

**City of Port Huron, Michigan**  
**ORD #24-005**

*An ordinance to amend Chapter 52, Zoning, Article III, District Regulations and Article IV, General and Supplementary Regulations, of the Port Huron Code of Ordinances, to change the site plan review process to be completed administratively through the Planning Department.*

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**THE CITY OF PORT HURON ORDAINS:**

That Chapter 52, Zoning, Article III, District Regulations and Article IV, General and Supplementary Regulations, of the Port Huron Code of Ordinances, be amended to change the site plan review process to be completed administratively through the Planning Department as follows:

**Chapter 52. Zoning**  
**Article III. District Regulations**  
**Division 1. Generally**

**Sec. 52-161 through Sec. 52-250.**

No changes.

**Division 4.**  
**A1 Medium-Density Multiple-Family Residential District**

**Sec. 52-251 through Sec. 52-253.**

No changes.

**Sec. 52-254. Screening requirements.**

Where required parking lots of any use permitted in an A-1 District are erected such that the headlights of the cars in the parking lot will face into an R District, a solid masonry wall or other barrier of material approved by the Planning Department, which shall be a minimum of five feet in height, shall be required along that parking lot boundary line facing the R District.

**Sec. 52-255. Site plan review.**

For all uses permitted in an A-1 District, except single- and two-family dwellings which are constructed as one building on one lot, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the Planning Department, in accordance with § 52-697. In addition to the criteria set forth in § 52-697(d), the Planning Department shall not recommend approval of any multiple-family dwelling site plan which does not meet the following criteria:

- (1) All site plans shall show two means of ingress and egress to the project to permit adequate circulation for safety equipment, except that for projects under 10 acres one boulevard entranceway may be sufficient.
- (2) In all multiple projects of over 100 dwelling units, parking shall not be allowed along the main circulation drive.

**Sec. 52-256 through Sec. 52-280.**

No changes.

**Division 5.**  
**A2 High-Rise Multiple-Family Residential District**

**Sec. 52-281 through Sec. 52-283.**

No changes.

**Sec. 52-284. Screening requirements.**

Where required parking lots of any use permitted in an A-2 District are erected such that the headlights of the cars in the parking lot will face into an R District, a solid masonry wall or other barrier of material approved by the Planning Department, which shall be a minimum of five feet in height, shall be required along that parking lot boundary line facing the R District.

**Sec. 52-285. Site plan review.**

For all uses permitted in an A-2 District, except two-family dwellings which are constructed as one building on one lot, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the Planning Department, in accordance with § 52-697.

**Sec. 52-286 through Sec. 52-315.**

No changes.

**Division 6.**  
**CCD Community College District**

**Sec. 52-316 through Sec. 52-345.**

No changes.

**Division 7.**  
**B Neighborhood Business District**

**Sec. 52-346 through Sec. 52-349.**

No changes.

**Sec. 52-350. Site plan review.**

For all uses permitted in the B District, having a site size of one or more acres, a site plan shall be submitted, and no building permit shall be issued until the site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the Planning Department in accordance with § 52-697.

**Sec. 52-351 through Sec. 52-380.**

No changes.

**Division 8.**  
**C-1 General Business District**

**Sec. 52-381 through Sec. 52-383.**

No changes.

**Sec. 52-384. Site plan review.**

For all principal permitted uses in a C-1 District having a site size of one or more acres and for all permitted uses after special approval, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the Planning Department in accordance with § 52-697.

**Sec. 52-385 through Sec. 52-410.**

No changes.

**Division 9.  
CBD Central Business District**

**Sec. 52-411 through Sec. 52-413.**

No changes.

**Sec. 52-414. Site plan review.**

For all uses permitted in the CBD District wherein a new building, change in the footprint of the building (new addition), or parking requirement change is necessary, and for all permitted uses after special approval, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the Planning Department in accordance with § 52-697.

**Sec. 52-415 through Sec. 52-445.**

No changes.

**Division 10.  
MD Marina District**

**Sec. 52-446 through Sec. 52-447.**

No changes.

**Sec. 52-448. Site plan review.**

For all uses permitted in an MD District, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the Planning Department in accordance with § 52-697, subject to the requirements of Article VI, Off-Street Parking and Loading Requirements, and § 52-692, Greenbelts.

**Sec. 52-449 through Sec. 52-475.**

No changes.

**Division 11.  
M-1 Light Industrial District**

**Sec. 52-476 through Sec. 52-479.**

No changes.

**Sec. 52-480. Site plan review.**

For all uses permitted in an M-1 District wherein a major addition to the building requiring parking lot changes are required or a new building is constructed, and for all permitted uses allowed after special approval, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the Planning Department in accordance with § 52-697.

