

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: March 31, 2016
RE: Ordinance 2016-001 (Amend Chapter 52, Zoning & Chapter 40, Streets)

For the Agenda of April 4, 2016

Background We asked Gourdie-Fraser, our engineer of record, to prepare road standards to be used for any streets and roads constructed in Clare in the future – to include streets and roadways constructed by others that will be relinquished to the City for ownership, control, administration, and maintenance. The road standards (*copy att'd*) have been reviewed by the City Staff. Jaynie has drafted Ordinance 2016-001 (*copy att'd*) to incorporate the standards by reference (see proposed changes to Chapter. 40, Sec 40-47 and outlined in 2016-001) and concurrently made other changes related to private roadways in Section 52-317 (also outlined in 2016-001); the current Sec. 52-317 is att'd for purposes of comparison.

All ordinance code changes or amendments require the approval of the Clare City Commission. But prior to consideration of any proposed ordinance change, the City Commission is required to conduct a public hearing.

A public hearing (*copy of notice is att'd*) has been noticed. Subsequent to the conduct of the hearing, the Commission has the options of allowing a First Reading of the proposed Ordinance or denying the conduct of a First Reading, thereby rejecting the ordinance/zoning change. The ordinance cannot be adopted until a Second Reading is scheduled and conducted by the City Commission.

The City Commission is asked to conduct the required public hearing and direct a First Reading of the proposed Ordinance 2016-001.

Issues & Questions Specified Should the City Commission hold a public hearing, and direct a First Reading of the proposed Ordinance 2016-001?

Alternatives

1. Hold the hearing and direct a First Reading.
2. Hold the hearing and make changes to the proposed ordinance.
3. Hold the hearing and reject the ordinance.
4. Set aside the matter for further consideration and/or deliberation.

Financial Impact There is no immediate, direct fiscal impact of the proposed amendment.

Recommendations I recommend that the City Commission hold the requisite public hearing and direct a First Reading.

Attachments

1. Road Standards.
2. Ordinance 2016-001.
3. Current Sec. 52-317 of Ordinance Codes.
4. Public Notice.

Standards and Specifications
for
Public and Private Roads



03/4/2016

Prepared by:



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DEFINITIONS

A.A.S.H.T.O.

The American Association of State Highway and Transportation Officials.

A.D.A.

The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, and their implementing regulations, guidelines and standards.

APPLICANT

A Person who applies for a permit to construct, install, operate, maintain or remove a facility or utility, or to perform any other activity, other than ordinary public travel, within the Right-of-Way of a county road; for a permit to use the Right-of-Way of a county road for purposes other than ordinary public travel; for a permit to cut down, remove, trim or tunnel under, a tree in the Right-of-Way or which would impact the Right-of-Way; or for a permit to temporarily close a county road or a part thereof. Applicant includes without limitation, a Property Owner, or a Property Owner's authorized legal agent who applies for a permit to connect a "driveway" to a county road pursuant to Act 200 of 1969, as amended (MCL 247.321 et seq.); or an authorized government official applying for a permit to temporarily close a county road for a parade, celebration, festival or similar activity pursuant to the same Act 200.

APPROVED PLANS

Plans and drawings submitted by the Applicant and approved by the City of Clare as part of permit approval. Approved plans include notes and comments made by the City of Clare. Approved plans do not include contracts, proposals and other documents, unless specifically noted in the permit or approved by the City of Clare.

CITY

The City of Clare City Commission

CLEAR VISION AREA

An area that should be clear of obstructions that might block a driver's view of potentially conflicting vehicles or objects, as determined by the City of Clare in accordance with standard practices of the City of Clare.

COMMERCIAL DRIVEWAY

A driveway serving a commercial establishment, industry, governmental or educational institution, hospital, church, apartment building, mobile home park, and not included in the definitions of Residential Driveway or Utility Driveway.

DEVELOPMENT

A land development project that may be completed under any part of the Land Division Act, Act 288, PA 1967, the Condominium Act, Act 59, PA 1978, any promulgated administrative rules, municipal ordinance, or any other applicable County, State, or Federal law, and the Board's adopted policies.

DEVELOPER

The owner of the land of a proposed land development.

DEVELOPER'S ENGINEER

A Professional Engineer, licensed by the State of Michigan, and retained by the Engineer Developer, or any of their associates, designated to act on their behalf in designing and constructing the development project.

