



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.