

SECTION 233**ADMINISTRATION AND ENFORCEMENT**

(As amended by Ordinance Nos. O03-10-20, O11-09-18 and O20-05-07)

SECTION 233.1 ADMINISTRATION AND ENFORCEMENT OFFICER

The provisions of this Zoning Code shall be administered and enforced by the Building Official as designated by the City Manager. The Building Official may be provided with the assistance of such other persons as the City Manager may direct.

SECTION 233.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL

If the Building Official shall find that any of the provisions of this Zoning Code are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Building Official shall order discontinuance of the illegal use of: land; buildings or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Zoning Code to insure compliance with or to prevent violations of its provisions.

SECTION 233.3 BUILDING PERMIT REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Official. No building permit shall be required to make general repairs to any existing structure where the cost of said repairs does not exceed \$1,000.00, and the size of the said structure to be repaired is not increased or decreased. No building permit shall be issued except in conformity with the provisions of this Zoning Code, except after written order from the Board of Zoning Appeals.

233.3A APPLICATION FOR BUILDING PERMIT

1. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the locations and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including existing or proposed buildings or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Zoning Code.
2. One copy of the plans shall be returned to the applicant by the Building Official after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans similarly marked, shall be retained by the Building Official.

233.3B BUILDING PERMIT DOES NOT WAIVE PROVISIONS

The issuance of a building permit shall, in no case, be construed as waiving any provisions of this Zoning Code. The Building Official may revoke a building permit upon determination that the construction or activity for which the permit was issued is in violation of or not in conformity with the provisions of this Zoning Code.

233.3C EXPIRATION OF BUILDING PERMIT APPLICATION AND BUILDING PERMIT

1. Applications for any building permit shall expire six (6) months after the date of filing, unless before then a permit shall have been issued.
2. Building permits shall expire eighteen (18) months from the original date of issue. For cause, the Building Official may allow no more than two (2) extensions of time, for periods of not exceeding ninety (90) days each. The Building Official, at his discretion, may extend the period for the expiration of the original building permit beyond eighteen (18) months, provided the developer notifies the Building Official at the time the building permit is originally issued that a particular development, due to size, complexity, or other valid reason, will require a time period exceeding eighteen (18) months to complete.

SECTION 233.4 PLOT PLAN REQUIRED

The Building Official shall require that every application for a building permit for excavation, construction, moving, or addition for or of a single or two-family dwelling shall be accompanied by a plot plan.

233.4A REQUIRED CONTENTS OF PLOT PLAN

The plot plan shall show the following information in sufficient detail to enable the Building Official to ascertain whether the proposed development is in conformance with this Zoning Code.

1. Actual shape, location, and dimensions of the lot to be built upon.
2. Setback lines and utility easements.
3. Shape, size, and location of all buildings or other structures to be erected, added to, or moved and of any buildings or other structures already on the lot.
4. Existing and intended use of all buildings or structures.
5. Any other information concerning the lot or adjoining lots as may be determined by the Building Official as necessary.

233.4B REVIEW OF PLOT PLANS

All plot plans shall be reviewed by the Building Official and, if necessary, the City Planner. A period of up to ten (10) working days shall be allowed for the review of the plot plan.

SECTION 233.5 SITE PLAN REQUIRED

The Building Official shall require that every application for excavation, construction, moving or addition, except for single and two-family dwellings, shall be accompanied by a site plan or plat of the proposed development.

233.5A REQUIRED CONTENTS OF SITE PLAN

The site plan or plat shall be prepared to scale by a engineer, architect, or other technical person approved by the Building Official and shall show the following in sufficient detail to enable the Building Official to ascertain whether the proposed development is in conformance with the provisions of this Zoning Code.

1. Actual shape, location, and dimensions of the lot to be built upon.
2. Topography of existing and finished grades.
3. Shape, size, and location of all buildings or other structures to be erected, added to, or moved and of any buildings or other structures already on the lot.
4. Existing and intended use of all buildings or structures.
5. Location and design of off-street parking, points of access, off-street loading areas, and pedestrian circulation.
6. Location of and size of nearest water line, sewer line, fire hydrants, and any other public utilities.
7. Plans for the provision of water service, fire hydrants, sewer service and other public utilities.
8. Minimum required front, side, and rear yard setbacks.
9. All easements with dimensions and designated as to purpose.
10. Plans for storm water drainage.
11. All identified floodable or sinkhole retention areas, if applicable.
12. Location and dimensions of all signs.
13. Location and dimensions of all buffer and landscape yards, if applicable.
14. Location and type of landscaping and screening, if applicable.
15. Any other information concerning the lot or adjoining lots as may be determined by the Building Official as necessary.

