

ARTICLE XV

I-3, HEAVY INDUSTRIAL DISTRICTS

PREAMBLE

The I-3 Heavy Industrial District is designed to provide for industrial uses that are intensive in nature and could exert nuisance, environmental or safety factors to abutting use districts or neighboring communities abutting the City of Auburn Hills. The intent of the District is to assure that any petitioner or proprietor is responsible for protecting the health, safety, morals, comfort, and general welfare of residents and investors in the area, the City, and neighboring communities.

SECTION 1500. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

1. Vehicular salvage yards provided such are entirely enclosed within an eight (8) foot obscuring wall. There shall be no burning on the site and all industrial processes including the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
2. Junk yards.
3. Incineration of any nonresidential refuse, industrial, hazardous or other wastes when conducted within an approved and enclosed incinerator plant subject to the following conditions:
 - A. Any incinerator facility (incinerator, storage area and receiving area) shall be at least one thousand (1,000) feet from the perimeter of the parcel. Any nonhazardous waste incinerator facility with a capacity of one thousand (1,000) pounds per hour, or less, shall be exempt from these setback requirements, except for Items B. and C. below. Industrial buildings for other uses may be allowed in the one thousand (1,000) foot buffer when a part of a cooperative energy recovery development and nonhazardous waste incinerator.
 - B. Any other structure, building or materials, other than the incinerator, receiving area, and waste storage shall be set back a minimum of one hundred (100) feet from all abutting property lines, streets, and railroad rights-of-way; however, any structure or building higher than forty (40) feet shall be set back an additional two (2) feet for each additional one (1) foot in excess of the minimum one hundred (100) foot setback, but in no instance shall this distance be less than five hundred (500) feet. All stack heights shall follow U.S. Environmental Protection Agency guidance for Good Engineering Practice (EPA 450/2-78-046) and demonstrations shall be provided that Ground Level Concentrations (GLC's) at the property line shall not cause a nuisance or community air pollution impact.
 - C. The entire site shall be surrounded by a planted and maintained greenbelt conforming to Section 1808 of this Ordinance.
 - D. All uses permitted in this subsection shall be subject to the provisions of Act 64 of the Public Acts of 1979, known as the Hazardous Waste Management Act, and Act 641 of 1978, the Solid Waste Management Act.
 - E. All residue resulting from the operation of an incinerator shall be removed from the site of the incinerator and disposed of in an approved disposal site.
 - F. Any request for approval of a hazardous waste incinerator shall include an operations and maintenance plan in graphic and text form describing the method and practices to be followed in the actual day-to-day operation of the incinerator. Data necessary to be submitted and included as part of the operational plan includes the following:
 - 1) A complete Environmental Impact Report prepared pursuant to the specifications of the Michigan Environmental Protection Act, being Act 127 of 1970. This shall also include a review of alternative sites. This plan shall be supplemented by a

