

**ORDINANCE 17-O-24** amending Murfreesboro City Code, Appendix A - Zoning, Section 2, Interpretation and Definitions, Section 9, Standards for Special Permit Uses, Section 24, Article IV, Planned Signage Overlay District and Chart 1, Uses Permitted by Zoning District, pertaining to motor vehicle sales and planned sign overlay; Murfreesboro Planning and Legal Departments, applicants [2017-805].

**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 within the Definitions section adding the following to the end of the definition for “Motor vehicle sales”:

“, including but not limited to automobiles, motorcycles, and all-terrain vehicles.”

SECTION 2. Appendix A, Section 9, Standards for Special Use Permits, of the Murfreesboro City Code is hereby amended at subsection (D)(2) by adding a new subsection (ffff) to read:

(ffff) Motor Vehicle Sales (Automobile) shall be subject to the following additional standards:

- [1] each lot used for automobile sales shall include a principal structure designed and constructed in accordance with the provisions of this article (Appendix A: Zoning) and all other applicable regulations and codes;
- [2] in addition to meeting the minimum parking required in Chart 4 of this article (Appendix A: Zoning), supplementary parking spaces meeting the following requirements shall be provided for customers, employees, and service vehicles:
  - [a] customer parking shall be clearly designated via signage and striping and shall be provided at the following minimum ratios:

Total number of vehicles on sales lot	Minimum number of customer parking spaces required
0-25	2
25-50	3
51-75	4
76-100	5
101-150	6
151-200	7
201-250	8
251 or more	10

- [b] one employee parking space shall be provided for each employee on the largest shift;
- [c] one parking space shall be provided for each service vehicle;
- [d] all driveways and parking areas, including automobile storage and display areas, shall be surfaced with asphalt, concrete, or other hard dustless surface material. Bituminous surface treatments (“tar and chip”) shall not be allowed on any driveway, automobile storage area, or parking lot.
- [e] Parking and display of automobile inventory shall occur only in areas designated in the special use

permit application. Driveway aisles, public right-of-way, and landscaped areas shall not be used for automobile parking or display;

- [3] automobile parts and salvage/junk automobiles shall not be stored on any outdoors portion of the site;
- [4] all automobiles visible from the public right-of-way or lying adjacent to any area zoned for residential uses shall be operational;
- [5] tents and other temporary or accessory structures shall not be erected on the site except in accordance with the provisions of this article;
- [6] outdoor sound amplification shall not be allowed;
- [7] the following landscape buffers shall apply to automobile sales lots lying adjacent to residential, mixed use, and office zoning districts:

Adjacent Zoning	Buffer Required
RS-15, RS-12, RS-10, RS-8, RS-4, R-D, RM-12, RM-16, RM-22, RZ, R-MO, MU, OG-R	Type E
OG, CU, P, CBD	Type D

- [8] all loading and unloading of automobiles shall be accomplished on-site. Automobile loading, unloading, staging, and maneuvering shall not be permitted within any public right-of-way. Loading/unloading areas shall be provided as follows:
  - [a] each site used for automobile sales shall provide a loading/unloading area of 150 feet in length by 25 feet in width;
  - [b] the required loading/unloading area shall not block or utilize any portion of the designated customer, employee, or service vehicle parking area(s) or any internal driveway as required by Section 26 of this article;
- [9] fencing may be constructed in automobile inventory areas, provided that such fencing meets the following standards:
  - [a] no barbed wire or razor wire shall be permitted;
  - [b] chain-link fencing shall be plastic coated with black or green coating; and
  - [c] chain-link fencing shall not be allowed along the perimeter of any automobile storage area lying adjacent to a public right-of-way;
- [10] automobile service bays and overhead service area doors shall not be visible from any public right-of-way;
- [11] mechanical and other automobile services shall not be performed within 100 feet of any property zoned for residential use, regardless of any lesser minimum building setbacks;
- [12] hours of operation shall be limited to “daytime hours” as defined in the Murfreesboro Noise Control Ordinance;
- [13] the applicant shall provide a site plan showing all proposed structures, parking areas, automobile storage areas, landscaped areas, buffers, delivery/loading areas, and fencing. The site plan shall also indicate the maximum number of for-sale, for-rent, and/or for-lease automobiles that can be accommodated by the provided parking and storage areas;
- [14] where the requirements of this subsection exceed those of other subsections and exhibits in this article (Appendix A: Zoning), excepting Section 24 Article III, the standards set

forth in this subsection shall supersede those subsections and exhibits; and  
 [15] the Board of Zoning Appeals may require additional standards to ensure the compatibility of the automobile sales lot with other properties in the vicinity

SECTION 3. Appendix A, Section 24, Overlay District Regulations, Article IV, Planned Signage Overlay District, of the Murfreesboro City Code is hereby amended at subsection (F)(6) by deleting in its entirety the sentence which reads as follows:

“No Master Signage Plan may include types of signs prohibited City-wide by the existing Sign Ordinance except that an application may be submitted for signs which project from a building or over a building, or which are attached to trees, other living vegetation or utility poles, or which constitute non-seasonal string lighting, even though such signage may be prohibited by the existing Sign Ordinance.”

