

ZONING REGULATIONS

FOR THE



MEGASITE AUTHORITY **OF WEST TENNESSEE**

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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

These regulations shall become effective on November 17, 2022.

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 located on the same lot which:

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

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

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.

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

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."

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.

Owner: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees or sublessees 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.

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

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.

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.

Site 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.

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.

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

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.

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 interprets and enforces these regulations and makes or causes 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 is 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. The Megasite Authority of West Tennessee shall not consider any amendment unless, at least 21 days prior to the consideration, the applicant for the amendment has provided written notice to all owner(s) of property within the Megasite and tenants occupying property within the Megasite, of the time, date, and place of the public meeting where the amendment will be considered. The applicant shall provide the CEO with evidence of the mailing of the written notice at least 10 days before the public meeting where the amendment will be considered.

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) 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);
- 10) National Electrical Code, 2017;
- 11) ASME A17.1 Safety Code for Elevators and Escalators, 2017;
- 12) NFPA Life Safety Code Handbook, 2018; and
- 13) 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.

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.

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) [Reserved]
- 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 one hundred fifty feet from all adjoining properties surrounding the Megasite perimeter and all public rights-of-way shall be in place unless an administrative waiver is granted by the CEO allowing for a lesser building setback.
- b) Interior lots facing non-public rights-of-ways shall have a fifty-foot setback as depicted in Figure 1.
- 4) Other Special Requirements. The CEO shall have the right to require, in connection with site plan approval or a change in use, additional conditions, including a setback from the Megasite perimeter up to one thousand feet, to the extent necessary to safeguard properties adjacent to the Megasite perimeter from risks of noise, explosion, odor, or other substantial adverse impacts to such adjacent properties, in each case only to the extent such impacts are reasonably anticipated by the CEO to exceed such impacts from comparable industrial facilities.

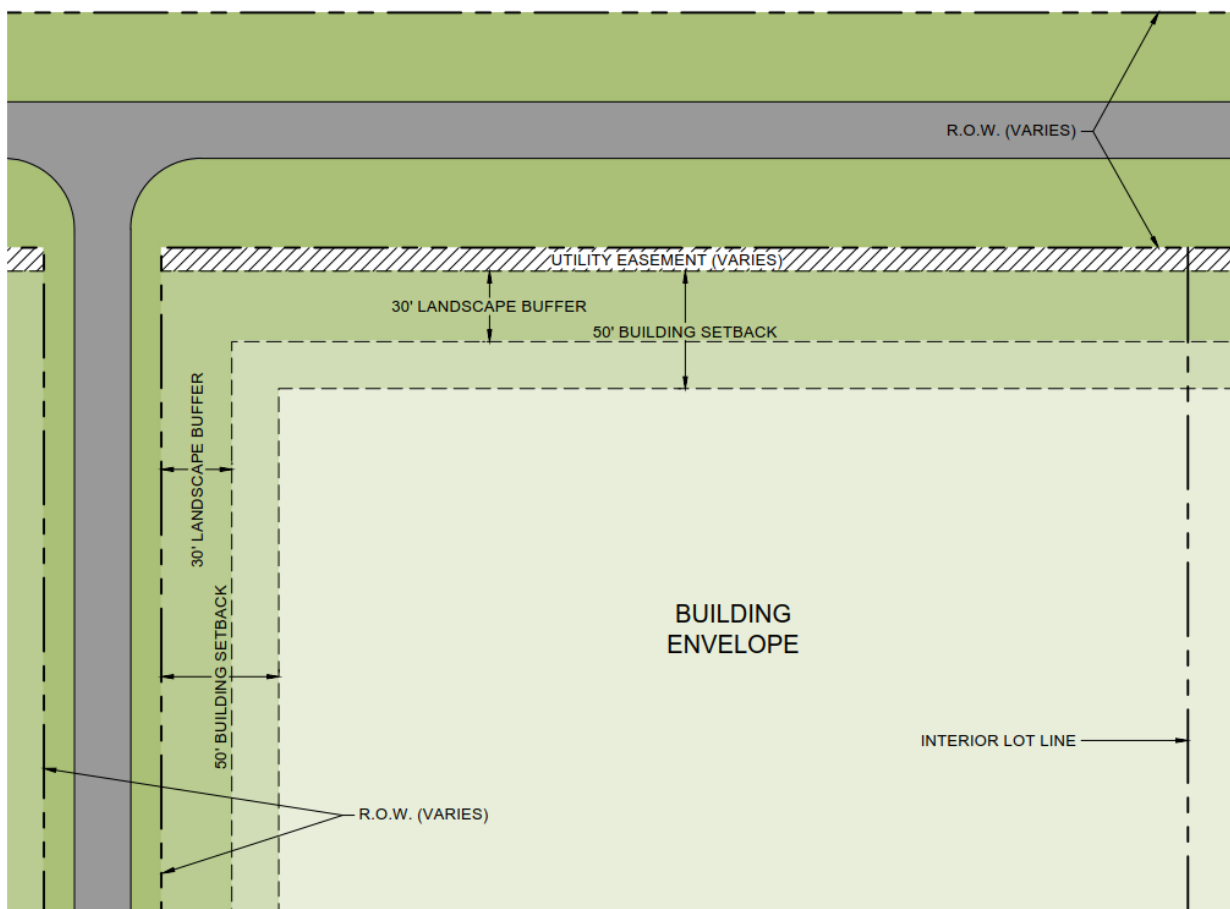


Figure 1: Buffer and Setback Exhibit (requirements for landscape buffers are reserved)

