

SECTION 206**ADDITIONAL STANDARDS FOR CERTAIN USES**

(As amended by Ordinance Nos. O02-05-09, O03-10-20, O04-03-01, O05-04-06, O06-11-25, O06-12-28, O09-05-06, O09-12-25, O11-4-05, O11-09-18 and O15-03-05)

To accomplish the purposes of this Official Zoning Code, additional consideration is hereby given to certain uses. These uses shall comply with the following standards in addition to those of the zoning district in which they may be located.

SECTION 206.1 HOME OCCUPATIONS

The following additional standards shall apply for all customary home occupations:

- 206.1A A home occupation shall be clearly incidental to and totally indistinguishable from the residential use of the dwelling.
- 206.1B No more than two (2) persons who are not residents of the dwelling may be engaged in the home occupation.
- 206.1C No more than twenty-five (25) percent of the total habitable floor area of the dwelling shall be devoted to such use.
- 206.1D No clients or patrons may be served on the property, except as provided in Section 206.1H.
- 206.1E Home occupations shall be conducted entirely within the principal dwelling unit and no alterations to any buildings shall indicate from the exterior that the building is being utilized for any other purpose other than a residential dwelling unit.
- 206.1F No stock in trade shall be displayed and no equipment or materials used in the occupation shall be stored outside the dwelling.
- 206.1G No sign or any other form of advertisement shall be displayed so as to indicate that the building is being utilized for any other purpose other than a residential dwelling unit.
- 206.1H Instruction in music, dancing, and similar classes shall be limited to two (2) students at one time.

SECTION 206.2 BOARDINGHOUSES

The following additional standards shall apply for all boardinghouses:

- 206.2A The owner or operator must reside on the premises.
- 206.2B Off street parking shall be provided to the rear of the proposed boardinghouse.
- 206.2C Off street parking areas and driveways shall have a hard surface of either asphalt or concrete.
- 206.2D A Type 2 Screen/Buffer Yard as specified in Section 208 of this Zoning Code shall be provided along all shared property lines where the property abuts other property zoned or used for single or two-family residential purposes.
- 206.2E A boardinghouse shall have at least 2,500 square feet of lot area for each boarding room and for any dwelling unit in which the owner or operator may reside.

SECTION 206.3 BED AND BREAKFAST HOMES (As amended by Ordinance No. O11-04-05)

The following additional standards shall apply for all bed and breakfast homes:

- 206.3A There shall be no more than four (4) guest rooms in any bed and breakfast home located in a RS, Single Family Residential District and no more than five (5) guest rooms in any bed and breakfast home located in a zone other than a RS, Single Family Residential District.
- 206.3B The principal structure for any bed and breakfast home located in a RS, Single Family Residential District shall consist of a minimum of 3,000 square feet.
- 206.3C No alteration to the residential structure shall indicate from the exterior that the structure is being utilized for any purpose other than a residential dwelling unit, including permitted accessory buildings.
- 206.3D Required off-street parking shall be located to the rear of the principal structure unless otherwise specially authorized by the Board of Zoning Appeals. The Board may require screening of off-street parking areas if determined necessary to minimize the impact on adjacent residential properties.
- 206.3E No guest shall stay for more than seven (7) consecutive days.
- 206.3F A current guest register shall be kept by the owner or operator.
- 206.3G The owner or operator shall reside on the premises.
- 206.3H The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
- 206.3I No food preparation or cooking shall be conducted in any guest room.
- 206.3J A Certificate of Appropriateness shall be issued by the Historic Zoning Commission prior to the establishment of a bed and breakfast home located in any Historic Zoning District.
- 206.3K The provisions of Tennessee Code Sections 68-14-501 through 68-14-503 shall be met.

SECTION 206.4 CHURCHES AND SIMILAR PLACES OF WORSHIP (As amended by Ordinance No. O15-03-05)

The following additional standards shall apply to all churches and similar places of worship:

- 206.4A In the RS-20, RS-15, RS-10, RS-5, and RD Districts a minimum lot area of two (2) acres shall be provided plus an additional one (1) acre per every additional fifty (50) seats exceeding 250 seats to seating capacity.
- 206.4B When adjacent to lots zoned or used for single or two-family residential purposes a Type 2 Screen/Buffer Yard as specified in Section 208 of this Zoning Code shall be provided along all shared lot lines.
- 206.4C Cemeteries, with or without mausoleums and/or columbaria, shall be permitted as an accessory use provided the provisions of Section 206.5 of this Zoning Code are met.
- 206.4D Mausoleums and columbaria not located within a cemetery shall be permitted as accessory uses to churches and similar places of worship not located in the RS-20, RS-15, RS-10, RS-5, and RD Districts provided the provisions of Section 206.5 of this Zoning Code are met.