SECTION 4. Appendix A, Chart 1 Endnotes, of the Murfreesboro City Code is hereby amended at subsection 3., currently marked as “Reserved” by inserting the following text in lieu thereof:

3. Motor Vehicle Sales (Automobile) shall be subject to the following additional standards:
  - (a) each lot used for automobile sales shall include a principal structure designed and constructed in accordance with the provisions of this article and all other applicable regulations and codes;
  - (b) in addition to meeting the minimum parking required in Chart 4 of this article, supplementary parking spaces meeting the following requirements shall be provided for customers, employees, and service vehicles:
    - (1) customer parking shall be clearly designated via signage and striping and shall be provided at the following minimum ratios:

Total number of vehicles on sales lot	Minimum number of customer parking spaces required
0-25	2
25-50	3
51-75	4
76-100	5
101-150	6
151-200	7
201-250	8
251 or more	10

- (2) one employee parking space shall be provided for each employee on the largest shift;
- (3) one parking space shall be provided for each service vehicle;
- (4) all driveways and parking areas, including automobile storage and display areas, shall be surfaced with asphalt, concrete, or other hard dustless surface material. Bituminous surface treatments (“tar and chip”) shall not be allowed on any driveway, automobile storage area, or parking lot.
- (5) Parking and display of automobile inventory shall occur only in areas designated in the special use permit application. Driveway aisles, public right-of-way, and landscaped areas shall not be used for automobile parking or display;
- (c) automobile parts and salvage/junk automobiles shall not be stored on any outdoors portion of the site;
- (d) all automobiles visible from the public right-of-way or lying adjacent to any area zoned for residential uses shall be operational;

- (e) tents and other temporary or accessory structures shall not be erected on the site except in accordance with the provisions of this article (Appendix A: Zoning);
- (f) outdoor sound amplification shall not be allowed;
- (g) the following landscape buffers shall apply to automobile sales lots lying adjacent to residential, mixed use, and office zoning districts:

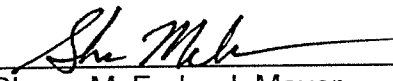
Adjacent Zoning	Buffer Required
RS-15, RS-12, RS-10, RS-8, RS-4, R-D, RM-12, RM-16, RM-22, RZ, R-MO, MU, OG-R	Type E
OG, CU, P, CBD	Type D

- (h) all loading and unloading of automobiles shall be accomplished on-site. Automobile loading, unloading, staging, and maneuvering shall not be permitted within any public right-of-way. Loading/unloading areas shall be provided as follows:
  - (1) each site used for automobile sales shall provide a loading/unloading area of 150 feet in length by 25 feet in width;
  - (2) the required loading/unloading area shall not block or utilize any portion of the designated customer, employee, or service vehicle parking area(s) or any internal driveway as required by Section 26 of this article (Appendix A: Zoning);
- (i) fencing may be constructed in automobile inventory areas, provided that such fencing meets the following standards:
  - (1) no barbed wire or razor wire shall be permitted;
  - (2) chain-link fencing shall be plastic coated with black or green coating; and
  - (3) chain-link fencing shall not be allowed along the perimeter of any automobile storage area lying adjacent to a public right-of-way;
- (j) automobile service bays and overhead service area doors shall not be visible from any public right-of-way;
- (k) mechanical and other automobile services shall not be performed within 100 feet of any property zoned for residential use, regardless of any lesser minimum building setbacks;
- (l) hours of operation shall be limited to "daytime hours" as defined in the Murfreesboro Noise Control Ordinance;
- (m) if a site plan is required by Section 7 of this article (Appendix A: Zoning), the applicant shall provide a site plan showing all proposed structures, parking areas, automobile storage areas, landscaped areas, buffers, delivery/loading areas, and fencing. The site plan shall also indicate the maximum number of for-sale, for-rent, and/or for-lease automobiles that can be accommodated by the provided parking and storage areas; and
- (n) where the requirements of this subsection exceed those of other subsections and exhibits in this article excepting Section 24, Article III, the standards set forth in this subsection shall supersede those subsections and exhibits.

SECTION 5. Appendix A, Chart 1, Uses Permitted by Zoning District, of the Murfreesboro City Code is hereby amended within the COMMERCIAL subsection by deleting the rows "Motor Vehicle Sales" and "Vehicle Sales" and adding the attached rows for "Motor Vehicle Sales (Automobiles)", "Motor Vehicle Sales (Other than Automobiles)", and "Vehicle Sales (Non-motorized)", to Chart 1 in alphabetical order.

SECTION 6. 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:

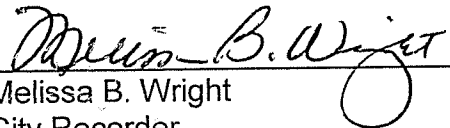
  
\_\_\_\_\_  
Shane McFarland, Mayor

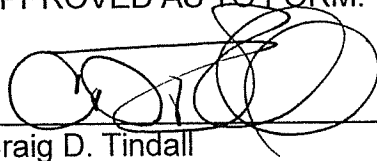
1<sup>st</sup> reading June 15, 2017

2<sup>nd</sup> reading June 22, 2017

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Melissa B. Wright  
City Recorder

  
\_\_\_\_\_  
Craig D. Tindall  
City Attorney

SEAL

USES PERMITTED <sup>3</sup>	ZONING DISTRICTS																									
	RS 15	RS 12	RS 10	RS 8	RS 4	RD	RM 12	RM 16	RM 22	RZ	RMO	OG R <sup>2</sup>	OG <sup>2</sup>	CL <sup>2</sup>	CF <sup>2,14</sup>	CH <sup>2</sup>	MU <sup>2</sup>	CBD <sup>2</sup>	HI <sup>2</sup>	LI <sup>2</sup>	CM-RS-8 <sup>2</sup>	CM-R <sup>2</sup>	CM <sup>2</sup>	CU	P	
<b>COMMERCIAL</b>																										
Motor Vehicle Sales (Automobiles)																	S	S		X <sup>EN</sup>	X <sup>EN</sup>					
Motor Vehicle Sales (Other Than Automobiles)																S	S			X	X					
Vehicle Sales (Non-Motorized)																X	X	X		X	X					

X = Use permitted by right.  
S = Use requiring site plan review and approval subject to the issuance of a special use permit in accordance with the provisions of Sections 8 and 9 of this article.