

City of Port Huron, Michigan
ORD #24-004

An ordinance to amend Chapter 52, Zoning, Article III, District Regulations, Division 8, C-1 General Business District and Division 9, CBD Central Business District, of the Port Huron Code of Ordinances to allow residential in the C-1 District and first floor residential in the CBD District.

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 8, C-1 General Business and Division 9, Central Business District, of the Port Huron Code of Ordinances, be amended to allow residential in the C-1 District and first floor residential in the CBD District within the City Port Huron, as follows:

Chapter 52. ZONING
Article III. District Regulations
Division 8. C-1 General Business District

Sec. 52-381. Statement of purpose.

No changes.

Sec. 52-382. Principal permitted uses.

In the C-1 District, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

- (1) All principal permitted uses in the B District.
- (2) Any retail business whose principal activity is the sale or rental of merchandise must be within a completely enclosed building.
- (3) Business service establishments performing services on the premises such as office machine and typewriter repair, printing, blueprinting.
- (4) Any service establishment of an office, showroom, or workshop nature within a completely enclosed building such as that of a taxidermist; decorator; upholsterer; caterer; exterminator; building contractor, including electrical, glazing, heating, painting, paperhanging, plumbing, roofing, ventilating, and plastering; small engine repair; and similar establishments that require a retail adjunct. No outside storage yards or displays shall be permitted.
- (5) Photographic film developing and processing.
- (6) Physical culture establishments, including gymnasiums and reducing salons, health and fitness clubs, and massage establishments, as defined in this chapter and in accordance with Chapter 12, Article VIII, Massage Establishments, of the City Code of Ordinances.
- (7) Bowling alleys, skating rinks, sports arenas, arcades, pool halls, enclosed tennis, swimming or golf facilities, and other indoor recreational or entertainment facilities such as theaters, concert halls, casinos, or convention centers, when conducted within a completely enclosed building that is located at least 100 feet from any property zoned in a residential classification.

When adjacent to a residential area, there shall be a twenty-foot-wide landscaped green belt buffer around the perimeter of said facility at the street and interior property lines. Parking or maneuvering lanes shall not be located within this twenty-foot buffer. A driveway entrance shall not be located on a street adjacent to a residential use without approval from the Planning Department. To reduce noise and traffic along residential streets, it is preferred to have the entrance to the facility on a street which abuts a nonresidential area.

- (8) Hotels and motels.
- (9) Eating and drinking establishments, provided that all food or beverages are consumed within a completely enclosed building. Outdoor food preparation, such as cooking on a grill, rotisserie, barbecue, etc., may be allowed with use certificate approval from the Planning and Fire Department under certain conditions. Outdoor seating may be allowed after approval from the City with request from the property owner. Outdoor dining can be of two types: that which is located adjacent to the restaurant on the restaurant's private property, or that which is considered a sidewalk cafe located on public property on the sidewalk in the right-of-way.

Outdoor dining adjacent to a restaurant establishment may be allowed with certain restrictions:

- a. Outdoor dining on private property must be entirely on the private property of and adjacent to the restaurant establishment. A minimum of a three-foot-high decorative railing or fence shall be placed around the perimeter of the outdoor eating area. All exterior lighting shall be reflected away from any adjacent properties, public or private; the source light shall be shaded so as not to be seen from adjacent properties or the street. Any noise produced from the outdoor eating area shall not interfere with adjacent properties in any way. A letter of request and a scaled site plan drawing shall be provided indicating the following information:
 - 1. The letter of request shall indicate the property owner's name and phone number, business name, address, hours of operation, and if the outdoor café will server alcoholic beverages.
 - 2. The drawing shall show the entire property, with dimensions, indicating the location of the buildings and property lines, and also showing adjacent properties, and the street.
 - 3. A detailed plan showing the design, details, and location of all items such as furniture, tables, chairs, awnings, electrical outlet locations, landscaping, exterior lighting, planters, railings, ropes, stanchions, cooking apparatus, kitchen appliances, coolers, and any other equipment.
- b. Outdoor dining on the public sidewalk in the City right-of-way, sidewalk cafes, shall be allowed with approval from the Planning Department and a sidewalk cafe permit. Establishments in the City that serve only food or nonalcoholic beverages may make application to the City for a special outdoor consumption license to operate a sidewalk cafe on the public property immediately contiguous to the premises. See § 4-2 of the City Code of Ordinances for the regulations for obtaining a sidewalk cafe permit on public property.

Establishments in the City licensed to sell alcoholic beverages for consumption on the premises may make application to the City and the State Liquor Control Commission (MLCC) for a special outdoor consumption license to operate a sidewalk cafe immediately contiguous to the licensed structure. Please refer to § 4-2 of the City Code of Ordinances for more information.

