

**ORDINANCE 14-O-62** amending Murfreesboro City Code Appendix A—Zoning, Sections 11, 14 and 15 and Charts 1 and 2, pertaining to uses permitted, lot and yard requirements and land intensity ratios.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

SECTION 1. Appendix A, Zoning, Section 11, Interpretations, of the Murfreesboro City Code is hereby amended at subsection (A) by deleting the subsection in its entirety and substituting in lieu thereof the following:

“(A) *Authority.* After consultation with the Planning Director, the City Attorney may render an interpretation on any regulatory provision of this article in connection with reviews of building permit applications for zoning compliance or written requests for opinions directed to the City Attorney.”

SECTION 2. Appendix A, Section 15, Districts Established, of the Murfreesboro City Code is hereby amended by renumbering it as “Section 14, Districts Established”, to replace the reserved section.

SECTION 3. Appendix A, Zoning, is hereby amended by creating a new Section 15 as follows:

**“SECTION 15. USES PERMITTED BY ZONING DISTRICT, LOT AND YARD REQUIREMENTS, AND LAND INTENSITY RATIOS.**

(A) Uses Permitted.

- (1) The uses permitted in the various districts established by this article (Appendix A – Zoning) shall be as identified in this section on Chart 1 USES PERMITTED BY ZONING DISTRICT. Those uses that are shown on the chart with an “X” at the intersection of the uses row and a zoning district column shall be uses that are permitted by right subject to site plan review and approval and the issuance of building permits in those zoning districts. Those uses that are shown with an “S” at the intersection of the uses row and a zoning district column shall be uses requiring site plan review and approval subject to the issuance of special use permits in accordance with the provisions of Sections 8 and 9 of this article (Appendix A – Zoning) in those zoning districts. Those uses that are shown with no “X” or “S” at the intersection of a uses row and a zoning district column shall be uses that are prohibited and are not permitted or allowed in those districts.
- (2) The uses identified on Chart 1 USES PERMITTED BY ZONING DISTRICT shall be subject to the following additional qualifications:
  - (a) In the OG-R, OG, CL, CF, CH, MU, CBD, H-I and L-I zones a single dwelling unit shall be permitted as an accessory use in conjunction with a commercial or industrial use if such dwelling unit is attached to or located within the commercial or industrial building and is occupied by an employee of the business occupying the commercial or industrial building.
  - (b) Any development of one or more acres or of five thousand square feet of floor area to be located in a nonresidential district shall require a site plan approved by the Murfreesboro Planning Commission.
  - (c) Offices in the CM-R Medical District Residential or CM Medical District Commercial shall be restricted to medical, dental, or other related professionals.
  - (d) The requirements for site plan review are included in Section 7 Site Plan Review of this article (Appendix A – Zoning).

- (e) Customary general farming uses, gardens, grazing, and buildings incidental thereto shall be permitted in the RS-15, RS-12, RS-10, RS-8, RS-4, RD, RM-12, RM-16, RM-22, RZ, R-MO, and CF districts; provided, however, that no permit shall be issued for commercial animal or poultry farms and kennels except with the written approval of the Board of Zoning Appeals and subject to such conditions as the BZA may require in order to preserve and protect the character of the district in which the proposed use is located. Swine are not permitted. Regulations regarding animal population may be adopted and shall be applicable to existing farm operations.
- (f) Automobile dismantlers and recyclers shall not be located within one thousand five hundred (1500) feet of land zoned CBD (Central Business District).
- (g) An Accessory apartment may be created in owner-occupied single-family dwellings in the RS-15, RS-12, RS-10, RS-8, RS-4, and RZ districts upon approval by the Board of Zoning appeals subject to the standards and criteria of Section 9 of this article (Appendix A – Zoning).
- (h) Sexually oriented adult businesses including Adult Cabarets, Adult Entertainment Centers, Adult Motels, Adults-Only Bookstores, Adults-Only Motion Picture Theaters, Massage Parlors, Rap Parlors, and Saunas are subject to the regulations of Section 32 of this article (Appendix A – Zoning).
- (i) Home occupations may be permitted by special use permit provided, however, if home occupation approval is requested in order for the applicant to establish an address necessary for obtaining a business license and can meet the following standards, the special use permit for the home occupation may be issued by the Planning Director. In the event the Director has doubt regarding the compatibility of the proposed home occupation with adjoining land uses, the Director shall deny approval. The applicant may apply to the Board of Zoning Appeals as provided in Sections 8 and 9 of this article. The standards to be met are as follows:
  - [1] No person who is not a resident of the dwelling unit may be employed in connection with the home occupation at the dwelling unit or on the property.
  - [2] No business signs shall be permitted.
  - [3] There shall be no alteration of the residential building which changes the character thereof as a dwelling. No display of products shall be visible from the street.
  - [4] The home occupation shall be incidental and subordinate to the residential use of the dwelling unit. No more than twenty-five percent (25%) of the area of a residential dwelling unit and accessory structure, if used as part of the home occupation, shall be devoted to the home occupation. In the event the home occupation is to be conducted totally from within an accessory structure, no more than five hundred square feet of area may be devoted to such home occupation. No more than one home occupation shall be permitted per residential dwelling unit.
  - [5] No mechanical or electrical equipment may be used in a residential dwelling unit or accessory structure in connection with a home occupation except such types as are customary for domestic, household, or hobby purposes; personal computers and facsimile machines may be used. Machinery that causes noise likely to be heard by neighbors or interference with radio or television reception shall be prohibited.
  - [6] There shall be no storage outside a dwelling unit or accessory structure of equipment or materials used in connection with the home occupation.
  - [7] Any request for a home occupation which would potentially generate traffic or a demand for on or off-street parking shall not be approved by the

