

**ARTICLE 4
GENERAL USE DISTRICT
REGULATIONS**

50.400 Continuation of Zoning Districts. In order to regulate and restrict the use of land and the location and use of buildings or other structures, the City of Harbor Springs is divided in "Zoning Districts" as follows:

AR	Agricultural-Residential District
R-1-A	Single Family District
R-1-B	Single Family District
R-1-C	Single Family District
R-1-E	Single Family Residential Estate District
R-2	Two Family District
MHP	Mobile Home Park District
RM	Multiple Residential District
C	Community District
O-1	General Office
TR	Transitional Residential District
CBD	Central Business District
B-1	Convenience Business District
B-2	General Business District
WF	Waterfront District
WF-1	Waterfront-Resort District
M-1	Manufacturing District

50.401 District Boundaries Designated. The boundaries of such districts are shown upon the Zoning Map attached hereto and made a part of this Chapter, being designated as the "Zoning District Map" of the City of Harbor Springs, Michigan, 1976, as the same has been amended through the date of adoption of the Harbor Springs Zoning Code of 1990, and the said map and all notations, references, and other things shown thereon shall be as much a part of this Chapter as if the matter and things set forth on said map were all fully described herein; Provided, however, that said map may be amended in any manner, from time to time, by ordinance, in which case such changes described shall be equally as effective as though incorporated in the map aforesaid.

(1) [The following area shall be rezoned from B-2 (General Business District) to TR (Transitional Residential District): "All of the land now zoned B-2 on the South side of Second Street between Third Street and Traverse Street, commonly known as Ottawa Lumber Company."]

(2) The following area shall be rezoned from B-2 (General Business District) to TR (Transitional Residential District): "All of the land now zoned B-2 on the North side of Hankey Street between Bay Street and Traverse Street, now used as a parking lot for the Little Harbor Club."]⁵

(3) [The following area shall be rezoned from RM (Multiple-Residential District) to TR (Transitional-Residential District): "Property situated in the City of Harbor Springs, County of Emmet, State of Michigan, described as: Commencing at a concrete monument on the westline of Lot 14, J. C. Glenn's Plat, Section 13, Township 35 North, Range 6 West, Emmet County, Michigan; thence along the westline of said Lot 14 North 00 degrees 46' 00" East 34.89 feet; thence along the northline of Bay Street South 84 degrees 27' 30" East 96.34 feet to the PLACE OF BEGINNING; thence North 00 degrees 55' 12" East 223.36 feet; thence along a centerline equidistant between the northline of the G. R. & I. Railroad (northline of Bay Street) and the southline of Main Street as monumented North 83 degrees 45' 32" East 50.39 feet; thence South 00 degrees 56' 40" West 233.67 feet; thence along the northline of Bay Street North 84 degrees 27' 30" West 50.06 feet to the Place of Beginning."]⁶

(4) [The following area shall be rezoned from R-2 (Two-Family District) to B-1 (Convenience Business District): "Property situated in the City of Harbor Springs, County of Emmet, State of Michigan, described as: Part of Lot 7, J. C. Glenn's Survey in Section 13, Township 35 North, Range 6 West, and part of Lots 3 and 4, Isaac Whicher's Plat, described as: Commencing 1067.2 feet North of West 1/4 corner of Section 13; thence East 1703.5 feet to

Point of Beginning; thence along Northeasterly line of State Street North 12°53'14" West 51 feet and North 74°22'48" West 28.28 feet; thence North 13°37'48" West 34.57 feet; thence North 21.45 feet; thence South 81°5'47" East 172.13 feet; thence along Easterly line of Lot 3, Block 3, and Northerly extension thereof, South 12°53'14" East 65.29 feet; thence South 80°5' West 139.9 feet to Point of Beginning."]⁷

(5) [The following area shall be rezoned from A-R (Agricultural-Residential District) to R-1-B (Single-Family District): "Property situated in the City of Harbor Springs, County of Emmet, State of Michigan, described as: Section 12, Township 35 North, Range 6 West; Commencing 190 feet West and 528 feet North of Southeast corner of Southwest 1/4 of Southeast 1/4; thence North 174 feet, more or less; West 132 feet; South 174 feet, more or less; East 132 feet to Point of Beginning."]⁸

