

ORDINANCE 20-O-26 amending Murfreesboro City Code Appendix A— Zoning, Section 26, regarding off-street parking, queuing, and loading, City of Murfreesboro Planning Staff, applicant. [2020-803]

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

SECTION 1. Appendix A, Section 26, Off-Street Parking, Queuing and Loading, of the Murfreesboro City Code is hereby amended by deleting the section in its entirety and substituting in lieu thereof the following:

“SECTION 26. OFF-STREET PARKING, QUEUING, AND LOADING.

(A) *Purpose.* The off-street parking, queuing, and loading requirements and the regulations of such parking, queuing, and loading set forth in this section are designed to alleviate and prevent congestion in the streets.

(B) *Application of regulations.*

- (1) *Effective Date:* The effective date of this Section 26 shall be September 19, 2020.
[insert the effective date of this ordinance]
- (2) *Existing, new, changed, and expanded uses.*
 - (a) No building, structure, or use lawfully established prior to the effective date of this section shall be required to comply with the provisions of this section except as hereinafter provided.
 - (b) All buildings and structures erected and uses established after the effective date of this section shall comply with the provisions of this section, provided, however, that if a building permit was issued prior to the effective date of this section and construction is begun within one year of the date of such permit, the parking and loading regulations in effect on the date such permit was issued shall apply.
 - (c) If any building or structure is increased by the addition of dwelling units, gross floor area, seating capacity, or any other measure of increased parking intensity as measured by Chart 4 after the effective date of this section, the provisions of this section shall only apply to the extent of such increase.
 - (d) If the existing use of a building or structure shall be changed to a new use, as measured by Chart 4, such new use shall comply with the provisions of this section; provided, however, that if the existing use is located in a building or structure existing on the effective date of this section, additional parking, queuing, or loading requirements shall be required only in the amount by which the requirements for the new use exceed the amount required for the existing use if such existing use were subject to the provisions of this section.
 - (e) Any conforming or legally nonconforming building, structure, or use which is in existence on the effective date of this section, which is subsequently damaged or destroyed and thereafter reconstructed, re-established or repaired may maintain the same amount of parking and loading which existed on the date of the damage or destruction, provided, however, if such damage or destruction exceeds seventy-five percent (75%) of the value of such building, structure or use, then the parking, queuing, and loading requirements of this section shall apply.
 - (f) Upon the effective date of this section no existing parking space, parking lot, queuing space, or loading space shall be reduced in size or number below the requirements of this section.
- (3) *CBD district exemption.* The provisions of this section shall not apply to any building, structure, or use located in the CBD zoning district.

(C) *Regulations Applicable to Parking Spaces and Parking Lots.*

(1) *Location of required parking spaces.* Except as may otherwise be provided in this article, the off-street parking spaces required by this section shall be located as provided in this subsection (C). Where a distance is specified, such distance shall be measured from the nearest point of the parking lot to the nearest point of the building structure or uses served by such parking lot.

(a) *Single-family attached, single-family detached, and duplex residential uses.*

- [1] Required parking spaces shall be located on the same lot as the structure to which they are accessory.
- [2] Access to one parking space through another parking space is permitted provided that the lot does not front upon a street identified as a major arterial, minor arterial, or collector street in the Murfreesboro Major Transportation Plan as adopted and as may be amended from time to time.
- [3] Four required parking spaces per dwelling unit may be located in the required front yard provided that the lot does not front upon a street identified as a major arterial, minor arterial, or collector street in the Murfreesboro Major Transportation Plan as adopted and as may be amended from time to time.
- [4] Lots that front upon a street identified as a major arterial, minor arterial, or collector street in the Murfreesboro Major Transportation Plan as adopted and as may be amended from time to time shall have parking located to the side or rear of the proposed structure, shall be permitted to have no more than one required parking space in the required front yard, and shall have the parking designed such that backing into the street is not required in order to exit the on-site parking. Provided further that backing from the street in order to gain access to required parking is prohibited.
- [5] Parking spaces within garages, whether attached to or detached from the principal structure, shall not be considered as required parking spaces for the purposes of this section. However, within the RM-12, RM-16, RS-A, Type 1, RS-A, Type 2, and RS-A, Type 3 zones parking spaces within garages for single-family detached and single-family attached structures may be considered as required parking for purposes of this section provided such spaces are restricted to use for parking of automobiles (and not for the parking or storage of boats, recreational vehicles, trailers, equipment, household items, or any other items if such parking or storage would preclude the parking of the requisite number of vehicles), and that such restriction is reflected in a legal instrument or instrument(s) in form suitable for recording and approved by the Planning Director and the City Attorney. Where parking spaces within garages have been approved to meet minimum parking requirements, the interior of two-car garages from wall to wall shall have minimum dimensions of 19 ft., 4 inches wide by 20 ft. deep and the interior of one-car garages from wall to wall shall have minimum dimensions of 11 ft., 4 inches wide by 20 ft. deep.