- 206.4E Childcare centers shall be permitted as an accessory use only when the church structure is located on a street with a classification of no less than major collector status. The provisions of Section 206.7 of this Zoning Code shall also be met.
- 206.4F Private and parochial schools shall be permitted as accessory uses only when the church structure is located on a street with a classification of no less than major collector status. The provisions of Section 206.8 of this Zoning Code shall also be met.
- 206.4G All play areas and other areas of outside activity shall be setback a minimum of 100 feet from all adjacent properties zoned or used for single-family residential purposes except when in the opinion of the Building Official said adjacent properties are uninhabitable the setback shall only be twenty (20) feet.

SECTION 206.5 CEMETERIES, MAUSOLEUMS AND COLUMBARIA As amended by Ordinance No. O15-03-05)

The following additional standards shall apply to all cemeteries, mausoleums and columbaria:

- 206.5A Cemeteries shall be located on sites of at least ten (10) acres and shall have direct access to a public street. When located as an accessory use to a church or similar place of worship this minimum lot area requirement shall be in addition to any minimum lot area requirement for said church or similar place of worship.
- 206.5B A mausoleum not located in a cemetery shall be located on a site of at least two (2) acres.
- 206.5C The site proposed for a cemetery shall not interfere with the development of any major streets as proposed on the Cookeville Major Street Plan.
- 206.5D All structures located in a cemetery of a height of six (6) feet or over, including, but not limited to mausoleums, columbaria, monuments, and buildings, and all mausoleums not located in a cemetery shall be set back at least one hundred (100) feet from any property line or street right-of-way line. Mausoleums and columbaria not located within a cemetery shall comply with the applicable building setback lines for the zoning district it which they are located.
- 206.5E All graves or burial lots shall be set back at least thirty (30) feet from any property line or street right-of-way line.
- 206.5F Cemeteries, mausoleums and columbaria shall be developed and operated in accordance with the applicable provisions of the Tennessee Code.

SECTION 206.6 HOME DAY CARE

The following additional standards shall apply to all home day cares:

- 206.6A The home day care use shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
- 206.6B The operator of the day care must be the owner of the property and must reside on the property.
- 206.6C No more than four (4) children under the age of seventeen (17) who are not permanent residents of the dwelling may be cared for at any one time; provided, however, that the total number of children cared for at any one time, including those that are permanent residents, shall not exceed seven (7).

- 206.6D All requirements of the State of Tennessee that pertain to the use and operation of the facility shall be met.
- 206.6E Outdoor play space shall not be permitted in the front yard area.
- 206.6F Outdoor play space shall be fenced or otherwise enclosed and shall not include driveways, parking areas or land unsuited for children's play space.
- 206.6G No portion of the fenced play area shall be closer than twenty (20) feet to any residential lot line and shall be no closer than fifty (50) feet to any public street.

SECTION 206.7 CHILD CARE CENTERS (As amended by Ordinance No. 002-05-09)

The following additional standards shall apply to all childcare centers, no matter how titled or classified by state regulations:

- 206.7A In the RS-20, RS-15, RS-10, RS-5, and RD Districts childcare centers shall be permitted only as an accessory use to a church or similar place of worship and subject to the provisions of Section 206.4 of this Zoning Code.
- 206.7B The minimum lot size for any childcare center located in the RM-8 and RM-14 Districts shall be ½ acre and in all other districts the minimum lot size shall be as specified in the requirements of the State of Tennessee. (As amended by Ordinance No. 002-05-09)
- 206.7C All childcare centers caring for more than twenty-five (25) children shall be located on a street with a classification of no less than major collector status.
- 206.7D All requirements of the State of Tennessee that pertain to the use and operation of the facility shall be met.
- 206.7E An on-site off street area shall be provided for vehicles to load and unload passengers.
- 206.7F Vehicular access to and from the site of the childcare center shall be designed so that backing from the site to a public street will not be necessary.
- 206.7G When located adjacent to lots zoned or used for single and two-family residential purposes a Type 2 Screen/Buffer Yard as specified in Section 208 of this Zoning Code shall be provided along all shared lot lines.
- 206.7H Outdoor play space shall be fenced or otherwise enclosed and shall not include driveways, parking areas or land unsuited for children's play space.
- 206.7I No portion of the fenced play area shall be closer than twenty (20) feet to any lot zoned or used for single and two-family residential purposes and shall be no closer than fifty (50) feet to any public street.

