ALL
WE LOVE HARBOR SPRINGS

This compilation is provided for use by Planning Commissioners, City Council, staff, and community members who wish to follow the zoning process more closely.

It reflects the zoning-related analysis and input provided over a seven-month period in 2025–2026 by Lynee Wells of Aligned Planning. Her engagement focused on reviewing the proposed zoning code with attention to preserving and protecting the character and scale of Harbor Springs' 1.3 square miles.

Prior to retaining her services, many questions and concerns had been raised. This compilation is intended to clarify timelines, document key issues, and provide context for ongoing discussions. It is our hope that it contributes to continued refinement of the Zoning Code in a way that supports long-term protection of the community.

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10.21.2025 Special Meeting to finalize the Zoning Code. Cancellation of collaboration discussion

10.30.2025 Memo from Lynee Wells – October 21, 2025 Zoning Ordinance Review – '39 Comments' - five pages

11.13.20 Special Meeting was held one week prior to the regularly scheduled monthly

meeting on November 20, 2025, specifically to hold the public hearing on the draft zoning code.

11.13.2025 Lynee Wells spoke via Zoom regarding specific weak spots in the draft. ARC, Heights, issues.

11.20.25 Lynee Wells Memo was discussed that followed her revision suggestions made via Zoom on 11.13.2025,

Planning Commissioners decided to send the code to City Council with no changes.

12.5.25 Memo from Lynee Wells to City Council regarding the Draft Zoning Ordinance with 8 Concerns

she has on Heights, Admin Review Committee and Planned Development's – four pages

The new code was adopted by CC on 1.5.26 and adopted on 1.24.26

1.15.26 The Planning Commissioner agreed to further discuss PD's Heights and ARC in 2026

1.27.26 Memo from Lynee Wells to City Council regarding the Admin Review Committee Revisions language in the newly approved Code.

– two pages

2.2.2025 Memo from Lynee Wells to Planning Commissioners regarding Heights in Residential and Commercial Districts – three pages

2.12.26 Memo from Lynee Wells to Planning Commissioners regarding PD Ordinance Review – three pages

- Supplemental – 60 Open Issues about the Code -Prepared after the 9.3-11, 2025 Open Houses – 19 pages

Chronological Transcripts of Planning Commission Meetings Memos and emails (2025-26) for your review

This document provides a chronological record of Planning Commission meetings in which Lynee Wells, a professional urban planner with Aligned Planning, appeared or was referenced.

In July 2025, she was retained by the community organization We Love Harbor Springs to review the proposed zoning code and provide professional planning analysis. Relevant meeting references and associated memoranda are included throughout this record in chronological order.

This compilation is intended to document the discussions and stated intent reflected throughout the zoning process before and after approval of the Harbor Springs Zoning Code. The code was approved by the Planning Commission at a Special Meeting on November 13, 2025, and later reaffirmed that the "clean copy" — which did not incorporate Lynee Wells' corrections or suggestions — would be submitted to City Council on January 5, 2026. The code was approved by City Council on January 5, 2026, and subsequently enacted by legislative action of City Council on January 24, 2026.

Legal Authority: The Zoning Code states that it may "only be amended by legislative action of the City Council."

July 31, 2025: Introduction & Non-Conforming Lots
• **Context:** This appears to be her first direct intervention in the meetings. She introduced herself as an urban planner from Grand Rapids.
• **Comments:** She raised a technical question regarding **Page 21** of the draft, specifically about "pre-existing lots of record." She noted that the draft identified the "Southard and Crandall's addition" as pre-existing lots of record which would be treated as conforming. She questioned how many of the "20% non-conforming lots" cited by the city were actually within this area that was already being deemed conforming, suggesting that the problem of non-conformity might not be as widespread as stated [Source 616].

August 14, 2025: Protocol Question
• **Comments:** Lynee Wells appeared virtually and asked the Chairman about the **protocol for commenting** on packet materials and agenda items. She wanted to know if the meeting would run like the previous one, allowing comments during the discussion period. Chairman Mulder confirmed they would open for comments before topics and allow a three-minute comment period [Source 521].

From: Lynee Wells
Sent: Friday, September 19, 2025 8:47 AM
To: John Iacoangeli <jri@bria2.com>
Subject: Re: Harbor Sorings

Sounds good. Thank you for reaching out.

Next week:

Tuesday 4-5
Thursday 10:30–12

It's a rough week.

On Sep 19, 2025, at 7:27 AM, John Iacoangeli <jri@bria2.com> wrote:

Morning Lynee
I hope this email finds you well.

At the conclusion of the Harbor Springs PC meeting last night, the PC instructed me to collaborate with you on a revised PD provision. You can confirm with the We Love Harbor Springs group the same.

My approach will be to start with red lined version you prepared. In turn, I'll send over my version and we can use that as a basis for discussion.

I will likely send this over on Monday. Please send me some days and time for a zoom call later next week.

Thanks much,
John

John Iacoangeli, FAICP, CNU-A, LEED AP
Partner Emeritus- Vice President
Beckett&Raeder

Please see the attached 9.12.25 Draft Revised Redline prepared by Lynee Wells, submitted for consideration for inclusion in the meeting packet and provided here as correspondence. It was not included in the meeting packet.

September 12, 2025

Jeff,

Please include the attached PD proposal in the Planning Commission packet for the Sept 18th meeting.

- Please print in a manner that makes the redline obvious
- Lynee Wells drafted the language and is available for discussion for anyone that wishes to understand the redline.
- This draft has been discussed with Rob Cumming. My sense is they would recommend a minimum size of 5 acres rather than 10. I agree with Rob's view that showcasing his project, should preceed PD resolution to help focus the discussion.
- Others have some variations on opinion of size, but feel this draft implements the needed objective measures. Best to resolve remaining differences in public hearing.
- We added clarity to identify this as a "Rezoning" action to assure relief via ZBA if people are in some way harmed. This is an important legal clarification that needs to be asserted.
- Our additional goal, through objective measures, is to assure we create the correct firewalls to weaken a litigant's claim of capricious and arbitrary review. While I respect the City and Planning Commission belief the standards are good, case law does not seem to agree.

Thanks

Carter Williams

10.1 INTENT AND PURPOSE

Development may be pursued in a variety of different ways. This Article sets forth the development options established by the City of Harbor Springs. Depending on the circumstances of particular development scenarios, these options may be used singly or jointly. The purpose of this Article is to set forth the regulations regarding the different land development options in order to protect the health, safety, and welfare of the citizens of Harbor Springs. Where necessary, the provisions relating to the different development options contain design standards that supplement or replace particular standards in Article 6 and Article 7, and procedures which supplement or replace particular procedures in Article 8.

10.2 PLANNED DEVELOPMENT

10.2.1 Intent and Purpose

A. The Planned Development (PD) option is intended to allow, with City approval, private or public development that is consistent with the goals and objectives of the City of Harbor Springs Master Plan and Future Land Use Map.
B. The development allowed under this Section shall be considered as an optional means of development only on terms agreeable to the City.
C. Use of the PD option allows flexibility in the control of land development by encouraging innovation through an overall, comprehensive development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities; to encourage useful open spaces -for the benefit of the development and City as a whole; to provide housing, including workforce housing; to provide employment, service and shopping opportunities suited to the needs of the residents of the City and their immediate neighborhoods, and to maintain the scale, massing, and character of Harbor Springs.
D. It is further intended that development permitted pursuant to this Article be laid out so that proposed uses, buildings, and site improvements relate to each other and to adjoining existing uses in such a way that they will be compatible, with no material adverse impact of one use on another.

10.2.2 Eligibility

A. The following zoning districts are eligible for PD consideration:
    a. RA District
    b. B1, B2, and ROS District
    c. CBD District
B. Uses permitted and uses permitted subject to special land use in the underlying zoning district are eligible within the PD.

