

OFFICIAL ZONING RESOLUTION CANNON COUNTY, TENNESSEE

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Table of Contents

ARTICLE I. GENERAL PURPOSE.....	3
ARTICLE II. DEFINITIONS.....	4
ARTICLE III. ADMINISTRATION.....	24
ARTICLE IV. APPLICATION OF REGULATIONS.....	26
ARTICLE V. GENERAL PROVISIONS.....	27
ARTICLE VI. ESTABLISHMENT OF DISTRICTS.....	33
ARTICLE VII. ENFORCEMENT.....	38
ARTICLE VIII. BOARD OF ZONING APPEALS.....	39
ARTICLE IX. AMENDMENT.....	41
ARTICLE X. LEGAL STATUS PROVISIONS.....	42
ARTICLE XI. NONCONFORMITIES.....	43
ARTICLE XII. FLOOD HAZARD REDUCTION AND COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP).....	46
ARTICLE XIII. EFFECTIVE DATE.....	47
Appendix A: MOBILE HOME PARK REGULATIONS.....	48
Appendix B: AUTOMOBILE GRAVEYARD AND JUNKYARD REGULATIONS.....	51

ZONING RESOLUTION & ZONING ORDINANCE **OF CANNON COUNTY, TENNESSEE**

TITLE OF RESOLUTION

A resolution establishing zoning districts within the unincorporated territory of Cannon County, Tennessee to regulate the uses of property therein, adopting a map of said districts, requiring zoning compliance permits for the construction and use of structures and premises within said districts, establishing a Board of Zoning Appeals, creating a county Land Use Administrator and fixing the powers and duties thereof, creating Ordinances for Flood Hazard Reduction in compliance with the National Flood Insurance Program (NFIP), creating Ordinances for Nontraditional Wastewater Treatment and Disposal Systems in compliance with the Clean Water Act of 1977, and providing for the adjustment, enforcement, and penalties for violation of this Resolution and Ordinance.

This Resolution & Ordinance shall be known as the “Zoning Resolution & Ordinance of Cannon County, Tennessee”. The map herein referred to, which is identified by the title “Zoning Map of Cannon County, Tennessee” dated 07/05/2018 or as thereafter amended, and all explanatory matter thereon are hereby adopted, incorporated by reference, and made a part of this Resolution & Ordinance.

AUTHORITY FOR RESOLUTION

WHEREAS, authority has been conferred by the Tennessee General Assembly within *Tenn. Code Ann.* § 13-7-101 through § 13-7-115 to provide for, among others, the establishment of districts and/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/or structures, the percentage of lot occupancy, the required open spaces, the density and distribution of population, and the uses of lands, buildings and/or 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 requisite public notice and public hearing, 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 purposes, among others, of promoting the public health, safety, morals, convenience, order, prosperity, and/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.

100-Year Flood — See “Base Flood”.

Abutting or Adjacent — The land, lot, or property adjoining the property in question along a property line or separated only by an alley, easement, or street.

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

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

Acceptance of Fill Material — The acceptance of any substance or material, such as (by way of illustration only) earth, clay, sand, concrete, rubble, wood chips, bark, or other similar material, that is placed, stored, or dumped upon the ground resulting in an increase and/or change in the natural surface elevation. The acceptance of fill material is considered a temporary use that is not associated with any use type that is classified under the Extractive Industry Use Category in Tables 11.01-1 and 11.01-2: Table of Allowed Uses.

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.

Addition (to an existing building) — Any walled and roofed expansion to the perimeter or height of a building.

Additional Principal Dwelling — An additional principal dwelling unit located on a single parcel where no subdivision has occurred and where allowed pursuant to Section 11.04: Accessory Uses and Structures.

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

Adult-Oriented Establishments — As defined in Tenn. Code Ann §7-51-1102 and §7-51-1401.

Advertising — Includes, but is not limited to, 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, roof board, 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.

Affidavit of Compliance — A statement of agreement to abide by the conditions of the approval of Site Plans, Special Uses, or other approved uses that do not require bonds to ensure compliance. The affidavit shall be signed by the recipient of the permit and notarized.

Agricultural Use — 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 of the designated Agricultural Use, provided that the operation of the accessory use is clearly incidental to the agricultural use.

Agent — A person with express written consent to act upon another person’s behalf.

Aggrieved Party — A person with a standing to appeal that is injuriously affected by a decision from any review or decision-making body of the County, including any officer or agent of the County.

Agriculture or Agricultural — The definition of agriculture or agricultural as set forth herein shall be applicable to the term wherever it appears in this Ordinance, unless a different definition is specifically made applicable to the Article, Section, or Subsection in which the term appears.

- The land, buildings, and machinery used in the commercial production of farm products and/or nursery stock;
- The activity carried on in connection with the commercial production of farm products and/or nursery stock;
- Recreational and educational activities on land used for the commercial production of farm products and/or nursery stock; and
- Entertainment activities conducted in conjunction with, but secondary to, commercial production of farm products and/or nursery stock, when such activities occur on land used for the commercial production of farm products and/or nursery stock.
- As used in this definition of agriculture or agricultural, the term "Farm Products" means forage and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; forestry products; fish and other aquatic animals used for food; bees; equine; and all other plants and animals that produce food, feed, fiber, or fur; and
- As used in this definition of agriculture, the term "Nursery Stock" means all trees, shrubs, or other plants, or parts of such trees, shrubs or other plants, grown or kept for, or capable of, propagation, distribution or sale on a commercial basis.

Agricultural Product Sales — A retail establishment that is located within a permanent structure, operated in association with an agricultural use, and which predominantly sells and markets agricultural products grown/produced on the associated farm.

Agri-tourism — Any agriculturally-based program that brings visitors to farms or agricultural land during daylight hours only and not for any purposes of any overnight stay or long-term stay in excess of twelve (12) hours per day of visit by the person and/or their curtilage, including their vehicle, for purposes of promoting the agricultural products and heritage of Cannon County.

Agri-Tourism Facilities and Agri-Education Facilities — Any structure, land, or combination thereof used for tourism or educational purposes as it relates to an active agricultural use. Agri-tourism relates to activities that focus on the visitation of farms by allowing visitors to experience farm life or providing a service to visitors that showcases and sells the yield or products grown on the farm. Uses that fall under this definition include, but are not limited to, farm markets, homegrown restaurants, and participatory farms. Agri-education relates to instruction about crop production, livestock management, soil and water conservation, and various other aspects of agriculture.

Airbnb — Any online marketing and/or hospitality service that allows a person or persons to lease or rent short-term lodging in all or any part of a shelter or campsite, including, but not limited to, a bed-and-breakfast, accessory dwelling, accessory structure, garage apartment, tent, yurt, teepee, travel trailer, mobile home, manufactured home, recreational vehicle ("RV"), barn, barn apartment colloquially a "barn-dominium", mini-barn, and/or accessory shed.

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

Animal Boarding Facilities — Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of dogs, cats, fowl, or other domestic animals, but excluding animals used for agricultural purposes.

Animal Hospital or Veterinary Clinic or Animal Clinic — A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a boarding facility shall be limited to short-time stays and shall be only incidental to the veterinarian facility. Such use type shall also apply to facilities that provide grooming and general care services to animals.

Animal Hospital or Veterinary Clinic with Animal Boarding — An establishment that includes both an animal hospital or veterinarian clinic and animal boarding facility, each as defined herein.

Appeal — An Appeal of an administrative decision made by County staff, reviewed and considered by the BZA in accordance with Section 5.03: Appeal.

Applicant — A person who is authorized by the provisions of this Ordinance to file an application. See also the definition for “Agent.”

Application — The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate County department, board, or commission as part of the review for an application.

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

Archeological Site — A concentration of material remains of past human life or activities of historic or prehistoric significance. Examples of material remains include rock art, pottery, basketry, tools, graves, skeletal remains, and structures or portions of structures.

Artisan Sale — Any temporary congregation of retailers on private property that is not usual or customary for that property and the zoning district in which the subject property is located, for the purpose of display and of sale. Examples may include, but are not limited to: car shows, craft fair/show, trade show, flea markets, or seasonal event sale.

Authorized Agent — A person, authorized in writing by the property owner, to represent and act for a property owner in contacts with County staff and review board in matters related to an application or this Ordinance.

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

Automobile and Machinery Repair — Any building or establishment primarily engaged in the repair and maintenance of automobiles, motorcycles, farm machinery, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil changes, lubrication, tire services, painting, and installation of aftermarket accessories.

Automotive and Machinery Rental or Sales — Any building or establishment primarily engaged in the sale or leasing of automobiles, motorcycles, farm machinery, trailers, or similar vehicles and machinery.

