

## Article 7: Supplemental Use Regulations

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### 7.1 INTENT AND PURPOSE

Those uses permitted by right and uses allowed by special land use permit enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements. The uses listed in this Article are only allowed where listed in Article 3.

### 7.2 SUPPLEMENTAL USE REGULATIONS

#### 7.2.1 Accessory Buildings

A. No accessory building shall be located in the front of any lot, except when approved by the Planning Commission following the procedures and standards of Article 3, and consideration of each of the following:

1. The proximity of the building to adjoining properties, specifically including proximity to occupied dwellings.
2. Potential traffic hazards at driveways and street intersections.
3. Existing or proposed landscaping to screen the building from adjoining properties.

B. The following regulations shall apply to all accessory buildings:

1. Accessory buildings shall not be allowed on a lot that does not contain a principal building.
2. An accessory building shall not exceed twenty-five (25) feet in height and shall not exceed the height of the principal building on the lot.

3. The floor area of any accessory building that exceeds 576 square feet shall not exceed 75% of its corresponding principal building's first floor footprint, except when approved as a special land use. If there is more than one accessory building on a lot, the total footprint of all accessory buildings on the lot shall not exceed 75% of the footprint of the principal building, except when approved as a special land use.
4. Any accessory building that exceeds one story shall have similar architectural details to the principal building, such as finish, color, and quality of building materials. Windows in such accessory buildings shall be the same quality and appearance as those in the principal building.
5. Accessory buildings shall be limited to two (2) per parcel, except for parcels one (1) or more acres in size where the number of accessory buildings shall be determined through a Special Land Use Approval.

### 7.2.2 Accessory Dwelling Units

- A. Applicable Zoning Districts: ADUs are a permitted use in the RA, R-1A, R-1B, R-1E, R-2, and ROS Zoning Districts and are subject to Administrative Site Plan Review per the requirements of Article 8.
- B. General Standards: ADUs are subject to the following standards:
  1. ADUs shall have their own separate entrance, kitchen, sleeping area, and full bathroom facilities.
  2. All ADUs shall meet applicable building and fire codes.
  3. ADUs may be attached to a single-dwelling unit and may occupy a basement, first floor, or second floor of the principal dwelling or a separate, detached accessory building in the rear of the main residential structure.
  4. Building materials and designs used on detached ADUs or additions to the principal dwelling for an attached ADU shall be of a similar architectural style as that of the main dwelling.
  5. The minimum size of the ADU shall be three hundred and fifty (350) square feet.
  6. The maximum size of the ADU shall be determined by Section 7.2.2 B.3
  7. An ADU shall not be used as a Short-Term Rental.

8. Parking for the ADU shall be provided on the same property as the principal residential structure and include one (1) off-street parking space per ADU.

### 7.2.3 Accessory Uses

Each parcel shall contain one (1) primary use unless allowed by this Ordinance. Accessory uses may be permitted if allowed by the Regulated Uses Table and shall comply with the approval process and requirements as an individual use.

### 7.2.4 Bed and Breakfast Establishments

Bed and breakfast establishments shall be allowed in the RA, R-1A, R-1B, R-2, and B-1 zoning districts, but only as a special land use subject to the requirements and standards of Article 9 of this Ordinance.

### 7.2.5 Co-Living Unit

The following provisions are intended to regulate co-living units and to reduce safety concerns, noise and other nuisances, and visual impact on neighboring properties and the community generally.

A. Co-Living Units are allowed by Special Use Approval in the R-1B, Residential Neighborhood District, with the following restrictions:

1. The facility can be an existing detached house for single-unit living or a new constructed building. Any construction or additions shall be architecturally compatible with the existing neighborhood, or the structure if it is an existing detached house.
2. The maximum number of individuals occupying the building is limited to 6.
3. Each bedroom shall be occupied by one (1) person.
4. One parking space shall be provided for each bedroom. Parking shall be allowed in the side and rear yard only.
5. The parking spaces shall be screened from adjacent properties.
6. There can be no exterior advertising except one (1) unlit announcement sign not to exceed 2 square feet in area.
7. No co-living use can be located within 1,200 feet of another co-living use (determined by a straight line from property line to property line).

### 7.2.6 Deck or Patio Usage

The following provisions are intended to regulate deck or patio usage to reduce safety concerns, noise and other nuisances, and visual impact on neighboring properties and the community generally.

