

MOTION OFFERED BY: REID JR.
SECOND BY: JOHNSON

ORDINANCE # 161-B

**AN ORDINANCE TO AMEND CHAPTER 46, ARTICLE III DISTRICT
REGULATIONS, DIVISION 16 LI LIGHT INDUSTRIAL DISTRICT FOR THE
EAST JORDAN ZONING CODE TO PROVIDE FOR ZONING
REQUIREMENTS IN THE CITY OF EAST JORDAN'S AIR/INDUSTRIAL
PARK**

LI LIGHT INDUSTRIAL DISTRICT

The City of East Jordan hereby ordains:

Section 46-665-46-671 of the current adopted Ordinance will be replaced with the removed and replaced with:

Section 46-665. Purpose.

- (a) In those areas set aside by the City of East Jordan to provide for Air Industrial Park Development, located in South Arm Township and under the jurisdiction of the City of East Jordan pursuant to an Agreement under Public Act 425 of 1984, the following restrictions are specifically designed to promote and create a working environment that is safe, attractive and answers the needs of a Light Industrial Complex and is an attribute to the community.
- (b) In order to achieve this goal, the following restrictions shall be required so that industrial activity can co-exist with the surrounding zoned districts without causing nuisance, hazard or visual blight.
- (c) These restrictions are imposed upon the property to insure proper use and appropriate development and improvement of each building site thereof; to protect the owners of building sites against such improper use of surrounding building sites as will depreciate the value of their property; to guard against the erection thereon of structures built of improper or unsuitable materials; to insure adequate and reasonable development of said property; to encourage the erection of attractive improvements thereon, with appropriate locations thereof on building sites; to prevent haphazard and inharmonious improvements on building sites; to secure and maintain proper setbacks from streets; and in general to provide adequately for a high type quality of development on said property and for the orderly development and efficient maintenance thereof.

Section 46-666. Intent

The intent of the light industrial zone is to provide for wholesale and warehousing uses as well as the industrial uses that include fabrication, manufacturing, assembly or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot, or lighting to a degree that is offensive when measured at the property line of subject property.

Section 46-667. Permitted Principal Uses

The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located, except as otherwise provided in this Ordinance:

Principal uses and structures. In all areas zoned LI, light industrial district, no building or part of a building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principals permitted uses:

1. Light manufacturing, assembly, research, packaging, testing and repair of the following:
 - a. Life science products, including, but not limited to: bio-technology, biopharmaceutical, biomedical products, pharmaceuticals, medical instruments, appliances, and diagnostic equipment.
 - b. Material science products, including but not limited to: plastics, polymers; laser technology, and robotics.
 - c. Information technology products, including, but not limited to telecommunications, computer parts and equipment, and electronics.
 - d. Instrumentation products, including, but not limited to scientific instruments, measuring, controlling, testing, and metering equipment; and optical instruments.
 - e. Automotive parts and accessories.
 - f. Food products and beverage products, but not including rendering or refining of fats and oils.
 - g. Apparel including, but not limited to, clothing, jewelry, shoes and accessories.
 - h. Miscellaneous products made from wood, paper, ceramics, metal, glass, and stone.
 - i. Electrical components and products and electrical appliances.
2. Research and design centers and testing laboratories.
3. Film production studios, indoor sound stages, and related activities.

4. Printing, lithography, blueprinting, and similar uses.
5. Tool, die, gauge, metal polishing, and machine shops.
6. Contractors' establishments, such as the facilities of a building contractor, carpenter, roofing contractor, plumber, electrician, caterer, exterminator, decorator, or similar business or trade.
7. Manufacture of light sheet metal products.
8. Computer programming, software development and data processing and computer centers.
9. Plastic injection molding.
10. Warehousing and material distribution centers, transfer facilities, not including waste disposal transfer stations, and recycling centers provided they adhere to other statutes provided herein
11. Vocational training schools, such as trade schools and training centers,
12. Secondary retail and service uses, which are accessory to the principal permitted use. Such uses shall not be permitted in a separate building. Such secondary uses shall have at least one separate customer entrance or a service window in a lobby area.
13. Private indoor recreation uses such as bowling establishments, gymnasiums, ice skating rinks, tennis clubs, roller skating rinks, court sports facilities, and similar recreation' uses. Arcades shall be permitted only where accessory to other private indoor recreation uses.
14. Private outdoor recreation uses, such as archery ranges, baseball, football or soccer fields, bicycle motocross (BMX) tracks, court sports facilities, golf driving ranges, swimming pools, and similar outdoor recreation uses.
15. Dance, gymnastics, martial arts schools, and similar types of studios.
16. Canine training facility, pet day care facility and/or indoor pet boarding facility with no outdoor runs.
17. Medical and dental laboratories.
18. Automobile repair garages.
19. Equipment storage, sale and rental yards. Temporary storage of recreation vehicles, subject to the following conditions:
 - No vehicles, equipment shall be stored within 40 feet of a public right-of-way.
 - The area adjacent to the right-of-way shall be screened with a minimum 48" high landscaped berm.
20. Building material sales, including establishments which sell hardware, glass, paint, and lumber, and which may require outdoor retail or wholesale display or sales area.