Planning Director and shall require application to the Board of Zoning Appeals as provided in Sections 8 and 9 of this article.

- [8] There shall be no group instruction in connection with the home occupation. For the purposes of this subsection, instruction shall be group instruction if it involves more than two students at any time.
- [9] The following activities and land uses shall not be approved by the Planning Director administratively:
- [aa] automotive repair (body or mechanical), upholstery or painting;
  - [bb] kennel;
  - [cc] barber or beauty shop;
  - [dd] taxi service;
  - [ee] professional office;
  - [ff] artist studio; or
  - [gg] charter bus service.
- [10] The Planning Director may place conditions on the approval in order to assure compliance with the provisions of this subsection. If the conditions so placed are unacceptable to the applicant, the applicant may appeal the Planning Director's administrative decision as provided in Section 12 of this article.

Should it be learned later that the administrative approval was in error for any reason or that the use has changed so as not to conform with the foregoing standards, the administrative approval shall be voidable, subject to a due process hearing before the Board of Zoning Appeals.

- (j) Sites used for the storage of wrecked or partially dismantled vehicles, whether as a principal, accessory, or ancillary use, used in conjunction with automotive repair establishments, motor vehicle service establishments, wrecker or towing services, or wrecker service storage yards, shall provide at a minimum a type D buffer zone as described in Section 27 of this article for screening of the area used for the storage of wrecked or partially dismantled vehicles. Provided, however, the screening requirement shall not be for the entire site unless otherwise required by this article and shall be applicable to only those areas used for such storage. It is the intent of this requirement to screen such storage areas from the view of any adjacent property and from the view of any public right-of-way adjacent to the site.
- (k) Institutional group assembly uses, including recreational fields, public buildings, public and private schools grades K-12, lodges, country clubs, clubs, churches, and other places of worship, where permitted by right, shall meet the following standards:
- [1] Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard.
- [2] In all residential districts, institutional group assembly uses shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly use is proposed to be located. In the event the institutional group assembly use is proposed to be located on land that has two or more different zoning classifications, the minimum lot size shall be calculated by applying the larger required minimum lot size.

Examples:

<u>ZONING</u>	<u>MINIMUM LOT SIZE</u>	<u>MINIMUM LOT SIZE</u>	<u>X3</u>	<u>ACRES</u>
RM-12	7,500	.17	22,500	.52
RM-16	6,000	.14	18,000	.41
RM-22	5,000	.11	15,000	.34

[3] An institutional group assembly use may:

[aa] conduct a use that is subject to separate definition under this zoning ordinance or regulation, e.g., childcare facility or mission for the homeless or

[bb] construct exterior water, sewer, and electric utility connections for trailers or recreational vehicles only after a special use permit to that affect has been granted by the Board of Zoning Appeals.

(l) See Section 21–CF, Commercial Fringe District for use regulations which shall be applicable to any use in the CF district.

(m) In all zones where “boardinghouses;” “homes for the aged, class I;” “homes for the aged, class II;” “homes for the aged, class III;” and “assisted-care living facilities” are permitted by right the following standards shall apply:

[1] A minimum of two thousand square feet of lot area shall be provided for each boarding room.

[2] Parking areas shall be asphalt, concrete or other smooth dustless surface and shall be located on-site in the rear of the proposed structure.

[3] Screening shall be provided along side and rear property lines where the property abuts property in the RS, RD, RZ classifications or the residential portion of a planned development.

(B) Minimum Lot Requirements, Minimum Yard Requirements, Maximum Building Heights, Maximum Gross Density, Land Use Intensity Ratios and Maximum Lot Coverage.

