

Megasite Authority of West Tennessee Board of Directors Meeting

Meeting Date: November 17, 2022

Time: 10:00 a.m. – 12:15 p.m.

Location: William R. Snodgrass, Tennessee Tower, Nashville, Tennessee

Attendees:

Clay Bright, CEO

Chairman Charles Tuggle

Evelyn Robertson

Carolyn Hardy

Chris Richards

Mayor Jeff Huffman

Michael Banks

Jim Duke

Commissioner Christi Branscom

Commissioner McWhorter – Designee Sharon Kolb

Christy Allen, Legal Counsel

- The Meeting was called to order at 10:10 am by Chairman Tuggle
- Clay Bright performed the roll call
- The first item of discussion was approving the minutes from the last meeting.
 - A motion was made by Mayor Huffman to approve the minutes.
 - The motion was seconded by Ms. Richards.
 - There being no discussion, in a voice vote, the motion passed.
- The next item up for discussion was the PILOT distribution. The document entitled Exhibit B shows the total PILOT schedule from the accountability agreements for the vehicle and battery plants. The Megasite resides in both Haywood County (2973 acres) and Fayette County (206 acres). Discussed the PILOT program and the distribution that would occur over the next 30 years. CEO Bright asked whether the Board agrees with 20% being set aside for a to-be-established regional authority and asked for approval of the process. CEO Bright provided a document showing proposed PILOT payments apportioned for Haywood County and Fayette County by calendar year. CEO Bright explained that the process is that in the 11th year, 2032, that \$2 million will start going to the Regional Development Authority Infrastructure

for the remaining time in that PILOT agreement, and what is left over will be prorated.

- Mr. Banks made a motion to approve a PILOT payment plan: “to where Haywood County would get 94% of the PILOT dollars and Fayette County would get 6% of the PILOT dollars for years 1 through 10. In years 11 through 30, we would deduct \$2 million for those years and that \$2 million would, the \$2M that comes out would also be prorated accordingly - 94% and 6% respectively - and that Haywood County’s portion would be paid to the Joint Industrial Development Board of Haywood County and Brownsville, TN, and Fayette County’s portion be paid to their Industrial Development Board, and the Regional Development money be paid to a Regional Authority to be formed at some point in time in the future.”
 - In response to a question from CEO Bright asking whether instead of stating percentages he could use the acreage, based against the total of what Ford has in the lease, Mr. Banks amended the motion to apportion by acreage.
 - Mayor Huffman seconded the motion.
 - After further discussion, Mr. Banks further amended the motion to state that that \$2M per year, starting in year 11, would go to the regional wastewater authority to be established.
 - Mayor Huffman seconded the motion, as amended.
 - Chairman Tuggle recognized the motion and second and asked whether there was further discussion. Seeing none, Chairman Tuggle asked for a vote.
 - In a roll call vote, the motion passed unanimously.
- The next item of business was zoning regulations. Mickey Sullivan with Gresham Smith reviewed the updated zoning document.
 - Mayor Huffman asked if the Board could adopt the document as presented except for landscaping. CEO Bright confirmed that the plan is to come back with a landscaping section to be completed in the next six months.
 - Jim Duke made a motion made to approve the document with the exception of landscaping.
 - The motion was seconded by Mr. Robertson.
 - Chairman Tuggle asked if there was further discussion and seeing none, asked for a voice vote. The motion passed.

- The next item of business was the Sunset Hearing. Christy Allen stated that under the law this Board will Sunset on June 30, 2023. Every entity goes through a Sunset process. A Sunset hearing before the Joint Government Operations Committee of the General Assembly will be held on November 29, 2022. In addition to the Board CEO, the Committee likes to have the Board Chair appear and Chairman Tuggle may have a conflict and not be available. We are here to ask the Board to appoint a Board member as a designee to serve as the representative.
 - Mayor Huffman nominated Mr. Banks to serve as the designee.
 - The motion was seconded by Mr. Duke.
 - Chairman Tuggle asked whether there was further discussion and seeing none, called for a voice vote. The motion passed.

- The next order of business was obtaining the Board's approval for CEO Bright to give written consent to Ford and Verizon to locate a 250' cell tower on the west side of the property in the upper portion as long as they pass the zoning ordinances. The Tower will be there for the Ford project and its operations but would also serve the surrounding community.
 - Mayor Huffman made a motion to give CEO Bright the authority to give the written consent.
 - The motion was seconded by Mr. Robertson.
 - Chairman Tuggle asked if there was further discussion and seeing none, asked for a voice vote. The motion passed.

- The next item for Board approval concerned the farmland. All the property on the Megasite, before Ford came, had been farmed. CEO Bright asked for the Board's approval to go through procurement within State government to advertise for farmers to bid on that property so they can farm it from year to year and the State would make money on that. This amounts to about 400-500 acres.
 - Mayor Huffman made a motion to proceed with procurement.
 - The motion was seconded by Mr. Banks.
 - Chairman Tuggle asked if there was further discussion and seeing none, asked for a voice vote. The motion passed.

- CEO Bright stated that the next item for approval from the Board is both the Chickasaw Electric and Southeast Electric substations that have to be built. These are not substations within Blue Oval City - those are separate. The item was tabled until the December meeting pending receipt of additional information.

- CEO Bright proposed a new meeting schedule beginning in January 2023 whereby the Board meets 6 times per year rather than 12. For any critical items that come up, a meeting could be called. Chairman Tuggle stated a motion was not needed and recognized the Board's agreement. CEO Bright will continue scheduling meetings the third week of the month and possibly on Wednesdays.
- Adjournment
 - A motion was made and seconded. There being no discussion, in a voice vote, the motion passes unanimously.
 - Meeting Adjourned at 12:05 p.m.
- Chairman Tuggle asked if the group could reconvene to cover one remaining item on the agenda and called the meeting to order for a second time at 12:12 p.m.
- CEO Bright provided information relative to the Southwest Tennessee Electric (STEMC) substation that will be on Blue Oval City. The land will be carved out of Ford's lease and deeded to STEMC based on the investment they are making. CEO Bright asked for the Board's approval to transfer that ownership to STEMC.
 - Mayor Huffman so moved.
 - Commissioner Branscom seconded.
 - Chairman Tuggle asked if there was further discussion and seeing none, called for a vote. In a roll call vote, the motion passed.
- Adjournment
 - A motion was made and seconded. There being no discussion, in a voice vote, the motion passed.
 - Meeting Adjourned at 12:15 p.m.

/kc

EXHIBIT B

TOTAL PILOT SCHEDULE

| Calendar Year | PILOT Payment | Per-Job PILOT Adjustment |
|---------------------|---|--------------------------|
| 2022 | \$0 | \$0 |
| 2023 | \$1,000,000 | \$0 |
| 2024 | \$2,000,000 | \$0 |
| 2025 | \$3,000,000 | \$0 |
| 2026 | \$8,000,000 | \$0 |
| 2027 | \$8,000,000 | \$0 |
| 2028 | \$8,000,000 | \$0 |
| 2029 | \$8,000,000 | \$0 |
| 2030 | \$8,000,000 | \$0 |
| 2031 | \$8,000,000 | \$0 |
| 2032 | \$10,000,000 | \$5,500 |
| 2033 | \$10,000,000 | \$5,500 |
| 2034 | \$10,000,000 | \$5,500 |
| 2035 | \$10,000,000 | \$5,500 |
| 2036 | \$10,000,000 | \$5,500 |
| 2037 | \$10,500,000 | \$5,900 |
| 2038 | \$10,500,000 | \$5,900 |
| 2039 | \$10,500,000 | \$5,900 |
| 2040 | \$10,500,000 | \$5,900 |
| 2041 | \$10,500,000 | \$5,900 |
| 2042 | \$11,000,000 | \$6,300 |
| 2043 | \$11,000,000 | \$6,300 |
| 2044 | \$11,000,000 | \$6,300 |
| 2045 | \$11,000,000 | \$6,300 |
| 2046 | \$11,000,000 | \$6,300 |
| 2047 | \$11,500,000 | \$6,700 |
| 2048 | \$11,500,000 | \$6,700 |
| 2049 | \$11,500,000 | \$6,700 |
| 2050 | \$11,500,000 | \$6,700 |
| 2051 | \$11,500,000 | \$6,700 |
| 2052 and thereafter | 100% of the Applicable Ad Valorem Taxes | \$0 |

| Calendar | PILOT | Waywood Co | Fayette Co |
|----------|----------------|----------------|---------------|
| Year | Payment | 2973.10 AC | 206.05 AC |
| 2022 | 0 | \$ - | \$ - |
| 2023 | \$ 1,000,000 | \$ 935,187 | \$ 64,813 |
| 2024 | \$ 2,000,000 | \$ 1,870,374 | \$ 129,626 |
| 2025 | \$ 3,000,000 | \$ 2,805,561 | \$ 194,439 |
| 2026 | \$ 8,000,000 | \$ 7,481,497 | \$ 518,503 |
| 2027 | \$ 8,000,000 | \$ 7,481,497 | \$ 518,503 |
| 2028 | \$ 8,000,000 | \$ 7,481,497 | \$ 518,503 |
| 2029 | \$ 8,000,000 | \$ 7,481,497 | \$ 518,503 |
| 2030 | \$ 8,000,000 | \$ 7,481,497 | \$ 518,503 |
| 2031 | \$ 8,000,000 | \$ 7,481,497 | \$ 518,503 |
| 2032 | \$ 10,000,000 | \$ 9,351,871 | \$ 648,129 |
| 2033 | \$ 10,000,000 | \$ 9,351,871 | \$ 648,129 |
| 2034 | \$ 10,000,000 | \$ 9,351,871 | \$ 648,129 |
| 2035 | \$ 10,000,000 | \$ 9,351,871 | \$ 648,129 |
| 2036 | \$ 10,000,000 | \$ 9,351,871 | \$ 648,129 |
| 2037 | \$ 10,500,000 | \$ 9,819,464 | \$ 680,536 |
| 2038 | \$ 10,500,000 | \$ 9,819,464 | \$ 680,536 |
| 2039 | \$ 10,500,000 | \$ 9,819,464 | \$ 680,536 |
| 2040 | \$ 10,500,000 | \$ 9,819,464 | \$ 680,536 |
| 2041 | \$ 10,500,000 | \$ 9,819,464 | \$ 680,536 |
| 2042 | \$ 11,000,000 | \$ 10,287,058 | \$ 712,942 |
| 2043 | \$ 11,000,000 | \$ 10,287,058 | \$ 712,942 |
| 2044 | \$ 11,000,000 | \$ 10,287,058 | \$ 712,942 |
| 2045 | \$ 11,000,000 | \$ 10,287,058 | \$ 712,942 |
| 2046 | \$ 11,000,000 | \$ 10,287,058 | \$ 712,942 |
| 2047 | \$ 11,500,000 | \$ 10,754,651 | \$ 745,349 |
| 2048 | \$ 11,500,000 | \$ 10,754,651 | \$ 745,349 |
| 2049 | \$ 11,500,000 | \$ 10,754,651 | \$ 745,349 |
| 2050 | \$ 11,500,000 | \$ 10,754,651 | \$ 745,349 |
| 2051 | \$ 11,500,000 | \$ 10,754,651 | \$ 745,349 |
| TOTAL | \$ 269,000,000 | \$ 251,565,324 | \$ 17,434,676 |

ZONING REGULATIONS

FOR THE



MEGASITE AUTHORITY **OF WEST TENNESSEE**

PREPARED BY: GRESHAM SMITH

NOVEMBER 11, 2022

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SECTION 1. TITLE, PURPOSE, AUTHORITY AND APPLICABILITY

Title

This document shall be known and may be cited as the Zoning Regulations of the Mega site Authority of West Tennessee as enacted by the Megasite Authority of West Tennessee.

General Purpose and Intent

These regulations are designed and are adopted for the purpose of promoting the health, safety, and welfare of those who work at the Megasite and those living and working adjacent to the Megasite by lessening or preventing traffic congestion; safeguarding the public from fire, explosions, hazards and other dangers; furthering the provision of pure air; classifying land uses to facilitate and conserve adequate provisions for transportation, water supply, drainage, sanitation, and recreation; and preserving the environment. These regulations are applicable to property within the Megasite.

Authority. Pursuant to Tenn. Code Ann. §§ 64-9-104 and 64-9-109, the Megasite Authority of West Tennessee is authorized to impose reasonable setbacks, parking and loading requirements, height limitations, landscaping and buffering requirements, screening requirements, limitations on storage of materials, stormwater quantity and quality requirements, and other requirements consistent with the purposes set forth in the Megasite Authority of West Tennessee Act of 2021. These regulations do not constitute a rule as defined by the Uniform Administrative Procedures Act codified in Tenn. Code Ann. Title 4, Chapter 5.

Applicability - General Scope

- 1) *Territorial application.* These regulations shall apply to all buildings and structures, land and uses within the Megasite Authority of West Tennessee.
- 2) *General application.* After the effective date of these regulations, all buildings and structures erected, remodeled, altered, and relocated and any use of land, buildings or structures established shall comply with the applicable provisions. It is the intent that these regulations apply to all facilities within the Megasite Authority of West Tennessee.
- 3) *Prior agreements.* These regulations are not intended to abrogate annul or otherwise interfere with any easement, covenant or agreement; provided, however, that where the regulations are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, these regulations shall govern.
- 4) *Other laws and regulations.* These regulations shall be considered the minimum requirements for the promotion of the public health, safety, comfort, morals, and general welfare. Where the provisions of these regulations impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this regulation shall be controlling. Where the provisions of any statute, other ordinance or

regulation impose greater restrictions than these regulations, the provisions of such statute, other ordinance or regulations shall be controlling.

Severability

If any one of the provisions of these regulations be found invalid, the other provisions shall remain in full force and effect.

Effective Date

This regulation shall become effective on November 17, 2022 by the Megasite Authority of West Tennessee.

SECTION 2. INTERPRETATION AND DEFINITIONS

Word Usage.

In the interpretation of the regulations, the provisions and rules of this Section 2 shall be observed and applied, except when the context clearly requires otherwise:

- 1) Words used in the present tense shall include the future tense.
- 2) Words in the singular number include the plural number, and words in the plural number include the singular number.
- 3) The word "shall" is mandatory.
- 4) The word "may" is permissive.
- 5) The word "person" includes individuals, firms, corporations, associations, and any other similar entities.
- 6) The word "Authority" means the Megasite Authority of West Tennessee.
- 7) In case of any difference of meaning or implication between the text of the regulations and any caption, illustration or table, the text of this regulation shall control.

Definitions.

