

CHAPTER 7

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

11-701. M-1 (Light Industrial) Districts. Within the M-1 (Light Industrial) Districts as shown on the Zoning Map of Milan, Tennessee, the following regulations shall apply.

1. Site Plan Prerequisite to Approval (Procedures)

- (a) Before a permit is issued for any use permitted by right or on appeal the site plan of the proposed development shall be reviewed and approved by the Milan City Planning Commission. The planning commission shall have the power to impose conditions regarding the location of 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 to existing nearby uses.
- (b) In order that the planning commission may make an accurate determination of the character of the proposed use the applicant shall submit an accurately and legibly drawn site plan showing proposed buildings, parking and access facilities, use of proposed buildings, landscaping, location and general design of outdoor advertising, and the front (street) elevation of proposed buildings. The planning commission may make other reasonable requirements for information when necessary.
- (c) The planning commission shall meet and act upon any application within thirty-five (35) days from the date of the first meeting at which properly prepared site plans are presented. Failure to act shall constitute approval. When an application is denied, the planning commission shall state the reasons for such action in writing and they shall be entered in the official records of the planning commission.

2. Uses Permitted.

- (a) Retail and wholesale sales: automobile sales and service; automobile parts; agricultural implement sales and service; lawnmower sales and service; lumber and building materials; paint; mobile home sales and service; boats and boating equipment sales and service; sporting goods; greenhouse and nursery products; hardware; motorcycles sales and service; and, welding supplies.
- (b) Services: Animal hospitals and clinics; automobiles service stations; auto repair garages; truck stops; barber shops; beauty shops; laundry and dry cleaning; restaurants; truck terminals; printing; tire repair and recapping;

pest extermination; sign shops; upholstery shops; plumbing and heating supply; outdoor advertising signs and structures; sheet metal shops; and warehousing; including wholesale sales which are predominately an enclosed warehouse operation, but not including gravel, sand, fertilizers, or other nuisances producing goods.

- (c) Manufacturing, processing or fabrication: canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage goods; glass products, made of purchased glass; communication equipment, scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware and plated ware.
- (d) Federal, state and municipal uses.
- (e) Research laboratories.
- (f) Accessory uses customarily incidental to any aforementioned permitted use.
- (g) Telecommunication Structures and Equipment subject to the following standards as determined by the Board of Zoning Appeals:

1. Plan Requirement.

- (a) Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance to with the provisions of the Site Plan Review Requirements in the Milan Zoning Ordinance and the following provisions;
- (b). All new telecommunications structures not on an existing utility structure shall show the location of the tower and accessory structure and the location of two (2) future antennae arrays and accessory structures.
 - (i) A letter of intent from the owner allowing for the shared use of the tower.
 - (j) A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.

- (k) A letter from a qualified professional, independent of the applicant, indicating why all existing towers within one (1) mile radius of the proposed tower cannot be utilized.
- 2. That a documented attempt has been made by the applicant to make shared use of existing or planned Telecommunications or suitable utility structures in the City and that such shared use has been denied. A date of such contact, and the form and content of such contact.
- 3. That shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared site. The Board of Zoning Appeals may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed reasonable.
- 4. That any shared use of a suitable existing utility or Telecommunications Structures is technically impractical as supported by technical documentation from a qualified professional, independent of the applicant.
- 5. That any proposed Telecommunications Structure may not be situated within one (1) miles of any existing Telecommunications Structure or any utility structure which is suitable for use as determined by standards in this Ordinance.
- 6. Structures may not be situated closer than the height of the tower plus ten (10) feet to any undeveloped or non-subdivided residential property lot lines, on which no residential or other accessory structures exist and 500 feet from any lot line that contains an existing residential structure or residential accessory bldg."
- 7. That Telecommunications Structures may not be situated such that a collapse from any cause may pose a hazard to any residential or other structures or vehicular or pedestrian traffic.
- 8. That all towers shall be situated a distance equal to their height plus ten (10) feet from the property line.
- 9. All new telecommunications structures not on an existing utility structure within the City of Milan shall be designed to accommodate a minimum of three (3) antenna arrays.