(1) The minimum lot requirements, minimum yard requirements, maximum building heights, maximum gross density, land use intensity ratios, and maximum lot coverage required or permitted in the various districts established by this article (Appendix A – Zoning) shall be as identified in this section on Chart 2 MINIMUM LOT REQUIREMENTS, MINIMUM YARD REQUIREMENTS, AND LAND USE INTENISTY RATIOS.

(2) The minimum lot requirements, minimum yard requirements, maximum building heights, maximum gross density, land use intensity ratios, and maximum lot coverage standards identified on Chart 2 MINIMUM LOT REQUIREMENTS, MINIMUM YARD REQUIREMENTS, AND LAND USE INTENISTY RATIOS shall be subject to the following additional qualifications:

(a) The minimum front yard set forth on Chart 2 shall be required unless the property abuts a major arterial road identified as such by the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time, in which case the minimum front yard for a residential structure shall be that set forth on Chart 2 plus an additional ten feet.

(b) Multiple family developments with more than seventy-five dwelling units shall provide a drive-up external commercial grade garbage compactor for use by a commercial garbage hauler as the preferred means of solid waste management.

(c) The size of the required side yard shall be ten feet for single story multiple-family buildings that are perpendicular to the side lot line and twenty feet for two story multiple-family buildings that are perpendicular to the side lot line

plus an additional five feet for each story over two. The size of the required side yard shall be twenty feet for one and two story multiple-family buildings that are running parallel with the side lot line plus five feet for each additional story over two.

- (d) For four-family buildings in the CM-R district and for multiple-family buildings in the CU district the size of the required rear yard shall be at a minimum as specified in Chart 2 for those districts plus five feet for each additional story over two.
- (e) A corner lot used for single-family purposes shall have two front yards and two side yards (no rear yard). A corner lot used for nonsingle-family purposes shall have two front yards, one side yard, and one rear yard.
- (f) Canopies covering gasoline pump islands may extend to within three feet of the property line, provided the support columns are set back fifteen feet from the property line.
- (g) For all commercial uses in the CL district and for all uses in the CH district the minimum side yard specified in Chart 2 shall apply only if the property abuts or is adjacent to property zoned or used for residential purposes or the residential portion of an approved planned development. Otherwise, no side yard is required.
- (h) In all districts where permitted Zero-lot line developments may have one zero-side yard and shall conform to the requirements of Section 33 of this article.
- (i) In calculating the density permitted for property in the RM-22 district the following rules shall apply:
  - [1] Developments of less than one acre shall have no less than two thousand five hundred square feet of lot area per dwelling unit.
  - [2] Developments of one acre or more may have twenty-two dwelling units per acre.
  - [3] When in calculating the total units permitted if a fraction of a unit results any fraction over one-half (0.500) shall permit an additional unit, but not when the fraction is one-half (0.500) or less.
- (j) In calculating the density permitted for property in the RM-16 district the following rules shall apply:
  - [1] Developments of less than one acre shall have no less than three thousand square feet of lot area per dwelling unit.
  - [2] Developments of one acre or more may have sixteen dwelling units per acre.
  - [3] When in calculating the total units permitted if a fraction of a unit results any fraction over one-half (0.500) shall permit an additional unit, but not when the fraction is one-half (0.500) or less.
- (k) In calculating the density permitted for property in the RM-12 district and the CL district that are within the City Core Overlay (CCO) the following rules shall apply:
  - [1] Developments of less than one acre shall have no less than three thousand seven hundred fifty square feet of lot area per dwelling unit.
  - [2] Developments of one acre or more may have twelve dwelling units per acre.
  - [3] When in calculating the total units permitted if a fraction of a unit results any fraction over one-half (0.500) shall permit an additional unit, but not when the fraction is one-half (0.500) or less.
- (l) In the RS-8, RD, RM-12, RM-16, RM-22, CM-R, and CL districts where the minimum side yard may be five feet on one side of the structure, the sum of the two side yards shall be no less than fifteen feet.

