

Ordinance No. 2016 -05

**CITY OF ST. CLAIR
COUNTY OF ST. CLAIR, MICHIGAN**

AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND THAT PORTION OF APPENDIX B, ZONING, ARTICLE 5, SECTION 5.20 “SUPPLEMENTARY HEIGHT REGULATIONS,” OF THE CODE OF ORDINANCES BY ADOPTING SECTION 5.20.1.E.

THE CITY OF ST. CLAIR ORDAINS:

SECTION 1. AMENDMENT.

Appendix B, Article 5, Section 5.20 of the Code of Ordinances is hereby amended by adding Section 5.20.1 to read as follows:

Section 5.20. Supplementary height regulations.

5.20.1 The following structural appurtenances shall be permitted to exceed the height limitation for authorized uses in any district as allowed by this ordinance.

A. Those purely ornamental in purpose such as church, spire, belfry, domes, cupolas, ornamental towers, flag poles, and monuments.

B. Those necessary to mechanical or structural functions such as chimneys, smoke stacks, water tanks, elevator and stairway penthouses, ventilators, bulkheads, aerials, and antennae, electronic devices, heating and cooling units and fire towers.

C. Those necessary for proper building design such as cornices and parapet walls which shall not exceed the height limitation by more than five (5) feet and shall have no window openings.

D. Commercial Broadcast Radio, Television and Cellular Telephone Towers subject to the following regulations:

1. *Setback.* The tower shall be setback from all property lines and adjacent rights-of-way not less than one and a half (1.5) times the total height of each tower as measured from the ground level.

2. *Fencing.* An open weave wire fence at least six (6) feet in height shall be constructed and set away from the base of the tower at least ten (10) feet in all directions.

3. *Structural Integrity and Inspection.* The City Superintendent or his designee may require periodic inspections of towers to ensure structural integrity. Such inspection may be required as follows:

- a. Monopole towers at least once every ten (10) years.
- b. Self-support at least once every five (5) years
- c. Guide towers – not allowed

Inspections shall be conducted by a certified testing agency or by an engineer or architect licensed by the State of Michigan. The results of such inspections shall be provided to the city and based upon results of such inspection, the city may require repair or removal of the tower.

4. *Equipment Facilities and Accessory Uses.* These facilities may not include offices, long term vehicle storage, or outdoor storage or broadcast studios except for emergency purposes, or other uses that are not needed to send or receive transmissions.

5. *Lighting and Security.* When lighting is required and permitted by the Federal Aviation Administration or other Federal or State authorities, it shall be oriented so as not to project onto surrounding residential property. Prior to site plan review and approval, the applicant shall provide documentation that the proposed communication tower has been reviewed and is not determined to be a hazard to the FFA.

6. *Abandonment.* Any such tower standing unused for six months or more may be required to be removed at the expense of the owner.

7. *Soil Testing.* Soil borings shall be conducted by a registered professional engineer, who shall provide written evidence that soil conditions will provide sufficient stability for erection of the tower or antenna.

8. *Co Locations.* Applicants shall design sites and tower to accommodate future co-locations for at least a minimum of four (4) platforms (and the antennas (thereon) and associated accessory buildings, and shall make the tower available for use by public service agencies, provided that public service agency equipment mounted on the tower does not adversely affect any existing equipment and mounting public service agency equipment is technologically possible.

9. *Equipment Facilities and Accessory Uses/Landscaping/Fencing.* For wireless facilities subject to special use applications, a site plan shall also include a detailed landscape plan. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of six (6) feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.

Any and all Ordinances of the City of St. Clair or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

SECTION 4. RATIFICATION

All other provisions of the code of Ordinances of the City of St. Clair, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

SECTION 5. PUBLICATION.

This ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of St. Clair, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of St. Clair.

ORDINANCE DECLARED ADOPTED.

William Cedar, Jr., Mayor
City of St. Clair, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of St. Clair, County of St. Clair, State of Michigan, at a regular meeting of the City Council held on the 2nd day of May, 2016, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present: Cedar, Foley, Kindsvater, Klieman, Kuffa, LaPorte, McCartney

Members Absent: None

It was moved by Member Kindsvater supported by Member Kuffa to adopt the Ordinance.

Members voting yes: Kuffa, Laporte, McCartney, Foley, Kindsvater, Klieman, Cedar

Members voting no: None

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of St. Clair.

Annette Sturdy, City Clerk
City of St. Clair, Michigan

INTRODUCED: April 18, 2016

ADOPTED: May 2, 2016

EFFECTIVE: May 13, 2016

PUBLISHED: May 13, 2016