233.5B REVIEW OF SITE PLAN

All site plans or plats shall be reviewed by the Building Official and the City Planner, and by the appropriate Municipal Department heads if deemed necessary due to the nature and extent of the proposed development. A period of up to ten (10) working days shall be allowed for the review of the site plan.

233.5C DISAPPROVAL OF SITE PLAN

If the proposed development is found not to be in conformity with the provisions of this Zoning Code, a building permit shall not be issued and the Building Official shall state in writing on the application the cause for such disapproval.

SECTION 233.6 TRAFFIC IMPACT STUDY REQUIRED

In addition to the site plan, a traffic impact study, prepared by a Registered Traffic Engineer, shall be submitted for review by the Building Official and City Planner for all developments in excess of 50,000 square feet of floor space or for any development if determined by the Building Official as necessary. The purpose of a traffic impact study is to identify what improvements, if any, are needed to offset the additional traffic generated by a proposed level of development.

The traffic impact study shall meet the following requirements:

233.6A The study area shall include and examine:

1. All signalized intersections within one-half (½) mile of the site
2. All intersections with designated major streets within one-half mile of the site
3. Existing traffic and project generated traffic
4. Traffic forecasts for projects planned or under construction within one half (½) mile of the site
5. Three (3) and five (5) year forecasts for existing and project generated traffic

233.6B Existing traffic shall be based on actual counts made from 12:00 p. m. and 6:00 p. m. on Friday. These counts shall be assumed to represent design hour volumes. All planning and forecasting shall be done using design hour volumes.

233.6C Project generated traffic shall be determined using the data and methodology defined in the book, "TRIP GENERATION", 3rd Edition or subsequent editions.

233.6D Three (3) and five (5) year projections shall be based on straight-line projections of counts made by the Tennessee Department of Transportation for the five (5) counting periods prior to the study year. If such counts are not available, projections shall be based on special counts factored by an increase of three and one half (3 ½) percent per year to reach the required projection year.

233.6E The study shall include recommendations for actions necessary to minimize the impact of project generated traffic on the existing transportation system. These actions shall include, but not be limited to, construction of new lanes, addition of traffic signals, and the changing of phasing for existing traffic signals.

233.6F The study shall also include recommendations for actions necessary to minimize traffic impacts in three (3) and five (5) years.

SECTION 233.7 CERTIFICATE OF OCCUPANCY REQUIRED

No building shall be occupied before a certificate of occupancy has been issued. A certificate of occupancy shall be issued on the date that the final inspection of the building is completed and approved by the Building Official. Pending the issuance of a regular certificate, the Building Official may issue a temporary certificate of occupancy. Such temporary certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the tenants related to the use or occupancy of the premises or any other matter covered by this Zoning Code; and such temporary certificate shall not be issued except under such restrictions and provisions as will insure the safety of the occupants.

The certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and codes and with the provisions of this Zoning Code. A record of all certificates shall be kept on file in the office of the Building Official and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a certificate of occupancy.

SECTION 233.8 CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATIONS, PLANS, AND PERMITS

Building permits issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction that differs from that authorized shall be deemed a violation of this Zoning Code and punishable as provided herein.

SECTION 233.9 BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby established, which shall consist of five (5) members serving staggered terms to be appointed by the City Council. The term of membership shall be three (3) years except the initial individual appointments to the Board shall be one (1) member for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years. Members of the Board of Zoning Appeals may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected.

233.9A Proceedings of the Board of Zoning Appeals

1. The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Zoning Code. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
2. The Board of Zoning Appeals 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. It shall keep records of its examinations and other official actions, all of which shall be a public record and filed immediately in the office of the Board.

233.9B Hearings; Appeals; Notice

1. Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Zoning Code may be taken by any person aggrieved or by any officer or bureau of the governing body of the city affected by any decision of the Building Official. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days, or such lesser period as may be provided by the rules of the Board, by filing with the Building Official and with the Board of Zoning Appeals a notice of appeals specifying the grounds thereof. The Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
2. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeals, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person and/or represented by agent or attorney.

