

**ORDINANCE 20-O-12** amending Murfreesboro City Code Appendix A— Zoning, Sections 2, 6, 7, 13, 18, 24, and 25 pertaining to outdoor storage, timeframe for holding zoning public hearings, site plan review timeframe to fit within new review cycle, yard encroachments, and minimum lighting, City of Murfreesboro Planning Staff, applicant. [2020-801]

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

**SECTION 1.** Appendix A, Section 2, Interpretation and Definitions of the Murfreesboro City Code is hereby amended at the definition for “Yard” by deleting exception (D) in its entirety and substituting in lieu thereof the following and by adding a new (L) to read as follows:

- (D) bay windows, porches and balconies may project up to sixty inches within a front or rear yard;
- (L) attached and/or detached uncovered decks may be located within a required side or rear yard but shall be no closer than five feet from a side or rear property line.

**SECTION 2.** Appendix A, Section 6, Amendments, of the Murfreesboro City Code is hereby amended at subsection (E)(2)(d) by deleting it in its entirety and substituting in lieu thereof the following:

- (E)(2)(d) Not more than ninety days after a complete application for an amendment to the zoning map has been accepted, or the Council or the Department has recommended an amendment to the zoning map, the Commission shall hold a public hearing thereon. At such times that the Commission reviews the application and/or that the Commission conducts a public hearing, the applicant or the applicant’s agent shall be present to answer questions. Written notice of such public hearing shall be published in a local newspaper of general circulation. In addition, a sign shall be maintained on the property by the applicant which meets the size and content specifications of the Commission, and notice shall be mailed to property owners within two hundred fifty feet. Failure to mail notice to such owner(s) will not invalidate the amendment.

**SECTION 3.** Appendix A, Section 7, Site Plan Review, of the Murfreesboro City Code is hereby amended at subsection (E)(2), by adding the following language to the City of Murfreesboro Planning Commission Site Plan Review Checklist at subsection “K. Other” as item (7) as follows:

- \_\_\_\_(7) the proposed location for outdoor storage including the locations of temporary outdoor storage and/or display, permanent outdoor storage and/or display, and the screening of such elements in accordance with Sections 18, 21, 24, 25, and/or 27 of this article;

**SECTION 4.** Appendix A, Section 7, Site Plan Review, of the Murfreesboro City Code is hereby amended at subsection (G) by replacing the words “Building Official” with “Planning Director,” “fourteen” with “sixty-five,” and adding the word “approve” before “subject to conditions” so that it reads:



- (G) *Procedure for administrative site plan review.* The Planning Director or designee shall approve, approve subject to conditions, or disapprove administrative site plans within sixty-five days of their receipt. The Planning Director shall send written notice of the decision to the applicant, along with reasons for the decision.

SECTION 5. Appendix A, Section 7, Site Plan Review, of the Murfreesboro City Code is hereby amended at subsections (A), (E)(3), (E)(3)(b), and E)(3)(c) as follows:

(A): REPLACE the word "Building Official" with "Planning Director"

(E)(3): REPLACE the word "Building Official" with "Planning Director"

(E)(3)(b): REPLACE the word "Building Official" with "Planning Director"

(E)(3)(c): REPLACE the word "Building Official" with "Floodplain Administrator"

SECTION 6. Appendix A, Section 13, Planned Development Regulations, of the Murfreesboro City Code is hereby amended at subsection (D)(4) by replacing the word "filed" with "accepted," the word "seventy-five" with "ninety," and the word "received" with "reviewed" so that it reads:

- (D)(4) *Planning Commission review of application.* Not more than forty-five days after a complete application for planned development approval has been accepted, the Planning Commission shall review the application. At such time as the Commission reviews the application, the applicant or the applicant's agent shall be present to answer questions regarding the proposed development. During this review, the Commission members may suggest changes to the proposed development plan.

Not more than ninety days after the Commission has reviewed the planned development application, a public hearing shall be held thereon. Notice of such public hearing shall be in the manner as prescribed in Section 6(E)(2)(d) of this article. After the conclusion of the public hearing, the Commission shall prepare a recommendation for City Council. Provided, however, the Commission may defer action for not more than sixty days or for a greater period of time if the applicant so requests. A recommendation prepared by the Commission shall be for approval, disapproval, or approval subject to special conditions.