ENGINEER

A Professional Engineer, licensed in the state of Michigan, and appointed by the City of Clare Commission to represent them in carrying out the provisions of the Land Division Act, Act 288, PA 1967, the Condominium Act, Act 59, PA 1978, any promulgated administrative rules, municipal ordinance, or any other applicable County, State, or Federal law, and the Board's adopted policies.

ENGINEERING INSPECTION

An engineer or engineering technician certified and qualified by MDOT, or other Inspector recognized agencies, acceptable to the Engineer to perform construction inspection.

H.M.A.

Hot mix asphalt.

M.D.O.T.

Michigan Department of Transportation.

M.D.O.T. STANDARD SPECIFICATIONS FOR CONSTRUCTION

The current Standard Specifications for Construction which shall also include the current Standards and Specifications for the City of Clare.

M.M.U.T.C.D.

The current edition of the Michigan Manual of Uniform Traffic Control Devices.

PRIVATE ROAD

A road which is not under the jurisdiction of a public body and provides access to two or more businesses, homes, or lots.

RESIDENTIAL DRIVEWAY

Driveway(s) serving one single family dwelling.

RIGHT-OF-WAY

The land over which the City of Clare has highway jurisdiction and which is subject to use for highway purposes.

TRAFFIC CONTROL PLAN

A plan identifying all required traffic control devices, including, but not limited to signs, barriers, barricades, plastic drums, traffic signals and pavement marking, in accordance with current Michigan Manual of Uniform Traffic Control Devices.

CLASSIFICATION DEFINITIONS OF ROADWAYS

1. Alleys: Minimal right-of-ways used for access to residential lots or undeveloped lands; through traffic is typically not maintained by the owners of the lots that have access to an alley.
2. Residential Streets: The major function of a residential street is to provide access and service to the residential area adjacent to them; a residential street generally has building sites located on either or both sides, carrying practically no through traffic. Route continuity is of minimum importance, except for the movement of internal traffic to and from adjacent development areas to eliminate the use of local access, collector and arterial roads.
3. Commercial Streets: Those streets in which land uses will primarily require low traffic volume with minimal truck traffic, such as office buildings, minor service, retail and wholesale operations. Appropriate municipal zoning ordinances will be considered with this designation.

4. Industrial Streets: Industrial streets are generally considered to have higher needs than commercial streets. Anticipated land use densities, traffic volume and traffic types are considered. Examples include, but are not limited to, manufacturing, warehousing, retailing, wholesaling, and high-volume service businesses.
5. Minor Streets: The prime function of Secondary Collectors is to provide traffic service between local roads and streets and higher classified routes; traffic served will essentially be generated from relatively small areas or specific traffic attractions. Route continuity is of limited importance since traffic will utilize these routes for only a small portion of their total trip length.
6. Arterial Streets: These roads function primarily as collector-distributor roads for relatively large areas; they also provide service between minor population and economic centers within the County. Traffic mobility and trip continuity are not as essential as on Local Arterials, and serving through traffic may not be a major consideration. These roads may also serve secondary traffic generators such as schools, parks, and areas with high population densities.
7. Complete Streets: A complete street layout is encouraged with all design of new roads, in accordance with the ordinance 2014-008 approved by the City Commission on Monday October 6, 2014 under resolution 2014-145.

RIGHT OF WAY WIDTH

Unless otherwise approved by the City Commission, the following minimum widths of right of way will be required for all public roads, streets, and alleys.

Arterial Streets 100 Feet with an additional 10 foot utility easement on each side of the road.

Minor Streets (including Residential, Commercial and Industrial Streets) 66 feet with an additional 10 foot utility easement

Alleys 33 feet

All pedestals and boxes shall be located at or behind the right of way line.

Greater right of way width may be required by the City Commission when considered necessary. Section line and quarter line roads shall be centered on said lines unless an exception is approved by the City Commission.

Half width dedications of roads, streets, or alleys will be accepted only when the boundary of the proposed plat coincides with the boundary of a plat on which a half road, street or alley has been previously dedicated.