- detailed analysis of impacts from noise, vibration, odor, visual impairment and air pollutants past the property line and in the surrounding communities.
- 2) A copy of Act 64 of the 1979 hazardous waste disposal facility construction permit with all attachments, and/or Act 641 of 1978 permits with all attachments.
 - 3) A copy of Act 348 of 1965 Air Quality Permit with all attachments.
 - 4) A market analysis report indicating the economic feasibility of the proposed use.
 - 5) A site operational plan describing the methodology of transfer of wastes from vehicles to the incineration point, methods of mitigating hazardous waste spills and accidents, staffing expectations, hours of operation, and methods for closing and removal of the buildings, structures, and facilities should the incinerator cease operation for a period exceeding six (6) months. Such plan shall be reviewed by the City Environmental Review Board.
- G. Paved access with curbing that will retain rainfall and potential spills shall be available to each site, and each site shall have a paved major thoroughfare proposed to be at least one hundred and twenty (120) feet in existing or proposed right-of-way.
 - H. All storage drums, or material to be incinerated, other than that stored in large holding tanks, shall be stored within a totally enclosed building(s). In addition, loaded tank trucks shall be parked only within a diked area which shall be at least one and one-half (1 1/2) times the volume of the amount to be stored, and shall not include the access road(s).
 - I. There shall be no unlicensed or non-manifested carriers on the site at any time.
 - J. All facilities for rail tank cars or other rail container cars shall be provided with storage facilities under the storage rails to assure that any spillage shall be contained until removal to the approved storage area. Said storage shall be at least one and one-half (1 1/2) times the volume of the amount to be stored.
 - K. Security methods including fencing for the incinerator facility shall be submitted with the required site plan.
 - L. Fire and explosive hazard control shall be outlined and submitted with the required site plan.
 - M. Methods of controlling and avoiding any spillage of liquids or materials into the storm sewer system or off the property shall be outlined for all operational areas, including access.
 - N. The storage capacity of the material to be incinerated on the site shall not exceed twenty (20) days at the rated capacity of the plant. Residue storage shall not exceed one hundred and twenty (120) cubic yards at any time, and shall be stored inside on a contained concrete or superior surface.
 - O. The site for the disposal facility shall be at least five hundred (500) feet from any existing or proposed overhead utility lines.
 - P. Facilities shall be provided for washing all carriers and containers prior to departure from the disposal site. An approved method shall be provided to store used liquids used for washing until movement to the approved disposal site.
4. Barrel reclamation or recycling operations.
 5. Waste lagoon ponds subject to the following conditions:
 - A. In no instance shall a waste lagoon pond be closer than one hundred and fifty (150) feet to a road right-of-way or abutting residential district.
 - B. An eight (8) foot completely obscuring wall or fence shall be erected around the entire site, and control gates for ingress and egress shall be installed. In lieu of a wall or fence, an earth embankment in the form of a berm with a minimum height of eight (8) feet may be utilized at the discretion of the City Council upon recommendation by the Planning Commission.
 6. Mushroom plants and farms, cattle feeder lots, and chicken farm and egg factories shall be allowed subject to the following conditions:
 - A. The plant structure shall be located no closer than one hundred and fifty (150) feet to public right-of-way, or to any adjacent property line.
 - B. The area utilized for the dispensing of waste material shall be no closer than three hundred (300) feet to any public right-of-way, or to any adjacent property line.

- C. All requirements of Performance Standards, Section 1807, shall be strictly adhered to.
 - D. No residential structure on the site, either permanent or temporary, shall be placed closer than five hundred (500) feet to any mushroom growing plant.
7. Gun clubs, whether operated for profit or not, shall be permitted provided the following conditions are met:
- A. All Federal, State, or County and City codes and ordinances in regard to firearms shall be strictly adhered to.
 - B. In no instance shall a firearm be discharged closer than one thousand (1,000) feet to an existing residence.
 - C. In no instance shall a firearm be discharged on any range in any gun club without the presence of an employee of the gun club for supervision.
 - D. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission in compliance with Section 1815 clearly indicating all safety provisions to assure that any missile fired within the confines of a gun club shall not carry into or over an adjacent district or area.
 - E. A six (6) foot high chain link fence shall be provided around the entire gun club site to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged.
 - F. Any other provision which the City Council deems necessary to assure the health, safety, and general welfare of the inhabitants of the City of Auburn Hills and adjacent communities.
8. Slaughter houses and abattoirs shall be permitted subject to the following requirements:
- A. All requirements of Performance Standards, Section 1807, shall be strictly adhered to.
 - B. The physical plant structure, and pens, stockyard, or cages shall in no instance be closer than two thousand (2,000) feet to any adjacent residential district.
 - C. A six (6) foot high chain link fence shall be provided around the entire site to assure that individuals shall not unknowingly trespass on the property, particularly the stockyard area.
 - D. The site shall have at least one (1) continuous boundary five hundred (500) feet in length along a major thoroughfare of at least one hundred and twenty (120) foot existing or proposed right-of-way.
9. Utility and public service facilities and uses such as gas regulator stations and electrical substations.
10. Auto race tracks subject to the following conditions:
- A. All parking shall be provided as off-street parking within the boundaries of the development and shall meet the requirements of Sections 1804 and 1805.
 - B. All access to the parking areas shall be provided from a major thoroughfare of one hundred and twenty (120) feet in existing or proposed right-of-way.
 - C. All sides of the development not abutting a major thoroughfare shall be provided with an one hundred (100) foot wide greenbelt planting, and fence or wall, so as to obscure from view all activities within the development. Said planting shall be in accordance with Section 1808.
 - D. Such use shall be on the interior of the District, or abutted on all sides by another I (Industrial) District.
11. Horse race tracks subject to the following requirements:
- A. All parking shall be provided as off-street parking within the boundaries of the development and shall meet the requirements of Sections 1804 and 1805.
 - B. All access to the parking areas shall be provided from a major thoroughfare of one hundred and twenty (120) feet in existing or proposed right-of-way.
 - C. All sides of the development not abutting a major thoroughfare shall be provided with an one hundred (100) foot wide greenbelt planting, and fence or wall, so as to obscure from view all activities within the development. Said planting shall be in accordance with Section 1808.
 - D. Such use shall be on the interior of the District, or abutted on all sides by another I (Industrial) District.