Abutting: Touching or sharing a common point or line. This term shall not be deemed to include parcels that are across a public way from each other.

Accessory use: A use of land or of a building or portion thereof that is customarily incidental and subordinate to the principal use of the land or building and that is located on the same lot as the principal use.

Accessory structure: An accessory structure is a structure detached from the principal building or structure located on the same lot which:

- 1) is customarily incidental and subordinate to and serves a principal building or structure on the same lot;
- 2) is subordinate in area, extent and purpose to the principal building or structure served;

- 3) contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal building or structure served; and,
- 4) is located on the same lot as the principal building or structure served.

Adjacent: Nearby property that touches the property lines of a parcel being considered and including property across streets.

Administration: The CEO of the Megasite Authority of West Tennessee and the administrative aides of the CEO.

Alcoholic beverage manufacture: Brewing, distilling, rectifying, fermenting, and operating a winery for the purpose of producing alcohol, spirits, liquor, wine, and high alcohol content beer that is capable of being consumed by a human being, other than patent medicine or "beer" as defined in Tenn. Code Ann. § 57-5-101(b), as from time to time amended.

Amenity: Specific physical features of a development which are not required by provisions of Zoning Regulations.

Automobile: Any vehicle designed for carrying 10 passengers or less, is used for the transportation of persons, and has a gross weight of less than 10,000 pounds, but excluding motorcycles.

Automotive dismantlers and recyclers: Any person, firm, association, corporation, or resident or nonresident who is engaged in the business and/or providing facilities for the purposes of recovering parts from automobiles and trucks which have been wrecked or otherwise rendered inoperable as transportation vehicles with said parts recovered being for resale and further reduce used automobiles and trucks to a condition capable of salvage for their metal scrap content by scrap processors.

Awning: A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather, or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

Buffer Zone: The required installation of landscaping.

Building: Any structure designed or built for the support, enclosure, shelter or protection of property.

Building codes: The fire safety, electrical, and building construction safety standards referenced in Tenn. Code Ann. § 64-9-108(a). These are listed in Section 6.

Building front or frontage: The exterior wall of a building facing the front line of a lot. See also "frontage."

Building height: The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs or to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building line: The line established by this zoning regulation beyond which a building shall not extend.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Bulk: The minimum or maximum lot area, yard area, and height permitted or required in a zoning district.

Bulk regulations: Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including setbacks, buffers, height, and yard requirements.

Business vehicle: Any vehicle(s) owned, leased or used by a business and its employees exclusively in the conduct of the business.

Caliper: A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch caliper size and twelve inches above the ground for larger sizes.

Canopy: A roof-like cover, often of fabric, metal, or glass, including an awning, that projects from the wall of a building over a door, entrance, or window; or a freestanding or projecting cover above an outdoor service area, such as at a gasoline service station.

Certificate of occupancy: A document issued by the SFMO allowing the occupancy or use of a building and the structure or use has been inspected for compliance with all the applicable state and Authority statutes and regulations. A temporary certificate of occupancy may be issued by the SFMO allowing the occupancy or use of a building, although all required work has not been completed.

CEO: The CEO of the Megasite Authority of West Tennessee or the CEO's designee.

Composting facility: A facility for processing organic matter through a controlled process for the production of compost but excluding ordinary single family domestic backyard composting. Any composting facility regulated by Rule 1200-01-07 of the Tennessee Department of Health and Environment Division of Solid Waste Management is subject to this definition.

Construction: The building, rehabilitation, remodeling, renovation or repair of any structure, landscape, hardscape, or any portion thereof, including any associated tenant improvements.

Contractor: A person who contracts to erect structures or buildings, construct streets, lay pipe, move earth or otherwise do land development. A contractor includes a person who contracts to perform all or part of another's contract as defined above.

Contractor's storage: The use of land or buildings for the storage or parking of materials, equipment, vehicles or supplies used by a contractor off the premises on which such storage is located.

Day care center: A place providing or designed to provide care for less than twenty-four hours a day for thirteen or more children no more than seventeen years old and which is licensed by the Tennessee Department of Human Services.

Demolition: The decimating, razing, ruining, tearing down or wrecking in whole or in part, any facility, structure, foundation, landscaping, pavement or building, (wall, fence) whether in whole or in part, whether interior or exterior.

District: A portion of the Megasite within which specified regulations and requirements thereof apply pursuant to the provisions of the Zoning Regulations.

Eave: The overhanging lower edge of a roof.

Floodplain or floodprone area: Any land susceptible to being inundated by water from any source.

Front: See "building front" and "frontage."

Front façade: The façade or facades of the structure containing the formal or main entryway(s) or containing such other architectural elements as would lead a reasonable person to perceive it as the front of the structure.

Frontage: All the property fronting on one side of a street, measured along such street, between lot lines, an intercepting street, a right-of-way in excess of thirty feet, an end of a dead-end street, a river, a lake or government boundary. See also "building front."

Gross land area: The area of a lot within the property lines.

Hard dustless surface: A vehicular travel surface for a parking area, loading area, service area, driveway, private street, or the like, consisting of concrete, asphalt, pavers, or other equivalent material as determined by the CEO.

Height: See "building height."

Heliport: A helicopter landing area for boarding and discharging the occupants of the craft. Maintenance or fueling is not permitted.

Institution: A building occupied or operated by a nonprofit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of nonprofit character to the public.

Landowner: See definition of "Owner."

Landscaping: The arrangement of natural vegetation on a lot. Refer to Section 17.

Loading space: An unobstructed, hard surfaced area no part of which is located in any street or right-of-way and the principal use of which is for the standing, loading or unloading of trucks and trailers.

Lot: A tract of land with at least sixteen feet of street frontage, occupied by, or designated to be developed for a building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this zoning regulation, to be used with such buildings or use.

Lot area: The total horizontal area included within lot lines.

Lot, corner: A lot which adjoins the point of intersection or meeting of two or more streets.

Lot, interior: A lot other than a corner lot.

Lot line, front: In the case of an interior lot abutting upon only one street, the line separating such lot from such street.

Lot line, rear: That lot line which is parallel to and most distant from the front lot line of the lot; provided, however, that in the case of an irregular or triangular lot which has no lot line which is approximately parallel to the front lot line, a line ten feet in length entirely within the lot, parallel to, and at the maximum possible distance from the front lot line shall be considered to be the rear lot line; provided further, that in the case of any corner lot the rear lot line shall be that lot line which is most parallel to and most distant from the street with the higher functional classification. In the event the corner lot abuts streets with the same functional classification the rear lot line shall be that lot line parallel and most distant from the street to which the existing or proposed structures are or will be oriented.

Lot lines: The lines bounding a lot.

Manufacturing: The processing and converting of raw, unfinished or finished materials or products, or any of these, into an article or substance of different character, or for use for a different character, or for use for a different purpose.

Map, zoning: A map atlas delineating the boundaries of the zoning district or districts provided for in this zoning regulation, as amended from time to time.

Motor vehicle sales: The display, sales, storage, servicing, and repairing of new and used motor vehicles, including but not limited to automobiles, motorcycles, and all-terrain vehicles.

Motor vehicle service: A building or portion thereof to be used for equipping, servicing and repair of motor driven vehicles, with or without the sale of motor fuels and oils.

Motor vehicle storage: The use of any premises for outdoor parking of wrecked or abandoned vehicles.

Owner: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by this zoning regulation, full disclosure of all legal and equitable interests in the property is required. Neither the State of Tennessee nor the Megasite Authority of West Tennessee shall constitute an Owner or Landowner for the purposes of these regulations.

Parking space: A space for the parking of a motor-driven vehicle within a parking lot or driveway and having a permanent means of access to a street right-of-way without requiring passage through another parking space except as is expressly permitted by this zoning regulation.

Parking structure and parking garage: A structure used for the parking of vehicles and consisting of one or more stories. A parking structure may be part of a building containing other uses or may be a stand-alone building.

Plot plan: A graphic depiction, drawn to an appropriate scale, indicating the dimensions of the lot which is the subject of an application for a zoning district amendment or special use permit including a legal description of such lot or parcel and the location of the lot or parcel in relation to adjacent street right-of-way.

Premises: A lot, plot or parcel of land, together with the buildings and structures thereon.

Principal structure and principal building: A building that contains the principal use located on a lot.

Principal use: A use that fulfills a primary function of an establishment, institution, or other entity located on a given lot

Processing: The procedure adopted by a person or party for the conversion of unprepared scrap materials into prepared grades of metallic suitable for re-melting, re-rolling, reforming, extruding, and utilization in metallics manufacture, both ferrous and nonferrous.

Radio and television transmission tower: Towers and accessory buildings for transmitting and receiving radio, television, satellite, and other broadcast signals, including radar surveillance.

Retail shop: An establishment engaged primarily in the sale of goods for personal use or consumption rather than for resale to the ultimate customer.

Roof line: A horizontal line intersecting the highest point or points of a roof.

Salvage: The controlled removal of waste/material from a building, construction site, demolition site, or other site for the purpose of recycling, reuse, or storage for later recycling, reuse, or proper storage for future recycling or reuse.

Satellite reception dish: A specialized antenna for the reception and/or transmission of broadcast signals to and from orbiting satellites.

Setback: the minimum distance a building must be from the front, rear, or side lot lines.

Scrap metal processors: Any persons or parties having facilities for processing and storing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for re-melting purposes.

Scrap processing yard: Any place having the necessary machinery, equipment and other facilities to process, refine, manufacture, or prepare and store scrap iron, scrap steel, or nonferrous materials for resale or for re-melting purposes.

Screening: The use of vegetation, fencing or berms to limit the view of one premises from another.

SFMO: The State Fire Marshal's Office.

Shrub: A woody plant with a multiple stem capable of growing to a height of no more than twenty feet.

Single ownership: The proprietary interest of a single landowner, person, or entity, or entities under common control.

Smooth dustless surface: See hard dustless surface.

Streets: A public or private way, square or lane, permanently open to common and general use, which affords the principal means of access to abutting property.

Street line: A lot line separating a street from other land.

Story: A portion of a building between the surface of any floor and the surface of the floor above it, or, if there is no floor above it, the space between such floor and the ceiling above it. A basement or cellar shall not be deemed a story if the finished floor level directly above is not more than six feet above the average elevation of the adjacent finished grade.

Structural alteration: Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

Structure: Anything built or constructed, but not including paving or resurfacing of the ground.

Truck or motor freight terminal, service facility: An establishment engaged in transporting goods or commodities for another business enterprise, including the parking and repair of the motor vehicles used in providing such service.

Underground: Not visible from the surface of the earth.

Utility equipment: Poles, towers, supports, wires, conductors, conduits, guys, stubs, cross arms, braces, transformers, insulators, cut-outs, switches, communication circuits, used or useful in supplying electricity, natural gas, water, communication or similar or associated services to the residential areas within the Megasite Authority of West Tennessee.

Variance: A variance which relaxes the zoning regulations with respect to bulk, sign regulations and parking and loading regulations and requirements.

Vision triangle: A distance of twenty feet from the rights-of-way lines of two intersecting streets.

Warehouse: A building used primarily for the storage of goods and materials.

SECTION 3. ADMINISTRATIVE BODIES, DEPARTMENTS, AND PERSONNEL

Summary of Authority

The CEO is authorized to require and approve site plans, as they may deem appropriate when a building permit is being requested.

The Megasite Authority of West Tennessee holds meetings, if required, to hear and decide appeals from the administrative decisions of the CEO. Any such appeal must be filled within thirty (30) days of the administrative decisions of the CEO.

The CEO shall receive, file, and forward to the Megasite Authority of West Tennessee Board appeals or other matters, on which the Board is required to act. The CEO interpret and enforces these regulations and make or cause to be made such inspections as are necessary and appropriate to perform those functions.

SECTION 4. ZONING PERMITS AND CERTIFICATES OF OCCUPANCY

- 1) *Authority.* The CEO shall have the authority to issue zoning permits in accordance with the provisions of these zoning regulations.
- 2) *Purpose.* Zoning permits are required to ensure that buildings are occupied and land used in compliance with these regulations. Because of the authority of the SFMO pursuant to Tenn. Code Ann. § 64-9-108, certificates of occupancy and temporary building certificates of occupancy shall be issued by the SFMO upon satisfaction of the SFMO's applicable regulations. The CEO and the SFMO shall coordinate on any issuance of building permits, zoning permits or certificates of occupancy to ensure compliance with these zoning regulations.
- 3) *Procedure.*
 - a) *Issuance of zoning permit.* The CEO shall review the building permit application to determine whether the proposed use of the new, remodeled or rehabilitated building as stated is in compliance with the provisions of these regulations.
 - b) *Denial of zoning permit.* The CEO shall inform the applicant by verbal or written communication with an explanation of what would be necessary for such an approval.
- 4) *As built survey may be required.*
 - a) The Megasite Authority of West Tennessee may require that an as-built survey be provided before a certificate of occupancy can be issued by the SFMO.
 - b) The as-built survey shall be prepared or certified by a registered engineer giving the location and elevations of all improvements including buildings, drainage facilities, driveway access, landscaping and other improvements. The CEO shall review and compare the as built survey with the approved site plan and notify the developer within 30 days as to the development's compliance with the approved site plan. Notwithstanding the CEO's determination of compliance with the approved site plan, the applicant, as used in this section, is responsible for compliance with the site plan, an accurate as-built survey, and all other applicable code requirements.
 - c) The CEO may approve minor deviations as defined in these regulations. If a deviation is not minor or if the as-built survey shows the development is not in compliance with the provisions of these regulations, and/or the approved site plan for the development, it shall be forwarded to the appropriate reviewing body by the CEO. who may then approve, conditionally approve or disapprove the deviations from the approved site plan. The CEO will take action on this matter within sixty days of receipt. If the as built survey shows the development is in compliance, then the certificate of occupancy may be issued by the State Fire Marshal's Office.

SECTION 5. AMENDMENTS

Authority. The Megasite Authority of West Tennessee shall have the authority to enact amendments to the text of the Zoning Regulations.

SECTION 6. BUILDING CODES

The SFMO has exclusive jurisdiction over all plans review, permitting, and inspections for, and enforcement of, standards designed to afford a reasonable degree of safety to life and property from fire and hazards for all constructed, altered, or repaired buildings or structures at the Megasite, including all electrical installations, plumbing systems, fire protection systems, and mechanical systems for all such buildings and structures.

