

## AGENDA REPORT

To: Mayor Pat Humphrey & the Clare City Commission  
From: Jeremy Howard, City Manager  
Date: April 27, 2023  
RE: Ordinance 2023-002 – Camper/Boat/Trailer and Vehicle Parking and Storage

For the Agenda of May 1, 2023

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Background. At the request of the City Commission, the city's Planning Commission took on the task of reviewing and amending Section 52-308, Vehicle Storage and Parking, and creating Section 52-310 Parking and Storage of Recreational Vehicles, Trailers, Campers, Boats, and Other Similar Objects. At the April 12, 2023 meeting, the Planning Commission completed a final review and consideration of the draft Ordinance Amendment 2023-002 (*copy att'd*) and unanimously made a formal recommendation (*att'd Resolution 2023-010PC*) for the City Commission to adopt the Ordinance 2023-002.

The City Commission was asked at its meeting on April 17, 2023, whether it desired to adopt the proposed ordinance amendment – and if so to commence the process for ordinance adoption. The required public notice announcing the hearing was published (*copy att'd*), and the City Commission held a public hearing and directed the First Reading of the Ordinance at that meeting. Following the public hearing, the City Commission held a discussion and directed staff to amend the start and end dates of the allowed driveway storage timeframe to slightly extend those dates at both the beginning and the end of the time period. This minor change has been made to the draft ordinance (*att'd*).

All changes to zoning within the City must be accomplished by ordinance change. All ordinance code changes or amendments require the approval of the City Commission, and all ordinances require two readings and approval of the City Commission subsequent to a public hearing.

The Commission now has the option of allowing a Second Reading of the proposed Ordinance 2023-002 or denying the conduct of a Second Reading, thereby rejecting the proposed new ordinance. The Commission is asked to allow a Second Reading and either approve or deny the adoption of the proposed Ordinance.

Issues & Questions Specified. Should the City Commission allow a Second Reading and approve the proposed Ordinance 2023-002?

Alternatives.

1. Allow a Second Reading and approve the proposed ordinance.
2. Do not allow a Second Reading, thereby disapproving the ordinance.
3. Set aside the decision regarding this matter to a later date.

Financial Impact. Presently indeterminable.

Recommendation. I recommend the City Commission allow a Second Reading and approve the proposed Ordinance 2023-002 by adoption of Resolution 2023-029 (*copy att'd*).

Attachments.

1. Ordinance 2023-002.
2. Resolution 2023-010PC.
3. Notice of Public Hearing.
4. Resolution 2023-029.

ORDINANCE NO. 2023 - 002

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

**Section 52 of the Clare City Code is hereby amended and restated as follows:**

Sec. 52-308. - Vehicle Storage and parking.

No vehicle shall be parked in any portion of a front yard within the city unless in a prepared driveway or parking area of aggregate or hard-surfaced material. The parking or storage of a commercial vehicle, excluding an emergency vehicle, of more than two-ton capacity is prohibited within any residential district.

**Section 52 of the Clare City Code is hereby amended and restated as follows:**

Sec. 52-310. - Parking and storage of recreational vehicles, including trailers (enclosed, open, flatbed, etc.), campers, boats, or other similar objects.

The following restrictions apply to all residential zoning districts, nonconforming residential uses in commercial districts, and commercially zoned properties inside residential neighborhoods:

- A) All campers, RVs, watercraft (boats, jet skis, or otherwise), all snowmobiles, ATVs, UTVs, and other similar items, if stored upon a designated parcel must:
  - 1) Be operable, registered, and licensed if registration/licenses are required for the unit under state law.
  - 2) Be stored upon, or in, fully operational trailers that are registered and licensed under state law.
  - 3) Be stored or parked on a prepared driveway or parking area of aggregate or hard-surface material and only during the period each year, between April 15<sup>th</sup> through October 31<sup>st</sup> each year for in-season use. During the period each year, between November 1<sup>st</sup> through April 14<sup>th</sup> front yard including driveway storage is not allowed. Exception: During the period each year, between November 1<sup>st</sup> through April 14<sup>th</sup>, snowmobiles or other similar winter season items, may be stored in a required front yard on a prepared driveway or parking area of aggregate or hard surfaced material, while on open operable, registered, and licensed trailers with operable, registered and licensed snowmobiles or other similar winter season items for in-season use.
  - 4) If storage is located in a required front yard, storage must be upon a prepared driveway or parking area of aggregate or hard surfaced material.
  - 5) Parking or storage is not permitted in the City unless in a required side yard or rear yard during the period each year between November 1<sup>st</sup> through April 14<sup>th</sup> and is not

required to be on a hard surface, or aggregate surface for this seasonal storage or parking of campers, trailers, RVs, boats, snowmobiles, and the like.

