

planning review

Date: 11.10.2025

From: John Iacoangeli, FAICP
 To: Jeff Grimm
 Zoning Administrator
 CITY OF HARBOR SPRINGS
 160 Zoll Street
 Harbor Springs, MI 49750

Project: 2025 Zoning Ordinance Revisions

Remarks:
 Hi Jeff

This memorandum concerns revisions suggested by Lynee Wells, AICP, of Aligned Planning, a consultant to the We Love Harbor Springs group, in a memorandum dated October 30, 2025. I appreciated the peer review from Ms. Wells, for whom I have the utmost respect for her professional planning skills and experience.

The table below outlines each comment and its respective resolution. Some of Ms. Wells' observations are philosophical in nature or reflective of her preferences. The left column is Ms. Wells' comments, and the right column is my response. If noted as "agreed," I would revise the current version of the Code accordingly. A majority of the comments are clerical and grammatical in nature.

Comment	Status
<p>1. Section 3.4.1 A - Dimensional Tables (All Tables)</p> <p>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.</p>	<p>Agreed</p> <p>Principal changed to Accessory. Under the Accessory dimensions, the term "principal" was used, and it should have been "accessory."</p>

Comment	Status
<p>2. Section 3.4.1 A - RA District Lot Area</p> <p>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.</p>	<p>No Change</p> <p>The lot area was listed in the table. Minimum lot width is 100 feet and minimum lot area is 10,000 square feet.</p>
<p>3. Dimensional Tables - Formatting Consistency</p> <p>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.</p>	<p>Agreed</p> <p>Edits can be made.</p>
<p>4. Sections 7.2.1 and 7.2.2 - Accessory Building and ADU Quantity</p> <p>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.</p>	<p>Agreed</p> <p>Section 3.4.4.B.1 references Article 7 for additional standards remains.</p> <p>The number of ADU is limited to one (1) per lot. Section 7.2.2.B.3 inferred a single ADU; the number was added.</p>
<p>5. Section 3.4.4, B, 2 - Relocation of Text</p> <p>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.</p>	<p>Agreed</p> <p>Relocated to Article 7; Section 7.2.1.B.3.</p>

Comment	Status
<p>6. Section 3.4.10 - Cross-References to Additional Requirements</p> <p>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.</p>	<p>Agreed</p> <p>Section 3.4.10.B.2 added to refer to Article 4; Section 4.3.</p>
<p>7. Sections 3.4.10 and 3.4.11 - Residential Density Calculation</p> <p>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.</p>	<p>Do Not Agree</p> <p>Residential units are only allowed above the first floor. Density is determined by the lot area of the parcel with the residential units, their number, and the lot size.</p>
<p>8. Accessory Buildings in I-1, CBD, B-1, and B-2 Districts</p> <p>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.</p>	<p>Do Not Agree</p> <p>This was decided during the review of the article by the Planning Commission.</p>
<p>9. Overlay Districts Map</p> <p>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.</p>	<p>Agreed</p> <p>Map can be inserted at the end of Article 4, consistent with previous versions of the Code.</p>

Comment	Status
<p>10. Section 4.3.3 B - Window Standards</p> <p>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.</p>	<p>Agreed</p> <p>Add the word "clear."</p>
<p>11. Administrative Review Committee Authority</p> <p>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.</p> <p>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.</p>	<p>Agreed</p> <p>Add Planning Commission, in addition to the ARC.</p>
<p>12. Section 5.15 B, 3 - Typographical Error</p> <p>There is an extra period in the first sentence. Please correct.</p>	<p>Agreed</p>
<p>13. Section 5.20, A - Missing Period</p> <p>Add a period at the end of the sentence.</p>	<p>Agreed</p>
<p>14. Section 5.21.5 A - Incorrect Cross-Reference</p> <p>The reference to Section 5.20.5 D is incorrect. Verify the correct section reference.</p>	<p>Agreed</p> <p>Should be changed to Section 5.21.5.(D).</p>

