

ORDINANCE NO. 11-96 A

AN ORDINANCE TO AMEND ORDINANCE 11-96, BEING THE CLYDE TOWNSHIP PRIVATE ROAD ORDINANCE RELATIVE TO PRE-EXISTING NONCONFORMING PRIVATE ROADS

THE TOWNSHIP OF CLYDE ORDAINS:

SECTION 1. Amendment of Section 2.2(C)

Section 2.2, subparagraph C, is amended to read as follows:

c. Pre-Existing Nonconforming Easements/Private Roads.

- (1) Notwithstanding any other provisions of this Ordinance, private roads (and easements for ingress and egress) in existence prior to April 23, 1995 may continue without conforming to the requirements of this Ordinance, except as set forth in subparagraph 2 hereof, subject to the following as to the private road and parcels served thereby:
  - (a) For a vacant parcel existing on 4-23-95, only one single family dwelling unit may be built, or in lieu of a single family dwelling, only one other main building with not more than one commercial or other single unit, may be built.
  - (b) For an occupied parcel existing on 4-23-95 with an existing dwelling or other main building, no additional dwellings or main buildings shall be built.
  - (c) A duplex is not a single family dwelling unit nor is a commercial or other building with multiple uses or units a main building with not more than one unit. If anyone desires to build a duplex or other multiple unit building on a Private Road, or if anyone desires to split their parcel, this constitutes an expansion of a private road.
  - (d) Except as allowed by (a), if a private road is to be extended, expanded or materially altered, i.e., to service other areas or to serve additional dwelling or commercial, industrial, or other units, then the Private Road (both existing, and any proposed new part), must conform to the requirements of the Private Road Ordinance without

regard to its pre-existing status, unless excepted upon application for a variance; provided however, in addition to the requirements under Section 2.6, a variance relative to an existing private road that does not meet then current standards, shall be granted only if compliance would constitute a hardship, or an impossibility such as insufficient area and additional area not being reasonably available.

- (2) Pre-existing private roads shall be required to comply with Section 2.2(A)(6) unless excepted upon application for a variance.
- (3) The granting of any variance is without prejudice to the Township and does not preclude the Township from negating the variance in the future in the event that further development requires another application.

#### SECTION 2. Severability Clause

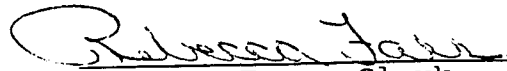
Should any section, clause, or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part therefore other than the part declared to be invalid.

#### SECTION 3. Construction of Ordinance

It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules or regulations previously adopted or issued or which shall be adopted or issued, provided however, that where this Ordinance imposed a greater restriction than required by any existing law, ordinance, rules or regulations, the provisions of this Ordinance shall control.

#### SECTION 4. Effective Date

This Ordinance shall become effective 30 days after publication.

  
Rebecca Farr, Clerk  
Township of Clyde

#### Certification

I, Rebecca Farr, Clerk of the Township of Clyde, do hereby certify that Ordinance No. 11-96 A was adopted by the Township Board at a regular meeting of the Township Board held at

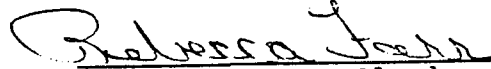
the Township Hall on the 16 day of March, 1999.

Vote on this Ordinance, 5 members being present,  
was as follows:

AYES: 5

NAYS: 0

I further certify that said Ordinance No. 11-96 A adopted by the Clyde Township Board on the 16 day of March, 1999, was published once in The Times Herald, a paper published in the County of St. Clair and circulated in the Township of Clyde, on the 19 day of March, 1999, this being the first and final day of publication of this ordinance.

  
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Rebecca Farr, Clerk  
Township of Clyde