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, street-facing side 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.

Bar or Tavern — An establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

Barber shop — Any establishment or place of business within which the practice of barbering and/or general human hair cutting is engaged in or carried on by one or more barbers, licensed or otherwise.

Barn — A large accessory building used exclusively for the storage of grain, hay, and other farm produce, and/or the sheltering of livestock or farm equipment used only and exclusively for farming.

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 in detached guesthouses, primarily engaged in providing overnight or otherwise nightly temporary lodging for the general public and may provide meals for compensation and includes “Airbnb” as that term is defined as stated supra.

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 or Borrow Pits — Refer to Tenn. Code Ann. §54-1-128 for a definition and exemptions from local zoning and planning regulations.

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 adjacent parcels.

Buffer yard — A strip of land with natural or planted vegetation located between a land use and a side or rear property line intended to separate and partially obstruct the view of adjacent land uses or properties from one another.

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. Where independent units with separate entrances are divided by party walls, each unit is a building.

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 Permit — A permit reviewed and approved, approved with conditions, or denied by the land Use Administrator.

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.

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.

Campsite — An outdoor lodging accommodation for transient guests, where an individual, family or group can pitch a tent or park a camper or recreational vehicle.

Canopy — A free standing permanent roof-like shelter not attached to or requiring support from an adjacent structure.

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.

Cemeteries, Accessory — A portion of a lot that is dedicated to the burial of the dead that is accessory to an institutional use and that may include mausoleums, necessary sales, and maintenance facilities.

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

Cemeteries, Family Burial Grounds — A portion of a lot that is dedicated to the burial of the dead that is accessory to a residential dwelling unit and that does not include any associated uses found in commercial cemeteries such as crematoriums, mausoleums, necessary sales, and maintenance facilities.

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.

Clubs or Lodges — Buildings or premises owned or operated by a corporation, association, or group of persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

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.

Congregate Assisted Living Centers — A shared residential living environment for six or more elderly residents that includes assistance with daily activities such as dressing, grooming, bathing and meal preparation.

Construction — The erection of any building or structure or any preparations (including land disturbance activities) for the same.

Construction, Start of — Includes substantial improvement, and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work

beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Construction, Start of Building — The inspection and approval by the Building Codes Director of the footing and/or slab, or the placement of other substantial improvements. See also “Construction, Start of.”

Construction, Start of Development — The preparation of a site for development in accordance with either an approved plat or plan and following the issuance of a Land Disturbance Permit.

Construction, Start of Development — Includes substantial improvement, and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Contractor’s Office and Construction Equipment Sheds — A temporary structure dedicated to the storage of equipment or the provision of office space related to a construction project that is designed to be removed upon completion of the project.

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.

County Commission — The Cannon County Board of County Commissioners.

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

Cultural Institutions — Public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include movie theaters.

Day Care Centers — Any facility providing care for children, the elderly, or functionally impaired adults in a protective setting for a portion of the day and not overnight. This definition does not include any place of worship or religiously-affiliated activity which operates as a day care center outside those hours traditionally set aside for worship services. See definition for “Day Care Centers Accessory to An Institutional Use” infra. See also the definition for “Family Child Care Home” and “Group Child Care Home.” infra.

Day Care Centers Accessory to an Institutional Use — A Day care center that is incidental to a principal institutional use including, but not limited to, religious institutions and schools.

Development — The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. “Development” shall include, but not be limited to, the following:

- Construction, alteration, or enlargement of a building or structure;
- Change in the type of use of a building, structure, or land;

- Material increases in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- Commencement or expansion of resource quarrying or mining, agricultural, horticultural, or forestry activities on a parcel of land;
- Demolition of a structure or the removal of trees from a parcel of land;
- Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland; and
- Any land disturbance activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

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 or Dwelling Unit — A separate, complete housekeeping unit that has its own kitchen, sleeping area, and full bathroom facilities, but not including hotels, motels, tents, recreational vehicles, or boarding or lodging houses, which may include, but is not limited to, the following:

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.
9. “Tiny Home”. A portable dwelling that is less than 400 square feet able to be transported on a trailer with four wheels or any manner similar to the transport of a mobile home.

Dwelling Unit, Accessory — A separate, complete dwelling unit that has its own kitchen, sleeping area, and full bathroom facilities.

Dwelling Unit, Accessory Commercial — A separate, complete dwelling unit with a kitchen, sleeping area, and full bathroom facilities that is associated with a commercial use.

Dwelling, Multi-family — A building designed to incorporate two or more dwelling units, where the dwelling unit exceeds the size limits of an accessory dwelling unit and where the dwelling unit is totally separated from the other by a wall or a ceiling.

Dwelling, Principal — A dwelling or series of attached dwellings that serve as the principal use on a specific parcel.

Dwelling, Single-Family — A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

Dwelling, Single-Family on Parcels of Record — A single-family dwelling located on an individual lot of record.

Easement — Authorization in writing by a property owner for another party to use for a specified purpose any designated part of his property.

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.

Educational facilities, kindergarten — Same as a nursery school except when operated in conjunction with a school of general instruction and having accredited instruction.

Effluent (Related to Non-traditional Wastewater Treatment and Disposal Systems) — The treated wastewater discharged from a wastewater treatment system and applied to the disposal site(s).

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.

Erosion — The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

Expansion — An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures.

Expansion to an Existing Manufactured Home Park or Subdivision — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Family — One or more persons related by blood, marriage, adoption, or guardianship (including foster care), and in addition to and including up to five other unrelated persons, occupying a dwelling unit and living as a single housekeeping unit.

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.

Family Child Care Home — Any place or facility that is operated by any person or entity that provides child care for three or more hours per day for at least five children but not more than seven children who are not related to the primary caregiver; provided, that the maximum number of children present in the family child care home, including related children of the primary caregiver shall not exceed 12, with the exception that, if the family child care home is operated in the occupied residence of the primary caregiver, children related to the primary caregiver nine years of age or older will not be counted in determining the maximum number of children permitted to be present in a Family Child Care Home

if those children are provided a separate space from that occupied by the family child care home.

Family Subdivision — The division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, where the lot to be created does not meet the minimum size requirement for the Zoning District in which it is located.

Farm — See definition of “Agricultural.”

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.

Farm Wineries and Breweries — Commercial establishments located on an agricultural land with a producing vineyard, orchard, cropland or similar growing area and with facilities on the premises for fermenting, bottling wine and wine related beverages, and/or distilling fermented spirits, as well as an area devoted to the sampling and sales of alcohol—related products, with or without associated restaurants or agritourism facilities.

Farmers’ 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.

Fence — An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Fill Material — See definition of “Acceptance of Fill Material.”

Filling — The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

Final Plat — A map or plan of record of a subdivision and any accompanying material, as described in the Cannon County Subdivision Regulations.

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.

Firework Sales — A business that sells fireworks for a temporary period of time.

suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

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.

Food Truck — A vehicle from which edible food products are cooked, prepared or assembled with the intent to sell such items directly to the general public, provided further that food trucks may also sell other edible food products and non-alcoholic beverages that have been prepared or assembled elsewhere.

Footcandle — A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

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 where 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.

Garages and Carports — A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles, that includes, at a minimum, a roof on supporting walls, columns, and/or posts.

Garage Apartment — A part 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 — The average level of the finished surface of the ground.

Grading — Any operation or occurrence by which the existing site elevations are changed; or where any ground cover, natural or man-made, is removed, or any watercourse or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. This includes stripping, cutting, filling, stockpiling, or any combination thereof, and shall apply to the land in its cut or filled condition.

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

Greenhouse, Accessory to Residential Use — An enclosed building, permanent or portable, that is largely constructed of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers and other small plants and which is accessory to a residential use.

Group Child Care Home — Any place or facility operated by any person or entity that provides child care for three or more hours per day for at least eight children who are not related to the primary caregiver; provided, however, that the maximum number of children present in a group child care home, including those related to the primary caregiver, shall not exceed 12 children, with the exception that, if the group child care home is operated in the occupied residence of the primary caregiver, children related to the primary caregiver nine years of age or older will not be counted in determining the maximum number of children permitted to be present in a group child care home, if those children are provided a separate space from that occupied by the group child care home; and, provided, further, that up to three additional school age children, related or unrelated to the primary caregiver, may be received for child care before and after school, on school holidays, on school snow days and during summer vacation.

Guest Accommodations — Guest Accommodations include Guest Rooms and/or Campsites.

Guest Room — An individual sleeping room for transient guests that does not exceed 350 square feet in size and that is located within a fully enclosed building. Guest rooms that exceed 350 square feet will be considered multiple guest rooms in increments of 350 square feet. The guest room may contain a

kitchenette, but shall not contain full kitchen facilities.