A. Use of decks or patios for residential uses such as sunning, lounging, and small social gatherings is permitted in all residential districts and the CBD, B-1, and B-2 Zoning Districts. Use of decks (including rooftop decks) or patios for residential purposes in these districts is subject to the following restrictions:

1. A zoning and building permit for any deck must be first obtained from the City and Emmet County Building Department and is subject to construction of and maintenance of guardrails and other protective features as required by the Emmet County Building Code.
2. Any music or sound that would violate the City's noise ordinances and restrictions or would exceed seventy (70) decibels measured at the property line of the property where the deck or patio is located is prohibited.
3. Lighting shall be dark sky compliant, shielded and pointed downward and shall not be a nuisance to adjacent properties.
4. Any structure on a deck or patio must be permitted under this Ordinance.

#### **7.2.7 Duplexes**

A. Intent. To allow duplexes as a housing type in the R-2 and RM zoning districts in order to provide additional housing consistent with the existing development patterns, encourage high-quality development, and provide creative design solutions and options.

B. Design Considerations:

1. Setbacks and Orientation: The front setback and the placement of the home on the lot should consider the prevailing setbacks of adjacent homes, and the overall composition should contribute to established rhythms and design character of the street.
  - a) Homes shall comply with the lot coverage and setbacks of the district in which the property is located.
  - b) Homes should be oriented toward the front of the lot to encourage an active visual relationship with the street.
  - c) The front setback of an infill home or addition will comply with the standards of the zoning district..
2. Scale and Mass: When designing a new infill home or addition to an existing home, consider the compatibility with the overall scale mass, orientation, setbacks and rhythm of other adjacent homes.
  - a) Height and setback shall be consistent with the zoning code

- 165 3. Number of Stories:
- 166 a) Homes shall comply with the story and height requirements of the district in
- 167 which the property is located.
- 168
- 169 4. Garages and Parking:
- 170 a) The garage and/or parking should be placed at the side or rear of the home
- 171 to minimize its visibility from the street and should be compatible with the
- 172 character and materials of the primary residence.
- 173
- 174 5. Building Design: Architectural elements include the detailing of the home, such as
- 175 roofing, siding, windows, and doors. Infill homes and additions or renovations to
- 176 existing homes should recognize the architectural style of established homes on the
- 177 block.
- 178 a) Architectural features and detailing should be proportional to the scale of the
- 179 home, as well as to other homes on the block.
- 180 b) Homes should take into consideration the primary gable orientation of most
- 181 of the neighboring homes.
- 182 c) Elements of the building design, such as materials, colors, textures, porches,
- 183 columns, balustrades, brackets, rafters, decorative trim, and light fixtures,
- 184 should provide a cohesive theme and work together for design consistency.
- 185 d) Homes and additions to the front facade of the home should have an entry-
- 186 feature that is readily identifiable from the streetscape view of a home.
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#### 188 **7.2.8 EV Charging Stations**

189

190 The intent is to provide for the safe charging of electric vehicles.

191

- 192 A. Compliance: It is unlawful to construct or install, or cause to be constructed or installed,
- 193 any electric vehicle charging station upon any property within the City in violation of the
- 194 requirements of this section. Any charging station installed prior to the adoption of this
- 195 section shall be grandfathered until its replacement.
- 196
- 197 B. Permit Required: It shall be unlawful for any person to construct or erect an electric vehicle
- 198 charging station upon any property within the city without obtaining a zoning permit
- 199 from the City of Harbor Springs Zoning Administrator or other designated city official.
- 200 The permit application shall be accompanied by a plot plan prepared by a licensed
- 201 professional architect, engineer, landscape architect, professional community planner, or
- 202 land surveyor showing the type, size, and proposed location of the electric vehicle
- 203 charging station and payment of the permit fee established by resolution adopted by City
- 204 Council. The requirement for submission of an official plot plan is not required for
- 205 properties zoned residential when the electric vehicle charging station is located inside a
- 206 structure. If the electric vehicle charging station is located outside of the structure for
- 207 properties zoned residential, a plot plan drawn to scale by the owner, occupant or
- 208 interested party is required.
- 209
- 210 C. Permitted Locations:
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1. Level 1 and Level 2 electric vehicle charging stations are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at single-dwelling, multi-dwelling, and mobile home park dwellings shall be designated as private restricted use only. Installation shall be subject to review by the Zoning Administrator and permit and inspection approval process administered by the Emmet County Building Division.
2. Level 3 electric vehicle charging stations are permitted in every zoning district except in any residential zone, or residential properties located in non-residential zoning districts. Installation shall be subject to review by the Zoning Administrator and permit and inspection approval process administered by the Emmet County Building Division.
3. If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a gasoline service station (also known as vehicle fueling station) for zoning purposes. Installation shall be located in and subject to approval in zoning districts which permit gasoline service stations.