- (10) Assembly halls, private and public clubs and lodges, private or public museums, 501c3 nonprofit organizations, accredited or certified trade schools, colleges or universities and related facilities, including residential and retail. Residential buildings for students are allowed on college or university campus sites when located on the same parcel of land with the institutional building.

Each unit shall be built as an apartment as defined in this chapter. There shall be a maximum of two bedrooms in each residential apartment unit with a maximum of two occupants per bedroom or four occupants per unit. Student residential buildings shall meet the zoning requirements of multifamily structures as located in the A-2 Zone for building size, lot density, and yard setback requirements. The height of the building shall be in accordance to the Schedule of Regulations for the C-1 Zone.

- (11) Funeral parlors or mortuaries.
- (12) Television and radio studios and towers subject to the requirements of § **52-689**.
- (13) Other uses similar to Subsections (1) through (12) of this section, subject to the following restrictions:
 - a. A business or restaurant that sells a product on the premises may produce the product on the premises and may sell the product wholesale, provided the principal use of the business or building is not manufacturing. For example: A candy business may manufacture candy on the site, provided the principal use of the company is a retail candy store and not a candy manufacturer.
 - b. All business or servicing, except for off-street parking and loading, shall be conducted within a completely enclosed building.
- (14) Bus passenger stations, taxicab businesses including offices, dispatch facilities, and car storage/parking lots. Vehicles shall be allowed to park outside the building on a paved parking surface and shall follow the setback regulations for parking lots in the C-1 Zone in accordance with the requirements of Article **VI** of this chapter.
- (15) Off-street parking in accordance with the requirements of Article **VI** of this chapter.
- (16) Accessory buildings and uses customarily incidental to the principal permitted uses in Subsections (1) through (15) of this section, including sleeping or living quarters of security, watchman, or caretaker. All accessory buildings subject to the regulations as indicated in § **52-676**.
- (17) Nursery schools, day nurseries and child day-care centers, not including dormitories, which are state licensed, subject to the following conditions:
 - a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200 square feet and shall be in the rear yard. Such play area shall be enclosed with a minimum of a six-foot-high solid screen-type fence.
 - b. Parking shall be provided in accordance with the requirements of Article **VI** of this chapter.
 - c. A site plan shall be submitted.
 - d. The minimum site size shall be 20,000 square feet.
- (18) Adult day-care center subject to off-street parking in accordance with the requirements of Article **VI** of this chapter.
- (19) Any of the permitted uses in this section with a drive-through facility or drive-up window used as an accessory use for the business. When such drive-through business is located adjacent to a residential district and not separated by a street or alley, there shall be a five-foot buffer with landscaping and a five-foot-high screening fence or masonry wall located at the property line between the drive-through business and the residentially zoned property.

- (20) Churches and other facilities normally incidental thereto, provided ingress and egress from such site is onto a major thoroughfare. The minimum site size shall be two acres. Off-street parking shall be included in accordance with the requirements of Article VI of this chapter.
- (21) Pet grooming or pet training facilities are allowed, provided the animals are not kept overnight and all activities are kept indoors. Overnight boarding facilities are only allowed after a special approval use permit from Planning Commission.
- (22) Retail sales of auto parts, accessories, tires, or auto-related items are allowed, provided all sales and merchandise are kept within a completely enclosed building and provided there is no installation service provided. Any installation of parts or accessories on vehicles, such as tires, mud flaps, roll bars, bed liners, undercoating, running boards, etc., shall be considered an auto service-repair facility and a special approval use permit shall be required. Installation of alarm systems, stereos, CB radios, automatic vehicle starters, and detail shops with retail adjacent shall not require a special approval use permit.
- (23) Tattoo parlors or tattoo establishments, as defined in § 52-5, Definitions R through Z, with a current body art facility license from the State of Michigan. A current license for the location in the City of Port Huron must be kept on file with the City Planning Department. Tattoo parlors or tattoo establishments must comply with all required zoning and building code regulations, fire code regulations and any other applicable federal, state and local codes or ordinances. A tattoo parlor or tattoo establishment is prohibited if the property line of said use is within a five-hundred-foot radius of the property line of another tattoo parlor or establishment.
- (24) Retail sales of prefilled propane tanks shall be allowed as an accessory use to a business with the approval of the Planning Director and Fire Marshal. The tanks shall be kept in an enclosed, locked building or caged area adjacent to the main building.
- (25) Apartments, residential condominiums, and dwelling units located above the first (i.e. street) level of a commercial use are permitted if all of the following are satisfied:
 - a. All apartments, residential condominiums, and dwelling units must satisfy all applicable City codes.
 - b. Parking for occupants of each apartment, residential condominium, and dwelling unit must meet the requirements for new uses detailed in Sec. 52-772 and be included as part of the building permit application as required in such section.
 - c. Apartments, residential condominiums, and dwelling unit sizes and numbers shall be in accordance with the A-2 zoning district, per Division 16, Schedule of Regulations.

