

ARTICLE 12**CBD - CENTRAL BUSINESS DISTRICT**

50.1200 Uses Permitted. [[In addition to the general regulations to which all buildings and uses are subject as provided in Article 3 of this Chapter, no building or premises shall be used and no building shall hereafter be erected or altered in the CBD, Central Business District, except for one of the uses hereinafter provided. Within the CBD, Central Business District, all uses must be conducted totally “within a building”, as defined in Section 50.201(33) of Article 2 of this Chapter, except as provided in Section 50.1202 and Section 50.1205 of this Article 12]]^{129, 137} [or in any other ordinance separately adopted by the City of Harbor Springs pertaining to uses not within a building.]¹⁴⁴

50.1201 Permitted Principal Uses and Buildings.

(1) Offices for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, photographic, sales organizations, insurance offices, real estate offices and similar uses.

(2) Banks, credit unions, and savings and loan associations.

(3) [Retail business, including Food Markets, Full Line and Food Markets, Specialty, and other retail businesses which sell commodities not to be used or consumed on the premises, including, but not limited to: drugs and sundries, dry goods, clothing, notions and hardware.]⁷⁸

(4) Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and the like), tailor shops, beauty parlors, barber shops, and self-service laundries.

(5) [Second and third-story residential dwelling units in buildings in existence as of October 24, 1976, subject to the on-site, off-street parking requirements for single family residential dwelling units provided in Article 18 of this Chapter, provided for residential dwelling units containing less than 900 square feet, only 1 parking space need be provided.]⁹⁶

(6) Museums or art galleries.

(7) Municipally-owned and/or occupied buildings.

(8) [Residential dwelling units on the second story only of new buildings not in existence as of October 24, 1976, subject to the on-site, off-street parking requirements for single family residential dwelling units provided in Article 18 of this Chapter, provided for residential dwelling units containing less than 900 square feet, only 1 parking space need be provided.]⁹⁷

(9) [A public assembly building, similar to a theatre or auditorium.]¹³³

50.1202 Special Land Uses. The following special land uses and similar uses shall be permitted in this zoning district only after proper notice has been given as required by State law and after review and approval has been granted by the Planning Commission subject to the requirements and standards of Article 21 of this Chapter.

(1) Vehicular service stations, with or without convenience stores, subject to the same regulations as are provided in Article 13, Section 50.1302(3), with specific evaluation of the following criteria:

- (a) Number of stations already in the CBD.
- (b) Signs.
- (c) Outside displays.
- (d) Number of vehicles to be parked outside.
- (e) Entrance design.

(f) Number of curb cuts and their location.

(g) Landscaping, screening and canopies, if any.

(h) Pump setback.

(i) Accessory uses proposed.

(2) [Hotels and Motels and Condo-Hotels. Subject to special land use approval, a Hotel or Condo-Hotel offering restaurant service to its guests and the public as an accessory use to the Hotel or Condo-Hotel may use a patio or roof top deck for customer seating and service on the property where the Hotel or Condo-Hotel is located without the requirement of providing additional parking.]]^{105,137}

(3) **[[Restaurants, Full Line, and Restaurants, Specialty** Off street parking for such Restaurants shall not be required as provided in Article 18 of this Code. A Full Line Restaurant may be approved as a Special Land Use if such Restaurant satisfies the following conditions:

(a) The Full Line Restaurant is located in an existing building. If an addition is constructed for the Restaurant use, additional parking must be provided on a basis of the Full Line Restaurant parking standard.]¹⁴⁹

(b) The Full Line Restaurant is located in an existing building. If an addition is constructed for the Restaurant use in excess of ten percent (10%) of the floor area of the existing building, additional parking must be provided on a basis of the Full Line Restaurant parking standard.

(c) The Full Line Restaurant shall serve dinner only on Monday through Saturday, and shall not be open for business before 5:00 p.m. on those days. On Sunday, a brunch is permitted in addition to a dinner service, but the Full Line Restaurant shall not be open for business before 12:00 p.m. on Sunday.]⁷⁵

(d) [Subject to special land use approval, a Full Line Restaurant or Specialty Restaurant offering restaurant service may use a deck, a roof top deck, a patio or other ground level space for customer seating and service on the property where the Full Line Restaurant or

Specialty Restaurant building is located without the requirement of providing additional parking.]¹³⁷

(4) Video stores.

