

AGENDA REPORT

To: Mayor Pat Humphrey and the Clare City Commission
From: Ken Hibl, City Manager
Date: June 2, 2016
RE: Second Reading & Adoption of Ordinance 2016-001 (Street Standards)

For the Agenda of June 6, 2016

Background. Subsequent to holding a public hearing, the Clare City Commission considered and approved a first reading of a proposed ordinance to establish standards for all roadways constructed within the City's jurisdictional boundaries. The Planning Commission considered the proposed ordinance change at its scheduled meeting of May 25th and unanimously recommended approval of those portions of the ordinance amendment that apply to Chapter 52 (Zoning). The City Commission may now direct a second reading and adopt the proposed ordinance change if it determines that it is in the City's best interests to do so.

Issues & Questions Specified. Should the City Commission direct a second reading, thereby establishing standards for all roadways constructed within the City?

Alternatives.

1. Direct a second reading and adopt the ordinance amendment.
2. Direct a second reading and do not adopt the ordinance amendment.
3. Set aside the decision regarding this matter to a later date.

Financial Impact. There is no immediate fiscal impact. However, there is potential future impact if standards are not adopted and roads are constructed by contractors and developers which eventually come under the ownership of the City and are not constructed to City standards.

Recommendation. I recommend that the City Commission direct a second reading and adopt Ordinance 2016-001 (*copy attached*) by approval of Resolution 2016-062 (*copy attached*).

Attachments.

1. Proposed Ordinance 2016-001.
2. Resolution 2016-062.

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

RESOLUTION 2016-062

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING ORDINANCE 2016-001, AN ORDINANCE ESTABLISHING SPECIFIC STANDARDS FOR ALL STREETS AND ROADWAYS CONSTRUCTED WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CITY OF CLARE.

WHEREAS, the City's engineer of record has recommended and provided standards for the construction of all roadways and streets within the City of Clare to ensure consistency in design, compliance with City specifications; and conformity to related City ordinances, by-laws, and rules; and

WHEREAS, the City's Planning Commission has reviewed, held a public hearing, and subsequently considered said proposed ordinance amendment as it pertains to Chapter 52 (Zoning) of the Ordinance Codes of the City of Clare and unanimously recommended that the City Commission adopt said proposed amendment; and

WHEREAS, the City Commission has held a requisite public hearing and directed a First Reading of said Ordinance at its regularly scheduled public meeting on April 4, 2016; and

WHEREAS, the City Commission received no stated objections at said public hearing; has considered the recommendations of its engineer, the City Staff and the City of Clare Planning Commission, and has determined that approval of said amendment is in the best interests of the City of Clare.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of City of Clare hereby approves Ordinance 2016-001, thereby amending its existing ordinance codes by establishing specific standards for all streets and roadways constructed within the jurisdictional boundaries of the City of Clare.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 6th day of June 2016.

Diane Lyon, City Clerk