

SECTION 204

SUPPLEMENTAL DISTRICT REGULATIONS

(As amended by Ordinance Nos. O02-05-09, O03-10-20, O05-04-06,
O06-12-28, O09-03-02, O13-04-06, O14-04-05, O15-04-09, O16-09-20 and O18-05-10)

In addition to the regulations indicated for individual districts elsewhere in this Zoning Code, these supplementary regulations shall apply to specific, several or all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions.

SECTION 204.1 OBSTRUCTION OF VISIBILITY AT INTERSECTIONS PROHIBITED

204.1A INTERSECTIONS OF STREETS

On a corner lot within the area formed by the edge of pavement lines of the intersecting or intercepting streets adjoining said corner lot and a line joining points on such edge of pavement lines at a distance of fifty (50) feet from the point of intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. (As amended by Ordinance No. O05-04-06) See Illustration 6, "Visibility Requirements at Intersections" in Section 235 of this Zoning Code. In the CBD, Central Business District, the Building Official may permit a distance of less than fifty (50) feet from the point of intersection, subject to the approval of the Director of Public Works that adequate visibility will be maintained. (As amended by Ordinance No. O02-05-09)

204.1B INTERSECTIONS OF DRIVEWAYS WITH STREETS

No obstruction to vision shall hereafter be planted, allowed to grow, parked, placed, or erected in such a manner as to materially impede visibility to any driver leaving a driveway in order to enter a public street.

SECTION 204.2 HEIGHT RESTRICTIONS

The height of buildings, structures or uses is unrestricted, except as provided elsewhere in this Zoning Code and as regulated by the Building Code.

SECTION 204.3 FRONT YARD SETBACK EXEMPTION

For any structure or use located on a lot where the average front yard setback of existing structures within one hundred (100) feet on the same side of the street and within the same zoning district is ten (10) feet more or less than what is required by this Zoning Code, the minimum front yard setback shall be the average of the setbacks of said existing structures, provided; however, that the front setback can be no less than fifteen (15) feet. See Illustration 7, "Front Yard Setback Averaging" in Section 235 of this Zoning Code.

SECTION 204.4 REDUCTION OF LOT AREA PROHIBITED

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that setbacks, density, lot width, building area, or other requirements of this Zoning Code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

SECTION 204.5 PUBLIC ACQUISITION OF PROPERTY

When a portion of a lot of record is acquired for a public purpose, the Building Official may permit a reduction in the required setbacks in such a manner to allow the setbacks to be measured from the property line or right-of-way line existing prior to the acquisition. In making a determination the Building Official shall first ascertain that there will be no detriment to the public health, safety and welfare.

SECTION 204.6 REAR YARD ABUTS A PUBLIC STREET

When the rear yard of a lot abuts a public street, all structures, including accessory structures, built in that rear yard shall observe the same setback from the right-of-way line as required for adjacent properties which front on that street.

SECTION 204.7 NUMBER OF PRINCIPAL STRUCTURES ON AN INDIVIDUAL LOT

In the RS-20, RS-15, RS-10, RS-5, RD and CN Districts no more than one (1) principal structure and its customary accessory structures shall be erected on any individual lot.

SECTION 204.8 ACCESSORY STRUCTURES (As amended by Ordinance No. O15-04-09)

The following provisions shall apply for the location of accessory structures:

- 204.8A Accessory structures shall not be constructed or established on a lot until construction of the principal structure has been substantially completed. Where an accessory structure is structurally attached to a principal structure, it shall conform to all regulations applicable to the principal structure.
- 204.8B An accessory structure or use shall not be located on a separate lot from the principal structure or use.
- 204.8C Accessory structures shall not be erected in any required front or side yards, except as provided in Section 204.8F.
- 204.8D Accessory structures shall not occupy more than thirty (30) percent of any required rear yard.