10. All telecommunication structures on an existing utility structure shall be designed to accommodate a minimum of two (2) antenna arrays.
11. That a minimum (6) six-foot tall security fence be erected around all parts of the tower that is accessible from the ground. Fences must have barbed wire along the top of the fence. Said fence shall comply with all other city requirements for fences.
12. Towers: No artificially lighted tower shall be permitted in the City of Milan. If the Federal Aviation Administration (FAA) requires the proposed tower to be lighted, then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.
13. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.
14. Any telecommunications structure that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.
15. All freestanding towers and utility structures shall have a four (4) foot wide landscaping strip around the perimeter of the security fence. The landscaping strips shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of eight (8) feet. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.
16. The location and design of driveways and/ or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Planning Commission.

17. That the Board of Zoning Appeals may not allow any Telecommunication Structures except in compliance with the above standards.

3. Uses Permitted on Appeal

- a. Any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to those enumerated in Section Two (2) of this Chapter and will not be detrimental to the district in which located subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.
- b. Billboard signs as defined by this ordinance and subject to the following conditions:
 - (1) Billboard signs shall not be subject to the bulk (lot) requirements of the district in which they are located. Billboard signs shall, however, meet all yard requirements relative to rights-of-way, property lines and district zone lines of the district. Billboard signs shall not be less than fifty (50) feet from any other structure on the lot which it is located.
 - (2) Billboard signs shall not exceed thirty-five (35) feet in height as measured from the street grade of the closest public way, and shall be located a distance of their height plus ten (10) feet from any lot lines or street rights-of-way.
 - (3) Billboard signs on the same street facing the same traffic flow shall not be placed closer than one thousand (1,000) feet.
 - (4) Billboard signs can be double-faced and each side shall be considered as facing traffic flow flowing in the opposite direction.
 - (5) Billboard signs may not be stacked.
 - (6) The surface area of any billboard sign shall not exceed three hundred (300) square feet, inclusive of borders, and trim.
 - (7) Billboard signs shall be located on minor arterial streets or larger capacity streets as determined by the Major Road Plan.
 - (8) At the intersection of two (2) streets, double-faced or single-faced signs at right angles to and, therefore, facing traffic on one street may be situated closer than one thousand (1,000) feet, but not less than five hundred (500) feet, to a similarly positioned sign across

the street at right angles to and, therefore facing traffic on the other street.

- (9) Structures for billboard signs shall be of vertical (cantilever) construction, and where the back is visible, it shall be suitably covered to present a neat and clean appearance.
- (10) The lot area of billboard signs shall be kept clean and all scrub brush, tall grass, etc., shall be maintained in accordance with all other ordinances relating thereto.
- (11) Billboard signs shall be assessed a building permit fee.
- (12) As part of plans review, plans for billboard signs shall be accompanied by a stamped engineering drawing to assure the windload and structural integrity of the sign.
- (13) Abandoned billboard signs will be considered illegal and subject to removal at the expense of the owner after a twelve (12) month period of abandonment has expired and due notice has been given. An abandoned sign means one or more of the following classifications:
 - (a) A sign in substantial need of repair;
 - (b) A sign whose face or faces is damaged fifty percent (50%) or more; or
 - (c) A sign which displays only a message of its availability for advertising purposes.

4. Uses Prohibited. Any use not specifically permitted or permissible on appeals in this Chapter.

5. Regulations Controlling Yards and Building Height.

- (a) Minimum required lot area. None
- (b) Minimum required front yard.
 - (1) All uses 20 feet
- (c) Minimum required rear yard.
 - (1) All uses 20 feet

- (d) Minimum required side yard on each side of lot.
 - (1) All uses 20 feet except on lots adjacent to a residential district all buildings shall be located so as to comply with side yard requirements of adjacent residential district on the side adjacent to the residential district.
- (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 six (6) stories or seventy-five (75) 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.