The required minimum standards for fire prevention, fire protection, and building construction safety for the facilities on Megasite shall be those prescribed in the following publications:

- 1) International Building Code (IBC), 2018 edition, published by the International Code Council (ICC), except for:
 - a) Chapter 11 Accessibility; and,
 - b) Chapter 34, Section 3411 Accessibility For Existing Buildings;
- 2) The International Fuel Gas Code (IFGC), 2018 edition, published by the International Code Council (ICC);
- 3) The International Mechanical Code (IMC), 2018 edition, published by the International Code Council (ICC);
- 4) The International Plumbing Code (IPC), 2018 edition, published by the International Code Council (ICC);
- 5) The International Property Maintenance Code (IPMC), 2018 edition, published by the International Code Council (ICC);
- 6) The International Fire Code (IFC), 2018 edition, published by the International Code Council (ICC);
- 7) The International Energy Conservation Code (IECC), 2018 edition, published by the International Code Council (ICC), except that the provisions of the International Energy Conservation Code, 2006 edition, shall apply to the following occupancy classifications as defined by the International Building Code (IBC), 2018 edition: 1. Moderate-hazard factory industrial, Group F-1; 2. Low-hazard factory industrial, Group F-2; 3. Moderate-hazard storage, Group S-1; and, 4. Low-hazard storage, Group S-2;
- 8) The International Existing Building Code (IEBC), 2018 edition, published by the International Code Council (ICC);
- 9) For state buildings, educational occupancies and any other occupancy requiring an inspection by the State Fire Marshal for initial licensure, NFPA 101 Life Safety Code, 2012 edition, published by the National Fire Protection Association (NFPA); except that: 1. For classrooms in existing and new educational occupancies, as defined by Tenn. Comp. R. & Regs. 0780-02-03-.01(d), 15.2.2.2.4 excluding (1): Classroom Door Locking to Prevent Unwanted Entry, NFPA 101 Life Safety Code, 2018 edition, published by the NFPA; or 2. For classrooms in existing and new colleges and university instructional buildings, 39.2.2.2.2 excluding (1):

Classroom Door Locking to Prevent Unwanted Entry, NFPA 101 Life Safety Code, 2018 edition, published by the NFPA.

- 10) No provision of the preceding cited publications shall be adopted that conflicts with: 1. The installation and service standards of portable fire extinguishers and fixed fire extinguisher systems in Tenn. Comp. R. & Regs. 0780-02-14-.02; and, 2. The standards for engaging in the liquefied petroleum gas business in Tenn. Comp. R. & Regs. 0780-02-17-.02.
- 11) ICC A117.1 Accessible and Usable Buildings and Facilities 1991 DOJ 36 CFR Part 1192, ADAAG for Transportation Vehicles 2010 ADA Standards for Accessible Design (Appendix E)
- 12) National Electrical Code, 2017
- 13) ASME A17.1 Safety Code for Elevators and Escalators, 2017
- 14) NFPA Life Safety Code Handbook, 2018

SECTION 7. ENGINEERING CODES, DETAILS AND SPECIFICATIONS

- 1) The Megasite Authority of West Tennessee shall establish written technical guidelines as may be necessary to ensure adequate engineering infrastructure which is both serviceable and protects the health, safety and welfare of the public. These will take the form of codes, engineering details and specifications. The Authority may use for this purpose the existing technical guidelines promulgated by other entities such as the state or municipalities within the state. Listed in this section are those technical guidelines to be followed.
- 2) Water Systems:
 - a) Tennessee Department of Environment and Conservations. *Community Public Water Systems Design Criteria. 2018*
 - b) City of Nashville Tennessee. *Metro Water Services Specifications*
- 3) Sewer:
 - a) Tennessee Department of Environment and Conservation. *Design Criteria for Review of Sewage Works Construction Plans and Documents. November 1, 2017*
 - b) City of Nashville Tennessee. *Metro Water Services Specifications*
- 4) Stormwater & Erosion Prevention and Sediment Control:
 - a) Tennessee Department of Environment and Conservation. *Tennessee Permanent Stormwater Management and Design Guidance Manual. December 2014*
 - b) City of Nashville Tennessee. *Metropolitan Nashville and Davidson County Stormwater Management Manual, Volume 1 Regulations. 2021*
 - c) City of Nashville Tennessee. *Metropolitan Nashville and Davidson County Stormwater Management Manual, Volume 2 Procedures. 2021*
 - d) City of Nashville Tennessee. *Metropolitan Nashville and Davidson County Stormwater Management Manual, Volume 5 LID. 2021*
 - e) Tennessee Department of Environment and Conservation. *Erosion and Sediment Control Handbook. latest edition*
- 5) Streets and Infrastructure:

- a) Nashville Department of Transportation Engineering Details and Specifications - <https://www.nashville.gov/departments/transportation/developers/details-and-specifications>
- b) Tennessee Department of Transportation. Roadway Design Guidelines <https://www.tn.gov/tdot/roadway-design/design-standards/design-guidelines.html>

SECTION 8. BUFFERS, SETBACKS AND OTHER SPECIAL REQUIREMENTS

- 1) Roadway Landscape Buffers
 - a) One (1) street tree for every 40-feet along interior and public rights-of-way
 - b) Landscape buffer shall be 30-feet in width as depicted in Figure 1
- 2) Height regulations. The maximum building height for all uses in the General Industrial District shall be 120 feet.
- 3) Setbacks
 - a) A building setback of 150-feet from all adjoining properties surrounding the Megasite perimeter and all public rights-of-way shall be in place. A building setback of 150-feet from all adjoining properties abutting the Megasite property lines and all public rights-of-way shall be in place
 - b) Interior lots facing non-public rights-of-ways shall have a 50-feet setback as depicted in Figure 1
- 4) Other Special Requirements. To safeguard the abutting properties of the Megasite from potential nuisances and risks such as noise, explosion, chemical agents, and smell, any uses, as determined by the CEO, shall be located at least one thousand (1,000) feet from the nearest boundary line of the Megasite.

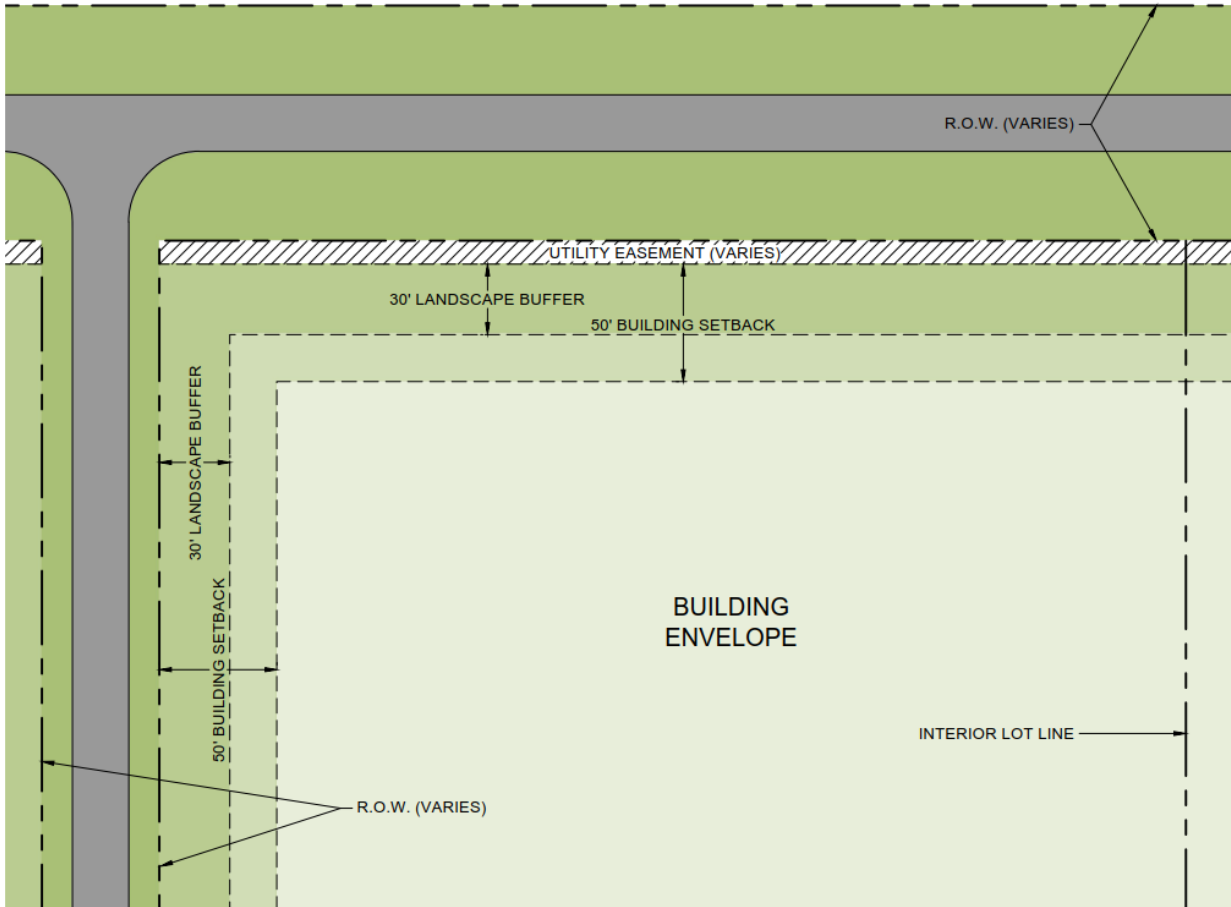


Figure 1: Buffer and Setback Exhibit

SECTION 9. SITE PLAN REVIEW

- 1) *Authority.* The CEO shall have the authority to grant site plan approval concurrent with its action on planned developments in accordance with the provisions Tenn. Code Ann. § 64-9-109(b). The CEO shall have the authority to grant site plan approval concurrent with its action on special exception uses.
- 2) *Purpose.* Site plan review assures that careful attention is given in site design to compliance with regulations, policies, procedures, and engineering design guidelines related to land development and building construction.
- 3) *Initiation.* An application for site plan approval may be initiated by the owner or other person having a contractual interest in the property for which site plan approval is requested or by the authorized agent of such owner or other person.
- 4) *Application.*
 - a) Applications for site plan approvals shall be filed with the CEO, and shall contain the following:
 - i) the name, address, and telephone number of the applicant;
 - ii) if different from the applicant, the name, address and telephone number of the owner or other persons having ownership and/or contractual interest in the property for which site plan approval is requested;
 - iii) the proposed use of the property; and,
 - iv) the site plan which shall be drawn at a scale to allow adequate review. Site plans for development of less than one hundred fifty acres shall be at a scale of not less than one hundred feet to the inch. For developments between one hundred fifty and one thousand acres, site plans shall be drawn at a scale of not less than two hundred feet to the inch. All applicable items on the following check list shall be depicted on the site plan. A copy of the checklist shall accompany the application for site plan review with items included on the site plan checked and items not included identified as "N/A" (not applicable). Items that are applicable but absent from the site plan shall be left blank.
- 5) See Megasite Authority of West Tennessee Site Plan Review Checklist in Appendix A.
- 6) *Procedure for administrative site plan review.* The CEO shall approve, approve subject to conditions, or disapprove administrative site plans within sixty days of their receipt. The CEO shall send written notice of the decision to the applicant, along with reasons for the decision.
- 7) *Effect of site plan approval.* Approval of a site plan shall permit the applicant to apply for any other permits and approvals including, but not limited to, those permits and approvals required by these zoning regulations.
- 8) *Period of validity.* Site plan approvals are valid for eighteen months, after which if construction has not begun the site plan approval will not be valid.

- 9) *Amendments.*
- a) *Substantial deviations.* If a proposed amendment to a site plan deviates substantially from the approved site plan such approved site plan shall be amended in accordance with the procedure and standards which would govern its approval if initially filed at this time. Such substantial deviations include the following:
- i) a one percent (1%) or greater increase in gross floor area;
 - ii) the relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development:
 - (1) ten feet or more for site plans less than twenty acres; and,
 - (2) fifteen feet for site plans of twenty acres or more.
 - i) *Minor deviations.* If a proposed amendment to a site plan represents only a minor deviation from the approved site plan, the applicant shall file a written application for such amendment with the CEO who shall act upon such application within ten working days of its receipt.

SECTION 10. PROCEDURE FOR USES REQUIRING SPECIAL PERMITS

- 1) *Authority.* The CEO shall have the authority to grant special use permits for specified uses set forth on Chart 1 in accordance with the provisions of these regulations.
- 2) *Purpose.* Special use permits are required for specified uses which must satisfy standards in addition to those generally applicable in the zoning district to eliminate or minimize the potentially harmful characteristics or impact of such special uses on the character of the zoning district in which they will be located.
- 3) *Initiation.* The owner or other person who has contractual interest in the property which is the site of the proposed special use may initiate a request of a special use permit.
- 4) *Procedure.*
 - a) The owner or other person having a contractual interest in the property which is the site of the proposed special use shall file an application for a special use permit with the CEO, and shall contain the following information:
 - i) name, address, and telephone number of the applicant;
 - ii) nature and extent of the applicant's ownership interest in the property which is the site of the proposed special use;
 - iii) a site plan of the site of the proposed special use drawn at a scale to allow adequate review. Site plans for developments of less than one hundred fifty acres will be at a scale of not less than one hundred feet to the inch. For development between one hundred fifty and one thousand acres, site plans will be at least two hundred feet to the inch. Site plans shall contain the following information:
 - (1) property boundary lines and dimensions, available utilities, and easements, roadways, rail lines and rights-of-way crossing and/or adjacent to the subject property;

- (2) the proposed height, dimensions and arrangement of buildings on a site;
 - (3) the type and location of landscaping proposed for the site;
 - (4) the location of points of ingress to and egress from the site;
 - (5) the location of existing and proposed driveways, parking lots, and loading areas;
 - (6) any proposed regrading of the site and any topographical or physical features of the site including watercourses.
- iv) address of the site of the proposed special use;
 - v) a vicinity map showing the property which is the site of the proposed special use and all parcels of property within a five hundred-foot radius. Such vicinity maps shall show any and all streets, roads, or alleys and shall indicate the owner's name and dimensions of each parcel of property shown;
 - vi) the proposed special use to be located on such property with a description of the manner in which the special use will be conducted or operated, including, but not limited to, the following:
 - (1) the hours and days of operation;
 - (2) the duration of the proposed special use;
 - (3) the number of expected customers, patrons, clients, or patients that will be expected to utilize any proposed facility or participate in any program connected with the proposed special use; and,
 - (4) the projected traffic that will be expected to be generated by the proposed special use;
 - vii) the potentially harmful characteristics of the proposed special use for the zoning district in which it is proposed to be located and the manner in which the applicant proposes to eliminate or minimize them.
- b) The CEO may approve, disapprove, or approve subject to conditions after consideration of the proposed special use application. The CEO may take the matter under advisement or defer decision until the next regular meeting or special called meeting of the Board.
- 5) *Effect of issuance of special use permit.* The issuance of a special permit shall not allow the development of the site for the special use, but shall merely authorize the filing of applications for required permits and approvals, including, but not limited to, site plans, building permits and certificates of occupancy.