**Sec. 52-481 through Sec. 52-505.**

No changes.

**Division 12.  
M-2 General Industrial District**

**Sec. 52- 506 through Sec. 52-509.**

No changes.

**Sec. 52-510. Site plan review.**

For all uses in an M-2 District wherein a major addition to the building requiring parking lot changes are required or a new building is constructed, and for all permitted uses allowed after a special approval, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the Planning Department in accordance with § 52-697.

**Sec. 52-511 through Sec. 52-540.**

No changes.

**Division 13.  
I Institutional District**

**Sec. 52-541 through Sec. 52-549.**

No changes.

**Sec. 52-550. Permitted uses after special approval.**

The following uses shall be permitted in the I District subject to the conditions imposed and subject further to the approval of the Planning Commission:

- (1) In an existing residential structure, 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 the 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. A site plan shall be submitted to the Planning Department to indicate parking on the property. The Planning Department has the right to impose contingencies, such as a screening fence, on the property. Hotels and motels are not allowed.
- (2) A residential structure owned by a nonprofit organization to rent out units for families whose family members are receiving short-term or long-term care or treatment in the hospital or local medical center. Such structure shall conform to all City codes and ordinance and shall be a certified, registered residential rental unit as dictated in Chapter 10, Article V, Rental Certification.

**Sec. 52-551. Site plan review.**

For all uses permitted in an I District, except single- and two-family dwellings, which are not part of the hospital's approved master plan, no building permit shall be issued until the site plan has been approved by the Planning Department, in accordance with § 52-697.

**Sec. 52-552 through Sec. 52-575.**

No changes.

**Division 14.  
Historic Districts**

**Sec. 52-576 through Sec. 52-660.**

No changes.

**Article IV.  
General and Supplementary Regulations**

**Sec. 52-661 through Sec. 52-678.**

No changes.

**Sec. 52-679. Drive-in establishments.**

- (a) When a drive-in establishment adjoins property located in any residential district, an ornamental masonry wall, five feet in height, shall be erected and maintained along the adjoining property line or, if separated from the residential district by an alley, along the alley lot line. In addition, all outside trash areas shall be enclosed by such five-foot masonry wall. Such wall shall be protected from possible damage inflicted by vehicles using the parking area by means of precast concrete wheel stops at least six inches in height or by firmly implanted bumper guards not attached to the wall or by other suitable barriers.
- (b) The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved area by a raised curb or other equivalent barrier.
- (c) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will not cause direct illumination on adjacent residential properties. All lighting, including illuminated signs, shall be erected, directed and hooded or shielded so as to be deflected away from adjacent and neighboring property.
- (d) Before approval is given for any use, a site plan shall first be submitted to the Planning Department for review as to suitability of the location of entrances and exits to the site, parking area, screening, lighting and other design features.

**Sec. 52-680 through Sec. 52-688.**

No changes.

**Sec. 52-689. Wireless communication facilities.**

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

ATTACHED WIRELESS COMMUNICATION FACILITIES - Wireless communication facilities (antennas and panels) that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

**CO-LOCATION** - The location by two or more wireless communication providers or wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

**WIRELESS COMMUNICATION FACILITIES** - Includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, antennas, microwave relay towers, telephone transmission equipment, building and commercial mobile radio service facilities. Not included within this definition are domestic television antennas or towers, citizen band radio facilities, shortwave facilities, ham and amateur radio facilities, satellite dishes and government facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. However, those types of communication facilities must also conform to P.L. 106-521 and 47 CFR 95 equipment must be Federal Communications Commission (FCC) certified and may not include a linear amplifier or antenna that exceeds regulations given in § 52-701(d).

**WIRELESS COMMUNICATION SUPPORT STRUCTURES** - Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

- (b) Permitted in certain districts and locations. All new wireless communication facilities shall be permitted in any industrial zoned district, subject to compliance with applicable federal law, state law and City ordinances. The collocation of a wireless communication facility may be permitted in a C-1 or CBD Zone when located on an existing common structure, tower, or building. Any accessory transformer box which must be placed on the ground shall be constructed according to all zoning and building regulations and shall be placed as close as possible to the support structure. Wireless communication facilities may be permitted on the following sites in all districts subject to a public hearing:
- (1) City-owned sites.
  - (2) Other governmentally owned sites as necessary by City or county or state to ensure emergency communications, homeland security or disaster warning system.
- (c) Site plan approval. All new wireless communication facilities installed at a new location are subject to site plan approval by the Planning Department and the application of all other standards contained in this section. Co-locations with existing facilities do not require site plan review. Change in footprint of existing facilities or increase tower height requires administrative review of the Planning Department.
- (d) General requirements. General requirements are as follows:
- (1) A building permit shall be required for the erection, construction or alteration of any wireless communication facility and approved by the Chief Inspector as to compliance with the requirements of the zoning district wherein such wireless communication facility is to be located.
  - (2) The maximum height of a new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to co-locate on the structure. The accessory building contemplated to enclose such things as switching equipment shall be limited to a maximum height of 12 feet, unless architectural features acceptable to the Planning Department justify increased height.