12. Commercial composting operations which include, but are not limited to, material storage, curing, processing, and composting shall be subject to the following conditions:
- A. The site shall be a minimum of twenty-five (25) acres in size.
 - B. The operation shall not create a nuisance to nearby residents and property owners, which nuisance shall be defined as any activity or composting that creates odors, insects, dust, noise, or other annoyance which either constantly or occasionally unreasonably interferes in the comfortable enjoyment of life or property.
 - C. Anaerobic composting shall not be permitted. All composting operations shall use only aerobic composting methods and shall operate in a manner that prevents anaerobic composting from occurring to any significant extent.
 - D. A site plan shall be submitted which details the following:
 - 1) Isolation distances to property lines, residences, surface water, wells, and sensitive receptors as required by the State of Michigan shall be documented; with the additional restrictions that compostable materials be setback a minimum two hundred (200) feet from any property line and one-thousand (1,000) feet from any residential dwelling.
 - 2) All on-site driveways and roads shall be constructed with concrete paving and shall be designed and constructed that traffic will flow smoothly and will not be interrupted by inclement weather.
 - 3) The perimeter of the composting facility must be maintained with a fifty (50) foot wide vegetative strip and secured so as to prevent illegal dumping and restrict entry.
 - 4) Storage of compostable materials shall take place on a prepared windrow pad. A windrow shall not exceed twelve (12) feet in height. The surface of the pad shall be capable of withstanding wear and tear from normal operations and shall allow for year round operations. Unless soils are sufficiently permeable to not allow standing water, the pad shall be graded at a minimum of two (2) percent slope to minimize ponding of water where composting material is received, processed, composted, cured or stored.
 - 5) The composting facility site shall be graded to provide an adequate drainage pattern for runoff, as well as protection to adjoining properties from stormwater runoff. No composting operations or storage of compostable material shall take place on hills or inclined surfaces or on surfaces that do not provide sufficient stability, in all weather, for heavy equipment used in the composting operation.
 - 6) Any runoff generated during mixing or composting shall be collected and reintroduced into the compost pile, directed to a sanitary sewer, if available, and permitted, treated on-site or transported by a liquid industrial waste hauler which is properly licensed under the Michigan Liquid Waste Haulers Act.
 - 7) Access to a composting operation shall be gained only from a major thoroughfare with a planned right-of-way of at least one hundred and twenty (120) feet. The City Council may waive this requirement, if access is onto a paved road and the use of that road will not unreasonably interfere in the use of nearby properties.
 - E. An operations plan shall be provided at the time of submittal which details the following:
 - 1) A noise, odor, and fugitive dust and litter control plan.
 - 2) Worker health, training, and safety plan
 - 3) A detailed statement shall be provided as to what procedures will be followed and what methods and equipment will be used to ensure that:
 - a. There will be a sufficient supply of oxygen to keep the process aerobic.
 - b. Sufficient airspace and permeability will be provided so as to have an adequate supply of oxygen available to the composted materials.
 - c. The bacteriological action will not exceed 70 degrees Celsius.
 - d. Sufficient air movement to carry away excess moisture will be provided.
 - e. There will be adequate turning of the materials being composted.
 - 4) All compostables will be shredded or ground by the composting facility operator and placed in a windrow the same day as delivery.