C. Uses permitted and uses permitted subject to special land use listed in districts outside of the subject site(s) may be considered as provided below and per Section 10.2.4:

a. Harmonious Relationship. There shall be a reasonably harmonious relationship between the location of buildings and uses on the site relative to buildings and uses on lands in the surrounding area.
b. Combination of Residential and Non-Residential Uses. Residential and non-residential uses may be permitted together on the same site in a PD development, provided that the residential and non-residential uses are carefully integrated in a manner that is consistent with the goals and objectives of the Master Plan so as to create a high-quality living environment.

10.2.3 Height, Bulk, Density and Area Standards

The standards for height, bulk, density, and setbacks of each underlying zoning district shall be applicable within each district area designated on the plan, except as specifically modified and noted on the PD plan.

10.2.4 Qualifying Standards

Mandatory Standards: Planned Development proposals shall meet the following mandatory qualifying standards to be considered under the PD land development option:

A. The properties are zoned and have the minimum acreage as follows:
   a. AR: 10 acres
   b. CBD: .5 acres
   c. B1, B2, ROS: 10 acres
B. The proposed development shall either be under single ownership or control such that there is a single person or entity having responsibility for assuring completion of the project in conformity with this Ordinance, or if there is more than one owner or entity with an interest in the project, then there shall be a commitment in writing by all owners and/or entities to work in unison toward completion of the project in conformity with this Ordinance.
C. Problems or constraints presented by applicable zoning provisions shall be identified in the application. Any permission given for any activity, building, dimensional requirement, or use not normally allowed shall result in an improvement to the public health, safety, and welfare of the area affected.

General Concept Plan Standards: Planned Development proposals shall include a development concept plan. To be eligible for concept plan approval, the following criteria shall be met:

A. The proposed concept plan development and land use program will not materially add service and facility loads beyond those considered in the City of Harbor Springs Master Plan, and other

public agency plans, unless the proponent can prove to the sole satisfaction of the City that such added loads will be accommodated or mitigated by the proponent as part of the PD.

B. The PD shall not be allowed primarily as a means of increasing density or as a substitute for a variance request or as a means to allow uses not otherwise permitted in the underlying zoning district that are contrary to the Master Plan, such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.

C. A proposed PD development shall be consistent with the goals and objectives and shall not have an adverse impact upon the Master Plan for the City.

D. The PD development shall improve the appearance of the City through quality building design and site development; the provision of trees and landscaping consistent with or beyond minimum requirements; the preservation of unique and/or historic sites or structures; and/or the provision of open space or other desirable features of a site beyond minimum requirements.

E. The project as a whole promotes desirable economic development to such an extent, and the economics of the project are such, that a variation from a strict application of the height and story limitations is appropriate under the circumstances.

F. The project as a whole promotes the health, safety and welfare of the City of Harbor Springs.

G. The project will not cause the interests of adjacent property owners to be damaged or injured.

H. For any PD requesting to vary the underlying dimensional, density or use mix, a statement justifying the departures shall be provided and address the following review standards. During their review of the PD, the Planning Commission and City Council shall find in the affirmative all of the applicable standards to be met.

Deviations Review Standards:

1. Height deviations shall be considered only in the CBD, B-1, B-2 and ROS districts with the following requirements:

    a. In no instance shall height exceed 49' nor three (3) stories, which includes any appurtenances above the roofline. A roof top deck or other appurtenances above the 3rd story may be permitted within a PD only, and in accordance with the step back requirements in item #3 below. (NOTE, THIS WOULD ASSUME THE ZONING CODE RETURNS TO A CODE THAT REGULATES STORIES AND HEIGHT)
    b. For every one foot of height above twenty five (25) feet at the third story, buildings shall step back a minimum 5' from the first floor building base to allow for light, air, and viewshed.
    c. Buildings or structures greater than thirty-five (35) feet in height shall be designed so as to not have an unreasonable adverse impact on adjacent property as a result of the shadows that are cast or glare created from reflected or artificial light.

d. Buildings or structures greater than thirty-five (35) feet in height shall be designed to avoid infringing on the privacy of adjacent public and private property, particularly adjacent residential areas.
e. Buildings or structures greater than thirty-five (35) feet in height shall be compatible with the scale of the neighborhood or area in which they are situated in terms of relative height, height to mass, and building or structure scale to human scale.

2. Dimensional deviations may be considered in any proposed PD project with the following requirements:
   a. For site dimensional deviations in CBD or B1, B2 and ROS, changes shall be in keeping with other similar uses facing the same street and the historic pattern of development in Harbor Springs in terms of setbacks, built-to lines, story height, etc., such that a variation from a strict application of the setback limitations is appropriate under the circumstances.
   b. For site dimensional deviations in RA, there is open/green space within the proposed project that makes a better site development, given neighboring uses and proximity of adjacent development, than if the strict application of setback limitations were adhered to.
   c. That the modified setback will not cause a safety or fire hazard based on input received from the Police and Fire Chief of the City of Harbor Springs.
   d. That the project as a whole promotes a desirable development and surrounding neighborhood to such an extent that a variation from a strict application of the ordinance is warranted.

3. Density and unit type deviations may be considered in any proposed PD project with the following requirements:

   a. There are dedications of open space within the proposed project. Open space shall be provided as follows: for every one dwelling unit increase in density, that same base lot area requirement shall be provided in dedicated and permanently preserved open space.
   b. Open space shall include any area outside of the required setbacks, as well as any contiguous area that is not a regulated wetland, drainage facility or steep slope.
   c. Overall density in the project shall not exceed 1.5 times the density permitted in the underlying base district.
   d. The mixing of residential unit types may be permitted so long as the density does not exceed 1.5 times the density in the base district. In the RA district specifically, residential unit types shall be limited to single family detached or single family attached units, not to exceed three attached single family units per structure.

4. Use deviations may be considered in any proposed PD project with the following requirements:
   a. Land use patterns established by the PD development shall be compatible with existing and planned uses on and adjacent to the site.

b. In the RA district, uses in the underlying district shall be permitted, in addition to parks, nature preserves, child care, food related services, professional services, two unit, and three unit attached single family dwellings.

I. The PD must meet, as a minimum, five (5) of the following seven (7) objectives of the City.

1. To permanently preserve open space or natural features because of their exceptional characteristics, or because they can provide a permanent transition or buffer between land uses.
2. To permanently establish land use patterns which are compatible with, or which will protect, existing or planned uses.
3. To dedicate or set aside open space areas for public use in perpetuity through a conservation easement or other means acceptable to the City.
4. To provide alternative uses for lots that must provide transition buffers to adjacent properties.
5. To foster the aesthetic appearance of the City through high-quality building design and site development; and by providing trees and landscaping beyond minimum requirements; and to preserve any unique and/or historic on the on the site; and to provide other desirable features of a site beyond minimum requirements.
6. To bring about the redevelopment of sites where an orderly change of use or requirements is determined to be desirable and in the public interest.
7. To provide a diverse mix of housing options, price points, and opportunities to rent or purchase.

10.2.5 PD Application Requirements

PD applications shall ~~not~~ be required to go through the zoning map amendment procedures, as outlined in Article 13. Additionally, the following may be required:

A. A market study, traffic impact study, utility capacity assessment, and/or environmental impact assessment, if requested by the Planning Commission or City Council.

B. A pattern book or design guidelines manual if requested by the Planning Commission or City Council.

10.2.6 PD Application Review Procedures

The PD application review procedures follow four (4) primary steps: 1) pre-application submission and review, 2) submission of PD plan and application materials, 3) Planning Commission review and recommended approval or denial of the PD, and 4) City Council public hearing, final review and approval or denial of the PD with or without conditions.

A. Completeness Review: Upon submission of a PD application, the Zoning Administrator shall perform a completeness review consistent with Article 8.

B. Technical Review: Once an application is determined to be complete, the Zoning Administrator and any other applicable departments and agencies shall perform a technical review consistent with Article 8.