- (3) The minimum setback of a new or materially modified support structure from all abutting streets or adjacent property shall be a distance equal to the height of such structure, unless the applicant can certify that the tower is engineered to fall within the parcel if structural failure occurs.
- (4) There shall be an unobstructed access to the support structure and switching equipment, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.
- (5) The use of high intensity (strobe) lighting on a wireless communication facility shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.
- (6) Wireless communication facilities in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or one-half-mile radius of a helipad.
- (7) Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or in an accessory building. If proposed as an accessory building, it shall be compatible with the existing building and shall conform with all district requirements for principal buildings, including yard setbacks.
- (8) Where the property containing a wireless communication facility adjoins any residentially zoned property or land use, the developer shall plant two alternating rows of evergreen trees with a minimum height of five feet on twenty-foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than 10 feet from any structure.

**Sec. 52-690. Open air business uses.**

Open air business uses, where permitted, in a C-1, M-1 or M-2 District, shall be subject to the following:

- (1) The minimum area of the site shall be 10,000 square feet in a C-1 District and 15,000 square feet in an M-1 and M-2 District.
- (2) The minimum street frontage shall be 100 feet.
- (3) There shall be provided around all sides of the site, except at entrances, exits and along sides of premises enclosed by buildings, a fence or wall five feet in height in order to intercept windblown trash and other debris.
- (4) Off-street parking areas and aisles, as required under Article VI of this chapter, shall be paved in accordance with the requirements of § 52-773.
- (5) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will cast direct illumination on adjacent properties.
- (6) Before approval is given for any use, a site plan shall be first submitted to the Planning Department for review as to the suitability of location of entrances and exits to the site, parking area, fencing, lighting and other design features.
- (7) All open air business uses shall comply with all City and county health regulations regarding sanitation and general health conditions.

**Sec. 52-691 through Sec. 52-696.**

No changes.

**Sec. 52-697. Site plan review.**

- (a) The purpose of site plan review is to determine compliance with the sections set forth in this chapter and to promote the orderly development of the City, the stability of land values and investments and general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance. This section shall apply to all site plan review procedures unless otherwise provided in this chapter. The procedures of this section shall be minimum requirements, and additional procedures may be required by this chapter or by the Planning Department.
- (b) Whenever site plan review is required by this chapter, a copy of the site plan, including all items required together therewith, shall be submitted to the Planning Department. A site plan review application, to have site plan approval for a particular use, shall be submitted to the Planning Department, 100 McMorran Boulevard, Port Huron, Michigan 48060. Include the name of the development; the proposed use; the property owner's name and/or the applicant's name, address, and daytime telephone number. If the applicant is not the property owner, please indicate as such and the relationship thereto (for example, if the applicant is the contractor, realtor, developer, etc.). A copy of a purchase agreement may be requested, if the applicant is not the property owner. The Planning Department may prepare forms and require the use of such information in site plan preparation. The fee for an application for site plan review or approval shall be adopted by resolution of the City Council and amended, as necessary, by resolution of the City Council.
- (c) A copy of the site plan shall be distributed by the Planning Department to such individuals and agencies as deemed necessary by the Planning Department.
- (d) The following information shall accompany all plans submitted for review:
  - (1) A legal description of the property under consideration.
  - (2) A copy of the site plan is required on a USB flash drive in a PDF format and a twenty-four-inch by thirty-six-inch sheet. A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements, is required. All property and building dimensions shall be indicated. The map shall be drawn to scale by a licensed surveyor, engineer, or architect. All letters and numbers on the map shall be clearly legible.
  - (3) The twenty-four-inch by thirty-six-inch site plan shall be a general development plan with the following details shown to scale and dimensioned:
    - a. Location of each existing and each proposed structure in the development area, the use to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points; location of structures on adjacent properties in respect to the property lines.
    - b. All streets, driveways, easements, service aisles and parking areas, including general layout and design of parking lot spaces in accordance with Article VI of this chapter.
    - c. All pedestrian walks, malls and open areas for parks and recreation.
    - d. Location and height of all walls, fences and screen planting, including general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained; location of dumpsters, if necessary for such use.
    - e. Types of surfacing, such as paving, turfing or gravel, to be used at the various locations.