(6) The following area shall be rezoned from Transitional Residential District (TR) to Single Family District (R-1-C): "Property situated in the City of Harbor Springs, County of Emmet, State of Michigan, described as: Commencing at the West 1/4 corner of Section 13, Township 35 North, Range 6 West, Emmet County, Michigan; thence along the West line of said Section 13 and the West line of Lot 19 of J. C. Glenn's Plat of said Section 13, City of Harbor Springs, North 00°05'29" East 194.13 feet to the Place of Beginning; thence continuing along said West line North 00°05'29" East 102.17 feet; thence along the South line of Second Street South 89°52'39" East 726.01 feet; thence along a line parallel with and 66.00 feet East of the East line of said Lot 19 South 00°04'36" West 96.22 feet; thence along the South line of Lot 32 of said Glenn's Plat North 89°43'45" West 66.00 feet; thence along the East line of said Lot 19 South 00°04'36" West 6.60 feet; thence along the North line of the Parcel described in a survey recorded in Liber 283 on Page 210 of the Emmet County Records, North 89°50'09" West 660.04 feet to the Place of Beginning, being subject to any easements, restrictions, reservations, exceptions or

conditions of record and containing 1.70 acres more or less."]¹⁴

(7) [The following area shall be rezoned from R-1-C (Single Family Residence) to B-1 (Convenience business): "Property situated in the City of Harbor Springs, County of Emmet, State of Michigan, described as: Part of Lot 2, Block 4, Isaac Whicher's Plat, City of Harbor Springs, Emmet County, Michigan, described as: Commencing at the Southeast corner of Lot 2, Block 4, Isaac Whicher's Plat, as recorded in Liber 5 of Plats on Page 4 of the Emmet County, Michigan, records; thence along the Eastline of said Lot 2 North 14°00'00" West 16.50 feet to the Northline of Third Street as now surveyed and used; thence along the Northline of Third Street South 73°01'00" West 40.00 feet, to the PLACE OF BEGINNING; thence continuing along the Northline of Third Street South 73°01'00" West 43.22 feet; thence along the Westline of said Lot 2 North 14°00'00" West 78.00 feet; thence North 73°01'00" East 43.22 feet; thence South 14°00'00" East 78.00 feet to the Place of Beginning, being subject to any easements, restrictions, reservations, exceptions or conditions of record and containing 3,367 square feet more or less."]¹⁵

(8) [The following area shall be rezoned from B-2 (General Business District) to O-1 (General Office District): "That area from the centerline of Ottawa Street to the centerline of Hoyt Street, and being approximately 198 feet in depth from the center line of Lake Street; previously zoned as B-2 on the District Map of 1976, as amended."]¹

(9) [All that portion of the following described property which is not currently zoned as ROS (Residential/Office/Service) shall be rezoned from its current classification as MHP (Mobile Home Park) to ROS (Residential/Office/Service): "Property situated in the City of Harbor Springs, County of Emmet, State of Michigan, described as: Part of Section 12, Township 35 North, Range 6 West; Commencing 60 Rods and 10 feet West of the Southeast corner of Section; thence North 300

feet; West 155 feet; South 300 feet; East 155 feet to beginning; Section 12, Township 35 North, Range 6 West, City of Harbor Springs.”

(10) All that portion of the following described property which is not currently zoned as ROS (Residential/Office/Service) shall be rezoned from its current classification as MHP (Mobile Home Park) to ROS (Residential/Office/Service): “Property situated in the City of Harbor Springs, County of Emmet, State of Michigan, described as: Part of Section 12, Township 35 North, Range 6 West; Commencing 754 feet West of Southeast corner of the Southeast One-Quarter of the Southeast One-Quarter of Section 12 for Point of Beginning; thence North 300 feet; West 71 feet; South 300 feet; East 71 feet to Point of Beginning.”