Haul Road — Any road constructed, improved, or used by the operation (except public roads) that ends at the pit or mine and which is located within the permitted area.

Health Department — The Cannon County Health Department.

Heavy Industrial Uses — Manufacturing or other enterprises with significant external effects (e.g., significant outdoor manufacturing or storage) or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, and other hazardous materials. Examples of such uses include the manufacturing of alcoholic beverages, processing of meat products, processing of chemicals, petroleum, or coal products, manufacturing of rubber and plastics, leather tanning, and manufacturing of stone, clay, glass, and metal products. Other uses include the manufacturing of electrical distribution equipment, railroad yards, processing of asphalt, and transportation related industries.

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.

Hilltops and Ridgetops — Hilltops and ridgetops are areas of land with a slope of less than 15 percent, located directly above moderately steep and/or very steep slope areas, and that are completely surrounded by such steep slope areas. See Figure 13.03-A: Hilltops and Ridgetops.

Historic Site — A site that contains any structure or site listed on the National Register of Historic Places, and/or contains historic, dry-laid stone walls, cemeteries, archaeological sites, or vestiges of early human habitation.

Holder — The individual, corporation, or other entity that holds a Zoning Certificate issued under this Zoning Ordinance.

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 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, Airbnb, or bed and breakfast as herein defined.

Housekeeping Unit — One or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment or hotel.

Immediate Family — Any person who is a child by birth or by law, step-child, spouse, sibling, grandchild, grandparent, parent or step-parent.

Impervious Surface — Impervious surfaces are those which do not absorb water.

Industry —

(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.

(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).

Institutional Single-Family Home (1-8 Residents) — A home in which eight or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons reside, and may include three additional persons acting as houseparents or guardians, who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home. If such home is operated on a commercial basis, it shall be classified as a “Residential Institutional” use type, subject to applicable standards.

Intermittent Stream — Natural or man-made watercourses that cease to flow for sustained periods during a normal rainfall year (typically, during the late summer or fall months).

Junk — Means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts of junked, dismantled or wrecked automobiles, iron, steel, and other old or scrap ferrous or nonferrous material.

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.

Jurisdictional Wetland — An identified wetland area subject to jurisdiction of any Federal or State regulation.

Karst Buffer Area — An area surrounding a karst feature intended to protect the natural resource and the surrounding development from the safety hazards related to karst features.

Karst Features — Karst features shall include, but are not limited to, closed topographic depressions, soil dropouts in solution enlarged joints, exposed solution enlarged joints, sinking streams, groundwater seeps, sinkholes, surface depressions and caves.

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.

Kennel, Breeding — Any kennel whose primary use is the breeding of pet animals for sale, 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.

Kitchenette — A small area for the preparation of food and beverages, which may contain a single sink, refrigerator, microwave oven, coffee maker, etc., but which may not contain a 220V outlet for a gas or electric range, stove top or oven.

Land Disturbance Permit — A permit to allow for the cutting, disturbing, filling, moving of earth, or other land disturbing activities as regulated by the Cannon County Storm Water Management Regulations.

Land Disturbing Activity — An activity on property that results in a change in the existing soil cover, both vegetative and non-vegetative, and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

Land Use Administrator — The official hired by the County Executive to, among other duties, monitor violations of this Ordinance and any other land use ordinances, execute and enforce this Resolution and Ordinance along with the County Attorney in the appropriate Court of Law, collect fees as per the Fee Schedule of Article VII, hire and oversee the Land Use Administrator, hire and oversee the Building Inspector, maintain the Planning Department’s budget, make regular reports to the Planning Commission and BZA, and to act as the Planning Commission’s liaison with the County Commission.

Land Use Plan — See “Comprehensive Plan.”

Landfill, Private — A privately owned facility, other than a land application unit, where solid wastes are disposed of by burial in excavated pits or trenches or by placement on land and covering with soil or

other approved material.

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

Light Industrial Uses — A use engaged in the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominately from previously prepared or refined materials (or raw materials that do not need refining). Such uses may include assembly of component parts and the creation of products for sale to wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples may include research and development facilities, production assembly, manufacturing of electronic instruments or components, manufacturing of wood products, furniture, and apparel, printing and publishing businesses, preparation of food products (e.g., non-retail bakery), and pharmaceutical manufacturing.

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

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, 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.

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, Nonconforming (as utilized in Article V and Article XI) — A lot, the area, dimensions, or location of which were lawful prior to the effective date of this Ordinance, which no longer conforms to the dimensional standards because of an amendment to this Ordinance.

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

Lowest Floor — The lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

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.

Luminaire — A complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply. Luminaire shall not include the light pole or sign support structure used to support the luminaire.

Maintenance Guarantee or Bond — A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this Ordinance or to maintain same.

Manufactured Home — A factory-manufactured dwelling designed for and occupied by not more than one family or housekeeping unit that consists of sections constructed on two or more chassis, meeting the minimum standards of HUD specifications and mounted on a permanent foundation.

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.

Modular Home — A dwelling unit constructed on-site in accordance with the applicable building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Such home shall be deemed a single-family dwelling if it meets all other applicable requirements of this Ordinance. Modular homes shall meet the specifications of Southern Building Code Congress and/or the Tennessee Modular Building Code, and mounted on a permanent foundation.

Nonconforming Use (as utilized in Article V and Article XI) — 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.

Nonconformity (as utilized in Article V and Article XI) — A nonconforming use, structure, parcel of record, site feature, or sign.

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.

Outdoor Storage — The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Owner (related to Nontraditional Wastewater Treatment and Disposal Systems) — Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity, excluding homeowners' associations or other trust indentures, having legal title to or sufficient proprietary interest in the wastewater treatment and disposal systems described in this Ordinance in Article 20: Nontraditional Wastewater Treatment and Disposal Systems.

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.

Person — Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Planning Commission — The Cannon County Regional Planning Commission.

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

Platted Subdivision — A subdivision that has been formally recorded by the Cannon County Register of Deeds.

Preliminary Plat — The preliminary drawing or drawings, required as part of the subdivision process, indicating the manner or layout of the subdivision to be submitted to the Planning Commission for approval.

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.

Rehabilitation Center — A facility that provides formal, organized services designed to alter specific physical, mental, or social functions of persons under treatment by reducing disability or discomfort. Such facilities also ameliorate the signs or symptoms causing such functions, which may include counseling, vocational, social and/or educational services aimed at restoring the overall well-being, health, and abilities of those being treated.

Residential Disposal Use — These uses are designed to collect and possibly store treated residential wastewater received from offsite treatment facilities. These uses utilize land disposal of the treated effluent after it has been treated at a location offsite. The system includes all components such as collection lines, pump stations, storage ponds, and disposal systems. These uses are subject to Site Plan

approval by the Planning Commission and may be located on a development property.

Residential Institutional — These uses include group homes, protective living facilities, and sheltered care homes that are not classified as “Institutional Single-Family Homes (1-8 residents)” but that house unrelated persons.

Retirement Communities — A development that incorporates a variety of residential and nonresidential use types designed for citizens aged 55 and older. See Section 11.03:(B) (6): Retirement Communities for the residential and nonresidential use types allowed.

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.

Religious Institution — A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to facilitate public worship.

Ridgetop — See definition of “Hilltops and Ridgetops”.

Rural Retreat - Extensive — These are facilities owned and operated by a non-governmental entity for the purpose of providing a rural setting in which lodging, camping and/or conference, meeting, and event facilities are provided for compensation. The use may also include recreational amenities of a rural nature. Uses meeting the definition of Rural Retreat - Limited that exceed the size limitation for that use or provide facilities for overnight lodging or camping are also included under this category.

Rural Retreat - Limited — Facilities owned and operated by a non-governmental entity for the purpose of providing a rural training center and retreat for its employees, members, or affiliates. The use may include conference and meeting facilities, dining facilities, and recreational amenities of a rural nature, none of which shall be open to the general public. No overnight lodging or camping is permitted.

Salvage Centers — An establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. “Salvage Center” includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies, or parts awaiting disposal as a normal part of the business operation, when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills; “Salvage Center” does not include a recycling center.

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 and/or commercial 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.

Skilled Nursing Facilities — Facility which provides in-patient skilled nursing care and related services to patients who require medical, nursing or rehabilitative services but do not require the level of care provided in a hospital.

Slippage Soils — Those soils where the parent material is Colluvium (e.g., Delrose as classified by the Natural Resources Conservation Service (NRCS)).

