

**ARTICLE 15
WF - WATERFRONT DISTRICT**

50.1500 Purpose of District. Because the waterfront of the City of Harbor Springs is a community resource, and the only means of access, both visually and physically, to the Harbor Springs harbor, which has been the source of this community's desirability and prosperity, it is the intent of the City to restrict the waterfront from over-development, but to allow limited public, private and commercial uses which cannot be feasibly located elsewhere or which add to public enjoyment of the waterfront and public access to the water. Therefore, 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 hereinafter be erected or altered in the WF, Waterfront District, except for the following:

50.1501 Permitted Principal Uses and Buildings.

(1) Municipal beaches and municipal recreation areas.

(2) Private, noncommercial buildings, such as dayrooms or boat houses, and other similar buildings housing low intensive uses (excluding residences) subject to the following restrictions:

(a) Minimum lot width shall be one hundred (100) feet. Minimum lot area shall be ten thousand (10,000) square feet.

(b) Minimum front yard setback shall be twenty-five (25) feet.

(c) Minimum rear yard setback and/or minimum setback from the water's edge shall be twenty-five (25) feet. Launching ramps and docks are excepted from the rear yard setback requirement.

(d) Minimum side yard setback shall be five (5) feet.

(e) Maximum width of the buildings on a lot shall not exceed sixty percent (60%) of lot width, as measured at the street right-of-way. If there is more than one building, the total width of the buildings cannot exceed

sixty percent (60%) of the lot's width, when viewed from the street.

(f) Maximum building height shall be one (1) story and shall not exceed sixteen (16) feet.

(g) The maximum percentage of lot coverage for all buildings shall not exceed twenty-five percent (25%) of the total lot area.

(h) All dredging, construction, bulkheading or development shall be subject to the requirements of all codes and ordinances of the City of Harbor Springs and applicable State and Federal laws and rules.

(i) Site plans shall be required and subject to the review of the Planning Commission. The addition or alteration of slips, moorings, or shoreline shall require site plan review the same as other construction or alteration on shore.

(j) All screening and landscape plans shall be submitted to the Planning Commission for approval prior to installation. Fences or hedges shall not exceed three (3) feet in height in front yards, and four (4) feet in height in all other yards. Trees or other landscaping materials shall receive Planning Commission approval prior to installation, and shall be designed with concern for not adversely affecting views.

(k) All lighting for external illumination of the buildings, lot, or waters shall be directed away from and shall be shielded from adjacent residential districts.

(l) For all new construction, off-street parking shall be in accordance with Article 14 of this Chapter.

(m) Public sidewalks shall be required on adjacent streets for any new construction or additions, subject to Planning Commission review.

(3) [Municipal or private facilities for the berthing, launching, handling, servicing (including providing fuel services) and sales of recreational or commercial boats (as defined in this Code).

(4) Up to 3,000 square feet of indoor space may be used for general retail sales as an

accessory use to a facility described in (3) above, provided such facility offers all services described in (3) above, except that fuel service shall not be required.]⁶⁸

- (5) Engine and hull repair shops.
- (6) Boat fuel stations.
- (7) Marine construction and maintenance equipment use and storage.

50.1502 Permitted Accessory Uses and Buildings. The following uses and buildings are permitted as accessory uses and buildings in this District, subject to the general restrictions set forth in Article 3 of this Chapter, and the provisions contained in this Article:

- (1) Private launching facilities.
- (2) Indoor storage of boats in a permanent structure. Up to fifty percent (50%) of such indoor storage area may be used for off-street parking from June 15th through August 31st, subject to the requirements of Subsection (3) of this Section.
- (3) Outdoor storage of recreational boats on the paved parking surface required in this Article. No parking lot shall be occupied by stored boats during the months of July and August. All such storage shall be arranged in an orderly manner and at least one-half (1/2) of the parking area shall be conveniently available for customer parking by June 15th.
- (4) Other approved accessory uses and buildings when located on the same lot as a principal use provided that such accessory use or building shall be clearly incidental to the permitted use.
- (5) Temporary buildings and uses for construction purposes not to exceed one (1) year.

(6) [Outdoor displays of recreational boats being offered for sale by an owner having an indoor sales facility in the Waterfront District may be permitted subject to Zoning Administrator review and approval. If the Zoning Administrator has questions regarding the application of the following regulations, the Planning Commission may be requested to review the plans. The following regulations shall apply to such outdoor display of recreational boats:

(a) Such outdoor display of recreational boats shall be permitted only on private property not used as the public sidewalk.

(b) Only recreational boats commonly sold within the owner's building may be displayed outside the building.

(c) Such recreational boats may be displayed outdoors only on property not designated for parking or for traffic movement.

(d) The outdoor display of recreational boats must not present any foreseeable hazard to pedestrians, and such recreational boats must be secured to prevent the recreational boats from moving so as to create a hazard.

(e) The outdoor display of recreational boats may not be placed within five (5) feet of any crosswalk, driveway or entrance/doorway of a building.

