

**CITY OF TAWAS CITY
COUNTY OF IOSCO
STATE OF MICHIGAN**

Ordinance No. 321

Public Hearing: May 7, 2019
 First Reading: May __, 2019
 Adopted: June __, 2019
 Published: June __, 2019
 Effective: June __, 2019 subject to PA 110 of 2006 as amended.

AN ORDINANCE TO AMEND THE CITY OF TAWAS CITY ZONING ORDINANCE SECTIONS 3.02, 3.07, 3.08, 17.00, 17.02 AND ARTICLE 15A TO ADD THE RIVERFRONT DISTRICT (RF) AND TO REZONE LOTS TO RF.

The City of Tawas City, Iosco County, Michigan ordains:

Section 1: Amendments to the City of Tawas City Zoning Ordinance Sections 3.02 3.07, 3.08, 17.00, 17.02, Article 15A , and the Official Zoning Map.

That the City of Tawas City Zoning Ordinance, Section 3.02 (A) (Zoning map) is hereby amended to read as follows:

- A. Zoning map incorporated. The official zoning map, on file in the City Clerk’s office, ~~as amended on January 15, 2018~~ delineating the zoning districts set forth in section 3.01 is hereby declared to be a part of this section. Except where reference is shown on the map to a street line or other line designated by dimensions, the district boundary lines follow lot lines or the centerlines of streets, alleys, streams and railroads, as they existed at the time of the adoption of this ordinance.

That the City of Tawas City Zoning Ordinance, Section 3.07 (Permitted and special uses; agricultural and residential districts) is hereby amended to read as follows:

Sec. 3.07. - Permitted and special uses; agricultural and residential districts.*

USES		AG	RA RA-1	RA-2	RC RC-1	RF
1.	One family dwellings	Y	Y	Y	Y	Y
2.	Two family dwellings	N	SP	SP	Y	SP
3.	Multiple family dwellings	N	N	N	Y	SP

4.	Agricultural operations	Y	N	N	N	N
5.	Extraction operations	SP	N	N	N	N
6.	Schools, institutional and public uses	Y	Y	Y	Y	SP
7.	Public & private conservation	Y	Y	Y	Y	Y
8.	Archery & gun ranges	SP	N	N	N	N
9.	Camping facilities	SP	N	N	N	SP
10.	Essential services	Y	Y	Y	Y	Y
11.	Cemeteries	SP	SP	SP	SP	N
12.	Home occupations	Y-SP	Y-SP	Y-SP	Y-SP	Y-SP
13.	Communication towers	SP	N	N	N	N
14.	Country club, golf courses and similar uses	Y	SP	Y	SP	N
15.	Junkyards	SP	N	N	N	N
16.	Kennels	SP	N	N	N	N
17.	Airports & landing strips	SP	N	N	N	N
18.	Child care—day care centers	SP	N	SP	SP	SP
19.	Mobile home parks	N	N	SP	SP	N
20.	Funeral homes	N	SP	SP	SP	SP
21.	General hospitals	N	N	N	N	SP
22.	Nursing homes	N	N	N	SP	SP
23.	Customary accessory uses	Y	Y	Y	Y	Y
24.	Bed & breakfast	SP	SP	SP	SP	SP
25.	Functional equivalent family—additional persons	SP	SP	SP	SP	SP
26.	Reasonable accommodation use	SP	SP	SP	SP	SP
27.	Child care facilities—family day care & foster family homes	Y	Y	Y	Y	Y
28.	Churches and places of worship	Y	SP	SP	SP	SP
29.	Satellite dish antenna over 39 inches in diameter	SP	SP	SP	SP	SP
30.	Group homes	SP	SP	SP	SP	SP
31.	Recreation and conservation areas	Y	Y	Y	Y	Y
32.	Accessory structures and uses	Y	Y	Y	Y	Y
33.	Planned unit development	SP	SP	SP	SP	SP
34.	Single family cluster and open space	N	SP	SP	SP	SP