SECTION 11. STANDARDS FOR SPECIAL PERMIT USES

- 1) *Authority.* CEO is authorized to grant special use permits for the uses specified on Chart 1 in accordance with the procedure for the issuance of such permits set forth in Section 10.
- 2) *Conditions on special uses.* The CEO may impose such conditions upon the premises benefited by a permit for a special use as may be necessary to prevent or minimize any adverse effects of such special use upon and to ensure the compatibility of the special use with other property in the vicinity of such special use. These conditions may be in addition to the minimum standards for special permit uses specified in subsection (4)(b). Such conditions shall be set forth in the resolution authorizing such special permit use and in the special use permit. A violation of such conditions shall be a violation of this regulation. The CEO

is authorized to revoke a permit for a special use when the conditions imposed upon the premises benefited by a permit for a special permit use have been violated or have not been met.

- 3) *Standards of general applicability.* An applicant for a special permit shall present evidence which must establish:
 - a) that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
 - b) that the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the regulations;
 - c) that the proposed buildings or use will be served adequately by essential services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;
 - d) that the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the CEO to be of significant natural, scenic, or historic importance; and,
 - e) that the proposed building or use complies with all additional standards imposed on it by this regulation.
- 4) *Authorized special uses and additional standards.*
 - a) The special permit uses specified on Chart 1 of this regulation shall be allowed subject to the issuance of special permits therefor.
 - b) The following special permit uses shall be allowed subject to the issuance of special permits therefore and subject to the following minimum standards which shall apply in addition to the general proposed location with adjoining properties.
- 5) *Automobile dismantlers and recyclers shall be subject to the following additional standards:*
 - a) if visible from an adjacent property or street right-of-way, the operation must be screened by natural objects, plantings, fences, or other means approved by the CEO;
 - b) the automobiles or other motor vehicles or the parts thereof stored on the site shall be arranged in such a manner as to allow for safe and convenient access of fire-fighting apparatus;
 - c) no automobile or other motor vehicle tires shall be stored on-site;
 - d) materials may not be stored at a height which creates a safety hazard or which lacks adequate screening;
 - e) the location of all machinery, whether permanently located or portable, used for crushing, chipping, flattening, or baling of automobiles or automobile parts shall be identified on the site plan as required by Section 8 of this regulation. Any such machinery shall be located on-site in such a manner as to minimize harmful and annoying intrusions of noise onto adjacent properties. Any such machinery shall be operated in such a manner as to minimize the potential release of vehicle fluids and vapors, including but not limited to oils, air conditioner vapors, fuels, antifreeze, battery acids, fibers, and other harmful agents, into the environment; and,

- f) other additional standards may be required in order to assure the compatibility of the automobile dismantler or recycler with other property in the vicinity of the automobile dismantler or recycler.
- 6) *Battery Recycling*. Standards to be negotiated with the CEO.
- 7) *Day care centers* shall be subject to the following additional standards.
 - a) an on-site off-street area shall be provided for vehicles to load and unload passengers;
 - b) facilities for vehicular access to and from the site of the day care center shall be arranged to permit vehicles to exit from the site without backing onto any street or sidewalk;
- 8) *Wireless communication towers and antennas (altogether "towers") shall be subject to the following additional standards:*
 - a) towers shall not be located in the approach or landing zone of an airport or heliport;
 - b) the application for a special use permit shall be accompanied by the written recommendations of appropriate state and federal agencies;
 - c) in the event any tower is to be equipped with hazard lights, the use of white strobe lights shall be restricted to daylight hours;
 - d) the CEO may place restrictions on the manner (and color) in which the tower can be painted, within the parameters of applicable state and federal regulations; and,
 - e) the CEO may require additional standards be met in order to assure
 - f) compatibility of the proposed use with adjoining properties, subject to Tenn. Code Ann. § 13-24-301, et seq.
 - g) the applicant must demonstrate compliance with Section 19(5). All applicable set-back lines shall be honored.

SECTION 12. VARIANCES

- 1) *Authority*. The CEO shall have the authority to grant the variances specified in this regulation, if the CEO makes specific written findings in favor of such variance based upon the standards for variance hereinafter set forth.
- 2) *Purpose*. The purpose of a variance is to provide relief from one or more zoning regulations set forth in this regulation where due to the unusual characteristics of a parcel of land, strict compliance with such regulation(s) would be extraordinarily and peculiarly difficult or would result in an undue hardship for the a landowner or some other person with a contractual interest in the land.
- 3) *Initiation*. The owner or a person having a contractual interest in the land for which a variance is sought may initiate a request for a variance.
- 4) *Procedure*.
 - a) *Application*. The owner or a person having a contractual interest in the land to be affected by the variance shall file an application for a variance with the Megasite Authority of West Tennessee. The application shall contain the following information:
 - i) name, address, and telephone number of the applicant;
 - ii) nature and extent of the applicant's interest in the land for which a variance is requested;

- iii) a plot plan showing the dimensions of the land for which a variance is requested;
 - iv) the street address and legal description of the land for which a variance is requested;
 - v) zoning classification of the land for which a variance is requested;
 - vi) a statement of the exact variance sought and section of this regulation from which a variance is requested;
 - vii) a statement of the purpose for the requested variance and the intended development of land if the variance is granted; and
 - viii) a vicinity map showing the land which is the site of the requested variance and all parcels of land within a 250-foot radius of the land. Such vicinity map shall show any and all streets, roads or alleys, and shall indicate the owner's name and dimensions of each parcel of land shown; and
- b) Action by the CEO. Not more than forty-five days after an application is filed, the CEO make a decision on the application. Notice of the CEO's decision, along with its written findings, shall be mailed to the applicant within fifteen days after the date of the CEO's decision on the requested variance.
- 5) *Standards for Variance.* To be entitled to a variance an Applicant must show by substantial material evidence:
- a) That the specifically identified characteristics of the land, such as the narrowness, shallowness, shape, topography or other condition of the land, are such that compliance with one or more applicable zoning regulations would be extraordinarily and peculiarly difficult or would result in an undue hardship for the Applicant;
 - b) That granting the requested variance will not be unduly detrimental to other land in the vicinity of the land for which the variance is requested; and
 - c) That granting the requested variance will not impair an adequate supply of light and air to adjacent properties, unreasonably increase the congestion in streets, increase the danger of fire or otherwise endanger the public health, safety, comfort, or morals, or substantially impair the intent and purpose of the Zoning Regulation.
- 6) The CEO shall make specific written findings of fact on each of the above standards in either granting or denying a variance.
- 7) *Effect of grant of variance.* The grant of a variance shall not allow the development of the land for which a variance was granted but shall merely authorize the filing of applications for required approvals, including, but not limited to, building permits, and certificates of occupancy.
- 8) *Length of variance.* Variances are valid for an unlimited time, irrespective of ownership, unless otherwise conditioned by the CEO.

SECTION 13. GENERAL INDUSTRIAL DISTRICT ESTABLISHED

In order to carry out the purposes and provisions of these regulations, the Megasite Authority of West Tennessee is divided into a single district – called General Industrial.

General Industrial District. The General Industrial District is intended to provide areas in which the principal uses permitted are manufacturing, wholesaling, or warehousing and which are accessible to major transportation routes. The regulations of this district are designed to minimize the adverse impact such uses

may have on nearby properties. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this regulation.

Map incorporated. The extent or boundaries of the General Industrial District hereby established are shown on maps entitled "Megasite Authority of West Tennessee" as maintained by the CEO of the Megasite Authority of West Tennessee.

Omitted land. It is the intent of this regulation that the entire area of the Megasite Authority of West Tennessee, including all land and water areas, rivers, streets, alleys, railroads and other rights of way, be included in the district established by this regulation.

Permitted Uses. The uses permitted in the General Industrial District established in this regulation shall be as identified in this section on Chart 1 USES PERMITTED- GENERAL INDUSTRIAL ZONING DISTRICT.

Multiple Uses. When two or more principal uses are proposed for the same lot, each principal use shall be subject to the applicable provision of this title.

New Uses. The CEO is empowered to categorize new land uses not enumerated in Chart 1 according to the most comparable land use classification established by this title or as a prohibited use.

Prohibited Use. Alcoholic beverage manufacture and radio and television transmission towers, along with any use not included in Chart 1 are prohibited in the General Industrial District.

Notes to Chart 1. Those uses identified in Chart 1 with a "P" are uses permitted as a matter of right and uses identified in Chart 1 with a "S" shall be uses requiring site plan review and approval subject to the issuance of a special use permit in accordance with the provisions of this regulation. Lack of one of the preceding notations in a cell in Chart 1 indicates that the specific land use category is not permitted within the General Industrial District.

Chart 1. Uses Permitted- General Industrial Zoning District

| Use Permitted General Industrial Zoning District | Uses permitted by right (P) and uses requiring site plan review and approval subject to the issuance of a special uses permit(s) in accordance with the provisions of these regulations |
|--|---|
| INSTITUTIONS | |
| Airport, Heliport | S |
| Day-Care Center/ Nursery School | S |
| Park | S |

| Use Permitted General Industrial Zoning District | Uses permitted by right (P) and uses requiring site plan review and approval subject to the issuance of a special uses permit(s) in accordance with the provisions of these regulations |
|--|---|
| Public Building | S |
| Trade Schools and Job Training Facilities | P |
| Recreation Field | S |
| AGRICULTURAL USES | |
| Customary General Farming | S |
| COMMERCIAL | |
| Apothecaries (pharmaceuticals only) | S |
| General Retail | S |
| Bank, Branch Office | S |
| Bank, Drive-Up Electronic Teller | S |
| Barber or Beauty Shop | S |
| Clothing Store | S |
| Data Center | P |
| Delicatessen | S |
| Dry Cleaning | S |
| Financial Service | S |
| Garage, Parking | S |
| Group Assembly | S |
| Health Club | S |
| Laboratories, Testing | S |
| Motor Vehicle Sales (Automobiles) | S |
| Motor Vehicle Service | S |
| Offices | S |
| Pharmacies | S |
| Vehicle Wash | S |
| Wireless Telecommunications Towers, Antennas | S |
| INDUSTRIAL | |
| Manufacture, Storage, Distribution of: | P |
| Beverage Manufacture | P |
| Automobile Dismantlers and Recyclers | S |
| Automobile Manufacture | P |
| Battery Manufacture | P |
| Battery Recycling | S |

| Use Permitted General Industrial Zoning District | Uses permitted by right (P) and uses requiring site plan review and approval subject to the issuance of a special uses permit(s) in accordance with the provisions of these regulations |
|---|--|
| Composting Facility | S |
| Food and Beverage Products | P |
| Saw Mills | S |
| Scrap Processing Yard | S |
| Scrap Metal Processors | S |
| Scrap Metal Distribution and Storage | S |
| Textile, Apparel Products, Cotton--Factoring, Grading | P |
| Textile, Apparel Products, Cotton Gin | P |
| Warehousing, Transporting/Distributing | P |
| | |
| TRANSPORTATION AND PUBLIC UTILITIES | |
| Gas, Electric, Water, Sewerage Production and/or Treatment Facility | P |
| Telephone or Communication Services | P |
| Electric Transmission, Gas Piping, Water Pumping Station | P |
| Freight Terminal, Service Facility | P |
| Power Facilities | P |
| Rail Yard | P |
| Water and Wastewater Facilities | P |
| | |
| OTHER | |
| Advertising Sign | S |
| Temporary Mobile Recycling Center | S |

SECTION 14. REGULATIONS OF GENERAL APPLICABILITY

- 1) *Building orientation and screening of service areas.*
 - a) **Building Orientation.** Except as may otherwise be provided in this regulation, where the principal structure is bounded by a state highway or county road, it shall be constructed or placed upon any lot such that the structure is oriented to face the front lot line. Upon corner lots, the structure shall be oriented with the front facing toward the street with the higher function. The front of a structure shall be that elevation of the structure containing the formal or main entryway or containing such other architectural elements as would lead a reasonable person to perceive it as the front of the structure.
 - b) **Screening of service areas.** Where the principal structure is bounded by a state highway or county road, service areas, loading docks and storage areas shall be incorporated into the building design and oriented so that they are screened from adjacent rights-of-way by use of vegetation, earth berms, masonry walls or a combination of such.
 - c) To confirm compliance with the requirements of this section architectural elevations shall be submitted along with the site plan required in Section 9. **SITE PLAN REVIEW.**
- 2) *Solid Waste Management.*

All developments shall make adequate provision for effective solid waste management.
- 3) *Site lighting.* Exterior lighting is an essential part of the total design of all projects. Well-conceived lighting can extend the use of outdoor areas, create a sense of well-being and add interest to the nighttime landscape.

Lighting should satisfy the objectives of security while creating a pleasing visual environment. In an effort to reduce glare in the landscape, down lighting should be emphasized while limiting the use of spotlights. Selective site and building accent lighting is encouraged. For public protection and security, walkways and parking areas, as well as non-defensible public space (i.e., hidden nooks, exterior stairwells, dead end spaces) should be adequately lighted.

Lighting plans and schedules shall be provided along with submittal of site plans in accordance with the requirements of Section 9. **SITE PLAN REVIEW** of these regulations; provided, however, that only a preliminary lighting plan depicting the location of proposed lighting fixtures shall be required at the time of site plan review with the complete lighting plan and schedules required at the time of building permit application. The following considerations should be addressed during the review process:

- a) All lighting fixtures shall be shielded to prevent glare. Light shall not be distributed beyond an angle of thirty-five (35°) degrees from a vertical plane onto surrounding properties.
 - i) Lighting shall be designed so that illumination does not exceed one-half (1/2) foot candle beyond the property line. All lighting shall have the intensities and uniformity ratio consistent with the Lighting Handbook of the Illuminations Engineering Society of North America (IESNA).
- b) Attached building or wall pack lighting shall be screened by the building's architectural features or contain a thirty-five (35°) degree cutoff shield.

- c) Ground-oriented, pedestrian-scale lighting shall be considered as an alternative to pole-mounted fixtures along pedestrian walkways.
- d) White light shall be required. Low-pressure sodium lighting is prohibited.
- e) Fixtures used for architectural lighting, such as facade, feature, and landscape lighting, shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated.
- f) Internally illuminated canopies shall have flush or recessed lenses.
- g) No glare shall project into street right-of-way.