SECTION 206.8 PRIVATE AND PAROCHIAL SCHOOLS

The following additional standards shall apply to all private and parochial schools:

- 206.8A Shall be located on streets with a classification of no less than major collector status.
- 206.8B In the RS-20, RS-15, RS-10, RS-5, and RD Districts private and parochial schools shall be permitted only as an accessory use to a church or similar place of worship subject to the provisions of Section 206.4 of this Zoning Code.
- 206.8C The minimum lot size shall be ½ acre for the first twenty-five (25) students, plus an additional ½ acre per every additional twenty-five (25) students, or fraction thereof, to capacity.

- 206.8D All requirements of the State of Tennessee that pertain to the use and operation of the facility shall be met.
- 206.8E When located adjacent to lots zoned or used for single and two-family residential purposes a Type 2 Screen/Buffer Yard as specified in Section 208 of this Zoning Code shall be provided along all shared lot lines.
- 206.8F Outdoor play space shall be fenced or otherwise enclosed and shall not include driveways, parking areas or land unsuited for children's play space.
- 206.8G No portion of the fenced play area shall be closer than twenty (20) feet to any lot zoned or used for single and two-family residential purposes and shall be no closer than fifty (50) feet to any public street.

SECTION 206.9 FRATERNITY AND SORORITY HOUSES

The following additional standards shall apply to all fraternity or sorority houses:

- 206.9A Applications for fraternity and sorority houses shall be accompanied by a floor plan that depicts the proposed layout of the facility including the location and square footage of any area devoted to sleeping rooms.
- 206.9B Off street parking areas shall not be permitted in the required front yard and shall be designed so that backing from the site to a public street will not be necessary.
- 206.9C When areas for outdoor recreational use or outdoor group activities are provided a Type 2 Screen/Buffer Yard as specified in Section 208 of this Zoning Code shall be provided along all property lines abutting property zoned or used for single and two-family residential purposes.

SECTION 206.10 GROUP HOMES AND SIMILAR USES

The following additional standards shall apply to all group homes, including elderly group homes, homes for the aged, group shelters, or similar uses:

- 206.10A Off street parking areas and driveways shall have a hard surface of either asphalt or concrete.
- 206.10B A Type 2 Screen/Buffer Yard as specified in Section 208 of this Zoning Code shall be provided along all property lines abutting property zoned or used for single or two-family residential purposes.
- 206.10C At least 2,000 square feet of lot area shall be provided for each boarding room and for any dwelling unit in which the owner or operator may reside.

SECTION 206.11 LIMITATIONS FOR MULTI-FAMILY RESIDENTIAL USES (As amended by Ordinance No. O06-12-28)

The following additional standards shall apply to any structure or structures used for multi-family residential purposes:

- 206.11A No more than four (4) bedrooms shall be permitted in any one (1) multi-family dwelling unit.
- 206.11B No more than four (4) separate sanitary facilities shall be permitted in any one (1) multi-family dwelling unit.

- 206.11C No more than one (1) washer and dryer hookup shall be permitted in any one (1) multi-family dwelling unit.
- 206.11D No more than one (1) heating and cooling unit shall be permitted per floor in any one (1) multi-family dwelling unit.
- 206.11E Office space shall be considered as a separate dwelling unit in the calculation of minimum lot area requirements for any multi-family residential development.
- 206.11F When a multi-family structure is located on a lot with a single-family structure sufficient separation shall be provided between the single-family structure and any multi-family structure so as to allow all required setbacks to be met in the event the single-family structure is subdivided from the property.
- 206.11G When a multi-family residential development consists of fifty (50) or more dwelling units a minimum of two (2) access points to a public street shall be provided.

SECTION 206.12 TOWNHOUSES AND CONDOMINIUMS (As amended by Ordinance No. O011-09-18)

The following additional standards shall apply to all single-family attached dwellings (townhouses) and condominiums:

- 206.12A The maximum number of bedrooms in any single family attached (townhouse) or condominium development shall not exceed an average of more than three (3) bedrooms per one (1) single-family attached dwelling (townhouse) or condominium unit.
- 206.12B No more than one (1) kitchen facility shall be permitted in any one (1) single-family attached dwelling (townhouse) or condominium unit.
- 206.12C No more than one (1) washer and dryer hookup shall be permitted in any one (1) single-family attached dwelling (townhouse) or condominium unit.