*LEGEND: N=NO, Y=YES, SP=SPECIAL LAND USE

That the City of Tawas City Zoning Ordinance, Section 3.08 (Permitted and special uses; business and industrial districts) is hereby amended to read as follows:

Sec. 3.08. - Permitted and special uses; business and industrial districts.*

USES	OS	B-1	B-2	B-3	I-1	WF	RF
1. Store for retail sales and services	N	Y	Y	Y	N	N	Y
2. Banks & credit unions	Y	Y	Y	Y	N	N	SP
3. Office buildings	Y	Y	Y	Y	N	N	Y
4. Medical & dental offices	Y	Y	Y	Y	N	N	Y
5. Funeral homes	SP	SP	SP	SP	N	N	SP
6. Daycare centers & foster care group homes	SP	SP	SP	SP	N	N	SP
7. Child care facilities—family day care homes & foster family homes	Y	Y	SP	SP	N	N	SP
8. Laundry & dry cleaners	N	Y	Y	Y	N	N	N
9. Plumbing, electrical, welding shop	N	N	N	Y	Y	N	N
10. Drive-in restaurant	N	N	N	SP	N	N	N
11. Printing or publishing	N	N	Y	Y	Y	N	N
12. Restaurants & taverns	N	N	Y	Y	N	N	Y
13. Bed & breakfast	SP	SP	SP	SP	N	N	SP
14. Indoor auto, boat & RV sales	N	N	N	Y	N	Y	Y
15. Outdoor sales space for new & used auto, boats, mobile homes & RV's	N	N	N	SP	SP	N	SP
16. Warehouse, wholesale & trucking	N	N	N	N	Y	N	N
17. Lumber, fuel or building supply yards	N	N	N	Y	Y	N	N
18. Major auto repair and service	N	N	N	SP	SP	N	N
19. Service station, minor auto repair	N	N	N	SP	N	N	N
20. Auto car wash	N	N	N	Y	N	N	N
21. Bus passenger station	N	N	Y	Y	N	N	N
22. Hotel, motel	N	N	SP	SP	N	N	SP
23. Bowling alley & pool hall	N	N	Y	Y	N	N	N
24. Dwellings above stores	N	N	SP	SP	N	N	SP
25. Functional equivalent family	N	N	N	N	N	N	Y
26. Reasonable use	N	N	N	N	N	N	Y
27. Single family cluster & open space	N	N	N	N	N	N	Y
28. Churches and places of worship	SP	SP	SP	SP	N	N	SP

29.	Essential services	Y	Y	Y	Y	Y	Y	Y
30.	Business schools	Y	SP	Y	Y	N	N	N
31.	Accessory retail sales connected with an industrial use	N	N	N	Y	Y	N	N
32.	Theatres and social clubs	N	N	Y	Y	N	N	SP
33.	Private clubs & lodge halls	N	Y	Y	Y	N	N	SP
34.	Mini storage facilities	N	N	N	SP	SP	N	N
35.	Laboratories	N	N	N	Y	Y	N	N
36.	Non accessory signs	N	N	N	N	SP	N	N
37.	Open air business	N	N	N	SP	N	N	SP
38.	Kennels	N	N	N	N	SP	N	N
39.	Off-street parking lots	Y	Y	Y	Y	Y	Y	Y
40.	Heavy equipment sales & servicing	N	N	N	N	SP	N	N
41.	Personal services	Y	Y	Y	Y	N	N	Y
42.	Hospitals/convalescent homes	Y	N	Y	Y	N	N	SP
43.	Sidewalk cafe	N	N	SP	SP	N	N	SP
44.	Industrial uses and manufacturing	N	N	N	N	Y	N	N
45.	Accessory structures and uses	Y	Y	Y	Y	Y	Y	Y
46.	Planned unit development	SP	SP	SP	SP	N	SP	SP
47.	Communication towers	N	N	N	SP	SP	N	N
48.	Outdoor commercial recreation and markets	N	N	N	SP	N	N	SP
49.	Junk yard	N	N	N	N	N	N	N
50.	Adult entertainment facilities	N	N	N	N	SP	N	N
51.	Trade or industrial schools	SP	SP	SP	Y	Y	N	N
52.	Satellite dish antenna over 39 inches in diameter	SP	SP	SP	SP	SP	N	SP
53.	Extraction operation	N	N	N	N	N	N	N
54.	Schools, institutions & public uses	SP	SP	SP	N	N	N	SP
55.	Public parks and recreation areas	Y	N	N	N	N	Y	Y
56.	Planned commercial center	N	N	SP	N	N	N	SP
57.	Outdoor storage	N	N	N	Y	SP	N	N
58.	Metal plating and buffering	N	N	N	Y	Y	N	N
59.	Outdoor sales space	N	N	N	SP	SP	N	SP
60.	Helicopter landing areas	SP	SP	SP	SP	SP	N	N
61.	Seasonal uses	N	SP	SP	SP	N	N	SP

