

ZONING RESOLUTION
OF
CANNON COUNTY, TENNESSEE

TITLE OF RESOLUTION

A resolution establishing zoning districts within the unincorporated territory of Cannon County, regulating the uses of property therein, adopting a map of said districts, requiring zoning compliance permits for the construction and use of buildings and premises within said districts, establishing a Board of Zoning Appeals, creating a county Codes Compliance Officer, and fixing the powers and duties thereof, and providing for the adjustment, enforcement, and penalties for violation of this resolution.

This resolution shall be known as the "Zoning Resolution of Cannon County, Tennessee." The map herein referred to which is identified by the title Zoning Map of Cannon County, Tennessee," dated _____, 2017, and all explanatory matter thereon are hereby adopted and made a part of this Resolution.

AUTHORITY FOR RESOLUTION

WHEREAS, authority has been conferred by the State Legislature in Section 13-7-101 through Section 13-7-115, *Tennessee Code Annotated*, to provide for the establishment of districts or zones in portions of Cannon County which lie outside the limits of municipal corporations, and for the location, height, and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density and distribution of population, and the uses of lands, buildings, and structures, and

WHEREAS, the Cannon County Regional Planning Commission, after a comprehensive study of present land uses, development, and development trends, has prepared, adopted, and recommended zones and appropriate regulations to which all owners of property affected were given ample opportunity, after public notice, to file their protests or criticisms thereon, if any.

NOW THEREFORE, BE IT RESOLVED by the Cannon County Board of Commissioners as follows:

ARTICLE I

GENERAL PURPOSE

For the purpose of promoting the public health, safety, morals, convenience, order, prosperity, or general welfare of Cannon County, Tennessee, and to lessen congestion in the roads, to secure safety from fire, flood, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditure, concerning the value of building and encouraging the most appropriate use of lands, buildings, and other structures throughout the county, all in accordance with a comprehensive plan, the Board of Commissioners of Cannon County, Tennessee, does hereby ordain and enact into law the following articles and sections:

ARTICLE II

DEFINITIONS

Unless otherwise stated, the following words shall for the purpose of this resolution have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural, and the plural, the singular. The word "shall" is mandatory, not directory.

Access. The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

Accessory Building. A subordinate building, the use of which is incidental to that of a main building and located upon the same lot therewith.

Accessory Use. A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

Acre

An area of land containing 43,560 square feet within the property lines of a lot or parcel.

Adult. Any person eighteen (18) years of age or older.

Adult-Oriented Establishments. As defined in Tennessee Code Annotated Sections 7-51-1102 and 7-51-1401.

Advertising. Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures, or on buildings, structures, milestones, signboards, billboards, wallboard, roofboard, frames, supports, fences, or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this resolution.

Agricultural Activity. Land used exclusively as a bonafide agricultural operation by the owner or tenant. The use of land for agricultural purposes including farming, silviculture, viticulture, fish culture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided that the operation of the accessory use is clearly incidental to the agricultural activity.

Agritourism. Any agricultural based program that brings visitors to farms or agricultural land.

Alley. A public or legally established thoroughfare, other than a street, which affords a secondary means of access to abutting property.

Animal Hospital

An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence.

Aquaculture

The hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

Automobile body shops

A facility which provides collision repair services, including body frame straightening, replacement of damaged parts, and painting.

Automobile sales lot

Premises on which new or used passenger automobiles, trailers, mobile homes, or trucks in operating condition are displayed in the open for sale or trade.

Automobile wrecking yards

The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

Average Ground Elevation The elevation of the mean finished grade at the front of a structure.

Bakery, retail

An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

Bakery, wholesale

A bakery in which there is permitted the production and/or wholesaling of baked goods, but where over-the-counter or other retail dispensing of baked goods shall be prohibited.

Bank

A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Barber shop

Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

Barn

A large accessory building used exclusively for the storage of grain, hay, and other farm products, or the sheltering of livestock or farm equipment.

Basement

That portion of a building below the first floor or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, except when it is used or suitable for habitation.

Bed-and-Breakfast A transient lodging establishment, generally in a single dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

Beauty Salon

Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

Board of Zoning Appeals. Cannon County Board of Zoning Appeals.

Boarding House. An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

Borrow Excavations. Refer to Tennessee Code Annotated Title 54-1-128 for a definition and exemptions from local zoning and planning regulations.

Building. Any structure having a roof supported by columns or walls, including tents, lunch wagons, dining cars, mobile homes, both single, double-wide, and/or modular homes, and similar structures whether stationary or movable.

Building, Main, or Principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building of the lot on which it is situated.

Building Setback Line. A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

Buffer

An area of land, including landscaping, berms, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.

Business

Any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease, or exchange of goods, and/or the provision of services.

Camp Ground.

Temporary or permanent buildings, tents, or other structures established or maintained as a temporary living quarter, operated continuously for a period of five days or more for recreation, religious, education, or vacation purposes.

Car wash

A building or portion thereof containing facilities for washing more than two automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin-operated devices . . . operated on a self-service basis shall be construed to be the same.

Cemetery

Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

Clinic, medical or dental

Offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.

Commercial Feed Lot. Any plot of land on which livestock are fed or fattened for market utilizing food products not grown on site.

Commercial

The growing, processing, or manufacturing of products or the provision of services for consideration and profit.

Commercial service

Retail establishments that primarily render services rather than goods. Such services may include but not be limited to copy shops, printing services, package and postal services, photo processing, janitorial services, and similar operations.

Condominium

A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of [state and local laws].

Condominium Association

The community association which administers and maintains the common property and common elements of a condominium.

Condominium Conversion

The conversion and subdivision of a single-ownership parcel of existing improved real property into a form of ownership for residential, commercial or industrial purposes involving the right of exclusive occupancy or separate ownership of individual units, including but not limited to condominiums, community apartments, stock cooperatives, or planned unit developments.

Condominium, detached

A residential condominium project designed to be similar in appearance to a conventional single family subdivision, except that the limited common areas are arranged in such a manner that clearly defined condominium lots.

Country Club. A chartered, non-profit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, clubhouse, pool, dining facilities, cocktail lounge.

Coverage. The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

Day-care Center. A facility operated by a person, society, agency, corporation, institution, or group that receives pay for the care of 15 or more persons for less than 24 hours per day for care outside their own homes, without transfer of custody.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

District. Any section or sections of Cannon County, Tennessee, for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

Driveway

A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Driving range

An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting.

Dry cleaning establishment

An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Dwelling:

1. **Apartment.** A housing structure containing four (4) or more separate dwelling units.
2. **Duplex.** A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family.
3. **Triplex.** A building containing three individual dwellings. Accessory dwelling units are not included in this definition.

4. **Single Family Residence.** A detached building designed for or used exclusively for residence purposes by one family. Refer to Tennessee Code Annotated 13-24-102 for homes in which persons with disabilities reside are classified as a “single family residence”.
5. **Manufactured Residential Dwelling(s).**
As defined in Tennessee Code Annotated Section 13-24-201.
6. **“Manufactured Home”.** As defined in Tennessee Code Annotated Section 68-126-202.
7. **“Manufactured Home” Park.** A place or tract of land upon which three (3) or more “manufactured homes” are located on.
8. **“Mobile Home”.** As defined in Tennessee Code Annotated Section 68-126-202.