204.8E Accessory structures shall not be located closer than ten (10) feet to any principal structure or other accessory structure, including principal or accessory structures on adjacent lots. The separation requirement shall not be applicable to un-walled carports. (As amended by Ordinance No. O14-04-05)

204.8F In residential subdivisions and multi-family residential developments containing ten (10) or more dwelling units, the Building Official may permit common mailboxes, guard buildings, and similar accessory structures to be located in the required front yard provided such structures do not impair visibility or create safety hazards at any street intersection or at any driveway intersection with a street. (As amended by Ordinance No. O13-04-06) At no time shall any such structure be placed on any street right-of-way or public easement.

204.8G In the RS-20, RS-15, RS-10, RS-5, and RD Districts, accessory structures less than four hundred (400) square feet in size may be located no closer than five (5) feet from any rear property line and any side property located to the rear of the principal structure. In all other districts accessory structures shall meet the setbacks required for the principal structure. See Illustration 8, "Accessory Structure Locations" in Section 235 of this Zoning Code.

204.8H On any lot or tract of less than five (5) acres in size located in the RS-20, RS-15, RS-10, RS-5, or RD Districts no accessory structure shall be of a height exceeding that of the principal structure and/or of a size exceeding fifty (50) percent of the total square footage of the principal structure.

204.8I Compatible material requirements:

1. In the RS-20, RS-15, RS-10, RS-5 and RD Districts accessory structures four hundred (400) square feet or larger in size shall be constructed of a material compatible with the principal structure as determined by the Building Official, unless otherwise herein specified.
2. Compatible material shall be defined as material utilized and visible on the exterior of the principal structure. Exposed plywood or particle board, corrugated metal, or similar materials are prohibited as exterior materials. Colors shall be similar in tone and complementary to those used on the principal structure.
3. Barns and other accessory agriculture structures constructed for an active agricultural use located on lots or tracts of five (5) acres or larger in size shall be exempt from the compatible material requirements.

204.8J Bus Shelters

In all zoning districts the Building Official may permit bus shelters to be located within the required front yard setback subject to the submittal and approval of a site plan by the Director of the Public Works Department, and provided the following conditions are met:

1. Shall not impair visibility or create safety hazards at any street intersection or at any driveway intersection with a street

2. Shall not be located within any street right-of-way without the written approval of the City of Cookeville
3. Shall be located a minimum of 15 feet from the edge of the street if opaque walls are provided with the shelter
4. Shall not contain signage or advertising of any kind except identification of the bus company and a posting of relevant schedule and service information
5. Shall be connected to the public sidewalk system
6. Shall be located behind the sidewalk with no portion of the shelter encroaching the sidewalk
7. Shall be located on a concrete or other hard surface approved by the Director of the Public Works Department
8. Shall comply with all ADA accessibility requirements
9. Shall have the written approval of the contiguous land owner
10. Shall be properly maintained by the operator of the bus/transit system

SECTION 204.9 FENCES AND WALLS (As amended by Ordinance No. 009-03-02)

The following provisions shall apply for fences and walls in all zoning districts unless otherwise specified herein:

204.9A Permit Required

1. No fence or wall shall be erected or placed upon any property without first obtaining a fence/wall permit from the Codes Department.
2. Plans indicating specific location, material type, and height of proposed fence or wall shall be submitted with the permit application.
3. A permit fee of \$25.00 shall be submitted with the permit application.
4. No permit shall be required for the maintenance of existing fences or walls and shall not be required for replacement when the replacement fence or wall is at the same location, at the same height and is of same material. When replacing an existing fence the replacement fence shall be oriented as required in Section 204.9E.
5. No permit shall be required for the placement of garden fencing, provided such fencing is not located within any required setback area.

204.9B Materials

1. Materials for fences and walls shall be limited to woven wire, chain link, brick, stone, stucco, masonry, standard wood fencing, split rail, wrought iron, standard PVC or similar material fencing, and composite fencing materials approved by the Building Official.
2. In all zoning districts, except the CI, LM, HM and QM districts, razor wire, barbed wire and electric fences are prohibited except as follows:
 - a. Barbed wire and electric fences are allowed when used to fence large livestock, provided such fencing is located no closer than ten (10) feet from any public street or sidewalk.
 - b. Low voltage electric fences are allowed for domestic pets and to protect gardens.