62.	Marinas	N	N	N	SP	N	SP	SP
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*LEGEND: N=NO, Y=YES, SP=SPECIAL LAND USE

That the City of Tawas City Zoning Ordinance, Article 15A (RF - Riverfront District) is hereby amended to read as follows:

ARTICLE 15A. - RF—RIVERFRONT DISTRICT

Sec. 15A.00. - Intent.

The RF— riverfront district is designed and intended to provide for a mix of uses including residential, office, commercial, institutional, and recreational uses along the Tawas River with the intent of incorporating the characteristics of the riverfront into the development so as to preserve the natural features of the area while promoting appropriate low-impact development. **Sec. 15A.01. - Principal uses permitted.**

In the RF— riverfront district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. One family detached dwellings.
- B. Two Family Dwellings.
- C. Home Occupations
 - 1. Home occupations that create the following conditions shall not be permitted:
 - a. Changes to the outside appearance of the dwelling visible from the street;
 - b. Traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
 - c. Noise, vibration, glare, fumes, odors or resulting in electrical interference, or becoming a nuisance;
 - d. Outside storage or display of anything;
 - e. Employment of more than one person in the home other than the dwelling occupants;
 - f. Exterior building alterations to accommodate the occupation;
 - g. Occupation of more than 25 percent of the floor area of the dwelling, or 50 percent of a detached garage;
 - h. Off-street parking for customers, or a requirement of more than one parking space at curb side on the street;
 - i. The delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.;

- j. Deliveries made other than by small vehicles such as step vans and similar vehicles.
 - 2. The following are permitted home occupations, provided they do not violate any of the provisions of the previous paragraph:
 - a. Dressmaking, sewing and tailoring;
 - b. Painting, sculpturing or writing;
 - c. Telephone answering;
 - d. Home crafts, such as model making, rug weaving and lapidary work;
 - e. Tutoring limited to four students at a time;
 - f. Computer application including software and not including sale of computers;
 - g. Salespersons office or home office of a professional person;
 - h. Laundering and ironing;
 - i. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - j. Barber shops and beauty parlors, limited to one operator;
 - k. Dance studios, limited to four students;
 - l. Use of a single-family residence by an occupant of that residence to give instruction in a craft or fine art within the residence pursuant to MCL 125.3204.
 - 3. The following are prohibited as home occupations:
 - a. Private clubs;
 - b. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - c. Restaurants;
 - d. Commercial stables and kennels;
 - e. Motor vehicle repair or paint shops;
 - f. Retail sales that require visits of customers to the home.
 - 4. Any proposed home occupation that is neither specifically permitted by subsection (2) of this section nor specifically prohibited by subsection (3) of this section shall be considered a special use and be granted or denied upon consideration of those standards contained in sections 18.01 and 18.02 of this ordinance.
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- D. Public and private conservation area and structures for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
 - E. Essential services.
 - F. Public parks and recreation areas.
 - G. Stores for retail sales and services.
 - H. Office buildings.
 - I. Medical and dental offices.