Easement

A grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes as the construction of utilities, drainage ways, and roadways.

Educational facilities, college/university

An institution for post-secondary education, public or private, offering courses in general, technical, or religious education. It operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities, but not including colleges or trade schools operated for profit.

Educational facilities, community College

A public college or technical institute which provides a two-year, post-secondary, terminal-general, terminal-technical, out-of-school youth or adult education program, or any combination of these.

Educational facilities, elementary school

Serves students between the kindergarten and high school levels.

Educational facilities, high school

Ninth, tenth, eleventh, and twelfth grades.

Educational facilities, junior high school

A school which embraces not more than the first year of high school with not more than the upper two elementary grades.

Education facilities, kindergarten

Same as a nursery school except when operated in conjunction with a school of general instruction and having accredited instruction.

Elderly housing

A multiple-family structure, controlled by either a public body, institutional body, or nonprofit corporation, where a majority of whose occupants shall be 65 years of age or over.

Fairgrounds

An area of land use including but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Such county fairs, exhibitions, and shows do not include racetracks or motorized contests of speed.

Farm equipment and supplies sales establishment

Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farmer's market

The offering for sale of fresh agricultural products directly to the consumer at an open air market designated by the council as a community activity.

Firearms sales establishment

An establishment having at least 25 percent of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

Flea market

An outdoor commercial activity, not including shopping centers, individual retail operations, or sales conducted by a nonprofit or charitable organization, that is open to the general public and composed of five or more semi-enclosed or outdoor stalls, rooms, stands, or spaces used for the purpose of display and sale, exchange, or barter of merchandise.

Floor area, usable

For the purposes of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

Florist

Retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

Fraternal organization

A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.

Funeral home

A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the

dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. . . . [W]here a funeral home is permitted, a funeral chapel shall also be permitted.

Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

Garage

A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

Garage Apartment

Apart of a garage consisting of a room or rooms intended, designed or used as a residence by an individual or a single family.

Garage, detached

A detached structure, which is accessory to a single detached dwelling unit and to which there is legal vehicular access from a public right-of-way, designed for the storage of motor vehicles or boats of the residents of the single detached dwelling unit.

Gas station

Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles.

Gasoline Service Station. Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but not butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, car washing and cleaning or otherwise servicing automobiles, but not including painting or major repair.

Grade, Finished. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Health Department. The Cannon County Health Department.

Height of Building. The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building.

Home Occupation. A lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling provided that the space used is incidental to residential use.

Hospital. An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including the related facilities such laboratories, outpatient

departments, training facilities, central service facilities, and staff offices which are integral parts of the facilities.

Hotel. A building in which lodging is provided and offered to the public for compensation and which is open to transient guests and is not a boarding house as herein defined.

Industry.

1. **(Light)** A use that involves the manufacturing production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials. Warehousing, wholesaling and distribution of the finished products produced at the site are allowed as part of this use.

2. **(Heavy)** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial park A planned coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.

Infrastructure

Facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

Institutional use

Public and public/private group use of a nonprofit nature, typically engaged in public service (e.g., houses of worship, nonprofit cultural centers, and charitable organizations).

Junkyard (Salvage yard)

Any lot or parcel, building, or structure used in whole or in part for the storage, collection, processing, or disposal of junk.

Kennel, boarding

Any kennel where pet animals owned by another person are temporarily boarded for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.

Laundromat

A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of a vehicle.

Lot. A piece, parcel or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this resolution.

Lot Area. The total surface area land included within lot lines.

Lot Corner. A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

Lot Depth. The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Lot Frontage. That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, Interior. A lot other than a corner lot.

Lot, Lines. The boundary dividing a given lot from the street, an alley or adjacent lots.

Lot Width. The width of a lot at the building setback line measured at right angles to its depth.

Livestock market

A commercial establishment wherein livestock is collected for sale or auctioning.

Lot, flag

A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

Lumber manufacturing (sawmill)

Manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

Medical Facilities.

1. **Convalescent, Rest, or Nursing Home.** A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
2. **Dental Clinic or Medical Clinic.** A facility for the examination and treatment of ill and afflicted human out-patients provided, however, those patients are not kept overnight except under emergency conditions.

Methadone Clinic.

Is a clinic which has been established for the dispensing of methadone, a schedule II narcotic analgesic, to those who abuse heroin and other opiates. The focus of these clinics is the elimination or reduction of opiate usage by putting the patient on methadone.

Minimum Floor Elevation. The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

Nonconforming Use. A building, structure, or use of land existing at the time of enactment of this resolution which does not conform to the regulations of the district in which it is situated.

Noxious Matter. Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions or detrimental effects on the social, economic, or psychological well-being of individuals.

Nursery (horticultural land)

An enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

Off-Street Parking Space. A yard, space, or area off the road right-of-way, which space shall be accessible to a road and shall be arranged and maintained for the purpose of providing standing space for vehicles while at rest or while being utilized to load or unload merchandise or other materials incidental to the occupancy.

Office. A room or group of rooms used for conducting the affairs of a business, profession, service industry or government

Open Space. An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this resolution. Open space lines shall coincide with or be parallel to the building setback lines on the same lot.

Park

A noncommercial, not-for profit facility designed to serve the recreation needs of the residents of the community. Such facilities include subdivision recreation facilities (neighborhood parks), community parks, regional parks, and special use facilities, all as described in the recreation and open space element of the [comprehensive plan]. Such facilities may also include but shall not be limited to school and religious institution ball fields, football fields, and soccer fields, if they meet the above definition. Commercial amusement facilities, such as water slides, go-cart tracks, and miniature golf courses shall not be considered parks.

Parking Lot. An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

Parking Space. An off-street space available for parking one motor vehicle and having an area of not less than one hundred and sixty two (162) square feet exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

Planning Commission. The Cannon County Regional Planning Commission.

Plat. A map, plan, plot, or layout indicating the location and boundaries of individual properties.

Public notice

Notice published once each week for two successive weeks in a newspaper of general circulation in the township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

Principal Use. The specific primary purpose for which land or a building is used.

Public Uses. Public parks, schools, and administrative, cultural, and service buildings not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Quarry. (Definition found in Tennessee Code Annotated 13-7-101) Quarrying shall be uniformly defined, for purposes of all county zoning regulations, as the extraction, removal and mechanized processing of stone, gravel, phosphate rock, metallic ore, limestone, marble, chert, sand, dimension stone and any other solid mineral or substance of commercial value, except coal and deep metal mining, including, but not limited to zinc, found in natural deposits in the earth, for barter or sale. The definition of quarrying shall not include the reuse of these minerals on the same site from which they are extracted. This definition shall have no effect on the exception contained in § 54-1-128. The removal of borrow material from a site and the placement of the same material on a project site without any mechanized processing shall not be considered quarrying.

Recreational Vehicle. A vehicular unit, which is designed as a temporary dwelling for travel, recreational, and vacation use, and which is self-propelled, mounted on, or pulled by another vehicle. Examples include but are not limited to a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer, or van.

