

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 June 6, 2016, at its regular meeting with five commissioners in attendance, five voting aye, zero nay. Adopted by the City Commission of the City of Clare on this 6th day of June, 2016.

Signed: _____, Mayor.
Patrick Humphrey

I hereby certify that the foregoing was duly adopted by the CITY COMMISSION of CITY OF CLARE, Michigan, at its regular meeting on the 6th of June, 2016, that of five members of the City Commission, five were in attendance and five 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