21. Wholesale establishments, such as plumbing and electrical supply establishments.
22. Automobile rental including customary and incidental uses, subject to the provisions of section 46-795.
23. Commercial kennels.
24. Radio, television and cellular telephone towers, subject to provisions of section 6.02, subsection S.
25. Wholesale facility for sale of unprocessed agricultural products by farmers and producers.
26. Growing and processing of agricultural crops wholly contained within a permanent enclosed structure.
26. Airport-related businesses.
27. Uses and structures accessory to the above, subject to the provisions in section 46-704.
28. Essential services.
29. Packaging and/or parcel delivery services.
30. Nonhazardous material, bulk storage and related uses
31. Municipal waterworks.
32. Other uses similar to the above.

Section 46-668. Prohibited Uses

The following uses are strictly prohibited within the Light Industrial Park:

- A. Asphalt or tar manufacturing or refining.
- B. Manufacture of gas, coke or coal tar products.
- C. Slaughtering of animals for the reduction or recovering of products from dead animals or animal offal or garbage.
- D. Petroleum refining, chemical production and/or processing industries or similar factories or uses.
- E. Auto wrecking, salvage yards or junk yards.
- F. Central mixing plant for asphalt, mortar, plaster or concrete except as may be required in connection with paving of roads or other construction within the development.
- G. Heavy drop forge stamping plant or ferrous or non-ferrous foundry.

H. Saw mills.

I. Storage buildings, of any size and type, are prohibited as a principal use of a lot.

Section 46-669. Site Plan Review.

All uses permitted under the provisions of this zoning ordinance and applying for a zoning permit, shall follow the requirements of Article 2, Division II, "Site Plan Review".

Section 46-670. Development Standards and Regulations.

A. Outside Storage

Outdoor storage of materials, supplies, and/or finished or semi-finished products may be permitted, subject to the following conditions:

1. Such storage shall be screened with fencing in accordance with Section 5.08. Where visible from any public or private road, the screen and access gates shall be opaque and be composed of a material compatible with the design and materials of the primary building or evergreen landscaping.
2. No materials shall be stored above the height of the screening.
3. Proper access to all parts of the storage areas shall be provided for fire and emergency services.
4. Any materials, supplies, or products must be located behind the front building line and meet all side and rear setback requirements of the district.
5. In no case shall any materials, supplies and/or products be stored on properly fronting onto M 32
6. Vehicles may be stored in conjunction with special land use approval for new and used automobile sales, subject to the provisions of section 46-795.
7. Use of trailers and/or shipping containers for storage is prohibited.

B. Off-Street Parking, Loading and Unloading

All development in the LI District will meet Article VII Off Street Parking, Loading and Unloading including

1. One (1) parking space shall be provided for each employee, customer and/or guest during the period of maximum use.

2. All roadways, driveways and parking areas shall consist of hard surfaced concrete, blacktop or equivalent to meet the structural requirements of the approved usage. Loading and Unloading
3. Loading and unloading areas shall be located in the rear or side yard.
4. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress and egress.

C. Landscaping

1. A landscape plan shall be submitted to the Planning Commission for approval. This landscape plan shall be part of, and accompany the site plan.
2. A greenbelt at least ten (10) feet in width shall be provided around the entire perimeter of each developed parcel except where ingress and egress drives are located. Green belt is defined to be a maintained landscaped area that may include trees and/or shrubbery.
3. The off-street parking areas and driveway accesses shall be screened from view of any adjoining residential property. Such screening shall consist of earth berm, permanent walls or evergreen landscaping subject to approval of the Planning Commission.
4. All landscaping and screening shall be maintained in an attractive, litter-free, safe and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.

D. Sign Regulations

All signs shall adhere to the regulations set forth in Article VIII. Signs

E. Lighting Requirements

All lighting shall adhere to the regulations set forth in Section 46-720. All lighting used to illuminate buildings, signs and/or off-street parking areas shall be shielded as to prevent direct light rays from the source of light from being directly visible from adjoining property and meet dark sky requirements.

F. Public Road Access

Any use developed or proposed within this district shall have direct access to a dedicated public road.

G. Utilities

To the extent possible, all utilities serving the business structures shall be buried underground.

H. Trash Receptacles

All trash receptacles shall adhere to the regulations set forth in Section 46-719. Trash receptacles shall be covered and enclosed on three (3) sides by structurally sound, secure concrete or metal walls that conform to or are consistent with construction and design of the building to be erected. The walls shall be one (1) foot higher than the receptacle and shall be located in the side or rear yard. The fourth side of the enclosed trash receptacle area shall be equipped with an opaque lockable gate that is the same height as the walls.

