

ORDINANCE 19-O-45 amending Murfreesboro City Code Appendix A— Zoning, Section 24, Overlay District Regulation, Article VI and Chart 2, dealing with the City Core Overlay (CCO) District, City of Murfreesboro Planning Department, applicant. [2019-807]

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

SECTION 1. Appendix A, Section 24, Article VI, CCO, City Core Overlay District, of the Murfreesboro City Code is hereby amended by deleting Article VI in its entirety and substituting in lieu thereof the following:

ARTICLE VI. CCO, CITY CORE OVERLAY DISTRICT

- (A) *District description.*
- (1) *Purposes of the overlay district.* The purposes of the City Core Overlay (CCO) district are: to promote infill development that is compatible with existing development patterns; to encourage new development patterns in areas where existing patterns are inconsistent or unestablished; and to promote reinvestment in Downtown Murfreesboro and surrounding neighborhoods.
 - (2) *District delineation.* The CCO district includes areas in and around Downtown Murfreesboro as shown on the official Zoning Map of the City of Murfreesboro.
- (B) *Application of regulations.*
- (1) *Official zoning map.* The CCO district shall overlay land located as shown on the official zoning map of the City.
 - (2) *Conflicts with other regulations.* Where there is a conflict between the provisions of this subsection and those of the underlying zoning district, the provisions of this subsection shall apply. Where there is a conflict between the provisions of this subsection and those of the Historic (H-1) District, the H-1 regulations shall apply. Where there is a conflict between the provisions of this subsection and those of any overlay district other than the H-1 District, the more restrictive regulations shall apply.
 - (3) *Extension and reconstruction.* The requirements set forth in this subsection shall apply to all new development in the CCO district from the effective date of this subsection. Notwithstanding the requirements of Section 28 of this Article, a lawfully-established pre-existing structure that does not comply with the regulations set forth in this Section may be extended or reconstructed one (1) time in accordance with the zoning standards in effect on September 30, 2019. All additional extensions and reconstructions shall comply with the terms of this subsection and Section 28 of this Article.
 - (4) *Planned developments.* The regulations set forth in this subsection shall not prevent a property owner from seeking planned development zoning when such zoning is necessary or desirable to promote the purposes of the CCO district.
 - (5) *Use regulations.* Land uses in the CCO district shall be consistent with those of the underlying zoning district, with the following exceptions:
 - (a) For properties having underlying zoning that permits two-family dwellings, duplex residential units shall not be required to have a shared wall.
 - (b) For properties having underlying zoning that permits accessory apartments, a Special Use Permit shall not be required, provided that the following standards are satisfied:
 - [1] only one accessory apartment shall be allowed upon a lot zoned for single family purposes;
 - [2] the accessory apartment shall be designed so that to the degree reasonably feasible, the appearance of the building

- remains that of a one-family residence. In general, any new entrances in an existing structure shall be located on the side or in the rear of the building;
- [3] if attached to or located within the principal structure, the accessory apartment shall be designed and constructed to allow it to be part of the principal structure at such time as the use of the accessory apartment discontinues;
 - [4] the design and size of the accessory apartment shall conform to all applicable standards in the health, building, and other codes; and
 - [5] the accessory apartment shall not exceed seven hundred (700) square feet of floor area.
- (c) The following uses listed on Chart 1 USES PERMITTED of this article and which may be otherwise permitted by right or by special use permit in the underlying zones shall not be permitted as principal uses in the CCO district:

OTHER HOUSING

Fraternity/Sorority
Motel

INSTITUTIONS

Airport/Heliport
Pet Cemetery

COMMERCIAL

Amusements, Commercial Outdoor Motorized
Carnivals
Drive-in Theater
Fireworks Retailer
Fireworks Seasonal Retailer
Greenhouse or Nursery
Kennels
Liquor Store
Lumber, Building Material
Motor Vehicle Sales
Pawn Shop
Pet Crematory
Pet Funeral Home
Radio and Television Transmission Towers
Shopping Center, Regional
Restaurant, Drive-in
Salvage and Surplus Merchandise
Sheet Metal Shop
Taxidermy Studio
Wireless Telecommunications Tower
Wholesaling
Wrecker Service, Wrecker Storage Yard