(11) All that portion of the following described property which is not currently zoned as ROS (Residential/Office/Service) shall be rezoned from its current classification as MHP (Mobile Home Park) to ROS (Residential/Office/Service): “Property situated in the City of Harbor Springs, County of Emmet, State of Michigan, described as: Part of Section 12, Township 35 North, Range 6 West; Commencing 660 feet West of Southeast corner of Section 12; thence North 300 feet; West 94 feet; South 300 feet; East 94 feet to Point of Beginning.”¹⁸

(12) [The following described property shall be rezoned from its current classification as R-1-C (Single Family Residential) to B-2 (General Business): “Property situated in the City of Harbor Springs, County of Emmet, State of Michigan, described as: Lots 5, 6, 7, 8 and the West 9.9 feet of Vacated Alley, Block 1, LEIGHTON PARK SUBDIVISION.]²³

(13) [The following described property shall be rezoned from its current classification as R-1-C (Single Family Residential) to B-2 (General Business): “Property situated in the City of Harbor Springs, County of Emmet, State of Michigan, described as: Lots 1 and 2, and the

northerly portion of Lot 3, Block 1, LEIGHTON PARK SUBDIVISION.”]²⁵

(14) [The following described property shall be rezoned from its current classification as R-1-C (Single Family Residential) to AR (Agricultural Residential): “Property situated in the City of Harbor Springs, County of Emmet, and State of Michigan, described as: Commencing on the East line of Lot 1, J. C. GLENN'S SURVEY OF LANDS on Section 13, Township 35 North, Range 6 West, at a point which is South 176.3 feet from the Northeast corner of said Lot 1; thence North 89°45' West a distance of 146.7 feet to the Point of Commencing of this description; thence South 153.5 feet to the South line of the Northeast 1/4 of said Lot 1; thence North 89°45' West along the South line of the Northeast 1/4 of said Lot 1, to the Southwest corner of the Northeast 1/4 of said Lot 1; thence North along said West line of the Northeast 1/4 of said Lot 1, 153.5 feet; thence South 89°45' East, to the Point of Commencing.]²⁸

(15) [The following described property shall be rezoned from its current classification as R-2 (Two Family Residential) to B-1 (Convenience Business District): “Property situated in the City of Harbor Springs, County of Emmet, and State of Michigan, described as: Lot 4, Block 2, ISAAC WHICHER'S SURVEY AND PLAT OF THE VILLAGE OF LITTLE TRAVERSE (now City of Harbor Springs) according to the Plat thereof as recorded in the Office of the Register of Deeds, Emmet County, Michigan.”]³¹

(16) [The following described properties shall be rezoned from their current classification as C (Community) to R-1-C (Single-Family District): “Property situated in the City of Harbor Springs, County of Emmet, and State of Michigan, described as: Commencing 26 Rods North and 2 Rods East of the Southwest corner of the Southeast 1/4 of the Southwest 1/4; thence East 8 Rods; North 4 Rods; West 8 Rods; South 4 Rods to the POINT OF BEGINNING; and, Commencing 30 Rods North and 2 Rods East of the Southwest corner of the Southeast 1/4 of the

Southwest 1/4; thence running East 8 Rods; North 4 Rods; West 8 Rods; South 4 Rods to Commencing, in the City of Harbor Springs.”]³²

(17) [The following described property shall be rezoned from its current classification as WF-Waterfront to CBD-Central Business District: “Part of Lot 2, Block 14, Isaac Whicher's Plat, and part of Lot 41, J.C. Glenn's Survey, Section 13, Township 35 North, Range 6 West, City of Harbor Springs, Michigan, described as: Commencing at the Northeast corner of Lot 1, Block 14, Whicher's Plat, Section 13, Township 35 North, Range 6 West, City of Harbor Springs, thence along the East line of said Lot 1 South 15°40'00” East 231.85 feet; thence South 77°04'00” West 85.00 feet; thence along the West line of said Lot 1 South 15°40'00” West 12.01 feet; thence South 77°04'00” West 15.35 feet to the point of beginning; thence South 11°48'53” East 32.83 feet; thence South 56°27'50” West 34.36 feet; thence South 17°44'11” East 20.00 feet; thence South 79°04'38” West 54.00 feet; thence North 16°54'00” West 63.10 feet; thence North 77°04'00” East 89.46 feet to the point of beginning containing 4,754 square feet, more or less.”]³³