- c. The Building Official has determined that the use of razor wire, barbed wire or electric fences is necessary for a non-residential use deemed to be a hazardous use or in need of additional security, provided that any barbed wire or razor wire is installed as specified in Section 204.9B (3).
3. In the CI, LM, HM and QM districts barbed wire and razor wire are allowed for non-residential uses provided no strand of barbed wire or razor wire is less than seven (7) feet from ground level. No more than three (3) strands of barbed wire shall be permitted. Razor wire coils shall not exceed 18 inches in diameter.

204.9C Location

1. Fences and walls may be placed up to side and rear property lines. The owner of the property on which the fence or wall is to be placed, shall be responsible for locating the property line for the placement of the fence or wall. The City of Cookeville will not inspect for nor have any responsibility to locate the property line.
2. No fence or wall shall be placed on any street right-of-way or public easement, unless determined by the City Manager that excessive right-of-way exists that would allow the fence or wall to be located in the right-of-way and not create a traffic hazard. Such determinations shall include a duly executed agreement between the property owner and the city indicating that should it be determined by the city that the fence or wall needs to be removed from the right-of-way that it will be done so in a timely fashion by the property owner and at the property owner's expense. In no case shall any fence be closer than five (5) feet from any public street or closer than two (2) feet from any sidewalk.
3. No fence, wall or hedge shall be placed so as to constitute a hazard to traffic or safety.
4. No fence or wall shall be placed in a manner that will impede the flow of natural drainage.
5. No fence or wall shall be placed closer than five (5) feet from the edge of any street or two (2) feet from any sidewalk.
6. All fences and walls shall be located so as to provide a clear area with a minimum radius of three (3) feet from all fire hydrants or utility structures.
7. In all residential districts on parcels less than five (5) acres in size, fences of chain link, woven wire or similar material are prohibited in the area between the front of the principal structure and any street.

204.9D Maximum Height

1. The height of a fence or wall shall be determined by measuring from the lowest point of the original or natural grade of the undisturbed ground under the fence or wall. Any material or berm that raises the height of the fence or wall above the original or natural grade shall be considered a part of the fence or wall.
2. No fence, wall or hedge shall be erected, constructed, maintained or grown to a height of three (3) feet above the nearest adjacent street grade within a visual clearance area defined as the triangular area formed when measuring a distance of 25 feet along each curb or edge of street from the point of intersection and the third (3) side being a diagonal line connecting the first two (2) lines. See Illustration 25, "Visual Clearance Area" in Section 235 of this Zoning Code.

3. No wall or fence more than 25 percent opaque shall exceed four (4) feet in height when placed within the required setback area between the principal structure and any street. In all zoning districts, except the CI, LM, HM and QM districts, fences less than 25 percent opaque may be permitted to a height of six (6) feet when placed within the required setback area between the principal structure and any street. See Illustration 26, “Fence Heights Front Yard” in Section 235 of this Zoning Code. In the CI, LM, HM and QM districts, fences less than 25 percent opaque may be permitted to a height of ten (10) feet when placed within the required setback area between the principal structure and any street.
4. For corner or double frontage lots in all zoning districts a wall or fence more than 25 percent opaque may be permitted to a height of six (6) feet within the required setback area between the rear or side of the principal structure and the street provided such wall or fence is placed no closer than ten (10) feet from the edge of the street and provided that no driveway access is located from the rear or side of the structure to the street. See Illustration 27, “Fence Heights Side and Rear Yards on Corner and Double Frontage Lots”, in Section 235 of this Zoning Code.
5. In all zoning districts, except CI, LM, HM and QM districts, no fence or wall shall exceed eight (8) feet in height when placed within the area to the side or rear of the principal structure. In the CI, LM, HM and QM districts, no fence or wall shall exceed ten (10) feet in height when placed within the area to the side or rear of the principal structure.
6. For public uses, utilities, schools, certain recreational uses such as ball fields and tennis courts, or uses where fence heights greater than specified in this Section are determined necessary for public safety, the Building Official may approve greater heights than specified.