Slope — The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Special Event – Extensive Impact — A temporary use on private property that is not usual or customary for that property and the zoning district in which the subject property is located, and is typified by any one or more of the following:

- Attendance for the event exceeds 750 people at any given time or is in excess of 1,000 people total;
- Overnight camping; or
- Exceeds two consecutive days.

Special Event – Limited Impact — A temporary use on private property that is not usual or customary for that property and the zoning district in which the subject property is located. Yard Sales are exempt from this use. See also the definition of “Special Event – Extensive Impact.”

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.

SPECIAL USE — A use that requires review by the BZA in accordance with Section 5.01: Special Use prior to being permitted in a zoning district.

Specialty Eating or Drinking Establishment — Establishments selling specialty food items that normally do not constitute a full meal, including but not limited to ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and bakeries.

Specialty Education Facility, Intellectually and Developmentally Disabled — Provides educational opportunities for post-high school individuals with intellectual and developmental disabilities such as autism and Downs’ Syndrome. In addition to educational services, this use may include housing, administrative services and convenience services such as cafeterias, retail, recreational and personal service facilities.

Stable, Accessory to a Residential Use — Any building, incidental to an existing residential principal use that shelters equine for the exclusive use of the occupants of the premises.

State — The State of Tennessee.

State of Tennessee Operating Permit — Permit issued by TDEC granting approval and authority for the operation of a wastewater treatment and disposal system within the State of Tennessee.

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.

Structural Alteration — Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Structure — Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, canopies, cisterns, sewage treatment plants, sheds, and similar accessory construction.

Structure, Nonconforming — A structure or building, the size, dimensions, or location of which were lawful prior to the adoption, revision, or amendment to this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Subdivider — A person who is acting as an "Applicant" or "Agent" as part of a subdivision application pursuant to the Cannon County Subdivision Regulations.

Subdivision — Any subdivision or re-division of a parcel of land as defined under Tennessee Code Annotated. (Also see the Cannon County Subdivision Regulations.)

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.

TCA — The Tennessee Code Annotated.

TDEC — The Tennessee Department of Environment and Conservation (TDEC).]

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.

Temporary Asphalt, Asphalt Reprocessing Plants, or Rock Quarries — Temporary asphalt and asphalt reprocessing plants or rock quarries that are used during the construction and improvement of public streets and roadways.

Temporary Shelter — A temporary dwelling unit that may be used in connection with the construction of a principal dwelling unit and that is to be removed upon completion of the principal dwelling unit.

Temporary Storage in Portable Shipping Containers — A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation.

Temporary Structures Related to Institutional Uses — A temporary structure that is related and incidental to a use within the institutional use classification that may include temporary classrooms or storage facilities.

Temporary Use Permit — A permit reviewed and approved, approved with conditions, or denied by the Land Use Administrator.

Top of Bank — The point of a streambank which coincides with its "bankfull" condition. "Bankfull" shall mean the flow stage of a watercourse in which the stream completely fills its channel and the elevation of the water surface coincides with the bank margins.

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 Tenn. Code Ann. §55-28-102(16).

Tributary Area — The drainage area upstream of a specified point including all overland flow that directly or indirectly connects down-slope to the specified point.

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

Use — Any purpose for which a lot, building, or other structure, or a parcel of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a parcel of land.

Use, Accessory — A use subordinate to and servicing the principal use or structure on the same parcel and customarily incidental thereto. See Section 11.04: Accessory Uses and Structures.

Use, Nonconforming — A use or activity that was lawful prior to the adoption, revision, or amendment of this Ordinance but that fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district in which it is located.

Use, Principal — The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.

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.

Use, Temporary — A use that is established for a fixed period of time with the intent of discontinuing such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure. Temporary uses may require a Temporary Use Permit or Special Use Approval as established in Section 11.05: Temporary Uses and Structures.

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.

Variance — A deviation from the requirements of this Ordinance that is approved, approved with condition, or denied by the BZA in accordance with Section 5.11: Variance.

Vehicle Washing Establishment — The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Vehicle, Recreational — A vehicle that is:

- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projections;
- Designed to be self-propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Very Steep Slopes — Steep slope areas where the slope exceeds 25 percent.

Violation (as utilized in ARTICLE XII) — The failure of a structure or other development to be fully compliant with the Cannon County floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

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.

Waterway Natural Area (WNA) — A strip of undisturbed native vegetation, either original or reestablished, that borders streams and rivers, ponds, lakes, wetlands, and springs.

Wetland — Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation

typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

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 — See “Land Use Administrator”.

ARTICLE III. ADMINISTRATION

Section 3.01. CANNON COUNTY BOARD OF COUNTY COMMISSIONERS.

In addition to any other authority granted to the Cannon County Board of Commissioners by the Tennessee Code Annotated, the County Commission shall have the power and duty to hear and make decisions on applications for Official Zoning Map or Zoning Text Amendments.

Section 3.02. CANNON COUNTY REGIONAL PLANNING COMMISSION.

A. Establishment.

The Cannon County Regional Planning Commission, established in accordance with the Tennessee Code Annotated, is as provided therein.

B. Powers and Duties.

In addition to the authority granted to the Planning Commission by the County Commission or the Tennessee Code Annotated, the Planning Commission shall have the following powers and duties related to this Ordinance:

1. To hear and make recommendations to the County Commission on applications for Official Zoning Map or Zoning Text Amendments;
2. To review the subdivision of land in accordance with this Ordinance; and
3. To establish rules of procedure.

Section 3.03. CANNON COUNTY BOARD OF ZONING APPEALS

A. Establishment and Membership

1. The Cannon County Board of Zoning Appeals, hereafter referred to as the BZA, established heretofore in accordance with the Tennessee Code Annotated, is hereby established and confirmed as a Board of five (5) members.
2. The appointment, terms of office, succession, removal, filling of vacancies, and their powers and duties, shall be as provided in this Ordinance and the Tennessee Code Annotated.
3. Two members of the BZA shall be members of the Planning Commission, two shall be citizens and residents of Cannon County that do not hold an elected position, and one member shall be a member of the County Commission.

B. Powers and Duties

In addition to any other authority granted to the BZA by the County Commission or the Tennessee Code Annotated, the BZA shall have the following powers and duties related to this Ordinance:

1. To hear and make decisions on development applications for Special Uses, Special Exceptions, and Variances;
2. To hear and decide Appeals alleging error in any decision, requirement, or determination made by the Building Codes Director, Codes Compliance Director, and/or Land Use Administrator in the administration and enforcement of this Ordinance; and
3. To establish rules of procedure.

Section 3.04. COUNTY STAFF.

The following members of the County staff shall have specific powers and duties related to the administration and enforcement of this Ordinance.

A. Planning Director

1. To administer the provisions of this Ordinance;
2. To assemble an agenda and prepare reports for applications subject to review by the planning commission;
3. To review and make recommendations to the County Commission and Planning Commission on applications for Official Zoning Map or Zoning Text Amendments;
4. To review and provide comments to the BZA on applications for Special Uses; and
5. To consult with all other County departments, as appropriate, regarding all applications subject to review under this Ordinance.

B. Land Use Administrator.

In addition to the authority granted to the Land Use Administrator by the County Commission, the Land

Use Administrator shall have the following powers and duties related to this Ordinance:

1. To review and provide comments to the BZA on applications for Special Uses or Variances;
2. To enforce provisions of this Ordinance;
3. To assemble an agenda and report for the BZA, as appropriate, for applications subject to review by the BZA; and
4. To maintain the official minutes and records of the BZA.

ARTICLE IV. APPLICATION OF REGULATIONS

Section 4.01. 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.

Section 4.02. 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.

Section 4.03. 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.

Section 4.04. REDUCTION OF LOT SIZE.

No lot shall be reduced in area so that the 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.).

Section 4.05. 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.

Section 4.06. 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.

Section 4.07. CANNON COUNTY MOBILE HOME PARK REGULATIONS.

All mobile home parks shall be maintained and implemented in accordance with Cannon County Mobile Home Park Regulations as codified in the Private Acts of 1998, Chapter 167, Sections 1 through 11. A copy of these regulations shall be attached hereto as Appendix A.

Section 4.08. CANNON COUNTY AUTOMOBILE GRAVEYARD AND JUNKYARD REGULATIONS.

All junkyards and automobile graveyards shall be regulated in accordance with Private Acts of 1993, Chapter 105, Sections 1 through 19. A copy of these regulations shall be attached hereto as Appendix B.

ARTICLE V. GENERAL PROVISIONS

Section 5.01. 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, which are further codified in Article XI of this *Resolution*. If any conflict between Article V and Article XI of this Resolution should arise, the stricter interpretation shall apply.

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 without encroachment into adjoining land parcels in which such use would be non-conforming.