(b) *Multi-family residential, and nonresidential uses.*

- [1] Required parking spaces shall be located on the same lot or, if located off-site, on land within five hundred feet of the building, structure or use served; provided that such off-site parking complies with the following requirements:
 - [aa] Such off-site parking spaces are located within a zoning district which would permit the use to which such parking is accessory,
 - [bb] The person proposing the use of off-site parking to meet the required off-street parking spaces files a written application with the Planning Director setting forth the following information:
 - (i) the names, addresses, telephone numbers and other contact

- information for the applicant and the owner of land proposed for off-site parking;
- (ii) the uses which will utilize and which will provide the proposed off-site parking spaces, the number of parking spaces required by Chart 4 for each use, the number of off-site parking spaces to be provided, and evidence the number of parking spaces to be provided are surplus and will not create a parking deficit for the use providing the off-site parking spaces; and
 - (iii) any other information required by the Planning Director as reasonably necessary in order to make a determination in the matter.
- [cc] Within thirty (30) days after a complete application is filed, the Planning Director shall determine whether utilization of the proposed off-site parking spaces will be allowed and shall so notify the applicant in writing.
- [dd] The provisions of the approved off-site parking arrangement shall be incorporated into a written agreement signed by both parties that will remain in place until either [i] business circumstances justify modification or elimination of the arrangement or [ii] alternative parking arrangements are provided, which modification, elimination, or alternative arrangements must be approved by the Planning Director. The agreement must be in form suitable for recording and approved by the Planning Director and the City Attorney before it becomes effective. Premature termination or unauthorized modification to the terms of the approved agreement shall be considered a violation of this article.
- [2] Parking spaces or access aisles for parking spaces of multi-family dwellings located in the RM-12 and RM-16 districts shall not be located within a required front yard.
- [3] Vehicles used in connection with a non-residential use for deliveries or transportation of patrons or tenants, and referred to as business vehicles for purposes of this section, may be parked on-site, provided that space(s) for parking for such business vehicles shall not count towards required parking. The number of required spaces for business vehicles shall be as provided in Chart 4 REQUIRED OFF-STREET PARKING AND QUEUING SPACES BY USE.
- (2) *Computation of required parking spaces.*
- (a) When computation of the number of required parking spaces results in a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one parking space.
 - (b) When parking spaces are computed on the basis of the number of employees or students, the maximum number present at any one time shall govern.
 - (c) In determining the minimum number of parking spaces required under this article, accessible parking spaces required under state or federal law shall not be considered.
 - (d) Parking spaces within garages for multi-family structures may be considered as required parking for purposes of this section provided such spaces are used for parking of automobiles (and not for the parking or storage of boats, recreational vehicles, trailers, equipment, household items, or any other items if such parking or storage would preclude the parking of the requisite number of vehicles), and that such spaces shall be included in the leases for individual units and shall not be leased separately. In addition, a written commitment from the developer must be provided at the time of site plan approval stating that the garages will be managed to ensure that the garages will be used as required above. Where parking spaces in garages have been approved to meet

minimum parking requirements, the interior of two-car garages from wall to wall shall have minimum dimensions of 19 ft., 4 inches wide by 20 ft. deep and the interior of one-car garages from wall to wall shall have minimum dimensions of 11 ft., 4 inches wide by 20 ft. deep. Parking spaces within garages for multi-family residential structures that are also classified as single-family attached residential structures (e.g., townhomes) shall be regulated by Section 26(C)(1)(a)[5] of this article.