(18) [The following parcels of property shall be rezoned from R-2 (Two-Family Residence) to B-1 (Convenience Business):

(a) Commencing at the point of intersection of the North line of Third Street, as said street is now located, established and traveled, with the East line of Lot 1, Block 3 of ISAAC WHICHER'S SURVEY AND PLAT OF THE VILLAGE OF LITTLE TRAVERSE (now Harbor Springs), Emmet County, Michigan; thence from said point of intersection running Northerly on the East line of said Lot 1, 64 and 1/3 feet; thence Westerly parallel with the North line of Third Street to a point equidistant between the East and West boundary lines of said Lot 1; thence Southerly parallel with the East line of said Lot 1 to the North line of Third Street, Easterly along said street to the Place of Beginning, AND ALSO commencing at the point of intersection of the North line of Third

Street, as said street is now located, established and traveled, with the East line of Lot 1, Block 3, of ISAAC WHICHER'S SURVEY AND PLAT OF THE VILLAGE OF LITTLE TRAVERSE (now Harbor Springs), Emmet County, Michigan; thence from said point of intersection running Northerly on the East line of said Lot 1, 64 and 1/3 feet to the Point of Beginning; thence Westerly parallel with the north line of Third Street to a point equidistant between the East and West boundary lines of said Lot 1; thence Northerly parallel with the East line of said Lot 1; thence Southerly to the Point of Beginning. ALSO DESCRIBED AS Unit 1, SPRING STREET SQUARE, a condominium according to the Master Deed thereof recorded in Liber 415, Pages 431 through 461, inclusive, Emmet County Records, and designated as Emmet County Condominium Subdivision Plan No. 75, with rights in general common elements and limited common elements as set forth in said Master Deed pursuant to Act 59 of the Public Acts of Michigan of 1978, as amended. (24-15-13-171-101); and, Unit 2, SPRING STREET SQUARE, a condominium according to the Master Deed thereof recorded in Liber 415, Pages 431 through 461 inclusive, Emmet County Records, and designated as Emmet County Condominium Subdivision Plan No. 75, with rights in general common elements and limited common elements as set forth in said Master Deed pursuant to Act 59 of the Public Acts of Michigan of 1978, as amended.” (24-15-13-172-102).

(b) Isaac Whicher's Survey, Block 2, Lot 6, Except South 95 feet thereof (24-15-13-176-012)

(c) Isaac Whicher's Survey, Block 3, that part of Lot 1 lying North of a line 70 feet North of and parallel with North line of Third Street (24-15-13-176-013)

(d) Isaac Whicher's Survey, Block 2, South 95 feet of Lot 6 (24-15-13-176-024)

(e) Isaac Whicher's Survey, Block 3, West 1/2 of that part of Lot 1 lying South of a line 70 feet North of and Parallel with North Line of Third Street. (24-15-13-176-030)]⁴⁶

(19) [The following parcel of property shall be rezoned from R-1-B (Single-Family District) to C (Community District): Property No. 24-15-12-300-003, Lake Street.

(20) The following parcels of property shall be rezoned from AR (Agricultural-Residential District) to C (Community District): Property No. 24-15-12-400-035, 421 East Lake Street; Property No. 24-15-12-400-059, 421 East Lake Street; Property No. 24-15-12-400-011 Arbor Street; and Property no. 24-15-12-400-001, Arbor Street.]⁴⁷

(21) [The following parcel of property shall be rezoned from B-2 (General Business District) to B-1 (Convenience Business District): "Property located in the City of Harbor Springs, Emmet County, Michigan, described as: The South 88.5 feet of Lot 3, Block 3, ISAAC WHICHER'S SURVEY (24-51-15-13-176-028).]"⁴⁸