- J. Restaurants and taverns.
- K. Indoor auto, boat and RV sales.
- L. Off-street parking lots.
- M. Personal services.
- N. Accessory structures and uses incidental to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

Sec. 15A.02. - Special uses.

- A. Multiple family dwellings.
- B. Dwellings above stores. (Section 18.23)
- C. Bed and breakfasts. (Section 18.07)
- D. Child care facilities – family day care and foster care homes.
- E. Day care group homes. (Section 18.11)
- F. Child care centers, day care centers. (Section 18.25)
- G. Schools, institutional and public uses. (Section 18.20)
- H. Camping Facilities. Section 18.45)
- I. Home Occupations. (Section 18.27)
- J. Outdoor commercial recreation and markets. (Section 18.17)
- K. Funeral homes. (Section 18.32)
- L. General hospitals.
- M. Nursing homes, convalescent homes. (Section 18.16)
- N. Functional equivalent family – additional persons. (Section 18.29)
- O. Reasonable accommodation use. (Section 18.30)
- P. Churches and places of worship. (Section 18.08)
- Q. Satellite dish antenna over 39 inches in diameter. (Section 18.28)
- R. Group Homes.
- S. Planned unit development. (Article 16)
- T. Planned commercial center
- U. Single family cluster (Section 17.02) and open space (Section 17.01).
- V. Banks and credit unions.
- W. Outdoor sales for auto, boats, mobile homes and RVs. (Section 18.24)
- X. Outdoor sales space.
- Y. Hotel, motel. (Section 18.15)
- Z. Theaters and social clubs.

- AA. Private clubs and lodge halls.
- BB. Open air businesses. (Section 18.34)
- CC. Sidewalk cafes. (Section 18.22)
- DD. Seasonal uses. (Section 18.38)
- EE. Marinas. (Section 18.36)

Sec. 15A.03. - Required conditions.

The following conditions, where applicable, shall apply to all uses permitted under this article:

- A. Area and bulk requirements limiting height and bulk of buildings, minimum size of lots and providing for yard setback requirements as follows:

1. Commercial or Institutional Uses

- a. Minimum Lot Area: None
- b. Minimum Lot Width: None
- c. Max. Building Height: 2 stories or 25 ft, whichever is less
- d. Setbacks
 - Front yard (street): 20 ft
 - Front yard (river): 15 feet from Ordinary High Water Mark
 - ¹Side yard: 0 ft

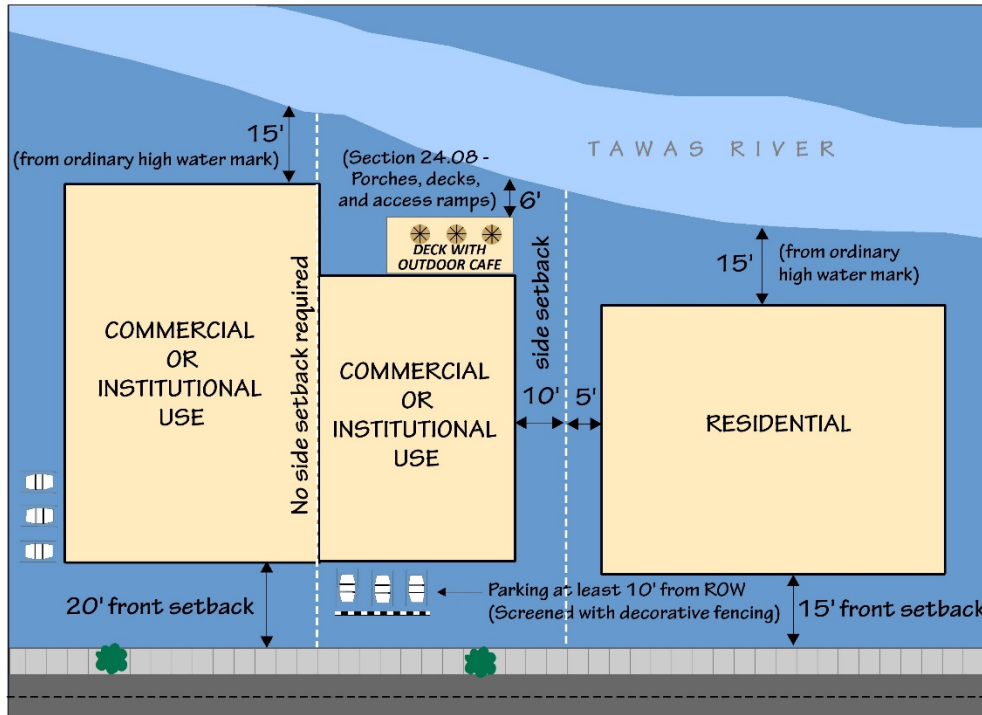
¹No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than five (5) feet shall be provided. When the lot has a common lot line with a residential District or use, a setback of at least ten (10) feet is required. If the said lot is a corner lot, the side line that abuts a street shall have a setback of twelve (12) feet.