D. Development Standards for Level 3 EV Charging Stations

1. Parking:
  - a) For a newly developed parcel, an electric vehicle charging station space shall be included in the calculation for the maximum required parking spaces required in accordance with Section 6.2.2. For an existing parcel, an approved existing parking space (except an ADA accessible space) may be converted to an electric vehicle parking space without being in violation of the requirements in Section 6.2.2.
  - b) Public electric vehicle charging stations are reserved for charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
2. ADA Accessible electric vehicle spaces. An ADA-accessible electric vehicle charging station, if provided, shall be located in close proximity to the building or facility entrance.
3. Lighting. Lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only or located on a residential zoned or occupied property. Lighting shall not encroach upon abutting properties.
4. Equipment standards and protection.
  - a) Electric vehicle charging station outlets and connector devices shall be no less than thirty-six (36) inches and no higher than forty-eight (48) inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located so as not to impede pedestrian travel or create trip hazards on sidewalks.

- b) Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used and shall be in accordance with the International Fire Code (IFC). Curbing may be used in lieu of bollards if the battery charging station is set back a minimum of twenty-four (24) inches from the face of the curb.
- c) Electric vehicle charging stations shall be installed not less than 10 Feet from any building or structure and have a means of emergency power disconnect
- d) Electric vehicle charging stations shall be installed in accordance with NFPA 70. Electric Vehicle charging station equipment shall be listed and labeled in accordance with Underwriters Laboratory (U.L), 2022.
5. Usage fees. Commercially zoned or occupied properties are not restricted from collecting a service fee for the use of an electric vehicle charging station made available to employees or visitors of the property.
6. Signage.
- a) Information identifying voltage and amperage levels or safety information related to the electric vehicle charging station shall be posted. Commercial use shall include hours of operation and fees.
- b) Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes.
- c) Design specifications for signage shall be obtained from the Zoning Administrator.
7. Maintenance. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. For commercially zoned or occupied properties, a phone number or other contact information shall be posted on the equipment for reporting non-functioning equipment, malfunctioning equipment, or other issues regarding the equipment.

#### **7.2.9 Fence and Wall Restrictions**

- A. For all single-dwellings and duplex uses, fences shall be permitted, but only as accessory uses to a building, and subject to the following restrictions:
1. Within the area between the lot line and the building line facing the side yard of the lot, no fence or wall, other than a retaining wall, shall be higher than four (4) feet unless any part above such height is uniformly distributed so that at least 50% of the additional height is open and unobstructed, provided the maximum height shall not exceed five (5) feet.



2. Within the area between the lot line and the building line facing the rear yard of the lot, no fence or wall, other than a retaining wall, shall be higher than six (6) feet.
3. Within the area between the lot line and the building line facing the front yard of the lot, no fence or wall, other than a retaining wall, shall be higher than four (4) feet.
4. Within the area between the lot line and the building line facing any corner side yard lot line, no fence or wall, other than a retaining wall, shall be higher than four (4) feet, except that in the area formed by the lot corner, and the two points twenty (20) feet each way along the street line from said corner, no fence or wall, except a retaining wall, shall exceed three (3) feet in height.
5. No fence or wall other than a retaining wall shall be constructed or maintained in the area between the lot line and the building line facing the rear yard of any lot whose rear lot line constitutes the side lot line of another lot that exceeds the height of any fence or wall permitted to be constructed in the area between the other lot's lot line and the side lot building line.
6. For other than single and two-family uses, the size and location of fences shall be included within a site plan presented for approval to the Planning Commission.
7. Fences are not allowed on vacant property.

#### **7.2.10 Historic Building Restriction**

- A. No existing building listed in the Michigan Historic Preservation Plan, dated August 22, 1975, as amended, shall be structurally altered on its exterior or demolished until the impact of the proposed action has been examined by the Planning Commission and a report from the State of Michigan is obtained detailing the building's historic significance.
- B. If the Planning Commission deems it necessary, a preservation plan may be required from the owner before a permit to alter the building is granted.
- C. The purpose of this subsection is to protect and guard as part of the cultural inheritance of the City of Harbor Springs, those unique historic buildings which have been designated by the State of Michigan; to preserve the cultural, historic, and tourist attractive nature of the City, so as to benefit the City by promoting the tourist industry and the economic health and welfare of the City, as well as preserving places of historic interest.
- D. The historic buildings governed by this section include:
  1. Chief Andrew Blackbird House (72000611) at 368 E. Main Street
  2. Grand Rapids and Indiana Railroad Harbor Springs Depot (00001487) at 111 W. Bay Street, and
  3. Shay Complex (72000612) located at Main and Judd Streets.



