

RESOLUTION NO. 95-07
As amended by Resolution No. 00-14

ST. CLAIR COUNTY BOARD OF COMMISSIONERS

Subdivision Regulations

ST. CLAIR COUNTY AIR INDUSTRIAL PARK

WHEREAS, in order to accomplish the goals of a development plan for St. Clair County Air Industrial Park, it is desirable to adopt regulations for the use of the property located within said areas hereinafter defined.

NOW, THEREFORE, BE IT RESOLVED, That the following St. Clair County Air Industrial Park Subdivision Regulations are hereby adopted.

ARTICLE I
GENERAL CONDITIONS

- A. Each Lessee of any parcel of the "Property" agrees with the St. Clair County Air Industrial Park, its successors and heirs, to use the "Property" only in accordance with the restrictions herein set forth and to refrain from using the "Property" in any way inconsistent with or prohibited by the provisions of these regulations (Exhibit A, Air Industrial Park Lease Agreement)
- B. It is the intent and purpose of these regulations to allow the location on the "Property" of the general business, manufacturing and industrial activities, provided, that such activities are confined to an extent that such activities do not contribute excessive noise, dust, smoke or vibration to the surrounding environment nor contain a high hazard potential due to the nature of the activity, material or processes involved. It is further the intent and purpose of these regulations to control the user-occupant density of the "Property," to expressly prohibit certain uses of the "Property" and to protect the character of the St. Clair County Air Industrial Park and the surrounding area as a whole.
- C. All plans for structures, landscape and improvement shall be prepared by registered engineers and/or architects and shall require written approval of the Airport Director or its agent before any construction can take place.

ARTICLE II
DEFINITIONS

- A. Property, Total area of the St. Clair County Air Industrial Park Plat as recorded.
- B. Property Line. Every separation which marks the confines or line of division of two (2) contiguous lots within the "Property"; every separation which marks the

line of division between a lot and a public way; every separation which marks the line of division between a lot and a taxiway and the separation which marks the confines or line of division between the "Property" the surrounding area.

- C. Sites. Site shall mean any lot, or portion thereof, or two (2) or more contiguous lots or portions thereof, or a parcel of land upon which a building or buildings and appurtenant structures including landscaping may be erected in conformance with the requirements of these regulations.
- D. Lot. The fractional part of the "Property" as divided and subdivided on the recorded subdivision plat with the St. Clair County Register of Deeds, Port Huron, St. Clair County, Michigan.
- E. Structure and Improvements. Structures and improvements shall mean and include buildings, out buildings, parking areas, loading areas, aircraft ramp areas, fences, walls and illumination facilities.
- F. Building Line. An imaginary line parallel to the street right-of-way and/or taxiway lines specifying the closest point from the street right-of-way and/or taxiway that a building structure may be located (except for overhangs, stairs, plantings or landscaping; provided, however, that nothing herein shall be intended to be contrary to any FAA regulation).
- G. Front Yard of the Lots and Sites. The front of a lot or site is the portion thereof facing the roadway within the airpark.
- H. Signs. Any structure, device or contrivance, electrical or non-electric, and all parts thereof which are erected or used for advertising purposes upon or within which any power, bill, bulletin, printing, lettering, painting, device or other advertising of any kind whatsoever is used, placed, painted, posted, tacked, nailed, pasted or otherwise fastened or fixed.
- I. Street Rights-of-Way. Reference to all street rights-of-way within the "Property" shall mean dedicated-vehicular rights-of-way. When reference is made to a right-of-way line, it shall mean the line, which is then established on the plat for the St. Clair County Air Industrial Park Plat as, dedicated right-of-way registered with the St. Clair County Register of Deeds, Port Huron, St. Clair County, Michigan.
- J. Taxiway Rights-of-Way. Reference to all taxiways and/or taxiway rights-of-way within the "Property" shall mean dedicated aircraft right-of-way. When reference is made to a right-of-way line, it shall mean the line, which is then established on the plat for the St. Clair County Air Industrial Park Plat as dedicated taxiway rights-of-way registered with the St. Clair County Register of Deeds, Port Huron, St. Clair County, Michigan.