INDUSTRIAL

Animal or Poultry Slaughter, Stockyards, Rendering
Automobile Dismantlers and Recyclers
Contractor's Yard or Storage, Outdoor
Mobile Home Construction
Paper Mills
Petroleum and Coal Products Refining
Primary Metals Distribution and Storage
Saw Mills
Secondary Material Dealers
Warehousing, Transporting/Distributing

TRANSPORTATION AND PUBLIC UTILITIES

Garbage or Refuse Collection Service
Freight Terminal, Service Facility
Refuse Processing, Treatment, and Storage
Landfill
Railroad Switching Yard, Terminal, Piggyback Yard

OTHER

Self-Service Storage Facility

- (d) *Extension or reconstruction of structures devoted to lawfully-established non-conforming uses.* Notwithstanding the requirements of Section 28 of this Article, a structure devoted to a lawfully-established pre-existing use that is not permitted in the CCO or in the base zoning district may be extended or reconstructed one (1) time and the use allowed to resume upon extension or reconstruction, provided that such extension or reconstruction is only within the boundaries of the existing tract or lot of record. All other terms of Section 28 of this Article regarding non-conforming uses will apply to the CCO District.
- (C) *Off-street parking.* Off-street, on-site parking requirements shall not apply to properties with underlying CBD (Central Business District) zoning. In all other areas in the CCO district, parking shall be provided in accordance with the requirements of Section 26 of this Article, provided that the following standards for the number of required parking spaces shall apply:
- (1) *Parking for single-family residential structures.* Within the CCO district, one (1) off-street on-site parking space shall be required for each single-family detached or attached dwelling unit with one bedroom, and two (2) off-street on-site parking spaces shall be required for each single-family detached or attached dwelling unit with two or more bedrooms.
 - (2) *Parking for multi-family residential structures.* Within the CCO district, one (1) off-street on-site parking space shall be required for each bedroom provided in each multi-family dwelling unit.
 - (3) *Parking for commercial uses.* Within the CCO district, parking for commercial uses shall be provided in accordance with the requirements of Section 26 and Chart 4 of this Article. The number of required on-site off-street parking spaces may be reduced by twenty-five (25) percent if on-street off-site parking is available along the street fronting the property. The number of required parking spaces may be reduced by up to fifty (50) percent if the property is located within five hundred (500) feet of a publicly-owned parking lot where parking is freely available to the users.
 - (4) *Bicycle parking.* Designated bicycle parking shall be provided at a ratio of one (1) space for every five hundred (500) square feet of floor area for non-residential developments. Bicycle parking structures and facilities shall be readily accessible and well-maintained.
- (D) *Design standards.* Development in the CCO district shall be subject to the standards set forth in Charts 1 and 2 of this Article and the Murfreesboro Design Guidelines, with the following exceptions:
- (1) *Setbacks for principal buildings.* Minimum side and rear setbacks shall be consistent with those of the underlying zoning district. Front setbacks shall be determined as follows:
 - (a) For non-residential developments, structures shall be built to the rear edge of the public sidewalk or the property line, whichever is closer to the street. If no sidewalk exists, the structure shall be built to the average front setback of all structures on the same block face, provided that no structure shall be built more than twenty (20) feet behind the front property line. No structure shall be built in the public right-of-way.
 - (b) For residential developments, the structure shall be built to the average front setback of all structures on the same block face, provided that no structure shall be built more than thirty (30) feet behind the front property line. No structure shall be built in the public right-of-way.