- e. Additional Regulations – Commercial and Institutional Uses:
 - (1) Mixed Uses: Mixed commercial and residential uses shall be allowed on the same lot.
 - (2) Outdoor Storage: There shall be no outdoor storage of equipment or materials.
 - (3) Parking: Off street parking shall be permitted to occupy a portion of the required front yard or side yard but shall be located at least ten (10) feet from the street right-of-way. Screening, in the form of landscaping, decorative fencing, or a decorative wall, shall be located between the off-street parking area and the street right-of-way. Parking shall not be permitted on the waterfront side of the lot.

2. Residential Uses

- a. Minimum Lot Area: None.
- b. Minimum Lot Width: None.

- c. Max. Building Height: 2 stories or 25 ft, whichever is less.
- d. Floor Area (min): Single-family residential: 800 sq ft.
Multi-Family: No minimum stated (building code is used).
- e. Number per Lot: Maximum of two dwelling units per lot.
- f. Setbacks
 - Front yard (street): 15 ft.
 - Front yard (river): 15 feet from Ordinary High Water Mark.
 - Side yard: 5 ft (12 ft on the street side of a corner lot).



- B. Site plan review and approval shall be obtained for all new non-residential construction in accordance with the provisions of Article 22.
- C. Dwelling unit review. All dwelling units shall be reviewed by the zoning administrator.
 1. Dwelling units shall conform to all applicable codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling.
 2. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.

3. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
4. Dwelling units shall be provided with roof designs and roofing material similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
5. Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
6. The dwelling shall contain a minimum storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling. Said storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less, and shall be anchored by a system approved by the zoning administrator.
7. The zoning administrator may request a review by the planning commission of any dwelling unit with respect to this section. The zoning administrator or planning commission shall not seek to discourage architectural variation, but seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the community at large. In reviewing any such proposed dwelling unit, the zoning administrator may require the applicant to furnish such plans, elevations and similar documentation as he deems necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling units consideration shall be given to comparable types of homes within 300 feet. Should the area within 300 feet not contain any such homes, then the nearest 20 dwellings shall be considered for comparison purposes.

D. Applicable articles of this ordinance including the following:

1. Article 19, Nonconforming Uses and Structures
2. Article 20, Off-Street Parking and Loading
3. Article 21, Signs
4. Article 22, Site Plan and Plot Plan Review
5. Article 23, General Provisions
 - Section 23.01 Conflicting Regulations
 - Section 23.02 Fences
 - Section 23.04 Corner Clearance
 - Section 23.05 Walls and Earth Berms
 - Section 23.06 Accessory Uses
 - Section 23.09 Landscape Planting
 - Section 23.10 Exterior Lighting