- K. Air Industrial Park Board of Appeals. Consisting of three members of which are the St. Clair County Administrator as Chairman and the Executive Director of the Economic Development Alliance as permanent members and one appointed member by the chairman being a tenant of the AIP for a term no longer than three (3) years .
- L. Appeals. Any person aggrieved by any decision of the Airport Director made in the administration of regulations may appeal to the Air Industrial Park Board of Appeals. The Board of Appeals decision is deemed final.

ARTICLE III

DEVELOPMENT STANDARDS

A. SPACE OCCUPANCY

1. Minimum Setbacks

- (a) General. No structure of any kind, and no part thereof, shall be placed on any site closer to a property line than herein provided. The following structures and improvements are specifically excluded from these yard provisions:
1. Roof overhang provided such overhang is approved in writing by the Airport Director or its agent as hereinafter provided;
 2. Steps and walks;
 3. Driveways and aircraft ramps;
 4. Fences shall be placed upon a site along the rear of the property line or the taxi way. FA A. approved ten foot (10') fence is required on the taxi way side of the property in accordance with F.A.R. 107. This requirement keeps wild life and the public out of the Airport Operations Area.
- (b) Side Yard. The minimum side yard width is established as ten feet (10') from building line to each side property line.
- (c) Rear Yard. The minimum yard width is established as thirty feet (30') from the building line to each rear property line.
- (d) Front Yard. The minimum front yard width is established as thirty feet (30') from building line to each front property line.

B. Site Coverage. No more than fifty percent (50%) of any site shall be devoted to the erection and/or placement of structures.

C. Completion of Construction. After commencement of construction of any structure, the owner shall diligently prosecute the work thereon, to the end that the structure shall not remain in the partially finished condition any longer than reasonably necessary for completion thereof. The time limit for said completion shall be one (1) year unless delayed due to conditions beyond the control of the owner. No mobile homes or mobile office trailers will be permitted except while a building is under construction.

D. Landscaping.

1. Every site on which a building shall have been placed shall be landscaped according to site plans approved by the Airport Director or its agent as specified herein and maintained thereafter in a sightly and well-kept condition.
2. The area between the building lines and the site's property lines, as well as unpaved and adjoining street right-of-way areas (the area between the property line adjoining any street line and the street), shall be used exclusively for the planting and growing of trees, shrubs, lawns and other ground covering or materials as approved by the Airport Director or its agent, except for such portions thereof as may be reasonably required for signs, fenced outside storage areas, service access either to the building or parking and loading areas constructed on the site.
3. The area between the building lines and the site's property lines as well as unpaved and adjoining taxiways and/or taxi way right-of-way areas (the area between the property line adjoining any taxiway and/or taxiway right- of-way and the surface of the paved taxiway), shall be used exclusively for lawns and other ground cover of material as approved by the Airport Director or its agents, except for such portions thereof as may be reasonably required for fenced outside storage areas, or for aircraft ramps and/or aircraft loading areas constructed on the site.
4. Landscaping as approved by the Airport Director or its agent shall be installed within sixty (60) days of occupancy or completion of building, whichever occurs first, except when seasonal conditions would affect planting adversely.
5. All unused and unlandscaped land area that is planned for future building expansions or other purposes shall be maintained and kept free of weeds or other unsightly plant growth, rubbish and debris. Such areas shall be seeded with lawn grass if expansion is planned more than one (1) year in the future.

6. Transformers, gas and other meters shall be located in shrub plantings or screened with appropriate walls, if forward of the building line. All utility lines will be buried underground and meet the building codes of Kimball Township.
7. Every effort shall be made to save all existing trees except where they cause extreme hardship of operation. Building setback requirements are negotiable where destruction of an existing tree can be averted. Provided, no such setback shall be changed without the approval of the Airport Director or its agent. All tree heights shall be limited to thirty-five feet (35') above taxi way elevations.
8. Yard planting requirements - all yards forward of the building line shall be properly landscaped to provide shade screening and erosion control.