STREET LAYOUT

The street layout shall conform to the pattern established by adjacent roads and streets. All existing public roads, streets or alleys that terminate at the boundaries of a proposed plat must be connected with the street system of the proposed plat. The City Commission MAY require, in the case of a Plat laid out adjacent to a Arterial Street, that those lots immediately adjacent to said Arterial Street be required to have access by way of a platted street other than said Arterial Street. Access limitations shall be included in the plat restrictions. The layout of streets and alleys in a proposed plat shall provide a continuous circuit for travel except when in the opinion of the City Commission, the lands to be subdivided are limited in area or are subject to a natural barrier. In such cases, a dedication that provides access to another road or street at one end only, will be acceptable if a cul-de-sac with a 60 foot minimum radius is provided at the terminus of the street to permit turning in a continuous circuit. (See drawing). Two roads intersecting property lines at street intersections shall be connected by a minimum 30 foot radius. (See

drawing). When the proposed plat abuts unplatted land, street extensions shall be provided to the Title line of the unplatted areas, and easements for temporary cul-de-sacs may be submitted in these cases as required by the City Commission.

PLAN AND PROFILE

Plan and profile drawings shall be prepared by the Developer's Engineer in complete enough detail to be used as construction plans. The drawings shall show the proposed gradients of all roads and streets and the location of drainage facilities and structures, as well as other pertinent information. Design shall be in accordance with current AASHTO standards. The design speed will be a minimum of 30 MPH. Higher speeds may be required. Vertical curves will be used on all grade changes. A maximum grade of ten percent will be allowed, but lessor grades are desired. A minimum grade of 0.5 percent will be required. A maximum grade of 0.5 percent will be allowed across intersections and cul-de-sacs. A minimum of fifty feet of flat gradient (maximum 0.5 percent sloped away from the main road or street) measured from the shoulder line shall be provided at the approach of a minor street to an arterial street.

Three copies of the plan and profile drawings shall be forwarded to the Chairman of the Commission or City Manager for approval. One copy will be returned to the Developer's Engineer with approval or revisions marked thereon. Approval must be obtained before construction begins.

CLEARING AND GRUBBING

All trees, stumps, brush, and roots thereof shall be entirely removed from within the limits of grading, and disposed of outside the right of way.

GRADING

Centered on the street right of way. Roadways shall have a minimum width of 36 feet in commercial and 32 feet in residential subdivisions. Wider roadbeds and flatter slopes are recommended whenever possible to give a more pleasing appearance. The presence of other than granular material in the subgrade will require a full width 24 inch granular subbase. All peat and muck shall be removed from beneath the roadbed as approved by the City's appointed Engineer. The level of finished subgrade shall be at least 2 feet above the water table.

DRAINAGE STRUCTURES, GUARDRAIL AND EROSION CONTROL

Drainage structures shall be installed as indicated on the approved plans. The minimum diameter of culverts across roads shall be fifteen inches. The bottom ends of culverts shall extend to the bottom of the slope. Either concrete culvert pipe or corrugated metal pipe of the required size may be used, provided they meet Michigan Department of Transportation specifications for strength. Other materials may be used if approved by the Engineer.

Steel beam guardrail will be required on all fills where the slope is greater than 1 on 3, except if the height of the fill is less than 5 feet.

Bridges shall be designed for HS-20 on all roads.

Culverts at driveway entrances shall be provided either by the Developer or lot owners. Minimum diameter of driveway culverts shall be twelve inches. Driveways in cut sections shall be constructed along with the grading. The drive shall not be more than 18 inches above the shoulder at the right of way line, with the low point above the ditch line.

Top soil shall be placed on all cuts and fills. The areas shall be seeded and mulched or sodded. Other methods of erosion control may be used with approval of the Engineer.

Ditch checks shall be installed in ditches that exceed a three percent grade, at intervals spaced so that the grade between checks does not exceed three percent. (see Table below)

Check Dams*

% Grade	Distance between 1.5' High	1.0'High
10	20'	15'
9	25'	17'
8	30'	20'
7	40'	25'
6	50'	35'
5	75'	50'
4	150'	100'

*Method of check dam construction shall be approved by the Engineer.

Industrial and Commercial Streets shall be constructed with curb and gutter as the primary method of drainage control. Concrete curb and gutter shall conform to MDOT standard details of B2 for mountable curb, such as may be desired at intersections, and F4 straight back curb as required. Storm sewer and or drainage structures shall be installed as indicated on the approved plans.

SURFACING

An Aggregate surface shall be placed on the prepared subgrade in accordance with the Standard Plan for subdivision grading. Trenching will be required prior to placing the aggregate to provide minimum surfaced width of thirty two (32) feet of aggregate. A minimum total depth of six inches of surfacing 22A aggregate, Michigan Department of Transportation specifications shall be placed in two courses, and each shall be thoroughly compacted.