Sec. 52-383. Permitted uses after special approval.

The following uses may be permitted in the C-1 District, subject to the conditions imposed and subject further to the approval of the Planning Commission:

- (1) Veterinary hospitals and clinics.
- (2) Automobile carwash establishments, including steam cleaning, but not rust proofing, provided off-street waiting space is provided in accordance with § 52-774 and provided further that all applicable requirements of this Code are met.

- (3) Drive-in establishments. Entrance to or exit from any such use shall be located at least 35 feet from the intersection of any two streets. Such uses shall have direct access to a major thoroughfare. All lighting or illuminated displays shall not reflect onto any adjacent residential zone, and consideration shall be given to proximity of existing places of congregation of children (e.g., schools) regarding traffic safety and sanitation. A site plan shall be submitted showing the traffic pattern and parking areas. A five-foot buffer with landscaping and a five-foot-high screening fence or masonry wall shall be located between the business and any residentially zoned property when not separated by a street or alley. See the definition of a drive-in establishment in § **52-3**.
- (4) Automobile fuel stations and auto service or repair facilities, subject to the requirements of § **52-678**.
- (5) Wholesale stores, rental storage facilities, storage trailers as an accessory use to a storage facility, warehouses, distributing plants, freezers and lockers. A special permit may allow outside storage. Any outside storage shall be completely enclosed by a six-foot-tall solid screening fence, not a slatted chain-link fence. If a six-foot fence does not completely screen the items stored, it is at the discretion of the Planning Department to determine if the stored item shall be removed or allow a taller fence.
- (6) Open air business uses as follows, in conformance with § **52-690**:
 - a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
 - b. Retail sale of fruit and vegetables.
 - c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.
 - d. Bicycle, trailer, motor vehicle, boat or home equipment rental services.
 - e. Outdoor display and sale of garages, swimming pools and similar uses.
- (7) New and used car salesrooms, including outdoor sales space and must certify that the business location meets the expanded established place of business requirements required by the regulations for the State of Michigan. The outside vehicle parking display or sales space and customer parking area must be paved per the requirements in § **52-773**. Inoperable vehicles or vehicles used for parts may not occupy the premises. If there is an automotive service bay connected with this establishment, the business shall be subject to the regulations of § **52-678** for automobile service stations.
- (8) Salesrooms, including outdoor sales space, for recreation vehicles, including boats, snowmobiles, travel trailers, campers, tents and accessory equipment.
- (9) Planned community shopping centers, provided the following criteria are met:
 - a. Such center shall consist of a group of establishments engaging exclusively in retail business or service, arranged as a functionally coherent unit, together with appurtenant features, such as parking areas and storage facilities.
 - b. Such center shall occupy a site of not less than 10 acres.
 - c. A minimum building setback from the property line of 75 feet each for the front and rear of the building and 50 feet each for the sides of the building.

- d. No building or structure shall exceed three stories or 60 feet in height unless approved by the Planning Commission.
 - e. Public restrooms shall be required in all sit-down restaurants and cocktail lounges.
 - f. A planting strip of at least 20 feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier of suitable material not less than five feet high shall be constructed along those property lines which abut a residential district.
 - g. The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly from such thoroughfare. Turning and approach lanes shall be provided when determined necessary by the Director of Public Works.
 - h. No main or accessory building shall be situated less than 50 feet from any perimeter property line.
 - i. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 - j. All signs shall be affixed to the face of the building and shall be a uniform design throughout, except that one ground pole sign advertising the name of the shopping center is allowed.
 - k. All off-street parking shall be within its own area, as specified in Article **VI** of this chapter, and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic is required.
 - l. Outdoor trash containers shall be provided, properly maintained and screened pursuant to **§ 52-694**.
 - m. All areas accessible to vehicles shall be paved and maintained so as to provide a durable, smooth and well-drained surface.
 - n. All vehicular and pedestrian areas shall be illuminated during business hours of darkness. All lighting fixtures shall be installed so as to reflect light away from adjoining residential properties.
- (10) A public-owned building, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, water and sewage pumping stations.
- (11) Kennels; pet boarding facilities; animal shelters; or animal humane societies. The primary shelter and sleeping accommodations for the animals shall be indoors. Outdoor pet activity areas which are supervised are allowed and shall be screened by a minimum six-foot-high solid screening fence or wall. Landscaping must be maintained between the fence/wall and the property line. The animals must be kept in a clean sanitary condition and must be kept in an air conditioned and/or heated area. The animal must be fed and watered. The City Animal Control Officer will have the right to inspect the business at will to check living accommodations.
- (12) New single-family and two-family residential structure shall not be allowed as the only use on a parcel, but Multiple-family dwellings, including boardinghouses, rooming houses, apartments, townhouses, row houses and dwelling groups, provided all such dwellings shall have a minimum site size of 10,000 square feet. Residential use can occupy the first floor. Parking provisions for tenants must be provided as part of the permit process and in accordance with Section 52-772.