Restaurant. A place where people pay to sit and eat meals that are cooked and served on the premises.

Right-of-Way. The strip of land over which a public road is built.

Roadway. The actual road surface including necessary road shoulders and drainage facilities including ditches, curbing and guttering, which is utilized to transport motor vehicles.

Sanitary Landfill. An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Environment and Conservation.

Sanitary Sewer. A municipal or community sewerage collection, treatment, and disposal system of a type approved by the State Department of Environment and Conservation.

Self-Service Storage Facility. A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities.

Setback. The required minimum distance from the street right-of-way line or any other lot line that establishes the area within which a structure must be erected or placed. (For the purposes of this resolution, setbacks are not applicable to fences.)

Shelter, Fall-Out. A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

Shooting Range

An area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport shooting or military/law enforcement training.

Sign, Billboard, or Other Advertising Device. Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of announcement, direction, or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city or other political unit.

Special Exception. Any use which is specifically permitted if the owner can demonstrate to the satisfaction of the board, that he will meet certain enumerated safeguards or qualifying conditions.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy or in which the floor area with eight (8) feet or more of head clearance equals fifty (50) percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story." A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of building" is measured or if it is used for commercial purposes.

Street. Any public or private thoroughfare which affords the principal means of access to abutting property.

Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

Stockyard

Services involving the temporary keeping of livestock for slaughter, market, or shipping. Typical uses include stockyards and animal sales in auction yards.

Store

A use devoted exclusively to the retail sale of a commodity or commodities.

Swimming Pool, Outdoor. Any pool or open tank not located within a completely enclosed building capable of containing water to a depth of greater than one and one-half (1-1/2) feet at any point.

Telecommunications Structure. A specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas for commercial purposes.

Toxic Materials. Materials (gaseous, liquid, solid, particulate, or any other form) which are capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Travel Trailer. As defined in Tennessee Code Annotated Section 55-17-102.

Use, semi-public

Philanthropic and charitable uses, including YMCAs, YWCAs, Salvation Army [facilities], churches, and church-related institutions, orphanages, humane societies, private welfare organizations, nonprofit lodges and fraternal orders, Red Cross, and other general charitable institutions. This shall also include all buildings and premises used in the operation of the semipublic use.

Utilities

All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and include facilities for the generation of electricity.

Usable Floor Space. Floor space used for retail sale or display; includes permanent outdoor sales, but excludes outdoor motor vehicle sales areas.

Use. The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Warehouse. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

Yard, Front. The required open space, unoccupied by buildings, between the road or street right-of-way line and the principal building.

Yard, Rear. The required space, unoccupied except by a building of accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

Yard, Side. The required space unoccupied except as herein provided measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

Zoning Compliance Officer. The officer designated by the [jurisdiction] as the officer responsible for enforcing and administering the requirements of the ordinance.

ARTICLE III

APPLICATION OF REGULATIONS

1. **USE.** No building, structure or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located (agricultural uses are excluded per Tennessee Code Annotated 13-7-114).
2. **NUMBER OF BUILDINGS ON EACH LOT.** In any district more than one structure housing a permitted use may be erected on a single lot, provided that yard and other requirements of this Resolution shall be met for each structure as though it were on an individual lot.
3. **CORNER LOTS.** The side yard setback requirements for corner lots shall be the same as the front yard setback requirements for the next adjacent lots fronting on the road that the side yard of the corner lot faces, unless otherwise noted in this resolution.
4. **REDUCTION OF LOT SIZE.** No lot shall be reduced in area so that required yards, lot area per family, lot width, building area or other provisions of this Resolution are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose (for example water towers, substation and etc.).
5. **HEIGHT AND DENSITY.** No building or structure shall hereafter be executed or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.
6. **DEED RESTRICTIONS.** Deed restrictions shall not be construed to be superseded nor abrogated by this Zoning Resolution. Deed restrictions shall not be construed to override, annul, abrogate, or supersede any provision of this Resolution where said deed restrictions are less restrictive in nature than the provisions of this Resolution.

ARTICLE IV

GENERAL PROVISIONS

1. **NON-CONFORMING LOTS AND NON-CONFORMING USES OF LAND**

Any non-conforming use which existed lawfully at the time of enactment of this Official Zoning Resolution may be continued subject to the following provisions.

A. **Non-Conforming Lots of Record**

Any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Resolution. This provision shall apply even though such lot fails to meet the requirements for the area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. **Variance of area, width, and yard requirements shall be obtained only through action of the Board of Zoning Appeals.**

B. **Change of Non-Conforming Use**

1. **General Provisions**

For the purpose of this Official Zoning Resolution, a change in use to another use either under the same activity type or any other activity type under the same major class of activity is permitted; however, a change in occupancy or ownership shall not, by itself, constitute a change of use provided, however, that the establishment of another non-conforming use of the same classification shall be subject to the written approval of the Board of Zoning Appeals and subject to order to protect the area.

2. **Change to a Conforming Use**

A non-conforming use may be changed to any conforming use, and the existing regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

Whenever a non-conforming use is changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

C. **Expansion of Non-Conforming Uses**

Non-conforming industrial, commercial, or business uses may construct additional facilities that would allow the operations of the establishments to be expanded provided that there is enough space to meet the area requirements of the district.

D. **Destruction and Restoration of Non-Conforming Uses**

1. Non-conforming industrial, commercial, or other business establishments shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business.
2. Any non-conforming industrial, commercial, or business use that is destroyed by fire or other natural disaster may be reconstructed.
3. If an industrial, commercial, or other business establishment ceases to operate for a period of thirty (30) continuous months and the industrial, commercial, or other business use of the property did not conform with the land use classification as denoted in the existing zoning regulations for the zoning district in which it is located, then after the thirty (30) month cessation, any use proposed to be established on the site, including any existing or proposed on-site sign, must conform to the provisions of the existing zoning regulations. For the purposes of this subsection, the thirty (30) month period of continuous ceased operation shall be tolled by:
 - a. The period in which an industrial, commercial, or other business establishment is party to any action in a court of competent jurisdiction regarding the use of the property until such time that a final settlement, order, decree, or judgment has been rendered;
 - b. Any period in which a facility is being constructed, reconstructed, renovated, or refurbished, provided that all necessary building permits were obtained within thirty (30) months of cessation of continuous use;
 - c. The filing of an application for a zoning permit for the alteration, renovation or reconstruction of a structure which is non-conforming or of a structure in which or out of which a non-conforming industrial, commercial or other business use operates or is located; or
 - d. The reactivation of the non-conforming use any time prior to the end of the thirty (30) month period; provided, however, shall only apply if the property owner intentionally and voluntarily abandons the nonconforming use of the property. In any contested matter on the use of such property, the government has the burden of proving an overt act of abandonment in such matter.

E. **Discontinuance of Non-Conforming Residential Use**

When a non-conforming residential use is discontinued for a period of twelve (12) months, then the land or building or other structure shall thereafter be used only for a conforming use.

