

**Minutes for the Meeting of the  
City of Dyersburg Municipal-Regional Planning Commission  
December 12, 2019  
10:00 am  
Municipal Courtroom**

**Commission Members Present:** Eddie Burks, Mayor John Holden, Mark Oakes, Paul Newbill, Tony Dement. Aldermen James Baltimore, and Commissioners Brian Ramm, and Sherry Guthrie were absent.

**Other Staff Present:** Scott Ball, Storm Water and Construction Inspector, Will Radford, City Planner, and Tiffany Heard, City Engineer.

Chairman Burks called the meeting to order and declared that a quorum was present.

Chairman Burks called for approval of the minutes from the November 14, 2019 meeting. The minutes were approved by the Commission on a motion and second by Mayor Holden and Tony Dement. Additionally, Chairman Burks declared a conflict of interest in the agenda, and refrained from discussion and voting. Chairman Burks remained seated at the Chair position in order to keep a quorum. He turned the meeting over to Vice-Chairman Paul Newbill, who called for any new business.

**New Business:**

**Text Amendment – To Allow off-site Retail Sales and Wholesale Distribution in the Industrial districts.**

Staff presented language to the Planning Commission that would allow for Retail Sales to be conducted for off-site transactions (Internet, Phone, Mail, etc.) and Wholesale Distribution to become a Use Permitted in the Industrial Districts.

Planner Will Radford stated the following, “This is a text amendment that would allow for wholesale distribution to become use permitted and off-site retail sales become use permitted upon appeal in the industrial districts. Right now, in our zoning ordinance, retail sales are not permitted. We’ve had more and more inquiries about industries that sell the things they make and sell them online. Is that really retail as we think about it? It’s not open business hours. It’s not people who need parking spaces to walk up to the store, like we would think of a traditional retail capacity. This is just for off-site transactions. The literal question right now is can they do that? According to the ordinance, it wouldn’t be permitted because we don’t elaborate the difference between an off-site sale and on-site sale – it’s just a retail sale, and we feel this amendment helps existing industries to allow them to branch out without impacting industrial districts as we know them.”

Mr. Radford noted off-site retail would be use permitted upon appeal, meaning if anyone would like to engage in off-site, it would require a board of zoning appeals meeting to go over the rules and restrictions with the interested party. He added if anyone went beyond what was approved, they could be notified for correction.

The following proposed language with **changes in red were** provided to the Commission for the review and consideration by the Planning Commission:

**A. AN ORDINANCE TO AMENED THE TEXT OF THE DYERSBURG MUNICIPAL ZONING ORDINANCE TO ALLOW FOR WHOLESALE DISTRIBUTION AS A USE PERMITTED AND OFF-SITE RETAIL SALES A USE PERMITTED ON APPEAL IN THE INDUSTRIAL DISTRICTS;**

WHEREAS, Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated empowered the City to enact the Dyersburg Municipal Zoning Ordinance and provide for its administration, enforcement; and

WHEREAS, the Board of Mayor and Alderman deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the City to amend said Ordinance; and

WHEREAS, the Dyersburg Municipal-Regional Planning Commission has reviewed said proposed amendments and recommends such amendments to the Dyersburg Board of Mayor and Alderman; and

WHEREAS, the Board of Alderman has given due public notice of hearings on said amendments and has held public hearings; and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210 of Tennessee Code Annotated, with the regard to the amendment of a Municipal Zoning Ordinance by the Planning Commission and subsequent action of the Board of Mayor and Alderman have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF DYERSBURG, TENNESSEE:

SECTION 1. The text of the Dyersburg Municipal Zoning Ordinance be revised by deleting Article XVIII, M-1 (LIGHT INDUSTRIAL) DISTRICTS, Section A, B, and C. and replaced with the following language:

**M-1 (LIGHT INDUSTRIAL) DISTRICTS**

Within the M-1 (Industrial Park) Districts as shown on the Zoning Map of Dyersburg, Tennessee, the following regulations shall apply:

## **Section A. Uses Permitted**

1. Manufacturing, Processing and/or Fabrication
2. Warehousing and Distribution
3. Research Labs
4. Governmental Uses
5. Corporate Office Complexes
6. Accessory uses incidental to the aforementioned permitted uses
7. Accessory Solar Collection Systems
8. Wholesale Distribution

## **Section B. Uses Permitted on Appeal**

1. Off Premises Retail Sales transacted by Internet, Phone, or Mail, where the product is shipped off site to the consumer

## **Section C. Uses Prohibited**

1. On-Premises Retail Sales
2. Any use permissible or permissible on appeal in the residential, business, or hospital zones.
3. The manufacture, processing, storage, or disposal of any hazardous substance, waste or by-products. This shall not be construed to prohibit any processing operation in which hazardous substances, are necessary for the manufacture of a non-hazardous end product without production of any additional hazardous wastes.

