

ZONING

52 Attachment 1

City of Port Huron

Schedule of Regulations (§ 52-621)

[Code 1975, Ch. 39, Art. XVII; Code 1992, § 32-407; 8-13-2001 by Ord. No. 1188;
 10-10-2005 by Ord. No. 1253; 1-23-2006 by Ord. No. 1257; 10-22-2007 by Ord. No. 1280;
 5-24-2010 by Ord. No. 1311; 7-13-2015 by Ord. No. 15-006; 10-24-2016 by Ord. No. 16-005;
 6-26-2017 by Ord. No. 17-007]

Zoning District	Minimum Lot Width (feet) ****	Minimum Lot Area (sq. ft.)	Maximum Lot Coverage (percent)	Maximum Height of Building*****		Minimum Yard Requirements in Feet (Unobstructed) Sides Least Total of:				Minimum Floor Area per Dwelling Unit (square feet) e
				In Stories	In Feet	Front a, b, c, d	One	Two	Rear	
R	70 <i>u</i>	7,000 <i>u</i>	35%	2 1/2*	35	25 <i>t</i>	10% of lot width <i>f, s</i>	20% of lot width <i>f, s</i>	25	1,000 – single
R-1	100 <i>g, v</i>	10,000 <i>g, v</i>	35%	2 1/2	35	25 <i>t</i>	10% of lot width <i>f, s</i>	20% of lot width <i>f, s</i>	25	800 – duplex
A-1	100 <i>g, v</i>	10,000 <i>g, h, v</i>	35%	3	40	25	10 <i>f, i, j</i>	20 <i>i, j</i>	30	<i>k</i>
A-2	100 <i>v</i>	10,000 <i>h, l</i>	35%	—	—	25 <i>m</i>	10 <i>f, i, j, m</i>	20 <i>i, j, m</i>	30 <i>m</i>	<i>k</i>
CCD	50*	—	—	See Ch. 52, Art. III, Div. 6	—	—	—	—	—	—
B	50*	—	—	2 1/2	35	<i>n</i>	<i>n, o</i>	—	<i>o, p</i>	—
C-1	50*	—	—	3	45	<i>n</i>	<i>n, o</i>	—	<i>o, p</i>	<i>q</i>
CBD	50*	—	—	7 <i>r</i>	80 <i>r</i>	<i>n</i>	<i>n, o</i>	—	<i>o, p</i>	<i>q</i>
MD	50*	—	—	2	30	<i>n</i>	<i>n, o</i>	—	<i>o</i>	—
M-1	100	15,000	50%	3	50	50	30	60	30	—
M-2	100	15,000	50%	3	50	50	30	60	30	—
I	100** <i>u</i>	20,000** <i>u</i>	50%	7	80	25	20***	40	25	—

NOTES:

- * On street side.
- ** Subject to approval of master plan for area, approved by the Planning Commission and City Council.
- *** See § 52-548(a), yards.
- **** At the street property line and the entire length of the property
- ***** Unless otherwise noted within the division regulations for the zoning district

Footnotes to Schedule of Regulations:

- a. In all residential, industrial, and institutional districts, the required front yard shall not be used for off-street parking, loading, unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives. In a residential district, cars are allowed to park in a permitted paved driveway in front of a garage door within the required setback for the front yard or street side yard, provided the cars do not overhang into the right-of-way.

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- b. Where lots are on rivers, the lake or canals, the property shall be treated as a through or double-frontage lot and have required front yards on both street and water frontages. Parcels having frontage on the waterfront shall have the yard maintained on the water side as an open, unobstructed yard except that a boat hoist or boathouse shall be permitted per §§ 52-3 and 52-676.

Any new construction on a parcel adjacent to the lake, canal, or rivers, as it relates to the yard along the waterfront, shall conform to the average setback established by the existing adjacent dwellings on either side of the proposed construction. In establishing the average setback based on existing dwellings, a straight line shall be drawn between the adjacent dwellings from the two corners that are nearest the water and closest to the proposed construction. Any new construction that shall exceed 18 inches above finished grade shall be built behind this imaginary line. If either adjacent lot is unimproved, the dwelling or main building on the next improved lot having water frontage shall be used. If the new construction is built on nonresidential property, the average setback of the adjacent main buildings shall be used for the new building setback line.

New construction, including any dwelling, building, accessory building, structure, or part thereof, shall include any enclosed, screened or covered porch, patio, terrace, or deck. A part of the structure shall also include an uncovered raised or unraised porch, patio, terrace or deck with or without railings that exceeds a height of 18 inches from the average grade line to the top of the railing or decking. Any architectural elements exceeding 18 inches above the average grade must also be behind this setback line.