204.9E Orientation

All fences and walls shall be oriented with the “good” or “finished” side facing outward. This provision shall not preclude the placement of a shadowbox type fence.

204.9F Maintenance

All fences and walls shall be maintained in a structurally sound and attractive manner.

204.9G Nothing in this Section shall preclude the installation of temporary fences around construction projects, including fences for soil erosion and sediment control, erected or maintained pursuant to any Federal, State or other local regulation.

SECTION 204.10 TEMPORARY STRUCTURES

Temporary structures and operations in connection with, and on the site of building and land developments, including grading, paving, installation of utilities, erection of field offices, erection of structures for the storage of equipment and building material, and the like, are permitted in each zoning district provided that such uses are subject to the issuance of a permit by the Building Official. No such permit shall be for a period of more than six (6) months, but shall be renewable by the Building Official for periods of not more than six (6) months.

SECTION 204.11 PARKING, STORAGE, AND USE OF VEHICLES, TRUCKS, HEAVY EQUIPMENT, AND MAJOR RECREATIONAL EQUIPMENT IN RESIDENTIAL DISTRICTS

The following provisions shall apply for the parking, storage, and use of vehicles, trucks, heavy equipment, and major recreational equipment in residential districts:

- 204.11A In any residential district, no inoperable vehicle and no vehicle without current license plates shall be parked or stored unless in a completely enclosed building. The parking or storage for periods exceeding seven (7) consecutive days of vehicles not licensed to the owner or tenant of the property on which the vehicle is parked or stored is prohibited. (As amended by Ordinance No. O05-04-06)
- 204.11B In any residential district, no major recreational equipment (including boats, campers, travel trailers, partial travel trailer units, and the like, and equipment used for transporting such) shall be parked or stored in any front yard or any side yard on street side corner lots except for periods not to exceed twenty-four (24) hours during loading and unloading.
- 204.11C No recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
- 204.11D In any residential district, no truck of a rated capacity of greater than one (1) ton, no parcel truck or other truck painted with any sign, and no heavy equipment, construction equipment or any other equipment not normally associated with residential uses shall be stored or parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of twenty-four (24) hours except in an enclosed building.

SECTION 204.12 REQUIRED SETBACKS ALONG MAJOR STREETS

The following are designated Major Streets along which a fifty (50) foot setback requirement is to be established. This requirement supercedes the stipulated setbacks of each district except the CBD, Central Business District. (As amended by Ordinance Nos. O03-10-20 and O18-05-10)

10th STREET:	from Washington Avenue east to city limits.
12th STREET:	from west city limits to Washington Avenue.
BUNKER HILL ROAD:	from South Jefferson Avenue to West Davis Road.
FISK ROAD:	from 10th Street north to city limits.
HIGHWAY 111:	from city limits to city limits.
HIGHWAY 70N:	from triangles to city limits east and west.
INTERSTATE DRIVE:	from Willow Avenue to Jefferson Avenue.
JACKSON STREET:	from West Broad Street (Highway 70N) to Baron Court.
JEFFERSON AVENUE:	from Spring Street south to city limits.
MAHLER AVENUE:	from Dixie Avenue to 1st Street.
NEAL STREET:	from Jefferson Avenue to East Spring Street.
OLD KENTUCKY ROAD:	from 10th Street south to East Spring Street.
SOUTH LOWE AVENUE:	from Spring Street south to Jackson Street.
SOUTH MAPLE AVENUE:	from Neal Street south to Highway 111.
SOUTH WALNUT AVENUE:	from 1st Street south to Interstate Drive
TENNESSEE AVENUE:	from city limits to Highway 70N
VETERANS DRIVE:	from Jefferson Avenue to Neal Street East.
WASHINGTON AVENUE:	from Spring Street north to city limits.
WILLOW AVENUE:	from city limits to city limits.

SECTION 204.13 EROSION AND SEDIMENT CONTROL

The following provisions for erosion and sediment control shall apply in all districts:

204.13A GENERAL REQUIREMENTS

1. It shall be the responsibility of all property owners in all districts to maintain sufficient ground cover to prevent soil erosion.
2. During construction authorized by a grading or building permit, erosion control measures shall be enacted to prevent sediment from leaving the construction site.
3. After construction is completed, a permanent ground cover shall be established and maintained.

