

ORDINANCE NO. 2018 - 04

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

AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND APPENDIX B OF THE CODE OF ORDINANCES, "ZONING," ARTICLE 5, "GENERAL PROVISIONS," SECTION 5.9, "LANDSCAPE DESIGN STANDARDS," BY ADDING SUBSECTION 4 "UNDERGROUND IRRIGATION" AND ADDING SECTION 5.37 "GENERATOR AND AIR CONDITIONING UNITS" AND SECTION 5.38 "MULTIPLE-FAMILY DESIGN STANDARDS."

THE CITY OF ST. CLAIR ORDAINS:

SECTION 1. AMENDMENT.

Appendix B, Article 5, Section 5.9 of the City's Code of Ordinances, the Zoning Ordinance, is hereby amended by adding Subsection 5.9.4 "Underground Irrigation" and Article 5 is further amended by adding Section 5.37 "Generator and Air Conditioning Units" and Section 5.38 "Multiple-Family Design Standards" in the following manner:

ARTICLE 5. – GENERAL PROVISIONS.

SECTION 5.9.4 – Landscape Design Standards. Underground Irrigation.

Areas of a site not hard-surfaced shall be irrigated by an automatic system at a frequency to maintain tree, shrub, and plant health.

SECTION 5.37 – Generator and Air Conditioning Units.

A. Permanent location. The generator must be permanently located on a concrete slab or prefabricated equivalent or as otherwise regulated by the City's Building, Electrical and Mechanical Codes.

B. Enclosure; production of sounds; service doors; exhaust gases.

1. The unit and muffler must be enclosed within a sound attenuated cabinet unless the unit itself is designed with sound attenuated elements. The

enclosure service doors on the cabinet must be locked to prevent access by unauthorized persons.

2. Sound produced at full load is to be less than 75 dBA at the property line.

3. Sound produced at test and quiet load is to be less than 70 dBA at the property line. A test shall occur not more than one (1) time per week and between the hours of 9 a.m. and 6 p.m. Monday through Friday.

4. Any and all exhaust gases must be in compliance with any applicable emission regulations.

C. Design standards.

1. Air conditioning unit(s) and generators shall be considered a permitted use when located in the rear yard and the preferred location. However, if no suitable rear yard location is available, the Building Department may permit the air conditioning unit(s) and/or generator(s) to be placed in the side yard, as rearward as practical. Applicable requirements, as follows, shall be met for any installation.

2. If placed within the side yard, the following shall apply:

a. **The unit(s) shall be located no closer than five (5) feet from a property line.** The Building Department may grant an exception based on proof of a physical hindrance such as existing utility lines or exterior equipment.

b. The unit shall not be permitted to be placed directly across from a bedroom on the first floor of the neighboring residence.

- D. Air conditioning unit(s) and generator(s) shall be enclosed with a sound attenuating cabinet as approved by the Building Department.

SECTION 5.38 – Multiple-Family Design Standards

- A. Buildings shall generally relate in architectural design to surrounding buildings, improve the visual quality and support property values of the surrounding neighborhood. The following exterior design features are important to establish this relationship.
 - 1. Provide brick or stone on exterior walls, minimally around the first floor story.
 - 2. Use porches or other features, such as cornice lines, on buildings.
 - 3. Reflect architectural styles and details, design themes, building materials and colors consistent with surrounding buildings.
- B. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall and roofline offsets, including projections and recesses shall be used.
- C. Uninterrupted building walls greater than 25 feet are prohibited.
- D. Gable and hipped roofs shall provide overhanging eaves on all sides. Mansard roofs on a one-story building and flat roofs are prohibited.
- E. Dormers, belvederes, masonry chimneys and other similar elements, are encouraged to add visual interest to the roofline.
- F. Entrances to buildings shall be defined by architectural elements, such as lintels, pediments, columns, porches, overhangs, railings, balustrades, etc., where appropriate.

SECTION 2. SEVERABILITY.

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

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.

SECITON 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 April, 2018, 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, Ellery, Kindsvater, Klieman, Kuffa, LaPorte, McCartney
Members Absent: None

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

Members voting yes: Klieman, Kuffa, LaPorte, McCartney, Ellery, Kindsvater, 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: March 19, 2018
ADOPTED: April 2, 2018
PUBLISHED: April 18, 2018
EFFECTIVE: April 18, 2018