233.9C Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the Building Official from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record, on application, on notice to the Building Official from whom the appeal is taken and on due cause shown.

233.9D Powers and Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the following powers and duties:

1. Administrative Review or Interpretation

The Board of Zoning Appeals shall interpret the Zoning Code or Zoning Map and act upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of this Zoning Code. The Board of Zoning Appeals shall also 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 Building Official or other administrative official in the enforcement of this Zoning Code or the interpretation of the Zoning Map.

- a. Application Required

An application for an administrative review or interpretation shall be filed with the Department of Planning and Codes on forms provided by said Department. Said application shall specify the grounds for requesting the administrative review or interpretation.

b. Timing for Filing Appeal

Appeals for administration review or interpretation shall be filed within thirty (30) days of the decision being appealed.

c. Application Fee Required

A non-refundable fee as established in Section 233.11 of this Zoning Code shall be paid to the City of Cookeville with each application for a request for an administrative review or interpretation from the Board of Zoning Appeals to defray the costs of notices, the hearing, and miscellaneous expenses.

d. Public Hearing and Notice Required

A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the public hearing and due public notice shall be given to the parties in interest. Notice of such hearings shall be posted on the property for which the administrative review or interpretation is sought.

2. Special Exceptions (Uses Permitted on Appeal)

The Board of Zoning Appeals may hear and decide only such special exceptions as it is specifically authorized to pass on by terms of this Zoning Code; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Zoning Code, or to deny special exceptions when not in harmony with the purpose and intent of this Zoning Code.

a. Application Required

An application for a special exception shall be filed with the Department of Planning and Codes on forms provided by said Department. Said application shall show the location and intended use of the site, the names of the property owners, existing land uses on all adjacent properties, and any other information pertinent to the request that the Board of Zoning Appeals may require.

b. Application Fee Required

A non-refundable fee as established in Section 233.11 of this Zoning Code shall be paid to the City of Cookeville with each application for a request for a special exception from the Board of Zoning Appeals to defray the costs of notices, the hearing, and miscellaneous expenses.

c. Public Hearing and Notice Required

A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the public hearing and due public notice shall be given to the parties in interest. Notice of such hearings shall be posted on the property for which the special exception is sought.

d. General Provisions Governing Special Exceptions

Before any special exception shall be issued, the Board of Zoning Appeals shall certify compliance with the specific rules governing individual exceptions and that satisfactory provision and arrangement has been made concerning the following general requirements:

- I. It is so designed, located and proposed to be operated so that the public health, safety and welfare will be protected;
- II. It will not adversely affect other property in the area in which it is located;
- III. It is within the provision of "Uses Permitted on Appeal" as set forth in this Zoning Code; and
- IV. It conforms to all applicable provisions of this Zoning Code for the district in which it is to be located.

e. Conditions and Safeguards

In granting any special exception, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Zoning Code.

f. Effective Date of Approval

The effective date of the approval of any special exception request shall be fourteen (14) days after the date of the meeting at which the Board of Zoning Appeals acted upon the request.

g. Time Limit Prescribed

The Board of Zoning Appeals shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both, however, in no case shall more than one (1) years pass before the action is begun. Failure to begin or complete, or both, such action within the time limit set forth shall void the special exception.

h. Cessation of Special Exception

The cessation of a use approved as a special exception under the provisions of this Zoning Code for a period of six (6) consecutive months shall void the approval of the special exception.

3. Variances

The Board of Zoning Appeals has the authority to hear and decide applications for variances from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship.

a. Application Required

An application for variance shall be filed with the Department of Planning and Codes on forms provided by said Department. Said application shall show the location and intended use of the site, the names of the property owners, existing land uses on all adjacent properties, existing and proposed setbacks (if applicable to the request), and any other information pertinent to the request that the Board of Zoning Appeals may require.

b. Application Fee Required

A non-refundable fee as established in Section 233.11 of this Zoning Code shall be paid to the City of Cookeville with each application for a request for a variance by the Board of Zoning Appeals to defray the costs of notices, the hearing, and miscellaneous expenses.

c. Public Hearing and Notice Required

A public hearing for the purpose of soliciting public comments concerning the application for a variance shall be held and public notice shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the public hearing and due public notice shall be given to the parties in interest. Notice of such hearings shall be posted on the property for which the variance is sought.

