

ORDINANCE 17-O-27 amending Murfreesboro City Code Appendix A—
Zoning, Section 4, pertaining to general plan and procedure.

WHEREAS, Section 4 of the Zoning Ordinance is currently entitled “Comprehensive Plan and Procedure.” Included in this section is the purpose and definition of the comprehensive plan, as well as its effect and the procedure for its development, adoption, and amendment; and,

WHEREAS, with the exception of two minor ordinance amendments in 2005, this section has remained largely unchanged since the original adoption of the Zoning Ordinance in the mid-1980s; and,

WHEREAS, staff is beginning to prepare for the adoption of the *Murfreesboro 2035 Comprehensive Plan* and Section 4 does not fully align with current state law regarding comprehensive plans and their adoption; and,

WHEREAS, Section 4 needs to be updated before the Comprehensive Plan is adopted to make it more consistent with State law, including the use of the term “general plan,” which is the term used in Tennessee Code Annotated, as well as other procedural requirements.

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

SECTION 1. Appendix A, Section 4, “Comprehensive Plan and Procedure, of the Murfreesboro City Code is hereby amended by deleting the section in its entirety and substituting in lieu thereof the following:

SECTION 4. GENERAL PLAN AND PROCEDURE.

- (A) *Authority.* The Planning Department has the authority to prepare and recommend a general plan. The Planning Commission has the authority to adopt, amend, extend, or add to such general plan or carry any part of the subject matter into greater detail.
- (B) *Purpose and definition.* The general plan shall include the Commission's recommendations for policies and goals regarding the physical development of the area of the municipal planning jurisdiction and of the urban growth boundary. It shall also identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the Planning Commission has determined the services are necessary in order for development to occur, and may include, among other things, the general location, character and extent of streets, parks, parkways, airports and other public ways, grounds, places and spaces, the general location of public buildings and other public property, and the general location and extent of public utilities. The Major Thoroughfare Plan, as it may be amended from time to time, shall be considered a part of the general plan. The plan shall also include a zoning plan for the regulation of the height, area, bulk, location, and use of private and public structures and premises; the general location, character, layout and extent of community centers and neighborhood units; and the general location, character, extent, and layout of the re-planning of blighted districts and slum areas. The terms “general plan” and “comprehensive plan” may be used interchangeably.
- (C) *Effect.* A general plan shall be considered an advisory document to be used by the City Council, Planning Commission, Board of Zoning Appeals, administrative agencies, departments, and personnel responsible for the administration of this article. The recommendations and statements contained in the general plan shall

not be binding, except as required in Section 4(D)(2)(b)(i) below, if the plan is adopted by the City Council.

(D) *Procedure for development, adoption, and amendment.* The general plan shall be developed, adopted, and amended as follows, consistent with Tennessee Code Annotated:

(1) *Development of plan.* The Planning Department or its designee shall develop all or any portion of the general plan and in so doing, may conduct such studies as it deems appropriate or that are requested by the administration, the Planning Commission, or the City Council. Citizens advisory groups appointed by the Mayor may assist the Commission in the development of all or any portion of the general plan.

(2) *Adoption and Amendment of plan.*

(a) Prior to the adoption of the general plan or any part(s) of the plan by the Planning Commission, or any amendment thereto, the Commission shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in a municipality at least thirty (30) days prior to the meeting in which the adoption is to be considered. The adoption of the plan or any part, amendment, or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Commission. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof and descriptive matter by the identifying signature of the Secretary of the Commission, and a copy of the plan or part thereof shall be certified to the City Council.

(b) Once the Commission has adopted the general plan or amendment of the general plan for the planning jurisdiction of the Commission, the Commission's transmittal of the certification to the City Council may simultaneously include a resolution by the Planning Commission requesting the consideration and adoption of the general plan by the City Council.

[1] If the Planning Commission's resolution calls for the adoption of the plan by the City Council, then prior to its adoption of an ordinance adopting the general plan or amendment of the general plan, the City Council shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the municipality at least thirty (30) days prior to the City Council's meeting in which the plan or amendment is to be first considered. Adoption shall be by the affirmative votes of not less than a majority of all the members of the City Council. After the adoption of the general plan by the City Council, any land use decisions thereafter made by the City Council, the Planning Commission, or Board of Zoning Appeals, when the Board of Zoning Appeals is exercising its powers on matters other than variances, must be consistent with the plan. The general plan may be adopted as an element of the jurisdiction's growth plan through the process established in the Tennessee Code Annotated but if the general plan is not adopted as part of the growth plan, it nevertheless cannot be inconsistent with the growth plan or the intent of Tennessee Code Annotated.


[2] If the general plan is adopted by the City Council, the Planning Commission may initiate an amendment to the general plan. If the Planning Commission votes to adopt an amendment to the general plan, the Planning Commission shall transmit its action to the City Council and the City Council must pass the amendment by the affirmative votes of not less than a majority of all the members of the City Council in order for the amendment to be operative.

[3] The general plan may also be amended upon the initiative of the City Council. The initiative must be transmitted, in writing, to the Planning Commission for its review, consideration and vote. The Planning Commission must take action on the amendment and transmit its action to the City Council within sixty-one (61) days of the submittal of the amendment to the Planning Commission by the City Council. If the

Planning Commission votes to approve or not approve the amendment or transmits the amendment back to the City Council with no recommendation, the City Council must then approve the amendment by the affirmative votes of not less than a majority of all the members of the City Council.

SECTION 2. That this Ordinance shall take effect immediately after its passage upon second and final reading as an emergency exists, and the public welfare and the welfare of the City require its adoption as an emergency ordinance.


Passed:


Shane McFarland, Mayor


1st reading June 15, 2017

2nd reading June 22, 2017

ATTEST:


Melissa B. Wright
City Recorder

APPROVED AS TO FORM:


Craig D. Tindall
City Attorney

SEAL