2. **OFF-ROAD AUTOMOBILE PARKING.** There shall be provided within all districts an adequate number of off-street parking spaces to accommodate the anticipated amount of spacing needs of a proposed use at such time as any building or structure is erected, enlarged or increased in capacity. The number of off-street parking spaces provided shall meet the minimum requirements for the specific use stipulated in this zoning ordinance. An off-street parking space of at least nine by eighteen (9 x 18) feet per space with vehicular access to a street. Also according to the Americans with Disabilities Act

Network, for every twenty-five (25) parking spaces, one (1) shall be designated as a handicapped parking space. For every six (6) handicapped parking space, one shall be deemed as van accessible, which is defined at the Americans with Disabilities Act Network.

Adult-Oriented Establishments. 10 Spaces per 1,000 square feet of floor area.

Agritourism. See public, semi-public uses.

Animal Hospital. 5 spaces per 1,000 square feet of floor area.

Aquaculture. One space per employee.

Automobile sales lot. 4 spaces per 1,000 square feet of floor space.

Automobile wrecking yards. One for each employee, plus three visitor spaces.

Bakery, retail. 4 spaces per 1,000 square feet of gross leasable floor space.

Bakery, wholesale. One space per 2 employees.

Bank. One space for each 400 square feet of floor space.

Barber shop. One space per chair and one space per employee.

Bed-and-Breakfast. One space per guest room.

Beauty Salon. One space per chair and one space per employee.

Boarding House. One space per three persons housed.

Camp Ground. One parking space per camp site.

Car wash. 2 spaces per washing stall.

Clinic, medical or dental. Six parking spaces per doctor or dentist.

Commercial Feed Lot. Not Applicable.

Condominium. Refer to dwelling.

Condominium, detached. 2 parking spaces per dwelling.

Country Club. One parking space per each three members.

Day-care Center. One parking space per employee and one space per 10 pupils.

Driving range. One space per tee.

Dry cleaning establishment. See Retail Sales.

Duplex. One Space per dwelling.

Elderly housing. One parking space per 2 dwelling units.

Farm equipment and supplies sales establishment. One parking space per 600 square feet of floor area.

Farmer's market. One parking space per 600 square feet of floor area.

Firearms sales establishment. 4 parking spaces per 1,000 square feet.

Flea market. See Retail Sales.

Florist. 1 parking space per 2 employees.

Fraternal organization. One parking space per 400 square feet.

Funeral home. 1 parking spaces per 4 seats of chapel capacity, plus 1 parking space per 3 employees.

Gas station. One parking space per 4 gas pumps.

Gasoline Service Station. 2 spaces per service bay, plus one space per employees.

Home Occupation. See Dwelling.

Hospital. One parking space for every two beds.

Hotel. One parking space per guest, plus one space per employee.

Institutional use. See public/semi-public use.

Junkyard (Salvage yard). One per employee plus 3 visitor parking spaces.

Kennel, boarding. One parking space per 600 square feet of gross floor area.

Laundromat. 4 spaces per 1,000 square feet.

Livestock market. One (1) space for every three (3) seats

Lumber manufacturing (sawmill). One parking space per employee.

Methadone Clinic. 3 parking spaces per 1,000 square feet.

Nursery (horticultural land). 5 spaces plus one parking space per one acre of growing areas.

Office. One parking space for every 300 square feet of floor area.

Quarry. See Industrial uses.

Restaurants. One (1) space for every three seats under maximum seating arrangement.

Self-Service Storage Facility. One parking space per 75 storage bays, minimum of 5 spaces.

Shooting Range. A minimum of 5 parking spaces, plus one parking space per firing position.

Stockyard. One parking space per employee.

Store. See retail sales

Warehouse. One parking space per 800 square feet of gross floor area.

If a use is not specifically listed the following regulations shall apply:

Park. One (1) space per 5,000 square feet of land area.

Farmer's Market/Seasonal Markets and Temporary Festivals/Events. Adequate parking will be provided.

Dwelling. Not less than one (1) space for each single family dwelling detached unit; and not less than two (2) spaces for each unit in multi-family dwellings and apartments.

Public/Semi-Public Use. Not less than one (1) space for each two hundred (500) square feet of total floor area of all floors in building.

Industry. Not less than one (1) space for every 1,500 square feet of floor space.

Business. One parking Space per 600 square feet of floor area.

Retail Sales. One parking Space per 600 square feet of floor area.

Commercial service. One space per 600 square feet of floor area.

3. **OFF-ROAD LOADING AND UNLOADING SPACE.** Every building or structure used for business or trade shall provide adequate space for the loading and unloading of vehicles

off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street.

4. **VISION CLEARANCE.** No fence, wall, shrubbery, sign, or other obstruction to vision between the height of three feet (3') and fifteen feet (15') shall be permitted within twenty feet (20') of the intersection of the right-of-way lines of any road.

5. **ACCESS CONTROL.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply.
 - a. No point of access shall be allowed within ten feet (10') of the right-of-way of any public road intersection.

 - b. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation, Division of Highways or the provisions of this resolution, whichever is higher.

6. **ACCESSORY USE REGULATIONS.** The uses of land, buildings and other structures permitted in each of the districts are designated by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted uses are also permitted in each district. Each accessory use shall:
 - a. Be customarily incidental to the principal use established on the same lot.

 - b. Be subordinate to and serve such principal use.

 - c. Be subordinate in area, intent, and purpose to such principal use.

 - d. Contribute to the comfort, convenience, or necessity of uses of such principal use.

7. **TEMPORARY USE REGULATIONS.** The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the Codes Compliance Officer. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary uses and shall be subject to the specific regulations and time limits which follow and the regulations of any district in which such use is located.
 - a. **Temporary Buildings:** In any district, a Temporary Use Permit may be issued for a contractor's temporary office, and equipment sheds incidental to a construction project or for the placement of a temporary structure (i.e. mobile home, travel trailer) for living quarters while a permanent structure is being built. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) - month extensions; however, not more than three (3) extensions shall be granted to a particular use. Such use shall be removed upon the completion of the construction project or upon expiration of the Temporary use Permit, whichever occurs sooner.

8. **SITE PLAN REQUIREMENTS.** In accordance with **Article XII**, anyone requesting a zoning compliance permit, a sketch/site plan shall be required. The sketch/site plan shall be submitted, to the Cannon County Codes Compliance Officer for review and approval, at the time when application is made. The following information shall be included on the sketch/site plan:

- a. Name, address and phone number of owner and applicant.
- b. Property address.
- c. Present zoning classification of the property and adjacent property.
- d. Approximate property boundary lines.
- e. Total land areas of the site.
- f. Tax Map Number and Parcel identification number.
- g. Adjacent property owners.
- h. Existing and proposed structure location.
- i. Nearby roads.
- j. Existing and proposed parking area(s).
- k. Existing and proposed ingress and egress.
- l. Vicinity Map of the property with road names.

9. **CUSTOMARY HOME OCCUPATIONS.** A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and no more than one (1) employee. The home occupation shall be conducted entirely within the dwelling unit and the usual accessory buildings for a residence, e.g. a garage, and account for no more than one-half of the total floor area including accessory buildings where used. No alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residence including permitted accessory buildings. No stock in trade shall be displayed outside the building(s). If the legality of a specific home occupation, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with this Resolution. Any activity involving significant customer traffic, or any other activity deemed by the board of zoning appeals to be incompatible with district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation. A permit must be obtained for all customary home occupations before operations can begin and said permit shall be granted by the Codes Compliance Officer.