- (m) In the RS-15, RS-12, RS-10, RS-8, RS-4, RD, RM-12, RM-16, RM-22, RZ, R-MO, CM-R, CM, CM-RS-8, OG-R, OG, and CU districts and for non-commercial uses in the CL district and the CL and CH districts within the City Core Overlay (CCO) flag lots may be allowed as warranted by physical conditions or topography, existing lot pattern, unusual size or shape of the parcels or as approved by the Planning Commission. The narrow strip of land connecting the main portion of a flag lot to the street shall be not less than thirty feet wide at any point. The narrow portion (the flag pole) shall not be considered to satisfy the minimum lot area requirement of the zoning district.
- (n) In the CF, CH, CBD, P, H-I, and L-I districts and for commercial uses in the CL district and CL and CH districts within the City Core Overlay (CCO) flag lots may be allowed as warranted by physical conditions of land form, existing lot pattern, unusual size or shape of the parcels or as approved by the Planning Commission. The narrow strip of land connecting the main portion of a flag lot to the street shall be not less than thirty feet wide at any point. The narrow portion (the flag pole) shall not be considered to satisfy the minimum lot area requirement of the zoning district. Provided, however, no lot shall be permitted along a major arterial road identified as such by the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time unless the lot has a minimum street frontage of fifty feet.
- (o) In the CF district the minimum side yard or rear yard setback shall be as specified in Chart 2 unless the property abuts property in the RS, RD, RZ, or PRD classification of the residential portion of land zoned in the PUD in which case the minimum setback shall be twenty-five feet from the common property line of the property in the RS, R-D, RZ, or PRD classification or the residential portion of land zoned in the PUD Classification.
- (p) Ornamental towers for churches in the RS-15, RS-12, RS-10, RS-8, RS-4, R-D, RM-12, RM-16, RM-22, R-MO, RZ, CM, CM-R, OG, CL, CF, and CU zones shall be permitted a maximum height of seventy feet. Plans for ornamental towers shall be prepared by an engineer registered in the State of Tennessee and designed in accordance with the adopted International Building Code.
- (q) The minimum front yard set forth on Chart 2 shall be measured from the existing front lot line, unless the property abuts a street or street identified in the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time as requiring roadway widening, in which case the minimum front setback line shall be measured from the future right(s)-of-way according to the appropriate street cross-section identified in the Murfreesboro Major Thoroughfare Plan for that street. No off-street on-site parking or landscaping required by this article or any sign regulated by Murfreesboro City Code Chapter 25¼ shall be located in the area between the existing street and the future right(s)-of-way.
- (r) Buildings for multiple-family dwellings in the RM-12 and RM-16 districts may have a maximum height of 45 feet as defined by this article provided that no such building shall have more than three stories.
- (s) The minimum width set forth in Chart 2 for the MU district shall be required unless the property abuts a major arterial, minor arterial, or collector street identified as such by the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time in which event the minimum width shall be 200 feet.

- (t) The front yard set forth in Chart 2 for the MU district shall be required unless the property abuts a major arterial, minor arterial, or collector street identified as such by the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time in which event the minimum front yard shall be 50 feet.
  - (u) The size of the required side yard in the MU district shall be 10 feet unless the property abuts property zoned for single-family purposes in which event the side yard shall be 20 feet plus 10 additional feet for each story over two.
  - (v) The size of the required rear yard in the MU district shall be 20 feet unless the property abuts property zoned for single-family purposes in which event the side yard shall be 20 feet plus 10 additional feet for each story over two.
  - (w) Developments located in the MU district shall be allowed a maximum gross density of 25 dwelling units per acre. When calculating the total units permitted if a fraction of a unit results, any fraction over one-half (0.500) shall permit an additional unit but not when the fraction is one-half (0.500) or less.
- (C) Planned Development Zoning Districts.
- (1) The uses permitted in all Planned Development Zoning Districts shall be as described in the applications for zoning to those zoning districts.
  - (2) The minimum lot requirements, minimum yard requirements, maximum building heights, maximum gross density, land use intensity ratios, and maximum lot coverage standards shall be as described in the applications for rezoning to those zoning districts."

SECTION 4. Appendix A, Zoning, Chart 1, Uses Permitted and Chart 2, Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios, of the Murfreesboro City Code are hereby amended by deleting from the charts all footnote numbers and all footnote text from the charts.

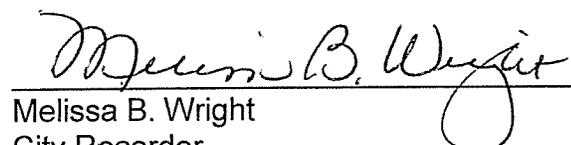
SECTION 5. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed:

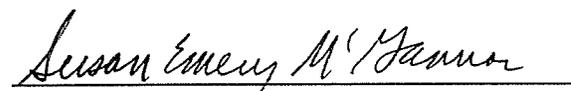
1<sup>st</sup> reading      December 11, 2014  
 2<sup>nd</sup> reading      January 8, 2015  
 3<sup>rd</sup> reading      January 15, 2015

  
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 Shane McFarland, Mayor

ATTEST:

  
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 Melissa B. Wright  
 City Recorder

APPROVED AS TO FORM:

  
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 Susan Emery McGannon  
 City Attorney

SEAL