E. Signs.

1. Signs displayed on any lot shall be limited to:
 - (a) Those necessary for directional or informational purposes.
 - (b) Those necessary to identify the industrial park.
 - (c) Those necessary to identify the use or establishment and designed as part of the architectural design of the building or as a part of the site plan for any lot.
2. Signs falling within category (b) shall not exceed (1.5) square foot in size for each five (5) linear feet of frontage on the street and/or taxiway which the sign faces. Signs falling within category (c) shall not exceed (1.5) square feet for each horizontal linear foot of building wall facing on the street and/or taxiway which the sign faces.
3. The design, size of lettering, lighting etc. of all signs in categories (b) and (c) shall accompany the site plan submission and shall meet the approval of the Airport Director or its agent as part of the site plan as set forth in ARTICLE IV hereof.

F. Parking Areas and Loading Zones.

1. Parking Requirements - all present and future vehicle parking, including employee, visitor, truck and trailer parking, shall be provided on the site. There shall be no on-street parking. All parking, trucking and loading areas are to be paved and provide dust free all weather surfaces and adequate drainage must be provided.

- (a) No parking, trucking or loading area shall be developed within the minimum rear setback area, except for such portions thereof as may be reasonably required for aircraft cargo loading and specifically approved by the Airport Director or its agent.
 - (b) No parking, trucking or loading area shall be developed within the minimum front setback area, provided however, that automobile parking may be permitted in the minimum rear setback area if properly screened and specifically approved by the Airport Director or its agent. Provided further, that in no event shall parking be developed within the minimum side setback area within fifteen feet (15') of any property line.
- 2. Parking Ratio - provisions shall be made for one (1) parking space for every two (2) persons employed on the site: and in no event shall there be less than one (1) parking space for every five hundred (500) square feet of floor space of manufacturing area plus not less than one (1) parking space, for each two thousand (2,000) square feet of floor space of two hundred (200) square feet of gross office floor area, as contained in each building on the site. There shall also be parking that meets the codes of Kimball Township and the Americans with Disabilities Act.
- 3. Loading docks shall not be permitted on a street frontage.

G. Access.

- 1. Aircraft access ramps from the taxiway shall be constructed and maintained in accordance with the requirements of the St Clair County Airport minimum standards.
- 2. Illegal or unauthorized traffic (people and vehicles) shall not be allowed access to taxiways through the site. This does not prohibit Lessees and customers for the use of the Airport facilities in accordance to the Rules and Regulations of the St. Clair County International Airport.
- 3. The St. Clair County Airport Director or its agent may require Lessees of portions of the Airport premises to pay the St Clair County International Airport an annual fee for the right to use the Airport facilities for the operation of private company aircraft. This fee would be used to defray a portion of the cost of maintenance of the Airport

H. Storage and Refuse Areas.

- 1. No materials, supplies, equipment or refuse, including trash containers,

shall be stored or kept in any area on a site except inside an enclosed building or behind a visual barrier screening such areas from the view of adjoining properties and the street, such barrier shall be at least six feet (6') in height. The visual barrier must appear to be freshly painted or clean at all times.

2. Any storage and refuse area screened by visual barrier shall be located on the rear or side portions of the site, and not in the area between structures and any front property line.

I. Building Regulations.

1. All buildings shall be non-combustible and the walls constructed of masonry, steel or other metal materials. No timber or wood frames or metal buildings will be permitted.
2. The front yard elevation of all buildings must be face brick, decorative precast concrete panel, decorative masonry block, glass or other equivalent material approved by the Airport Director or its agent. The color of the external walls will be approved by the Airport Director or its agent.
3. The side and rear yard elevation must be face brick, decorative precast concrete panels, decorative masonry block and/or in combination with metal panels on the upper portion of the building elevation. The color of the external walls will be approved by the Airport Director or its agent.
4. All electrical and mechanical apparatus, equipment, fixtures (other than lighting fixtures, conduit, ducts vents, flues and pipes) mounted or placed on the roof of structures, or extending above the roof line of any building or structure shall be adequately screened from view from street grade in a manner which is architecturally compatible with other structures on the site. The Airport Director or its agent as hereinafter provided upon specific written request may approve in writing other measures, which would minimize the adverse visual effects of said apparatus, equipment and fixtures.
5. All on-site electrical, telephone and other utilities shall be provided by the Lessees.
6. Water and sewer services are available and all tenants shall connect to accordance with the St. Clair County Department of Public Works Resolutions No. 78-7 and 78-8 as amended at the time of execution of their lease.
7. No structure of any kind situated on the site shall exceed the following

heights above the established building grade for the site without the prior written approval of the St Clair County Airport Director or its agent.