(f) A sales sheet or description sheet of the recreational boat may be attached or placed on a stand adjacent to the recreational boat. The sales sheet or description sheet shall not exceed 8.5x11 inches in size and the stand shall not exceed a size of 11x12 inches. The height of the stand and sign shall not exceed four (4) feet.

(g) No more than two (2) outdoor display areas shall be permitted for the display of recreational boats. Each display area shall not occupy more than 360 square feet and may be a grass or hard surface.

(h) No item displayed shall exceed a height of fifteen (15) feet, excepting the mast of a sail boat from the calculation of height.

(i) Special or additional lighting for the display area shall not be permitted. Lighting integral with the recreational boat may be used

to illuminate the boat but shall be turned off no later than 2:00 AM.

(j) It is prohibited to display recreational boats in the Waterfront District on property other than upon the parcel of property where the indoor sales facility is located.]¹⁵²

50.1503 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) Clubs, lounges and restaurants, subject to the requirements of Section 50.1500 and 50.1504 of this Article.

(2) Uses of a similar and no more site intensive nature as permitted under Section 50.1501, subject to the requirements of Section 50.1504 of this Article.

50.1504 Buildings, Height, Area, Yard and other Requirements. The following provisions shall apply to the principal permitted uses as outlined in Section 50.1501 (3), (4), (5), (6), (7), and for accessory uses and buildings:

(1) Minimum lot area shall be ten thousand (10,000) square feet.

(2) Minimum lot width shall be one hundred (100) feet.

(3) Minimum front yard setback shall be twenty-five (25) feet.

(4) Minimum rear yard setback and/or minimum setback from the water's edge shall be twenty-five (25) feet. Launching facilities and docks are excepted from the rear yard setback requirements.

(5) Minimum side yard setback shall be five (5) feet.

(6) Maximum width of all buildings on a lot shall not exceed sixty percent (60%) of lot width, as measured at the street right-of-way. If there is more than one building, the total width of the buildings cannot exceed sixty percent (60%) of the lot's width, when viewed from the street.

(7) "Stepping" of roof lines is encouraged for aesthetic considerations. The average height of the building shall not exceed thirty (30) feet, and in no event shall the maximum height of any part of the building exceed thirty-three (33) feet.

(8) All dredging, construction, bulkheading or development shall be subject to the requirements of all codes and ordinances of the City of Harbor Springs and applicable State and Federal laws and rules.

(9) All site plans shall be subject to the review of the Planning Commission. The addition or alteration of slips, moorings, or shoreline shall require site plan review the same as other construction or alteration on shore.

(10) Use of wood, brick or glass on exterior street side building face is encouraged. Use of vertical steel siding on exterior street side building faces is discouraged.

(11) Parking and permitted outside storage of boats and equipment necessary and accessory to the principal use shall be provided under Article 18 and shall comply with the following conditions:

(a) All storage or parking located south of Bay Street shall be located not less than ninety-one (91) feet from the north right-of-way line of Bay Street or twenty-five (25) feet from any known south right-of-way line, whichever is the greater distance, or twenty-five (25) feet from any adjacent residential district.

(b) The most appropriate method of screening boats and equipment from view will be determined by the Planning Commission as provided in Article 19.

(c) Equipment and boat storage areas shall be continuously maintained with a hard, smooth, well-drained dust-proof surface at all times.

(d) All areas not occupied by buildings or parking lots shall be landscaped and maintained in a neat and orderly manner.

(e) Any parking or permitted outside storage of boats and equipment shall not significantly, as determined by the Planning Commission:

(i) Impair the adequate supply of light and air to adjacent property.

(ii) Increase the hazard from fire, flood, and other dangers to the site or adjacent property.

(iii) Diminish the market value of adjacent land and buildings.

(iv) Increase the congestion on the street.

(v) Otherwise impair the public health, safety, comfort and general welfare.

(f) In no event shall the outside storage of boats and equipment occupy more than fifty percent (50%) of the open, non-buildable area.

(12) All screening and landscape plans shall be submitted to the Planning Commission for approval prior to the issuance of a building permit. All screening shall be in accordance with the provisions of Article 19 and shall be reviewed with relation to the suitability of materials to be used and arrangements thereof.

(13) All lighting for external illumination of the parking area, buildings, grounds or waters shall be aesthetically consistent with the character of the waterfront area, and shall be shielded from adjacent properties, and shall not impair navigation.

(14) For all new construction, off-street parking and loading requirements shall be in accordance with Article 18 of this Chapter.

50.1505 Signs. Subject to the general restrictions on signs contained in Section 50.303

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 subparagraphs (3) and (4), only wall signs shall be permitted in this District.]¹²²

(3) Subject to the overall area limitations determined under Section 50.303(9), one (1) projecting sign shall be permitted per building, with a maximum sign area not to exceed nine (9) square feet, if one-sided, or eighteen (18) square feet, if two-sided.]³

(4) [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

(5) [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