SECTION 15. TEMPORARY AND ACCESSORY STRUCTURES AND USES

1) *Authorization.*

- a) Temporary structures and uses are permitted subject to the provisions of this section.
- b) Accessory structures and uses are permitted in connection with any lawfully existing principal structure and use subject to the provisions of this section.

2) *Particular permitted temporary and/or accessory structures and uses.* Temporary and/ or accessory structures and uses include, but are not limited to, the following, provided however, that each structure or use shall comply with the standards and requirements of subsections (3), (4), (5), and (6):

- a) a structure for storage incidental to a permitted use;
- b) fences, walls, and hedges;
- c) radio and television antennas, subject to the height restrictions of the district in which they are located;
- d) off-street parking subject to the provisions of Section 16 of this regulation;
- e) signs;
- f) barns, sheds, silos, and storage structures used for agricultural purposes on lots or tracts larger than five acres;
- g) construction trailers for on-site security, contractor's office, or storage used by a building contractor during the construction phase of a building project provided the trailers are removed from the site within thirty days after the issuance of a temporary certificate of occupancy;
- h) a parents' day out or child care for pre-teenage children for not more than twelve hours in any one week and which does not require licensure by the State of Tennessee shall be permitted in any property approved for use as a church;
- i) retail sales of food, souvenirs, clothing, and other items within a right-of-way associated with an approved street closure shall be permitted during the duration of the event for which the street was closed;
- j) uses customarily incidental and subordinate to a principal use, including but not limited to accessory offices, repair, recycling and service facilities for automobile manufacturer or battery manufacturer; and
- k) accessory satellite facilities providing communications services solely for the principal use.

3) *Prohibited temporary and accessory structures and uses.*

- a) outdoor storage is prohibited, except as expressly permitted;

- b) mobile storage units, e.g., semi-trailers, converted vans, or converted buses, shall not be used as:
 - i) accessory structures for human occupancy on any lot;
 - ii) accessory structures for the storage of tires on any lot.
 - c) tires shall only be stored within a fully-enclosed structure. Open or uncovered outdoor storage of tires is prohibited.
 - d) The prohibition of temporary storage may be appealed. An administrative waiver may be granted by the CEO. In hardship situations, applicant is allowed up to 7 days to store material while seeking a valid waiver.
- 4) *Particular temporary structures and uses requiring special use permit.* The following temporary structures and uses shall require application for a special use permit and approval by the CEO in accordance with the requirements of Section 10 of these regulations:
- a) temporary outdoor sales of food or retail merchandise not accessory to the actual principal use of a property including sales of fireworks and Christmas trees ("Temporary Vendors"), except as provided in Section 15(2)(i), shall be permitted in the General Industrial District subject to the additional standards of Section 11(4)(b) and Section 11(5).
- 5) *Bulk and location regulations.* Temporary and accessory structures and uses, except parking and parking areas and lots and signs which are subject to the provisions of Sections 15 and 16, respectively, of this regulation, shall be subject to the bulk and location regulations hereinafter set forth:
- a) no accessory structure shall exceed the height limitations of the district in which such structure is located;
 - b) in industrial districts, temporary and accessory structures and uses, except fences, walls, and hedges, shall comply with the same front, side, and rear setback as is required for the principal structure except as noted in this subsection.
 - c) construction trailers used by a building contractor during the construction phase of a building project may be located not less than five feet from any side, front, or rear lot line;
 - d) Outdoor Storage and Display for non-residential lots shall not be located within a required yard, in required parking stalls, in vehicle or pedestrian access ways, or in landscape areas. Permanent storage and display shall be screened from public and adjoining property view.
 - e) The prohibition of temporary storage may be appealed. An administrative waiver may be granted by the CEO. In hardship situations, applicant is allowed up to 7 days to store material while seeking a valid waiver.
- 6) *Use limitations.*
- a) all accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located; and,
 - b) no accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the construction of the principal structure to which it is accessory except as may be approved by the CEO.

SECTION 16. OFF-STREET PARKING, QUEUING, AND LOADING

- 1) *Purpose.* The off-street parking, queuing, and loading requirements and the regulations of such parking, queuing, and loading set forth in this section are designed to alleviate and prevent congestion in the streets.
- 2) *Regulations Applicable to Parking Spaces and Parking Lots.*
 - a) *Location of required parking spaces.* Except as may otherwise be provided in this regulation, the off-street parking spaces required by this section shall be located as provided in this subsection (2). Where a distance is specified, such distance shall be measured from the nearest point of the parking lot to the nearest point of the building structure or uses served by such parking lot.
 - b) *Computation of required parking spaces.*
 - i) When parking spaces are computed on the basis of the number of employees or students, the maximum number present at any one time shall govern.
 - ii) In determining the minimum number of parking spaces required under this regulation, accessible parking spaces required under state or federal law shall not be considered.
 - c) *Prohibition of using parking spaces for another use.* Any land designated for required off-street parking shall not be used for any other purpose, including but not limited to the display and/or storage of equipment, materials, or products for sale, until alternate or replacement off-street parking spaces are established for the building, structure, or use served by the parking spaces located on such land. The prohibition of temporary storage may be appealed. An administrative waiver may be granted by the CEO. In hardship situations, applicant is allowed up to 7 days to store material while seeking a valid waiver.
 - c) *Design standards.* Parking lots shall be designed, constructed, and maintained in accordance with the following minimum standards and requirements:
 - i) The design requirements for non-accessible parking spaces and aisles located within a parking lot are set forth on Chart 2. Subject to compatibility with overall access and circulation configuration, the applicant for permits and approvals required by this section shall choose any one of the parking angles and stall widths for such spaces as are indicated on Chart 2, provided that no more than twenty (20%) percent of the total number of on-site non-accessible parking spaces provided shall be 8.5 ft. in width.
 - ii) Parking lots, loading spaces, and maneuvering areas shall be surfaced with asphalt, concrete, or other hard surface dustless material and be so constructed to provide for adequate drainage and prevent the release of dust into the atmosphere and sediment into the storm drainage system in accordance with applicable codes and standards.
 - iii) Parking lots and maneuvering areas shall be designed, landscaped, and screened in accordance with the requirements of Section 16 of this regulation.
 - iv) Continuous curbing shall be provided around all parking lots or parking lot expansions in order to protect landscape areas and other site elements and to promote stormwater quality. The CEO may approve alternate curb designs if adequate engineering justification is provided by the applicant.

- v) Lighting used to illuminate off-street parking lots shall be sufficient so as to provide for the safety and security of motorists and pedestrians and shall be so arranged to prevent direct glare onto any public or private property or streets in accordance with applicable codes and standards.
- vi) The design requirements for accessible parking spaces and aisles located within a parking lot shall be as required in the accessibility code then in effect in the State of Tennessee.
- d) *Number of parking spaces.*
 - i) The number of non-accessible parking spaces required for specific uses is set forth on Chart 2; the number of accessible parking spaces shall be as set forth in the accessibility code then in effect in the State of Tennessee.
 - ii) For uses not expressly listed on Chart 2, parking spaces shall be provided on the same basis as required for the most similar listed use, as determined by the CEO.
- 3) *Regulations applicable to off-street loading.*
 - a) *Location of required loading spaces.* Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in a required front yard.
 - b) *Designation and use.* Each required loading space shall be designated as such. A loading space may be used for other purposes provided it is available as a loading space when needed for such use.
 - c) *Computation of the number of required loading spaces.*
 - i) In the computation of the number of required loading spaces, floor area shall be deemed to include the gross area of the floor area devoted to a particular use and any use incidental thereto, which floor area shall be measured along the interior faces of the walls or partitions which surround the perimeter of the space the use occupies.
 - ii) If a building is devoted to more than one use, the number of loading spaces required shall be computed separately on the basis of the floor area occupied by each such use.
 - d) *Loading; design and maintenance.*
 - i) *Dimensions.* Required off-street loading spaces shall not be less than ten feet in width and shall have an unobstructed vertical clearance of not less than fourteen feet. The minimum length of loading spaces shall be fifty feet.
 - ii) *Surfacing and drainage.* Loading spaces and maneuvering areas related thereto shall be surfaced with asphalt, concrete, or other hard surface dustless material and be so constructed to provide for adequate drainage and to prevent the release of dust.
 - iii) Areas approved for temporary storage areas are not required to be paved.
 - e) *Required number of loading spaces.* The number of loading spaces required for specified categories of uses is set forth on Chart 3.

Chart 2. Parking Space and Aisle Design Requirements

| A | B | C | D | E | F | G |
|----|------|------|------|------|------|------|
| 0 | 8.5 | 9.0 | 11.0 | 23.0 | 30.0 | — |
| 0 | 9.0 | 9.0 | 11.0 | 23.0 | 30.0 | — |
| 20 | 8.5 | 15.0 | 11.0 | 26.3 | 41.0 | 32.5 |
| 20 | 9.0 | 15.0 | 11.0 | 26.3 | 41.0 | 32.5 |
| 30 | 8.5 | 16.9 | 11.0 | 17.0 | 44.8 | 37.5 |
| 30 | 9.0 | 17.3 | 11.0 | 18.0 | 45.6 | 37.8 |
| 45 | 8.5 | 19.4 | 13.5 | 12.0 | 52.3 | 46.3 |
| 45 | 9.0 | 19.8 | 13.0 | 12.7 | 52.5 | 46.5 |
| 60 | 8.5 | 20.7 | 18.5 | 9.8 | 59.9 | 55.8 |
| 60 | 9.0 | 21.0 | 18.0 | 10.4 | 60.0 | 55.5 |
| 70 | 8.5 | 20.8 | 19.5 | 9.0 | 61.0 | 58.0 |
| 70 | 9.0 | 21.0 | 19.0 | 9.6 | 61.0 | 57.9 |
| 80 | 8.5 | 20.2 | 22.0 | 8.6 | 62.4 | 60.9 |
| 80 | 9.0 | 20.3 | 22.0 | 9.1 | 62.6 | 61.0 |
| 90 | 8.5 | 19.0 | 22.0 | 8.5 | 60.0 | 60.0 |
| 90 | 9.0 | 19.0 | 22.0 | 9.0 | 60.0 | 60.0 |
| 90 | 10.0 | 18.0 | 24.0 | 10.0 | 60.0 | 60.0 |

- A Parking Angle (Degrees)
- B Stall Width
- C 19 Foot Stall to Curb
- D Aisle Width
- E Curb Length Per Car
- F Center to Center Width of Double Row with Aisle Between
- G Curb to Curb Stall Center

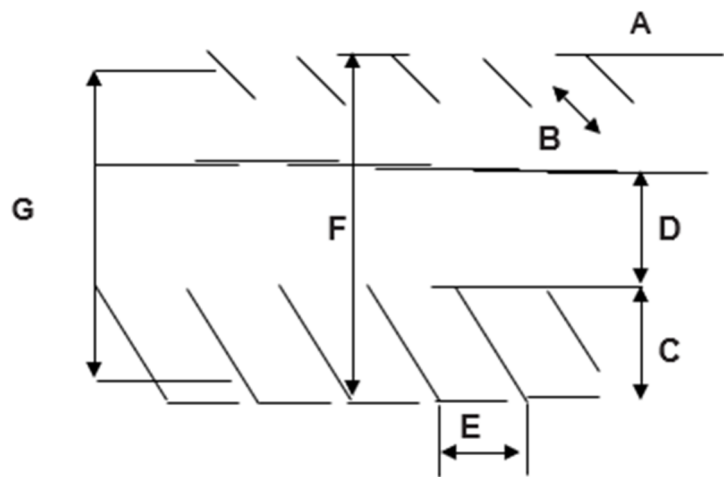


Chart 3. Required Off-Street Parking and Queuing Spaces by Use**Number of Parking and Queuing Spaces Required Use**

| Institutional uses | |
|--|---|
| Day care centers | 1 for each 300 square feet of floor area or 5 spaces, whichever is greater, plus 1.5 for each 2 employees employed on the largest shift |
| Recreation field | 10 for every acre of land, plus 1 for every 4 spectator seats or 1 for each 8 linear feet of bleacher seats whichever is greater |
| Agricultural | |
| Any use classified as agricultural on Chart 1 | 1.5 for each 2 employees employed on the largest shift |
| Auditorium | 1 for each 2.5 seats plus 1 for each employee employed on the largest shift |
| Health club | 1 for each 200 square feet of floor area |
| Medical or dental office or clinic | 2 for each examination or treatment room plus 1 for each doctor, dentist, and other employee or 1 for each 200 square feet of floor area. if number of rooms or employees is un-known at time of site plan approval |
| Public assembly | 1 for each 50 square feet of floor area |
| Industrial | |
| Automotive dismantlers and re- cyclers, scrap metal processors, scrap processing yard and secondary material dealers | 1 for each 1,000 square feet of floor area. or 1 for each 8,000 square feet of gross lot area, whichever is applicable |
| Contractor's storage yard or enclosed | 1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle |
| Warehouse | 1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle |
| Any other use classified as industrial on Chart 1 | 1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle |
| Transportation and public utilities, airline terminal, freight, service facility or bus terminal, service facility | 1 for every 100 square feet of waiting area or room space, plus 1.5 for each 2 employees employed on the largest shift and 1 for each business vehicle |
| Any other use classified under transportation and public utilities on Chart 1 | 1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle |

Chart 4. Required Loading Spaces by Use and Zoning District.

| <i>Use</i> | <i>District</i> | <i>Number of Loading Spaces Required</i> |
|--|--------------------|---|
| Retail, service, wholesale or institutional establishment | General Industrial | 1 for any such use with 10,000 sq.ft. or more of floor area plus 1 additional for each additional 20,000 sq.ft. of floor area or fraction thereof |
| Manufacturing, processing, storage or distribution establishment | General Industrial | 1 for any such use with 20,000 sq.ft. or more of floor area plus 1 additional for each additional 20,000 sq.ft. of floor area or fraction thereof |

SECTION 17. LANDSCAPING AND SCREENING

- 1) *Purpose and scope.* It is the intent of the Megasite Authority of West Tennessee to promote the health, safety and welfare of public now and in the future by establishing minimum standards for the protection of natural plant communities and features, and for the planting and continued maintenance of installed landscaping, within the Megasite in order to:
 - a) Improve environmental quality
 - b) Provide direct and important physical and psychological benefits to human beings
 - c) Promote the conservation of potable and non-potable water
 - d) Improve the aesthetic appearance of property and increase the value of land
- 2) *Responsibility.* The owner as defined in this section is solely responsible to the Megasite Authority of West Tennessee for compliance with the provisions of this section.
- 3) *Applicability.* The provisions of this section shall apply to all uses.
 - a) No new building, structure or development shall be constructed, or parking area created, unless landscaping is provided as required by this section.
 - b) *Changes to existing buildings, structures and developments:* The requirements of this section shall be applicable to existing buildings, structures and developments under the following circumstances:
 - i) if an existing building, structure or development is expanded by fifty percent (50%) or more, then the entire building, structure or development shall comply with the requirements of this section;
 - ii) if the estimated cost of a renovation of an existing building, structure, or development equals fifty percent (50%) or more of the total assessed value of the existing building, structure, or

