

## Ordinance No. 241

An Ordinance providing for the health, safety and general welfare of the residents of Port Huron Township, adopted to amend Section 40-854 of the Charter Township of Port Huron Code of Ordinances, by modifying the current mixed usage regulations allowed in Commercial and Industrial Districts within Port Huron Township.

THE CHARTER TOWNSHIP OF PORT HURON, ST. CLAIR COUNTY, MICHIGAN, ORDAINS:

Section 1: Section 40-854, item “a. Commercial/Industrial Developments” of the Port Huron Township Zoning Ordinance shall be repealed and replaced with the following:

- (a) Allowed Mixed Uses. In all commercial districts, a limited amount of storage is permitted where the storage is accessory to the principal retail use. Similarly, in industrial districts, office and sales operations are permitted where such activities are clearly incidental to the principal industrial use. In certain businesses, the accessory use is an integral part of the overall business operation, such that the business takes on the character of a mixed use. In these cases, the specific guidelines provided in this section must be used to determine if the accessory use is reasonable and should be permitted.
  - 1) Types of Use. Both “Principle Uses” and “Special Land Uses” listed in all “B – Business” districts and “IL – Light Industrial” districts may be allowed as mixed uses in either district provided they comply with the intent of the districts listed in the ordinance, are in compliance with the general development standards listed in each chapter, and receive planning commission approval under the Special Use Approval requirements.
  - 2) Character of the Proposed Use. The principal use of the site must match the zoning uses of the district it is located in, with the accessory use in compliance with the following:
    - a. Industrial uses in commercial districts
      - 1. Types of Activity. Heavy machinery typically found in manufacturing or industrial plants shall not be permitted. The machinery shall not create dust, noise, odor, vibration or fumes that would cause any adverse impact on neighboring properties. The use of the building or property for storage must not create any safety issues of toxic or hazardous types of materials than would normally be created by the use of the property for commercial activity.
      - 2. The following I-L Light Industrial uses are prohibited in a B-3 General Commercial district unless a variance is approved by the Zoning Board of Appeals; Junk Yards and Commercial Kennels.
    - b. Commercial uses in industrial districts.
      - 1. The retail activity must be a related use to the main manufacturing or storage of the industrial business located on the site, while not necessarily requiring the production of all items for sale in the business to be produced on the property.

- 3) Percentage of use and/or development. In all Commercial and Industrial Districts the amount of the use dedicated to the principal zoning of the district in which it is located shall not be less than 60% of the total square footage of each building or the lot, if used for storage, and/or not less than 60% of all of the buildings located on site.
- 4) Site Plan Requirements. All applicants shall submit a proposed "Sketch Plan" or if necessary an engineered "Site Plan", should there be on site changes requiring engineering approval.
  - a. Location. Any commercial uses located in the buildings must front the main road right of way frontage or the main service drive of a complex.
  - b. Parking. Additional parking must exist or be required to be installed to service each particular use located on the property, in accordance with a corresponding ratio of use to parking, as listed in the existing ordinance requirements.
  - c. Truck service. The location of all parking, service bays and building access for trucking for industrial uses must be located on the sides or back of a building or screened from direct public view from adjacent right of ways. Proper and adequate ingress and egress must exist or be installed to comply with the ordinance requirements and local agencies such as St Clair County Road Commission.
  - d. Landscaping. The landscaping existing on site must meet the minimum requirements listed for the type of use, as required along the road frontage, or be installed within one year after approval.
  - e. Sidewalks and/or Bike-paths. Where the property has additional planned sidewalks or bike-paths proposed to comply with Federal, State or local "Master" Plans, including recreation and DDA plans, the applicant shall be required to construct them as detailed in the plan, or contract with the township for their future construction with the assessment costs and construction being levied over an agreed upon time frame.
  - f. Screening. All sites must meet the minimum screening requirements listed elsewhere in the ordinance for both storage and/or industrial uses located next to existing residential zoning districts or uses.
  - g. Review and approval of the Charter Township of Port Huron Fire and Building Departments are required for the Special Use Approval subject to any code requirements, conditions or requirements necessary to provide a safe operation to the surrounding areas.
  - h. Engineering. Any improvements required by these additional requirements are subject to review and approval by the township engineers' office in compliance with the site plan review requirements and the Zoning Administrators review and approval, as well as all Federal, State, County agencies and other ordinance requirements, with resultant costs being paid for by the applicant.
- 5) Permits, Guarantees and violations. All requirements, conditions and/or bonds listed for all other site plan or special use approval developments shall be required to be provided by the applicant prior to the issuance of any necessary permits and/or certificates of occupancy.

Section 2: Penalties. Any failure to comply with any part of this Ordinance, or to maintain and/or protect the safety of the animals, the property, and/or neighboring property shall be considered a violation of the Ordinance and subject to a Municipal Civil Infraction, and/or other action as deemed necessary by the Township.

Section 3. Severability. Should any provision or part of the Ordinance within be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

The above Ordinance was offered for adoption by Township Board Member \_\_\_\_\_, and was seconded by Township Board Member \_\_\_\_\_, the vote being as follows:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN/ABSENT: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED:

EFFECTIVE DATE: JULY 5, 2017

---

By: Benita Davis, Clerk  
Charter Township of Port Huron

#### CERTIFICATION

I hereby declare that the above is a true copy of an Ordinance adopted by the Charter Township of Port Huron Board at a board meeting held on June 19<sup>th</sup>, 2017, at the Charter Township of Port Huron Hall, pursuant to the required statutory procedures.

Dated: \_\_\_\_\_

---

Benita Davis, Township Clerk  
Charter Township of Port Huron

\\phsvr\users\klavigne\My Documents\PHT\Ordinances & Resolutions\2017 Prop Zon Ords\2017 -06-19 Adopted Ords\2017 Sec. 40-854 Mixed Uses Final Rev.docx