10.2.7 Pre-Application Submission and Review

Any person owning or controlling land in the City may make an application for consideration of a PD. Such application shall be made by presenting a request for a preliminary determination to whether a development proposal qualifies for the PD option.

The request shall be submitted to the City and the submission shall include the information required below:

1. Proof the Qualifying Standards in Section 10.2.4 are or will be met.
2. A conceptual land use plan or site master plan containing enough detail to explain the role of open space; location and description of land use areas, streets providing access to the site, and pedestrian and vehicular circulation within the site; unit density and types; and buildings or floor areas contemplated, as applicable.
3. A comparison of the proposed project and a by-right project to determine base density and use mix, as well as a table of the proposed dimensional deviations compared to the underlying zoning district(s).
4. A plan to protect natural features or preservation of open space or greenbelts, and identification of open space areas if base density is proposed to change.
5. A stormwater management plan that incorporates low impact development (LID) water quality technologies, such as, but not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered storm water structures.
6. The Planning Commission shall review the applicant's request for qualification. If approved, the applicant may then continue to prepare a PD Plan on which a final determination will be made.
7. Based on the documentation presented, the Planning Commission shall make a preliminary determination about whether a development proposal is consistent with the Intent and Purpose in this Section and qualifies for the PD option under the Qualifying Standards in this Section. If approved, the applicant may then continue to prepare a PD plan and application on which a final determination will be made. An approved request for qualification is not a guarantee for final PD approval.

10.2.8 PD Application Review Process

The review of a PD application by the Planning Commission shall follow the procedures below and shall be treated as a rezoning to the land to the PD district.

A. **Review.** Upon notification from the City Zoning Administrator and/or Planner of a complete PD plan application and technical review, the Planning Commission shall review the proposed PD plan and make a determination about the proposal's qualification for the PD option and for adherence to the following objectives and requirements following a public hearing:

1. The proposed PD adheres to the Qualifying Standards for PD and promotes the land use goals and objectives of the City.
2. The proposed PD meets the applicable deviations review criteria for density, dimensional standards and/or use mix and all standards included in Section 10.2.4.
3. All applicable provisions of this Article shall be met. If any provision of this Article shall be in conflict with the provisions of any other Section of this Ordinance, the provisions of this Section shall apply to the lands embraced within a PD area.
4. There will be at the time of development, an acceptable means of disposing of sanitary sewage, and of supplying the development with water and the road network, storm water drainage system, and other public infrastructure and services, are satisfactory.

B. **Public Hearing**: The Planning Commission shall hold a public hearing on the PD plan and shall give notice as provided in Article 12.

C. **Recommendation**: After the review and public hearing, the Planning Commission shall submit its recommendation to the City Council along with the technical review for final determination.

D. **City Council Review and Determination:** Upon receipt of the technical review, findings of fact, and recommendation of the Planning Commission, the City Council shall review the application and shall hold a public hearing on the request. Within a reasonable time after the public hearing, the City Council shall make a determination as to whether to approve or deny the application, and any applicable conditions. Simultaneously with its decision, the City Council shall issue a report making a finding of facts, and stating its conclusions, its decision, the basis for its decision and any conditions imposed, if approved. If approved, the City Council shall state in its report why a variation from any of the requirements of the Zoning Code is appropriate in this case. The decision of the City Council shall be final, and the Zoning Board of Appeals shall not have jurisdiction to hear an appeal of the City Council's decision.

10.2.9 Development Agreement

If the City Council approves the application, it shall direct the City attorney to prepare a PD Development Agreement setting forth the conditions on which such approval is based. The PD Development Agreement shall:

1. Be signed by the Mayor, City Clerk and the applicant.
2. Become effective on execution after its approval.

3. Be recorded at the Emmet County Register of Deeds' office by the applicant who shall provide a copy of the record to the City within forty-five (45) days of City Council review.

4. Limit the development and uses that may take place in such area to those expressly permitted under the PD Development Agreement unless otherwise amended following the procedures in this Section.

10.2.10 Submission of Site Plans

Before any zoning permits are issued for the PD, final site plans for the project area shall be submitted to the city for review and approval by the Planning Commission of the following:

A. Review and approval of site plan shall comply with Article 8, as well as this section except as otherwise modified in the approved plan and the PD Development Agreement.
B. Before approving any site plan, the Planning Commission shall decide that:
    1. All portions of the project area shown on the approved plan for the PD for use by the public or the residents of lands within the PD have been committed to such uses under the PD Development Agreement
    2. The site plan is in conformity with the approved Development Agreement and plan for the PD
    3. Provisions have been made under the PD Development Agreement to provide for the financing of any improvement shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured under the PD Development Agreement.
    4. A copy of the as-built drawing shall be submitted to the city.

10.2.11 Termination and Expiration

An approved PD Development Agreement may be terminated or expire in the following ways:

A. An applicant or the applicant successors or assigns may choose to terminate a PD Development Agreement before any development within the area involved, by filing with the city and recording at the Emmett County Register of Deeds and Affidavit so stating. The approval of the plan under the PD agreement shall terminate on such recording.
B. No approved plan under a PD Development Agreement shall be terminated after development begins except with the approval of the City Council and of all parties with interest in the land.
C. Within one year following execution of the PD Development Agreement by the City Council, approved site plans or an area included within the PD must be filed with the city. If such plans have not been filed within one year, the rights to develop the approved plan under the PD Development Agreement shall be automatically terminated unless an extension is requested in writing by the applicant and authorized by the City Council. The City Council may authorize one extension of up to one year.

D. If development of approved site plan is not substantially completed in three years after approval, further final submittals under the PD shall stop until the part in question is completed or cause can be shown for not completing same.

10.2.12 Fees and Performance Guarantees

Fees and performance guarantees association with the review and approval of a PD application shall be consistent with the requirements in Article 12.

10.2.13 Interpretation of Approval

Approval of a PD under his Section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the City and the applicant.

10.2.14 Amendment to Planned Development Plan

Proposed amendments or changes to an approved PD plan and or PD Development Agreement shall be presented to the Planning Commission who shall decide whether the proposed modification is of minor or major nature based on Article 8, with the following additions:

A. Minor Amendment: If determined to be a minor amendment, the Administrative Review Committee may review and approve or deny the request. The PD Development Agreement shall be modified to reflect may approve minor amendment.
B. Major Amendment: If determined to be a major amendment, the Planning Commission shall hold a public hearing consistent with the requirements in article 12 as part of its review and shall make a recommendation to the City Council to approve or deny the request. The City Council shall have the final determination to approve or deny a major amendment request. The PD Development Agreement shall be modified to reflect any approved major amendment.

October 16, 2025: Planned Development (PD) Standards

• **Context:** This was a significant meeting where Carter Williams presented a draft PD ordinance prepared by Wells. **Authorship:** Williams presented the "Draft PD Proposal" (Source 866) to the Commission on October 16, 2025. He clarified that while he presented it, it was written by Lynee Wells to insert **"objective measures"** because the city's draft was too subjective and would invite lawsuits. This draft was initially rejected from the meeting packet.

• He attempted to submit the "Draft PD Proposal" (written by Lynee Wells) for inclusion in the meeting packet so the public could review it.

• The submission was **rejected** by the city.

• Williams stated this was the "first time ever that I've ever seen that in terms of no we do not want to include it in the packet". He ultimately presented the proposal and its concepts (such as objective measures) during the meeting itself.

Lynee Wells then spoke via Zoom to elaborate.
• **Comments:**
◦ **Minimum Acreage:** She strongly encouraged the Commission to consider a **minimum acreage qualification (10 acres)** for Planned Developments (PD) in the **Residential Agricultural (RA)** district. She argued this would ensure innovative site planning rather than spot zoning [Source 421].
◦ **The "Test Plan":** She suggested requiring a "test plan" (parallel plan) for developers requesting increased density. This would force developers to show what they could build *by right* (base density) versus what they *want* to build, making the density increase transparent [Source 422].
◦ **Maximum Stories:** She urged the Commission to consider **maximum story limits** for residential districts. She warned that without them, the city would see "box houses" (flat roofs maximizing volume) that are "out of character" with Harbor Springs [Source 423].