10. **TELECOMMUNICATIONS STRUCTURES.**

The purpose of this resolution is to establish general guidelines for the siting of wireless communication towers and antennas, commercial radio and television towers. The goals of this resolution are to (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) and, strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.

Construction and operation of a telecommunications structure will be allowed within the Industrial (I-1), Commercial (C-1), Residential/Commercial (RC) and Rural Residential (R-R) Zoning districts.

Telecommunication Structures are not allowed within the county unless within a permitted zone, and, where allowed, are subject to the following requirements:

I. Wireless Communication Facilities and Antenna Arrays

1. Applicability

All new towers or antennas as defined by this resolution within Cannon County shall be subject to these regulations, except as follows:

- a. Preexisting towers and preexisting antennas shall not be required to meet this resolution, other than the requirements of state and federal regulations.
- b. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this resolution, provided a license or lease authorizing such antenna or tower has been reviewed and approved by the governing authority.

2. Requirements

Each applicant for an antenna and/or tower shall provide to the Cannon County Codes Compliance Officer, the following:

- a. Engineering Report – Prepared by a professional engineer licensed by the State of Tennessee describing the height and design of the tower, demonstrating the tower’s compliance with applicable structural standards, and all building, electric and fire codes; and describing the tower’s capacity, including the number and type of antennas it can accommodate. When an antenna is proposed to be mounted on an existing structure, the report shall indicate the existing structure’s suitability and capability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
- b. Written Report – That adequately reports on the inventory of existing towers and antenna sites within a one-mile (1-mile) radius from the proposed site, outlining the opportunities for shared use as an alternative to the proposed use. The applicant must illustrate that the proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:
 - (1) Unwillingness of the owner to share the facility.
 - (2) The equipment would exceed the structural cap of the existing approved tower and facilities.

- (3) The planned equipment would cause frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
- (4) Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively.
- (5) Other reasons make it impractical to place the proposed equipment by the applicant on existing towers or facilities.

c. Setbacks—The minimum setbacks on all sides shall be equal to 1.5 times the height of the tower, including any antennas or appurtenances, as measured from ground level. This setback shall be considered a fall zone. The fall zone setback requirement may be reduced or waived provided it can be demonstrated in a report prepared by a professional engineer licensed in the State of Tennessee that the communication tower will collapse if it falls and it is determined by administrative review that the tower does not pose a safety threat to adjacent property owners in the event of collapse. In such cases, the setback shall be equal to the distance specified in the engineer report or a minimum of fifty (50) feet, whichever is greater. In addition no communication tower shall be located closer than two hundred and fifty (250) feet from an existing residential structure. Setbacks shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. For ground structure associated with the tower and located at the same site the minimum setback on all sides shall be fifty (50) feet.

II. Fees

A non-refundable fee of one thousand (\$1,000) dollars must accompany any site plan submitted for purposes of securing a zoning compliance permit under the terms of this Resolution. The fee will cover all engineering and other costs associated with the review of a site plan request for a communication tower.

III. Variances

The Cannon County Board of Zoning Appeals will serve as the appellate body for requests for variances from the terms of this Resolution. In considering variance requests, the Board of Appeals will give due consideration to the reasons stated for the request, but will also adhere as closely as possible to the requirements of this Resolution in terms of height, setback, or other standards. The feasibility of shared use for a new tower request will be handled at the time of the request through the site plan approval process.

11. General Allowable Sign Characteristics

1. Signage Regulations for the R-1 Zone.
All illuminated signs are prohibited, but all other sign types that are allowed shall have a maximum square footage of sixteen (16) feet and with a maximum height of six (6) feet measured to the top of the sign.
2. Signage Regulations for the R-C Zone.
Pole and wall signs shall have a maximum square footage of one hundred and thirty (130) square feet. Ground signs can have a maximum square footage of thirty two (32) square feet.
3. Signage Regulations for the C-1 Zone.
Pole and wall signs shall have a maximum square footage of one hundred and thirty (130) square feet. Ground signs can have a maximum square footage of thirty two (32) square feet.
4. Signage Regulations for the I-1 Zone.
Pole and wall signs shall have a maximum square footage of four hundred (400) square feet. Ground signs can have a maximum square footage of sixty (60) square feet.
5. Signage Regulations for the R-R Zone.
All illuminated signs are prohibited, but all other sign types that are allowed shall have a maximum square footage of thirty two (32) feet and with a maximum height of six (6) feet measured to the top of the sign.

ARTICLE V

ESTABLISHMENT OF DISTRICTS

For the purpose of this Resolution, Cannon County, Tennessee is hereby divided into five (5) classes of districts as follows:

- R-1** - Single Family Low Density Residential District
- R-C** - Residential Commercial District
- C-1** - Highway Commercial District
- R-R** - Rural Residential District
- I-1** - General Industrial District

The boundaries of these districts are hereby established as shown on the map entitled "*Zoning Map of Cannon County, Tennessee*," dated _____, 2012, which accompanies this Resolution and which is on file in the Office of the County Property Assessor. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or center lines of roads or such lines extended the boundary lines with cities, or a line midway between the main track of a railroad or the center lines of streams or other water bodies.

SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT

(R-1)

1. **INTENT.** It is the intent of this district to provide for areas of lower density residential development. One of the important purposes of this district is to create adequate standards of residential development in order to prevent a recurrence of the overcrowded and unhealthy housing conditions that have long been a major problem. Intensities of development have been established which will not cause traffic congestion and densities are limited in order to provide adequate sunlight, air, and usable open space for dwellings and adequate space for all related facilities.
2. **USES PERMITTED.** Within the R-1 Residential District, as shown on the Zoning Map of Cannon County, Tennessee, the following uses are permitted.
 - a. Detached single-family dwellings.
 - b. Churches or similar places of worship.
 - c. Customary accessory buildings or structures provided they are located in the rear yard and with a side/rear yard setback of ten (10) feet.
 - d. Customary home occupations, as provided in Article IV Section 9.
 - e. Use, Public.
 - f. Bed and Breakfast, as long as it abuts a State Highway.
3. **USES PROHIBITED.** In the R-1 Residential District all uses except those uses specifically permitted within this resolution are prohibited.

4. **AREA REGULATIONS.**

a. **Lot area -**

- Minimum required lot area w/ public water *and* sewer15,000 sq. ft
- Minimum required lot area with public water30,000 sq. ft.
- Minimum required lot area without public water 2 acres.

(Or more if required by the Tennessee Department of Environment and Conservation)

b. **Lot width -**

- Minimum required lot width at front of building (building line)..... 50 ft.

c. **Front Yard -**

- Minimum required front yard depth. 30 ft.

d. **Rear yard -**

- Minimum required rear yard depth..... 10 ft.

e. **Side yards -**

- Minimum required side yard widths 10 ft.

f. **Corner Lots -**

- Minimum required 30 ft.

g. **Road Frontage**

- Minimum required.....50 ft.
- Cul-de-sac.....30 ft.