Alleys shall be surfaced as directed by the Engineer.

Approaches to existing hard surface streets shall be surfaced as directed by the Engineer.

The City Commission will require streets to be surfaced with a leveling course of HMA Mixture 13A or LVSP at 165 lbs/syd and a top course of HMA13A or LVSP at 165 lbs/syd.

Shoulders shall be top dressed with 22A or 23A road gravel after paving. On grades exceeding seven percent, HMA Curb may be required to control surface runoff.

INSPECTION

Inspections may be done by the Engineer according to the following schedule:

1. Before preliminary approval.
2. After grading but before graveling.
3. Before surfacing.
4. During paving operations.
5. Before final approval.

If it becomes necessary to re-inspect construction work which did not meet required standards, a \$50.00 fee will be charged to cover the cost of each subsequent inspection. There will be no inspection of construction work during the winter months. It shall be the Developer's responsibility to provide engineering inspection during construction.

The Developer's Engineer shall utilize certified inspection personnel for testing density, aggregate, HMA mixtures and concrete. As a minimum, the following items shall be inspected/tested:

1. Subgrade compacted to 95% TMD, 12" minimum depth.
2. Sub-base - Material analysis, depth, and density (95%).
3. Aggregate base - Material analysis, depth, and density (98%) of maximum unit weight.
4. HMA Surfacing - Approved mix formula.

FINAL APPROVAL

In accordance with the "Subdivision Control Act of 1967", as a condition for final approval, the City Commission will require conformance with their Published Road Standards. Completion of all required improvements relative to streets, alleys, and roads, or deposit by the Developer with the City Commission in the form of cash, a certified check or irrevocable bank letter of credit, whichever the Developer selects, or a surety bond acceptable to the City Commission, in an amount to insure completion of all improvements within a period of two years from the date of approval of the plat by the Board will be required. Costs of publishing notices and recording fees are to be paid for by the Developer.

In accordance with the "Subdivision Control Act of 1967", Sec. 258, as a condition for final approval, the Board will require copies of agreements, covenants or other documents showing the manner in which areas to be reserved for the common use of the residents of the subdivision are to be maintained.

ROAD COSTS

Due to new accounting procedures under GASB34 the City of Clare is required to report the cost of new roads taken into the system beginning in 2002. This includes all roads that are accepted into the system in 2002 regardless of when construction began. As part of the final acceptance the developer will be required to submit a report of road costs before the road will be accepted into the system.

ORDINANCE NO. 2016 - 001

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE BY amending the City Code, Chapter 52.

Short Title: CITY OF CLARE – ORDINANCE AMENDMENT

Chapter 52, Section 52-317, of the Clare City Code is hereby revoked and restated as follows:

Sec. 52-317 – Private road standards.

- (a) The city may allow private roads only when meeting the standards of this section. The regulations for private roads contained herein shall not apply to approved private roads within platted subdivisions regulated by the city subdivision control ordinance, as amended, or internal access drive to parking within approved site plans for multiple-family developments or commercial access drives.
- (b) Private roads are reviewed and approved by the city commission after a recommendation from the planning commission. Documentation accepted by the city commission must support that the property possess unusual configuration and/or topography which would render construction of public streets under city standards for grades, radii, width, and/or materials impractical.
- (c) An easement for private road access, for not more than two residential structures, shall be provided of not less than 24 feet in width for roads and utilities serving two or fewer lots or single-family residential units and not less than 66 feet in width for roads serving more than two homes. This easement shall be recorded with the Clare County Register of Deeds office and a copy of the recorded easement provided to the building official/city manager.
- (d) Any lot gaining access from a private road shall have at least the minimum lot frontage required herein for the zoning district in which the lot is located. The frontage for the lot shall be measured at the point between the lot lines designated by the building official/city manager as the side lot lines.
- (e) Any lot created on a private road along with accompanying buildings, shall comply with all site development standards applicable to the zoning district in which it is located. The easement for the private road shall not be included in the minimum lot width and lot area requirements.
- (f) The maximum length of any private road cul-de-sac shall not exceed the city standard for public roads.