D. Destruction and Restoration of Non-Conforming Uses

1. In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivisions and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted; provided, that no change in the use of the land is undertaken by such industry or business.
2. 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.
3. Any non-conforming industrial, commercial, or business use that is destroyed by fire or other natural disaster may be reconstructed.
4. 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 six (6) months, then the land or building or other structure shall thereafter be used only for a conforming use.

Section 5.02. OFF-ROAD AUTOMOBILE PARKING.

There shall be provided within all districts an adequate number of off-street parking spaces to accommodate the anticipated number 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.

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

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.

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.

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.

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

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.

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

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.

Quarry. See Industrial uses.

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

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

Seasonal Markets and Temporary Festivals/Events. Adequate parking will be provided.

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:

Section 5.03. 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.

Section 5.04. 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.

Section 5.05. 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.**

Section 5.06. 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.**

Section 5.07. TEMPORARY USE REGULATIONS.

The following regulations are necessary to govern the operation of certain necessary or seasonal uses

non-permanent in nature:

A. Temporary Use:

Application for a Temporary Use Permit shall be made to the Land Use Administrator. 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.

B. Temporary Buildings:

In any district, a Temporary Use Permit may be issued for a contractor's temporary office, and construction 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.

Section 5.08. SITE PLAN REQUIREMENTS.

For all new construction of multi-family, commercial and industrial uses, a site plan shall be required. The site plan shall be submitted, to the Cannon County Land Use Administrator for review and approval, at the time when application is made. The following information shall be included on the 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.**

Section 5.09. 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 non-resident (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 is questioned, 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 Land Use Administrator.

Section 5.10. TELECOMMUNICATIONS STRUCTURES - Wireless Communication Facilities and Antenna Arrays

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) Zoning districts and will be allowed as a special exception in the Agricultural

(A-1) district. Telecommunication Structures are not allowed within the county unless within a permitted zone, and, where allowed, are subject to the following requirements:

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

1. Preexisting towers and preexisting antennas shall not be required to meet this resolution, other than the requirements of state and federal regulations.
2. 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.

B. Requirements — Each applicant for an antenna and/or tower shall provide to the Cannon County Land Use Administrator the following:

1. 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:
 - a. Unwillingness of the owner to share the facility.
 - b. The equipment would exceed the structural cap of the existing approved tower and facilities.
 - c. The planned equipment would cause frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
 - d. Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively.
 - e. Other reasons make it impractical to place the proposed equipment by the applicant on existing towers or facilities.
2. 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.
3. 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.

Section 5.11. 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.

Section 5.12. General Allowable Sign Characteristics

A. 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.

B. 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.

C. 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.

D. Signage Regulations for the A-1 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 VI. ESTABLISHMENT OF DISTRICTS

For the purpose of this Resolution, Cannon County, Tennessee is hereby divided into four (4) classes of districts as follows:

R-1 – Single Family Low Density Residential District

C-1 – Commercial District

A-1 – Agricultural 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, 2018, 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.

Section 6.01. SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT (R-1)

A. 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.

B. USES PERMITTED. Within the R-1 Residential District, as shown on the Zoning Map of Cannon County, Tennessee, the following uses are permitted.

1. Detached single-family dwellings.
2. Customary accessory buildings or structures provided they are located in the rear yard and with a side/rear yard setback of five (5) feet.
3. Customary home occupations, as provided in Article IV Section 9.

C. USES PERMITTED UPON APPEAL

1. Churches and associated uses
2. Public Uses

D. USES PROHIBITED. In the R-1 Residential District all uses except those uses specifically permitted or permitted upon appeal within this resolution are prohibited.

E. AREA REGULATIONS.

1. Lot area –
 - a. Minimum required lot area w/ public water and sewer 15,000 sq. ft Minimum required lot area with public water 30,000 sq. ft.
 - b. Minimum required lot area without public water 2 acres. (Or more if required by the Tennessee Department of Environment and Conservation)
2. Front Yard – Minimum required front yard depth. 30 ft.
3. Rear yard – Minimum required rear yard depth 5 ft.
4. Side yards – Minimum required side yard widths 5 ft.
5. Corner Lots – Minimum required 30 ft.
6. Road Frontage Minimum required.
 - a. 50 ft.
 - b. Cul-de-sac 30 ft.

F. PARKING SPACE REQUIREMENTS. As regulated in Article V, Section 5.02.

G. VISION CLEARANCE. As regulated in Article V, Section 5.04.

H. ACCESS CONTROL. As regulated in Article V, Section 5.05.

I. ACCESSORY USES. As regulated in Article V, Section 5.06

Section 6.02. HIGHWAY COMMERCIAL DISTRICT (C-1)

A. 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.

B. USES PERMITTED. Within the C-1 Commercial District, as shown on the Zoning Map of Cannon County, Tennessee, the following uses are permitted:

1. All Residential uses with the exception of mobile homes and mobile home parks
2. All Commercial uses
3. Churches
4. All Agricultural Uses.

C. USES PERMITTED UPON APPEAL

1. Industrial Uses except Quarries and/or Landfills
2. Public Uses

D. USES PROHIBITED. In the C-1 Commercial District all uses except those uses specifically permitted or permitted upon appeal within this resolution are prohibited.

E. AREA REGULATIONS.

1. Lot area –
 - a. Minimum required lot area with public water 30,000 sq. ft.
 - b. Minimum required lot area without public water 1 acre. (Or more if required by the Tennessee Department of Environment and Conservation)
2. Lot width – Minimum required at lot width at front of building (building lines) 50 ft.
3. Front yard – Minimum required front yard depth 30 ft.
4. Rear yard – Minimum required rear yard depth 10 ft.
5. Side yards – Minimum required side yard widths 10 ft.
6. 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.)

F. 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.

G. PARKING SPACE REQUIREMENTS. As regulated in Article V, Section 5.02.

H. OFF-ROAD LOADING AND UNLOADING. As regulated in Article V, Section 5.03.

I. VISION CLEARANCE. As regulated in Article V, Section 5.04.

J. ACCESS CONTROL. As regulated in Article V, Section 5.05.

K. ACCESSORY USES. As regulated in Article V, Section 5.06.

Section 6.03. GENERAL INDUSTRIAL DISTRICT (I-1)

A. 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.

B. USES PERMITTED. Within the General Industrial (I-1) District, as shown on the Zoning Map of Cannon County, Tennessee, the following uses are permitted:

1. Automobile wrecking yards.
2. Cemetery.
3. Commercial Feed Lot.
4. Gas Station.
5. Gasoline Service Station.
6. Manufacturing.
7. Industrial Park.
8. Institutional Use.
9. Junkyard.
10. Livestock Market.
11. Lumber Manufacturing.
12. Park.
13. Stockyards.
14. Uses, Public and semi-public.
15. Warehouse.
16. Quarry, only upon application and approval of the BZA for Special Exception, and only as long as it fronts/abuts upon a State Highway and is not within 2,000 feet of a residence and/or residential zoning district at the time of permitting.
17. Methadone Clinics provided they meet the prescribed minimum requirements:
 - a. 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.
 - b. 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 within five hundred (500) drugs, as measured from property line to property line.
 - c. The clinic or facility shall not be located feet of any establishment that sells alcoholic beverages, for either on- or off- premise consumption, measured from property line to property line.
 - d. The facility/lot shall be located on or abut a state highway.

C. USES PERMITTED UPON APPEAL

1. Residential dwellings.
2. Mobile homes, mobile home parks, travel trailers and travel trailer parks.
3. Retail commercial sales or professional services.
4. Any industry which causes injurious or obnoxious noise, vibrations, gas, fumes, odors, dust, fire hazard or other objectionable conditions.
5. Storage of explosives.
6. Industrial Uses other than manufacturing
7. Adult-Oriented Establishments, subject to the following special restrictions:
 - a. 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.
 - b. 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.
 - c. 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.

- d. 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 o'clock p.m. Monday through Thursday, and not later than twelve 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.
- e. 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:
 - i) 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
 - ii) 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.
- f. 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.
- g. Signs and Other Visible Messages.
- h. Sign messages shall be limited to a written description of material or services available on the premises;
 - i) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises;
 - ii) 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.
 - iii) Signs shall be no more than 36 square feet in size.

D. USES PROHIBITED

All uses except those uses specifically permitted or permitted upon appeal within this resolution are prohibited.

E. AREA REGULATIONS.

1. Lot area – Minimum required lot area for all lots other than a non-hazardous solid waste disposal facility 2 acres
2. Lot Width – Minimum required lot width at front of building (building line) 100 ft.
3. Front yard – Minimum required front yard depth 75 ft.
4. Rear yard – Minimum required rear yard depth 50 ft.
5. Side yards – Minimum required side yard width 50 ft.
6. Corner Lots – Minimum required width 50 ft.