- (2) *Building height for principal buildings.* A principal building in the CCO district shall have a height no greater than fifty (50) percent over that of the highest adjacent building. However, a principal building shall be permitted to have a height of two (2) stories, regardless of the heights of adjacent buildings.
- (3) *Lot coverage.* Maximum lot coverage shall be based on land use as follows:
 - (a) For non-residential developments and residential developments other than single-family detached and single-family attached, maximum lot coverage shall be one hundred (100) percent.
 - (b) For single-family detached and single-family attached residential developments, maximum lot coverage shall be fifty (50) percent.
- (4) *Parking.* For non-residential developments, on-site parking shall not be located at the front of any building. On-site parking shall be permitted at the rear or side of a building, in an underground garage, or within a parking garage.
 - (a) *Parking garages.* A parking garage with frontage on any public right-of-way shall include ground-level commercial or office uses accessible from the public sidewalk. Parking garages shall follow the design standards set forth in the Murfreesboro Design Guidelines.
 - (b) *Access to private parking lots.* A private parking lot located to the rear of a building shall be accessed via an alley or rear driveway where practical.
- (5) *Building architecture and design.*
 - (a) Single-family detached and attached dwelling units shall be constructed of exterior materials that are consistent with a traditional urban residential area. Such materials may include brick, stone, or cementitious siding. Other traditional, authentic materials such as stucco and board-and-batten may be approved by the Planning Commission.
 - (b) Non-residential buildings and multi-family residential buildings consisting of three or more dwelling units shall be subject to the architectural standards set forth in the Murfreesboro Design Guidelines.
- (6) *Building entrances.* Building entrances shall be oriented to the primary street frontage. For corner lots, entrances shall be either oriented to the street with the higher functional classification or angled and oriented to the street intersection.
- (7) *Service areas.* Service areas, solid waste enclosures, and utility boxes shall be located at the rear of the principal structure and shall not be visible from the public right-of-way.
- (8) *Accessory structures.* Accessory structures shall be designed as follows:
 - (a) *Location.* Accessory structures shall be located to the rear or side of the principal structure in accordance with Section 25 of this Article.
 - (b) *Height.* In no case shall an accessory structure have a height greater than that of the principal structure.
 - (c) *Building architecture and design.* An accessory structure shall be constructed in a style and of material(s) consistent with that (those) of the principal structure.
- (E) *Streetscape Standards.* To promote harmonious development and walkability throughout the CCO district, the following streetscape standards shall apply:
 - (1) *Sidewalks and street trees.* The developer shall be responsible for installing sidewalks and street trees in accordance with all adopted City standards and plans. The Development Services Division in consultation with the Public Works Division shall have the authority to collect a payment in lieu of installation in cases where the City deems immediate installation impractical or undesirable.
 - (2) *Sidewalk location.* In cases where a public sidewalk or any portion thereof is located on private property, a sidewalk easement permanently dedicated to the City of Murfreesboro shall be recorded.