I. General

All activities and uses within this District shall conform to the following:

1. Smoke

A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminates for a period or periods aggregating more than three (3) minutes in any one hour which is:

- a. As dark or darker in shade as that designated as No. ½ on the Ringlemann Chart, as published by the United States Bureau of Mines, or
- b. Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in subsection (a) of this Section.
- c. At no time may smoke emissions be darker than Ringlemann No. 1

2. Open Fires

A person or industry shall not burn any combustible refuse in any open outdoor fire within the district.

3. Noxious Gases

No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant or animal life.

4. Air Contaminants

A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor or other air pollutants, which could cause injury or harm to health, animals, vegetation or other property, or which can cause excessive soiling. Dust, dirt, smoke or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed fifty (50) percent excess air.

5. Glare and Heat

Any operation or activity shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

6. Noise

The measurable noise emanating from the premises and as measured at the street or property line, may not exceed sixty (60) decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American Standards Association. Objectionable noises, due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.

7. Vibration

Vibrations from industrial operations and vehicular traffic in this zone must be controlled to the extent that they cannot be felt past any property line.

8. Radio Transmission

For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment.

9. Storage of Flammable Material

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and

such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

10. Radioactive Materials

No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

11. Water Pollution

Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Public Health, the Michigan Water Resources Commission, the District Health Department, the U.S. Environmental Protection Agency, City sewage ordinance or any other legal authority. Such requirements and regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:

- a. No waste shall be discharged in the public sewer system which is dangerous to the public health and safety.
- b. Acidity or alkalinity shall be neutralized to a Ph of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of Ph 5.0 to 10.0.
- c. Wastes shall not contain cyanides and halogens and shall contain not more than 10 p.p.m. of the following gases; hydrogen sulfite, sulphur dioxide and nitrous oxide.
- d. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceeding a daily average of 500 p.p.m. or fail to pass a No. 8 Standard Sieve or have a dimension greater than one-half (1/2) inch.
- e. Wastes shall not have chlorine demand greater than 15 p.p.m.
- f. Wastes shall not contain phenols in excess of .005 p.p.m.
- g. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

Section 46-671: Building Construction

- A. Individuals or organizations shall, within twelve (12) months from the date of purchase, commence construction on any unimproved property conveyed and shall have the same ready for occupancy for a permitted use herein within twenty-four (24) months from the date of said purchase. Failure to comply would result in property reverting to City control, unless this provision is waived in writing.
- B. Any land sold for expansion will be developed within 5 years or will revert back to the city control unless an application for extension is filed to the City Manager 60 days before the 5-year purchase anniversary. The City Commission will review the extension application deciding on the likely hood of future development by the applicant. No Light Industrial land can be sold by private owners to other private owners without the city's permission. Industrial Park land cannot be bought for speculation. The City has right of first refusal on all private land sales.
- C. All development with the area shall be subject to airport flight clearance easements.
- D. All buildings shall be constructed of those approved materials suitable for the proposed use and compatible with adjacent areas. All sides of any building facing upon a public street must be of a finished material. Finished material is defined as face brick, glass, ornamental stone or other decorative materials such as wood or metal with special treatment. In the event of a dispute as to whether or not a particular material qualifies as "finish material", the decision of the Planning Commission shall be final. All exposed concrete block or metal must be painted or varnished within sixty (60) days from the date of occupancy except those materials not normally painted or those materials which have been pre-finished. All buildings shall be constructed in accordance with applicable codes and ordinances of local governmental bodies. No used material shall be incorporated within any building without the express written permission of the Planning Commission. No structure, covering, garage, barn or other outbuilding of a temporary nature shall be situated, erected or maintained on any parcel of the subject property, but this shall not apply to construction buildings or storage facilities used in the course of construction of any permanent building.

Section 46-672. Area and Bulk Requirements

- A. Total minimum area for Planned Air/Industrial Park 40 acres
- B. Front Yard Setback 50 feet
- C. Rear Yard Setback 25 feet

Except where abutting a residential zone. Areas abutting a residential zone shall have a minimum rear yard setback of fifty (50) feet.

- D. Side Yard Setback 25 feet

Except where abutting a residential zone. Areas abutting a residential zone shall have a minimum side yard setback of fifty (50) feet.

- | | | |
|----|---------------------------------------|----------------------|
| E. | Minimum Lot Area | Not less than 1 acre |
| F. | Maximum Lot Coverage | 35% (a) |
| G. | Maximum Height of all Structures | 30 feet (b) |
| H. | Minimum Clear Space Around Structures | 25 feet |

(a) Inclusive of parking and loading areas.

(b) No structure shall hereafter be erected or altered exceeding a height of 30 feet unless approved by the Planning Commission as within the fire-fighting capabilities of the City, upon written application of the owner of the premises.

This Ordinance shall take effect seven (7) days after its adoption and publication.

Roll Call Vote:

Ayes: JOHNSON, REID JR., HAWLEY, SWEET-HOCK, PENZIEN, SHERMAN,
AND TIMMONS

Nays: NONE

Absent: NONE

Adopted: JULY 6, 2021

Published: JULY 15, 2021

Effective: JULY 22, 2021

Cheltzi Wilson, MMC/MiPMC
City Clerk