(5) Churches and accessory buildings.

(6) [Other similar businesses to those set forth in Section 50.1201.

(7) [A Coffee/Beverage Bar (See definition in Section 50.202(7)), subject to the following special conditions:

(a) The applicant must specify the food types and beverages to be provided to patrons.

(b) An on-site bathroom must be provided for patrons.

(c) No additional parking requirement shall be necessary for the Coffee/Beverage Bar.]³⁸

(8) [A single-family home, provided that:

(a) the building to be occupied as a single-family home shall have originally been built for that purpose; and,

(b) any addition to a building being used as a single-family home shall be subject to B-1 setbacks; and,

(c) if an addition is made to a building which is later converted to commercial use, appropriate parking must be provided for that additional space, subject to Planning Commission approval; and,

(d) [a building which has been converted from a commercial to single-family use may be reconverted to its immediate prior commercial use, and any requirement for off-street parking would not be required.]]^{66,79,149}

(9) [A Fitness Center (see definition in Section 50.203), subject to the following special conditions:

(a) The applicant must provide a layout of the interior of the building space proposed for this use, which includes the location of any exercise equipment.

(b) An on-site bathroom and shower must be provided for use by the patrons.

(c) No exercise equipment shall be placed or used within eight (8) feet of any streetside window.

(d) The parking requirement for this use shall be equivalent to the general retail parking standard.

(e) The hours of operation, music and noise levels, and the method of screening the view of the interior from the street and other public ways shall be established and fixed by the Planning Commission to avoid disturbance of neighbors' businesses and the public.⁸⁵

(10) [Adult Oriented Business subject to the provisions of Ordinance No. 339, as adopted by the City of Harbor Springs on August 6, 2001.]⁸²

50.1203 Building Height, Area and Yard Requirements.

(1) Minimum front yard depth: none.

(2) Minimum rear yard depth: none.

(3) Minimum side yard width: none.

(4) Maximum lot coverage shall be equal to the first floor area of the building plus the space required for pedestrian circulation and parking as set forth in Article 18.

(5) Maximum building height shall be two (2) stories and shall not exceed thirty (30) feet.

50.1204 Signs. Subject to the general restrictions on signs contained in Section 50.303 of Article 3 of this Chapter, the following signs (and the following signs only) are permitted within this District:

(1) The maximum sign area of principal signs per building in this District shall be determined under Section 50.303(9).

(2) Except as provided in Subsections (3), (4), (5) and (6), only one (1) wall sign shall be permitted per establishment.

(3) A projecting sign may be used in place of the permitted wall sign and may overhang the public right-of-way. Such sign shall not be greater in overall area than ten (10) square feet on each side with the name of the shop or proprietor and a very brief description of the main business activity. Projecting signs shall be hung at a uniform height and project no further than five (5) feet from the building wall.

(4) [A combination of up to four (4) wall/window signs and one (1) projecting sign may be used provided the combined sign area does not exceed the maximum sign area per building determined under Section 50.303(9). Each side of a projecting sign shall be counted in calculating the total allowable area even if not lettered upon. In addition to the sign area determined in Section 50.303(9), a total of two (2) pedestrian level signs are permitted at the entry of the business provided each sign does not exceed one (1) square foot in area; further, one (1) message board is permitted, provided such sign does not exceed six (6) square feet in area.

(5) If an establishment has an entrance to the Merchant's Walkway the establishment shall be permitted one (1) additional wall sign which may be located on a building wall facing the Merchant's Walkway, provided such sign shall not exceed six (6) square feet in area.

(6) If an establishment has an entrance on two (2) streets in the Central Business District, the establishment shall be permitted one (1) additional wall sign which may be located on a building wall facing the non-primary street entrance in the Central Business District (as determined by the applicant), provided such sign shall not exceed six (6) square feet in area.¹⁴⁶

(7) The lighting of any CBD sign shall only be with white light.

(8) Temporary window signs are permitted so long as they do not exceed more than fifteen percent (15%) of the area of the window in which they are displayed. Temporary window signs may be displayed for no more than thirty (30) days and shall exhibit matter of a truly temporary nature.