• **October 16, 2025:** During a discussion about the Planned Unit Development (PD/PUD) draft, Iacoangeli disclosed his professional history with Wells to the Commission. He stated: "I know Len Wells she's a professional planner out of Grand Rapids in fact Len hired me to do work for the township that she consults on... so I have a lot of respect for her" [Source 650].

On Wells' Planned Development (PD) Draft

• **October 16, 2025:** Regarding the PD draft presented by Carter Williams but prepared by Wells, Iacoangeli noted he had spoken with her about it. He commented: "I talked to Lynee there were some provisions that I don't think change the intent they just provide some additional clarity and a couple other options... she had some narrative regarding height and bulk and density which I thought were you know some additional criteria but nothing that really changes the spirit of the intent" [Source 325].
• **Critique of Rigidity:** However, in the same meeting, he expressed disagreement with portions of her draft, stating: "the changes that were made by Len... I don't necessarily agree with 50% of it because it's too onerous and very restrictive in some areas" [Source 650].
• **Proposed Collaboration:** He suggested a small committee approach to resolve the differences, proposing: "procedurally I wouldn't mind getting together with Len... and you just negotiate it like a contract" [Source 650, 651].

Based on the transcripts from the Planning Commission meetings in October 2025, here is the characterization, timing, and reason for the cancellation of the collaboration on the Planned Development (PD) draft.

The Proposed Collaboration (October 16, 2025)

At the **October 16, 2025** meeting, Planning Consultant **John Iacoangeli** proposed forming a small professional committee to resolve differences regarding the PD draft. He suggested a group including himself, **Lynee Wells** (planner for "We Love Harbor Springs"), and **Andrew Bau** (planner for a potential developer) to "negotiate it like a contract" and bring a consensus draft back to the Commission [Source 681, 682].
Chairman **Bill Mulder** clarified the terms of this collaboration: "no residents, no groups, no anything else, just three professions." This was agreed to at the time to avoid the "chaos" of a large committee [Source 687, 688].

The Cancellation and Reasons (October 21, 2025)

The collaboration was cancelled between the October 16 and October 21 meetings. At the **October 21, 2025** meeting, the cancellation was addressed primarily by resident **Carter Williams** and implicitly by John Iacoangeli.
• **Why it was cancelled:** According to Carter Williams, the collaboration was cancelled because it was designated as a **"private meeting."** Williams stated that when the discussion to schedule the meeting occurred, he was told it would be private. He objected, stating, "the public said we can't have private meetings... it got cancelled because I said that we wouldn't have a private meeting" [Source 410].
• **How it was characterized:**
◦ **By Carter Williams:** He characterized the cancellation as **"disappointing"** and felt that an attempt to "get things calmed down" had been **"cut off"** [Source 411]. He strongly disputed the City's narrative that Wells' draft was not materially different, arguing that her draft contained "objective standards" which were a material difference necessary to prevent lawsuits [Source 410].
◦ **By John Iacoangeli:** Iacoangeli characterized the outcome not as a failed collaboration, but as a completed review. He reported simply, **"I talked to Len,"** and summarized that her proposed provisions "don't think change the intent" but offered "additional clarity" and "narrative regarding height and bulk" [Source 405]. He concluded that her changes did not "really change the spirit of the intent," implying that a separate committee drafting session was unnecessary [Source 405].
Result
Instead of a joint draft produced by the three planners, the Planning Commission proceeded with the City's draft, incorporating specific tweaks based on Iacoangeli's conversation with Wells, such as removing the "solely" vs. "primarily" language and adjusting qualifying standards [Source 405, 421].

MEMORANDUM

TO: We Love Harbor Springs
FROM: Lynee Wells, AICP
DATE: October 30, 2025
RE: Review of October 21, 2025 Draft Zoning Ordinance

SUMMARY

This memorandum presents a comprehensive review of the October 21, 2025 Draft Zoning Ordinance for the City of Harbor Springs. The review did not include the draft Zoning Map or Overlay Map. The comments identify areas requiring clarification, correction, or further consideration to ensure consistency, accuracy, and legal compliance throughout the document.

Key areas of focus include:

Dimensional Standards and Tables: Recommendations for improving clarity in terminology (e.g., principal vs. accessory building setbacks), ensuring consistency in formatting and units, and addressing gaps in dimensional requirements for certain districts, particularly the RA district.

Use Regulations: Identification of potential inconsistencies in permitted uses, questions regarding the placement and regulation of accessory buildings and accessory dwelling units, and suggestions for clarifying use definitions and their applicability across zoning districts.

Administrative Procedures: Observations regarding the role and authority of the Administrative Review Committee, particularly where potential conflicts with Planning Commission authority may exist, and recommendations for policy discussion on use variances.

Technical Corrections: Identification of typographical errors, formatting inconsistencies, incorrect cross-references, and missing elements such as the Overlay Districts Map.

Definitions: Recommendations for clarifying and correcting definitions, ensuring alignment between defined terms and their usage in the code, and verifying the legal appropriateness of certain definitional language.

Please note that while this review is thorough, it is possible that some items may have been inadvertently overlooked. The comments are organized sequentially as they appear in the draft ordinance and are intended to assist the Planning Commission in refining the document prior to adoption.

DETAILED COMMENTS

1. **Section 3.4.1 A - Dimensional Tables (All Tables)**

The dimensional tables include accessory building setbacks with a standard labeled "principal building setback" when applied to accessory buildings. This terminology may cause confusion, as principal and accessory buildings are distinct by definition. The term "principal building" typically refers to the main structure on a lot, not an accessory building. To avoid potential public challenge or misinterpretation, consider revising the reference to "accessory building setback." Alternatively, if this standard represents a distance from another building, it should be termed "Principal Building Separation" for clarity.

2. **Section 3.4.1 A - RA District Lot Area**

Lot area is not regulated in the RA district. While this can be addressed on a case-by-case basis during site plan review when a project is proposed, it creates ambiguity for vacant lot

divisions where no development is planned. Consider establishing minimum lot area requirements for the RA district, as well as minimum lot width or frontage standards. Additionally, clarify the lot area requirements for uses other than single-family residential.

3. **Dimensional Tables - Formatting Consistency**

Throughout the dimensional tables, there are inconsistencies in formatting. Some instances include periods after "Feet" while others do not, and capitalization of "Feet" varies. Additionally, some tables use the abbreviation "ft." for width while others spell out "Feet." Review all tables to ensure consistent formatting and notation.

4. **Sections 7.2.1 and 7.2.2 - Accessory Building and ADU Quantity**

Section 7.2.1 (Accessory Buildings) permits two accessory buildings per lot. However, Section 7.2.2 (Accessory Dwelling Units) does not specify a quantity limitation. Clarify whether two ADUs may exist on a single lot and ensure consistency between these provisions.

5. **Section 3.4.4, B, 2 - Relocation of Text**

The sentence in Section 3.4.4, B, 2 appears to be duplicative and would be more appropriately located in Section 7.2.1 (Supplemental Regulations). Consider relocating this provision to eliminate redundancy and improve organization throughout the districts.

6. **Section 3.4.10 - Cross-References to Additional Requirements**

Section 3.4.10 should reference the architectural standards section and all other applicable sections, as this practice is used throughout the district dimensional table pages. Verify that all Additional Requirements sections are accurate and complete across all district tables.

7. **Sections 3.4.10 and 3.4.11 - Residential Density Calculation**

In the absence of a minimum dwelling unit size, clarify how residential density is determined in these districts. Without such standards, density calculations may be unclear or difficult to administer with a proposed PD.