Dwelling unit sizes and number of dwelling units per land size shall be in accordance with the A-2 zoning district, per Division 16, Schedule of Regulations.

Sec. 52-384 through Sec. 52-410.

No changes.

Chapter 52. Zoning
Article III. District Regulations
Division 9. CBD Central Business District

Sec. 52-411 through Sec. 52-412.

No changes.

Sec. 52-413 Permitted uses after special approval.

The following uses may be permitted in the CBD District subject to site plan approval and the conditions imposed and subject further to the approval of the Planning Commission:

- (1) Waterfront uses customarily incidental to recreational boating facilities, including sales, service and mooring facilities, as specified in Division 10 of this article.
- (2) Permanent open air uses such as fruit and vegetable markets, provided that such uses do not conflict with surrounding uses, do not create traffic congestion, and are in accordance with the intent of the CBD District.
- (3) High-rise residential buildings per the requirements of § 52-282(2) through (5) and § 52-621 requirements for construction in an A-2 District.
 - a. Except as provided, residential use can occupy the first floor with a special permit from Planning Commission. Provided, the first floor of any building front-facing Huron Avenue or Military Street between Glenwood Avenue and Griswold Street must be used for commercial purposes.
- (4) Multifamily residential development of three stories or less by definition, and per the requirements of Article III, Division 4 of this chapter, off-street parking is required in accordance with the requirements of Article VI of this chapter for multifamily use. One building may be allowed on the property, if there will be 10 or more owner-occupied units in the structure or with approval from the Planning Director. Commercial use can occupy the first floor with a special permit from Planning Commission. Except as provided, residential use can occupy the first floor with a special permit from Planning Commission. Provided, the first floor of any building front-facing Huron Avenue or Military Street between Glenwood Avenue and Griswold Street must be used for commercial purposes. Setbacks, building unit size, and lot density applicable to the A-2 Zoning District shall apply per Division 16, Schedule of Regulations. Setbacks can be waived with a variance from the Zoning Board of Appeals.
- (5) Adult entertainment businesses; adult live conduct business (see § 52-416).

- (6) Kennels; pet boarding facilities; animal shelters; or animal humane societies. The primary shelter and sleeping accommodations for the animals shall be indoors. Outdoor pet activity areas which are supervised are allowed and shall be screened by a minimum six-foot-high solid screening fence or wall. Landscaping must be maintained between the fence/wall and the property line. The animals must be kept in a clean sanitary condition and must be kept in an air-conditioned and/or heated area. The animal must be fed and watered. The City Animal Control Officer will have the right to inspect the business at will to check living accommodations.
- (7) A certified, registered residential rental unit that is rented for less than 30 days, such as a vacation rental, home sharing, or any other transient residential occupancy as defined by this chapter, is allowed after special approval and a public hearing of Planning Commission. The unit must be a certified residential rental unit in conformance with Chapter 10, Article V, Rental Certification, of the City Code of Ordinances. Parking must conform to Article VI of this chapter.
- (8) Independent or assisted living facilities. The apartment unit sizes and number of dwelling units per land size shall be in accordance with the high-rise apartment requirements as required in the A-2 Zoning District, per Division 16, Schedule of Regulations. If state licensed, the facility does not have to follow the City Zoning Ordinance regulations for apartment unit sizes.

Sec. 52-414 through Sec. 52-445.

No changes.

ADOPTED: June 24, 2024

PUBLISHED: June 28, 2024

EFFECTIVE: July 6, 2024

RESULT:	2ND READING/ENACTED BY CONSENT [6 TO 0]
MOVER:	Sherry L. Archibald, Mayor Pro-Tem
SECONDER:	Robert L. Mosurak, Councilmember
YES:	Repp, Archibald, Ashford, Lamb, Mosurak, Pemberton
ABSENT:	Haremza

I, Pauline M. Repp, Mayor of the City of Port Huron, do hereby certify that ORD #24-004 was passed and adopted by the Port Huron City Council at its meeting held on Monday, June 24, 2024.

Mayor

Date

I, Cyndee M. Jonseck, City Clerk of the City of Port Huron, do further certify that ORD #24-004 was published Friday, June 28, 2024, in the Times Herald, a newspaper circulated in the City of Port Huron, being the first and final day of publication.

Cyndee M. Jonseck, CMC, MiPMC
City Clerk