SECTION 206.13 SELF-SERVICE STORAGE FACILITIES (MINI-WAREHOUSES)

The following additional standards shall apply to all self-service storage facilities:

- 206.13A Parking shall be provided in parking/driving lanes adjacent to the storage buildings. These lanes shall be at least twenty-six (26) feet wide when storage cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane. Said lanes shall be surfaced with asphalt or concrete.
- 206.13B A minimum of two (2) parking spaces plus one (1) additional space for every two-hundred (200) storage cubicles shall be located adjacent to the facility's office.
- 206.13C No self-service storage facility shall exceed eighteen (18) feet in height.
- 206.13D Except for the sale or auction of items foreclosed upon by the owner of the facility, the sale or auction of any item is specifically prohibited.
- 206.13E The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is specifically prohibited and all rental contracts shall include clauses prohibiting such storage.
- 206.13F The servicing or repair of motor vehicles, boats, trailers, lawnmowers or any similar equipment is specifically prohibited.
- 206.13G No outdoor storage shall be permitted.

SECTION 206.14 GASOLINE AND MOTOR FUEL SALES

The following additional standards shall apply for all establishments involved in the sale of gasoline and other motor fuels:

- 206.14A Gasoline pumps and pump islands shall not be located closer than twenty (20) feet to any street right-of-way line.
- 206.14B Canopies for gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
- 206.14C When other uses area combined with a gasoline sales, such as restaurants, deli, grocery, or video rental, additional off-street parking, based on the other uses, shall be provided.
- 206.14D The screening and buffer yard requirements of Section 208 of this Zoning Code shall apply.
- 206.14E Exterior lighting shall be arranged so that it is deflected away from adjacent properties.
- 206.14F The provisions of Section 206.15 of this Zoning Code shall apply if applicable.

SECTION 206.15 ESTABLISHMENTS FOR SALES, SERVICING, OR REPAIR OF MOTOR VEHICLES (As amended by Ordinance No. O09-05-06)

The following additional standards shall apply to all establishments, garages, vehicular sales lots, motor vehicle service and repair stations, and similar structures and uses involving the sale, servicing, or repair of motor vehicles:

- 206.15A No public street, parking area, sidewalk, or right-of-way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments, except for normal parking by individual private owners or operators of such vehicles.
- 206.15B No required landscape area or buffer yard shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments.
- 206.15C No operation in connection with such establishments shall be carried on in such a manner that impedes free flow of vehicular or pedestrian traffic in normal courses on public ways.
- 206.15D No motor vehicle shall be parked in such a manner as to block visibility at intersecting streets.
- 206.15E No repair of motor vehicles or parts thereof shall be made outside of garages, service stations, body shops, or other buildings used for such purposes (except such minor repairs as are normally completed while the customer waits at the premises).
- 206.15F All motor vehicles being handled or stored in an area visible from a public street or way shall be maintained in such condition that they can be moved under their own power.
- 206.15G There shall be no outdoor storage of any motor vehicle parts or tires unless in a completely enclosed storage yard that is screened in such a manner that no motor vehicle part or tire is visible from any street or public way, or from ground level of any adjacent property.

- 206.15H Motor vehicles unable to be moved under their own power may be temporarily stored (sixty (60) days or less) in completely enclosed storage yards. The following standards shall apply for all motor vehicle storage yards:
1. Shall be screened in such a manner that no vehicle or portion thereof is visible from any street or public way, or from ground level of any adjacent property
 2. Shall be surfaced with Portland cement or asphaltic concrete, as specified in the Cookeville Subdivision Regulations, and shall be construction to provide for adequate drainage
 3. Shall be located on the same premises as the motor vehicle repair or service establishment
 4. The maximum number of vehicles allowed in any storage yard is ten (10)
 5. All vehicles shall have a current license plate and registration
- 206.15I It shall be the responsibility of the owner or operator of any motor vehicle repair or service establishment to keep accurate and verifiable records as to the date any vehicle being stored in a storage yard is placed on said yard. Failure to keep such records will create the presumption that the vehicle or vehicles stored on the yard have been there in excess of sixty (60) days and are in violation of the Cookeville Municipal Code.
- 206.15J For the purposes of this Section motor vehicles shall include automobiles, trucks, vans, semis, buses, motorcycles, tractors, all terrain vehicles, boats, jet skis, motor homes, motorized construction vehicles and equipment, and similar vehicles and equipment.