(a) The maximum building height shall be thirty-five feet (35'), provided, that no structure or improvement shall be erected higher than an imaginary plane ascending at an angle from the ground at a ratio of seven (7) feet horizontal to one (1) foot altitudinal distance beginning from a point two hundred and fifty feet (250') from the centerline of any existing runway and proceeding away there from.

(b) The point of reference for grade for any other purpose other than as affected by the imaginary plane above mentioned shall be the centerline of the east-west taxiway as platted in the St. Clair County Airport Master Plan.

J. Lighting. All site lighting either attached to a building or free standing shall be properly directed and shielded so as not to create any annoyance to adjoining properties and comply with all F.A.A. Regulations relative to obstruction or night flight operations.

M. Maintenance.

1. Tenants, at their own expense, shall keep said sites, structures and improvements in good repair and of neat and attractive appearance.
2. Tenants shall remove all refuse, garbage and papers from site and shall keep the site in a clean, safe and sanitary condition at all times.
3. Tenants shall keep the entrance way to the leased site reasonably clear from snow and ice during the winter season.

(a) If maintenance of the site or the exterior of any improvement thereof is not properly performed, the Airport Director or its agent shall serve written fifteen (15) day notice to the occupant of the site. Such notice shall contain a list of all maintenance or other violations.

(b) The occupant of the site upon which such notice is served shall have thirty (30) days to correct the item listed on the notice.

(c) After the expiration of the thirty (30) days from the date of service of the notice, the Airport Director or its agent shall order the work contained in the notice done. Such work shall include grass cutting. The expenses of such work shall be a joint and several obligations of all of the occupants of the site. The St. Clair County International Airport shall be reimbursed for all costs and expenses so incurred, together with interest at the highest rate permitted by law, but not to exceed ten percent (10) per annum thereon, forthwith upon demand thereof. Entry upon a site by the Airport Director or its agent for the purpose of such work or inspection as herein

described shall not be a trespass, and the owner and all occupants shall be deemed to have consented there to.

- (d) Any provision contained herein relative to approval by the St. Clair County Commission or its agent shall not alleviate the requirements of the meeting all the laws of the United States State of Michigan and Township of Kimball relative to property regulations and laws and regulations promulgated by the United States, State of Michigan and the County of State Clair relative to aircraft traffic shall be strictly adhered to.

ARTICLE IV **REGULATION OF USES**

- A. It is the intent of this document to accommodate those uses which are either free of objectionable influences in their operations or which can readily obviate or control any objectionable features which may otherwise result from the industrial processes.
- B. Aviation oriented business; commercial air carrier operations, flight training, maintenance facilities and other related non-aviation business; distribution, research and development, light industry manufacturing, ect. uses are permitted so long as they meet the requirement of the St. Clair County International Airport Rules and Regulations.
- C. Foreign Trade Zone (FTZ)

A site within the United States, in or near a U.S. Customs port of entry where foreign and domestic merchandise is generally considered to be in international commerce in which foreign or domestic merchandise may enter this enclave without a formal Customs entry or the payment of Customs duties or government excise tax. It is the intent of St. Clair County to apply for a FTZ permit at a later date. The Air Industrial Park falls within U.S. Customs criteria to qualify as a FTZ.

D. Prohibited Uses.

- (1) Residential
- (2) Junkyards provided, however, that the foregoing does not prohibit vehicle maintenance or salvage operations done within a building.
- (3) Drilling and/or removal of oils, gas or other hydro-carbon substances.
- (4) Commercial excavation of building or construction materials or quarrying of any materials
- (5) Stockyard or slaughter of animals.
- (6) Refining of petroleum or its products, provided, however storage and processing of petroleum products as opposed to refining are permitted.
- (7) Smelting of iron, tin, zinc or other ores, provided the Airport Director or its agent may permit smelting operations, and provided further, however, that the Airport Director or its agent shall not have the authority to abrogate any Environmental Protection Agency regulation relative to such smelting operations. The approval of smelting operations must be in writing.
- (8) Hog raising, cattle fattening, chicken farming or comparable uses.
- (9) A use which emits light and/or smoke which obstructs flight operations.
- (10) Retail - except as an adjunct to another primary land uses.
- (11) Unusual fuel or explosion hazards.
- (12) Storage of aircraft - except as an adjunct to another primary uses.