F. Screening adjacent to Residential Districts – When an industrial district is adjacent to a residential district, the industrial property shall be completely screened with evergreen vegetation or opaque screening.

G. PARKING SPACE REQUIREMENTS. As regulated in Article V, Section 5.02.

H. OFF-ROAD LOADING AND UNLOADING. As regulated in Article V, Section 5.03

I. VISION CLEARANCE. As regulated in Article V, Section 5.04.

J. ACCESS CONTROL. As regulated in Article V, Section 5.05.

K. ACCESSORY USES. As regulated in Article V, Section 5.06.

Section 6.04. AGRICULTURAL DISTRICT (A-1)

A. 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.

B. USES PERMITTED. In order to achieve the intent of the A-1 Zoning District, as shown on the Zoning Map of Cannon County, Tennessee, the following uses are permitted:

1. Agricultural Uses
2. Single Family Residential Structures and Accessory Structures without any human habitation.

C. USES PERMITTED ONLY UPON APPEAL - All uses not specifically permitted.

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

1. Lot area –
 - a. Minimum required lot area for single family detached residential structures with public water 30,000 square feet.
 - b. Minimum required lot area for single family detached residential structures without public water 2 acres. (Or more if required by the Tennessee Department of Health and Environment.)
 - c. See “Definitions” Section for Lot Area requirements for Mobile Home Parks and Travel Trailer Parks. Also See Mobile Home Park/Travel Trailer Park Regulations Appendix A.
2. Front yard – Minimum required front yard depth for all buildings except farm buildings 30 ft.
3. Rear yard – Minimum required rear yard depth for all buildings except farm buildings 5 ft.
4. Side yards – Minimum required side yard widths for all buildings except farm buildings 5 ft.
5. Corner Lots that abut a State or Federal Highway Minimum required setback 25 ft.

E. PARKING SPACE REQUIREMENTS. As regulated in Article V, Section 5.02.

F. OFF-ROAD LOADING AND UNLOADING. As regulated in Article V, Section 5.03

G. VISION CLEARANCE. As regulated in Article V, Section 5.04.

H. ACCESS CONTROL. As regulated in Article V, Section 5.05.

I. ACCESSORY USES. As regulated in Article V, Section 5.06.

ARTICLE VII. ENFORCEMENT

Section 7.01. ENFORCEMENT OFFICER.

The provisions of this Resolution shall be administered and enforced by the Cannon County Land Use Administrator. 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 ensure compliance with the various provisions of this Resolution.**

Section 7.02. 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.

Section 7.03. 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 Land Use Administrator 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.

Section 7.04. SCHEDULE OF FEES.

All application and permit fees shall be set by the county commission:

Subdivision Preliminary Plat Review Application -----	\$400.00
A. Subdivision Preliminary Lot Review (per lot) Application -----	\$75.00
B. Subdivision Final Plat Review Application-----	\$400.00
C. Subdivision Final Lot Review (per lot) Application -----	\$75.00
D. Subdivision Waivers Fee -----	\$50.00
E. Subdivision Bond Extension Fee-----	\$50.00
F. Zoning Compliance Permit-Residential Fee (per sqft) -----	\$.95
G. Zoning Compliance Permit-Commercial (per sqft) Fee -----	\$1.95
H. Zoning Compliance Permit-Industrial (per sqft) Fee -----	\$2.95
I. Zoning Compliance Certificate Fee-----	\$50.00
J. Rezoning Application-----	\$500.00
K. BZA Special Exception Application-----	\$300.00
L. BZA Variance Application-----	\$300.00
M. BZA Temporary Use Permit Application -----	\$300.00
N. Floodplain Development Permit -----	\$300.00
O. Appeal of a Land Use Administration Determination to BZA -----	\$300.00

ARTICLE VIII. BOARD OF ZONING APPEALS

Section 8.01. 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.

Section 8.02. 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.

Section 8.03. 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 Land Use Administrator based in the whole or part on provisions of this Resolution. Such appeal shall be taken within thirty (30) days by filing with the Land Use Administrator and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Land Use Administrator 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.

Section 8.04. 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 Land Use Administrator 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.

E. 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.

F. 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 Land Use Administrator. 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 IX. AMENDMENT

Section 9.01. 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.

Section 9.02. 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.

Section 9.03. 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 X. LEGAL STATUS PROVISIONS

Section 10.01. 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.

Section 10.02. 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 XI. NONCONFORMITIES

Section 11.01: Nonconformities Generally

A. PURPOSE

Upon adoption of this Ordinance, there will exist certain uses of land, structures, parcels of record, and signs that were lawfully existing but will hereafter no longer conform to this Ordinance's terms and requirements. The purpose and intent of this Article is to regulate the continued existence of those uses, structures, parcels of record, and signs that do not conform to the provisions of this Ordinance, or any amendments thereto.

B. APPLICABILITY

Any lawful use of land or structure existing on the effective date of this Ordinance, or subsequent amendment thereto that is located in a zoning district in which it would not be permitted as a new use, or where the structure or lot does not comply with the applicable dimensional standards, is declared to be a legal nonconformity.

C. AUTHORITY TO CONTINUE

Nonconformities are allowed to continue in accordance with the requirements of this Section.

D. BURDEN OF PROOF

The burden of establishing that any nonconformity is a legal nonconformity, as defined by this Ordinance, shall, in all cases, be upon the owner of the nonconforming use, lot, structure, or sign, and not upon the County.

E. EXCEPTION DUE TO VARIANCE OR OTHER MODIFICATION

The requirements of this Section shall not apply to a development standard or feature that is the subject of an approved Variance or a condition of a Special Exception. Where a Variance or condition of a Special Exception has been granted for a development standard or feature that does not otherwise conform to the requirements of this Ordinance, that development standard or feature shall be deemed conforming.

F. CHANGE OF TENANCY OR OWNERSHIP

Changes of tenancy, ownership, or management of an existing nonconformity are permitted but shall continue to be subject to the requirements of this Subsection, and such nonconforming use shall not be changed to any other nonconforming use.

Section 11.02: Nonconforming Uses

A. CHANGE OF USE

1. A nonconforming use may be changed to a conforming use in accordance with the applicable requirements in this Ordinance, but in no event shall a nonconforming use be converted to another nonconforming use or replace an abandoned or discontinued nonconforming use.
2. A nonconforming Quarry use may not be changed to a nonconforming landfill use or vice versa.
3. No use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure has ceased or been removed, unless the accessory portion conforms to all regulations of this Ordinance. This Paragraph shall prevail over any other provisions of this Ordinance that may be interpreted to the contrary.

B. EXPANSION AND ENLARGEMENT OF NONCONFORMING USE

1. Except where otherwise allowed by Tennessee Code Annotated, nonconforming uses shall not be enlarged unless such alteration will bring the use into full compliance with all requirements of this Ordinance.
2. Except where otherwise allowed by Tennessee Code Annotated, nonconforming salvage center use types may not be expanded in any manner.

C. DISCONTINUANCE OR ABANDONMENT

1. Nonconforming use types under the Extractive Industry Use Category and nonconforming salvage center uses shall not be permitted to renew operations once the use is discontinued or abandoned for six months or more.
2. A nonconforming mobile home that has been abandoned or not used for six months or longer shall be assumed to be abandoned, regardless of any intent to resume or not to abandon the use, and shall be completely terminated.
3. All other nonconforming uses that have ceased for 1 year or greater shall be assumed to be abandoned, regardless of any intent to resume or not to abandon the use, and the use shall be completely terminated. Any new use of the land or structure shall be in conformity with the applicable zoning district.

D. NONCONFORMING USES AND FLOODPLAINS

Nonconforming uses in special flood hazard areas shall comply with the provisions of this Article and ARTICLE XII: Flood Hazard Reduction and Compliance with the National Flood Insurance Program (NFIP).

E. NONCONFORMING ACCESSORY USES

A nonconforming use that is accessory to a principal use shall not make the principal use nonconforming.

F. CONTINUATION OF NONCONFORMING USE AFTER CASUALTY DAMAGE

If a nonconforming use is destroyed, or partially destroyed and a Building Permit is not obtained within 6 months, then the structure or use shall not be rebuilt, restored, or reoccupied for any purpose unless it shall thereafter conform to all regulations of this Ordinance.

G. NONCONFORMING USE OF PART OF A STRUCTURE

A nonconforming use in one part of a structure shall not affect the status of conforming uses in other parts of the same structure.

H. RELOCATION OF A NONCONFORMING USE

A nonconforming use shall not be relocated, in whole or in part, to any other location in the County unless it is to a parcel where the use will be conforming in accordance with the applicable zoning district.