SECTION 206.16 AUTOMOBILE WRECKING YARDS, JUNK AND SCRAP METAL YARDS

The following additional standards shall apply to automobile wrecking yards, junk and scrap metal yards:

- 206.16A The whole of the storage and wrecking operation shall be surrounded by a Type 3 Screen/Buffer Yard as specified in Section 208 of this Zoning Code, which shall include a solid fence, not less than eight (8) feet in height, unpierced except for gates necessary for access.
- 206.16B No material shall be piled higher than the height of the surrounding fence and no closer than ten (10) feet to said fence.
- 206.16C No outdoor storage of tires shall be permitted.

SECTION 206.17 WIRELESS COMMUNICATION TOWER STRUCTURES AND ANTENNA ARRAYS

These additional standards shall apply to all wireless communication tower structures and antenna arrays as defined by the Federal Communications Commission and the Telecommunications Act of 1996. This includes the following functionally equivalent services: Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio, and Paging.

All wireless communication tower structures and antenna arrays shall meet the following standards to minimize adverse visual and operational effects of such uses; to avoid potential damage to adjacent properties from tower failure and falling ice; and to maximize use of any new communication tower and/or existing structures to reduce the number of towers needed.

206.17A ENGINEERING REPORT REQUIRED

A report prepared by a professional engineer licensed by the State of Tennessee describing the height and design of the tower; demonstrating the tower's compliance with applicable structural standards, and all building, electrical and fire codes; and describing the tower's capacity, including the number and type of antennas it can accommodate shall be submitted to the Department of Planning and Codes.

In the case of an antenna mounted on an existing structure, the report shall indicate the existing structure's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

206.17B WRITTEN REPORT REQUIRED

An adequate report inventorying existing towers and antenna sites within a one (1) mile radius from the proposed site, outlining the opportunities for shared use as an alternative to the proposed use, shall be submitted to the Department of Planning and Codes. The applicant must illustrate that the proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:

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

206.17C SITE PLAN REQUIRED

A site plan shall be submitted to the Department of Planning and Codes and approved by the Building Official prior to the issuance of a permit. The following standards shall be used in the design of the facilities:

1. Setbacks

The minimum setback on all sides shall be equal to the height of the tower, including any antennas or other appurtenances, as measured from ground level. This setback shall be considered a fall zone. The fall zone setback requirement may be waived provided it can be demonstrated in a report prepared by a professional engineer licensed by the State of Tennessee that the communication tower will collapse if it falls. In such cases, the setback shall be equal to the distance specified in the engineering report or a minimum of fifty (50) feet, whichever is greater. In addition, no communication tower shall be located closer than one hundred (100) feet from any 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 structures associated with the tower and located at the same site the minimum setback on all sides shall be fifty (50) feet.

2. Landscaping and Screening

The visual impacts of the facility shall be mitigated from nearby viewers by an evergreen screen located outside the fence. This screen may consist of evergreen trees having a minimum height of six (6) feet at planting and minimum height of fifteen (15) feet at maturity, or a continuous hedge of three (3) feet in height at planting and six (6) feet in height at maturity. Sites may be exempted from the landscaped area requirement provided the Building Official finds the vegetation or the topography of the site provides a natural buffer.

3. Fencing

A chain-link fence or solid wall not less than eight (8) feet in height (fencing should be composed of six (6) feet of material plus two (2) feet of barb wire) from finished grade shall be provided around each facility. Access to the facility shall be through a locked gate.

4. Lighting

The tower or facility shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration. All lighting shall be oriented inward so as not to project on surrounding property.

5. Radiation Standards

All proposed communication facilities shall comply with current standards of the Federal Communication Commission or American National Standards Institute for non-ionizing electromagnetic radiation (NIER) and electro-magnetic fields (EMF). Each request for a building permit shall be accompanied by certified documentation or statement from a registered engineer or other professional indicating compliance with these standards.

6. Aircraft Hazard

Communication facilities shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.

7. Equipment Storage
Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site unless repairs are being made.
8. Removal of Obsolete or Unused Facilities
All obsolete or unused communication facilities shall be removed by the property owner within six (6) months of cessation of use. The applicant shall submit an executed Removal Agreement to ensure compliance with this requirement.
9. Signs and Advertising
The use of any portion of a tower for signs or advertising purposes, including banners, streamers, etc. is prohibited. Warning signs or identification signs are permitted.
10. Maintenance
Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and to prevent deteriorious conditions occurring on the site. An annual report regarding the structural integrity of the facility shall be prepared by a professional engineer licensed by the State of Tennessee and submitted to the Department of Planning and Codes.
11. Access
All access roads, including necessary drainage facilities, shall be constructed to meet the street construction specifications of the Cookeville Subdivision Regulations, except that the right-of-way and surface widths may be of a lesser width.
12. Changes to Facilities
Any changes to antennae, reception, or transmitting devices shall require review in the same manner as the existing facility was originally approved.