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 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 notice shall be sent by the applicant to all owners (including lessees and sublessees) of all adjacent properties within the Megasite, and shall contain the following:
 - i) the name, address, and telephone number of the applicant;
 - ii) evidence that written notice was mailed to all owners (including lessees and sublessees) of all adjacent properties within the Megasite no later than 10 days prior to the filing of the application;
 - iii) 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;
 - iv) the proposed use of the property; and,
 - v) 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 that would govern its approval if initially filed at the time of the proposed amendment. 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 USE 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 notice shall be sent by the applicant to all owners (including lessees and sublessees) of all adjacent properties within the Megasite, containing the following information:
 - i) name, address, and telephone number of the applicant;
 - ii) evidence that written notice was mailed to all owners (including lessees and sublessees) of all adjacent properties within the Megasite no later than 10 days prior to the filing of the application;
 - iii) nature and extent of the applicant's ownership interest in the property which is the site of the proposed special use;
 - iv) 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.
- v) address of the site of the proposed special use;
 - vi) 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;
 - vii) 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;
 - viii) 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 use 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 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.* Except as noted below, 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 shall be in addition to the minimum standards for special uses specified in subsection (4)(b) of this Section 11. Such conditions shall be set forth in the resolution

authorizing such special 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 use have been violated or have not been met.

- 3) *Standards of general applicability.* An applicant for a special use 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 uses specified on Chart 1 of this regulation shall be allowed subject to the issuance of special use permits therefor.
 - b) The uses described in subsections (5) – (8) of this Section 11 shall be special uses allowed subject to the issuance of special use 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 shall be subject to the following additional standards (which standards shall be the exclusive conditions required in connection with the issuance of a special use permit for battery recycling):*
- a) demonstration of compliance with all applicable federal and state laws;
 - b) setback of at least 1,000 feet from any day care center, health club, or nursery school; and
 - c) all standards of general applicability set forth in these regulations.
- 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; and
 - 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 compatibility of the proposed use with adjoining properties, subject to Tenn. Code Ann. § 13-24-301, et seq.
 - f) 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 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, and notice shall be sent by the applicant to all owners (including lessees and sublessees) of all adjacent properties within the Megasite. The application shall contain the following information:
 - i) name, address, and telephone number of the applicant;
 - ii) evidence that written notice was mailed to all owners (including lessees and sublessees) of all adjacent properties within the Megasite no later than 10 days prior to the filing of the application;
 - iii) nature and extent of the applicant's interest in the land for which a variance is requested;
 - iv) a site plan showing the dimensions of the land for which a variance is requested;
 - v) the street address and legal description of the land for which a variance is requested;
 - vi) zoning classification of the land for which a variance is requested;
 - vii) a statement of the exact variance sought and section of this regulation from which a variance is requested;
 - viii) a statement of the purpose for the requested variance and the intended development of land if the variance is granted; and
 - ix) 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 |
| 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 |

| 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 |
|---|---|
| INDUSTRIAL | |
| Manufacture, Storage, Distribution of: | P |
| Beverage Manufacture | P |
| Automobile Dismantlers and Recyclers | S |
| Automobile Manufacture | P |
| Battery Manufacture | P |
| Battery Recycling | S |
| 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 building 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 building 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 building 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 reception dishes and related facilities providing communications services solely for the principal use.

- 3) *Prohibited temporary and accessory structures and uses.*
 - a) outdoor storage is prohibited for periods longer than 30 days, 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; or
 - 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) An administrative waiver of the prohibition in this subsection (3) may be granted by the CEO if applied for within the initial 30-day period.
- 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 building 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; and
 - 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.
- 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 building 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 for a period longer than 30 days, 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. An administrative waiver of the prohibition on storage in this subsection (2)(c) may be granted by the CEO if applied for within the initial 30-day period.
 - d) *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 dustless surface 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.
- e) *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 dustless surface 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

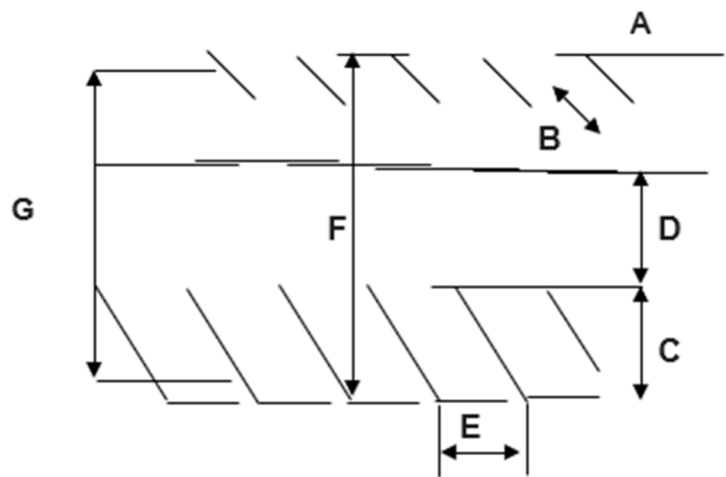


Chart 3. Required Off-Street Parking and Queuing Spaces by Use

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) [Reserved]

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 in this Section 19 be in conflict with the other provisions of these regulations, then the provisions of this Section 19 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 roof lines 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. Existing vegetation may be substituted for the vegetative buffering and landscaping requirements if the CEO determines that the existing vegetation 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 (TO BE SUBMITTED FOLLOWING APPROVAL OF LANDSCAPING STANDARDS BY THE MEGASITE AUTHORITY OF WEST TENNESSEE BOARD)

- (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.;
- (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.