**7.2.11 Home Occupation**

- A. A home occupation which is not otherwise required to be licensed under the City Code is permitted in all residential Zoning Districts.
- B. If a home occupation has members of the public coming to the residence for purposes of transacting business, or, has signage on the residence indicating that a business is operated from the residence; or, involves the delivery or shipment of goods for sale or transfer beyond that customary for a residence, then such home occupation shall meet the following standards, and is permitted only where specifically allowed within a Zoning District:
1. The occupation or profession must be carried on wholly within the principal building.
  2. No person other than a resident of the property shall be employed.
  3. No exterior sign shall be visible from the street except one (1) non-illuminated name plate attached to the building which shall not exceed two (2) square feet in area.
  4. No more than 25% of the total floor area of any one (1) floor of the principal building shall be used for the home occupation.
  5. No home occupation shall prove offensive by reason of noise, lighting, odor, dust, fumes, smoke, glare, outdoor storage of equipment, or comparable nuisances.
  6. No commodity sales shall be permitted on the premises except those clearly accessory to the permitted home occupation.

**7.2.12 Outdoor Display of Goods**

- A. The outdoor display of goods 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.
- B. Such outdoor display does not exceed twenty (20) square feet in horizontal area (i.e., the "footprint" of the display does not exceed twenty (20) square feet).
- C. 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.
- D. No transactions or sales activities are permitted outside the building.
- E. An outdoor display of goods may extend onto the public sidewalk under the following conditions:
1. Such display does not extend beyond three (3) feet from the front property line.

2. The portion of the display extending onto the sidewalk does not exceed ten (10) square feet in horizontal area (i.e., the "footprint" of the display does not exceed ten (10) square feet).
  3. Such display does not interfere with pedestrian movement or present a foreseeable hazard to pedestrians.
  4. At least six (6) feet of continuous, uninterrupted, and unimpeded width of sidewalk is maintained in front of the establishment at all times.
  5. The outdoor display of goods may not be placed within 5 feet of any crosswalk, driveway or entrance/doorway of an adjacent building.
- F. This Section shall apply to newspaper racks/boxes placed by the business, which shall be subject to separate rules and regulations to be adopted by the City Council from time to time.
- G. This Section shall not apply 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.

#### **7.2.13 Outdoor Storage, Motor Vehicles**

- A. No motor vehicle shall be kept, parked or stored in any district unless it shall be in operating condition and properly licensed, or kept inside a building. No motor vehicle shall be parked in any front yard or corner side yard except upon a driveway with a surface specified in Section 6.2.1 G.
- B. No old, rusty and unsightly machinery, or parts thereof, or, any machines or parts of machines not suited for use upon the premises, or, quantities of old or used building materials, shall be kept or stored outside a building.
- C. The open parking and/ or storage of vehicle not owned by a resident or property owner of the City, for periods exceeding twenty-four (24) hours on lands not approved for said parking or storage, shall be expressly prohibited, except that the Zoning Administrator may extend temporary permits allowing the parking of a recreation vehicle in a rear yard on private property not to exceed a period of two (2) weeks.
- D. No motor vehicle shall be stored or parked on any residential lot on which there is no dwelling. No more than one (1) motor vehicle for each one thousand (1,000) square feet of side and rear yard area may be stored or parked on any lot on which a dwelling is located. The maximum number of motor vehicles that may be stored or parked on any residentially used lot is four (4).

**7.2.14 Raw Materials Storage and Dumping—Prohibited**

- A. No lot or parcel of land shall be used for the dumping or storage of soil, sand, gravel, broken concrete, or similar materials until a special land use permit is secured from the Planning Commission.
- B. The permit shall set out the specific area to be used for dumping or storage of said materials, the length of time the permit shall be valid, and such other conditions as the Planning Commission deems necessary to guarantee that the dumping or storage of said materials will not constitute or tend to create a public nuisance or health hazard. At the expiration date of said permit, the area and adjacent lands will be left in a suitable condition for such land uses as are permitted in the district where the dumping or storage was permitted according to a plan approved by the Planning Commission.