

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.

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

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.]¹⁰⁵

(3) [Restaurants, Full Line, and Restaurants, Specialty. Off street parking for such Restaurants shall be as provided in Article 18 of this Code, provided, a Full Line Restaurant may be approved as a Special Land Use without providing additional off street parking 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.

(b) The Full Line Restaurant must have a minimum 50 seat capacity at tables or booths within the building.

(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

(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 use, provided that all parking that was available for the immediate prior use is still available. If prior parking has been eliminated, it must be restored.]^{66, 79}

(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 one (1) wall 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.

(5) If an establishment in a building has an entrance on two (2) streets, such establishment will also be permitted additional signage on the building wall(s) facing the street(s), subject to the area restrictions in Subsection (1).

(6) If an establishment has an entrance to the Merchant's Walkway in the Central Business District, the establishment shall be permitted one (1) wall sign which may be located on a building wall facing the Merchant's Walkway in the Central Business District, provided such sign shall not exceed six (6) square feet in area. If an establishment having a building wall facing the Merchant's Walkway also has a public entrance on a primary street (i.e., Main, Spring, Bay or State Streets), such establishment shall also be permitted additional signage on the building wall(s) facing the primary street(s), subject to the area restrictions in Subsection 1.

(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) Free-standing signs are expressly prohibited in this District.