8. **Section 3.4.13 - Accessory Building Separation**

Confirm whether a minimum building separation standard exists for accessory buildings. If not addressed, consider whether such a standard is necessary for safety and compatibility purposes.

9. **Accessory Buildings in I-1, CBD, B-1, and B-2 Districts**

It appears that accessory buildings may not be permitted in the I-1, CBD, B-1, or B-2 districts based on the current tables. Clarify whether this is intentional and consider whether accessory buildings should be explicitly listed in the table of uses for these districts.

10. **Overlay Districts Map**

The Overlay Districts Map is referenced but the overlays are not on the draft zoning map nor within the code document. This map could be incorporated into the ordinance for completeness and clarity.

11. **Section 4.3.3 B - Window Standards**

The window standards should specify that windows be "clear, transparent, and non-reflective." Adding the word "clear" is important to prevent tinted windows that may read as opaque wall surfaces and undermine the intent of the provision.

12. **Administrative Review Committee Authority**

The Administrative Review Committee (ARC) is authorized to review various items including awnings/canopies, barrier-free modifications, emergency temporary dwellings, parking

setbacks, loading zone locations, landscaping waivers, site plans less than 5,000 square feet, and minor site plan amendments.

Additionally, Section 6.2.3 D grants the Planning Commission waiver authority for loading zone locations, yes prior language in the section grants authority to the ARC creating an inconsistency. Clarify which body has authority over this matter to avoid conflicts.

13. **Section 5.15 B, 3 - Typographical Error**

There is an extra period in the first sentence. Please correct.

14. **Section 5.20, A - Missing Period**

Add a period at the end of the sentence.

15. **Section 5.21.5 A - Incorrect Cross-Reference**

The reference to Section 5.20.5 D is incorrect. Verify the correct section reference.

16. **Section 5.21 - Non-Conforming Residential Lots**

Consider whether additional standards are needed for non-conforming built residential lots in historic plats. The lot area reduction may not have addressed all of these lots, and supplemental provisions may be warranted.

17. **Section 6.2.2 - Remove Co-living from Table**

Remove "Co-living" from the table in Section 6.2.2.

18. **Section 6.3 C - Extra Space/Period**

There is an extra space or period in Section 6.3 C. Please correct.

19. **Section 6.3 F - Definition of Designated Public Pathway**

The term "Designated Public Pathway" is used but not defined. Clarify what constitutes a Designated Public Pathway.

20. **Section 6.4 - Reference to RW District**

Section 6.4 references an RW district. The City does not have an RW district. Correct or remove this reference.

21. **Section 6.5.4 B - Table Discrepancies**

The ROS district is not included in the table, and the table includes M-1, which is not a district in this Code. Correct the table to reflect the actual zoning districts.

22. **Section 6.5.11 - Remove Paragraph Numbering**

There is no need for the paragraph to be numbered in Section 6.5.11.

23. **Section 7.2.2, Item 6 - Missing Period**

Add a period at the end of item 6.

24. **Section 7.2.3 - Formatting**

Add a space after the title in Section 7.2.3.

25. **Section 7.2.4 - R-1 E in Uses Table**

The uses table includes R-1 E. Confirm whether this should be listed in Section 7.2.4.

26. **Section 7.2.6 - Duplex in ROS, B-1, and B-2**

The uses table includes Duplex in the ROS, B-1, and B-2 districts. Confirm whether this should be listed in Section 7.2.6.

27. **Section 11.8.2 - Use Variances Policy Consideration**

Use variances are not required under the Michigan Zoning Enabling Act, and there are both advantages and disadvantages to including them. The advantages include flexibility for applicants to request uses in districts where they are not otherwise permitted. The disadvantages include the possibility of granting uses that were not contemplated for a particular district, and the subjective nature of the hardship test. Increasingly, communities are phasing out use variances from ordinances, particularly given the availability of tools such as planned developments and conditional rezoning. Ensure that the Planning Commission has discussed this policy issue and is comfortable with the inclusion of use variances in the ordinance.

28. **Section 14.2.1 - Accessory Building Definition**

The Accessory Building definition references ADUs, and the ADU definition is listed separately. Clarify or correct this relationship to avoid confusion.

29. **Group Homes - Missing from Use Tables**

Adult Foster Care Group Homes, Child Care Group Homes, and Foster Care Group Homes do not appear to be included in the ordinance use tables. Determine whether these uses should be addressed in the ordinance.

30. **Section 3.2 - Verify All Uses Are Defined**

Verify that every use listed in the Uses Table (Section 3.2) is defined in the definitions section.

31. **Drive-Thru Definition and Permissibility**

Drive-thru facilities are defined in the ordinance. Clarify whether drive-thru uses are permitted in the City and whether this should be listed as a separate use category.

32. **Duplex vs. 2-Unit Terminology**

The term "duplex" is used throughout the ordinance and is defined, but the uses table references "2-unit." Ensure consistency in terminology.

33. **Definition of Family - Clarification Needed**

The definition of family should be clarified. Specifically, confirm whether a household may include a group of four unrelated individuals plus descendants, potentially totaling eight persons.

34. **Definition of Family - Student Exclusion**

Verify the legality of excluding students from the definition of family. Such exclusions may raise fair housing concerns and should be reviewed by legal counsel.

35. **Definition of Industrial District**

The definition of Industrial District states "M-1." This should be corrected to "I-1."

36. **Institutional Zoning Districts Definition**

The Institutional Zoning Districts definition contains an incorrect zoning district reference. Correct this reference to match the actual districts in the ordinance.

37. **Definitions Not in Use Tables**

Verify that uses defined in the definitions section but not listed in the uses tables are necessary. Remove definitions for uses that are not actually regulated by the ordinance.

38. **PUD Definition**

Change the definition of PUD (Planned Unit Development) to PD (Planned Development) to reflect current terminology.

39. **Section 10.0 - Yards for Corner Lots**

According to the code, corner lots have two front yards and two side yards. However, the accompanying graphic includes a rear yard. Correct the graphic to accurately reflect the code provisions for corner lots.

November 13, 2025: Final Review & The "5,000 Sq. Ft." Loophole
• **Context:** In the final special meeting before the code was sent to Council, Wells spoke regarding specific "weak spots" remaining in the draft.
• **Comments:**
◦ **Administrative Review Threshold:** She raised a critical concern about the **Administrative Review Committee (ARC)** having the power to approve projects up to **5,000 square feet** without a public hearing. She argued this is "a pretty big building" to bypass the Planning Commission [Source 923].
◦ **CBD Story Height:** She urged the Commission to set a **maximum height for the ground floor** in the Central Business District (CBD) to preserve historic massing and scale [Source 914].
◦ **Residential Unit Size:** She noted a gap in the table regarding residential density in the CBD, asking if there was a minimum square footage for units (e.g., could someone build a tiny 300 sq. ft. studio?) [Source 1545].

November 20, 2025: The "37 Comments" Memo
• **Context:** Wells submitted a final memo detailing grammatical errors and policy concerns (including the ARC issue). She did not speak in the transcript provided, but her comments were the subject of debate.
• **Discussion:** Planner John Iacoangeli reviewed her **37 comments**, agreeing with most grammatical fixes but disagreeing with her policy changes because she was "brought in at the end of the process." The Commission debated whether to incorporate her changes or send the "clean" document to City Council. They ultimately voted to send the document as-is, leaving her policy concerns (like the ARC threshold) for City Council to resolve [Source 635, 641, 880].

Based on the provided transcripts and reports, John Iacoangeli (City Planning Consultant from Beckett & Raeder) made several comments regarding Lynee Wells during the October and November 2025 Planning Commission meetings.

His comments generally focused on his professional relationship with her, his review of her proposed edits to the zoning code, and his perspective on her involvement late in the process.