- development (including land), then the entire building, structure or development including parking area shall comply with the requirements of this section;
- iii) if there is change in use of an existing building, structure or development which requires issuance of a special use permit, then the entire building, structure, or development including parking area shall comply with the requirements of this section;
 - iv) if the number of existing parking spaces for an existing building, structure or development is expanded by twenty-five percent (25%) to forty-nine percent (49%), then the area of expansion shall comply with the requirements of this section;
 - v) if the number of existing parking spaces for an existing building, structure or development is expanded by fifty percent (50%) or more, then the entire parking lot shall comply with the requirements of this section; or,
 - vi) if a new and separate building, structure or development is constructed on the same lot of record as an existing building, structure or development, only the separate and new building, structure or development must meet the requirements of this section.
- 4) *Definitions.* The following definitions shall apply to the regulation and control of landscaping within this regulation in addition to those definitions in section 2.
- a) Access way: A paved area intended to provide ingress and egress of vehicular traffic from a right-of-way to an off street parking area.
 - b) Variiances: Megasite Authority of West Tennessee has the authority to grant variances to the requirements of this section
 - c) Buffering: The use of landscaping (other than mere grass on flat terrain), or the use of landscaping with berms, walls, or decorative fences, that at least partially obstructs the view from the street or adjoining properties of vehicular use areas, parking lots and their parked cars, loading areas, and refuse containers.
 - d) Buffer zone: The required installation of landscaping between land uses. (See subsection (12) for further explanation.)
 - e) Caliper: A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.
 - f) Critical root zone (CRZ): A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.
 - g) Certificate of landscape compliance: A document that the contractor or installer and the owner shall submit to the Megasite Authority of West Tennessee before final inspection that certifies that the landscape plan has been substantially implemented in its entirety.
 - h) Certificate of occupancy: A document issued by the SFMO allowing the occupancy or use of a building and certifying that the structure or use has been inspected for compliance with all the applicable

municipal codes and ordinances. A temporary certificate of occupancy may be issued by the SFMO allowing the occupancy or use of a building, although all required work has not been completed.

- i) DBH: Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of four and five tenths feet above the ground.
- j) Detention area: Area used for temporary storage and controlled release of stored stormwater.
- k) Deciduous: Those plants that annually lose their foliage.
- l) Drip line: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
- m) Evergreen: Those plants that retain their foliage throughout the year.
- n) Evergreen screen: Plants that retain their foliage year round that are planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts.
- o) Ground cover: A prostrate plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.
- p) Island: In road and parking area design, a raised planting area, usually curbed, and placed to guide traffic, separate lanes, limit paving (impervious surface), preserve existing vegetation and increase aesthetic quality.
- q) Land clearing: Operations where trees and vegetation are removed and which occur prior to construction of buildings, road right-of-way excavation, utility excavation, grubbing, and any other necessary clearing operation.
- r) Landscaping: The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Includes any combination of living plants, such as trees, shrubs, vines, ground covers or grass; natural features such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, benches.
- s) Landscape plan: The preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features with plantings, ground and water forms, circulation, walks and other landscaping features to comply with the provisions of this appendix.
- t) Loading areas: An area which contains trash collection areas of dumpster type refuse containers, outdoor loading and unloading spaces, recycling bins, docks, outdoor shipping and receiving areas, outdoor bulk storage of materials or parts thereof, or outdoor repair areas of any service stations, safety equipment, inspection stations or dealers, including but not limited to loading spaces as defined in Section 2.
- u) Parking lot island: An area of ground within the boundary of any parking lot, which has curbing adjacent to all paved areas. Parking lot islands are used for traffic control and as planting areas to screen and shade parking lots to minimize the detrimental environmental impacts of large paved areas.
- v) Planting area: The area prepared for the purpose of accommodating the planting of plants.

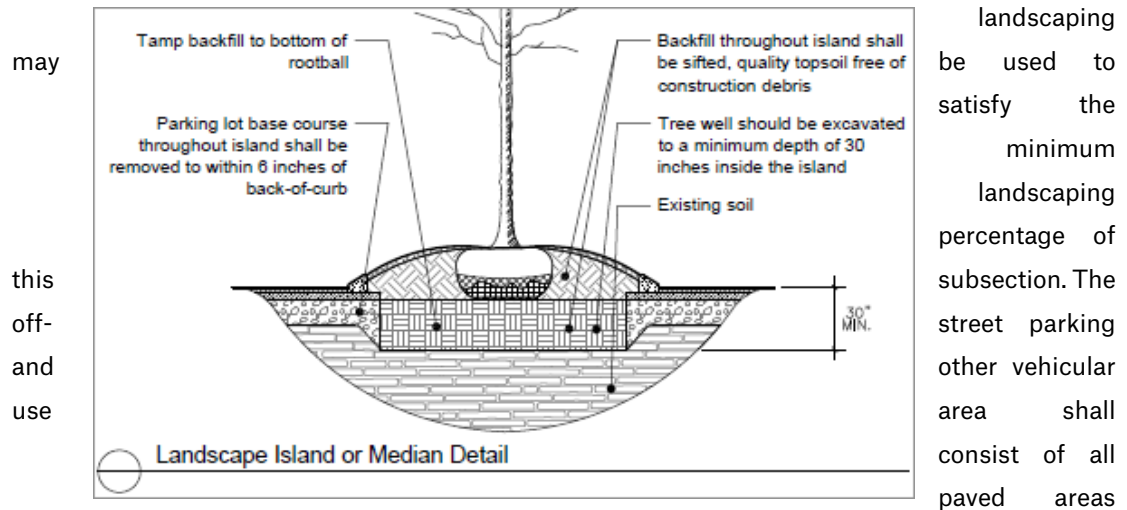
- w) Plant: A combination of vegetation in a designed, specific application which meets the purpose of this section. Vegetation may include: trees, shrubs, groundcovers, vines and grasses. For purposes of this regulation it does not include flowers or weeds.
- x) Landscape buffer: A planting area around the perimeter of a property separating the access way and vehicular use area from adjoining property and/or right-of-way. Its purpose is to enhance the visual appearance of the site and to provide screening of the vehicular use area and certain other activities from the right-of-way and abutting property.
- y) Retention area: Area used for storage of stormwater without controlled release of stored water.
- z) Shrub, large: An upright plant growing ten feet to twenty feet in height at maturity planted for ornamental or screening purposes.
 - aa) Shrub, medium: A plant growing five feet to nine feet in height at maturity planted for ornamental or screening purposes.
 - bb) Shrub, small: A plant growing to less than five feet in height at maturity planted for ornamental or screening purposes.
 - cc) Sight triangle: Area at the intersection of the road right-of-way and an access point to property where driver visibility must be maintained as required in this regulation. (See subsection (15) for further explanations.)
 - dd) Street tree: A tree planted along the street within the right-of-way.
 - ee) Tree, ornamental: A small to medium tree, growing fifteen feet to forty feet at maturity used for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. Ornamental trees must be used for planting under or near overhead utility lines.
 - ff) Tree protection zone: The area around a tree corresponding to the drip line or ten feet, whichever is greater, in all directions from the trunk.
 - gg) Tree, shade: A large tree growing to over forty feet in height at maturity, usually deciduous, planted to provide canopy cover shade.
 - hh) Tree work: The act of pruning, removing, spraying or planting of any tree or portion thereof within the Megasite Authority of West Tennessee's right-of-way.
- 5) Submission of Landscape Plan. A landscape plan meeting all requirements specified in subsection (F) below must be submitted, reviewed and approved by the Megasite Authority of West Tennessee as part of the site plan approval process. No building permit shall be issued until the site plan (including the landscape plan) has been submitted, reviewed and approved, provided, however, that a grading and/or a foundation building permit may be issued upon the approval of the CEO but any such grading or foundation building permit issuance shall be at the risk of the applicant and does not constitute site plan approval.
- 6) Landscape Plan Requirements. A separate landscape plan must be submitted; provided that, if the site plan is for a building of less than fifteen thousand square feet, and is on a lot of less than two acres, then the landscape plan may be combined with the site plan if the scale of the site plan is not less than one inch = thirty feet. Any landscape plan must have the same scale as the site plan. All items on the following

checklist which are applicable shall be depicted on the landscape plan or the combined site and landscape plan. A copy of the checklist shall accompany the plan when it is submitted for review.

- a) See Appendix B: Landscaping Checklist
- 7) *Changes and Resubmittals.* A change to a previously approved landscape plan requires resubmittal and reapproval before the installation of plant materials. Changes to a previously approved landscape plan will not require resubmittal and reapproval before the installation of plant materials if such changes occur as a result of change in species due to lack of plant availability. However, the new plants must be of the same general category, i.e. shade tree, ornamental tree, evergreen tree, deciduous shrub, or evergreen shrub, and shall maintain the same general design characteristics, such as form, mature height, crown spread and intent, as the plants on the originally approved landscape plan.
- 8) *Landscape Requirements.*
 - a) To be approved by the CEO, a landscape plan submitted under subsection (6) must comply with the landscape requirements of this section. These landscape requirements include subsections (9), (10), (11), (12), (13), and (14).
 - b) If application of these landscape requirements to a particular lot would be unreasonable or impractical, or would damage or eliminate existing vegetation, a subsection (6) landscape plan may be submitted with a request for approval of an alternate and equivalent means of providing landscaping.
- 9) *Landscape standards and specifications.*
 - a) The owner shall furnish and install all plant materials listed on the approved plant schedule.
 - b) Plant materials shall conform to the requirements described in the latest edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.
 - c) At the time of planting, shade trees must be a minimum of two and one-half (2½) inches in caliper, ornamental trees must be a minimum of one and one-half (1½) inches in caliper and evergreen trees must be a minimum of six feet tall.
 - d) At the time of planting, when planted as part of a required buffer zone, small shrubs must have a minimum height of eighteen inches, medium shrubs must have a minimum height of two feet, and large shrubs must have a minimum height of three feet.
 - e) If staking materials are used, then the owner should, for reasons of tree health and longevity, remove them after one growing season.
 - f) The owner shall ensure that all planting areas, e.g. tree pits, hedge trenches and shrub beds, are excavated appropriately. All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow one-eighth (1/8) of the ball to be above existing grade. Soil within the planting areas should be reasonably free of rock, debris, inorganic compositions and chemical residues detrimental to plant life. Plants shall rest on a well-compacted surface.
 - g) Existing trees shall be preserved whenever feasible (see subsection (16)).
 - h) No plantings of trees are allowed within a dedicated drainage easement without the written consent of the CEO. No plantings of trees are allowed within any recorded sewer or water easement without the written consent of the CEO. The owner must submit an agreement to landscape in an easement

- as described in **Appendix C -Amendment to Allow Landscaping in a Megasite Easement**. Plantings of items other than trees within a dedicated drainage easement or a recorded sewer or water easement shall be at the owner's risk and shall not waive or modify the easement.
- i) When stormwater management facilities are co-located within areas also used for the required or optional landscaping, the stormwater management facility must be located, designed, constructed, and operated in such a manner as to not interfere with the landscape required or placed on the site.
 - j) When stormwater management facilities are required on-site, the landscape plan shall include proper treatment of the stormwater management facilities so that the overall site landscaping and the landscaping of the stormwater management facility are complementary.
- 10) *Required perimeter landscaping.* An owner is required to have landscape buffers around the perimeter of a property except where vehicular access ways are provided. A landscape buffer shall be a uniform minimum width of: thirty (30) feet. The width of the landscape buffer shall not affect any other requirement of this zoning regulation.
- a) Landscape buffers shall contain one shade tree every forty linear feet, excluding any vehicular access way. Ornamental trees may be substituted for up to forty percent (40%) of otherwise required shade trees. Ornamental trees shall be planted not more than twenty-five linear feet from another tree. Only ornamental trees may be planted under overhead utility lines. These trees shall be generally equally distributed along the property lines, but they are not required to be at absolutely equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees. To increase viewsheds to the building(s) and/or sign(s), the owner may submit an alternate plan to provide for an alternate arrangement of trees within the landscape buffer.
 - b) All trees in a landscape buffer shall be planted no closer than two and one half (2½) feet from any right-of-way.
 - c) Any area between the lot line and the landscaping shall be landscaped with grass or other appropriate plants, except for sidewalks.
 - d) For reasons of safety and security, this subsection shall not require the placement of a tree, shrub or bush within twenty feet of a door to a building or structure when it could reasonably create a security risk but this shall not reduce the number of trees required.
- 11) *Required landscaping within parking lots.* Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights, to delineate driving lanes, aid the control of stormwater runoff, and to define rows of parking; parking lots should be shaded in order to reduce the amount of reflected heat. Landscaping to include shrubs and ornamental trees should be planted at the base of buildings as foundation plantings to aid in stormwater control, reduce the amount of reflected heat, identify significant entries into buildings, and to screen unsightly elements of the building.
- a) *Landscape requirements for parking lots:*
 - i) Off-street parking and other vehicular use areas shall be designed and constructed using the design standards in this subsection for landscape islands and shall also be designed and constructed so that not less than four percent (4%) of any parking area of two acres or more in

size, and six percent (6%) of any parking area of five acres or more in size, is used for landscaping. In calculating area size for this minimum use percentage, landscaped areas used for required perimeter landscaping and buffer zones shall not be included, nor shall any loading area to the rear of a building used exclusively for deliveries be included. Any landscaped area which is immediately adjacent to off-street parking and vehicular use areas and which is not required perimeter



inside the edge of perimeter landscaping, including access ways.

- ii) Off-street parking areas with a single access aisle shall be designed and constructed with landscape islands dividing rows of parking spaces such that no more than twenty spaces shall exist in a row without the row being divided, begun and or terminated with a landscape island; off-street parking areas with multiple access aisles shall be designed and constructed with landscape islands dividing at least every twelve parking spaces in a row. Such islands shall have a minimum width of eight feet and shall have a minimum depth equal to the depth of the adjacent parking stall(s). In addition to being designed with landscape islands dividing the rows, large parking areas with multiple rows of parking aisles shall be divided into sub-lots (sub-areas) containing no more than thirty-six spaces along either side of an aisle. Such sub-lots shall be divided by cross-access aisles allowing for cross circulation between aisles. The minimum width of such cross- access aisles shall be twenty-two feet.
- iii) All landscape islands shall be designed and constructed to include continuous curbing around their perimeter and shall be back filled with topsoil to a depth of thirty inches (30"), as shown in the diagram below, and shall be free of rock, debris, inorganic compositions and chemical residues detrimental to plant life. All such landscape islands shall be planted with shade trees or, in appropriate circumstances, ornamental trees as specified in subsection (10) of this regulation.