SECTION 7. Appendix A, Section 18, Regulations of General Applicability, of the Murfreesboro City Code is hereby amended at subsection (G) by adding to the end thereof a new subsection (14) as follows:

- (G)(14) In multi-family and single-family attached developments, exterior lighting levels for parking and walkways shall be a minimum of 0.5 foot-candles. Lighting shall be even, and "hot" spots are to be avoided. Switched light fixtures under the control of residents may not be used in the foot-candle calculation.



SECTION 8. Appendix A, Section 24, Overlay District Regulations, Article VI. CCO, City Core Overlay District, of the Murfreesboro City Code is hereby amended at subsection (D)(1) by adding a new subsection (c) to read as follows:

- (c) bay windows, porches and balconies may project up to sixty inches within a front or rear yard so long as they do not interfere with automotive sight triangle requirements as set forth in Section 27(P) of this article.

SECTION 9. Appendix A, Section 24, Overlay District Regulations, Article V. PS, Planned Signage Overlay District, of the Murfreesboro City Code is hereby amended at subsection (H) by replacing the words “filed” with “accepted,” “seventy-five” with “ninety,” and “received” with “reviewed” so that it reads:

- (H) *Planning Commission.* Not more than forty-five days after a complete application for Planned Signage Overlay District zoning has been accepted, the Planning Commission shall review the application. At such time as the Commission reviews the application, the applicant or the applicant’s agent shall be present to answer questions. The Commission may suggest changes. Not more than ninety days after the Commission has reviewed the application, a public hearing shall be held thereon. Notice of such public hearing shall be in the manner prescribed in Section 6(E)(4) of this article. After the conclusion of the public hearing, the Commission shall prepare a recommendation for the City Council. Provided, however, the Commission may defer action for not more than sixty days or, if the applicant so requests, for a greater period of time. A recommendation prepared by the Commission shall be for approval, disapproval, or approval subject to special conditions.

SECTION 10. Appendix A, Section 25, Temporary and Accessory Structures and Uses, of the Murfreesboro City Code is hereby amended at subsection (C) by deleting subsection (C)(2) in its entirety and substituting in lieu thereof the following and by adding a new (C)(5) to read as follows:

- (C)(2) mobile storage units, e.g., semi-trailers, converted vans, or converted buses, shall not be used as:
  - a) accessory structures for human occupancy on any lot;
  - b) accessory structures for storage on any lot zoned or used for residential or institutional purposes;
  - c) accessory structures for the storage of tires on any lot.
- (C)(5) Tires shall only be stored within a fully-enclosed structure. Open or uncovered outdoor storage of tires is prohibited. Provided however that outdoor tire displays may be permitted subject to all limitations contained in the City Code.

SECTION 11. Appendix A, Section 25, Temporary and Accessory Structures and Uses, of the Murfreesboro City Code is hereby amended at subsection (E) by replacing the period at the end of Section 25 (E)(7) with a comma, and adding the following subsection (8):

- (8) Outdoor Storage and Display for non-residential lots shall not be located within a required yard, in required parking stalls, in vehicle or pedestrian access ways, in landscape areas, or in open space. Permanent storage and display shall be screened from public and adjoining property view. Provided, however, that temporary outdoor storage and display of merchandise not located within a special overlay district may be permitted upon approval of a

site plan and documentation that it will not impair the ability of the site to meet minimum standards.

SECTION 12. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

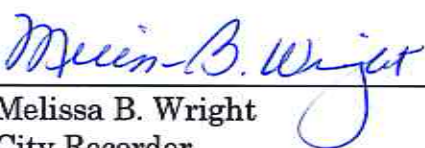
Passed:

1<sup>st</sup> reading May 7, 2020

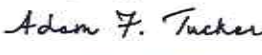
2<sup>nd</sup> reading May 21, 2020

  
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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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Adam F. Tucker  
City Attorney