On Wells' Final Review Memos (The "37 Comments")

• **November 20, 2025:** Iacoangeli reviewed a memo from Wells containing 37 comments on the draft code. He told the Commission he agreed with most of them, which were primarily grammatical or cross-reference errors [Source 601, 842].
• **On "Late" Involvement:** He explained his disagreement with her substantive policy recommendations by noting her timing in the process. He stated: "There was only a couple of them where I had some disagreement and it was primarily because Lynee was brought in at the end of the process she wasn't really involved in a lot of the discussion that the planning commission's had over the last year relative to get to those decisions So she just didn't have the benefit of all that input that that we all had" [Source 602, 843].

MEMORANDUM

To: Harbor Springs City Council

Date: December 5, 2025

From: Lynée Wells, AICP

RE: October 21, 2025 Draft Zoning Ordinance Concerns

The City is to be commended for the continued dedication to a transparent, thoughtful and collaborative zoning ordinance amendment process. Hours of meetings, community open houses, and public input has resulted in a draft code that is very close to the finish line.

At this juncture, we urge the Council to consider *four* issues and necessary amendments to the October 21, 2025 code before it is adopted because it has a few weak spots that could result in permanent changes to community character:

- Grammatical errors and incorrect references as outlined in the October 30, 2025 Aligned Planning memo and supported in the Beckett and Raeder itemized responses
- Administrative Review Committee 5000 sf. Threshold for Eligibility
- Building Heights in PD and CBD
- PUD Standards

For item 1 relating to grammatical errors, the City Council can adopt the October 21, 2025 zoning ordinance with the recommendations of the Beckett and Raeder memo dated November 10, 2025. The memo clearly states the recommended corrections from John Icoangeli. Council can simply include this direction in its motion for adoption. No new hearing is required.

For item 2, the Administrative Review Committee threshold for review, the Council can take one of three actions. First, the Council can recommend a lower threshold and provide clarity on the computation. Second, it can send the draft code back to the Planning Commission to address the square footage issue. Third, the Council can remove Administrative Review entirely and continue to recommend the Planning Commission work out an amendment at a later date.

For item 3, recall the issue with the house at 420 E. Main, where heights and stories were called into question with the Zoning Board of Appeals, which resulted in discrepancies and an out-of-scale development. The ZBA grappled with determining whether a partially below-grade level constituted a "story" and whether an open attic space was habitable, ultimately granting a variance for a three-story structure that some felt was out-of-scale. This case demonstrates how removing story maximums without establishing clear first-floor height limits creates ambiguity that leads to subjective interpretations and unpredictable outcomes. This same issue remains in the current code with the removal of maximum stories and no mention of maximum first floor heights.

For item 4, the PD process remains subjective, with very little objective standards. The only objective standards are: density not more than 1.5 times the underlying district. However, this is faulty because there are no density standards in the commercial, office or CBD districts as there is no minimum lot area. With the proposed PD, no minimum lot area allows someone to apply for any project, in any district, with a mix of uses and densities. Only in districts where density can be determined using a minimum lot area per unit can density be determined.

Additionally, the PD allows flexible setbacks and height, buildings can be at lot lines, and light-touch commercial can be considered in residential areas. Creativity in development can mean many things to many people, and subjectivity in review and approval opens the City to costly legal challenges.

As a planner, this is concerning because guardrails are needed to help neighbors and the community as a whole feel secure in the unpredictability of a PD process, which is inherently a tool to sidestep underlying zoning.

To solve for the four issues above, we suggest the following potential motions; none require a new hearing:

ISSUE 1	Grammar/Referencing Issues	Fix Mistakes	Motion to approve the 10.21.25 draft zoning code with the recommended edits as outlined in the 11.10.25 memo from Beckett and Raeder.
ISSUE 2	Administrative Review Option 1	Lower threshold for Administrative Review eligibility	Motion to approve the 10.21.25 draft zoning code amending Section 8.5.5 from 5,000 sf. to 1,000 square feet of total area (including either footprint or volume of space if multiple stories, whichever is less) for administrative review.
ISSUE 2	Administrative Review Option 2	Return to Planning Commission	Motion to return the 10.21.25 draft code to the Planning Commission to revise the Administrative Review process for reduced thresholds and clarity in computation.
ISSUE 2	Administrative Review Option 3	Remove Administrative Review of Site Plans	Motion to approve the 10.21.25 draft zoning code with the removal of Section 8.5.5, Administrative Review, thus resulting in all site plans reviewed by the Planning Commission.
ISSUE 3	Story Height Option 1	Return to Maximum Story Height in Existing Code	Motion to approve the 10.21.25 draft zoning code with the addition of story height as per the 2005 Zoning Code
ISSUE 3	Story Height Option 2	Regular first floor story height only	Motion to approve the 10.21.25 draft zoning code with a maximum first floor story height in CBD being 12'.

ISSUE 4	PD Ordinance	Add objective standard for acreage	Motion to approve the 10.21.25 draft zoning code and add a minimum 10 acre threshold for PD eligibility in Section 10.2.1 adding item I: Lots 10 acres or greater may be eligible for PD consideration.
ISSUE 4	PD Ordinance	Add objective standards for height	Motion to approve the 10.21.25 draft zoning code and height maximum of 10% taller than the underlying zoning district

Why Administrative Review matters:

a. Section 8.5.5 allows for a group consisting of the Planning Commission chair and member, Zoning Administrator, City Manager, Planner, and City Attorney to review site plans for projects that result in 5,000 sq. or less of new development or construction.
b. Administrative Review of the scale and scope provided in the draft ordinance is a relic of the Redevelopment Ready Communities tool kit, which has not been appropriately translated to our local context and needs. For example, our buildings are much smaller than an urban or sprawling community context.
c. While we understand the pros and cons of Administrative Review, we are concerned about the project size allowance to be afforded streamlined administrative review versus Planning Commission review.
d. A recent review of other similar communities showed that Petoskey is considering allowing Administrative Review for projects 1,500sf or less and Saugatuck allows administrative review for projects 1,000sf or less. We did not find Administrative Review allowances for similar projects in Traverse City or Charlevoix.
e. Wading into Administrative Review with smaller thresholds is desired as it demonstrates that we are not trying to sidestep the role of the appointed Planning Commission and that we are committed to transparency and implementing the public process as outlined in our Public Participation Plan.

Why objective standards in the PD ordinance matter:

a. Reduces Legal Vulnerability: Clear, objective standards provide defensible criteria for decision-making that can withstand judicial review, whereas subjective standards invite legal challenges based on claims of arbitrary or inconsistent application.
b. Shifts Negotiation from Courtrooms to City Hall: When standards are vague or overly discretionary, developers and opponents alike resort to litigation to resolve disputes, effectively transferring planning decisions from the Planning Commission to attorneys and judges who lack local context and community understanding.
c. Ensures Predictability and Community Trust: Objective standards create a transparent framework that residents can understand and rely upon, making the development review process predictable for all stakeholders. When the community knows what standards will be

applied and can see them applied consistently, it builds confidence in the process and reduces the perception that outcomes are negotiated behind closed doors or determined by who has the best attorney.

d. Protects Municipal Resources: Litigation is expensive and time-consuming for small municipalities like Harbor Springs. Well-crafted objective standards minimize the risk of costly legal battles, allowing the City to focus resources on community planning rather than legal defense, while still providing flexibility for creative development solutions within defined parameters.

These amendments can be incorporated without requiring a new hearing and will significantly strengthen the ordinance's legal defensibility and community protection. Given the permanent nature of zoning changes, taking the time to address these issues now will prevent costly challenges and unintended consequences in the future.

MEMORANDUM

To: Harbor Springs City Council

Date: January 27, 2026

From: Lynée Wells, AICP

RE: Administrative Review Committee Revisions

Congratulations on adopting the new zoning ordinance. I am writing to request clarification of Section 8.5.5 (Administrative Review Committee). After reviewing the December 18, 2025 Planning Commission transcript and comparing it with the adopted language, I believe the ordinance does not align with the Planning Commission's clearly stated intent.