Comment	Status
<p>16. Section 6.2.2 - Remove Co-living from Table</p> <p>Remove "Co-living" from the table in Section 6.2.2.</p>	<p>Agreed</p> <p>Should be removed</p>
<p>17. Section 6.3 C - Extra Space/Period</p> <p>There is an extra space or period in Section 6.3 C. Please correct.</p>	<p>Agreed</p> <p>Edit can be made.</p>
<p>18. Section 6.3 F - Definition of Designated Public Pathway</p> <p>The term "Designated Public Pathway" is used but not defined. Clarify what constitutes a Designated Public Pathway.</p>	<p>Agreed</p> <p>Included in definitions.</p>
<p>19. Section 6.4 - Reference to RW District</p> <p>Section 6.4 references an RW district. The City does not have an RW district. Correct or remove this reference.</p>	<p>Agreed</p> <p>RW should be removed.</p>
<p>20. Section 6.5.4 B - Table Discrepancies</p> <p>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.</p>	<p>Agreed</p> <p>Table should be revised.</p>
<p>21. Section 6.5.11 - Remove Paragraph Numbering</p> <p>There is no need for the paragraph to be numbered in Section 6.5.11.</p>	<p>Agreed</p> <p>Section numbering should be revised.</p>
<p>22. Section 7.2.2, Item 6 - Missing Period</p> <p>Add a period at the end of item 6.</p>	<p>Agreed</p> <p>Edit can be made.</p>
<p>23. Section 7.2.3 - Formatting</p> <p>Add a space after the title in Section 7.2.3</p>	<p>No Change</p>
<p>24. Section 7.2.4 - R-1 E in Uses Table</p> <p>The uses table includes R-1 E. Confirm whether this should be listed in Section 7.2.4.</p>	<p>Agreed</p> <p>Edit can be made.</p>

Comment	Status
<p>25. Section 7.2.6 - Duplex in ROS, B-1, and B-2</p> <p>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.</p>	<p>Agreed</p> <p>Paragraph consistent with use table.</p>
<p>26. Section 11.8.2 - Use Variances Policy Consideration</p> <p>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.</p>	<p>Do Not Agree</p> <p>Use Variances are one of the “tools” allowed in the Michigan Zoning Enabling Act (MZA) for a community to utilize. A Use Variance provides a mechanism for the Zoning Board of Appeals to consider a use that was not previously contemplated in the zoning code. A request for a Use Variance requires a public hearing and 2/3 vote of the ZBA. This tool is available to cities and villages, and under certain circumstances to a township.</p>
<p>27. Group Homes - Missing from Use Tables</p> <p>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.</p>	<p>Agreed</p> <p>Use table can be revised to include “State Licensed Facilities” which by definition includes the uses noted.</p>
<p>28. Section 3.2 - Verify All Uses Are Defined</p> <p>Verify that every use listed in the Uses Table (Section 3.2) is defined in the definitions section.</p>	<p>Agreed</p>
<p>29. Drive-Thru Definition and Permissibility</p> <p>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.</p>	<p>Agreed</p> <p>Restaurant-Drive Thru should be added to the use table and designated as not allowed.</p>

Comment	Status
<p>30. Duplex vs. 2-Unit Terminology</p> <p>The term "duplex" is used throughout the ordinance and is defined, but the uses table references "2-unit." Ensure consistency in terminology.</p>	<p>Agreed</p> <p>Edit should be made to the Use Table.</p>
<p>31. Definition of Family - Clarification Needed</p> <p>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.</p>	<p>Do Not Agree</p> <p>The Harbor Springs City Attorney authored the definition of "family."</p>
<p>32. Definition of Family - Student Exclusion</p> <p>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.</p>	<p>Do Not Agree</p> <p>The Harbor Springs City Attorney authored the definition of "family."</p>
<p>33. Definition of Industrial District</p> <p>The definition of Industrial District states "M-1." This should be corrected to "I-1."</p>	<p>Agreed</p> <p>Edit should be made.</p>
<p>34. Institutional Zoning Districts Definition</p> <p>The Institutional Zoning Districts definition contains an incorrect zoning district reference. Correct this reference to match the actual districts in the ordinance.</p>	<p>Agreed</p> <p>Edit should be made.</p>
<p>35. Definitions Not in Use Tables</p> <p>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.</p>	<p>Same as #28</p>
<p>36. PUD Definition</p> <p>Change the definition of PUD (Planned Unit Development) to PD (Planned Development) to reflect current terminology.</p>	<p>Agreed</p> <p>Edit should be made.</p>

Comment	Status
<p>37. Section 10.0 - Yards for Corner Lots</p> <p>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.</p>	<p>Agreed</p> <p>Graphics should be revised.</p>

If the Planning Commission is inclined to accept the revisions, I would suggest two options for consideration.

1. Option 1: Recommend approval of the October 10, 2025, version of the Code and submit the memorandum outlining the “agreed” changes to City Council for review and possible inclusion in the Code.
2. Option 2: Recommend approval of the October 10, 2025, version of the Code with the incorporation of the revisions outlined as “agreed” in the memorandum and forward the revised document to City Council for consideration and adoption.

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