ARTICLE V
RIGHT OF MORTGAGEES

All rights and other provisions herein contained shall be deemed subject and subordinate to all mortgages and deeds of trust now or hereafter executed upon land subject to these restriction, and none of said restrictions shall supersede or in any way reduce the security or affect the validity of any such mortgages or deed of trust, provided, however, that if any portion of said property is sold under a foreclosure of any mortgage or under the provision of any deed of trust, any purchaser at such sale and his successors and assigns, shall hold any and all property so purchased subject to all of the restrictions and other provisions of theses Subdivision Regulations.

ARTICLE VI
PARAGRAPH HEADINGS

Paragraph headings are inserted for convenience only, and are not intended to be part of these Subdivision Regulations or in any way to define, limit or described the scope or intent of the particular paragraph to which they refer.

ARTICLE VII
OTHER APPLICABLE REGUALTIONS

The Subdivision Regulations listed herein shall be subject to other applicable regulations where such regulations are more restrictive or are more definitive than the provision of these Subdivision Regulations and are not inconsistent therewith.

ARTICLE VIII
EFFECT OF INVIDATION

If any provision of these Subdivision Regulations is held to be invalid by any court, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.

ARTICLE IX
PERFORMANCE BOND OR LETTER OF CREDIT

Lessee shall provide a performance bond or line of credit equal to the value of the facility guaranteeing to the Airport Director, or its agent full faith performance of its terms agreeable in completion of the construction.

ARTICLE X
INSURANCE

Lessee shall indemnify and save harmless the Lessor, its officer and employees from any and all claims for damages of any kind or nature which may hereafter be made against the Lessee or Lessor by reason of injury or damages to persons or property or any other claims or liability of any nature resulting from acts, omissions or use of the "Property" by the Lessee or his agents, employees or representatives. For this purpose Lessee agrees to maintain with an insurance company authorized to transact business in the State of Michigan and acceptable to the Lessor will meet the insurance requirements established by St. Clair County Board of Commissioners as in Exhibit B Air Industrial Paik Insurance requirements.

St. Clair County International Airport

Air Industrial Park (AIP) Checklist

Lot# _____ Sq Ft _____

Name _____ Date: _____

- _____ 1. Applicant obtains informational packet from St. Clair County International Airport Director
 - a) Airport Rules & Regulations
 - b) Subdivision Regulations
 - c) Insurance Requirements
 - d) Standard Ground Lease
- _____ 2. Select lot(s) desired in Air Industrial Park and submit.
- _____ 3. If Industrial Facilities Exemption Certificates (Act 198 of 1974) providing 50% reduction of real and personal property tax for a maximum of 12 years is desired, consult counsel and apply to Kimball Township. The application must be filed no later than six (6) months after commencement of construction.
- _____ 4. Submit plans prepared by registered engineer or architect to be reviewed for compliance with AIP regulations.
- _____ 5. Provide performance bond or line of credit letter.
- _____ 6. Execute ground lease:
 - _____ a) Rent \$ _____ per square foot - yearly payable annually.
 - _____ b) 30 year term with additional two 30 year options.
 - _____ c) Notice of Proposed Construction or alteration - FAA Form 7460-1(8-85)
 - _____ d) Provide Certificates of Insurance in accordance with lease
- _____ 7. Approval by the Airport Director required.
- _____ 8. Apply for permit to work within the road right-of-way from County Road Commission.
- _____ 9. Apply for permit for water and sewer tap-ins to Department of Public Works.
- _____ 10. Apply for building permit from Kimball Township (810) 987-9797.
- _____ 11. Construct facility according to Rules and Regulations.
- _____ 12. Receive occupancy permit from Kimball Township.
- _____ 13. Final inspection by Airport Director.