- Section 23.11 Frontage on a Public Street
- Section 23.12 Building Grade
- Section 23.13 Waste Receptacles
- 6. Article 24, General Exceptions
 - Section 24.01 Area, Height and Use Exceptions
 - Section 24.02 Essential Services
 - Section 24.03 Voting Place
 - Section 24.04 Height Limit
 - Section 24.05 Lot Area
 - Section 24.06 Lots Adjoining Alleys
 - Section 24.07 Yard Regulations
 - Section 24.08 Porches, Decks and Access Ramps
 - Section 24.09 Access Through Yards
 - Section 24.10 Projections into Yards
 - Section 24.11 Yard Exceptions
 - Section 24.12 Lots or Parcels Having Water Frontage
- 7. Article 25, Administration
 - Section 25.01 Administrative Officials
 - Section 25.02 Permit Application
 - Section 25.03 Fees
 - Section 25.04 Performance Bond
 - Section 25.05 Zoning Notice (Hearing) Requirements
- 8. Article 26, Planning Commission
 - Section 26.01 Powers and Duties
 - Section 26.02 Authority to Approve Uses
 - Section 26.03 Hearing; Notice
 - Section 26.04 Survey and Plans
 - Section 26.05 Special Land Uses

Section 26.06 Application of Procedures to Planned Unit Developments, Cluster and Open Space Options

Section 26.07 Conditions for Approval

9. Article 27, Board of Appeals

Section 27.02 Powers of Zoning Board of Appeals

Section 27.03 Appeals Procedure

Section 27.04 Standards

Section 27.05 Miscellaneous

10. Article 29, Changes and Amendments

11. Article 30, Interpretation

12. Article 31, Vested Right

13. Article 32, Enforcement, Penalties and Other Remedies

That the City of Tawas City Zoning Ordinance, Section 17.02 (Single family cluster and open space) is hereby amended to read as follows:

- C. Parcels which qualify for cluster development under this option may include in computations of dwelling unit density all open space areas and interior private and public residential streets. The overall permitted dwelling unit density within those parcels which qualify for consideration under this section by district are as follows:

Zoning District	Dwellings per Acre
R-A	3.5
RA-1	4.5
RF	4.5

That the City of Tawas City Zoning Ordinance, Article 17 (Schedule of Regulations), Section 17.00 (Standards limiting height and bulk of buildings and area of lots by land use) is hereby amended to read as follows:

(ADD ROW AT BOTTOM OF TABLE)

R-F Riverfront	See Article 15A
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That the official City of Tawas City Zoning Map is hereby amended as follows:

All lots between Lake Street and the Tawas River and between Mathews Street and 9th Street shall be rezoned from B-3 to RF (Riverfront District).

All lots between the Tawas River and the railroad tracks and between Mathews Street and 9th Street shall be rezoned from RC to RF (Riverfront District).

Section 2: Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The City of Tawas City Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

Dated: June __, 2019

Kenneth B. Cook, Mayor, City of Tawas City

Michelle M. Westcott, City of Tawas City Clerk

A copy of the complete ordinance text may be inspected or purchased at the Tawas City Hall at 550 W Lake St, Tawas City, Michigan.

**CITY OF TAWAS CITY
COUNTY OF IOSCO
STATE OF MICHIGAN**

CERTIFICATION

I, hereby certify that the foregoing is a true and complete copy of Ordinance No. 321 duly adopted by the City of Tawas City at a regular meeting of the City Council held on the ___ day of June, 2019 at which all Council Members were present and that public notice of said meeting was given pursuant to Act No. 267 of the Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by publication and posting at least 18 hours prior to the time set for the meeting.

I further certify that the Councilperson _____, moved and that Councilperson _____, supported the adoption of said ordinance.

I further certify that the following Councilpersons voted for adoption of said Ordinance:
_____. Absent: _____. Abstain:
None.

I further certify that said ordinance has been recorded in the Ordinance Book of the City of Tawas City and that such recording has been authenticated with the signatures of the Mayor and the Clerk and published in the Iosco News Herald.

This ordinance may be purchased or inspected at the Tawas City, City Hall, 550 Lake Street, Tawas City, Michigan, between 8:00 a.m. and 5:00 p.m. Monday through Friday. Dated this ___ day of June, 2019.

CITY OF TAWAS CITY

MICHELLE WESTCOTT
ITS: Clerk