- f. A grading plan of the area with topographic information.
  - g. Existing and proposed utilities.
- (4) Plans and elevations of one or more structures, indicating proposed architecture and construction standards.
  - (5) Such other information as may be required by the City to assist in the consideration of the proposed development.
  - (6) Any rezonings, lot splits/combinations, zoning variances, etc., which are required for the proposed use shall occur before a site plan can be reviewed. The fee for an application to split or combine a lot shall be adopted by resolution of the City Council and amended, as necessary, by resolution of the City Council.
  - (7) Public rights-of-way (alleys or streets) or utility easements which may need to be vacated for construction purposes shall be vacated prior to any site plan approval. If utility easements need to be relocated, letters from the appropriate utility companies authorizing the relocation shall be provided before such existing easements can be vacated. The fee for an application to vacate a public rights-of-way (alleys or streets) or utility easement shall be adopted by resolution of the City Council and amended, as necessary, by resolution of the City Council.
- (e) In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area and to ensure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Department shall determine whether the site plan meets the following criteria, unless the Planning Department determines that one or more of such criteria are inapplicable:
- (1) The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.
  - (2) Pedestrian walkways shall be provided as deemed necessary by the Planning Department for separating pedestrian and vehicular traffic.
  - (3) Recreation and open space areas shall be provided in all multiple-family residential developments.
  - (4) The site plan shall comply with the district requirements for minimum floor space, height of buildings, lot size, yard space, density and all other requirements as set forth in § 52-621 of this chapter unless otherwise provided in this chapter.
  - (5) The requirements for greenbelts, fencing, and walls, and other protective barriers shall be complied with as provided in § 52-693.
  - (6) The site plan shall provide for adequate storage space for the use therein, including, where necessary, storage space for recreational vehicles.
  - (7) The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided in this chapter.
- (f) The site plan shall be reviewed by the Planning Department and approved, disapproved or approved with any conditions the Planning Department feels should be imposed. However, the applicant shall have the right to appeal to the City Council for a site plan disapproved by the Planning Department, provided that the appeal is filed within 30 days after Planning Department denial.
- (g) The building permit may be revoked by the Chief Inspector when the conditions of the site plan as approved by the Planning Department have not been complied with as provided in § 52-41(b)(2).

- (h) Any structure or use added subsequent to the initial site plan approval must be approved by the Planning Department. Incidental and minor variations of the approved site plan with written approval of the Planning Department shall not invalidate prior site plan approval.

**Sec. 52-698. Standards for decisions.**

Notwithstanding anything to the contrary contained in this chapter and to secure compliance with Public Act 110 of 2006 (MCL 125.3101 et seq.) with respect to procedures contained in this chapter pertinent to special land uses and/or planned unit developments or concepts in this chapter under different terminology designed to accomplish similar objectives of a reviewing process, such reviewing process is delegated to the Planning Commission. Any site plan review required pertinent to this section is hereby delegated to the Planning Department notwithstanding any other section to the contrary. In addition to specific standards which may be applicable, the following standards shall serve as the basis for decisions involving special land uses, planned unit developments, and other discretionary decisions contained in this chapter. The proposed use or activity shall:

- (1) Be compatible with adjacent uses of land;
- (2) Be consistent with and promote the intent and purpose of this chapter;
- (3) Be compatible with the natural environment;
- (4) Be consistent with the capabilities of public services and facilities affected by the proposed use; and
- (5) Protect the public health, safety, and welfare.

**Sec. 52-699 through Sec. 52-730.**

No changes.

ADOPTED: August 12, 2024

PUBLISHED: August 16, 2024

EFFECTIVE: August 23, 2024

<b>RESULT:</b>	<b>2ND READING/ENACTED BY CONSENT [UNANIMOUS]</b>
<b>MOVER:</b>	Sherry L. Archibald, Mayor Pro-Tem
<b>SECONDER:</b>	Robert L. Mosurak, Councilmember
<b>YES:</b>	Repp, Archibald, Ashford, Haremza, Lamb, Mosurak, Pemberton

*I, Pauline M. Repp, Mayor of the City of Port Huron, do hereby certify that ORD #24-005 was passed and adopted by the Port Huron City Council at its meeting held on Monday, August 12, 2024.*

\_\_\_\_\_  
*Mayor*

\_\_\_\_\_  
*Date*

*I, Cyndee M. Jonseck, City Clerk of the City of Port Huron, do further certify that ORD #24-005 was published Friday, August 16, 2024, in the Times Herald, a newspaper circulated in the City of Port Huron, being the first and final day of publication.*

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*Cyndee M. Jonseck, CMC, MiPMC  
City Clerk*