

CHAPTER 8

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

11-801. M-1 (Industrial Park) Districts.

Within the M-1 (Industrial Park) Districts, as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on Appeal are based on land use codes of Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes.):

1. Uses Permitted

- A. Manufacturing
- B. Motor Freight Transportation
- C. Utilities (except solid waste disposal)
- D. Warehousing and storage services (except stockyards)
- E. Research, development, and testing services
- F. Wholesale Trade (except automobile graveyards or automobile junkyards and scrap and waste material sales)
- G. Laundering, dry cleaning, dyeing services
- H. Dwellings and Other Building Services
- I. Contract construction services
- J. Governmental Services
- K. Communication Towers
- L. Accessory uses customarily incidental to any permitted uses.

2. Uses Permitted on Appeal

Following public notice, hearing, subject to appropriate conditions, and safeguards, the Board of Zoning Appeals may permit:

- A. Gasoline, oil or other flammable materials storage above ground in excess of five hundred (500) gallons; ice plant; animal hospitals; any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to above permitted uses and will not be detrimental to the district in which it is located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.

B. Adult Oriented Businesses as defined in Chapter 2 of this Ordinance and as further defined in The Covington Municipal Code, may be permitted provided that no Zoning Compliance Permit or Certificate of Occupancy for such uses shall be issued without written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and further provided that the Board of Zoning Appeals may not approve such use unless conditions specified in the Sexually Oriented Business Regulations contained in the Covington Municipal Code are complied with.

C. Solar Farms

1. A building permit shall be required before any construction of a solar farm shall begin. Said permit shall be based upon four percent (4%) of the actual total cost of construction, including all associated equipment. A document submitted by the developer shall be on company letterhead and submitted at the time of issuance of permit to establish cost of permit.
2. Solar farms shall be enclosed by perimeter fencing to restrict unauthorized access at a height of eight and a half (8.5) feet.
3. Adequate screening shall be provided. This can be accomplished by either the required perimeter fencing being constructed as a board-to-board privacy fence or by vegetative screening being placed beyond the perimeter fence to a density and height that adequately buffers the solar farm from any nearby uses.
4. Solar farms shall adhere to the setback, height, and coverage requirements of the district.
5. Solar farm structures must be set back a minimum of 500 feet from residential structures.
6. Solar farms must be located on lots of no less than 40 acres in size.
7. Solar farms must not create increased noise levels that are discernible to nearby residential uses.
8. Solar farms must not produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.
9. All electrical interconnection and distribution lines within the project boundary shall be underground.

10. Solar farms which become inactive for a period exceeding thirty (30) consecutive months shall be removed at the owners or operators' expense and the site shall be returned to its natural state. This includes the obligation to dismantle and remove from the site all electrical generating equipment, cables, panels, foundations, buildings and ancillary equipment. To the extent possible, the operator shall restore and reclaim the site to its pre-project topography and topsoil quality. Any agreement between the operator and landowner for removal to a lesser extent than set forth in this paragraph shall be required prior to the approval by the Planning Commission. The restoration activities must be complete within 18 months from the date the solar farm becomes inactive.
11. The applicant shall submit to the Planning Commission a decommissioning plan describing the manner in which the applicant anticipates decommissioning the project. The plan shall include a description of the manner in which the applicant will ensure that it has the financial capability to carry out the restoration requirements. The Planning Commission shall require the operator to submit an annual report describing how it is fulfilling this obligation. The Planning Commission shall decide if it is prudent to include provisions that ensure financial resources will be available for decommissioning. This shall include other methods of guaranteeing performance, such as establishing an escrow account into which the developer/operator will deposit funds in an amount to be determined on a regular basis over the life of the project and would allow The City of Covington to have access to the escrow account for the explicit purpose of decommission in the event of default. Financial provisions shall not be so onerous as to make the solar farm unfeasible.

3. Uses Prohibited

Any use not specifically permitted in this Section is prohibited.

4. Procedure

- A. Before a permit is issued for any permitted use a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use of existing nearby uses.
- B. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, fourteen (14) days prior to the regular meeting, at a scale of not less than one-hundred (100) feet to one (1) inch, illustrating the proposed development including but not limited to, the following:
1. a survey, certified by a registered land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets, and roadways, rail rights-of-way; and public rights-of-way crossing and adjacent to the subject property;
 2. location, size and arrangement of the proposed building and existing buildings which will remain including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings; and the front (street) elevation of all buildings;
 3. the proposed use of buildings;
 4. location; dimensions, and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;
 5. any proposed regrading of the site and any significant natural, topographical or physical features of the site including, at least, water courses and trees;
 6. existing and proposed surface and subsurface drainage facilities;
 7. location, size and arrangement of all outdoor signs and lighting,
 8. landscaping and the location and height of fences or screen plantings and the type or kind of building materials or planting to be used for fencing or screening.

- C. Provided, however, the Building Official may issue a permit without the necessity of fulfilling the requirements of paragraphs A. and B. above for the following types of developments:
 - 1. construction of canopies;
 - 2. construction of signs;
 - 3. construction of accessory buildings;
 - 4. minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five-year period of less than twenty percent (20%) of the square footage under roof of said structure prior to expansion; and
 - 5. installation of underground tanks.
- D. For the type of development in C. above to be exempt from the requirements of paragraphs A. and B., the property developed in paragraph c. above:
 - 1. cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
 - 2. complies with all yard requirements.
- E. Requirements for issuance of a permit by the Code Enforcement Officer shall be provided for in Chapter 11.
- F. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Official may issue a Certificate of Occupancy without review by the Planning Commission where the Building Official determines that all the development requirements of the use or property are currently being met.

5. Regulations Controlling Lot Area, Yards and Building Height

The principal building shall be located so as to comply with the following requirements:

- A. Minimum Required Lot Area
 - 1. Utilities 1 acre
 - 2. All Other Uses 2 acres
- B. Minimum Required Front Yard
 - 1. All Uses 50 feet

- C. Minimum Required Rear Yard
 - 1. All Uses 50 feet
- D. Minimum Required Side Yard
 - 1. All Uses 50 feet
- E. Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.
- F. Maximum Permitted Height of Structures
 - 1. No building shall exceed four (4) stories or forty (40) feet in height.
 - 2. Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.
- G. Household Goods Warehousing and Storage facilities shall provide a minimum spacing between buildings of twenty-five (25) feet, with a minimum spacing between buildings and any property line of twenty-five (25) feet. Fencing shall be erected around the perimeter of the site and shall be composed of chain-link, a minimum of eight (8) feet in height.
- H. Utilities as permitted in district shall provide a minimum spacing of ten (10) feet from all property lines with a minimum spacing of ten (10) from all buildings and other structures. Fencing shall be erected around the perimeter of the site and shall be composed of chain-link, a minimum of eight (8) feet in height.

6. External Illumination

External illumination subject to Section 11-323 of this Ordinance.

7. Landscaping and Greenspace Requirements

Landscaping and Greenspace Requirements subject to 11-331 of this Ordinance.