Any item which creates a continuous visual obstruction such as a fence, a planter, a line of shrubbery, accessory buildings, recreational vehicles, campers or boats or anything that will exceed 18 inches in height above the average grade shall not be located between the setback line and the waterfront. Boats and watercraft may be parked on the beach per § 52-677. Trees may be planted and maintained in this area, provided all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the grade surface. Temporary snow fences may be allowed from December 1 to April 1. Swing sets are excluded.

If a fence or railing is proposed over 18 inches and it is of a “see through” material such as plexi-glass, chain link, aluminum, wrought iron, or other similar material that is not solid screening, the Building Inspector shall have the authority to allow its construction between the dwelling and the high water line, not conforming with the average setback line, without a zoning variance, provided that the following conditions are met:

1. The two adjacent property owners on both sides (two on one side and two on the other side) of the property where the fence will be erected must sign an approval to allow the fence/railing, indicating the fence/railing will not block their view. If there are not two parcels on each side of the property, then signatures of one property owner on each side shall suffice. The signatures shall be kept on file with the Building Inspection Division.
2. The fence/railing cannot exceed six feet in height. Anything over six feet will require a variance.

On the Black River and St. Clair River, where the elevation at the water line is often lower than the dwellings, the Building Inspector may allow an accessory structure to be constructed between the dwelling and the water line, not conforming to the average setback line, without a zoning variance, provided that the two adjacent property owners on both sides (two on one side and two on the other side) of the property where the accessory structure will be erected must sign an approval to allow the structure, indicating the structure will not block their view. If there are not two parcels on each side of the property, then signatures of one property owner on each side shall suffice. The signatures shall be kept on file with the Building Inspection Division.

Before any building permits will be issued, a complete site plan shall be submitted with a survey showing the location of the new construction and the location of any adjacent dwellings. Any deviation from the setback requirements must obtain a variance from the Zoning Board of Appeals except as indicated above.

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- c. No front yard shall be required as set forth in the district in which it is located for any boathouse constructed over the water of either the St. Clair River or Black River or boat hoist on Lake Huron or the canals, provided that such boathouse or boat hoist is set back from the harbor line as established by the U.S. Army Corps of Engineers and set back a minimum of three feet from the side lot line and provided, further, that the boathouse shall be not more than 23 feet in height above the water line, as defined in International Great Lakes Datum (elevation - L 576.8 ft.), or exceed 800 square feet in area.
- d. For double frontage lots where a building fronts on two streets, the lot will have two front yards, and the required minimum front yard setback shall be observed on both street frontages for any construction such as the main structure, fences or accessory buildings, etc.
- e. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, garages or accessory buildings.
- f. In R, R-1, A-1 and A-2 Districts, the width of side yards, which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than 50% of the required front yard for homes which front upon such side street.
- g. For new single-family dwellings, the minimum lot size shall be the same as that required in the R District. See Footnote "u" in the Schedule of Regulations. For new two-family dwellings, the minimum lot width shall be 100 feet and the minimum lot area shall be 10,000 square feet.
- h. For new single-family detached condominiums with three or more buildings on the site, the minimum site size shall be 5,000 square feet per building. For new duplex condominiums with two or more buildings on one site, the minimum site size shall be 7,000 square feet per duplex building. Minimum land area required for each dwelling unit, with three or more units in a structure, in the A-1 District shall be:

Dwelling Unit Size	Land Area in Square Feet Apartments and/or Townhouses
Efficiency or one-bedroom unit	3,500
Two-bedroom unit	4,000
Three-bedroom unit	4,500
Four or more bedroom unit	5,000

- i. For every lot on which a multiple, row or terrace dwelling is erected, with more than three units in the structure, there shall be provided a twenty-foot side yard on each side of the lot, instead of the 10 feet as indicated in the schedule. Where a lot adjoins land zoned for R or R-1 purposes, all buildings four or more stories in height must be set back a minimum of 50 feet from the lot line adjoining the residential zoning.
- j. Where two or more multiple, row or terrace dwelling structures are erected upon the same lot, a minimum yard space of 20 feet in width shall be provided between structures.
- k. Required minimum floor area for each dwelling unit shall be:

Dwelling Unit Size	Floor Area in Square Feet
Efficiency unit	450
One-bedroom unit	600
Two-bedroom unit	800
Three-bedroom unit	1,500
Four or more bedroom unit	2,000

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- l. Minimum land area required for each dwelling unit in the A-2 District shall be based upon the number of bedrooms in each unit and building height as follows:

Land Area in Square Feet Per Unit

Building Height (in stories)	Efficiency Unit	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
1 to 4	320	640	960	1,280	1,600
5	300	600	900	1,200	1,500
6	280	560	840	1,120	1,400
7	260	520	780	1,040	1,300
8	240	480	720	960	1,200
9	220	440	660	880	1,100
10 and over	200	400	600	800	1,000

- m. Where allowed in the CBD District, all or some of the minimum yard requirements for high-rise residences may be waived by the Zoning Board of Appeals.
- n. Where any B, C-1, CBD, or MD District borders on a street, whereon a residential zoning district or a residential dwelling exists in the same block, there shall be provided a setback equal to the average setback of adjacent dwellings from the side street right-of-way line for all commercial buildings and parking and loading areas.
- o. Where a B, C-1, CBD, or MD District borders a residentially zoned district or a residential dwelling and the properties are not separated by an alley or street, there shall be a minimum building setback of 20 feet from that property line bordering the residentially zoned district.
- p. Loading space shall be provided in the rear or non-street side yard between the building and the rear property line. The Planning Director may waive this requirement when this subsection causes undue hardship and allow loading space in the street side yard or front yard.
- q. Where hotels or motels are permitted in a C-1 or CBD District, a minimum of 250 square feet of floor area shall be provided within each unit.
- r. Modifications allowing greater height may be permitted by the Zoning Board of Appeals after public hearing.
- s. Any lot 50 feet wide or wider shall have a side yard requirement of 10% of the lot width on each side up to a maximum of 10 feet on each side. Total of the two must equal 20% of the lot width up to a maximum of 20 feet. The minimum interior side yard setback shall be five feet for all lots under 50 feet wide. An addition to an existing home may be constructed at the same setback as the existing dwelling even if the existing dwelling is not set back 10% of the lot width. However, in no case shall the new addition be closer than five feet from the side property line.
- t. New dwellings and additions may be built in line with the average front yard setbacks of adjacent dwellings.
- u. A single-family dwelling may be built on a vacant lot with a minimum width of 50 feet, along a public street, and a minimum lot area of 5,000 square feet if the lot is a lot of record as of December 31, 2007, and provided that the lot has a separate tax parcel identification number. After December 31, 2007, any new lots created by a lot split, a division of any lot of record, or any new lots in a platted subdivision must be a minimum of 70 feet wide and have a minimum area of 7,000 square feet in order for a single-family home to be constructed upon said lot.
1. Two or more adjacent existing lots of record combined to form a fifty-foot-wide lot with a minimum 5,000 square foot area, is a buildable lot for a new single-family home.

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2. Adjacent lots of record under the same ownership, that have separate tax parcel identification numbers, are buildable for a single-family home, provided each parcel is a minimum of 50 feet wide by 100 feet deep. If two fifty-foot-wide lots are adjacent, under one ownership, and do not have separate tax identification numbers, the lots cannot be split without a variance from the Zoning Board of Appeals. A survey will be required to determine if the building has the proper setbacks and lot coverage in accordance with Article III, Division 16, Schedule of Regulations.
 3. A single lot of record which is 100 feet wide or wider cannot be split into a parcel less than 70 feet wide in order to build. A zoning variance would be required to split a lot into parcels less than 70 feet. No variance shall be allowed to create a split for a lot less than 50 feet wide for construction purposes.
 4. Any single platted lot of record, which is owned separately from an adjacent lot, which is 40 feet wide to 49 feet wide and is a minimum of 100 feet in depth must obtain a zoning variance before the lot is buildable for a new single-family home.
 5. Any lot of record less than 40 feet wide is not buildable and a zoning variance may not be obtained.
 6. In any instance, on a lot of any width, the yard setbacks for the structures, lot coverage, and other requirements, not involving area or width or both of the lot, shall conform to the regulations for the district in which such lot is located.
 7. An existing lot with a minimum width of 50 feet and a minimum area of 5,000 square feet which is occupied with a single-family dwelling as of the effective date of this ordinance (January 28, 2006) is a conforming lot. Alterations may be made to said structure, provided all other zoning requirements are met in regard to setbacks, lot coverage, etc.
- v. All new two-family dwellings with one duplex per lot must be constructed on a lot with a minimum width of 100 feet and a minimum of 10,000 square feet in area. An existing lot which is a minimum of 50 feet but less than 100 feet wide, is a minimum of 7,000 square feet in area and is occupied with a two-family dwelling as of the effective date of this chapter is a conforming lot. Alterations may be made to said structure, provided all other zoning restrictions are met in regard to setbacks, lot coverage, etc.