PLANNING COMMISSION'S INTENT

The December 18 Planning Commission transcript documents the ARC's intended purpose. Chairman Mulder stated: "it was never our intent for anyone other than the Planning Commission to approve a site plan or commercial development request" and "the Administrative Review Committee comes into play after the Planning Commission has already taken action on a site plan."

Zoning Administrator Jeff Grimm confirmed: "Once the Planning Commission approves a site plan, it comes to me as Zoning Administrator to issue the zoning permit. If, during that review, I see that some aspect of the approved plan has changed, the Administrative Review Committee serves as a body...to determine whether the change is significant enough to require returning to the Planning Commission, or whether it is minor enough to proceed administratively."

The Planning Commission's intent is unambiguous: ARC review is only for minor changes to site plans already approved by the Planning Commission.

PROBLEMS WITH THE ADOPTED LANGUAGE

Section 8.5.5 as adopted creates four issues that could allow misinterpretation contrary to the Planning Commission's intent:

1. Undefined "Qualifying Site Plan Review Application"

The ordinance references "an approved or qualifying site plan review application" but never defines "qualifying." This could be interpreted to mean new applications for permitted-by-right uses under 5,000 square feet could go directly to ARC, bypassing Planning Commission review.

2. Missing Fundamental Criterion

The ordinance lists four standards (A, B, C, D) that must **all** be met for ARC review. However, the most important criterion—that the site plan was previously approved by the Planning Commission—is not listed. Criterion A references Table 3.2 for eligibility, but as John Icoangeli confirmed in his January 5, 2026 email, Table 3.2 "does not indicate a 'qualifying' use or site plan review." This is confusing for applicants, community members and perhaps the reviewing bodies.

3. The 5,000 Square Foot Ambiguity

Criterion B states projects must result in "less than five thousand (5,000) square feet of new development or construction." Without explicit language that this applies only to amendments to previously approved plans, this could be misinterpreted to mean any new project under 5,000 square feet could bypass Planning Commission review. This is precisely what concerned Commissioner Everest at the December 18 Planning Commission meeting.

4. Structural Inconsistency

The first sentence uses "or" (suggesting alternatives), while the four criteria use "and" (suggesting all must be met). This creates confusion about which criteria apply.

RECOMMENDED REVISION

To align the ordinance with the Planning Commission's documented intent:

8.5.5 Administrative Review Committee

The Administrative Review Committee (ARC) is comprised of the Zoning Administrator, Planning Commission Chairperson, one additional Planning Commission member, City Attorney, City Manager, and Planning Consultant. The ARC shall perform the duties of the Planning Commission prescribed in this Article when conducting an administrative review. No part of this subsection shall prohibit the applicant, Zoning Administrator, or ARC from referring the matter to the Planning Commission. If a decision of the ARC is not unanimous, the request shall be forwarded to the Planning Commission for review and consideration.

The ARC may review and act upon the following:

A. *Minor amendments to a site plan that has been previously reviewed and approved by the Planning Commission, where the amendment involves less than 5,000 square feet of new development or construction. Minor amendments are those described in Section 8.9.2.*
B. *A Shoreline Protection Strip per Section 4.5, regardless of whether an approved site plan exists for the property.*

This revision:

- Eliminates the undefined term "qualifying site plan review application"
- Explicitly states ARC review is only for minor amendments to previously approved site plans
- Clarifies the 5,000 square foot threshold is a limitation on amendment size, not a threshold for new development
- Preserves the Shoreline Protection Strip as a separate category
- Removes confusing references to Table 3.2
- Aligns the ordinance with the Planning Commission's clearly documented intent

I am available to discuss this matter further with the City Council.

ALIGNED PLANNING

MEMORANDUM

To: Harbor Springs Planning Commission

Date: February 2, 2026

From: Lynée Wells, AICP

RE: Height in Residential and Commercial Districts

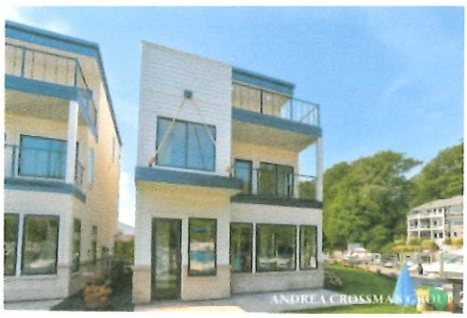
For decades, the City's zoning code limited principal building height to 35' and 2 stories (2 ½ in R-1-A and R-1-E). To achieve the most interior volume of space, the half story enables extra space, often used as storage, attic, sleeping quarters, bonus room, play room, etc. The half story would be under a pitched roof, such as a gable, hip or gambrel roof. A half story is defined as space that does not exceed 50% of the area of the story below it, and where the distance between the floor and the sloping roof above it is more than 4'. If it is less than 4', that space would not be considered in the square footage limitation of 50% for a half story.

Historically, the pitched roof was utilized out of necessity due to snow load, allowing for shedding of water, ice and snow. The existing building pattern in the City is a 1-2.5 story home, most often with a pitch. New construction may have a flat roof, but that is limited to a one or two-story building.

The concern about introducing an additional permitted half story, by only regulating height in feet at 35', is the compatibility with the existing building stock and neighborhood/historic character of the City. Without limiting stories, it is likely we will see more 3 story buildings in the residential districts, especially where 1-2 story homes are the norm, changing the character of the community as land values rise and leasable space becomes more valuable, these larger and more voluminous structures may become the more prevalent. Additionally, similar to the images below, we may see more first-floor garage frontages along the street face.

> **(19)** [**Story, Half.** The top story of a building, the entirety of which story lies under a sloping roof and/or a sloping roofing system, and: (a) Each roof composing the roofing system slopes an equal distance in each direction from the peak of each roof, and each roof within the roofing system has a minimum slope of 4/12 pitch; and, (b) Wall plates on at least two opposite exterior walls under each roof within the roofing system do not extend more than one foot above the finished floor of the top story; and, (c) The floor area of the top story does not exceed fifty (50%) percent of the area within the exterior walls of the building beneath the top story, provided that for purposes of this calculation, any portion of the floor area of the top story where the distance between the base floor and the base of the sloping roof is four feet or less, shall be excluded. If the top story of a building does not fit within the definition of a half-story, or within the definition of an unhabitable attic, the top story shall be considered a full story.][58]

Below are examples of new construction of three-story homes in Michigan lake shore communities.



To ensure compatibility and the continuation of the existing residential pattern, the Planning Commission may wish to return to the practice of regulating the maximum number of stories which has always been 2 ½.

Height in Commercial Districts

While the number stories may not be as much of a concern in the Commercial districts, since examples exist of 1-2-3 story buildings within the downtown area, the factor to consider is the height of the first story. The Harbor Springs commercial business district currently regulates building height through a maximum of 35 feet but lacks provisions for minimum first-floor heights or story requirements.

Without a minimum first-floor height standard, the ordinance permits commercial buildings with residential-scale ground floors (8-10 feet) that severely limit functional flexibility and long-term adaptability. While such buildings may initially house offices or small retail, they cannot accommodate restaurants with grease interceptors and ductwork, breweries or distilleries with tank systems, or retail operations requiring significant mechanical systems. This effectively locks buildings into limited use categories for their entire lifespan, reducing the economic resilience of the district. Historic commercial buildings in Harbor Springs and comparable Michigan resort communities typically feature 14-16 foot first-floor heights precisely because this dimension accommodated the diverse commercial activities that created vibrant downtowns.

The absence of story requirements compounds this issue by allowing developers to meet the 35-foot maximum through various configurations - potentially a single-story commercial building with excessive height, or a three-story building with inadequately proportioned floors. A thoughtful approach would establish minimum first-floor heights (12-15 feet is standard in contemporary downtown codes).

