

TITLE 11

CITY OF COOKEVILLE MUNICIPAL CODE

CHAPTER 2

ZONING CODE

SECTION 201

GENERAL PROVISIONS

(As amended by Ordinance Nos. O03-12-25, O06-12-28 and O09-12-21)

SECTION 201.1 TITLE

Chapter 2, Sections 201 through 236 of Title 11 of the Cookeville Municipal Code shall be known as the “Official Zoning Code of the City of Cookeville, Tennessee” and the map herein referred to, which is identified by the title “Official Zoning Map of the City of Cookeville, Tennessee,” dated December 20, 2001, shall be made a part of Chapter 2, Sections 201 through 235 of Title 11 of the Cookeville Municipal Code.

SECTION 201.2 PURPOSE

This Official Zoning Code is enacted for the following purposes:

- 201.2A To promote and protect the public health, safety, comfort, convenience, and general welfare of the people;
- 201.2B To divide the municipality into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, industrial, and other specified uses;
- 201.2C To protect the character and maintain the stability of residential, business, commercial, and industrial areas within the corporate limits of the City of Cookeville, and to promote the orderly and beneficial development of such areas;
- 201.2D To provide adequate light, air, privacy, and convenience of access to property;
- 201.2E To regulate the intensity of open spaces surrounding buildings that are necessary to provide adequate light and air and protect the public health;
- 201.2F To establish building lines and the location of buildings designated for residential, business, commercial, industrial, or other uses within such lines;
- 201.2G To fix reasonable standards to which buildings or structures shall conform;

- 201.2H To prohibit uses, buildings, or structures, which are incompatible with the character of development or the permitted uses within specified zoning districts;
- 201.2I To prevent such additions to, and alteration or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
- 201.2J To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;
- 201.2K To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of public health, safety, comfort, and general welfare;
- 201.2L To prevent the overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;
- 201.2M To conserve and enhance the property values of land and buildings throughout the corporate limits;
- 201.2N To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;
- 201.2O To define and limit the powers and duties of administrative officers and bodies as provided herein;
- 201.2P To protect and in general allow for the beneficial uses of property in a like manner to that which was permitted under the previous zoning regulations (Ordinance No. 88104, as amended);
- 201.2Q These general purposes include the specific purposes stated in the various chapters throughout this Zoning Code.

SECTION 201.3 APPLICABILITY

- 201.3A The provisions of this Zoning Code shall apply to all land within the corporate limits of the City of Cookeville.
- 201.3B No building 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, except as herein provided.

SECTION 201.4 MINIMUM STANDARDS

The provisions of this Zoning Code shall be considered the minimum requirements necessary, for the promotion of the public health, safety and general welfare.

SECTION 201.5 CONFLICTING PROVISIONS

When the provisions of this Zoning Code are inconsistent with one another or when they conflict with provisions found in other adopted ordinances or regulations, the more restrictive provision shall apply.

SECTION 201.6 SEVERABILITY

If any court of competent jurisdiction declares any part of this Zoning Code to be invalid that ruling shall not affect any other provisions of this Zoning Code not specifically included in that ruling.

SECTION 201.7 PRIVATE AGREEMENTS

The provisions of this Zoning Code are not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or private agreement; provided, however, that where the provisions of this Zoning Code are more restrictive or impose higher standards, the provisions of this Zoning Code shall apply.

SECTION 201.8 NONCONFORMITIES

The purpose of this Section is to establish regulations and limitations on the continued existence of uses, lots, and structures established prior to the effective date of this Zoning Code which do not conform to the provisions of this Zoning Code.

Any nonconforming lot, structure, or use of land or structure which existed lawfully at the time of the enactment of this Zoning Code and which remains nonconforming and any lot, structure, use, or use of structure which shall become nonconforming upon enactment of this Zoning Code or any subsequent amendments thereto may be continued subject to the provisions of this Section.

To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

201.8A NONCONFORMING LOTS OF RECORD

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-family dwelling and customary accessory building may be erected on any single lot of record as of the enactment of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for 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.
2. If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Code, and if all or part of the lots do not meet the requirements for lot width and area established by this Zoning Code, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Code, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Zoning Code, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Zoning Code.

201.8B NONCONFORMING USE OF LAND

No nonconforming use of land shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.

201.8C CHANGE OF NONCONFORMING USE

1. For the purpose of this Zoning Code, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.
2. Change to a Conforming Use. A nonconforming use may be changed to any conforming use, and the applicable lot area regulations and off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use. Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
3. Change to Another Nonconforming Use of Same Classification. An existing nonconforming use of a structure may be changed to another nonconforming use of the same classification; provided, however, that establishment of another nonconforming use of the same classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require to protect the area.