12) *Buffer Zone and Screening Requirements.*

a) *Buffer Zones Requirements.*

- i) Buffer zones are intended to separate lots and rights-of-way from each other and are intended to eliminate or minimize potential nuisances such as glare of lights, signs, and unsightly buildings or parking areas.
- ii) All trees in a landscape buffer shall be planted no closer than two and one half (2½) feet from any right-of-way.

b) *Screening Requirements.*

- i) All utility boxes, service areas, mechanical equipment, trash containers, dumpsters, and similar unaesthetic site elements shall be screened with the use of plant material, fences or walls, berming and grading to eliminate negative impacts.
- ii) All exterior service, loading, storage, and utility areas (including transformers, cooling towers, etc.) will be located at the side or rear of the building and shall be screened or sheltered to reduce visibility from the right-of-way.

c) *Screening and Landscaping Requirements for Stormwater Management Areas.*

- i) Stormwater management areas, including detention and retention areas and other similar areas, shall be landscaped to visually enhance such areas and to provide a more natural appearance. The entire perimeter of such stormwater management areas shall be landscaped as follows: a minimum of one shade tree for every 40 linear feet and one shrub for every 15 linear feet. The required plantings are encouraged to be grouped together to achieve a less regimented, more natural appearance. Alternative landscape plans that achieve the goals outlined above and that provide an equivalent or greater amount of landscaping may be submitted for the review and approval of the CEO.
- ii) Additional landscaping may be required if it is determined that additional plantings are needed for the purpose of screening the stormwater management area.

13) *Landscape Installation.* All landscaping materials shall be installed in accordance with accepted and professional planting procedures. Any landscape material which fails to meet the minimum requirements

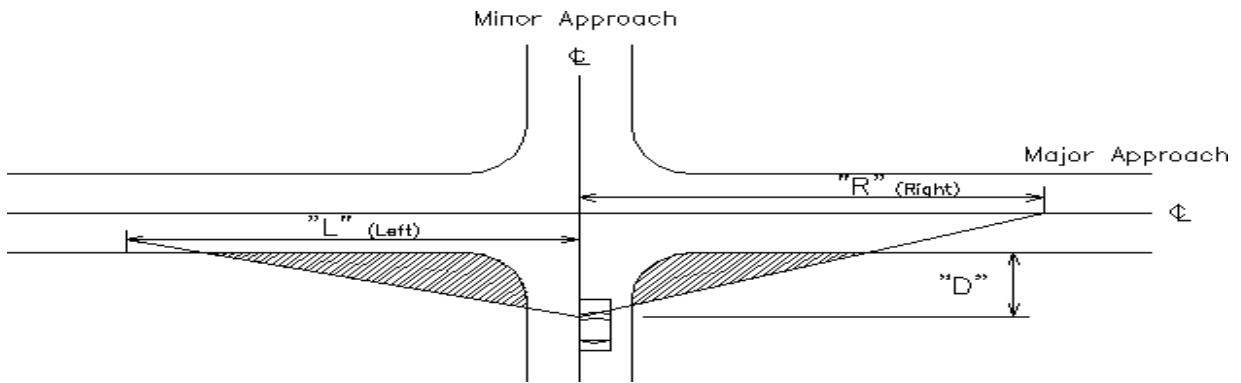
or standards of this section at the time of installation shall be removed and replaced with acceptable materials.

14) *Maintenance Requirements.*

- a) An owner shall be responsible for the perpetual maintenance of all landscaping materials required herein and / or as depicted on an approved Site Plan and shall keep them in a proper, neat and orderly appearance, free from weeds, refuse and debris at all times. Should a plant or portion of the required landscaping die, the owner shall be responsible for replacing said plantings with a plant or plants that have similar characteristics and form. The replacement plants shall be the same size as was originally approved on the landscape plan or larger. Trees shall be pruned in accordance with ANSI (American National Standards Institute) A-300. Should the owner of a property discover that there is insufficient space to replace the landscaping due to the maturing of the originally planted materials, then the owner shall request that a site inspection be conducted. Each site will be evaluated on a case by case basis to determine what plants, if any, shall be replanted according to the originally approved landscape plan.

15) *Landscape Restrictions - Sight Triangle Standards.*

- a) A sight triangle is that area located at the intersection of two streets or a street and driveway through which an unobstructed view of approaching traffic is necessary for motorists. Except as permitted in this section, no landscaping or vegetation, or fence, structure, or object shall be included in a sight triangle in a landscape plan, nor shall any such landscaping or object be planted, erected or maintained within a sight triangle. A sight triangle shall be defined by the table and illustration below:



Sight Triangle

The distance “D” shall measure twenty feet and fifteen feet from the edge of the nearest travel lane for a street and driveway, respectively. The distance “L” shall be measured from the centerline of the minor approach to a point at the edge of the nearest travel lane. The distance “R” shall be measured from the centerline of the minor street to a point on the centerline of the major street approach.

Minimum Required Sight Distances for Different Posted Speed Limits

| Posted Speed Limit | Minimum Sight Distance (L and R) |
|--------------------|----------------------------------|
| 25 mph | 200 ft |
| 30 mph | 250 ft |
| 35 mph | 325 ft |
| 40 mph | 400 ft |
| 45 mph | 475 ft |
| 50 mph | 550 ft |
| 55 mph | 650 ft |

Posted speed limit on the major approach. Except at a signalized intersection, the speed limit of the approach from which the sight distance is being measured is ignored.

Sight triangles shall be measured from the minor leg of the intersection of two streets where the minor approach shall be defined as that approach whose right-of-way is controlled by a stop sign and whose major approach is uncontrolled. At a signalized intersection of two streets, sight triangles shall be measured for all approaches. For an intersection of a street and driveway, the sight distance is only measured from the driveway.

- b) No landscaping object or plant material, except those meeting the requirements set forth below, shall be allowed within the sight triangle at an elevation greater than thirty inches above the crown of pavement on the adjacent roadway.
 - i) Trees used in the sight triangle may exceed thirty inches in height provided they have an acceptable minimum branching clearance of seven feet from the ground to the first branch. Trees with a naturally high branching pattern are preferred, but trees with low branching patterns may be used if pruned to eliminate lower branches. Trees with normally low branching patterns that would be adversely affected by heavy pruning shall be unacceptable. Trees with descending branches such as weeping willow and weeping cherry shall be unacceptable.
 - ii) Trees that normally develop a mature trunk with a diameter exceeding twelve inches shall not be acceptable. A maximum trunk diameter of eight inches shall be preferable. The estimated mature trunk size of the tree shall be considered, not the trunk size at the time of installation. Notwithstanding the foregoing, existing trees in the sight triangle with a trunk diameter greater than twelve inches may remain unless the CEO determines there is a threat to public safety.
 - iii) When multiple trees are planted within the sight triangle, they shall be planted in staggered positions to avoid a "picket fence" effect where visibility is reduced by a solid row of tree trunks. Multiple trees located in the sight triangle shall be placed no closer than twenty feet on-center from one another.
 - c) Any variance for landscaping shall take into account roadway conditions as they relate to traffic control devices, alignments, geometrics, or other unique circumstances that are supported by generally accepted engineering practices or principles, or actual on-site studies.
- 16) *Landscaping for Preserved Trees.*
- a) A tree preservation plan may be submitted as part of the landscape plan. A tree preservation plan must show that there will be no substantial disturbance in the critical root zone (CRZ). A substantial disturbance is considered compaction of soil, trenching, placing backfill in the CRZ, grading or dumping of trash, oil, paint, or other materials detrimental to plant health in close proximity of the tree(s).
 - b) The following information shall be submitted and/or indicated on the tree preservation plan:
 - i) tree survey at the same scale as the site plan or landscape plan, showing location of each existing tree(s) to be preserved that is 1½ inches in diameter or larger;
 - ii) groups of trees in close proximity (those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated;
 - iii) species, size and condition of each tree(s);
 - iv) trees which are noteworthy due to size, age, historic, cultural or aesthetic value;
 - v) trees to be removed;
 - vi) location and type of tree protection barrier;
 - vii) any proposed changes in grade or drainage around tree(s) to be preserved;
 - viii) location of all existing utilities and proposed utilities; and,

- ix) location of all existing and proposed structures, improvements, rights-of-way, and easements on the property (driveways, alleys, walkways, bicycle paths, parking lots, etc.).
- 17) *Inspections for Certificate of Occupancy.* Site inspections for the issuance of a certificate of occupancy or a temporary certificate of occupancy will occur only after the contractor or installer and the owner have submitted a landscape certificate of compliance. No certificate of occupancy for any development on a site subject to the landscaping requirements of this regulation shall be issued until all landscaping materials are in place in substantial compliance with the approved landscape plan.
- 18) *Variances.*
 - a) Variances from the provisions of this section will be made in accordance with Section 12 of this regulation provided.
 - b) Each applicant for a variance shall have the burden of proving that compliance with the landscape requirements would be extraordinarily difficult because of one or more unusual characteristics of the property. Generally such characteristic may not have been created by deliberate action of the owner or the owner's representative. Each applicant for a variance must prove that an alternative and equivalent means of landscaping is not viable. In considering a variance request, cost alone is not an extraordinary difficulty and it does not justify granting a variance.
- 19) *Agreement to Landscape in Megasite Easement.* Whenever landscaping is proposed to be located within a dedicated drainage or a dedicated water and/or sewer easement, the owner shall obtain written permission from the Megasite Authority of West Tennessee by using the Agreement to Allow Landscaping in a Megasite Easement form shown in Appendix C.

SECTION 18. ENFORCEMENT OF VIOLATIONS

Enforcement of violations of the land use regulations established herein is subject to the provisions of Tenn. Code Ann. § 64-9-109(e).

SECTION 19. WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

- 1) *Purpose.* The purpose and intent of this section is to promote the health, safety and general welfare of the public by regulating the siting of wireless communications facilities. Additionally this section will minimize the visual impacts of wireless communications facilities on surrounding areas; accommodate the need and demand for wireless communications services; encourage coordination between providers of wireless communications services in The Megasite.
- 2) *Definitions.* In addition to the definitions contained in Section 2, the following words and phrases shall, for the purposes of this section, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with the current provisions of this ordinance, these provisions shall prevail:

Ancillary Appurtenances. Equipment associated with a wireless communications facility including, but not limited to: antennas, attaching devices, transmission lines, and all other equipment mounted on or associated with a wireless communications facility. Ancillary appurtenances do not include equipment enclosures.

Antenna. Any apparatus, or group of apparatus, designed for the transmitting and/or receiving of electromagnetic waves that includes, but is not limited to, telephonic, radio or television communications. An “antenna” includes any omni-directional (whip) antenna, sectorized (panel) antenna, microwave dish antenna, multi or single bay (FM & TV) antenna, yagi antenna, or parabolic (dish) antenna. An “antenna” does not include a satellite earth station.

Antenna, dish. A parabolic, spherical, or elliptical antenna intended to receive wireless communications.

Antenna, panel. A directional antenna designed to transmit and/or receive signals in a directional pattern that is less than three hundred and sixty (360°) degrees and is not a flush-mounted or dish antenna.

Antenna, whip. A cylindrical, omni-directional antenna designed to transmit and/or receive signals in a three hundred and sixty (360) degree pattern.

Antenna, Flush Mounted. An antenna that is attached flush to an antenna-supporting structure, without the use of side arms or other extension devices.

Antenna, Roof Mounted. Directly attached or affixed to the roof of any building or structure other than a tower. This type of installation is sometimes called a freestanding roof mounted antenna.

Antenna, Surface Mounted. An antenna that is attached to the surface or façade of a building or structure other than an antenna-supporting structure.

Antenna-supporting structure. A vertical projection, including a foundation, designed and primarily used to support one (1) or more antennas or which constitutes an antenna itself. Antenna-supporting structures do not include stealth wireless communications facilities, but do include roof-mounted antenna-supporting structures that extend above the rooflines by more than twenty (20) feet, or that have a height of greater than fifty (50) feet. Antenna-supporting structures are not considered to be utility equipment.

Antenna-supporting structure replacement. The construction of an antenna-supporting structure intended to replace an antenna-supporting structure in existence at the time of application.

Collocation. A situation in which two or more providers place an antenna on a common antenna-supporting structure, or the addition or replacement of antennas on an existing structure. The term collocation includes

combined antennas, but does not include roof- mounted or surface- mounted wireless communications facilities, or the placement of any personal wireless service antenna on an amateur radio antenna within a residential district.

Eligible Facilities Request. Any request for modification of an existing wireless tower or base station that involves:

- a) Collocation of new transmission equipment;
- b) Removal of transmission equipment; or
- c) Replacement of transmission equipment.

Equipment Enclosure. An enclosed structure, cabinet, or shelter used to contain radio or other equipment necessary for the transmission or reception of wireless communications signals, but not primarily to store equipment or to use as habitable space.

Height. The height of a wireless communications facility, measured as the vertical distance from the base to the highest point of the wireless communications facility. Height includes all antennas and any other ancillary appurtenances.

Personal wireless service. Commercial mobile services (which includes cellular, personal communication services, specialized mobile radio, enhanced specialized mobile radio, and paging), unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

Small cell facility. A wireless service facility that meets both of the following qualifications:

- a) Each antenna is located inside an enclosure no more than five (5) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than five (5) cubic feet; and
- b) Primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located on the outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground- based enclosures, back-up power systems, grounding equipment, power transfer switch and cut-off switch.

Stealth. Systems, components and materials used in the construction of a wireless communications facility that mask, camouflage, or conceal the wireless communications facility to make it less visually intrusive to the surrounding property. "Stealth" includes construction techniques that disguise the wireless communications facility so that it appears as another natural or artificial object that exists in the surrounding environment or which is architecturally integrated into a building or other structure. They may include, but is not limited to,

architecturally screened roof mounted antennae, façade-mounted antenna as design features, clock towers, flagpoles, or “tree” poles (e.g., monopines).

Substantial Increase in the Size of the Tower. As Defined in 47 Code of Federal Regulations (CFR) including all parts, sub-parts and appendices, adopted herein by reference.