6) No camper, RV, boat, trailer, or the like may be parked in a rear or side yard, closer than 5' from a public sidewalk, 10' from the curb if present, or 10' from the edge of a roadway without a curb.

7) No vehicle, camper, RV, boat, trailer, ATV, UTV, or the like shall be stored on a vacant lot.

8) Total number of campers, RVs, watercraft (boats, jet skis, or otherwise), snowmobiles, ATVs, UTVs, and other similar items is limited to a maximum of four (4) in any combination.

9) All residences, including corner lots, are regulated so that the "front" of the house is designated by the street address of the house thereby defining front yard, side yard, and back yard accordingly.

10) Violations of this section are deemed civil infractions, punishable by a fine of \$250 for a first offense, and \$500 for a second offense.

#### B. Work Trailers Exception

1) Work Trailers are defined as open or enclosed utility trailers, flatbed trailers, or the like.

2) Work Trailers are defined as such by being specifically and presently used for business purposes and must come and go on a regular daily or weekly basis.

3) Work Trailers must also be stored or parked on a prepared driveway or parking area of aggregate or hard-surfaced material.

4) Work Trailers must be operable, registered, and licensed if registration/licenses are required for the unit under state law.

5) Work Trailers are exempt from seasonal restrictions per this ordinance if all other regulations within this section are met.

6) Violations of this section are deemed civil infractions, punishable by a fine of \$250 for a first offense, and \$500 for a second offense.

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 \_\_\_\_\_, 2023.

Signed: \_\_\_\_\_, Mayor.

Patrick Humphrey

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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 \_\_\_\_\_, 2023, 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 the 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 2023-029**

**A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING AND ADOPTING ORDINANCE 2023-002 (CAMPER/BOAT/TRAILER AND VEHICLE PARKING AND STORAGE), AN ORDINANCE AMENDING CHAPTER 52 (ZONING) OF THE ORDINANCE CODES OF THE CITY OF CLARE.**

**WHEREAS**, at the request of the City Commission, staff has worked with the Planning Commission to develop Ordinance 2023-002 to amend Chapter 52 (Zoning) of the Ordinance Codes of the City of Clare; and

**WHEREAS**, said Ordinance amends section 52-308 and adds section 52-310 of Chapter 52 of the City's Ordinance Codes pertaining to Vehicle Storage and Parking and Parking and Storage of Recreational Vehicles, Trailers, Campers, Boats, and Other Similar Objects; and

**WHEREAS**, the City's Planning Commission conducted a review of said Ordinance on April 12, 2023, and subsequently made a recommendation to the City Commission to approve said Ordinance amendment; and

**WHEREAS**, the Clare City Commission has reviewed the proposed changes recommended by staff and the City's Planning Commission in the form of Ordinance 2023-002, and determined said Ordinance ensures the best interests of the City residents and business community of the City of Clare; and

**WHEREAS**, the City Commission held the requisite public hearing and directed a First Reading of said Ordinance at its regularly scheduled public meeting on April 17, 2023; and

**WHEREAS**, the City Commission, at its meeting of April 17, 2023, after discussion requested one minor change to the time periods for allowed storage; and

**WHEREAS**, the City Commission has considered the recommendations of its staff and the City Planning Commission and has determined that the adoption of Ordinance 2023-002 with a change to the storage timeframe is in the best interests of the City of Clare.

**NOW THEREFORE BE IT RESOLVED THAT** the City Commission of the City of Clare hereby approves the adoption of Ordinance 2023-002.

**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 1<sup>st</sup> day of May, 2023.

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Diane Lyon, City Clerk