201.8D EXPANSION OF STRUCTURES WITH NONCONFORMING USES

1. Nonconforming industrial, commercial, or business uses may construct additional facilities that would allow the operations of the establishments to be expanded provided there is enough space to meet the area requirements of the district and provided it is done in accordance with the provisions of Section 13-7-208 of the Tennessee Code.
2. The property on which the expansion will take place must be owned by the industry or business situated within the area which is affected by the change in zoning. The acquisition of additional land for the purpose of expanding an existing nonconforming industry or business is prohibited.

201.8E NONCONFORMING USES OF STRUCTURES

Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.

201.8F DEMOLITION, DESTRUCTION, AND RECONSTRUCTION

1. Nonconforming industrial, commercial or other business establishments shall be allowed to demolish present facilities and reconstruct new facilities necessary to the conduct of such industry or business when in accordance with the provisions specified in Section 13-7-208 of the Tennessee Code and provided that new facilities are utilized for the same land use that was previously allowed, and provided that the new facilities meet minimum yard requirements, maximum lot coverage requirements, and general parking requirements.
2. Any nonconforming structure or structure used for a nonconforming use that is destroyed by fire or other natural disaster may be reconstructed to the point of use and size at the time the disaster occurred provided all provisions of Section 13-7-208 of the Tennessee Code are met.
3. A building permit for the reconstruction of a nonconforming structure or a structure used for a nonconforming use must be obtained within six (6) months of the date of demolition or destruction of the structure. Any reconstruction must be completed within twelve (12) months of the date of the issuance of the building permit.

201.8G DISCONTINUANCE OR ABANDONMENT (as amended by Ordinance No. 006-12-28)

When a nonconforming use of land or a nonconforming use of part or all of a structure is discontinued or abandoned for a period as specified by Tennessee Code Section 13-7-208 such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such land or structure is located.

201.8H MAINTENANCE, REPAIRS, ALTERATIONS, ENLARGEMENT AND MOVEMENT

1. Any nonconforming structure may be maintained, repaired, altered or enlarged; provided however, that no such maintenance, repair, alteration or enlargement shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.
2. Nothing in this Zoning Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
3. A nonconforming structure shall not be moved in whole or in part, for any distance, to any other location on the same or any other lot unless the entire structure shall thereafter conform with the regulations of the zoning district in which it is located after being moved.

201.8I USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS) NOT NONCONFORMING USES

Any use for which a special exception is permitted as provided in this Zoning Code shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

201.8J DENSITY BONUS IN CERTAIN RESIDENTIAL DISTRICTS FOR CONVERSION OF NONCONFORMING USE TO CONFORMING USE (As amended by Ordinance No. O03-12-25)

In the RS-20, RS-15, RS-10, and RS-5, Single Family Residential Districts and the RD, Single Family and Duplex Residential District, the Planning Commission may approve a density bonus to encourage the conversion of nonconforming uses to conforming uses, but only in accordance with the following conditions:

1. A request for a density bonus for the conversion of a nonconforming use to a conforming use shall be submitted to the Planning Department and shall include a description of the existing nonconforming use and the proposed conforming use.
2. The density bonus shall not exceed fifteen (15) percent of the minimum lot area requirement per dwelling unit.
3. The nonconforming use shall be discontinued within ninety (90) days from the date of approval of the reduction in the lot area requirement.
4. All setback requirements shall be met.
5. If the proposed conforming use requires the subdivision of property, a plat in conformance with the requirements of the Cookeville Subdivision Regulations shall be submitted and considered for approval in conjunction with the request for reduction in the minimum lot area requirement.

201.8K DENSITY BONUS IN THE RM-8, MULTI-FAMILY RESIDENTIAL DISTRICT, FOR CONVERSION OF A NONCONFORMING USE TO A CONFORMING USE (As amended by Ordinance No. O09-12-21)

In the RM-8, Multi-Family Residential District, the Planning Commission may approve a density bonus to encourage the conversion of nonconforming uses to conforming uses, but only in accordance with the following conditions:

1. A request for a density bonus for the conversion of a nonconforming use to a conforming use shall be submitted to the Planning Department and shall include a description of the existing nonconforming use and the proposed conforming use.
2. A site plan depicting the location, height and bulk of all buildings and structures, parking areas, landscaping and other improvements, and any additional information as required by the Planning Commission shall be submitted to and approved by the Planning Commission. Information on the type, use and number of units for each structure, and elevations and perspective drawings of structures shall also be submitted to and approved by the Planning Commission.
3. The density bonus shall not exceed twenty (20) percent of the minimum lot area requirement per dwelling unit.
4. The nonconforming use shall be discontinued within ninety (90) days from the date of approval of the reduction in the lot area requirement.
5. All setback requirements shall be met.

6. If the proposed conforming use requires the subdivision of property, a plat in conformance with the requirements of the Cookeville Subdivision Regulations shall be submitted and considered for approval in conjunction with the request for reduction in the minimum lot area requirement.