(22) [The following parcels of property shall be rezoned from AR (Agricultural Residential) to R-1-C (Single-Family Residential): Property located in the City of Harbor Springs, Emmet County, Michigan, described as: 535 East Lake Street (51-15-12-400-044); 545 East Lake Street (51-15-12-400-045); 555 East Lake Street (51-15-12-400-046); 593 East Lake Street (51-15-12-400-055)]⁴⁹

(23) [The following parcel of property shall be rezoned from R-1-C (Single-Family Residential) to R-1-A (Single-Family Residential): Part of Lot 1, J.C. Glenn's Plat of land in Section 13, Township 35 North, Range 6 West, City of Harbor Springs, described as: "Commencing at the Northwest corner of Lot 1, J.C. Glenn's Plat of land in Section 13, Township 35 North, Range 6 West, City of Harbor Springs, Michigan; thence along the west line of said Lot 1 South 0°03'56" West 180.00 feet to the PLACE OF BEGINNING; thence South 89°56'07" East 243.76 feet; thence South 0°12'07" West 15.13 feet; thence South 89°58'38" East 93.77 feet; thence along the East line of the West 1/2 of said Lot 1 South 0°20'19"

West 301.06 feet; thence South 89°58'25" West 99.00 feet; thence South 0°19'09" West 139.28 feet; thence along the North line of Pine Street South 89°57'33" West 60.00 feet; thence North 0°19'09" East 148.00 feet; thence North 29°41'04" West 47.06 feet; thence South 84°55'37" West 75.07 feet; thence South 89°58'38" West 79.00 feet; thence along the west line of said Lot 1 of N 0°03'56" East 273.66 feet to the PLACE OF BEGINNING, being subject to any easements, restrictions, reservations, exceptions or conditions of record, containing 2.43 acres more or less."]⁸³

(24) [The following property shall be rezoned from the R-1-C (Single Family District) Zoning District to the TR (Transitional Residential District) Zoning District: Commencing 18 rods West and 6 rods South of the Northeast corner of the Northwest one-quarter (NW ¼) of the Northwest one-quarter (NW ¼) of Section 13, Township 35 North, Range 6 West; thence West 10 rods; thence South 4 rods; thence East 10 rods; thence North 4 rods to the Place of Beginning.]⁹²

(25) [The following property shall be rezoned from the R-2 (Two-Family Residential District) Zoning District to the B-1 (Convenience Business District) Zoning District: Situated in the City of Harbor Springs, County of Emmet, State of Michigan. Lot 1 and the East 16.5 feet of Lot 2, ISAAC WHICHER'S SURVEY AND PLAT OF THE VILLAGE OF LITTLE TRAVERSE, according to the Plat thereof recorded in Book 5 of Deeds, Page 4, Emmet County Records.]¹⁰⁰

(26) [[Parcel 24-51-15-13-176-123 (the "Subject Property") shall be rezoned from TR (Transitional Residential) District to CBD (Central Business District) District, provided that the use of the Subject Property shall be limited to that of a Condo-Hotel, and the Condo-Hotel shall be constructed, located and used on the Subject Property only in accordance with the site plan package dated January 25, 2008, and applicable provisions of the City Zoning Code]]^{108, 113}

(27) [The following property shall be rezoned from West Traverse Township Zoning District R-2 to the City of Harbor Springs C (Community District) Zoning District: “the West Ninety (90) feet of the following described parcel of land: The East One-half (E 1/2) of the Northwest One-quarter (NW 1/4) of the Southeast One-quarter (SE 1/4) of Section 12, Township 35 North, Range 6 West, excepting the South 417.4 feet thereof.”]¹¹⁶

50.402 Boundaries of Districts - Delineation.

If uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Chapter, the following rules shall apply:

(1) The district boundaries are either streets or alleys unless otherwise shown and when the designation on the map accompanying and made a part of this Chapter indicating the various districts are approximately bounded by a street or alley line, the center of said street or alley shall be construed to be the boundary of such districts.

(2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, where the designation on the map accompanying and made a part of this Chapter indicating the various districts are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of such district unless said boundaries are otherwise indicated on the map.

(3) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Chapter shall be determined by the use of the scale contained on such map.