(9) Banners and other appropriate displays are permitted only for commercial and institutional activities approved by the City Council.

(10) [One (1) freestanding sign is permitted provided the building housing the principal use is located more than thirty (30) feet from the public street sidewalk. Such sign shall not exceed sixteen (16) square feet in area provided the combined sign area does not exceed the maximum sign per building determined under Section 50.309(9), is no taller than five (5) feet in height, and is located at least five (5) feet from the property line, or is located on a fence or wall at the property line. Said sign shall only be located at the principal entrance side of the building housing the principal use. The Zoning Administrator may require an applicant to apply for special land use approval under Article 21 if there are questions as to the appropriateness of the proposed freestanding sign.]¹²²

Neon and internally illuminated signs are permitted subject to the restrictions of subsection (2) above, provided no more than two (2) such signs are permitted per establishment and all such signs shall be located inside the exterior building face and the size of the neon or internally illuminated sign shall meet the following requirements:

(a) If such a sign is attached to or within fifteen (15) feet from the front window, the sign shall not exceed two (2) square feet in area.

(b) If such a sign is beyond fifteen (15) feet but less than thirty (30) feet from the front window, the sign shall not exceed four (4) square feet in area.

(c) If such a sign is beyond thirty (30) feet from the front window, the sign shall not exceed six (6) square feet in area.

(d) Any internally illuminated signs including vending machines or similar types of equipment or devices are prohibited outside the exterior of a building. Vending machines or similar equipment or devices located inside a building, containing signage provided by the supplier of the vending machine or equipment, that is related specifically to the product dispensed by the device or equipment, and that only incidentally promotes the interests of the business in which said equipment or device is located, shall be exempt from the provisions of Section 50.301 and 50.303 of this Code.]¹²³

[An establishment is permitted to maintain One (1) small free-standing sandwich-board sign not exceeding three (3) feet in height and two (2) feet in width on the sidewalk within the extended sidelines of the front of the building in which the establishment is located, advertising that the establishment is open, or providing directions for customers, clients or patrons, provided (i) that such sign does not interfere with pedestrian movement; and, (ii) at least six (6) feet of continuous, uninterrupted and unimpeded width of sidewalk is maintained in front of the establishment at all times.]¹⁵⁸

50.1205 Permit for Outdoor Display of Goods. [An establishment is permitted to have an outdoor display of goods commonly sold by the establishment within the building in which such establishment is located, provided such display (i) is located within the extended sidelines of the front of the building in which the establishment is located, and does not extend in front of a neighboring establishment's space; and (ii) such display does not extend beyond three (3) feet from the front of the building housing such establishment; and (iii) such display does not exceed ten (10) square feet in horizontal area (i.e., the "footprint" of the display does not exceed ten (10) square feet); and, (iv) such display does not interfere with pedestrian movement or present a foreseeable hazard to pedestrians; and, (v) at least six (6)

feet of continuous, uninterrupted and unimpeded width of sidewalk is maintained in front of the establishment at all times.]¹⁵⁸

- (1) Such goods may be displayed outdoors only within the extended sidelines of the building in which the applicant does business.
- (2) The outdoor display of such goods must not present any foreseeable hazard to pedestrians, and such goods must be secured to prevent the goods from falling or moving so as to create a hazard.
- (3) The outdoor display of goods may not reduce the unobstructed width of pavement for pedestrians to less than 6 feet.
- (4) The outdoor display of goods may not be placed within 5 feet of any crosswalk, driveway or entrance/doorway of an adjacent building.
- (5) No transactions or sales activities are permitted outside the building.
- (6) An application for an outdoor display of goods license must be supported by a written petition signed by the owners or occupants of buildings comprising at least 60% of the street frontage on both sides of the street where the proposed outdoor display of goods is to be located (to the end of the block in both directions). Unless the required petition is obtained by the applicant, a license shall not be issued.
- (7) This Section shall not apply to newspaper racks/boxes, which shall be subject to separate rules and regulations to be adopted by the City Council from time to time, nor to organized sidewalk sales separately approved by City Council, nor to displays in recessed entryways within a building, but any such display shall not reduce a path with a minimum of 44 inches of unobstructed width to the entrance/exit.]¹²⁹