d. General Standards for Variances

In granting a variance, the Board of Zoning Appeals shall ascertain that the following criteria are met:

- I. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Zoning Code were carried out;
- II. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
- III. The variance will not authorize in a zoning district activities other than those permitted by this Zoning Code;
- IV. Financial returns alone shall not be considered as a basis for a granting a variance;
- V. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Zoning Code;
- VI. That granting the variance will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures, or buildings in the same district.
- VII. That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- VIII. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
- IX. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion on the public streets, increase the danger of fire, endanger public safety, or substantially diminish or impair property values in the area.

e. Nonconformity Does Not Constitute Grounds for a Variance

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

f. Prohibition of Use Variances

Under no circumstance shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Zoning Code in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Code in said district.

g. Conditions and Restrictions

The Board of Zoning Appeals may impose appropriate conditions and restrictions upon the premises benefited by a variance as necessary to comply with this Zoning Code, to reduce or minimize the injurious effect from such variation upon surrounding property, and to better carry out the general intent of this Zoning Code. Violation of such conditions and restrictions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code.

h. Effective Date of Approval

The effective date of the approval of any variance request shall be fourteen (14) days after the date of the meeting at which the Board of Zoning Appeals acted upon the request.

i. Time Limit Prescribed

The Board of Zoning Appeals shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both; however, in no case shall more than one (1) year pass before the action is begun. Failure to begin or complete, or both, such action within the prescribed time limit shall void the variance.

233.9E Decisions of the Board of Zoning Appeals (As amended by Ordinance No. O03-10-20)

A majority of a quorum voting in favor of a motion shall be necessary to reverse any order, requirement, decision, or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Code, or to effect any variation in the application of this Zoning Code.

233.9F Appeals of Decisions of Board of Zoning Appeals

Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the Board of Zoning Appeals may seek review by a court of record of such decisions, in the manner provided by the laws of the State of Tennessee.

233.9G Rehearing of Decisions of Board of Zoning Appeals

No appeal for which the Board of Zoning Appeals has decided upon shall be reheard by the Board of Zoning Appeals for period within twelve (12) months following the date of the decision unless the petitioner can demonstrate that new and substantial evidence exists.

233.9H Duties of Building Official, Board of Zoning Appeals, City Council and Courts on Matters of Appeal.

1. It is the intent of this Zoning Code that all questions arising in connection with the enforcement or interpretation of this Zoning Code (except as otherwise expressly provided in this Zoning Code) shall be first presented to the Building Official. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the Building Official. Appeals of decisions by the Board of Zoning Appeals shall be to the courts provided by law.
2. It is further the intent of this Zoning Code that the duties of the City Council in connection with this Zoning Code shall not include hearing and passing on disputed questions which may arise in connection with its enforcement or interpretation. The duties of the City Council, in connection with this Zoning Code, shall be only that of considering the passage of any proposed amendments or repeal of this Zoning Code as provided by law.

SECTION 233.10 AMENDMENTS

The regulations, restrictions and boundaries of districts set forth in this Zoning Code may from time to time be amended, supplemented, changed, modified, or repealed by the City Council. Before enacting any amendment, the City Council shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the City of Cookeville.

233.10A Application Required

An application for an amendment to this Zoning Code shall be filed with the Department of Planning and Codes on forms provided by said Department. Said application shall state the purpose of the amendment and any other information pertinent to the request that the Planning Commission and City Council may require.

233.10B Application Fee Required

A non-refundable fee as established in Section 233.11 of this Zoning Code shall be paid to the City of Cookeville with each application requesting an amendment to this Zoning Code to defray the costs of notices, the hearing, and miscellaneous expenses.

233.10C Planning Commission Review Required (As amended by Ordinance No. O11-09-18)

1. In accordance with Section 13-7-204 of the Tennessee Code, no amendment shall become effective unless it is first submitted to and approved by the Planning Commission, or if disapproved, receives the favorable vote of a majority of the entire membership of the City Council.

- 2. If an amendment is disapproved by the Planning Commission, the petitioner for the amendment shall notify the Planning Department in writing within 30 days after the date of the disapproval that they wish to submit the amendment to the City Council. If no such notification is received within 30 days after the date of disapproval, the request for amendment shall be considered as withdrawn.
- 3. If an amendment is disapproved by the Planning Commission, it cannot be resubmitted for consideration within twelve (12) months after the date of disapproval, unless the Planning Department initiates the request for amendment.