Air Industrial Park East

Preliminary Approval

Based on Subdivision Regulations

Tentative Lessee's Name _____

Address _____

Phone Number _____

Engineer or Architect _____

Address _____

Phone Number _____

Proposed Plans:

Conditions - Excessive noise, dust, smoke vibration, high hazard _____

A.	Space Occupancy	Approved		
		Yes	No	N/A
	1. Minimum set backs			
	(a) Exclusion	_____	_____	_____
	1. Roof overhang	_____	_____	_____
	2. Steps and Walks	_____	_____	_____
	3. Drive and Aircraft Ramps	_____	_____	_____
	4. Fences	_____	_____	_____
	(b) Side Yard (10 feet)	_____	_____	_____
	(c) Front Yard (street 30 feet)	_____	_____	_____
	(d) Rear Yard (taxiway 30 feet)	_____	_____	_____
B.	Site Coverage (limit 50 %)	_____	_____	_____
C.	Completion of Construction (1 yr tentative date _____)	_____	_____	_____
D.	Landscaping Drawings - Approval	_____	_____	_____

Exhibit D

- (a) Necessary for directional information -----
- (b) Identify industrial Park -----
1.5 sq ft. Per 5 linear ft. frontage -----
- (c) Identify establishment -----
1.5 sq ft. Per 1 linear ft. of bldg. -----
- (d) Nondiscrimination or unfair -----

F. Parking Area and Loading Area

1. Paved

- (a) No parking and loading in back set back area except aircraft -----
- (b) No parking or loading in front setback area except auto parking, properly screened -----

2. Parking ratio

- (a) 1 parking space for every 2 employee's -----
- (b) 1 parking space for every 500sqft manufacturing area -----
- (c) 1 parking space for every 2000 Sq Ft. storage area -----
- (d) 1 parking space for every 200 Sq Ft. of office -----

3. No loading dock on street -----

4. Parking area effectively screened 5 ft. wall, fence, berm -----

5. Drainage -----

G. Access

1. Vehicular

- (a) 20 ft. wide -----
- (b) Screened -----
- (c) Boulevard -----

2. Aircraft -----

3. Unauthorized traffic through site -----

H. Storage or Refuse Area

- | | | | | |
|----|---------------------|-------|-------|-------|
| 1. | Inside Building | ----- | ----- | ----- |
| 2. | Screened 6 ft. high | ----- | ----- | ----- |
| | (a) Rear | ----- | ----- | ----- |
| | (b) Side | ----- | ----- | ----- |

I. Building Regulations (non combustible)

- | | | | | |
|----|--|-------|-------|-------|
| 1. | Masonry | ----- | ----- | ----- |
| | Steel | ----- | ----- | ----- |
| | Other Materials | ----- | ----- | ----- |
| 2. | Exterior walls (visible from street) | ----- | ----- | ----- |
| | Face Brick | | | |
| | Decorative precast concrete panels | | | |
| | Decorative Masonry | | | |
| | Others, painted | ----- | ----- | ----- |
| 3. | Electrical and mechanical apparatus,
equipment, fixture on roof | | | |
| | Screen | | | |
| | Compatible | ----- | ----- | ----- |
| 4. | Electrical and Phone | ----- | ----- | ----- |
| 5. | Water and Sewer at time of lease
per Resolution 78-7, 78-8 | ----- | ----- | ----- |
| 6. | Heights | | | |
| | (a) Not exceed thirty-five (35) feet | ----- | ----- | ----- |
| | (b) Higher than seven (7) feet
horizontal to one (1) foot altitudinal
from a point 250 feet from center of
runway | ----- | ----- | ----- |

J. Lighting

- | | | | | |
|----|------------------------|-------|-------|-------|
| 1. | Property directed | ----- | ----- | ----- |
| 2. | Shielded | ----- | ----- | ----- |
| 3. | Night flight operation | ----- | ----- | ----- |

Construction plans will not be reviewed until the preliminary plans have been approved by St. Clair County International Airport director and the Appeals Board.

Preliminary Plan Reviewed _____ Date: _____

Field Inspection made by: _____ Date: _____

Preliminary plans approved by: _____ Date: _____

AIP Long Checklist
May 24, 2000