SECTION 206.18 SALE OF FIREWORKS (As amended by Ordinance No. 004-03-01)

The following additional standards shall apply for the sale of fireworks:

206.18A RULES AND REGULATIONS OF THE STATE TO APPLY

The rules and regulations of Tennessee Code Annotated, Title 68, Chapter 104, Sections 101 through 116 shall apply to the sale of fireworks within the City of Cookeville.

206.18B PROVISIONS OF MUNICIPAL CODE TO APPLY

The provisions of Title 7, Fire Protection and Fireworks, of the Cookeville Municipal Code shall apply to the sale of fireworks within the City of Cookeville.

206.18C CITY FIREWORKS PERMIT REQUIRED

A city fireworks permit is required and shall be obtained from the Cookeville Codes Department as specified in Title 7, Section 7-505 of the Cookeville Municipal Code.

206.18D DEFINITION OF FIREWORKS SALES

1. Year-round Sales:

The year-round sale of fireworks shall be defined as taking place within a permanent structure built in compliance with the standard building code and standard fire prevention code as adopted by the City of Cookeville.

2. Seasonal Sales:

The seasonal sale of fireworks shall only be permitted from June 20th until July 5th and from December 20th until January 2nd of any given year. Seasonal sales of fireworks shall be defined as taking place within a tent, trailer or other temporary structure.

206.18E DISTRICTS WHERE PERMITTED

The year-round and seasonal sale of fireworks shall be permitted only in the CG, “General Commercial”, PCD, “Planned Commercial Development”, and CI, “Commercial-Industrial Mixed Use” Zoning Districts.

206.18F STANDARDS FOR YEAR-ROUND SALES OF FIREWORKS

The standards of Section 7-510 of Title 7 of the Cookeville Municipal Code shall apply for the year-round sale of fireworks.

206.18G STANDARDS FOR SEASONAL SALES OF FIREWORKS

The standards of Section 7-511 of Title 7 of the Cookeville Municipal Code shall apply for the seasonal sale of fireworks.

SECTION 206.19 OUTDOOR DISPLAY AND SALES AREAS

The following additional standards shall apply to all permitted outdoor display and sales areas:

206.19A The number of required off-street parking spaces shall not be reduced by any outdoor display or sales area.

206.19B No outdoor display or sales area shall be located within any required front, side or rear yard. This provision shall not apply to any legally located and permitted vehicle sales establishment.

206.19C No outdoor display or sales area shall impede ingress/egress or be placed in way to prohibit access to any fire lane.

SECTION 206.20 TRAILERS AND BINS USED FOR STORAGE (As amended by Ordinance No. O03-10-20)

The following additional standards shall apply to all permitted trailers and bins used for outdoor storage:

206.20A The number of off-street parking spaces shall not be reduced below the required minimum by any trailer, bin or similar structure used for storage.

206.20B No trailer, bin or similar structure used for storage shall be located within any required front, side or rear yard.

206.20C No trailer, bin or similar structure used for storage shall impede ingress/egress or be placed in a way to prohibit access to any fire lane.

SECTION 206.21 TENT SALES (As amended by Ordinance Nos. O03-10-20 and O05-04-06)

The following additional standards shall apply to all permitted tent sale:

206.21A No tent shall be located within any required front, side or rear yard.

206.21B No tent shall impede ingress/egress or be placed in a way to prohibit access to any fire lane.

206.21C Tent sales shall be limited to no more than fourteen (14) consecutive days and shall be limited to no more than three (3) sales per calendar year on any individual lot or parcel.

206.21D There shall be a minimum of thirty (30) consecutive days between tent sales on any individual lot or parcel.