5. **PARKING SPACE REQUIREMENTS.** As regulated in **Article IV, Section 2.**

6. **VISION CLEARANCE.** As regulated in **Article IV, Section 4.**

7. **ACCESS CONTROL.** As regulated in **Article IV, Section 5.**

8. **ACCESSORY USES.** As regulated in **Article IV, Section 6**

RESIDENTIAL-COMMERCIAL DISTRICT

(R-C)

1. **INTENT.** It is the intent of this district to provide areas for a mixture of residential and commercial buildings and uses that can function with one another without compromising the integrity of the district. The general character of the district will consist of a mixture

of residential structures that will be directly serviced by the commercial entities that are located within this area.

2. USES PERMITTED. In the R-C Residential-Commercial District, the following uses and their accessory uses are permitted:

- a. Single-family detached dwellings.
- b. Two-family dwellings (duplexes).
- c. Triplex Dwellings.
- e. Park.
- f. Bed and Breakfast.
- g. Condominiums and detached condominium.
- h. Public buildings and utility facilities necessary for the provision of local public services.
- i. Customary accessory buildings or structures provided they are located in the rear yard with a sideyard and rearyard setback of not less than ten (10) feet.
- j. Customary home occupations, as provided in Article IV, Section 9.
- k. Educational Facilities, college, community college, elementary school, high school, junior high school and kindergarten.
- l. Day Care Center, with required approvals from appropriate state agencies.
- m. Apartments provided they shall be located adjacent to a state highway, have approved water and wastewater service, and an approved site plan.
- n. Offices, in structures that resemble a detached single family residence, not to exceed 3,500 square feet in size.
- o. Garage Apartment.
- p. Agritourism.
- q. Animal Hospital
- r. Automobile Body Shops.
- s. Automobile sales lot.
- t. Bakery, retail and wholesale.
- u. Bank.
- v. Business.
- w. Car Wash.
- x. Cemetery.
- y. Clinic, medical or dental.
- z. Commercial services.
- aa. Day Care.
- bb. Driving Range.
- cc. Dry cleaning establishment.
- dd. Elderly Housing.
- ee. Farm equipment and supplies, sales establishment.
- ff. Fairgrounds.
- gg. Farmer's market.
- hh. Firearms sales establishment.
- ii. Flea Market.
- jj. Fraternal organization.

- kk. Funeral Home.
- ll. Gasoline Service Station.
- mm. Hospital.
- nn. Hotel.
- oo. Institutional Use
- pp. Kennel, Boarding.
- qq. Laundromat.
- rr. Medical Facilities.
- ss. Office.
- tt. Park.
- uu. Restaurant.
- vv. Use, Semi-public and public.
- ww. Self-Service Storage Facility.

3. **USES PROHIBITED.** In the R-C Residential-Commercial District all uses except those uses specifically permitted within this resolution are prohibited.

4. **AREA REGULATIONS.**

a. **Lot area – Detached Single Family**

- Minimum required lot area w/ public water *and* sewer10,000 sq. ft
- Minimum required lot area with public water30,000 sq. ft.
- Minimum required lot area without public water 2 acres.

Lot area – Multi-family

- 2 dwelling units with public water and sewer..... 15,000 sq. ft.
- with public water only 30,000 sq. ft.
- 3 dwelling units with public water and sewer..... 30,000 sq. ft.
- with public water only80,000 sq. ft.
- 4 dwelling units with public water and sewer.....35,000 sq. ft.
- with public water only100,000 sq. ft.

More than 4 dwelling units w/ public water and sewer: 7,500 sq. ft. for each unit over 4. If no public sewer, then as required by the Dept. of Environment and Conservation but not less than 7,500 sq. ft for each unit over 4.

Lot area—Commercial

- Minimum required lot area w/ public water and.....25,000 sq. ft.
- w/o public water.....2 acres

(Additional space if required by the Tennessee Department of Environment and Conservation on any lot)

- b. Lot width -**
Minimum required lot width at building line..... 100 ft

- c. Front Yard -**
Minimum required front yard depth-local road. 30 ft.
Collector road.....40 ft.
Major Arterial.....50 ft.

- d. Rear yard -**
Minimum required rear yard depth-residential 10 ft.
Commercial.....10 ft.

- e. Side yards -**
Minimum required side yard widths 10 ft.

- f. Corner Lots -**
Minimum required 25 ft.

- g. Road frontage**
Minimum required.....50 ft.

(In the case of corner lots, the side yard line adjacent to the road shall be the same as required for the front yard.)

HIGHWAY COMMERCIAL DISTRICT

(C-1)

1. **INTENT.** It is the intent of this district to establish areas in which the principal use of land is devoted to commercial uses which cater specifically to the needs of motor vehicle-oriented trade. The intent of this district is to provide appropriate space and sufficient depth from the road to satisfy the needs of modern commercial development where access is entirely dependent on motor vehicle trade; to provide for the orderly development and concentration of highway commercial uses; and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses in the vicinity.

2. **USES PERMITTED.** In order to achieve the intent of the Commercial (C-1) District, as shown on the Zoning Map of Cannon County, Tennessee, the following uses are permitted:
- a. Agritourism.
 - b. Animal Hospital
 - c. Automobile Body Shops.
 - d. Automobile sales lot.
 - e. Bakery, retail and wholesale.
 - f. Bank.
 - g. Business.
 - h. Car Wash.
 - i. Cemetery.
 - j. Clinic, medical or dental.
 - k. Commercial services.
 - l. Day Care.
 - m. Driving Range.
 - n. Dry cleaning establishment.
 - o. All educational facilities, refer to definitions.
 - p. Elderly Housing.
 - q. Farm equipment and supplies, sales establishment.
 - r. Fairgrounds.
 - s. Farmer's market.
 - t. Firearms sales establishment.
 - u. Flea Market.
 - v. Fraternal organization.
 - w. Funeral Home.
 - x. Gas Station.
 - y. Gasoline Service Station.
 - z. Hospital.
 - aa. Hotel.
 - bb. Institutional Use.
 - cc. Kennel, Boarding.
 - dd. Laundromat.
 - ee. Medical Facilities.
 - ff. Office.
 - gg. Park.
 - hh. Restaurant.
 - ii. Use, Semi-public and public.
 - jj. Self-Service Storage Facility.
 - kk. Retail Store.
3. **USES PROHIBITED.** In the C-1 Commercial District all uses except those uses specifically permitted or permitted upon appeal within this resolution are prohibited.

4. **ALL RESIDENTIAL USES SHALL BE CONSIDERED A USE PERMITTED UPON APPEAL.**

5. **AREA REGULATIONS.**

a. **Lot area -**

Minimum required lot area with public water25,000 sq. ft.

Minimum required lot area without public water 2 acres.

(Or more if required by the Tennessee Department of Environment and Conservation)

b. **Lot width -**

Minimum required at lot width at front of building (building lines) .. 100 ft.

c. **Front yard -**

Minimum required front yard depth 30 ft.

d. **Rear yard -**

Minimum required rear yard depth 10 ft.

e. **Side yards -**

Minimum required side yard widths 10 ft.

f. **Corner Lots -**

Minimum required width 25 ft.

