06/30/2024	2024-25 AMENDED BUDGET	YTD BALANCE 12/31/2024	AVAILABLE BALANCE	% BDGT USED
Fund 592 - WATER AND WASTEWATER FUND						
Expenditures						
540	WATER PRODUCTION	2,009,048.44	1,012,654.49	411,927.56	600,726.93	40.68
541	WATER DISTRIBUTION	381,294.66	685,993.72	300,672.23	385,321.49	43.83
550	WASTEWATER TREATMENT PLANT	1,076,978.51	1,416,838.45	635,199.87	781,638.58	44.83
560	CAPITAL IMPROVEMENTS	211,119.24	2,890,917.28	1,144,167.60	1,746,749.68	39.58
561	ADMINISTRATION	602,021.00	694,229.00	337,580.06	356,648.94	48.63
TOTAL EXPENDITURES		4,595,726.52	6,954,061.07	2,965,505.70	3,988,555.37	42.64
Fund 592 - WATER AND WASTEWATER FUND:						
TOTAL REVENUES		6,116,543.78	6,550,943.00	3,285,637.66	3,265,305.34	50.16
TOTAL EXPENDITURES		4,595,726.52	6,954,061.07	2,965,505.70	3,988,555.37	42.64
NET OF REVENUES & EXPENDITURES		1,520,817.26	(403,118.07)	320,131.96	(723,250.03)	79.41
Fund 661 - MOTOR POOL FUND						
Revenues						
UNCLASSIFIED	Unclassified	601,666.89	791,063.91	998.89	790,065.02	0.13
TOTAL REVENUES		601,666.89	791,063.91	998.89	790,065.02	0.13
Expenditures						
271	MOBILE EQUIPMENT EXPENDITURES	557,764.70	794,931.73	375,716.16	419,215.57	47.26
TOTAL EXPENDITURES		557,764.70	794,931.73	375,716.16	419,215.57	47.26
Fund 661 - MOTOR POOL FUND:						
TOTAL REVENUES		601,666.89	791,063.91	998.89	790,065.02	0.13
TOTAL EXPENDITURES		557,764.70	794,931.73	375,716.16	419,215.57	47.26
NET OF REVENUES & EXPENDITURES		43,902.19	(3,867.82)	(374,717.27)	370,849.45	9,688.07
Fund 703 - CURRENT TAX FUND						
Revenues						
UNCLASSIFIED	Unclassified	8,215,038.66	0.00	0.00	0.00	0.00
TOTAL REVENUES		8,215,038.66	0.00	0.00	0.00	0.00
Expenditures						
000	REVENUE	8,215,038.66	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		8,215,038.66	0.00	0.00	0.00	0.00
Fund 703 - CURRENT TAX FUND:						
TOTAL REVENUES		8,215,038.66	0.00	0.00	0.00	0.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF ST. JOHNS
 PERIOD ENDING 12/31/2024

*NOTE: Available Balance / Pct Budget Used does not reflect amounts encumbered.

GL NUMBER	DESCRIPTION	END BALANCE 06/30/2024	2024-25 AMENDED BUDGET	YTD BALANCE 12/31/2024	AVAILABLE BALANCE	% BDGT USED
Fund 703 - CURRENT TAX FUND						
TOTAL EXPENDITURES		8,215,038.66	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	0.00	0.00	0.00	0.00
Fund 805 - SPECIAL ASSESSMENT CAPITAL PROJECT FUND						
Revenues						
UNCLASSIFIED	Unclassified	2,295.72	0.00	2,158.00	(2,158.00)	100.00
TOTAL REVENUES		2,295.72	0.00	2,158.00	(2,158.00)	100.00
Fund 805 - SPECIAL ASSESSMENT CAPITAL PROJECT FUND:						
TOTAL REVENUES		2,295.72	0.00	2,158.00	(2,158.00)	100.00
TOTAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		2,295.72	0.00	2,158.00	(2,158.00)	100.00
TOTAL REVENUES - ALL FUNDS		28,527,577.77	20,319,474.77	11,381,281.52	8,938,193.25	56.01
TOTAL EXPENDITURES - ALL FUNDS		23,551,161.17	20,883,304.55	9,474,164.46	11,409,140.09	45.37
NET OF REVENUES & EXPENDITURES		4,976,416.60	(563,829.78)	1,907,117.06	(2,470,946.84)	338.24