

## AGENDA REPORT

To: Mayor Pat Humphrey & the Clare City Commission  
From: Jeremy Howard, City Manager  
Date: April 12, 2023  
RE: Ordinance 2023-002 – Camper/Boat/Trailer and Vehicle Parking and Storage

For the Agenda of April 17, 2023

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Background. The approval authority for all ordinance changes in the City is the Clare City Commission. But in matters related to Chapter 52 (Zoning), the City Planning Commission is required to provide a formal recommendation(s) to be considered by the City Commission in its discussions regarding the proposed ordinance change(s).

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 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.

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 required public notice announcing the hearing was published (*copy att'd*).

The City Commission is asked to commence the process for ordinance adoption by directing a First Reading of the Ordinance and holding a public hearing.

Issues & Questions Specified. Should the City Commission consider and discuss the proposed amendment, hold a public hearing, and approve the first reading of Ordinance 2023-002?

Alternatives.

1. Hold a public hearing and conduct a first reading of the proposed ordinance.
2. Do not hold a hearing, nor direct a first reading thereby declining to consider the new ordinance.
3. Hold the requisite public hearing and recommend further changes to the ordinance.
4. Set aside the decision regarding this matter to a later date.

Financial Impact. Presently indeterminable.

Recommendation I recommend that the City Commission consider and discuss the ordinance, hold the requisite public hearing and approve the First Reading of the proposed Ordinance 2023-002.

Attachments.

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

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 May 15<sup>th</sup> through October 15<sup>th</sup> each year for in-season use. During the period each year, between October 16<sup>th</sup> through May 14<sup>th</sup> front yard including driveway storage is not allowed. Exception: During the period each year, between October 16<sup>th</sup> through May 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 October 16<sup>th</sup> through May 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.

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Diane Lyon, Clerk

**RESOLUTION 2023-010PC**

**A RESOLUTION OF THE CLARE CITY PLANNING COMMISSION RECOMMENDING THAT THE CLARE CITY COMMISSION ADOPT ZONING ORDINANCE 2023-002.**

**WHEREAS**, The Clare City Commission expressed its desire to expand code enforcement of zoning regulations related to Section 52-308 with regard to camper, boat, and trailer storage and parking in the City of Clare; and

**WHEREAS**, City Staff, the Code Enforcement Officer, and the City Commission received objections and questions regarding the enforcement of Code Section 52-308; and

**WHEREAS**, the Clare City Commission directed the City's Planning Commission, with the assistance of City Staff, the City Attorney, and Code Enforcement, to review and make appropriate recommendations to amend said Ordinance; and

**WHEREAS**, the City's Planning Commission held numerous discussions and made recommendations at each meeting beginning in November of 2022 through March of 2023 for amendments to said Ordinance, with a final draft Ordinance review and discussion at their March 8, 2023 meeting; and

**WHEREAS**, the first formal step for the Planning Commission in making a recommendation for a proposed ordinance amendment to the City Commission is to hold a public hearing, entertain a formal discussion, and then formulate a recommendation to the City Commission; and

**WHEREAS**, the City Planning Commission has held the properly noticed public hearing regarding said proposed Ordinance and has subsequently discussed and considered said Ordinance.

**NOW THEREFORE BE IT RESOLVED THAT** the City Planning Commission of the City of Clare hereby recommends that the Clare City Commission adopt Ordinance 2023-002, said ordinance considered to be in the best interests of the City of Clare and its residents.

**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 Pechacek and supported by Commissioner Clark. The Resolution declared adopted by the following roll call vote:**

**YEAS: Josh Clark, Jason Lowe, Brett Moser Stacy Pechacek, and Nick Wyman.**

**NAYS: None.**

**ABSENT: Glenda Carmoney, Angie Cozat, Elaine Demasi, Ken Hibl.**

Resolution approved for adoption on this 12<sup>th</sup> day of April, 2023.

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Jason Lowe, Planning Commission Chair

## **PROPOSED ORDINANCE AMENDMENT**

### **CITY OF CLARE NOTICE OF PUBLIC HEARINGS**

The City of Clare Planning Commission will hold a public hearing on Wednesday, April 12, 2023, at 5:30 p.m., at Clare City Hall and the Clare City Commission will hold a public hearing on Monday, April 20, 2023, at 6:00 p.m. at Clare City Hall to receive public comments pertaining to an Ordinance amendment to Chapter 52-308 & 52-310 Vehicle Storage and Parking. A copy of the proposed Ordinance amendments is available for review by contacting the City at [info@cityofclare.gov](mailto:info@cityofclare.gov) or calling 989-386-7541. The Planning Commission and City Commission will accept comments during the hearings or in writing if the written comments are received by the City Clerk not later than 4 p.m. on the date of each respective hearing. The City of Clare is an equal opportunity employer and provider.

Diane Lyon  
Clare City Clerk