SECTION 233.11 SCHEDULE OF FEES ESTABLISHED

The following schedule of fees for activities related to the administration of this Zoning Code is hereby established:

233.11A ADMINISTRATIVE REVIEW OR INTERPRETATION:	\$50.00
233.11B SPECIAL EXCEPTION:	\$50.00
233.11C VARIANCE:	\$200.00
233.11D AMENDMENT (INCLUDES REZONING REQUESTS)	\$200.00

No action shall be taken on proceedings before the Board of Zoning Appeals or Planning Commission unless or until all fees have been paid in full.

SECTION 233.12 COMPLAINTS PROCEDURE

Whenever a violation of this Zoning Code occurs, any person may file a complaint. Said complaint shall be in writing and shall be filed with the Building Official, who shall properly record such complaint and immediately investigate, and take action thereon as provided by this Zoning Code.

SECTION 233.13 VIOLATIONS AND PENALTIES

Violation of the provisions of this Zoning Code or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Zoning Code or fails to comply with any of its requirements, shall upon conviction thereof be fined under the general penalty clause of the Cookeville Municipal Code.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations.

SECTION 233.14 REMEDIES AND ENFORCEMENT POWERS

For the purposes of this Zoning Code, the following remedies and enforcement powers, which are cumulative, shall apply:

233.14A Denial of Permits

Any and all permits, certificates or other forms of authorization may be denied or withheld on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Zoning Code or of a condition or qualification of a permit, certificate, or approval previously granted.

233.14B Revocation of Permits

Any permit may be revoked when it is determined: (1) that there is departure from the plans, specifications, or conditions as required under the terms of the permit, (2) that the permit was procured under false representation, (3) that the permit was issued by mistake, or (4) that any provision of this Zoning Code is being violated.

233.14C Issuance of Stop Work Orders

In accordance with the building codes adopted by the City of Cookeville, a stop work order may be issued on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Zoning Code or of a condition or qualification for a permit, certificate or other authorization issued by the City of Cookeville.

233.14D Injunctions

An injunction or other equitable relief may be sought in court to stop any violation of this Zoning Code or of a condition or qualification for a permit, certificate or other authorization issued by the City of Cookeville.

233.14E Mandamus and Abatement

A court order in the nature of mandamus, abatement, or other action or proceeding may be sought to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

233.14F Criminal or Civil Penalties

Criminal or civil penalties as provided by the Tennessee Code or by the Cookeville Municipal Code may be pursued.

233.14G Other Remedies and Enforcement Powers

The City of Cookeville shall have other remedies and enforcement powers as may be provided by the Tennessee Code and by the Cookeville Municipal Code for the violation of the provisions of this Zoning Code.

SECTION 233.15 ENFORCEMENT PROCEDURES

The following enforcement procedures shall apply for violations of this Zoning Code:

233.15A Notice of Violation

The Building Official shall give notice of the nature of the violation to the property owner(s), other person (s) party to the agreement, and to any applicant for any relevant permit. Notice shall be given in person, by United States Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation, the time period for compliance, the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the violation not be corrected.

233.15B Time Period for Correction of Violations

Persons receiving notice of violations shall have ten (10) days to correct the violation before further enforcement actions or remedies shall be taken.

233.15C Emergency Situations

In cases of emergency, the remedies and enforcement powers available under this Zoning Code may be utilized without prior notice. At the time the remedy or enforcement action is taken, the Building Official shall give notice of the nature of the violation and enforcement action to the property owner and to any other person who is party to the agreement.

233.16 EXTENSION OF APPROVAL EXPIRATION DUE TO DISASTER OR EMERGENCY DECLARATION (As amended by Ordinance No. O20-05-07)

In the event of a Disaster Declaration or an Emergency Declaration, extension of development approval may be granted by the Planning Department for an additional six (6) months beyond any expiration date required by the Zoning Code. Requests for extensions due to Natural Disasters or Emergency Declarations must be submitted to the Planning Department prior to the expiration date. The request must include justification that the disaster or emergency declaration has impacted progress on the project and an extension would be a reasonable accommodation.