- (e) For purposes of determining the number of required parking spaces for a Specialty Restaurant or a Limited-Specialty Restaurant located as a tenant in a retail center with multiple tenants such use shall be considered as a Retail Shop, provided however, that the number of queuing spaces for a drive-up window shall be 10 queuing spaces for each drive-up window associated with the use.
- (f) Parking spaces shall be provided in accordance with the ratios set forth in Chart 4, Required Off-Street Parking and Queuing Spaces by Use, for all outdoor dining areas for the following uses, irrespective of whether or not they are located in a multi-tenant building:
 - bar or tavern;
 - restaurant, night club, tavern or cocktail lounge; restaurant, drive-in;
 - restaurant, specialty; restaurant, specialty-limited;Such parking spaces shall be in addition to the number of parking spaces required for the building itself.
- (g) *Non-residential uses; joint use of required parking spaces.* Joint use of up to one hundred percent (100%) of required off-street parking spaces shall be permitted for two or more uses located in the same or different buildings or structures, whether or not located on the same lot or parcel, and whether or not under the same ownership, subject to the following requirements:
 - [1] the lots or parcels are adjacent or within five hundred feet of each other and the zoning of both allows the uses that will utilize the proposed joint parking arrangement; and,
 - [2] the persons proposing the joint use of required off-street parking spaces file a joint written application with the Planning Director setting forth the following information:
 - [aa] the names, addresses, and telephone numbers of the applicants;
 - [bb] the ownership and location of the off-street parking spaces proposed to be jointly used;
 - [cc] the uses which will jointly use the required off-street parking spaces, the hours of operation of each such use, the number of parking spaces required for each use, and the number of required parking spaces proposed to be jointly used; and,
 - [dd] any other information required by the Planning Director reasonably necessary in order to make a determination in this matter.
 - [3] Within thirty (30) days after such complete application is filed, the Planning Director shall determine whether such joint use of required off-street parking spaces will be allowed, and shall in writing notify the applicants thereof.
 - [4] The provisions of the approved joint use arrangement shall be incorporated into a written agreement that will remain in place until either:
 - [aa] business circumstances justify modification or elimination of the arrangement or
 - [bb] alternative parking arrangements are provided, which modification, elimination, or alternative arrangements must be approved by the Planning Director. The agreement must be in form suitable for recording and approved by the Planning Director and the City Attorney before it becomes effective. Premature

- termination or unauthorized modification to the terms of the approved agreement shall be considered a violation of this article.
- (4) *Regulations applicable to parking voluntarily established.* Any parking spaces, parking areas, parking aisles, parking lots, or maneuvering areas established, whether required by this section or not, shall comply with the provisions of this section as regards design and construction.
 - (5) *Prohibition of using parking spaces for another use.* Any land designated for required off-street parking shall not be used for any other purpose, including but not limited to the display and/or storage of equipment, materials, or products for sale, until alternate or replacement off-street parking spaces are established for the building, structure, or use served by the parking spaces located on such land.
 - (6) *Dimensions of parking spaces and aisles.*
 - (a) *Dimensions of non-accessible off-street parking spaces.* Non-accessible off-street parking spaces shall be of the dimensions as shown on Chart 3 of this article, provided that, except in the City Core Overlay District, no more than twenty (20%) percent of the total number of on-site non-accessible parking spaces provided shall be 8.5 ft. in width.
 - (b) *Dimensions of accessible off-street parking.* Accessible parking spaces shall be designed in accordance with the accessibility code then in effect in the State of Tennessee.
 - (7) *Design standards.* Parking lots shall be designed, constructed, and maintained in accordance with the following minimum standards and requirements:
 - (a) The design requirements for non-accessible parking spaces and aisles located within a parking lot are set forth on Chart 3. Subject to compatibility with overall access and circulation configuration, the applicant for permits and approvals required by this section shall choose any one of the parking angles and stall widths for such spaces as are indicated on Chart 3, provided that, except in the City Core Overlay District, no more than twenty (20%) percent of the total number of on-site non-accessible parking spaces provided shall be 8.5 ft. in width. The regulations opposite such parking angle and stall widths shall apply to the development of the parking lot.
 - (b) Parking lots, loading spaces, and maneuvering areas shall be surfaced with asphalt, concrete, or other hard surface dustless material and be so constructed to provide for adequate drainage and prevent the release of dust into the atmosphere and sediment into the storm drainage system in accordance with applicable codes and standards. Gravel and bituminous surface treatment may only be permitted for wrecker service storage yards or areas used for materials or equipment storage, only after approval from the Development Services Division.
 - (c) Parking lots and maneuvering areas shall be designed, landscaped, and screened in accordance with the requirements of Sections 24 and 27 of this article (Appendix A – Zoning).
 - (d) Continuous curbing shall be provided around all parking lots or parking lot expansions in order to protect landscape areas and other site elements.
 - (e) Lighting used to illuminate off-street parking lots shall be sufficient so as to provide for the safety and security of motorists and pedestrians and shall be so arranged to prevent direct glare onto any public or private property or streets in accordance with applicable codes and standards.
 - (f) The design requirements for accessible parking spaces and aisles located within a parking lot shall be as required in the accessibility code then in effect in the State of Tennessee.
 - (g) Parking lots shall be designed so that backing into any queuing lanes or queuing spaces for drive-thru windows or other drive-thru/drive-up elements of a site shall not be necessary in order to exit parking spaces.
 - (8) *Number of parking spaces.*

- (a) The number of non-accessible parking spaces required for specific uses is set forth on Chart 4; the number of accessible parking spaces shall be as set forth in the accessibility code then in effect in the State of Tennessee.
- (b) In single-family residential and duplex zoning districts, no more than six parking spaces per dwelling unit, excluding parking spaces within garages, shall be allowed.
- (c) For uses not expressly listed on Chart 4, parking spaces shall be provided on the same basis as required for the most similar listed use, as determined by the Planning Director pursuant to the Planning Director's authority to interpret the provisions of this article (Appendix A – Zoning).
- (d) For special permit uses requiring approval by the Board of Zoning Appeals, the BZA may require more parking than the minimum requirements of this section.