204.13B SPECIFIC REQUIREMENTS

The requirements of the Cookeville Municipal Code, Title 14, Section 5 entitled “Erosion and Sediment Control Regulations” shall be met for all applicable developments.

SECTION 204.14 DRAINAGE AND STORM WATER MANAGEMENT (As amended by Ordinance No. O16-09-20)

The following provisions for drainage storm water management shall apply in all districts:

204.14A The requirements of the Cookeville Municipal Code, Title 14, Section 6 entitled “Control of Natural Drainage Systems” and Chapter 7 entitled “Stormwater Management” shall be met for all applicable developments.

204.14B DRAINAGE PLAN REQUIRED

No construction of drainage improvements shall take place until a set of drainage plans and or specifications is presented to and approved by the Director of Public Works or his/her designee.

1. Said plans shall show all proposed drainage structures and points of discharge of storm water from the site.
2. Said plans shall be accompanied by a set of calculations which illustrate the flow of storm water from each existing and proposed discharge point and shall be expressed in cubic feet per second (cfs) and gallons per minute (gpm).
3. Said calculations shall show the discharge of water from these points under proposed and existing conditions.

204.14C MAXIMUM ALLOWABLE RELEASE RATE

The maximum allowable release rate of storm water after development shall not exceed the before development rate based on a rainfall intensity having a minimum return interval of ten (10) years.

1. The facility shall also be checked for the 100-year frequency design.
2. The Director of Public Works or his/her designee has the right to require the design return interval to be 100 years or less in areas deemed critical or in cases where the design will result in small increases in facility size.

204.14E No storm water shall be channeled or directed into a sanitary sewer system.

SECTION 204.15 GARBAGE/WASTE CANISTERS

All garbage/waste canisters (dumpsters) and all recycling canisters shall be located or screened in such a manner that they are not visible from a public street. All garbage/waste canisters shall be located on a concrete pad meeting the requirements of the Public Works Department. See Illustration 24 “Dumpster Screening and Pad Requirements” in Section 235 of this Zoning Code. (As amended by Ordinance No. 005-04-06) The Director of Public Works shall approve the location of any garbage canister. No garbage/waste canister (dumpster) shall be located within any required setback area or required buffer or landscape yard. (As amended by Ordinance No. 003-10-20)

SECTION 204.16 SIDE AND REAR YARD SETBACKS ON ALLEYS

The following provisions shall apply for lots, which have side or rear yards adjoining an alley:

204.16A When the side yard of a lot adjoins an alley, the lot shall not be considered as a corner lot and the side yard setback requirements applicable to the district in which the lot is located shall apply.

204.16B When the rear yard of a lot adjoins an alley, the lot shall not be considered as a double frontage lot and the rear yard setback requirements applicable to the district in which the lot is located shall apply.

SECTION 204.17 MEASUREMENT OF SETBACKS

The following provisions shall apply for the measurement of setbacks:

204.17A The property owner shall be responsible for determining that all required setbacks are met.

204.17B Setbacks shall be measured from the applicable property lines. Special care should be utilized in the determination of setback lines on street frontage. In most cases the edge of the street pavement is not the property line. Where the location of a property line is in question, the property owner should obtain the services of a Registered Land Surveyor or Licensed Engineer.

204.17C Exception for Measurement of Setback Lines from Street Frontage

In lieu of a survey, and subject to the approval of the Building Official, the location of a setback line from street frontage may be measured from the centerline of the street to a distance equal to half the required right-of-way for that street plus one and one-half (1 ½) times the required setback. The required right-of-ways for streets shall be based on street classification and shall be provided as follows:

1. Local Streets: 50 feet
2. Minor Collector Streets: 60 feet
3. Other Streets: As determined by the Director of Public Works

For example, for a structure located on a local street in the RS-20 District the setback line would be seventy (70) feet from the street centerline [half the required right-of-way (25 feet) plus 1.5 times the required 30 feet setback (45 feet)].