Section 11.03: Nonconforming Structures

A. RELATIONSHIP WITH NONCONFORMING USES

Where a nonconforming structure houses a nonconforming use, the regulations for nonconforming structures and nonconforming uses shall both apply. In case of conflict, the rules for nonconforming uses shall prevail.

B. ENLARGEMENT

Nonconforming structures shall not be enlarged, extended, or modified unless such alteration is in full compliance with all requirements of this Ordinance.

C. GOVERNMENTAL ACQUISITION OF A PORTION OF A PARCEL

Governmental acquisition of a portion of a parcel for a public purpose that results in reduction in a required yard or building setback below that required shall not render the structure legally nonconforming.

D. CONTINUATION OF NONCONFORMING STRUCTURE AFTER CASUALTY DAMAGE

In the event a nonconforming structure is damaged or destroyed, it may be rebuilt to its previous level of nonconformity so long as the Building Permit is obtained within 6 months after the date the damage or destruction occurred.

E. RELOCATION OF A NONCONFORMING STRUCTURE

1. Nonconforming Principal Structures

A nonconforming principal structure shall not be relocated, in whole or in part, to any other location on the parcel or another parcel in the County unless, once relocated, the structure will be conforming in accordance with the applicable zoning district.

2. Nonconforming Accessory Structures

- a. A nonconforming accessory structure shall not be relocated, in whole or in part, to another location on the parcel unless such relocation results in a decrease in the degree of nonconformity and provided that such relocation does not create a new nonconformity.
- b. A nonconforming accessory structure shall not be relocated, in whole or in part, to another parcel unless, once relocated, the structure will be conforming in accordance with the applicable zoning district.

Section 11.04: Nonconforming Lots

A. DEVELOPMENT PROHIBITED

No use or structure shall be established on a lot of record that does not conform to the standards established in this Ordinance, except in accordance with this Subsection.

B. UNIMPROVED NONCONFORMING PARCEL OF RECORD

If a nonconforming unimproved parcel of record was part of a subdivision or other division of land evidenced by plat or deed, or both, recorded prior to the effective date of this Ordinance, any use allowed in the applicable zoning district may be developed on the lot, even though the lot does not meet the minimum lot area, or minimum lot width established provided that the development conforms to all other requirements of this Ordinance.

C. GOVERNMENTAL ACQUISITION OF A PORTION OF A LOT OR PARCEL

Governmental acquisition of a portion of a lot or parcel for a public purpose that results in a reduction in lot area, lot width, or setbacks below that which are required shall not render the lot or parcel legally nonconforming.

Section 11.05: Nonconforming Signs

A. ENLARGEMENT

Nonconforming signs shall not be enlarged, extended, or modified, except where otherwise allowed by the Tennessee Code Annotated.

B. REPLACEMENT, RECONSTRUCTION, OR RELOCATION

A nonconforming sign shall not be replaced, reconstructed, or relocated in whole or in part to any other location on the same or any other parcel unless the replaced, reconstructed, or relocated sign conforms to the provisions of this Ordinance.

C. MAXIMUM SIGN HEIGHT OF NONCONFORMING SIGNS

The maximum sign height regulation for existing nonconforming signs (businesses such as convenience stores with gasoline sales, etc.) shall be adjusted by the Land Use Administrator based on safe height clearances for vehicles accessing the property.

D. TERMINATION OF NONCONFORMING SIGNS

Nonconforming signs shall not be changed, expanded, or altered in any manner that would increase the degree of nonconformity, prolong the useful life, or be moved in whole or in part to any other location where it would remain nonconforming, except where otherwise allowed by the Tennessee Code Annotated.

1. Termination by Damage or Destruction

Any nonconforming sign damaged or destroyed, by any means, shall be terminated and shall not be restored.

2. Termination by Change of Business

Any nonconforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change in text advertising or relating to the new business.

3. Termination by Discontinuance of Business

Signs that advertise a business no longer conducted or a product no longer sold on the premises where such sign is located shall be terminated and shall not be restored.

4. Termination by Abandonment

Any nonconforming sign, the use of which as a sign is discontinued for a period of 90 consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this Ordinance, except where otherwise allowed by the Tennessee Code Annotated. Abandonment shall, in this Section, mean having electricity disconnected for lighted signs, no message, or the failure to repair damaged signs.

**ARTICLE XII. FLOOD HAZARD REDUCTION AND COMPLIANCE
WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP)**

Section 12.01: Statutory Authorization, Findings of Fact, Purpose and Objectives

A. STATUTORY AUTHORIZATION

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated delegated the responsibility to the county legislative body to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Cannon County, Tennessee, Mayor and County Commission, do resolve as follows:

B. FINDINGS OF FACT

1. The Cannon County, Tennessee, Mayor and its Legislative Body wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3;
2. Areas of Cannon County, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

C. STATEMENT OF PURPOSE

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Article is designed to incorporate, by reference, all provisions and restrictions of the most recent CANNON COUNTY FLOOD DAMAGE PREVENTION RESOLUTION as enacted by the Cannon County Board of Commissioners.

ARTICLE XIII. EFFECTIVE DATE

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

Certified by Planning Commission

Approved by County Commission

County Executive

Attest:
County Clerk

AMENDED BY RESOLUTION OF THE CANNON COUNTY BOARD OF COMMISSIONERS AND REGIONAL PLANNING COMMISSION FOLLOWING NOTICE AND PUBLIC HEARING ON **MARCH 2, 2023** TO REFLECT THE HEREIN.

Boyd Barker, Chairman
Cannon County Regional Planning Commission

Appendix A: MOBILE HOME PARK REGULATIONS

Private Acts of 1998, Chapter 167, Sections 1 through 11:

SECTION 1. Purpose and Scope.

The purpose of this act is to provide areas within the confines of Cannon County outside the corporate limits of Auburntown and Woodbury for the location and development of planned mobile home parks. These areas shall be developed and located so as to provide safe and sanitary living conditions for mobile home occupants and to be convenient to employment, shopping centers, schools and other community facilities. These regulations shall be entitled the "Cannon County Mobile Home Park Regulations".

SECTION 2. Definitions.

(1) "Buffer strip" means a planted material or other material as may be approved by the Cannon County Regional Planning Commission which will provide a screen not less than six feet (6') in height;

(2) "Mobile home" means a detached single-family dwelling unit with all of the following characteristics:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;

(b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels;

(c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking, and assembly operations, location of foundation supports, connection to utilities and the like; and

(d) Double-wide mobile homes and modular homes set upon permanent foundations are excluded from this definition and these regulations.

(3) "Mobile home park" means any plot of ground containing a minimum of two (2) acres upon which three (3) or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale. A mobile home park cannot be developed on a site that is less than two (2) acres in size.

SECTION 3. It is unlawful for any person to place or maintain three (3) or more mobile homes for living or sleeping purposes on any premises or tract of land in Cannon County outside the corporate limits of Auburntown and Woodbury unless they are contained within a planned mobile home park duly permitted pursuant to the provisions of this act.

SECTION 4. The Cannon County Regional Planning Commission shall grant approval of a mobile home park when all the provisions of this act have been met. An application and all accompanying plans and supporting data shall be filed in duplicate with the Planning Commission at least seven (7) days prior to a regular meeting of the Commission.

SECTION 5. The owner or lessee of the land parcel proposed for a mobile home park shall submit a plan for development to the Cannon County Planning Commission for approval. The plan shall show:

(a) The park plan drawn to scale;

(b) The area and dimensions of the proposed park;

(c) The location and width of all driveways and walkways;

(d) The location and dimensions of any proposed service building and structures;

(e) The location of all water and sewer lines;

(f) The location of all equipment and facilities for refuse disposal and other park improvements.

(g) A plan for drainage of the park;

(h) A certificate of accuracy signed by the surveyor or engineer that the boundary survey is correct;

(i) A certificate and signature of the County Environmentalist stating suitability for subsurface sewage disposal;

(j) A certificate for Planning Commission approval; and

(k) Any other information deemed pertinent by the Planning Commission.

SECTION 6. Minimum Standards.

(a) A mobile home park shall contain a minimum of two (2) acres.

(b) Mobile home parks shall be designed so that the distance between mobile homes and between mobile homes and any attached or unattached structure of another mobile home is a minimum of thirty (30) feet in all directions.

(c) The site shall be located on a well-drained and flood-free site with proper drainage. The Cannon

County Flood Insurance Rate Map date 7/1/91 or subsequent updates to said maps shall be used to determine floodable areas.

(d) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.

(e) The site shall be located with direct access to an existing county or state road.