(In the case of corner lots, the side yard line adjacent to the road shall be the same as required for the front yard.)

g. **Screening adjacent to Residential Districts -**

When a commercial district is adjacent to a residential district, the commercial property shall be screened with vegetation or fencing.

6. **PARKING SPACE REQUIREMENTS.** As regulated in **Article IV, Section 2.**

7. **OFF-ROAD LOADING AND UNLOADING.** As regulated in **Article IV, Section 3.**

8. **VISION CLEARANCE.** As regulated in **Article IV, Section 4.**

9. **ACCESS CONTROL.** As regulated in **Article IV, Section 5.**

10. **ACCESSORY USES.** As regulated in **Article IV, Section 6.**

GENERAL INDUSTRIAL DISTRICT

(I-1)

1. **INTENT.** It is the intent of this district to establish industrial areas along with open areas which will likely develop in a similar manner. It is the intent that permitted uses be conducted so that the noise, odor, dust, and glare of each operation are kept to a minimum. The industrial district is established to provide areas in which the principal use of land is for manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution.

2. **USES PERMITTED.** Within the General Industrial (I-1) District, as shown on the Zoning Map of Cannon County, Tennessee, the following uses are permitted:
 - a. Automobile wrecking yards.
 - b. Cemetery.
 - c. Commercial Feed Lot.
 - d. Gas Station.
 - e. Gasoline Service Station.
 - f. Industrial Uses/Industry.
 - g. Industrial Park.
 - h. Institutional Use.
 - i. Junkyard.
 - j. Livestock Market.
 - k. Lumber Manufacturing.
 - l. Park.
 - m. Sanitary Landfill.
 - n. Stockyards.
 - l. Uses, Public and semi-public.
 - m. **Warehouse.**
 - n. Quarry as long as it fronts/abuts upon a State Highway and are not within 2,000 feet of a residence/residential zoning district at the time of permitting.
 - o. Methadone Clinics provided they meet the prescribed minimum requirements:
 1. Approval of a methadone treatment clinic or facility shall be contingent upon the receipt of the appropriate license and certificate of need by the Tennessee Department of Health.
 2. The clinic or facility shall not be located within five hundred (500) feet of any school, day care facility, park, church, residential use, pharmacy, or similar facility that sells or dispenses either prescription drugs or over the counter drugs, as measured from property line to property line.

3. The clinic or facility shall not be located within five hundred (500) feet of any establishment that sells alcoholic beverages, for either on- or off-premise consumption, measured from property line to property line.
4. The facility/lot shall be located on or about a state highway.

p. Adult-Oriented Establishments, subject to the following special restrictions:

1. Restrictions. In no case shall an adult-oriented establishment be permitted to locate within five hundred feet (500') of any boundary to a R-1 or R-2 Residential Zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') from the nearest property line of a site used for the purpose of a recreation park, playground or swimming pool (not including ornamental only parks); place of worship, public or private school, day care center, or another adult-oriented establishment. Measurements shall be made from the nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of said uses.
2. Evaluation. For the purpose of enforcing this section, it shall be the responsibility of the zoning administrator to measure and evaluate compliance of a proposed adult-oriented establishment with the restrictions set forth herein. It shall be the responsibility of the applicant to supply a site plan, as set forth in Article 11, and any other maps, surveys, or other such special information as might reasonably be required and requested by the Cannon County Zoning Compliance Officer or its designee for use in making a thorough evaluation of the application.
3. Adult-oriented Establishments-Unlawful Acts. It shall be unlawful for any person to own, manage, or operate an adult-oriented establishment in any zone other than I-1 or to own, manage or operate such an establishment without obtaining a permit as required herein and any other permit Cannon County may require.
4. Hours of Operation. Under the authority of *TCA 7-51-1402(b)* the hours of operation for an adult-oriented establishment shall be opening not earlier than one (1) o'clock p.m. and closing not later than eleven (11) o'clock p.m. Monday through Thursday, and not later than twelve (12) midnight on Fridays and Saturdays. No adult-oriented establishment shall be open for business on any Sunday or a legal holiday as designated in *TCA 15-1-101*.
5. Physical Design of Premises. As provided in *TCA 7-51-1403* no person shall own, operate, manage, rent, lease or exercise control over any

commercial building, structure, premises or portion or part thereof, which is an adult-oriented establishment and which contains:

- a. Partitions between subdivisions of a room, portion or part of a building structure or premises having an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partition; or
- b. Booths, stalls, or partitioned portions of a room or individual rooms, used for the viewing of motion pictures or other forms of entertainment, having doors, curtains, or portal partitions, unless such booths, stalls, partitioned portions of a room or individual rooms so used shall have at least one (1) side open to adjacent public rooms so that the area inside is visible to persons in adjacent public rooms. Such areas shall be lighted in a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be so such intensity as to prevent the viewing of motion pictures or other offered entertainment.

6. Revocation: Expansion, relocation, substantial misrepresentation, violation of a) any of the terms of the resolution, b) a change in the dominant sales items or services offered to the public, or c) failure to operate the establishment in conformity with any terms and specifications set forth in the conditions attached to the permit shall constitute grounds for revocation of the permit.

7. Signs and Other Visible Messages.

- a) Sign messages shall be limited to a written description of material or services available on the premises;
- b) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises;
- c) Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.
- d) Signs shall be no more than 36 square feet in size.

5. **USES PROHIBITED.** In the I-1 Industrial District all uses except those uses specifically permitted within this resolution are prohibited, including the following:

- a. Residential dwellings.

- b. Mobile homes, mobile home parks, travel trailers and travel trailer parks.
- c. Retail commercial sales or professional services.
- d. Any industry which causes injurious or obnoxious noise, vibrations, gas, fumes, odors, dust, fire hazard or other objectionable conditions.
- e. Storage of explosives.

6. **AREA REGULATIONS.**

- a. **Lot area -**
Minimum required lot area for all lots other than a non-hazardous solid waste disposal facility. 2 acres
- b. **Lot Width -**
Minimum required lot width at front of building (building line)..... 100 ft.
- c. **Front yard -**
Minimum required front yard depth 75 ft.
- d. **Rear yard -**
Minimum required rear yard depth 50 ft.
- e. **Side yards -**
Minimum required side yard width..... 50 ft.
- f. **Corner Lots -**
Minimum required width 50 ft.
- g. **Screening adjacent to Residential Districts -**
When an industrial district is adjacent to a residential district, the industrial property shall be completely screened with vegetation or fencing.

7. **PARKING SPACE REQUIREMENTS.** As regulated in **Article IV, Section 2.**

8. **OFF-ROAD LOADING AND UNLOADING.** As regulated in **Article IV, Section 3**

9. **VISION CLEARANCE.** As regulated in **Article IV, Section 4.**

10. **ACCESS CONTROL.** As regulated in **Article IV, Section 5.**

11. **ACCESSORY USES.** As regulated in **Article IV, Section 6.**

RURAL RESIDENTIAL DISTRICT

(R-R)

1. **INTENT.** It is the intent of this district to provide space for forestry, agriculture and agriculturally-oriented uses and structures which provide an important part in the economy of Cannon County, and at the same time provide space for residential development for an ever expanding population. It is the intent here to protect the physical and economic well-being of agriculture operations and to prevent the encroachment of urban and other incompatible land uses on farm lands. This district is intended to provide locations for urbanization which are compatible with agriculture uses.