- (3) *Public utility easements.* If a public utility easement prevents the planting of trees due to conflicts with utility lines, drainage ways, or other necessary infrastructure components, the applicant shall provide an alternative planting arrangement that satisfies the minimum planting requirements set forth in this section. The Development Services Division in consultation with the Public Works Division shall have the authority to collect a payment in lieu of installation in cases where the City deems immediate installation impractical or undesirable.
- (F) *Landscaping, screening, and buffering requirements.* Properties with underlying CBD (Central Business District) zoning shall be exempt from the landscaping, screening, and buffering requirements set forth in this subsection. For all other properties in the CCO district, landscaping shall be required as provided in Section 27 of this Article; provided, however, within the CCO district subsections Section 27 (C)(3), (J), (K), and (L) shall not apply and instead the following subsection shall apply:
- (1) *Changes to existing buildings, structures and developments.* The requirements of this section shall be applicable to existing buildings, structures, and developments under the following circumstances:
- (a) if an existing building, structure or development is expanded by seventy-five (75) percent or more, then the entire building, structure or development shall comply with the requirements of this subsection;
 - (b) if the estimated cost of a renovation of an existing building, structure, or development equals seventy-five (75) percent or more of the total appraised value of the existing building, structure, or development (including land), then the entire building, structure or development including parking area shall comply with the requirements of this subsection;
 - (c) if there is a change in use of an existing building, structure or development, then the entire building, structure, or development including parking area shall be required to comply with the requirements of this subsection;
 - (d) if there is a change in use of an existing building, structure or development from a residential use to a nonresidential use then the entire building, structure, or development including parking area shall be required to comply with the requirements of this subsection; or,
 - (e) if the number of parking spaces for an existing building, structure or development is expanded by fifty percent (50%) or more, or the area of the parking lot is expanded by fifty percent (50%) or more, then the area of expansion shall comply with the requirements of this subsection.
- (2) *Alternative landscaping arrangements.* For projects being reviewed administratively, the Planning Director shall have the authority to permit an alternative landscaping arrangement where such an arrangement provides at least the minimum number of plantings specified in this section and satisfies the intent of this article. For projects requiring Planning Commission review and approval, the Planning Commission shall have the authority to permit such an alternative landscaping arrangement.
- (3) *Required perimeter landscaping.* Perimeter landscaping yards shall be required around all properties in the CCO district except properties with underlying CBD zoning and other properties with buildings constructed to the edge of the sidewalk or property line(s). In cases where a building has been constructed to less than all of the property lines, perimeter landscaping yards shall be installed along the remaining boundaries of the site where practical. A perimeter landscaping yard shall have a minimum width of:
- (a) five (5) feet on a front planting yard and three (3) feet on other planting yards where the site is two (2) acres or less; or
 - (b) eight (8) feet on a front planting yard and five (5) feet on other planting yards where the site is greater than two (2) acres.
- (4) *Shared planting yards.* Along a side or rear property line, the requirement for perimeter landscaping may be satisfied by the creation and

maintenance of a single planting yard with the adjacent property owner. The number of trees shall be the same as required as if it was only one perimeter landscaping for the common planting yard. Both property owners shall present and execute an enforceable written agreement for the perpetual maintenance of the planting yard and record it in the Rutherford County Register of Deeds office at no expense to the City. The agreement shall be binding on any successor owner of either property.

- (5) *Specifications for planting yards.* Unless otherwise specified in this subsection, the following specifications shall apply to planting yards in the CCO district:
- (a) Planting yards shall contain one shade tree every fifty (50) linear feet, excluding any vehicular access way. Ornamental trees may be substituted for up to sixty percent (60%) of otherwise required shade trees. Ornamental trees shall be planted not more than thirty (30) linear feet from another tree. Only ornamental trees may be planted under overhead utility lines. These trees shall be generally equally distributed along the property lines, but they are not required to be at absolute equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees.
 - (b) Lots within the CCO district having one hundred and fifty (150) linear feet or less of lot frontage may also meet the requirement for perimeter landscaping in front planting yards as specified below. Shrubs required to be planted within a front planting yard under this provision may be planted anywhere within the front planting yard and may be mass planted to achieve a more naturalistic appearance. Ground cover is not considered a shrub. Shrubs shall be of at least two different types (small, medium, or large being the types) and at least fifty percent (50%) of the shrubs shall be evergreen. The shrubs shall have a minimum height of eighteen (18) inches from ground level at the time of planting.
 - [1] With a five (5) foot front planting yard, no trees are required, but one shrub is required for every twelve and one-half (12.5) square feet of planting yard.
 - [2] With an eight (8) foot front planting yard, one (1) shade tree or (2) two ornamental trees are required, and one shrub is required for every ten (10) square feet of planting yard.
- (6) *Diversity of species.* No one tree species shall comprise more than sixty (60) percent of the total number of trees. This provision is still met if an uneven number of trees is required and there is one tree more than sixty (60) percent of a given species.
- (7) *Distance between planting yard and right-of-way.* All trees in a planting yard shall be planted no closer than two and one half (2.5) feet from any public right-of-way unless such planting yard is less than five (5) feet wide, in which event care shall be taken to avoid damage to trees from automobiles that may overhang the planting yard.
- (8) *Landscape requirements for new parking lots.*
- (a) Off-street parking areas with multiple access aisles shall be designed and constructed with landscape islands dividing at least every twelve (12) parking spaces in a row. Such islands shall have a minimum width of eight (8) feet and shall have a minimum depth equal to the depth of the adjacent parking stall(s). In addition to being designed with landscape islands dividing the rows, large parking areas with multiple rows of parking aisles shall be divided into sub-lots (sub-areas) containing no more than thirty-six spaces along either side of an aisle. Such sub-lots shall be divided by cross-access aisles allowing for cross circulation between aisles. The minimum width of such cross- access aisles shall be twenty-two (22) feet.
 - (b) All landscape islands shall be designed and constructed to include continuous curbing around their perimeter and shall be backfilled with topsoil to a depth of thirty (30) inches and shall be free of rock, debris, inorganic compositions, and chemical residues detrimental

