

Subject: Industrial vs Light Industrial

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Hello commissioners and planning staff.

Below are some comments on the light industrial section of the [Execution Proposal](#).

<https://docs.google.com/document/d/1UD4wpdCRg09YeBjN5nQlOnylb5K8pHMLHKh9rCM9J5Q/edit?usp=sharing>

Summary

Since the city's current industrial districts [contain and immediately abut](#) sensitive land uses, it is necessary for the health and safety of Ann Arbor residents to forbid noxious industrial uses throughout Ann Arbor.

The commission has at least two good options for planning to forbid hazardous industrial uses while allowing benign ones:

1. As commissioner Adam's [Execution Proposal](#) suggests, change the plan's language to allow "light industrial" uses rather than just "industrial."
2. Instead of using "light/heavy" distinction, permit "safe industrial uses that are compatible with nearby residential and commercial uses".

The Michigan Zoning Enabling act makes it clear that Ann Arbor has no obligation to allow heavy industrial uses that are incompatible with other uses anywhere in the city.

The Michigan Zoning Enabling Act

A [staff comment](#) on the Adam's Resolution says "The City needs to maintain a wide variety of uses, and it is unlikely that we can limit uses to only a 'light' industrial category."

I'm not sure, but this comment may be referring to a section of The Michigan Zoning Enabling Act, which states:

"A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is unlawful. History: 2006, Act 110, Eff. July 1, 2006"
([page 6](#))

Any theoretical legal conflicts with the Zoning Enabling Act would arise from how the city implements its zoning rules, not particular adjectives used in the comprehensive plan. When it comes time to zone, the city will almost certainly continue to prohibit some industrial uses entirely—the only question is which ones. For example, the city already bans oil and gas drilling throughout the city and only allows slaughterhouses and scrap yards as special exception uses ([UDC, page 40](#)).

Using the adjective “light” as a guiding principle for what industrial uses to allow is totally justified. If the city decides to allow some heavy industrial uses as special exceptions, then it would still be accurate for the plan to permit light industrial uses in the Transition category.

Ann Arbor is a dense small city, and there is no “appropriate location” for noxious industrial uses within the city limits. In contrast, allowing noxious industries on North Main or some other [industrially zoned area next to sensitive land uses](#), to avoid a baseless legal challenge could create serious harms for residents.

[This article](#) discusses the legal aspects of this issue in Michigan.

“Light” vs “Heavy” Definitions

I do not think there is a universally accepted definition of light vs. heavy industry, but Ann Arbor’s UDC does define light and heavy manufacturing.

The UDC defines heavy manufacturing as manufacturing that doesn’t meet the definition of light manufacturing, which is in turn defined as manufacturing contained inside a building that doesn’t create nuisances or hazards ([page 265-267](#)). By these definitions, heavy manufacturing is almost a nuisance by definition.

If staff would rather be more specific than “light” and permit “safe industrial uses that would be compatible with other uses,” then that’s great, and I support that change. But Ann Arbor has no legal responsibility to create a separate heavy industrial district that allows noxious industrial uses, and it is the planning commission’s duty to stop these harmful uses from locating within the city.