SECTION 206.22 QUARRIES AND MINERAL EXTRACTION OPERATIONS (As amended by Ordinance No. 006-11-25)

The following additional standards shall apply to quarries, mineral extraction operations, mining operations and similar uses:

206.22A ADDITIONAL SITE PLAN REQUIREMENTS

In addition to the site plan requirements specified in Section 233.5 of this Zoning Code the following information shall be submitted to the Codes Department prior to initiating any quarry, mineral extraction operation, mining operation or similar use:

1. Map of existing conditions to include:
 - a. Property boundaries
 - b. Contour lines at ten (10) foot intervals
 - c. Existing vegetation
 - d. Existing drainage and permanent water areas
 - e. Existing structures
 - f. Existing wells
 - g. Existing utilities
 - h. Easements
2. Map of proposed operations to include:
 - a. Property boundaries
 - b. Proposed structures
 - c. Location of sites to be mined showing depth of proposed excavation
 - d. Location of tailings deposits showing maximum height of deposits
 - e. Location of processing areas and machinery to be used in the mining operation
 - f. Location of storage of mined materials showing height of storage deposits
 - g. Location of vehicle parking
 - h. Location of storage of explosives
 - i. Erosion and sediment control structures
 - j. Haul routes
3. Reclamation plan as specified in Section 206.22C of this Zoning Code
4. Name, address, phone number, contact person for the operator
5. Name, address, phone number of landowner
6. Narrative outlining the type of material to be excavated, mode of operation, estimated quantity of material to be excavated, plans for blasting, and other pertinent information to explain the proposed use in detail
7. Phasing plan and estimated timeframe to operate the facility
8. Description of all vehicles and equipment estimated to be used in the operation of the facility, including an estimate average daily and peak daily number of vehicles accessing the facility
9. A minimum of three (3) soil boring logs representative of the site and a description of the subsurface materials on the subject property
10. Description of the surface waters, existing drainage patterns and groundwater conditions within 1,000 feet of the subject property
11. Plan for groundwater quality protection

206.22B OPERATING STANDARDS

All quarries, mineral extraction operations, mining operations, or similar uses shall be operated in compliance with the requirements of the State of Tennessee, and in addition, shall comply with the following:

1. Noise levels shall not exceed those as specified by the Cookeville Municipal Code.
2. Blasting shall not occur on Sundays and shall not occur between the hours of 7:00 p.m. and 7:00 a.m.
3. Fencing, barriers, and warning signs shall be provided around ponding areas and steep slope excavation areas unless, because of their location, the City determines they do not create a safety hazard.
4. Adequate water supply shall be available to enable landscaping reclamation and to provide for dust control.
5. Dust and smoke shall not substantially increase the existing levels of suspended particulates at the perimeter of the site and shall be controlled by watering of the site and equipment or other methods specified by the City.
6. Proper drainage shall be provided to prevent the collection and stagnation of water.
7. Appropriate measures shall be taken to prevent the transport of rocks, dirt and mud from trucks onto public streets.

206.22C RECLAMATION PLAN REQUIRED

Prior to initiating the operation of any quarry, mineral extraction operation, mining operation or similar use a Reclamation Plan shall be submitted to and approved by the City of Cookeville. The plan shall provide for the restoration, reclamation, reforestation or other corrective work necessary for all disturbed areas. Land reclamation plans shall include grading plans, topsoil replacement, seeding, mulching, planting, erosion control, and sedimentation control specifications for each phase and final site restoration. Documentation of compliance with all requirements of the State of Tennessee for the reclamation of the site shall be submitted. The plan shall be reviewed and approved by the Codes, Planning and Public Works Departments. The following minimum standards shall apply:

1. Final grades shall not exceed a 3:1 ratio, except for rehabilitated areas in existence at prior to the adoption of these provisions.
2. All disturbed areas shall be planted in such a manner so as to control soil erosion.
3. Soil restoration, seeding, mulching and planting shall occur within each phase as soon as final grades, or interim grades identified in the phasing plan, have been reached.
4. Within six (6) months after termination of a quarry or mining operation, all stockpiles, overburden, refuse, vehicles, plant facilities and equipment shall be removed from the property.
5. Within twelve (12) months after termination of a quarry or mining operation site reclamation shall be completed.

SECTION 206.23 VEHICLE STORAGE LOTS (As amended by Ordinance No. 009-05-06)

The following additional standards shall apply to vehicle storage lots:

- 206.23A Shall be surfaced with Portland cement or asphaltic concrete, as specified in the Cookeville Subdivision Regulations, and shall be constructed to provide for adequate drainage.
- 206.23B All vehicle storage lots shall comply with the parking lot design requirements in Section 205.7B of this Zoning Code.
- 206.23C All landscape yard requirements shall be met and if perimeter fencing or walls are installed they shall be located inside any required landscape yard.
- 206.23D When located adjacent to property zoned or used for single-family residential purposes a Type 3 Screen and Buffer Yard shall be provided along any property lines shared with such property.
- 206.23E No wrecked vehicles shall be permitted and all vehicles located on a storage lot shall be operable and street legal.
- 206.23F No vehicle shall be located closer than twenty (20) feet from any street right-of-way.
- 206.23G No servicing of vehicles or sales of vehicles or parts shall be permitted.
- 206.23H No storage of vehicle parts or tires shall be permitted.
- 206.23I Long term storage (more than sixty (60) consecutive days) of vehicles shall be permitted provided that a current license plate and registration is maintained for all vehicles requiring a license plate and registration to operate.
- 206.23J It shall be the responsibility of the owner or operator of any vehicle storage lot to keep accurate and verifiable records as to the date any vehicle being stored in a storage lot is placed on said lot. Failure to keep such records will create the presumption that the vehicle or vehicles stored on the lot have been there in excess of sixty (60) days and are in violation of the Cookeville Municipal Code.
- 206.23K For the purposes of this Section, vehicles shall include automobiles, trucks, vans, semis, buses, motorcycles, all terrain vehicles, boats, jet skis, motor homes, and similar vehicles.

SECTION 206.24 SEXUALLY ORIENTED BUSINESSES (As amended by Ordinance No. O09-12-25)

206.24A PURPOSE

It is a purpose of this Code to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this Code have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Code to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Code to condone or legitimize the distribution of obscene material.

206.24B FINDINGS AND RATIONALE

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); and *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512, 2009 WL 330995 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *729, Inc. v. Kenton County Fiscal Court*, 515 F.3d 485 (6th Cir. 2008); *Deja Vu of Nashville, Inc. v. Metropolitan Gov't of Nashville & Davidson County*, 466 F.3d 391 (6th Cir. 2006); *Deja Vu of Cincinnati, L.L.C., v. Union Township Bd. of Trustees*, 411 F.3d 777 (6th Cir. 2005) (*en banc*); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Brandywine, Inc. v. City of Richmond*, 359 F.3d 830 (6th Cir. 2004); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 274 F.3d 377 (6th Cir. 2001); *Currence v. City of Cincinnati*, 28 Fed. Appx. 438 (6th Cir. Jan. 24, 2002); *In re Tennessee Public Indecency Statute*, 172 F.3d 873 (6th Cir. Jan. 13 1999)(table); *Bamon Corp. v. City of Dayton*, 923 F.2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *State ex rel. Gibbons v. Jackson*, 16 S.W.3d 797 (Tenn. Ct. App. 1999); *City of Cleveland v. Wade*, 206 S.W.3d 51 (Tenn. Ct. App. 2006); *State ex rel. Dossett v. Richland Bookmart, Inc.*, 1990 WL 209331 (Tenn. Ct. App. 1990); *Silver Video USA v. Summers*, 2006 WL 3114220 (Tenn. Ct. App. 2006); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Center for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *O'Connor v. City and County of*

Denver, 894 F.2d 1210 (10th Cir. 1990); *Z.J. Gifts D-2, LLC v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *World Wide Video of Spokane, Inc. v. City of Spokane*, 227 F. Supp. 2d 1143 (E.D. Wash. 2002); *Broadway Books v. Roberts*, 642 F. Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Threesome Entertainment v. Strittmather*, 4 F. Supp. 2d 710 (N.D. Ohio 1998); *Bigg Wolf Discount Video Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Kentucky Restaurant Concepts, Inc. v. City of Louisville and Jefferson County*, 209 F. Supp. 2d 672 (W.D. Ky. 2002); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *For the People Theatres of N.Y., Inc. v. City of New York*, 793 N.Y.S.2d 356 (N.Y. App. Div. 2005); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; Jackson County, Missouri - 2008; Louisville, Kentucky - 2004; New York, New York Times Square - 1994; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the city council finds:

1. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
2. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is part of the City's rationale for this Code, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future

secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this Code are reasonably believed to be relevant to said secondary effects.

The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

206.24C LOCATION REGULATIONS

1. It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in Cookeville, unless said sexually oriented business is at least:
 - a. One thousand (1,000) feet from any parcel occupied by another sexually oriented business; and
 - b. One thousand (1,000) feet from any parcel occupied by a child care facility, a private, public, or charter school, a public park, a residence, or a place of worship.
2. For the purpose of this Section 206.24C, measurements shall be made in a straight line in all directions without regard to intervening structures, objects, or political boundaries, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection (1) above.

SECTION 206.25 SWIMMING POOLS

The following additional standards shall apply to all private swimming pools:

- 206.25A No swimming pool or part thereof, including aprons, walks, and equipment rooms, shall protrude into any required front or side yard setback or within five (5) feet of any rear property line.
- 206.25B The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and maintained in good condition. All gates shall be self-closing.