(f) The Planning Commission may attach special conditions and safeguards to protect both the occupants of the park and the occupants of surrounding property from such elements as noise, light and dust. Where required to serve these ends, walls, planting, surfacing or other material or artificial means for protection may be required as a part of such special conditions.

(g) The mobile home park shall not contain more than four (4) individual mobile home spaces per gross acre.

(h) Service buildings shall be a permanent construction, adequately ventilated and lighted.

(i) An approved water supply and sewer shall be provided to each mobile home space. Piping and connections shall be as specified and approved by the County Environmentalist.

(j) All service buildings shall be convenient to the spaces which they serve and shall be maintained in a clean and sanitary condition.

(k) The drives, walks, and parking areas shall be paved with hard surface material which shall be not less than double bituminous surface.

(l) Roadways shall be a minimum of eighteen feet (18') in width.

(m) Entrances and exits to the mobile home park shall be designed for safe and convenient movement of traffic into and out of the park and shall be located and designed as prescribed by the Cannon County Planning Commission.

(n) Any part of the park areas not used for building or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks.

(o) The park shall be adequately lighted at night with security lights.

(p) Each mobile home shall be set back a minimum of thirty feet (30') from any public street and a minimum of fifteen feet (15') from all property lines.

(q) Each mobile home park shall provide at least two (2) off-street parking spaces for each mobile home unit. The parking spaces shall be located for convenient access to the mobile home units.

(r) All mobile homes, service buildings, and the grounds of the park shall be maintained in a clean, slightly condition and kept free from any conditions that will menace the health of any occupant or the public or constitute a nuisance.

(s) Fire hydrants will be required if sufficient size water lines are available to serve the hydrants.

(t) In each mobile home park, the duly authorized attendant or caretaker shall be charged at all times to keep the mobile home park, its facilities and equipment, in a clean, orderly, safe and sanitary condition.

(u) It is unlawful for any person to maintain or operate a mobile home park within the Cannon County Planning Region, unless such person first obtains approval from the Cannon County Regional Planning Commission.

(v) There shall be no more than one (1) mobile home per septic tank and drainage field.

(w) A buffer strip shall be provided along all property lines of the park except across ingress and egress points to county roads.

SECTION 7. Enforcement and Penalties for Violation.

The county may enforce this Mobile Home Park Regulation by action or injunction. Any person or persons who willfully neglects or refuses to comply with any of the provisions of this act shall be subject to a civil penalty of not more than fifty dollars (\$50.00) for each offense. Each day of violation shall constitute a separate offense.

SECTION 8. Review Power of the Commission.

(a) Any of the foregoing provisions may, at the discretion of the Cannon County Planning Commission, be waived for good and sufficient reasons. However, all mobile home park requests shall be submitted to the Planning Commission for review and shall be accompanied by a mobile home park development plan. The Planning Commission shall review all mobile home park plans for preliminary and final approval.

(b) Expansion of existing mobile home parks shall be submitted to the Cannon County Planning Commission for approval and must conform to the standards set forth in this act.

(c) The Cannon County Regional Planning Commission shall have the authority to establish operational procedures for administering the provisions of this act and to establish reasonable fees for the administration thereof.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Cannon County. Its approval or non-approval shall be proclaimed by the Presiding officer of the County Legislative Body of Cannon County and certified to the Secretary of State.

SECTION 11. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 10.

Passed: April 27, 1998.

Appendix B: AUTOMOBILE GRAVEYARD AND JUNKYARD REGULATIONS.

Private Acts of 1993, Chapter 105, Sections 1 through 19:

SECTION 1. For the purpose of Sections 1 through 5 of this act, "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operative, are placed, located or found. The term "automobile graveyard" or "automobile junkyard" does not include an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

SECTION 2. An automobile graveyard may not be established within one thousand feet (1000') of any county road in Cannon County. An automobile graveyard may not be established within one thousand feet (1,000') of any dwelling. Provided, however, this added restriction on the establishment of automobile graveyards located in relation to such U.S. numbered routes shall not apply in any case if the land where an automobile graveyard is to be established has been specifically designated or zoned for such by the governing body of the county or city in which it is proposed to be established.

SECTION 3. A person who maintains an automobile graveyard, any part of which is within one thousand feet (1,000') of any county road or dwelling, shall erect and maintain a fence around such automobile graveyard. Such fence shall be not less than eight (8') feet tall and sufficient to conceal such automobile graveyard for the view of a person standing at the same level as such graveyard. A fence shall be required in any case when erection thereof would not effectively conceal a substantial portion of such automobile graveyard from the view of a person on such county road or dwelling.

SECTION 4. If an automobile graveyard is located within the one thousand feet (1,000') limitation with respect to a county road or dwelling, and such automobile graveyard is not operated as a business by anyone, and is not used for any purpose whatsoever, and no one claims ownership of such automobile graveyard, then the owner of the land on which such automobile graveyard is located is responsible for the removal of such automobile graveyard.

SECTION 5. A citizen residing within a one (1) mile radius of an automobile graveyard may apply to a court in the county to abate the activities prohibited by Sections 1 through 4 of this act, but it is hereby declared to be a specific duty for the members of the Cannon County Sheriff's Department to enforce the provisions of Sections 1 through 4 of this act. A person violating any provision of Section 1 through 4 of this act may be punishable by a civil penalty of not more than fifty dollars (\$50). Each day's (sic) subsequent violation is a separate violation.

SECTION 6. For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways and county roads, and to preserve and enhance the scenic beauty of lands bordering public highways and county roads, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the county road system and dwellings within this county. The county legislative body hereby finds and declares that a junkyard which does not conform to the requirements of Section 6 through 17 is a public nuisance.

SECTION 7. Whenever used in Sections 6 through 17 of this act:

(1) "Automobile graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Five (5) or more such vehicles constitute an automobile graveyard.

(2) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials.

(3) "Junkyard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills.

Provided, however, a "junkyard" does not include a "recycling center"(sic). For purposes of this chapter, "recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying or selling which is maintained, operated,

or used for the storing, keeping, buying or selling of newspaper or used food or beverage containers for the purpose of converting such items into a usable product.

(4) "Main traveled way" means the traveled. (sic) way of a highway on which through traffic is carried. In case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage road, turning roadways, or parking areas.

(5) "Cannon County Planning Commission" means the county planning commission as it is duly organized in Cannon County, Tennessee.

(6) "Cannon County Road Department" means the commissioner of roads and the employees that are directed with the duty to care and maintain the county road system as required by law.

SECTION 8. (a) A person may not establish, operate, or maintain a junkyard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right-of-way of any county road designated by the county road department, except the following:

(1) Those located within areas which are zoned for industrial use under authority of law;

(2) Those which are not visible from the main-traveled way of the system.

SECTION 9. A junkyard lawfully in existence when this act is enacted which is within one thousand feet (1000') of the nearest edge of the right of way and visible from the main-traveled way of any county road, shall be screened by an eight (8) foot fence so as not to be visible from the main-traveled way of such county roads, and the operator or property owner shall pay the cost of installation.

SECTION 10. The Road Commissioner of Cannon County may promulgate and enforce rules and regulations required to carry out the provisions of this chapter.

SECTION 11. It is the duty of anyone wishing to open a junkyard as defined by this act, to appear and seek approval before the Cannon County Planning Commission before beginning operations.

SECTION 12. The Cannon County Road Commissioner may apply to any court in the county for an injunction to abate a nuisance under this act. The county attorney and the sheriff's department are authorized to assist the commissioner in the enforcement of this chapter.

SECTION 13. (a) On or after the enactment of this act, it is unlawful for a person to locate a junkyard within one thousand feet (1000') of the nearest edge of the right-of-way of any county road or within one thousand feet (1000') of any dwelling.

SECTION 14. Nothing contained in this chapter shall be construed as restricting the legislative authority of cities and towns from regulating junkyards within their respective jurisdictions.

SECTION 15. It is the intent of this act that an automobile junkyard shall be operated as a business and maintained daily by the owner or operators of such, keeping normal business hours so as not to become a nuisance to the general public.

SECTION 16. A person who establishes, operates or maintains a junkyard, or who operates a junkyard contrary to the provisions of this act, commits a violation of this act punishable by a civil penalty of twenty-five dollars (\$25.00). Each day's (sic) subsequent violation is a separate violation.

SECTION 17. A junkyard in existence on the day of enactment of this act is exempt from the provisions of this act.

SECTION 18. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Cannon County Commission. Its approval or non-approval shall be proclaimed by the presiding officer of the Cannon County Commission and certified to the Secretary of State.

SECTION 19. For the purpose of approving or rejecting the provision of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 18.

Passed: May 18, 1993.