SECTION 2. The text of the Dyersburg Municipal Zoning Ordinance be revised by deleting Article XIX, M-2 (MEDIUM INDUSTRIAL) DISTRICTS, Section A, B, and C. and replaced with the following language:

## **M-2 (MEDIUM INDUSTRIAL) DISTRICT**

### **Section A. Purpose**

To permit a wide range of light industrial and other uses, and to prohibit those industries that produce excessive smoke, dust, glare, odor, gases, or noise in the M-1 District.

### **Section B. Uses Permitted**

1. Preparation of food products; bottling plants
2. Warehousing
3. Assembly, and finishing of materials or products
4. Transfer and transportation terminals
5. Accessory buildings
6. Accessory Solar Collection Systems
7. Wholesale Distribution

### **Section C. Uses Permitted on Appeal**

1. Off Premises Retail Sales transacted by Internet, Phone, or Mail, where the product is shipped off site to the consumer

### **Section D. Uses Prohibited**

1. Processing of raw materials.
2. All uses permitted in Residential and Business Districts.
3. Assembly, processing, and finishing of materials or products not conducted in enclosed buildings.
4. Any use that produces excessive smoke, dust, odor, glare, gases, or noise.

5. The manufacture, processing, storage, or disposal of any hazardous substance, waste or by-products. This shall not be construed to prohibit any processing operation in which hazardous substances are necessary for the manufacture of a non-hazardous end product without production of any additional hazardous wastes.
6. **On-premises Retail Sales**

SECTION 3. The text of the Dyersburg Municipal Zoning Ordinance be revised by deleting Article XX, M-3 (HEAVY INDUSTRIAL) DISTRICTS, Section A, B, and C. replaced with the following language:

**M-3 (HEAVY INDUSTRIAL) DISTRICT**  
(FORMERLY M-2)

**Section A. Purpose**

To permit a wide range of heavy industrial uses and certain uses which are excluded in more restrictive districts, in the M-2 District.

**Section B. Uses Permitted**

1. All of the uses permitted in the Light Industrial District in Article XVIII, Section A.
2. Production and treatment of raw materials.
3. Business or industry requiring outdoor activity or storage, including utility or government maintenance yards.
4. All other industrial activities not allowed in more restrictive districts.
5. Accessory buildings.
6. Junk yards, provided that written approval is granted by the Board of Zoning Appeals shall require screening the in the form of an opaque fence or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the street and such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.
7. Solar Farms and Accessory Solar Collection Systems

## 8. Wholesale Distribution

### **Section C. Uses Permitted on Appeal**

1. Off Premises Retail Sales transacted by Internet, Phone, or Mail, where the product is shipped off site to the consumer

### **Section D. Uses Prohibited**

1. All of the uses permitted in the residential and Business District sections.
2. Any use that involves hazardous substances, waste, or by-products, produces excessive smoke, dust, odor, gases, or noise. This shall not be construed to prohibit any processing operation in which toxic and hazardous substances are necessary for the manufacture of a non-hazardous end product without production of additional hazardous wastes.
3. On-premises Retail Sales

SECTION 4. BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage, THE PUBLIC WELFARE REQUIRING IT.

### **Recommendation**

Staff recommended approval of the proposed changes to the text language contained within the ordinance.

Vice-Chairman Newbill called for any discussions. The commission discussed various aspects of the text including the following:

Mayor Holden asked if there was any downside to approve the amendment.

Mr. Radford responded stating that he did not envision a downside. He noted a downside would be potential abuse of regulation, for someone to go beyond what was approved. However, he said, “there is a mechanism to bring it back in, and that would be the only downside.”

At the conclusion of discussion, Mayor Holden motioned to approve the proposed text changes to the ordinance. Commissioner Mark Oakes seconded the motion. Prior to final approval of the motion, the Commission noted the motion should be stated that included all M zones (M-1, M-2, M-3). Mayor Holden modified his motion to include all M zones. Mayor Holden’s motion was voted on and passed by the Commission. Chairman Burks abstained from voting.

The motion and recommendation for approval will be presented before the full Board of Mayor and Aldermen for public notice and public hearing, prior to Board vote and approval.

**C. Other Business/Reports:** None presented.

**D. Administrative Reports:** No report.

As the meeting ended, Chairman Burks, complimented the City staff for providing excellent service and assistance to the Commission. He noted without their help the Commission could not perform their functions and duties. Additionally, Chairman Burks wished all of the Commission and staff a Merry Christmas.

Mayor Holden reiterated the same sentiments for the work of the city staff in their support to the Commission.

With no further business, the meeting adjourned at 10:25 a.m.

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Tony Dement, Secretary

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Robert C. Jones, City Recorder