Wireless communications facility. Any staffed or unstaffed facility used for the transmission and/or reception of wireless communications or data transmission, usually consisting of an antenna or group of antennas, transmission lines, ancillary appurtenances, and equipment enclosures, and may include an antenna-supporting structure. The following structures or combinations of structures are considered to be wireless communications facilities: antenna-supporting structures (including replacements and broadcast), collocated antennas, roof-mounted structures, surface-mounted antennas, and stealth wireless communications facilities, but not including amateur radio facilities.

3) *Applicability.*

- a) This Section will apply to the installation, construction, or modification of wireless communications facilities, including but not limited to the following:
 - i) Existing and proposed antenna-supporting structures subject to the provisions of TCA 13-24-305 (1);
 - ii) Replacement antenna-supporting structures;
 - iii) Broadcast antenna-supporting structures;
 - iv) Collocated and combined antennas on existing antenna-supporting structures that are classified as substantial increases in the size of the tower as defined in this Chapter or require the antenna-supporting structure to be lighted;
 - v) Roof-mounted antenna-supporting structures;
 - vi) Surface-mounted antennas;
 - vii) Stealth facilities.

4) *Special Use Permit Required.*

- a) No wireless communications facility is permitted except in accordance with a Special Use Permit. The applicant must comply with all applicable submittal, procedural, and substantive provisions.
- b) *Application Requirements.*
 - i) In addition to the submittals required for an issuance of a building permit, the following must be provided with an application for any wireless communications facility submitted pursuant to this Section 19. The application must be signed by the property owner, applicant, and a provider who will place antennas on the proposed wireless communications facility.
 - ii) If the property owner is not a provider, the application must include the verified statement of the property owner giving the applicant permission to act on behalf of the property owner and to apply to construct a wireless communications facility.

- c) *Signage.* No signs may be placed on antenna-supporting structures, ancillary appurtenances, equipment enclosures, or on any fence or wall except as required by this section.
- 5) *Standards.* The standards for the establishment of all proposed wireless communications facilities are stated below. The Megasite Authority of West Tennessee shall assure that all requirements have been met prior to the issuance of the Special Use Permit.
 - a) Antenna-supporting structures must be setback a distance equal to its height from any property line. The CEO may modify the setback requirement if the applicant demonstrates that the antenna-supporting structure can withstand the wind load for the design storm event applicable to Megasite Authority of West Tennessee as provided in the most recent version of ANSI/TIA/EIA-222, Structural Standards for Steel Antenna Towers and Antenna Support Structures, which document is hereby incorporated by reference, or if the applicant demonstrates that the fall zone of the tower is less than the tower's height.
 - b) A fence not less than six (6) feet in height from finished grade must be installed so as to enclose the base of the antenna-supporting structure and associated equipment enclosures. Access to the antenna-supporting structure must be controlled by a locked gate.
 - c) A landscaping and vegetative buffer shall be installed to reduce visibility from the public ROW and the surrounding properties. A natural vegetative buffer may be substituted for the buffering and landscaping requirements subject to the approval and is sufficient to provide the required screening.
 - d) The application shall show that the FAA has approved the height of the tower and has issued any license necessary to operate the tower.
 - e) No lights, signals, or other illumination are permitted on any antenna-supporting structure or ancillary appurtenances unless the applicant demonstrates that lighting is required by the FAA or the FCC.
- 6) All wireless communications facilities must receive a building permit prior to initiation of construction.

Upon approval of an application by the CEO as applicable, the applicant may apply for appropriate building permits.

SECTION 20. APPENDICES

Appendix A: Megasite Authority of West Tennessee Site Plan Review Checklist

Appendix B: Landscaping Checklist

Appendix C: Agreement to Allow Landscaping in a Megasite Easement

APPENDIX A**MEGASITE AUTHORITY OF WEST TENNESSEE SITE PLAN REVIEW CHECKLIST****A. GENERAL SITE PLAN:**

- _____ (1) the proposed site plan name
- _____ (2) the name, address, and telephone number of the person who prepared the site plan;
- _____ (3) a brief description and the date of all revisions with revisions noted and/or identified on the plan;
- _____ (4) the location of existing and proposed property lines with dimensions noted;
- _____ (5) north direction;
- _____ (6) graphic or bar scale;
- _____ (7) names of adjoining property owners;
- _____ (8) the acreage of the land to be developed;
- _____ (9) a legend of symbols and line types used on the site plan;
- _____ (10) the minimum building setback lines
- _____ (11) public utility easements;
- _____ (12) notation of all easements upon the land;
- _____ (13) the existing and proposed elevation contours at a vertical interval of two feet based on sea level with existing contours shown as dashed lines and proposed grading contours shown in solid lines;
- _____ (14) a location sketch map depicting the relationship of the site to the surrounding area including the adjoining streets and affected drainage basin;
- _____ (15) the location and arrangement of proposed structures;
- _____ (16) height of proposed structures in stories and feet;
- _____ (17) the square footage of all proposed structures;
- _____ (18) the location of railroads/spurs upon or adjoining the site;
- _____ (19) phase lines;
- _____ (20) proposed fences with type of construction materials noted (i.e., chain link, wood, masonry);

B. ZONING:

- _____ (1) zoning classification(s) of the land proposed for development;
- _____ (2) the zoning classification(s) of adjoining land;
- _____ (3) a table of the required minimum setbacks as per Chart 2 of this regulation including the footnotes contained therein;
- _____ (4) the proposed use for the subject property;

C. ACCESS, CIRCULATION, AND PARKING:

- _____ (1) adjoining right(s)-of-way with centerlines, medians, median openings and traffic lanes noted;
- _____ (2) the location of streets and driveways that intersect the adjoining right(s)-of-way(s) adjacent to or across from the development tract;
- _____ (3) the name of adjoining rights(s)-of-way and designation as a state highway or local street;
- _____ (4) the location and dimensions of existing and proposed driveways and curb cuts;
- _____ (5) curbs;
- _____ (6) proposed median openings;
- _____ (7) proposed and existing sidewalks both on-site and within the adjoining right(s)-of-way;
- _____ (8) slope and gradient of proposed streets and driveways;
- _____ (9) the location of all proposed and required parking and loading areas;
- _____ (10) the location and dimensions of parking spaces;
- _____ (11) the location and dimensions of loading spaces;
- _____ (12) the location and dimensions of access aisles;
- _____ (13) a traffic control plan for work to be done within the rights-of-way;
- _____ (14) parking calculations indicating the number of required spaces and the number of provided spaces;

D. FLOODING AND DRAINAGE:

- _____ (1) the limits of special flood hazard areas including the floodway and 100 year flood line;
- _____ (2) the minimum floor elevation(s) and the minimum pad elevation(s);
- _____ (3) the regulatory flood protection elevation according to the flood maps or flood studies;
- _____ (4) the Flood Insurance Rate Map community and panel numbers, effective date, and flood zones of the subject property;
- _____ (5) the location of water courses upon or adjoining the development tract;
- _____ (6) proposed drainage retention or detention areas with engineered stamped calculations;
- _____ (7) the location and invert elevations of proposed and existing bridges, culverts, drainage ditches, drainage swales, drain pipes and other drainage structures and storm drainage flow arrows;
- _____ (8) drainage calculation summary for all drainage structures included above and the square footage of all impervious areas (e.g. building footprint, sidewalks, parking areas);
- _____ (9) the location and limits of all stormwater quality elements, areas, or structures;
- _____ (10) the location of all stormwater outfalls and discharge locations;

E. UTILITIES:

- _____ (1) the location, size, and direction of flow of existing and proposed sanitary sewers;
- _____ (2) profiles of proposed and inverts of existing sanitary sewers;
- _____ (3) the location and size of existing and proposed water mains;
- _____ (4) the location of existing and proposed fire hydrants;
- _____ (5) the location of gas lines;
- _____ (6) the location of overhead and underground utility lines, including electric, telephone, and cable television lines;
- _____ (7) the location and size of water meter connections;
- _____ (8) the location, size and blocking for valves and fittings for main line water lines;
- _____ (9) the location and size of sanitary sewer connections and clean-outs;
- _____ (10) the location of back-flow preventers;
- _____ (11) the location and size of reuse water lines and systems;

F. LANDSCAPING AND SCREENING:

_____ (1) a separate landscape plan and checklist as required by Section 17 of these regulations;

G. CONSTRUCTION PHASE:

- _____ (1) the location and description of temporary signage, construction trailers, construction materials and equipment storage area(s), construction access location, and construction employee and visitor parking;
- _____ (2) temporary ditches, dikes, vegetation and/or mulching to be used to protect exposed areas during development or construction;
- _____ (3) sediment basins (debris basins, de-silting basins or silt traps) to be installed and maintained to remove sediment from runoff waters during development;
- _____ (4) temporary mulching or grassing to be used to control erosion during the construction project;
- _____ (5) temporary topsoil storage areas;
- _____ (6) construction track-out drives;
- _____ (7) erosion prevention and sediment control (EPSC) plan demonstration elements necessary to maintain adequate erosion prevention and sediment control;
- _____ (8) the location and site of all temporary and permanent erosion prevention and sediment control measures;
- _____ (9) construction phasing and implementation plan indicating the proposed progression of work from initial activities to completion;
- _____ (10) site access restriction elements such as temporary fences;
- _____ (11) temporary construction debris and waste management location such as portable waste containers, concrete washout areas and portable toilets;

H. STREET IMPROVEMENTS:

- _____ (1) separate plan sheets for any street improvements
- _____ (2) sidewalk and pedestrian access elements which shall meet accessibility requirements;
- _____ (3) existing and proposed roadway drainage elements;
- _____ (4) existing and proposed traffic control devices and pavement markings;

I. STANDARD NOTES:

- _____ (1) The following standard note shall appear on all site plans: "For all developments of more than one acre, a State of Tennessee Construction General Permit is required. Evidence of this permit must be provided to the Megasite Authority of West Tennessee prior to construction commencement."
- _____ (2) For any work proposed in the right-of-way, the following note should be added to the plans: "Contractor to coordinate with the Megasite Authority of West Tennessee prior to commencement of work in this area."
- _____ (3) The following standard note shall appear on all site plans with frontage along a state highway: "A TDOT permit may be required. Evidence of TDOT approval is required prior to the issuance of any building permits."
- _____ (4) The following standard note shall appear on all site plans: "An Engineers Certification of the construction of the stormwater management facilities must be provided to the CEO prior to issuance of certificate of occupancy."

J. OTHER:

- _____ (1) the location and arrangement of all outdoor lighting in accordance with Section 14 of these regulations;
- _____ (2) the proposed location for elements of solid waste management including the locations of enclosures for garbage containers, dumpsters, or compactors and the location of screening for these site elements;
- _____ (3) preliminary architectural elevations for all proposed buildings with final architectural elevations to be submitted prior to issuance of building permits;
- _____ (4) handicap accessibility elements such as parking stalls, handicap ramps, tactile warning strips, etc.;
- _____ (5) the proposed location for outdoor storage including the locations of temporary outdoor storage and/or display, permanent outdoor storage and/or display, and the screening of such elements.

APPENDIX B LANDSCAPING CHECKLIST

- (1) _____ A Plant Schedule. The Plant Schedule must contain:
 - A) _____ Quantity of each plant material;
 - B) _____ Common and botanical name of plant material;
 - C) _____ Size and spacing of all proposed landscape material at time of planting;
 - D) _____ General plant comments;
- (2) _____ Any tree(s) or plant materials that are located in the right-of-way;
- (3) _____ Total linear feet of frontage;
- (4) _____ Existing plantings on-site that were previously required by the Megasite Authority of West Tennessee;
- (5) _____ Existing plant materials to be left in natural state (non-disturbed areas only);
- (6) _____ Methods and details for protecting existing plants (tree protection zones must be designated and established in order to receive credit for required landscaping);
- (7) _____ Erosion control plan;
- (8) _____ Location and description of required landscape improvements, including perimeter landscaping, landscaping within parking lots, and buffer zones if the parking area is two or more acres, (the description shall include the size of the parking area and the actual percentage of the parking area used for landscaping);
- (9) _____ Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courtyards or paved areas;
- (10) _____ Planting and installation details to ensure conformance with all required standards;
- (11) _____ Location and type of irrigation system compliance;
- (12) _____ Location of proposed buildings;
- (13) _____ Layout of parking and traffic patterns;
- (14) _____ Plan drawn to scale with north arrow and any interpretative legends;
- (15) _____ Location of all overhead and underground utilities;
- (16) _____ Location of all public or private easements (The owner must submit an agreement to landscape in utility easement letter as described in Appendix C if landscaping within an easement);
- (17) _____ Location of all existing and proposed ground signage. (Note: Approval of the landscaping plan shall not constitute any approval as to location that may be required under Chapter 25.2.);
- (18) _____ Connections to existing streets; and,
- (19) _____ Zoning designation of the subject property and the adjacent properties

APPENDIX C AMENDMENT TO ALLOW LANDSCAPING IN A MEGASITE EASEMENT

Agreement to Allow Landscaping in a Megasite Easement

Name of Owner: _____

Name of Development: _____

Address of Development: _____

Plat Book: _____ Page _____ Lot _____

Easement: Drainage _____ Sanitary Sewer _____ Water _____

Location of Easement: _____

The Owner hereby requests permission to place landscaping in the above-referenced dedicated easement. Owner acknowledges that any permission given by Megasite Authority of West Tennessee to Owner to plant landscaping in a dedicated easement does not waive or modify the Megasite Authority of West Tennessee rights as the easement holder. Owner understands and agrees that the Megasite Authority of West Tennessee or its authorized contractor may at any time and for any reason perform work within the dedicated easement and that the Megasite Authority of West Tennessee shall have no liability to Owner for any damage to landscaping in the easement. Owner may be held responsible for the removal of the landscaping to enable work to be done by Megasite Authority of West Tennessee. Owner shall be solely responsible for any costs incurred in repairing or replacing the landscaping. Owner understands that the Megasite Authority of West Tennessee of The Megasite reserves the right to limit or to totally withdraw this permission to place landscaping within a dedicated easement if such landscaping is impairing drainage, or interfering with the Megasite Authority of West Tennessee's use of the easement, or for any other appropriate reason. If this permission is withdrawn, Owner will be responsible for finding an alternative location for any landscaping required under the Megasite Authority of West Tennessee's Zoning Regulation. Owner shall inform any successor Owner of the terms and conditions of this Agreement.

Owner's Signature

Date

The Megasite Authority of West Tennessee hereby grants permission to plant landscaping within its easement at this location subject to these terms and conditions.

Megasite Authority of West Tennessee

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

This Agreement must be signed by the CEO.