- 5) Details of any similar operations carried on by the operator, along with the operator's training and experience in composting.
 - 6) Source(s) of the compostable materials.
 - 7) Estimated types and quantities of materials to be delivered to the composting facility in weight and volume, including documentation that carbonaceous compostable material will be available on site prior to the introduction of nitrogenous yard wastes.
 - 8) The type and daily number of vehicles to be used in the proposed operations quantified by season.
 - 9) Sufficient equipment on-site to properly manage the composting process and to ensure that the composting facility operates in accordance with this Ordinance.
 - 10) A written contingency abatement plan acceptable to the City to provide for corrections of any operational deficiencies that may occur at the facility. The plan shall, at a minimum, specify all of the following:
 - a. Identification of supervisory personnel responsible for putting into effect and the method by which supervisory personnel may be contacted. This information shall be posted on the site.
 - b. Mechanism by which offending odor, source contaminant run-off, or other operational deficiencies will be prevented.
 - c. Method by which compostables spilled by customers shall be collected and disposed of.
 - d. Criteria and method by which routine operations will recommence.
 - e. Method by which incoming material will be halted, hauled, or directed to an alternate facility.
 - 11) Plan for finished material once composting has been completed.
 - 12) The proposed use of the land after the composting operation is completed.
- F. Every composting facility operator shall maintain and keep business records at the site which at a minimum shall include, but not be limited to records showing:
- 1) The number of employees or independent contractors who are involved in the composting facility.
 - 2) The nature and quantity of any equipment used by the composting facility.
 - 3) Number of vehicles entering the site each day.
 - 4) Name and address of the company or individual making a delivery as well as the source of the material and the municipality of origin.
 - 5) Type and quantity of compostable material received.
 - 6) When windrows are turned and the temperature and moisture content of windrows prior to turning.
 - 7) Complaints received and actions taken.
 - 8) Sampling procedures and results of material tests taken.
 - 9) Any other records necessary for the City to monitor compliance with this Ordinance.
- G. The City and its officials, including designated agents and employees, shall have the right to inspect any composting facility to determine compliance with this Ordinance including review of the operating records. The City shall provide twenty-four (24) hours notice prior to examination of any such operating records. The composting facility operator and owner, including their agents and employees, shall cooperate fully with the City with respect to any such inspections.
- H. No composting facility may operate in the City unless the property owner, or a composting facility operator with the approval of the property owner, shall have first obtained a Special Land Use Permit. The Special Land Use Permit approval may only be granted by the City Council in one (1) year or less increments. Prior to operation, the operator and/or property owner shall:
- 1) Pay an annual inspection fee of two-thousand and five hundred (\$2,500) dollars and one-time closure review fee of two-thousand and five hundred (\$2,500) dollars.

- 2) Provide a security consisting of a cash deposit in amount which is not less than five (\$5.00) dollars per cubic yard of compostable material as shown on the approved Site Plan and Operations Plan. The security shall guarantee compliance with this Ordinance and any permit conditions and, further, that the operation will be carried out according to the approved plans and specifications. Upon the neglect or failure of the operator to perform the obligations guaranteed by the performance guarantee, the City may use the proceeds to the extent necessary to bring the facility into compliance with this ordinance, which may include removal of the material. The security shall be provided prior to issuance of the Building Permit to allow the operation by the City.
 - 3) Install all site improvements as required on the approved site plan, unless a one-hundred (100%) percent cash deposit is provided to the City as assurance the improvements will be completed in a timely fashion.
- I. At least ninety (90) days prior to the date of planned closure of any composting facility, the owner of composting facility operator shall submit to the City a site closure plan which shall include a detailed plan as to when and how the following will be accomplished:
- 1) Removal and cleaning of all facility grounds, retention ponds and drainage areas of all compost materials, construction scrap, and other material related to the operation.
 - 2) Cleaning, removal or secure storage of all vehicles, equipment, machinery.
 - 3) Cleaning of remaining structures of compost materials, dust or other residues related to the composting operation.
- Upon termination and closure of the operation of a composting facility in accordance with this Ordinance, the composting facility operator may request in writing that the City release the security. The City shall release the security upon verification that the operator has permanently ceased operation of the composting facility and the composting facility is not in violation of the Ordinance. The operator requesting return of the security shall be responsible for payment of any additional fees occurred by the City with respect to any inspection or verification required by this ordinance, which may be deducted from the security.
13. Wireless communication facilities in accordance with the standards and requirements listed in Section 1832. Wireless Communication Facilities, except for co-location applications which are subject to the administrative review provisions listed in Section 1832, Item K.
 14. Oil and gas wells in accordance with the criteria set forth in Section 1835.
 15. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted; however, accessory uses shall not exceed fifty (50) percent of the gross building area.
 16. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

(Amended: 11-11-02 per Ordinance No. 712)

(Amended: 8-17-09 per Ordinance No. 819)

(Amended: 4-21-14 per Ordinance No. 859)

SECTION 1501. AREA AND BULK REQUIREMENTS:

See Article XVII, Schedule of Regulations, limiting the height and bulk of buildings.