(D) *Regulations applicable to off-street queuing and drive-up/drive-thru lanes.*

(1) *Location of required queuing spaces and drive-up/drive-thru lanes.*

Queuing spaces and drive-up/drive-thru lanes shall be located on the same lot as the use, building, or structure to which they are accessory and shall not extend onto any adjacent lot or into any public right-of-way. No queuing space or drive-up/drive-thru lanes shall be located in a required front yard.

(2) *Designation and use.* Required queuing spaces or the drive-up/drive-thru lanes to which they are accessory shall be designated as such and shall only be used for queuing or drive-up/drive-thru purposes.

(3) *Computation of the number of required queuing spaces.* The number of required queuing spaces required for specific uses is set forth on Chart 4. For uses not expressly listed on Chart 4, queuing spaces shall be provided on the same basis as required for the most similar listed use, as determined by the Planning Director pursuant to the Planning Director's authority to interpret the provisions of this article (Appendix A – Zoning). For special permit uses requiring approval by the Board of Zoning Appeals, the BZA may require more queuing than the minimum requirements of this section.

(4) *Regulations applicable to queuing spaces and drive-up/drive-thru lanes voluntarily established.* Any queuing space or drive-up/drive-thru lane, whether required by this section or not, shall comply with the provisions of this section as regards design and construction.

(5) *Design standards.*

- (a) Drive-up/drive-thru lanes that are accessory to buildings with drive-up windows or drive-up tellers shall be designed to circulate one-way in a counterclockwise direction.
- (b) Queuing spaces and drive-up/drive-thru lanes shall be designed so that their use does not conflict with the use of on-site parking spaces, other site elements, or on-site circulation.
- (c) Drive-up/drive-thru lanes that are accessory to buildings with drive-up windows shall be designed to include a one-way by-pass lane available to users should they seek to remove themselves from the drive-up/drive-thru lane.
- (d) Drive-up/drive-thru lanes that are accessory to a building with drive-up windows or other such facilities shall be designed with a landscape area between the drive-up/drive-thru lanes and the building to which it is accessory except on the side of the building that contains the drive-up window or other such facility. This area shall be planted with shrubs and trees in accordance with Section 27 of Appendix A – Zoning. The landscape area may be used for menu boards to the extent otherwise permitted by this article and other regulations of the City.
- (e) Queuing spaces shall be a minimum of ten (10) feet in width and a minimum of twenty (20) feet in length. Drive-up/drive thru lanes shall be a minimum of ten (10) feet wide. A one-way by-pass lane shall be a minimum width of eleven (11) feet wide.

(E) *Regulations applicable to off-street loading.*

- (1) *Location of required loading spaces.* Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in a required front yard.
- (2) *Designation and use.* Each required loading space shall be designated as such. A loading space may be used for other purposes provided it is available as a loading space when needed for such use.
- (3) *Computation of the number of required loading spaces.*
 - (a) In the computation of the number of required loading spaces, floor area shall be deemed to include the gross area of the floor area devoted to a particular use and any use incidental thereto, which floor area shall be measured along the interior faces of the walls or partitions which surround the perimeter of the space the use occupies.
 - (b) If a building is devoted to more than one use, the number of loading spaces required shall be computed separately on the basis of the floor area occupied by each such use.
- (4) *Loading; design and maintenance.*
 - (a) *Dimensions.* Required off-street loading spaces shall not be less than ten feet in width and shall have an unobstructed vertical clearance of not less than fourteen feet. The minimum length of loading spaces shall be fifty feet.
 - (b) *Surfacing and drainage.* Loading spaces and maneuvering areas related thereto shall be surfaced with asphalt, concrete, or other hard surface dustless material and be so constructed to provide for adequate drainage and to prevent the release of dust.
- (5) *Required number of loading spaces.* The number of loading spaces required for specified categories of uses is set forth on Chart 5."

SECTION 2. 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 August 20, 2020
2nd reading September 3, 2020

ATTEST:

Melissa B. Wright
Melissa B. Wright
City Recorder

Shane McFarland
Shane McFarland, Mayor

APPROVED AS TO FORM:

DocuSigned by:
Adam F. Tucker
Adam F. Tucker
City Attorney