- (g) The minimum roadway width of any private driveway, leading only to a single family residence, shall be at least 18 feet, however if such roadway is within 300 feet of a fire hydrant, such width may be reduced to 14 feet upon approval of the City of Clare Fire Department.
- (h) The surface and base material and construction of any private road shall be of asphalt, concrete or an equivalent approved by the City Commission.
- (i) Issuances of a building permit for the placement of buildings/structures on lots and/or parcels on a private road shall not be considered a guarantee or warranty that adequate access exists to the lot for emergency vehicles. The city assumes no responsibility for the maintenance of or improvements to private roads.
- (j) The applicant shall submit a joint maintenance agreement or master deed in recordable form that runs with the land, binds benefiting parcels, and allows the city to make any repairs or conduct any maintenance it deems necessary, and charge the property owners or homeowners association served by the private road for such service.
- (k) The applicant shall provide a recorded statement running with the land informing purchasers of lots accessed by the private road that the access road is private.

Chapter 40, Section 40-47 of the Clare City Code is hereby revoked and restated as follows:

Sec. 40-47. - Additional regulations.

- (a) Public roads shall be constructed in accordance with the provisions of Standards and Specifications for Public and Private Roads as adopted in 2016 and as amended from time to time.
- (b) The city manager may make additional regulations pertaining to openings and excavations in the streets, curb cuts, street openings and house moving, which regulations shall be subject to the approval of the city commission. No person shall fail to comply with any such regulations.

Passed by the City Commission of the CITY OF CLARE on _____, at its regular meeting with _____ commissioners in attendance, _____ voting aye, _____ nay. Adopted by the City Commission of the City of Clare this _____ day of _____, 2016.

Signed: _____, Chair.

I hereby certify that the foregoing was duly adopted by the CITY COMMISSION of CITY OF CLARE, Michigan, at its regular meeting on the _____ of _____, 2016, that of _____ members of the City Commission, _____ were in attendance and _____ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the CITY OF CLARE.

Effective Date

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Diane Lyon, Clerk

Sec. 52-317. - Private road standards.

- (a) The city may allow private roads only when meeting the standards of this section. The regulations for private roads contained herein shall not apply to approved private roads within platted subdivisions regulated by the city subdivision control ordinance, as amended, or internal access drive to parking within approved site plans for multiple-family developments or commercial access drives.
- (b) Private roads are reviewed and approved by the city commission after a recommendation from the planning commission. Documentation accepted by the city commission must support that the property possess unusual configuration and/or topography which would render construction of public streets under city standards for grades, radii, width, and/or materials impractical.
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- (f) The maximum length of any private road cul-de-sac shall not exceed the city standard for public roads.
- (g) The minimum roadway width of any private driveway, leading only to a single family residence, shall be at least 18 feet, however if such roadway is within 300 feet of a fire hydrant, such width may be reduced to 14 feet upon approval of the City of Clare Fire Department.
- (h) The surface and base material and construction of any private road shall be approved by the city engineer and city fire department as being sufficient to accommodate emergency vehicles.
- (i) Issuances of a building permit for the placement of buildings/structures on lots and/or parcels on a private road shall not be considered a guarantee or warranty that adequate access exists to the lot for emergency vehicles. The city assumes no responsibility for the maintenance of or improvements to private roads.
- (j) The applicant shall submit a joint maintenance agreement or master deed in recordable form that runs with the land, binds benefiting parcels, and allows the city to make any repairs or conduct any maintenance it deems necessary, and charge the property owners or homeowners association served by the private road for such service.
- (k) The applicant shall provide a recorded statement running with the land informing purchasers of lots accessed by the private road that the access road is private.
- (l) A private road serving more than two residences or any nonresidential structure shall be constructed to the requirements then in place for the Clare County Road Commission.

(Ord. of 9-5-2006)

**CITY OF CLARE
PUBLIC NOTICE**

The City of Clare City Commission will hold a public hearing on Monday, April 4, 2015 at 6:00 p.m. at Clare City Hall, 202 W. Fifth Street, to receive public comments pertaining to an amendment of the City of Clare Code of Ordinances: Chapter 52, Section 52-317 – Private Road Standards; and Chapter 52, Section 40-47 – Additional Regulations. A copy of the proposed Ordinance amendment is available for review in the Clerk’s office, Monday through Friday, 8 am to 5 pm. The City Commission will accept comments at the hearing or in writing if the written comments are received by the City Clerk not later than 5 p.m. on the date of the hearing. The City of Clare is an equal opportunity employer and provider.

Diane Lyon
Clare City Clerk