to plant life. All such landscape islands shall be planted with shade trees or, in appropriate circumstances, ornamental trees.

- (c) The stormwater drainage plan and landscaping plan shall be coordinated so the landscaping plan enhances stormwater drainage.
- (9) *Base of building landscaping requirements.* The following base of building landscape requirements shall apply to all nonresidential buildings, single-family attached buildings, and multi-family residential buildings consisting of three or more dwelling units.
 - (a) A three (3) foot minimum width landscape strip shall be provided along the front and sides adjacent to the base of buildings or separated from the building by a sidewalk. Such strip shall be planted with shrubs, trees, or other landscape materials. However, no such landscape strip shall be required within five (5) feet of a building entrance or in such a manner as to block access to a door or other significant building element or within an area used for outdoor seating for a restaurant use.
 - (b) The base of building landscaping requirement shall not apply to maneuvering areas and loading areas that are not visible from a public right-of-way or to land zoned H-I (Heavy Industrial), G-I (General Industrial), or L-I (Light Industrial) when such land is developed with a use identified as Industrial in Chart 1 of this Article.
 - (c) The base of building landscaping requirement shall not be required if it will cause the width of an access drive to the rear of a property to be reduced to less than twenty-two (22) feet.
 - (d) Base of building plantings shall not be required for structures built to the edge of a sidewalk or a property line.
- (10) *Screening requirements.* Service areas, mechanical equipment, trash containers, dumpsters, and similar unaesthetic site elements shall be screened with the use of plant material, fences, or walls to reduce potential negative impacts. Stormwater management areas including detention or retention areas shall be landscaped. Such areas may be planted in a manner conducive to stormwater management with appropriate vegetation upon approval by the City Engineer.

SECTION 2. Appendix A, Chart 2, of the Murfreesboro City Code is hereby amended by removing the categories and rows regarding "CL District in CCO District" and "CH District in CCO District."

SECTION 3. 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.

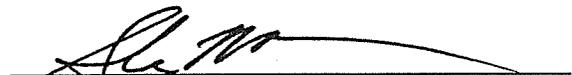
Passed:

1st reading

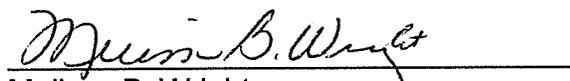
December 19, 2019

2nd reading

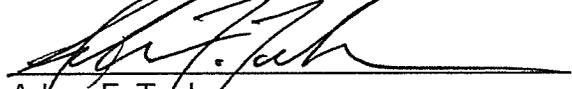
January 9, 2020


Shane McFarland, Mayor

ATTEST:


Melissa B. Wright
City Recorder

APPROVED AS TO FORM:


Adam F. Tucker
City Attorney