2. **USES PERMITTED.** In order to achieve the intent of the R-R Zoning District, as shown on the Zoning Map of Cannon County, Tennessee, the following uses are permitted:
 - a. Aquaculture.
 - b. Baitshops.
 - c. Daycare.
 - d. Agritourism.
 - e. Bed and Breakfast.
 - f. Campground.
 - g. Country Club.
 - h. All Educational Facilities, refer to definitions.
 - i. Dwelling.
 - j. Mobile Homes/Mobile Home Parks
 - k. Fairgrounds.
 - l. Farmer's Market.
 - m. Fraternal organization.
 - n. Funeral Home.
 - o. Garage Apartment.
 - p. Gas Station as long as they abut a State Highway.
 - q. Institutional Use.
 - r. Kennel, Boarding.
 - s. Nursery.
 - t. Park.
 - u. Use, Public and semi-public.
 - v. Customary home occupations.
 - w. Customary accessory buildings or structures.
 - x. Animal hospitals.
 - y. Shooting Range.

3. **AREA REGULATIONS.** All buildings shall be set back from road right-of-way line and lot lines to comply with the following yard requirements.

a. Lot area -

Minimum required lot area for single family detached residential structures with public water 30,000 square feet.
structures without public water 2 acres.

(Or more if required by the Tennessee Department of Health and Environment.)

(See "Definitions" Section for Lot Area requirements for Mobile Home Parks and Travel Trailer Parks. Also See Mobile Home Park/Travel Trailer Park Resolution.)

b. Lot width -

Minimum required lot width at front of building for all buildings except farm buildings 50 ft.

c. Front yard -

Minimum required front yard depth for all buildings except farm buildings 30 ft.

d. Rear yard -

Minimum required rear yard depth for all buildings except farm buildings 10 ft.

e. Side yards -

Minimum required side yard widths for all buildings except farm buildings 10 ft.

f. Corner Lots -

Minimum required width 25 ft.

(In the case of corner lots, the side yard line adjacent to the road shall be required for the front yard.)

4. **PARKING SPACE REQUIREMENTS.** As regulated in **Article IV, Section 2.**

5. **OFF-ROAD LOADING AND UNLOADING.** As regulated in **Article IV, Section 3**

6. **VISION CLEARANCE.** As regulated in **Article IV, Section 4.**

7. **ACCESS CONTROL.** As regulated in **Article IV, Section 5.**

8. **ACCESSORY USES.** As regulated in **Article IV, Section 6.**

ARTICLE VI

ENFORCEMENT

1. **ENFORCEMENT OFFICER.** The provisions of this Resolution shall be administered and enforced by the Cannon County Codes Compliance Officer. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this Resolution, and in addition shall:
 - a. Maintain and keep current zoning maps, and records of amendments thereto.
 - b. Conduct inspections as prescribed by this Resolution, and such other inspections as are necessary to insure compliance with the various provisions of this Resolution.

2. **PENALTIES.** Any person violating any provision of this Resolution shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

3. **REMEDIES.** In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this Resolution, the Codes Compliance Officer or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy or use of such building.

4. **SCHEDULE OF PERMIT FEES.** All permit fees shall be set by the county commission:
 - a. Rezoning Application 50.00
 - b. For a Use on Review, special exception
or conditional use 50.00

The fee for an appeal for a variance or interpretation to the Board of Zoning Appeals shall be \$50.00.

ARTICLE VII

BOARD OF ZONING APPEALS

1. **CREATION AND APPOINTMENT.** A Board of Zoning Appeals is hereby established in accordance with Section 13-7-106, *Tennessee Code Annotated*. Such Board of Zoning Appeals shall consist of five members, appointed by the Cannon County Board of Commissioners to serve terms of one, two, three, and four and five years respectively; thereafter, terms to be for five years and vacancies filled for the unexpired term only.

The Board of Commissioners shall have power to remove any member of the board for cause, after public hearing.

2. **PROCEDURE.** Meetings of the Board of Zoning Appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and of other official action, all of which shall be immediately filed in the office of the board and shall be a public record.
3. **APPEALS: HOW TAKEN.** An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Codes Compliance Officer based in the whole or part on provisions of this Resolution. Such appeal shall be taken within a thirty (30) days by filing with the Codes Compliance Officer and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Codes Compliance Officer shall transmit forthwith to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.
4. **POWERS.** The Board of Zoning Appeals shall have the following powers:
 - a. **Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Codes Compliance Officer or other administrative official in the carrying out or enforcement of any provision of this Resolution.
 - b. **Special Exceptions.** To hear and decide special exceptions to this Resolution as set forth.

- c. Make Zoning Map Interpretation if questions arise.
- d. **Variance.** To hear and decide applications for variance from the terms of this Resolution, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property which at the time of the adoption of this Resolution was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property, the strict application of the provisions of this Resolution would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Resolution. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this Resolution. Before any variance is granted it shall be shown that special circumstances are attached to the property which does not generally apply to other property in the neighborhood.

- 5. **ACTION OF THE BOARD OF ZONING APPEALS.** In exercising the aforementioned powers, the Board of Zoning Appeals may, in conformity with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order; requirement, decision or determination appealed from, and to that end shall have all powers of the Codes Compliance Officer. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution, or to authorize any variance from the terms of this Resolution.

ARTICLE VIII

AMENDMENT

1. **PROCEDURE.** The Cannon County Board of Commissioners may amend the regulations, restrictions, boundaries, or any provision of this Resolution, as well as the Cannon County Zoning Map. Any member of the Board of Commissioners may introduce such amendment, or any official, board or any other person may present a petition to the Cannon County Board of Commissioners requesting an amendment or amendments to this Resolution. All changes and amendments shall be effective only after official notice and public hearing.
2. **APPROVAL BY REGIONAL PLANNING COMMISSION.** No such amendment shall become effective unless it is first submitted to the Cannon County Regional Planning Commission (CCRPC) for approval, disapproval, or suggestions. If such amendment is disapproved by the Cannon County Regional Planning Commission, it shall receive the favorable vote of a majority of the entire membership of the Cannon County Board of Commissioners to become effective.
3. **INITIATION OF AMENDMENTS.** An amendment of this Resolution may be initiated by any one of the following three methods: a verified petition of one or more persons interested in the proposed amendment, a resolution of the Cannon County Regional Planning Commission (CCRPC); or by resolution of the Cannon County Board of Commissioners.

ARTICLE IX

LEGAL STATUS PROVISIONS

1. **CONFLICT WITH OTHER RESOLUTIONS.** In case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future Resolution of Cannon County, Tennessee, the most restrictive shall in all cases apply.
2. **VALIDITY.** If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Resolution which is not of itself invalid or unconstitutional.

ARTICLE X

EFFECTIVE DATE

Be it ordained by the Cannon County Board of Commissioners that this Resolution shall take effect immediately from and after its passage, the welfare of the county requiring it.

Certified by Planning Commission

Approved by County Commission

County Executive

Attest:

County Clerk