This ensures new construction complements Harbor Springs' historic pattern while maintaining the functional flexibility that allows commercial districts to evolve with changing market conditions. Such standards don't meaningfully constrain development but do ensure that new buildings contribute to long-term district vitality rather than creating future adaptive reuse challenges.

Grand Haven, out of scale first floor, without transparency (windows) at the ground floor, and the stories not matching the adjacent building.

South Haven bank building without a clear differentiation of stories, where the building may only have one story.

The design standards in the Downtown Overlay, Section 4.3.3 do provide for a minimum transparency on the ground level, but do not stipulate upper floor transparency.

Requiring a range of first floor heights between 12'-15' would help to create a consistent pattern of permeable edges along the pedestrian-oriented downtown streets.

These proposed standards don't restrict what can currently be built in Harbor Springs' downtown - rather, they codify the successful development pattern that already exists and that the community values.

The historic commercial district's walkable, human-scaled character with active ground floors and upper-story uses resulted from building practices that created adaptable, proportioned structures. Without minimum first-floor heights and story requirements, the current ordinance allows development that could fundamentally alter this character - single-story buildings stretched to maximum height, or multi-story buildings with ground floors too shallow to accommodate the restaurants, retail, and mixed uses that activate the district.

ALIGNED PLANNING

MEMORANDUM

To: Harbor Springs Planning Commission

Date: February 12, 2026

From: Lynée Wells, AICP

RE: PD Ordinance Review

The Challenge of Harbor Springs' Planned Development Ordinance: A Case for Clear Standards

The Planning Commission will soon review the Planned Development (PD) ordinance—a critical moment to address fundamental issues that threaten predictable and transparent development in Harbor Springs.

Understanding the PD as Negotiation

The PD is fundamentally a negotiation tool. It offers property owners and developers an opportunity to dream beyond the conventional zoning code—to propose innovative projects that might not fit neatly into standard dimensional requirements. This flexibility can be valuable. While this creative latitude has merit, it also introduces significant challenges that require careful consideration.

Think of it like a palette of Crayola watercolors. When you start a painting project, the colors are vivid, neat, bright, and pure. But as the process evolves and more students join in and share the palette, the colors inevitably blend. The palette starts to stain, the brushes splay, and those vivid shades mute into muddy browns and grays. The final artwork may still have beauty, but it looks nothing like what the first artist envisioned when they opened that pristine box.

Both a fixed palette and a PD palette can produce beautiful results. The question is: how do we ensure the picture turns out as desired? A PD can function as either a blank canvas—offering complete freedom with unpredictable results—or as a paint-by-numbers kit with clear directions, defined color choices, and a predictable outcome. Harbor Springs must decide which approach serves the community best.

Problem 1: No Minimum Lot Size Requirement

The current ordinance allows PDs on any size parcel in any zoning district. This seemingly innocuous provision creates a pathway to circumvent the established variance and Zoning Board of Appeals (ZBA) process for virtually any property modification.

Without a minimum size threshold—whether one acre, five acres, or another appropriate measure—the PD becomes an alternative approval pathway for projects that should properly go through variance procedures, administrative reviews, or simply comply with base zoning. This fundamentally undermines the predictability and fairness of our land use system.

Problem 2: No Parallel Conforming Plan Requirement

Many communities require PD applicants to submit two plans: the proposed PD and a compliant "by-right" alternative showing what could be built under standard zoning. This parallel submission serves multiple crucial functions.

First, it provides objective basis for comparison. The Planning Commission can evaluate whether the PD truly offers superior design, enhanced public benefits, or better site planning than conventional development. Without this comparison, commissioners are left asking: "Compared to what?"

Second, it demonstrates that the applicant genuinely needs flexibility rather than simply preferring to avoid standard requirements. If a site can accommodate a conforming development but the applicant chooses not to propose one, the community should question whether the PD is being used appropriately.

Example: The Cottage Court Comparison: Imagine a developer proposing a PD for a cottage court development with reduced setbacks, shared parking, and buildings closer together than district standards allow. They present beautiful renderings showing pedestrian pathways, shared green space, and attractive architecture. The Planning Commission is enthusiastic but has no baseline for comparison.

With a parallel plan requirement, the same developer would also show what the site could accommodate under standard zoning—perhaps four conventional homes with standard setbacks and individual driveways. The Commission could then evaluate: Does the PD version truly offer superior outcomes? Does the shared open space compensate for reduced setbacks? Is the community receiving tangible benefits in exchange for the flexibility granted?

Without this requirement, the Planning Commission operates in a vacuum, unable to objectively assess whether the requested deviations are justified.

Problem 3: Insufficient Objective Standards for Decision-Making

The current ordinance lacks firm, objective standards to guide Planning Commission decisions. Instead of clear criteria that can be consistently applied, the PD process relies heavily on subjective judgment. This creates significant problems:

Inconsistency Over Time As Planning Commission membership changes—whether through term expirations, resignations, or elections—the standards for approval inevitably shift. A PD that would have been approved by the 2024 Commission might be denied by the 2026 Commission, or vice versa. Property owners and developers face unpredictable outcomes based on the composition of the board on any given evening.

Vulnerability to External Pressure Without objective standards, decisions become more susceptible to political pressure, personal relationships, and persuasive presentations rather than measurable criteria. A well-connected applicant with professional renderings might receive approval for a project that would be denied if proposed by someone less sophisticated or well-resourced.

Difficulty Defending Decisions When decisions rest on subjective judgment rather than clear standards, they become harder to defend legally and harder to explain to applicants and the public. "We just didn't feel it was appropriate" is far weaker than "The proposal failed to meet the requirement for 40% open space" or "The building height exceeded the maximum allowed deviation of 15%."

The Cumulative Impact: Chaos and Unpredictability

These three problems compound one another, creating broader community concerns:

Administrative and Tracking Chaos Each approved PD creates a custom development that is not a rezoning. Therefore, it will not appear on the zoning map, nor can the project be subject to a referendum by the voters. Wouldn't it be better to handle the PD as a rezoning, so it appears as a PD on the zoning map, and that the voters have the option to take a project to vote if there are issues? Imagine the Harbor Springs zoning five years from now: dozens of small PDs not mapped for easy identification scattered throughout some residential and commercial areas, each with its own unique standards for height, setbacks, use, and density.

How does staff track these? How are they reflected in GIS systems? What happens when personnel changes and institutional knowledge is lost? The Assistant Zoning Administrator in 2030, reviewing a request for a deck addition,

will need to locate the original PD documents from 2026 to determine the actual setback requirements—assuming those documents are properly filed and accessible. I've personally had to dig in a dusty Michigan basement in a townhall for files from the 80s to find PD plans.

Buyer and Investor Confusion Someone considering purchasing property in Harbor Springs conducts due diligence. They research the zoning of neighboring parcels to understand future development potential. The lot to the north is zoned RA—straightforward. But it's actually subject to a PD approved in 2025 that allows twenty-four townhomes with reduced setbacks. This information isn't immediately apparent on the zoning map, and the buyer purchases based on incorrect assumptions about neighborhood character.

Conclusion: Recommendations for Reform

The PD ordinance can remain a valuable tool for encouraging innovative, superior development while protecting community predictability and fairness. To achieve this balance, the ordinance should be amended to include:

1. **Minimum lot size threshold** (suggested: 2-5 acres minimum, or alternative thresholds based on district)
2. **Mandatory parallel conforming plan submission** for Planning Commission comparison
3. **Objective standards for approval** including specific deviation limits (height), required public benefits, and measurable criteria for superior design
4. **Zoning Amendment for PD** ensuring the zoning map reflects PDs and a referendum process should the public oversight be necessary
5. **Uses Defined** guarding the menu of uses eligible in a PD based on the underlying zoning district

The Planning Commission has an opportunity to transform the PD from a potential end-run around zoning into a genuine tool for community benefit. Clear standards serve everyone: applicants know what's expected, neighbors understand what's possible, and commissioners have objective criteria for consistent and staff can easily administer PD projects.